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THE
Kansas Historical
Quarterly

NYLE H. MILLER, Managing Editor
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Volume XX
1952-1953

(Kansas Historical Collections)
VOL. XXXVII

Published by
The Kansas State Historical Society
Topeka, Kansas

72285

Fort Lewis College Library

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THE
KANSAS HISTORICAL
QUARTERLY

February 1952



Published by
Kansas State Historical Society
Topeka

PLEASE NOTE A decreased printing appropriation will make it necessary to publish *The Kansas Historical Quarterly* with fewer pages for several issues. The same standards will be maintained. It is hoped that the situation which caused this reduction will be remedied in the next session of the legislature.

Volume XX, now being published, will consist of eight numbers, covering the years 1952-1953. The index for this volume will appear as part of the November, 1953, issue.

—THE EDITORS.

KIRKE MECHEM
Editor

JAMES C. MALIN
Associate Editor

NYLE H. MILLER
Managing Editor

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the secretary of the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

John Mix Stanley's "Prairie Indian Encampment."
Courtesy Detroit Institute of Arts.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

February, 1952

Number 1

The Pictorial Record of the Old West

XV. JOHN M. STANLEY AND THE PACIFIC RAILROAD REPORTS

ROBERT TAFT

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IN the preceding number of this series, many of the illustrators of the Pacific railroad *Reports* were considered. Two, however, remain to be discussed, those who were present on Gov. I. I. Stevens' survey of the northern route.¹ The principal artist of this survey, John M. Stanley, deserves more than mere mention for at least two reasons: he is represented in the reports of the surveys by more plates than any other artist, and in the second place, no early Western artist had more intimate knowledge by personal experience of the American West.

Born in New York state in 1814, he spent his boyhood there. When he was 20 he moved to Detroit and the following year he began painting portraits and landscapes. No record of any artistic training exists, but from 1835 until 1839 he apparently made his living as an itinerant artist in Detroit, Fort Snelling (where he painted Indians), Galena and Chicago. He then moved East. No

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Previous articles in this pictorial series appeared in the issues of *The Kansas Historical Quarterly* for February, May, August and November, 1946, May and August, 1948, May, August and November, 1949, February, May and August, 1950, August and November, 1951. The general introduction was in the February, 1946, number.

1. The survey of the 32d parallel under Capt. John Pope completed the survey on this route begun by Lieutenant Parke from Fort Yuma to Fort Fillmore. Captain Pope began his survey near the latter place on February 12, 1854, and traveled eastward across much country that was unknown. The survey was completed at Preston, Tex. (near present Denison), on May 15, 1854 (*Reports of Explorations and Surveys to Ascertain the Most Practicable and Economic Route for a Railroad From the Mississippi River to the Pacific Ocean*, v. 2). As can be seen by an inspection of a map, most of Pope's route lay through Texas. No illustrations accompany Pope's report but a contemporary report by a private concern covered a somewhat similar survey of a route through Texas and west, and the report is accompanied by 32 interesting illustrations, see A. B. Gray, *Survey of a Route for the Southern Pacific R. R. on the 32nd Parallel for the Texas Western R. R. Company* (Cincinnati, 1856). The plates are by Carl Schuchard. Schuchard, a German, was born in 1827 and was a mining engineer who joined the '49 rush to California. Later he became a surveyor, settled in Texas where he lived for a number of years, but spent much of his later life in Mexico where he died on May 4, 1883. Schuchard's original sketches for the report cited above were destroyed in a fire in the Smithsonian Institution, apparently the same fire that destroyed a number of Stanley paintings (see p. 10). I am indebted to Llerena Friend of the Barker Texas History Center, University of Texas, for information concerning Schuchard.

definite record of his wanderings exists for the next few years, but in the early spring of 1842 an advertisement of the firm of Fay and Stanley appeared in Washington (D. C.) papers. Although positive proof that the Stanley of this firm was John M. Stanley is lacking, the circumstantial evidence is excellent. The advertisement announced that Fay and Stanley were prepared to take daguerreotype likenesses and would offer instruction and complete outfits for the practice of the art. Evidently in his three years in the East, Stanley—if it be granted that he was the Stanley of our interest—had acquired a knowledge of the new art, for it had been introduced into this country in the fall of 1839. Certain it is that Stanley later made use of daguerreotypy on one of his Western expeditions.²

Sometime during the summer or fall of 1842, Stanley decided to go to the Indian country with Sumner Dickerman of Troy, N. Y., for the express purpose of painting the American Indian of the West. Whether he was influenced by his predecessor, Catlin, who had achieved by 1842 a considerable reputation with his collection of Indian paintings, is unknown. Dickerman's part in the enterprise, too, is not known with certainty. He probably helped to finance the expedition and certainly he was the companion and helper of Stanley for several years.³

In the fall of 1842 the two arrived in Fort Gibson (in present

2. The information on Stanley thus far given in the text is based on an account given by Stanley's son, L. C. Stanley, and published by David I. Bushnell, Jr., in "John Mix Stanley, Artist-Explorer," *Annual Report Smithsonian Institution* . . . 1924, pp. 507-512, subsequent reference to this biographic material is indicated by L. C. S. Stanley's manuscript account of his father is said to be in the Burton Historical Collections, Detroit.

The advertisement of Fay and Stanley appeared in *The Independent*, Washington, on March 15, 1842, p. 3, and in many subsequent issues between this date and May 31, 1842. The same advertisement, with minor variations, also appeared in the *National Intelligencer*, Washington (see, for example, the issue of March 29, 1842, p. 3). The *Independent* of March 18, 1842, p. 3, had a brief comment on the firm of Fay and Stanley and identified Fay as one who had a "long and respectable connection with the Press of South Carolina" but made no direct comment on Stanley. Mention is made of "a competent artist" in the account which may or may not mean Stanley. Further circumstantial evidence that it was John M. Stanley who was concerned is borne out by the fact that the firm of Fay and Stanley became Fay and Reed in the advertisement of the firm for June 3, 1842, in the *Independent* (p. 4, c. 5). As will be pointed out shortly in the text, Stanley was in the Southwest in the year 1842 and the change in the firm may have arisen from Stanley's withdrawal for this trip. Comment and letters in *Diary and Letters of Josiah Gregg* (Norman, Okla., 1941), M. G. Fulton, editor, v. 1, p. 188, also suggest that Stanley, a friend of Gregg's may have had a knowledge of daguerreotypy in 1846; Stanley's subsequent use of the daguerreotype in 1853 will be discussed in the text which follows. For the introduction of daguerreotypy in the United States, see Robert Taft, *Photography and the American Scene* (New York, 1938), ch. 1.

3. L. C. S. identified Dickerman only by the two words "of Troy." W. Vernon Kinetz, *John Mix Stanley and His Indian Paintings* (Ann Arbor, 1942), p. 17 (Footnote 3), states that Stanley's will assigned Dickerman a one-fourth interest in Stanley's Indian Gallery to be described later in the text. Dickerman was born in 1819. He is listed as a resident of Troy in the city directories from 1836 to 1843. He was a Civil War veteran and lived in Maryland for some years after the war. He returned to Troy in 1881 where he died on July 21, 1882.—See *Troy Daily Times*, July 22, 1882. I am indebted to Fanny C. Howe, librarian, Troy Public Library, for this information. I have also corresponded with Kate L. Dickerman of Troy, who wrote me on March 21, 1951, that Sumner Dickerman was her uncle and that she remembered him relating stories of his adventures in the Indian country with Stanley. Miss Dickerman, age 90, also wrote me that Stanley painted portraits of her aunt and other members of the family which hung for many years in the Dickerman home. Miss Dickerman, the last of her family, stated that no records of Stanley or Dickerman in the Indian country were available in the family.

Oklahoma) and Stanley immediately set up a studio. Fort Gibson, established in 1824, was an important post on the early Southwestern frontier and in many respects an ideal one for Stanley's purpose. Through it passed an almost continuous stream of frontiersmen, border characters, and Indians of many tribes. Located in the Cherokee country it was easily accessible to Seminoles, Creeks, Osages, Chickasaws, many of whom had been forced to migrate by the government in the years preceding Stanley's first visit. Visits, too, from the native Plains Indians farther west were also frequent and Stanley never lacked for subjects. Four of these visitors, two Pawnee Pict chiefs and the wife and child of one of them, were among Stanley's early subjects. Stanley wrote concerning them:

On the arrival of the two chiefs and this woman at Fort Gibson, we took them to our studio for the purpose of painting their portraits. They very willingly acceded to my wishes, and manifested by signs that they wanted something to eat. We accordingly had as much meat cooked as would appease the appetite of six men, which they ate in a short time, and then asked for more. We again provided about the same quantity, which, to our astonishment, they also devoured. It was the first meat they had eaten for some five or six days.⁴

But Stanley's great opportunity came the following spring when a grand Indian council was called to convene at Tahlequah by the celebrated Cherokee, John Ross. Tahlequah, the capital of the Cherokee Nation, was only some 20 miles from Fort Gibson, but Stanley moved his studio to the Indian town and during the four-weeks' session of the council and the succeeding summer months, was exceedingly busy recording the scenes and the participants of the Indian gathering.

By June 1, 1843, several thousand Indians from a wide circle of the Indian country were present, and an observer of the scene has left us the following interesting account of the events witnessed:

Every variety of dress can be seen here from the well dressed person down to the almost naked Osage. Plumes and feathers are worn with profusion and in every shape that can be imagined; hand kerchiefs of every color, silver bands for the arms, head and breast; medals, beads and hunting shirts of every shape and color; in truth, I cannot give you anything like a correct idea of the great variety of dress worn by the tawny sons of the forest. We have almost as great a variety in the color of persons as we have in dress. Where nature has not given the color, paint is used to supply the deficiency. Besides the various Indian Tribes there are persons from almost every nation. Here are Germans, Scotch, Irish, English, Spanish and various other nations. I have no doubt if strict inquiry was made, not excepting some of the sable sons of Africa.⁵

4. *Catalogue of Pictures in Stanley and Dickerman's North American Indian Portrait Gallery*; J. M. Stanley, *Artist* (Cincinnati, 1846), pp. 21, 22.

5. *Arkansas Intelligencer*, Van Buren, June 24, 1843, p. 2. Van Buren, located only some half-dozen miles from Fort Smith, which in turn was only some 50 miles below Fort

Stanley painted one such meeting of the council, the painting being one of the few surviving Stanley pictures. It is now owned by the National Museum and has been called by one authority "one of the most valuable and important Indian pictures in existence."⁶

Late in the fall of 1843, Stanley accompanied Gov. P. M. Butler, the U. S. agent to the Cherokees, to a council held for the Comanche and other "wild prairie Indians" who had been for some years a source of trouble near the boundary of the Texas Republic and the United States. Texas commissioners were supposed to be present but failed to appear, but the council was held on "the head-waters of the Red River" (probably near the present southwestern corner of Oklahoma) and Stanley was able to secure a number of Comanche Indian portraits and landscape views.⁷

It seems probable that from the fall of 1842 until late in April, 1845, Dickerman and Stanley lived continuously in the Indian country. In the fall of 1845 they were in Cincinnati where Stanley was

Gibson on the Arkansas river, was thus an important post near the early Southwestern frontier; its newspaper is an invaluable source of information on the early history of this region.

Mention is made of the presence of Stanley and Dickerman in the Indian country in the *Arkansas Intelligencer* a number of times, including issues of July 15, 1843, p. 2; September 23, 1843, p. 2 (which stated that Stanley had just returned from the Creek Busk which he painted, the painting being listed in the Stanley catalogue); October 28, 1843, p. 2, and other issues specifically cited later.

The observer of the council stated that when his account was written (June 1) the number of persons present for the council were estimated at "two to five thousand." In Stanley's catalogue, *Portraits of North American Indians*, published by the Smithsonian Institution, December, 1852 (usually found as part of *Smithsonian Miscellaneous Collections*, v. 2, 1862), p. 18, the number present at the council is estimated at 10,000. I have seen other estimates as high as 20,000. In this catalogue Stanley has dated the painting of most of his pictures. It is apparent from these dates he was busy with the painting of the council and with portraits of visitors to the council during June, July, August and September of 1843. On p. 18 of this source, Stanley states that the council was in session for four weeks during June, 1843. Stanley's painting of the council, "International Indian Council," is now in the National Museum. Reproductions may be found in the Bushnell article cited in Footnote 2 and in the Kintetz book cited in Footnote 3.

6. Bushnell, *loc. cit.*, p. 511.

7. In the "Preface" to the proposed Indian portfolio by Stanley now in the Museum of the American Indian, Heye Foundation, New York City (for a discussion of this portfolio see F. W. Hodge, *Indian Notes*, v. 6, No. 4, Museum of the American Indian, Heye Foundation, New York, October, 1929), the statement is made that Stanley accompanied Butler on two expeditions to the prairie tribes of Texas. The first was probably made in the early spring of 1843 as brief mention is made on Butler's return from this council in the *National Intelligencer*, April 27, 1843, p. 3 (reprinted from the *Shreveport Red River Gazette* of April 12). The second trip of Stanley with Butler to the headwaters of the Red river is identified in the same "Preface" as taking place in the winter of 1843-1844 for Butler was reported as preparing to meet the Prairie Indians on the Red river on November 25, 1843, in the *National Intelligencer*, November 18, 1843, p. 3, and later his return from the council is reported in the *Arkansas Intelligencer*, December 30, 1843, p. 2, and January 6, 1844, p. 1.

In both of these accounts mention is made of Stanley's presence at the council. In fact, Stanley made badges, at the suggestion of Butler, to designate each of the tribes presented, a courtesy which greatly pleased the Indians. One Comanche woman thought so much of Stanley that she gave him her prized riding whip. Additional information on this council will also be found in *Niles Register*, Baltimore, January 13, 1844, p. 306, and January 27, 1844, p. 339. Stanley's paintings (in his catalogue of 1852) of the Comanche Indians which were undoubtedly secured on this expedition are dated "1844" which must mean that Stanley completed them at Fort Gibson after his return from the last expedition in December, 1843.

P. M. Butler received his title of governor from the fact that he was governor of South Carolina from 1836 until 1838. He was agent to the Cherokees from 1838 to 1846 and was killed in battle in the Mexican War in 1847.—See *Dictionary of American Biography* v. 3, pp. 365, 366.

actively engaged in finishing some 83 paintings preparatory to public exhibition.⁸

The gallery was opened for public exhibition on January 19, 1846, and the Stanley portraits were on display in Cincinnati until February 14. Advertisements of the event announced "Season tickets admitting a gentlemen and one lady \$1, can be procured at the door.—This collection can be seen by gas light as well as day light."⁹

It was but natural that the gallery should be compared with Catlin's. Comment on this comparison is not extensive but the Cincinnati *Gazette*, January 21, 1846, stated: "Of the artistic merits of these pictures, in our judgment, they are fully equal to any of that class we have ever seen—not excepting those by Catlin; nor are we alone in our estimate in this respect" (*see, also*, p. 9).

Stanley soon became restless after his gallery was completed and leaving its future exhibition to Dickerman, he again started west. He was in St. Louis in the spring of 1846, and a few weeks later was in Independence, Mo., ready to start out over the Santa Fe trail for new scenes.¹⁰ He joined Col. S. C. Owen's train which included the famous Josiah Gregg, whose *Commerce of the Prairies* published in

8. The departure of Stanley and Dickerman from the Indian country of the Southwest is reported in the *Arkansas Intelligencer*, May 3, 1845, p. 2, and the *Arkansas Banner*, Little Rock, May 21, 1845, p. 3. In the first of these reports it was stated that the partners were leaving for "the mouth of the Yellowstone on the Upper Missouri, where they were to continue their painting of Indian portraits and scenes." I have found no evidence that this contemplated plan was carried out. In fact, the reference which follows, if correct, would seem to be good evidence against such a possibility.

The Cincinnati *Gazette*, January 21, 1846, reported: "Messrs. Stanley & Dickerman the proprietors of these pictures, are already most favorable known to many of our citizens, by a residence of some months in our city, during which time they have been elaborating these pictures from the numerous sketches and *materiel* gathered during their three years residence and travel among the tribes of the 'far West.'" I am indebted to Prof. Dwight L. Smith of the department of history, Ohio State University, Columbus, who searched the *Gazette* and *Cist's Western General Advertiser* for January and February, 1846, seeking items concerning the first exhibition of Stanley paintings. The Cincinnati catalogue cited in Footnote 4 was used in connection with this exhibition and lists 100 paintings and 34 sketches. One of the paintings was "John M. Stanley, the Artist, Painted by Mooney." The copy of the catalogue I have used (in the New York Public Library) bears evidence that the last two pages were inserted after the original publication in 1846. Several of the paintings, for example, are of incidents in the Northwest in 1847, and the last two pages are unnumbered while the remaining pages (34) are numbered. The first 34 pages catalogued 83 paintings, and an advertisement in the Cincinnati *Gazette* January 26, 1846, stated there were 83 paintings in the gallery. It is obvious then that the New York Public Library copy of this catalogue was one used for exhibitions after 1846.

9. Cincinnati *Gazette*, January 20, 26, 1846; February 14, 1846. The *Cherokee Advocate*, Tahlequah, of March 12, 1846, p. 3, noted the various comments in the Cincinnati papers on the Stanley and Dickerman gallery and was moved to make their own comment: "We perceive from Cincinnati papers that Messrs. Stanley and Dickerman have been exhibiting recently in that city their extensive collection of Indian portraits and it will afford pleasure to their numerous friends in this country, to learn that they are receiving the meed of praise from an intelligent public, which their merit as artists and gentlemen so richly deserves."

10. *Cist's Western General Advertiser*, Cincinnati, January 28, 1846, stated that Stanley "proposes in April next to resume his interesting employment in other and yet unexplored fields of labour" and in *Diary and Letters of Josiah Gregg* (Norman, Okla., 1941), edited by M. G. Fulton, v. 1, p. 188, is a letter of Gregg's dated April 17, 1846, which mentioned Stanley and indicates that Gregg was expecting Stanley to be in St. Louis at or before the time Gregg's letter was written. An editorial note (p. 188) states that Gregg and Stanley were fellow-residents of Independence, Mo. If Stanley was a resident of Independence it could not have been a matter of more than a few months.

1844 has become a Western classic. Gregg continued with the train only a hundred miles or so and then turned back to join another venture but the train also contained another writer whose diary many years later also became well known. Susan Magoffin's diary, like Gregg's *Commerce of the Prairies*, is among the most valued written records of the Santa Fe trail. Susan, a young bride of 19, noted in her diary on June 20, 1846, that Stanley was a member of the same train, after wishing that an artist could portray the many interesting and novel scenes as the train lay encamped at Council Grove (in present central Kansas).¹¹

Unfortunately, if Stanley made any sketches along the Santa Fe trail, they have been lost. Before he started on the overland expedition, however, he had made an excursion from Independence to the Kansas river where he painted Keokuk, the celebrated chief, and others of the Sac and Fox tribe.¹²

Owen's train reached Santa Fe on August 31, 1846. The Mexican War was then only several months old and Col. Stephen W. Kearny and his troops, who reached Santa Fe at about the same time as the Owen train, promptly took over the city from the Mexican government and planned to go on to California to aid in its conquest. Reorganization of Kearny's troops was made at Santa Fe and a scientific staff was added which included Stanley as the artist of the expedition.¹³

Kearny's troops left Santa Fe on September 25 for the long overland trip to California, which was reached in December. On December 6 a pitched battle between the troops and Mexicans some 40 miles east of San Diego caused severe casualties, hardships and sufferings, but reinforcements appeared at an opportune moment and the goal of San Diego was reached on December 12. Stanley managed to retain his sketches during the six days of battle and hardship and was taken aboard the U. S. sloop *Cyane* at San Diego where he was able to prepare some of them for publication and to finish others in oils. A number of his sketches were doubtless among those reproduced lithographically in the official report of

11. *Down the Santa Fe Trail and Into Mexico—The Diary of Susan Shelby Magoffin* (New Haven, 1926), edited by Stella M. Drumm, p. 19. For Gregg's departure with Owen's train, see *Diary and Letters of Josiah Gregg* (previously cited), v. 1, pp. 192 (footnote), 197 and 202 (Footnote 7).

12. Stanley's catalogue of 1852, pp. 35-40.

13. *National Intelligencer*, November 14, 1846, p. 3, reported that Kearny left Santa Fe for California on September 25, and that the scientific staff of the expedition included "Mr. Stanley employed at Santa Fe as the artist of the expedition." W. H. Emory's official report of the Kearny expedition (*House Ex. Doc. No. 41* [serial No. 517], p. 45, 30 Cong., 1 Sess. [1848]) stated that the party as organized at Santa Fe included "J. M. Stanley, draughtsman."

Kearny's long march to the sea.¹⁴ The plates in general are very crudely done in black and white, the most interesting one being "San Diego from the Old Fort." The *Cyane* with Stanley aboard arrived in San Francisco in the early spring of 1847, and here Edwin Bryant, the author of the well-known *What I Saw in California*, included Stanley's sketches in the California sights that came before his eyes. Writing in 1848, he stated:

Mr. Stanley, the artist of the [Kearny] expedition completed his sketches in oil, at San Francisco; and a more truthful, interesting, and valuable series of paintings, delineating mountain scenery, the floral exhibitions on the route, the savage tribes between Santa Fe and California—combined with camp-life and marches through the desert and wilderness—has never been, and probably never will be exhibited. Mr. Stanley informed that he was preparing a work on the savage tribes of North America, and of the islands of the Pacific, which, when completed on his plan, will be the most comprehensive and descriptive of the subject, of any that has been published.¹⁵

These paintings, valuable in their time and day, would now be priceless but apparently with two exceptions they all have disappeared, most of them in a fire which in 1865 destroyed some 200 of Stanley's paintings. The exceptions noted above are "Indian Telegraph" (smoke signal) and "Black Knife" (Apache) both portraying incidents of Kearny's overland march to California.¹⁶

After finishing the sketches and paintings of the Kearny expedition in 1847, Stanley spent the next several years in further wanderings making sketches for his proposed Indian portfolio. He was in

14. Twenty-three plates of scenery and Indian portraits in black and white, three of natural history and Indian hieroglyphics, and 14 botanical plates appear in the official report. Apparently all were after sketches by Stanley although nowhere is there direct statement of this fact save in the case of the 14 botanical plates. Both senate and house printings of the report exist: W. H. Emory, *Notes of a Military Reconnaissance, From Fort Leavenworth, Missouri to San Diego, California* (Washington, 1848), 30 Cong., 1 Sess., Senate Ex. Doc. No. 7 (serial No. 505), and 30 Cong., 1 Sess., House Ex. Doc. No. 41 (serial No. 517). The lithography of the plates in both printings I have examined were by C. B. Graham although Charles L. Camp, *Wagner's the Plains and the Rockies* (San Francisco, 1937), p. 112, reports that in the senate edition he examined the plates of scenery were lithographed by E. Weber and Co.; a point which illustrates the fact made previously that general conclusions on plates cannot be based on the examination of single volumes.

There is, of course, the possibility that some of the views in the Emory report were not based on Stanley's original sketches. Ross Calvin in *Lieutenant Emory Reports* (Albuquerque, 1951), states (pp. 3, 4) that some of the illustrations "are so inaccurate as to make it clear that the draughtsman never beheld the scenes he was attempting to depict" but does not explain the discrepancy further. Calvin's statement still does not preclude the possibility that all the original drawings were made by Stanley as has already been observed in the text, the plates reproduced in this report are extremely crude. The lithographer may well have been the cause of the inaccuracies.

15. Edwin Bryant, *What I Saw in California* (New York, 4th ed., 1849), pp. 435-436. Bryant had ample opportunity to observe "the desert and wilderness" for he made the overland crossing himself and was made alcalde of San Francisco in the spring of 1847 by General Kearny. Bryant's book is one of the most interestingly written of all the early accounts of the overland trail. Bryant (1805-1869) lived in California for some time but spent his last years in Kentucky. For an obituary, see *San Francisco Bulletin*, January 3, 1870, p. 2.

16. The "Indian Telegraph" was either repainted or painted for the first time in 1860 (Kinietz, *op. cit.*, p. 33) and therefore was not one of the paintings seen by Bryant. It is now owned by the Detroit Institute of Arts. "Black Knife" was among the original paintings of 1846 and was one of those that escaped the disastrous fire of 1865. It is owned by the National Museum. Both of these paintings are reproduced in black and white in the Kinietz book.

Oregon by July 8, 1847, and was busily occupied for some months making portraits of the Northwestern Indians. Late in November, he started for the famous Whitman Mission to paint the portraits of Dr. and Mrs. Whitman. When within six miles of the mission, he was met by two friendly Indians who informed him of the Whitman massacre and warned him that his own life was in danger. With the aid of an Indian, he made his way with great caution to Fort Walla Walla where he was one of the first to report the massacre.¹⁷ Stanley continued in the Northwest until the summer of 1848 and his extensive Indian gallery acquired many additions.

About August 1 he took ship for the Hawaiian Islands—the Sandwich Islands. His painting career was again resumed on the Islands where portraits of Kamehameha III and his queen were made and which are still on display in the Government Museum, Honolulu. Stanley lived in Honolulu for over a year but on November 17, 1849, he sailed for Boston.¹⁸

Upon Stanley's return to the United States, his Indian gallery was enlarged and he seems to have spent most of 1850 and 1851 in displaying the gallery in a number of Eastern cities.¹⁹ Early in 1852 he took his collection of Indian paintings to Washington where he made arrangements with Joseph Henry, secretary of the Smithsonian Institution, for their free display in the library room of the

17. For an extended account of Stanley in the Northwest, see Nellie B. Pipes, "John Mix Stanley, Indian Painter," *The Oregon Historical Quarterly*, Salem, v. 33 (1932), September, pp. 250-258.

18. In *The Polynesian*, Honolulu, August 19, 1848, p. 55, there was record of the arrival of the American brig *Eveline* at the port of Honolulu "13 days from Columbia River"; George M. Stanley was listed as one of the passengers. I believe that this is a record of John M. Stanley's arrival in Honolulu for in a succeeding issue of this paper there is an account of John M. Stanley's artistic activities with the comment that he "recently arrived from Oregon."—*Ibid.*, September 16, 1848, p. 70. Additional comment on Stanley's activities in the Islands will be found in the *Sandwich Island News*, Honolulu, August 21, 1848, p. 187; *The Polynesian*, April 14, 1849, p. 190.

Stanley left the Islands for the United States on November 17, 1849, for a letter from one Charles Jordan Hopkins of King Kamehameha's retinue, written November 16, 1849, stated that Stanley was to sail on the following day and directed that Stanley be paid \$500 for his portraits of the king and queen. The letter bears the receipt of Stanley for this sum. A copy of a letter in the Hawaiian archives, dated February 4, 1850, is directed to Stanley in Boston, expressing the hope he had a pleasant return voyage. I am indebted to Mrs. Dean Acheson of Washington, D. C., Stanley's granddaughter, for copies of these letters.

19. In the *New York Tribune*, November 28, 1850, p. 1, there appeared for the first time the advertisement:

"INDIANS—Will be opened at the Alhambra Rooms, 557½ Broadway, on THURSDAY EVENING, November 28, STANLEY'S NORTH AMERICAN INDIAN GALLERY, containing 134 Oil Paintings consisting of Portraits, life size of the principal Chiefs and Warriors of fifty different tribes roving upon our Western and South-western [sic] Prairies, New-Mexico, California and Oregon, together with landscape views, Games, Dances, Buffalo Hunts and Domestic Scenes, all of which have been painted in their own country during eight years travel among them, the whole forming one of the most interesting and instructive exhibitions illustrative of Indian life and customs ever before presented to the public.

"Descriptive Lectures may be expected at 3 P. M. on Wednesday and Saturday; also, each Evening at 7½ o'clock. Open at 9 A. M. to 10 P. M.

"Single Tickets 25 cents. Season Tickets \$1. Can be obtained at the principal Hotels and at the Door. STANLEY & DICKERMAN, Proprietors."

This advertisement ran for a week but comment and other small advertisements indicated that the gallery was on exhibit in New York for at least two months and probably longer.—See *New York Tribune*, January 21, 1851, p. 5, January 23, p. 5, January 24, p. 1.

institution. Here they remained for over a dozen years, the gallery being gradually enlarged by Stanley until it numbered some two hundred paintings. The gallery attracted considerable public interest, not only among visitors to Washington but among residents of the city and among members of congress.²⁰

Stanley's purpose in bringing his gallery to Washington for free display was primarily to interest members of congress in its purchase and thus to establish a national gallery. He had spent ten years of his life in travel, adventure, toil and labor in securing the 150-odd paintings that made up the collection at the time of its first display in the capitol. The private exhibition of the gallery, although it may have given him a living, did not return him anything on the investment he had made, which in 1852, Stanley estimated was \$12,000. This sum included nothing for time and labor, but had been spent for materials, transportation, insurance and traveling expenses.

Catlin had urged the purchase of his Indian gallery by congress without success and had taken it abroad where it was rumored it was to stay. Stanley felt that his collection was more representative of the Western Indians and certainly he had traveled far more extensively in the American West than had Catlin. Capt. Seth Eastman, himself an Indian artist of note, saw Stanley's gallery when it was brought to Washington in 1852 and wrote Stanley "that I consider the artistic merits of yours far superior to Mr. Catlin's; and they give a better idea of the Indian than any works in Mr. Catlin's collection."

With such encouragement, Stanley was able to bring his gallery to the attention of the senate committee on Indian affairs, who recommended its purchase for \$19,200. The question of its purchase was debated in the senate and although strongly urged by Senator Weller of California and Senator Walker of Wisconsin, the purchase bill was defeated 27 to 14 when it came to a vote in March, 1853.²¹

20. The first notice I have found of Stanley's gallery in Washington occurs in the *National Intelligencer*, February 24, 1852, p. 1, which stated that the gallery had been "recently brought to this city." Henry reported to the board of the Smithsonian on March 22, 1852, that Stanley had deposited his gallery of Indian portraits in the institution and that they "had attracted many visitors" (32 Cong., 1 Sess., *Senate Misc. Doc. No. 108* (serial No. 629), p. 108. See, also, Henry's comment on Stanley's gallery in 32 Cong., 2 Sess., *Sen. Misc. Doc. No. 53*, p. 27. Henry stated here that there were 152 paintings in the collection which is the number listed in the catalogue of 1852; note the comment of Senator Weller, however, as given in Footnote 21. L. C. S. mentions the display of the gallery in Eastern cities during 1850 and 1851.

21. For Eastman's comment, see letter of Eastman's dated January 28, 1852, and quoted by Kinitz, *op. cit.*, p. 17. For Eastman (1808-1875) as a painter of the American Indian, see David I. Bushnell, Jr., "Seth Eastman, Master Painter of the North American Indian," *Smithsonian Misc. Collections*, v. 87 (1932), April, 18 pages.

Senator Weller of California introduced the matter of the purchase of the Stanley gallery to the senate on December 28, 1852, where the matter was referred to the committee on Indian affairs, *The Cong. Globe*, 32 Cong., 2 Sess. (1852-1853), p. 158. Weller

Stanley continued to urge the purchase of the gallery even after the initial defeat of the first measure and apparently it was discussed in congress a number of times but all such attempts failed. The Smithsonian itself was asked to buy this collection but lack of funds prevented such a move. Stanley added to the gallery, however, and by 1865 it numbered some 200 portraits. A fire on January 24, 1865, in the wing of the institution which housed the gallery caused the destruction of all but five of the paintings. Not only did Stanley suffer a heart-breaking loss but the nation suffered an irreparable loss in its historical portraiture.²²

Stanley's career before 1853 has been described in some detail to show his importance as a Western illustrator and to show that he was by far the best equipped both by ability and experience, of any of the artists that accompanied the Pacific railroad surveys.²³

Early in 1853 Isaac I. Stevens, an army engineer and assistant in charge of the coast survey office in Washington, applied to President Franklin B. Pierce for the governorship of the newly organized territory of Washington, which had been formed from the northern half of Oregon territory. In his application to President Pierce, Stevens stated that if the President could find anyone better qualified for the place, it was the President's duty to appoint that person. Evidently Pierce thought Stevens the best qualified, for one of his first acts as President was to send Stevens' name to the senate for

statement that there were 154 paintings in the collection, 139 in substantial gilded frames. The committee to whom the matter was referred examined the exhibit and were very favorably impressed but they failed to arouse enough enthusiasm among the rest of the senators when the matter came to a final vote on March 3, 1853, *ibid.*, p. 1084. Senator Weller apparently quoted Stanley when he reported Stanley's investment as \$12,000 "in addition to time and labor."

The *National Intelligencer* item cited in Footnote 20 stated Stanley's hope when it reported that the gallery "may become the foundation of the great national gallery."

22. The annual reports of the Smithsonian Institution from 1852 to 1866 contain frequent mention of the Stanley gallery and the facts stated above come from this source. That Stanley was hard pressed financially is all too evident in his request of the institution for an allowance of \$100 a year to pay the interest on money that Stanley had borrowed so that he would not have to sell the gallery privately (*Annual Report of the Smithsonian Inst. for 1859* [Washington, 1860], p. 113). The destruction by fire and the fact that the gallery had grown to 200 paintings is reported in the *Annual Report of the Smithsonian Institution for 1864* (Washington, 1872), p. 119.

23. Some idea of Stanley's method in the field can be gathered from a memorandum which he prepared for Stevens on plans for the work of the artists of the surveys (*see Reports*, v. 1, Stevens report, pp. 7 and 8). Stanley stated in part: "Sketches of Indians should be made and colored from life, with care to fidelity in complexion as well as feature. In their games and ceremonies, it is only necessary to give their characteristic attitudes, with drawings of the implements and weapons used, and notes in detail of each ceremony represented. It is desirable that drawings of their lodges, with their historical devices, carving &c, be made with care."

That Stevens was more than satisfied with his selection of Stanley is indicated in a letter of October 29, 1853, after Stanley's part in the survey was virtually complete. The letter reads in part: "The chief of the exploration would do injustice to his own feelings if he omitted to express his admiration for the various labors of Mr. Stanley, the artist of the exploration. Besides occupying his professional field with an ability above any commendation we can bestow. Mr. Stanley has surveyed two routes—from Fort Benton to the Cypress mountain, and from St. Mary's valley to Fort Colville over the Bitter Root range of mountains—to the furtherance of our geographical information, and the ascertaining of important points in the question of a railroad; and he has also rendered effectual services in both cases, and throughout his services with the exploration, in intercourse with the Indians."—*Reports*, v. 1, Stevens report, p. 67.

confirmation as governor of the new territory. Stevens' commission was issued March 17. The duties of the position were arduous enough, for, in addition to the governorship, Stevens was also superintendent of Indian affairs for the territory. Not satisfied with his dual role of governor and Indian commissioner, Stevens also applied to Secretary of War Jefferson Davis for the position as head of the northern railroad survey, and received the commission for this task on April 8.²⁴

Such combined responsibilities would have given pause to most men but not to Governor Stevens. Stevens was exceedingly energetic, able and ambitious and doubtless would have become a figure of greater national importance had it not been for the bullet which ended his life when, as major general, he personally led a charge against Confederate forces at the battle of Chantilly, September 1, 1862.

However, as soon as Stevens' appointment as head of the northern survey was confirmed, he started with characteristic thoroughness and vigor to make his plans for the survey. His chief assistant was Capt. George B. McClellan, who achieved greater prominence than his chief in the Civil War, and who was directed to start the survey from the Pacific coast side. Stevens organized his own party to begin the survey at the eastern terminus of St. Paul and on May 9, 1853, left Washington for the West. His companion as he left Washington was John M. Stanley whom Stevens with good judgment had selected as the artist for the expedition.

How extensive Stevens had made his plans and carried them through since he received his appointment on April 8, can be judged by the comment of the St. Paul correspondent to the *New York Tribune*. Writing on May 25, two days before Stevens and Stanley arrived in the frontier town, he stated:

Gov. Stevens is said to be a regular go-ahead man and so far the work shows for itself. His men, baggage, and about 150 mules have already arrived, and the work has been going on for over a week. How he has managed so to expedite his affairs is a problem.

The shipments of merchandise and emigration to St. Paul this spring have been enormous; so that many of our merchants, who purchased even in the winter, have not yet received their supplies. The Governor has crowded them off and hurried his effects along. It is not easy to define how much the people of the West admire such a character. Ten years is a lifetime here, and twenty, time out of memory.²⁵

24. In the above discussion I have followed Hazard Stevens, *The Life of Isaac Ingalls Stevens* (Boston, 1900), v. 1, ch. 15. For his appointment as survey head, see v. 12 of the *Reports*, p. 31.

25. *New York Tribune*, June 3, 1853, p. 5.

Stevens and Stanley arrived in St. Paul on the evening of May 27. The camp established by Stevens' vanguard was about an hour's ride from St. Paul. Some idea of the drive and intensity of the survey's commanding officer is revealed when he recorded in his official diary: "Starting from St. Paul at 3½ a. m. on the 28th, I reached our camp in about an hour, and had the pleasure of rousing the gentlemen of the expedition from their sleep."²⁶

Completion of organization for the start of the survey required over a week and in that interval Stanley was busy. A sketch of St. Paul (reproduced *between* pp. 16, 17) and one of the celebrated "Minne-ha-ha, or the Laughing Water"—made immortal by Longfellow—are among Stanley's efforts which have survived as illustrations in the official report.

At St. Paul, too, an assistant artist, Max Strobel, was employed to aid Stanley. Before the expedition started, a St. Paul reporter saw some of Strobel's efforts and wrote: "I have already seen some of the Artist's work, and can promise the public when Gov. Steven's Report is made up and given to the world, there will be something as pleasing to the eye as to the mind."²⁷ Strobel, however, could not stand the intense pace and effort upon which Stevens insisted and turned back from the expedition before it was long on its way westward.²⁸ Little else is known about Strobel, although one of his sketches (a view of St. Paul) is known in lithograph. A comment, "Mr. Strobel is a very accomplished artist and on his return [from the Stevens survey] has rendered valuable service to Minnesota by his sketches of the Minnesota river from Lac qui Parle to Traverse des Sioux," shows that he is worthy of inclusion in our group of Western artists. In the fall of 1853, he joined Fremont's expedition at Westport and apparently withstood the hardships of that winter overland journey. None of his work on this expedition, or that made subsequently, is known at present.²⁹

Stevens had his organization of the survey completed by June 6 and his command started the westward journey in various groups. The general route of the expedition was that made famous by their

26. *Reports*, v. 12, p. 36.

27. *New York Tribune*, June 3, 1853, p. 5. This account lists Stanley and Strobel as artists and although in the quotation above the plural artists' is employed, it must apply to Strobel's work as it was written before Stanley reached St. Paul.

28. *Ibid.*, August 3, 1853, p. 5. Strobel was not the only one who turned back as a result of Stevens' drive and insistence upon his way of doing things. This same account stated that there were over 25 who had returned and Stevens' official account also described his difference of opinion with members of the survey resulting in withdrawal from the expedition. Stevens mentions Strobel's discharge because he was "inefficient," *Reports*, v. 12, p. 55.

29. For the comment on Strobel see *New York Tribune*, August 3, 1853, p. 5; for a reproduction of Strobel's view of St. Paul, see I. N. Phelps Stokes and Daniel C. Haskell, *American Historical Prints* . . . (New York, 1933), plate 85a with comment on page 111; for Strobel with Fremont, see S. N. Carvalho, *Incidents of Travel and Adventure in the Far West* (New York, 1859), p. 29.

predecessors 50-years earlier, Lewis and Clark; a route which has been concisely summarized as "up the Missouri and down the Columbia." It is true that little of the journey was by water—as of necessity it could not be from the nature of the survey—and the starting point, St. Paul, was some distance from the Missouri river.³⁰ The expedition, however, headed westward across Minnesota territory and into present North Dakota where the route of the expedition roughly paralleled the Missouri.

Much of the country traversed was mapped for the first time and even after Lewis and Clark's trail was actually picked up, the only guide to the region were the notes of those classic early explorers. Fort Union, the famous frontier outpost on the Missouri, and 715 miles distant from St. Paul, was reached on August 1.

Stanley has left us some notable illustrations of a number of the incidents in the seven or eight weeks of this part of their Western journey, some 13 plates in the official report representing his work. Three of these illustrations are of particular interest: "Herd of Bison, Near Lake Jessie" (reproduced *between* pp. 16, 17), "Camp Red River Hunters," "Distribution of Goods to the Assiniboines" (reproduced *between* pp. 16, 17).

The first of these illustrations is particularly important as it is one of the few pictures still extant made by an actual observer of the enormous number of buffalo on the Western plains before the day of the railroad. A writer to whom Stanley talked concerning this picture recorded Stanley's comments in this paragraph:

The artist in sketching this scene, stood on an elevation in advance of the foreground, whence, with a spy-glass, he could see fifteen miles in any direction, and yet he saw not the limit of the herd.

Who can count the multitude? You may only look and wonder! Or, if you seek to estimate the "numbers without number," what sum will you name, except "hundreds of thousands?"

And Stevens who, unlike Stanley, had never seen the buffalo in their natural range, was also greatly impressed.

About five miles from camp [he wrote] we ascended to the top of a high hill, and for a great distance ahead every square mile seemed to have a herd of buffalo upon it. Their number was variously estimated by the members of the party—some as high as half a million. I do not think it is any exaggeration to

30. Actually Stevens instructed one group of his expedition to ascend the Missouri from St. Louis to Fort Union and to make meteorological, astronomical and topographical observations above St. Joseph, Mo. Nine of the survey made the river trip, *see Reports*, v. 12, pp. 79-82. The general course of the Stevens party through present North Dakota was such, as one of the party stated, "to turn the Great Bend of the Missouri, and to cross its tributaries, where the least water was to be found."—*New York Tribune*, September 13, 1853, p. 5. Roughly it would correspond to a route that would follow north of U. S. 52 from Fargo to Minot and then U. S. 52 westward. Jessie lake (Griggs county), for example, which is mentioned later in the text was on the Stevens route as was the Butte de Morale, of which Stanley made a sketch which was reproduced in the *Reports*. The Butte de Morale is some seven miles from Harvey, N. D., almost in the center of the state.

set it down at 200,000. I had heard of the myriads of these animals inhabiting these plains, but I could not realize the truth of these accounts till to-day, when they surpassed anything I could have imagined from the accounts which I had received. The reader will form a better idea of this scene from the accompanying sketch taken by Mr. Stanley on the ground, than from any description.³¹

The party at the time these vast herds of buffalo were first encountered was traveling westward through present east-central North Dakota (Griggs county) and were approaching the Missouri river country proper.

A few days after Stanley sketched the buffalo (July 10), the survey encountered a large train of Red river hunters who were coming southward on a hunting and trading expedition from their settlement, Pembina, almost on the Canadian border. The Red river hunters were Europeans: Scotch, Irish, English, Germans, with Indian wives and their half-breed children. Over thirteen hundred persons were in the train and they carried their belongings in the well-known Pembina carts, two-wheeled affairs, and housed themselves at night in over a hundred skin lodges.

The men dress usually in woollens of various colors [wrote Stevens]. The coat generally worn, called the Hudson Bay coat, has a capot attached to it. The belts are finely knit, of differently colored wool or worsted yarn, and are worn after the manner of sashes. Their powder horn and shot bag, attached to bands finely embroidered with beads or worked with porcupine quills, are worn across each shoulder, making an X before and behind. Many also have a tobacco pouch strung to their sashes, in which is tobacco mixed with kini-kinick, (dried bark of the osier willow scraped fine,) a fire steel, punk, and several flints. Add to these paraphernalia a gun, and a good idea will be formed of the costume of the Red river hunter.

The women are industrious, dress in gaudy calicoes, are fond of beads and finery, and are remarkably apt at making bead work, moccasins, sewing &c.³²

Stanley's sketch shows their camp but only a few of the hunters and one of their carts although Stevens noted that there were over 800 of the carts in their train. The camp was visited with interest by the members of the survey and at evening when the two expeditions camped together a band of Chippewa Indians who were traveling with the hunters entertained the whites with a prairie dance. The caravans passed on, the survey forging northwestward, the hunters, in part at least, going on to St. Paul for trade.³³

31. The first quotation on the buffalo is from *Stanley's Western Wilds* (see Footnote 46), p. 8; Stevens' comment from *Reports*, v. 12, p. 59.

32. The date was July 16; Stevens in *ibid.*, pp. 65, 66.

33. The St. Paul correspondent of the *New York Tribune* reported the arrival of 133 carts of the hunters in that frontier town on July 20, see *New York Tribune*, August 3, 1853, p. 5. Mention is made of their meeting with the Stevens party.

An excellent description of the Pembina carts and of the Red river colonists may be found in a letter to the *New York Tribune*, July 27, 1857, p. 5.

The survey was now nearing Fort Union and four days before their arrival at the post, they reached an encampment of some 1,200 Assiniboines. Stevens, in his role of Indian commissioner, met them in council, heard their speeches and complaints and distributed to them supplies from his store of goods carried for such purpose. Stanley was one of the group selected by Stevens to the council and he took the opportunity to add to his store of sketches.³⁴

As the survey neared the famous frontier outpost of Fort Union, Stevens ordered a dress parade of his forces as they marched upon the fort. A Philadelphia Quaker, who was a member of the survey, wrote home the day after their arrival (August 2). Unfortunately Stanley made no sketch of the event but the Quaker's lively account still conveys after nearly a hundred years, some of the color and interest of the grand entry.

We arrived here yesterday afternoon [he wrote] and were received with a salute of 13 guns. During the march in, the Governor took his horse, the first time in several days, and rode at the head of the column. An American flag, made on the way, to the manufacture of which I contributed a red flannel, was carried in the forward rank, and flags, with appropriate devices, representing the parties carrying them, were respectively carried by the various corps. The Engineer party, a large locomotive running down a buffalo, with the motto "Westward Ho!" Our meteorological party—the Rocky Mountain, with a barometer mounted, indicating the purpose to measure by that simple instrument, the height of those vast peaks, with inscription "Excelsior." The astronomical party had a device representing the azure field dotted with stars, the half-moon and a telescope so placed as to indicate that by it could these objects be entirely comprehended. Teamsters, packman, hunters, &c, also carried their insignia, and thy brother acted as "aid" to the Governor in the carrying of orders.³⁵

The survey remained at Fort Union for over a week while animals were rested, supplies added, and plans made for the weeks ahead. Stevens offered any member of his party an honorable discharge at this post and a return to St. Louis but so interested had they become and so accustomed to Stevens intensity, that not a man took up the offer. Here at Fort Union, too, we have the first direct statement of Stanley's activities with the daguerreotype. "Mr. Stanley, the artist," wrote Stevens, "was busily occupied during our

34. Stevens, *Reports*, v. 12, pp. 73-76. Included in the panorama of *Stanley's Western Wilds* (see Footnote 46), p. 10, was a painting of the Assiniboine council; the illustration in the text depicts the distribution of goods. Another member of Stevens' party also wrote an interesting account of the Assiniboine council, see *New York Tribune*, September 13, 1853, p. 5.

35. *Ibid.* Stevens, *Reports*, v. 12, p. 78, also makes brief comment on the entry to Fort Union. The writer of this letter was probably Elwood Evans, as he was a native of Philadelphia and accompanied Stevens' expedition.—See Hubert H. Bancroft's *Works*, v. 31, p. 54.

stay at Fort Union with his daguerreotype apparatus, and the Indians were greatly pleased with their daguerreotypes.”³⁶

Doubtless he made daguerreotype views of the fort itself but no record of these—or of his original sketches—is now available. The fort itself appears in the background of one of Stanley’s illustrations of the official report and is among the few views of this famed outpost now extant (reproduced *between* pp. 16, 17).

Fort Benton, also on the Missouri, the next stopping place on the route of the survey, was reached on September 1, some three weeks being required to make the trip from Fort Union. Stanley’s activities in this interval are represented by nine illustrations, including several Indian councils, and a view of Fort Benton. The last view shows the general character of the country around Fort Benton. Indian tepees beyond the fort, however, are drawn taller than the fort itself—possibly an error of the lithographer—so that the fort suffers by comparison. (A much more interesting view of Fort Benton itself was made by Gustav Sohon (reproduced *between* pp. 16, 17), who also contributed to the Stevens report, but whose work we shall discuss later.)

It was at Fort Benton, however, that Stanley’s most interesting experience of the entire trip was begun. Stevens continually stressed the importance of satisfactory relations with the Indians through whose country the railroad might pass. To this end, the many councils and distribution of goods with the tribes encountered had been made. At St. Louis he had induced Alexander Culbertson who had lived in the Indian country for 20 years, to accompany him and had appointed him special agent to the Blackfoot Indians.³⁷ The move was an exceedingly fortunate one in several ways, for Culbertson’s experience and the fact that his wife was a Blackfoot saved the survey several times from difficulties with the Indians. Stevens, Stanley, Culbertson and others left the main command at Fort Benton to visit the Piegans, one of the tribes of the Blackfoot confederacy, who were reported encamped some 150 miles north of the fort. They had not gone far when a messenger from the fort overtook them to announce that an advance party from the Pacific coast detachment had arrived from the west. Stevens and Culbertson turned back to arrange further plans for the survey but Stanley

36. *Reports*, v. 12, p. 87. Another comment on Stanley’s use of the daguerreotype will be found in this same volume, p. 103.

37. Letter of Stevens dated “Fort Benton, Upper Missouri, September 17, 1853,” and published originally in the *Washington Union* for November 23; see, also, *New York Tribune*, November 24, 1853, p. 6.



JOHN MIX STANLEY
(1814-1872)

A pencil sketch by H. K. Bush-Brown, 1858.
Courtesy Library of Congress.



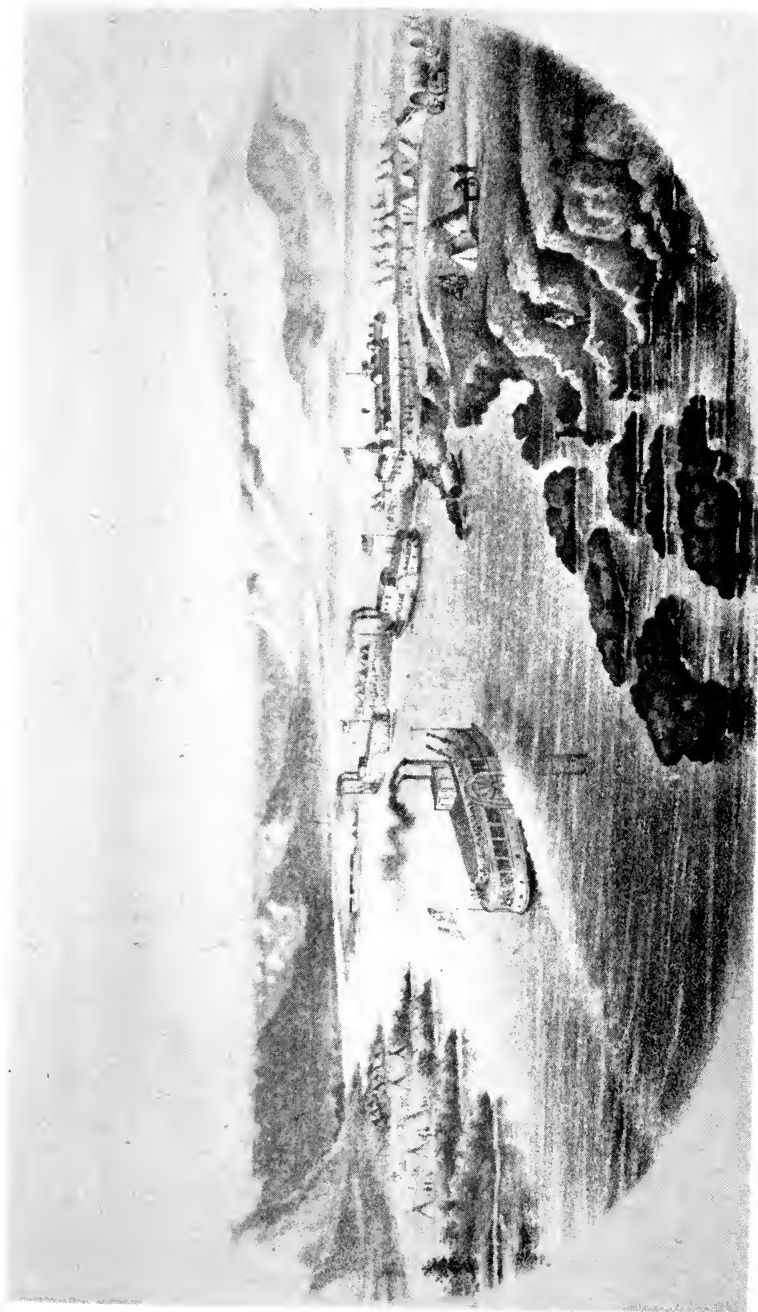
J. M. STANLEY'S "SAINT PAUL" (1853)
From Pacific Railroad Reports.



J. M. STANLEY'S "HERD OF BISON, NEAR LAKE JESSIE" (1853)
From Pacific Railroad Reports.



J. M. STANLEY'S "FORT UNION, AND DISTRIBUTION OF GOODS TO THE ASSINNIBOINES" (1853)
From Pacific Railroad Reports.



GUSTAVUS SOHON'S "FORT BENTON"—HEAD OF STEAM NAVIGATION ON THE MISSOURI RIVER"
(PROBABLY 1860-1862)
From Mullan's Report.



G. SOHON'S "MODE OF CROSSING RIVERS BY THE FLATHEAD AND OTHER INDIANS" (PROBABLY 1860-1862)
From Mullan's Report.



JOHN E. WEYSS' "BROWNSVILLE, TEXAS" (1853)

Engraved by James Smillie. Emory's Boundary Survey Report.



ARTHUR SCHOTT'S "MILITARY PLAZA—SAN ANTONIO, TEXAS" (1853?)
Engraved by James D. Smillie. Emory's Boundary Survey Report.

volunteered to proceed to the Piegan village as Stevens was intent on inviting all the Blackfeet to a grand council at Fort Benton.

With an interpreter, three voyageurs, and a Blackfoot guide obtained at the fort, Stanley pressed further north in search of the Indian camp. On the third day after leaving Stevens, Stanley wrote in his report:

The first rays of the sun found us in the saddle, prepared for a long march. But one day more remained for me to find the Piegan camp. The night had been clear and cold, silvering the scanty herbage with a light frost; and while packing up, the men would stop to warm their fingers over a feeble fire of buffalo-chips and skulls. After a short march of twelve miles, we reached the divide between Milk and Bow rivers.

At 1 o'clock I descended to a deep valley, in which flows an affluent of Beaver river. Here was the Piegan camp, of ninety lodges, under their chief Low Horn, one hundred and sixty-three miles north, 20° west, of Fort Benton.

Little Dog conducted me, with my party, to his lodge, and immediately the chiefs and braves collected in the "Council Lodge," to receive my message. The arrival of a "pale face" was an unlooked for event, and hundreds followed me to the council, consisting of sixty of their principal men.

The usual ceremony of smoking being concluded, I delivered my "talk," which was responded to by their chief saying, "the whole camp would move at an early hour the following morning to council with the chief sent by their Great Father." The day was spent in feasting with the several chiefs, all seeming anxious to extend their hospitality; and while feasting with one chief, another had his messenger at the door of the lodge to conduct me to another.³⁸

Early the next morning, the Piegans broke camp and "in less than one hour the whole encampment was drawn out in two parallel lines on the plains, forming one of the most picturesque scenes I have ever witnessed," wrote Stanley. Stanley reported, too, that he had been able to secure a number of sketches while on the northern trip, the most interesting of those surviving being "Blackfeet Indians [hunting buffalo]—Three Buttes."³⁹

38. *Reports*, v. 1, Stevens report, pp. 447-449. The portion quoted has been condensed somewhat. Stevens also described Stanley's excursion, *see ibid.*, v. 12, pp. 107, 114, 115. The location of the Piegan camp given by Stanley would indicate that he went well north of the U. S.-Canadian border into present Alberta.

39. *Ibid.* Evidently this sketch was also used in the Stanley panorama (*Stanley's Western Wilds*, p. 15), and Stanley had also apparently planned to use it in his projected portfolio (letter press of portfolio p. 8, *see* Footnote 7). Other views included in the panorama which belong to the same group of sketches were a view of Fort Benton, "Cutting Up a Buffalo," and "A Traveling Party [of Blackfeet]."

Stevens, in a letter dated "Sept. 16, 1853, Fort Benton, Upper Missouri" (reprinted from the *Boston Post* in the *National Intelligencer*, November 26, 1853, p. 2), wrote a friend that Stanley was at the time of writing in the midst of the Blackfeet and went on to say: "We have traversed the region of the terrible Blackfeet, have met them in the war parties and their camps, and have received nothing but kindness and hospitality." Stanley, too, reported concerning the Blackfeet: "During my sojourn among them I was treated with the greatest kindness and hospitality, my property guarded with vigilance, so that I did not lose the most trifling article."—*Reports*, v. 1, p. 449.

Evidently Stevens' employment of Culbertson and his Blackfoot wife was a master stroke, for the Blackfeet usually gave trouble to whites entering their territory. The liberal distribution of goods and presents, in one case amounting to a value of \$600, to Indians encountered, was also no doubt a contributing factor to amicable relations.

Stanley was gone for 11 days on this side excursion, and shortly after his return to Fort Benton the survey again started westward. The detailed description of the remaining journey becomes complex, as there were many side excursions and a number of divisions made of the party. Stevens, too, was anxious to assume his territorial duties, so with several of his party, including Stanley, he left the main command and pressed on to Fort Vancouver (present Vancouver, Wash.) which was reached on November 16. As they left Fort Benton on September 22, the last thousand miles of the journey were covered in about seven weeks. Their route in general from Benton was southwest to Fort Owen (present Stevensville, Ravalli county, western Montana), northwestward to the Coeur D'Alene Mission (present Cataldo, Idaho, on U. S. 10), northward to Fort Colville (near present Colville, Wash.) and then down the Columbia to Fort Vancouver, Stevens and Stanley descending the Columbia in a canoe from Fort Walla-Walla (some 25 miles west of the present city of Walla-Walla) to Vancouver. Captain McClellan's party working eastward was met on October 18 at Fort Colville where Stevens remained several days discussing and planning with McClellan the future work of the survey. Several days had also been spent at the Coeur D'Alene Mission just before McClellan was met. One of the most attractive of the many illustrations in the official reports is Stanley's sketch of the mission.⁴⁰

The last stage of the survey is illustrated by some 30 Stanley sketches in addition to the sketch of the mission.⁴¹ Among the more interesting of these views are "Fort Owen," "Fort Okinakane," "Hudson Bay Mill," "Chemakane Mission," "Old Fort Walla Walla" and "Mount Baker."

Very shortly after the arrival of Stevens and Stanley at Fort

40. The site of the Coeur D'Alene Mission was established by Father De Smet about 1845; it was designed and built by Father Anthony Ravelli, S. J., and opened for services in 1852 or 1853; its use was discontinued in 1877 but the old mission was restored in 1928. It is known locally at present as the Cataldo Mission.—See the Rev. E. R. Cody, *History of the Coeur D'Alene Mission* (Caldwell, Idaho, 1930). I am also indebted to the public library of Coeur D'Alene, Idaho, for information about the mission.

41. The number varies depending upon whether one is using the 1859 or 1860 printing of the final Stevens' report. Some of the differences to be noted are: (1) the lithography in the 1859 printing (Supplement to v. 1) was by Julius Bien of New York in the two copies I have seen; in the 1860 printing (v. 12, pt. 1), the lithography was by Sarony, Major and Knapp; (2) the plate numbers and page insertions of the plates are different, in general, in the two printings; (3) "Crossing the Hell Gate River Jan. 6, 1854," is credited to Stanley in the 1859 printing; to Sohon (as it should be) in the 1860 printing; (4) "Main Chain of the Rocky Mountains as Seen From the East . . .," is credited to Stanley in the 1859 printing; to "Stanley after Sohon" in the 1860 printing; (5) "Source of the Palouse," is uncredited in the 1859 printing; "Source of the Pelluse," is credited to "Stanley after Sohon" in the 1860 printing; (6) "Big Blackfoot Valley," is credited to Stanley in the 1859 printing; to Sohon in the 1860 printing.

As is to be expected since the plates for the Stevens' report were lithographed by two firms, the same title will show illustrations differing more or less in detail. In the copies I have seen the coloring is superior in the Sarony, Major, and Knapp printings but even lithographs from the same house will differ in brilliance of color depending upon how much the stones were used and inked.

Vancouver, Stanley was dispatched to Washington with the preliminary Stevens reports of the survey. The return trip was made by ship down the coast to the Isthmus, across the Isthmus, and then on the *Star of the West* to New York City, where Stanley arrived on January 9, 1854. He then went on to Washington.⁴²

Stanley's return to Washington marked the end of his Western adventures. The remainder of his life was spent as a studio artist in Washington, Buffalo, and lastly in Detroit, where he died in 1872.⁴³

One additional episode in Stanley's life, however, should be described, because previous biographers of Stanley have overlooked it and because it is important in the story of Western illustration. It was over a year after Stanley's return to Washington in January, 1854, before work was begun preparing the field sketches as illustrations for Stevens' final report.⁴⁴

Stanley did use his field sketches almost immediately for the preparation of a huge panorama of Western scenes for public exhibition. By summer the panorama was well under way and Stanley's studio was "Daily the resort of our most distinguished citizens who express the greatest admiration of this grand panoramic work."⁴⁵ The work, consisting of 42 episodes, went on display in Washington on September 1. Two hours were required to view it. A 23-page handbook, *Scenes and Incidents of Stanley's Western Wilds*, describing the panorama, which was primarily a depiction of the northern survey route, could be purchased at the door of the National Theatre for ten cents after the admission fee of 25 cents had been paid. The Washington papers were generous and fulsome in their praise of these Stanley pictures. In addition to display in Washington

42. Stanley's arrival in New York is given in the *New York Tribune*, January 9, 1854, p. 5, where an "M. Stanley" is listed among the passengers of the *Star of the West* and in the next column under "Oregon" it specifically stated that J. M. Stanley, the artist of Stevens' survey, arrived on the "Star of the West." Stanley was back in Washington by January 19, 1854, as Stanley's report of his visit to the Piegans is dated "Washington City, January 19, 1854" (see Footnote 38).

43. For the remainder of Stanley's life see Kinitz, *op. cit.*, and obituaries in the *Detroit Free Press*, April 11, 1872, p. 1, and the *Detroit Advertiser and Tribune*, April 10, 1872, p. 4.

44. The National Archives (Washington) in their file of material on the Pacific railroad surveys has a letter by Stanley, dated April 3, 1855, to Lt. J. K. Warren who with Capt. A. A. Humphreys was in charge of the preparation of the reports for publication by the War Department, stating that it would take Stanley 5½ months to complete the necessary illustrations, a list of 57 proposed illustrations on the list are those which finally appeared in the report. Apparently Stanley had a few illustrations ready at the time the letter was written for he so stated. Stevens in a letter to Capt. A. A. Humphreys of the War Department dated September 26, 1854 (also in the National Archives), directed that Stanley be paid \$125 a month for his work of preparation, "a small compensation however in view of his ability and experience." Apparently, too, this rate of pay was Stanley's compensation while on the actual survey.—See Hazard Stevens, *op. cit.*, v. 1, p. 306. This sum was probably the standard rate of pay for Charles Koppel also received \$125 a month while on Lieutenant Williamson's survey.—See 33 Cong., 1 Sess., *Sen. Ex. Doc.* 29 (serial No. 695), p. 113.

45. *Daily Evening Star*, Washington, August 9, 1854, p. 3.

and Georgetown, it was exhibited in Baltimore for three weeks, and finally it was reported in the Washington press to be on the way to Boston and to London for exhibition.⁴⁶

Like most of Stanley's *original* work it has disappeared. It would be priceless at the present day.

The last of the Pacific railroad survey artists we can mention but briefly. He was Gustav Sohon, one of the enlisted men who brought supplies from the Pacific coast to the Indian village of St. Marys, west of the Rockies, for the Stevens party proper in the summer of 1853. Later he accompanied Lt. John Mullan, who under Stevens' orders surveyed the mountains on the northern route for possible passes in the winter of 1853-1854, and from this time until 1862 he was frequently associated with Mullan in the Northwest. Some ten or a dozen of his sketches are included in the final Stevens report, but by far the most interesting of Sohon's work now available was reproduced in a report by Mullan published in 1863. Included among these illustrations were "Walla-Walla, W. T. in 1862," "Fort Benton" (not dated but probably 1860-1862), the most satisfying illustration I have seen of this famous frontier post and head of steamboat navigation on the Missouri (reproduced *between* pp. 16, 17); "Coeur D'Alene Mission in the Rocky Mountains," a different view than Stanley's illustration of 1853, and "Mode of Crossing Rivers by the Flathead and Other Indians," showing the use of hide "bull-boats" (reproduced *between* pp. 16, 17). A number of Sohon's original Indian sketches are now in the United States National Museum. They are stated to be "the most extensive and authoritative pictorial series on the Indian of the Northwest Plateau in pre-reservation days."⁴⁷

The only other government report for this period that can approach the Pacific railway *Reports* from the standpoint of Western illustration is the Emory account of the United States-Mexico boundary survey, and to conclude this chapter of our story, brief comment

46. Many comments and advertisements on *Stanley's Western Wilds* appeared in the *Washington Star* from August 9, 1854, to January 13, 1855. A copy of the handbook of *Stanley's Western Wilds* is in the collections of the Library of Congress. According to the *Washington Star* of December 14, 1854, p. 3, it was written by Thomas S. Donaho.

47. For Sohon (1825-1903) see John C. Ewers "Gustavus Sohon's Portraits of Flathead and Pend D'Oreille Indians, 1854." *Smithsonian Miscellaneous Collections*, v. 110 (1948), November, 68pp. The above quotation is from this source. For Mullan's report see Capt. John Mullan, *Report on the Construction of a Military Road From Fort Walla-Walla to Fort Benton* (Washington, 1863). The excellent lithography in the Mullan book was by Bowen and Co. For comment on the Sohon illustrations in the Stevens report, see Footnote 41. No trace of the original Stanley and Sohon sketches for the Stevens report has been found. They are not in the National Archives although a letter in the Archives from Stevens to Capt. A. A. Humphreys, dated March 11, 1858, requested that all of the sketches of Stanley and Lieutenant Mullan (presumably those of Sohon) to be used in the report be sent to Stevens. Humphreys has a notation dated March 12, 1858, on the Stevens letter stating that the sketches requested had been sent Stevens. What happened to them subsequently I have been unable to determine.

on the illustrations will be made. The survey began initially in the spring of 1849 and as a result of a series of obstacles was not completed until the fall of 1855.

The report, in three volumes, was published in 1857-1859. The first volume includes the general account and details of the survey and the last two volumes deal with the botany and zoology of the region transversed. These two volumes are illustrated with many wonderful plates including a number of hand-colored plates of birds.

Part one of the first volume includes the illustrations of most general interest and here will be found 76 steel engravings, 12 lithographs (a number colored) and 20 woodcuts. These elaborate illustrations are primarily the work of two artists who accompanied the survey, Arthur Schott and John E. Weyss (or Weiss).

The survey in its final stages worked in two parties, one traveling west and the second, starting from Fort Yuma (Arizona), traveling east. Weyss accompanied the first party, which was under the immediate command of Emory; Schott, under Lt. Nathaniel Michler, was with the second.⁴⁸

Among the most interesting of the illustrations in this volume are "Military Plaza—San Antonio, Texas," by Schott (reproduced *between* pp. 16, 17), "Brownsville, Texas," by Weyss (reproduced *between* pp. 16, 17), and "The Plaza and Church of El Paso," by A. de Vaudricourt who was with the survey in 1851.

Schott was a resident of Washington for many years after his return from the survey. He was an ardent naturalist and his name appears frequently in the reports of the Smithsonian Institution in the 1860's and 1870's. His death occurred in 1875 at the age of 62.⁴⁹

48. The official title of the report is *United States and Mexican Boundary Survey Report of William H. Emory*, 34 Cong., 1 Sess., *House Ex. Doc. 135* (Washington, 1857), vols. 1 and 2 (in two pts.). Mention of Weyss (sometimes spelled Weiss in the report) and of Schott as members of the survey and of their responsibility as illustrators is made on pp. 15, 24, 96 and 124 of v. 1. The engravings were by the Smillies (see Footnote 53) and W. H. Dougal; the lithography by Sarony, Major and Knapp. The list of illustrations on pp. X and XI calls for 74 steel engravings but in the copy I examined there were two number 32's and 33's of different titles (two not included in the list) making a total of 76 engravings.

W. H. Dougal (1822-1894?), the engraver of some of the plates in the Emory report, should be included in our list of Western artists, for he visited California himself in 1849 and 1850 and made a number of sketches which have been reproduced with a brief biographical account of Dougal's life in *Off for California* (letters, log and sketches of William H. Dougal), edited by Frank M. Stanger (Biobooks, Oakland, Cal., 1949).

49. For mention of Schott, see *Annual Report of Smithsonian Institution for 1866*, p. 27; for 1867, p. 48; for 1871, p. 423; for 1873, p. 390; for 1877, p. 44; see, also, 39 Cong., 2 Sess., *Senate Misc. Doc. No. 21*, v. 1, January 16, 1867, pp. 7-11. Schott appears in Washington city directories from 1858 until his death in 1875. He must have been a remarkable man for he is listed at various times as a naturalist, engineer, physician and referred to as a well-known professor of German and music. His death, at the age of 62, occurred in Washington (Georgetown), D. C., on July 26, 1875.—See *National Republican*, Washington, July 28, 1875, p. 2, and *Georgetown Courier*, July 31, 1875, p. 3. S. W. Geiser, *Naturalists of the Frontier* (Dallas, 1948), p. 281, gives a very brief sketch of Schott.

Weyss later became Major Weyss during the Civil War, serving as a member of the staff of engineers of the Army of the Potomac. After the war he again turned to employment in Western surveys and according to Wheeler was "for many years connected with Western explorations and surveys under the War Department." Several plates in the report prepared by Wheeler were based on sketches by Weyss. He died in Washington, D. C., on June 24, 1903, at the age of 83.⁵⁰

There is little biographic data available on A. de Vaudricourt. The San Antonio *Ledger*, October 10, 1850, described him as an "accomplished and gentlemanly draughtsman and interpreter who has made a number of beautiful sketches of the most striking parts of our country. . . ." He was connected with the survey for less than a year and he then disappears from view.⁵¹

Actually there were at least two other artists on these Mexican boundary surveys, John R. Bartlett and H. C. Pratt. Some of their work is reproduced in Bartlett's account of the survey. Bartlett, who was U. S. commissioner for the survey for several years, was an amateur artist, but Pratt, who accompanied him, was a professional and is reported to have made "hundreds" of sketches and some oil portraits of Indians. Bartlett, however, in his report, employed his own sketches very nearly to the exclusion of those of Pratt. As a probable result, the illustrations (15 lithographs and 94 woodcuts), with two exceptions, are of no great interest. The exceptions are a double-page lithograph of Fort Yuma, Ariz. (by Pratt), and of Tucson, Ariz., and surrounding desert by Bartlett.⁵²

50. See *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1891), Series I, v. 36, pt. 1, p. 294, for Weiss (note change of spelling) in the Civil War where it is stated that Weyss was commissioned by "the governor of the State of Kentucky."

The comment by Wheeler will be found in George M. Wheeler, *Report Upon United States Geographic Surveys West of the One Hundredth Meridian* (Washington, 1889), v. 1, p. 52. I am indebted to Meredith B. Colket, Jr., of the Columbia Historical Society, Washington, for locating the death date of Weyss which he found in certificate No. 149,509, bureau of vital statistics, District of Columbia health department. A death notice of Weyss will be found in *The Evening Star*, Washington, June 24, 1903, p. 5.

51. The quotation concerning Vaudricourt is reprinted in the *National Intelligencer* for November 2, 1850, p. 3. *Ibid.*, September 24, 1850, p. 4, reported that Vaudricourt was head of the topographic party of the survey that was to work from Indianola (Texas) to El Paso, and the same newspaper July 22, 1851, p. 1, reported that Vaudricourt had severed his connection with the survey. Bartlett (see Footnote 52) v. 2, p. 541, also made mention of Vaudricourt and stated that Vaudricourt left the survey soon after they reached El Paso. Harry C. Peters, *America on Stone* (Doubleday, Doran and Company, 1931), p. 392, lists an A. de Vaudricourt who made a lithographic illustration for Bouve and Sharp of Boston in 1844-1845, but gives no further information concerning him.

52. For Bartlett (1805-1886), see *Dictionary of American Biography*, v. 2, pp. 7, 8, and his report, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, Connected With the United States and Mexico Boundary Commission During the Years 1850, '51, '52, '53* (New York, 1854), two volumes. Bartlett, Emory and others become involved in a serious contretemps and their differences required many written words of discussion, explanation and recrimination. Bartlett, in his own report, makes mention of his own and Pratt's sketches in v. 1, p. 357, and v. 2, pp. 541, 545 and 596. Pratt (1803-1880) is listed by D. T. Mallett, *Mallett's Index of Artists* (New York, 1935), p. 352, as a landscape painter. Contemporary mention of Pratt's Indian portraits made on the survey will be found in the *San Diego Herald*, February 14, 1852 (reprinted in the *National Intelligencer*, March 20, 1852, p. 3).

The two views here reproduced from the Emory report (those of Brownsville and San Antonio, Tex.) are copies of steel engravings by the celebrated American engravers, James Smillie and James D. Smillie.⁵³

The Brownsville engraving is based on a sketch by John E. Weyss and, I believe, can be safely dated 1853. Weyss joined the survey in that year and was a member of the party which passed Brownsville.⁵⁴

Arthur Schott's interesting and well-known view of the "Military Plaza, San Antonio" is more difficult to date. Schott was probably in southern Texas as early as the fall of 1851 and he seems to have passed through San Antonio as late as the fall of 1855, and may have been there at times between those two dates. In the absence of conclusive evidence, it seems best for the present to date the view 1853 with an uncertainty of plus or minus two years.⁵⁵

53. For the Smillies (father and son), see *Dictionary of American Biography*, v. 17, pp. 232, 233.

54. *Emory's Report*, v. 1, pp. 15, 58, 60, 61.

55. When Emory was appointed to the survey in September, 1851, he almost immediately left Washington for Texas. He reported (*ibid.*, p. 10), ". . . after a dreary march across the prairies and uplands of Texas, [I] reached El Paso in November [1851], and resumed my duties in the field on the 25th of that month." According to Bartlett, *Personal Narrative*, v. 2, p. 596, Arthur Schott accompanied Emory at this time. Whether San Antonio was visited on the way to El Paso is uncertain. Emory and his party met Bartlett at Ringgold Barracks in December, 1852. Emory and his group then returned east through Texas by wagon train.—*Ibid.*, pp. 513, 532. When the survey was reorganized in the spring of 1853, Schott was in the field with the survey in southern Texas by April, 1853.—*Emory's Report*, v. 1, pp. 15, 16. Apparently he was in Texas before the opening of the survey's work in the spring, as there is a record of botanical collections made by Schott at Indianola, Tex., in January and February, 1853, as there is also for the years 1854 and 1855.—W. R. Taylor, "Tropical Marine Algae of the Arthur Schott Herbarium," *Field Museum of Natural History, Publication 509*, Chicago, 1941, pp. 87-89; *Botanical Series*, v. 20, No. 4. In none of those years is the evidence clear cut that Schott was actually at San Antonio, something over 100 miles northwest of Indianola. In the fall of 1854 Schott was assigned to Lt. N. Michler's command which commenced the survey eastward from San Diego on November 16, 1854.—*Emory's Report*, v. 1, pp. 24, 101. Michler's party on their return passed through San Antonio from the west in November of the following year.—*Ibid.*, pp. 124, 125.

The only other attempt to date the original sketch on which Schott's view of San Antonio is based, as far as I know, is that given by I. N. P. Stokes and D. C. Haskell, *American Historical Prints* (New York, 1933), p. 112. Stokes and Haskell assign it the date "1852-53" but the evidence for the assignment of the date is not given. Correspondence either directly or indirectly with the Texas Historical Association, the Barker Texas History Center, the San Antonio Public Library, and others, has not given positive evidence for a specific date. I am indebted to Llerena Friend of the Barker Texas History Center, and E. W. Robinson and Col. M. L. Crammins of San Antonio who considered the matter for me.

The Annual Meeting

THE 76th annual meeting of the Kansas State Historical Society and board of directors was held in the rooms of the Society on October 16, 1951.

The meeting of the directors was called to order by President Frank Haucke at 10 A. M. First business was the reading of the annual report by the secretary.

SECRETARY'S REPORT, YEAR ENDING OCTOBER 16, 1951

At the conclusion of last year's meeting, the newly elected president, Frank Haucke, reappointed John S. Dawson and T. M. Lillard to the executive committee. The members holding over were Robert C. Rankin, Milton R. McLean and Wilford Riegle. After the death of General McLean, April 17, 1951, Mr. Haucke appointed Charles M. Correll for the unexpired term.

APPROPRIATIONS

The 1951 legislature granted a number of increases for the biennium that began July 1. They include: salary for an additional cataloguer in the library; an increase of \$1,000 a year in the contingent fund; \$2,000 for repairing and restoring oil paintings; \$1,500 for modern light fixtures in the reading rooms; an increase of \$1,000 a year in the Memorial building contingent fund; \$4,000 for painting; \$6,000 for repairing the heating system; \$2,200 for miscellaneous repairs; and salary for an additional janitor. Our request for \$6,000 a year to continue the *Annals of Kansas* was disallowed in the budget and it required a good deal of lobbying on the part of friends of the Society to restore the appropriation. The microfilming fund, at our request, was reduced \$2,000 a year. The appropriation for printing was reduced \$4,845 for the biennium. Although the senate voted unanimously to give the Society an increase in this fund, the bill was killed by the house committee.

At the Old Shawnee Mission, the contingent fund was increased \$1,000 a year; and at the First Capitol of Kansas there was an increase of \$100 a year.

THE KAW MISSION AT COUNCIL GROVE

The sum of \$23,500 was appropriated for the purchase of the "Old Kaw Mission" building at Council Grove, and \$2,500 a year for maintenance and the salary of a caretaker. The secretary of the Historical Society was named custodian of the property.

The bill which authorized this purchase was sponsored by Sen. W. H. White of Council Grove and Rep. L. J. Blythe of White City. Upon information supplied by the Historical Society, the introduction to the bill read as follows:

WHEREAS, the town of Council Grove was the most important point on the Santa Fe trail between the Missouri river and Santa Fe, New Mexico, taking its name from the agreement made there in 1825 between the federal government and the Osage Indians; and

WHEREAS, Council Grove is notable historically as a camping place for Fremont's expedition of 1845 and for Doniphan's troops bound for the Mexican

war in 1846 and as supply headquarters for the Overland Mail beginning in 1849; and

WHEREAS, The area centered at Council Grove became a reservation for the Kansas Indians in 1846; and

WHEREAS, In 1850, the Methodist church established a manual training school for the Kansas Indians at Council Grove in a building erected by the federal government; and . . .

WHEREAS, Said building and the grounds on which it is situated would provide, if acquired by the state, an outstanding and beautiful monument to commemorate the history of the Santa Fe trail and the Indians for whom the state of Kansas was named; and

WHEREAS, The present owner of said "Old Indian Mission" and the site on which it is located is willing to sell the same to the state of Kansas for historical purposes at a reasonable price: Now, therefore,

Be it enacted by the Legislature of the State of Kansas., etc.

The money for the purchase of the building became available July 1. A caretaker had been employed and had just moved into the building when the July floods came. The first floor, the installations in the basement, and the grounds were badly damaged. On July 25, a formal request was presented to the governor for assistance from the emergency fund. The amount needed, as estimated by a responsible local contractor, was \$2,155. This request was passed over without recommendation by the committee in charge of the fund. A renewal of the request was made September 28. Since the Society is without funds, it is hoped that some action will be taken to make these repairs possible.

LIBRARY

During the year, 3,044 persons did research in the library. Of these, 935 worked on Kansas subjects, 1,219 on genealogy and 890 on general subjects. Many inquiries were answered by letter, and 219 packages on Kansas subjects were sent out from the loan file. A total of 5,184 newspaper clippings were mounted, covering the period from July 1, 1950, through June 30, 1951. These were taken from seven daily newspapers which are read for clipping, and from 700 duplicate papers turned over by the newspaper department. Two thousand, six hundred ninety-five pages of clippings from old volumes were remounted and are ready to be rebound. Thirty-two pieces of sheet music have been added to the collection of Kansas music, *The Kansas Call* by Lucy Larcom, published in 1855, being of outstanding interest.

Gifts of Kansas books and genealogies were received from individuals. Dr. Edward Bumgardner gave a unique work which he has compiled, entitled *Trees of a Prairie State*. This is a two-volume set, one volume containing the text and the other photographs of trees. Typed and printed genealogical records were presented by the Children of the American Colonists, the Topeka Town Chapter of the Colonial Dames of America, the Daughters of the American Revolution and the Daughters of Colonial Wars. Gifts from the Woman's Kansas Day Club included books, manuscripts, clippings, museum pieces and pictures.

PICTURE COLLECTION

During the year, 692 pictures were added to the picture collection. Of unusual interest are 136 pictures of early Manhattan, the gift of R. L. Fredrich through the Woman's Kansas Day Club; a picture of the Kansas race

horse Smuggler from Mrs. Samuel J. Kelly of Olathe; 15 pictures of Silkville from Harold S. Sears of Nanton, Canada, whose grandparents were members of the Silkville colony; 16 copies of pictures of early Caldwell made from the originals, lent through the courtesy of Mrs. Jessie Wiley Voils, a Kansas writer now living in New York; 18 pictures of Louisville, Pottawatomie county, and vicinity from Charles Darnell, Topeka, and several photographs of the Kanopolis dam from the U. S. National Park Service.

ARCHIVES DIVISION

The following public records were transferred during the year to the archives division:

<i>Source</i>	<i>Title</i>	<i>Dates</i>	<i>Quantity</i>
Governor's office	Correspondence Files	1947-1949	24,400 mss.
Board of Agriculture	Correspondence Files	1921-1944	5,600 mss.
	Minutes and Correspondence State board of Housing	1933-1944	1,200 mss.
	Statistical Rolls of Counties	1944	1,714 vols.
	Statistical Rolls of Cities	1950	1,375 vols.
Commission of Revenue and Taxation, Ad Valorem Division	Applications for Emergency Warrants	1940-1944	c. 1,630 case files
	State Labor Department	Correspondence Employment and Payroll Reports, Factory Inspection Reports	1927-1941	116,000 mss.
State Library	Appearance Docket, Order Book, and Claim Register, Court of Industrial Relations	1920-1924	3 vols.
	Stub Book of State Militia Commissions Issued by the Governor	1864	1 vol.
Workmen's Compensation Commissioner	Awards and Orders in Docketed Cases	1927-1945	9,600 mss.

These records total 3,093 volumes and about 158,000 manuscripts. The large groups of papers from the Labor department, which fills 44 transfer cases, has not yet been examined in detail. Much of this material probably will not be of permanent value and will be destroyed.

Installation of the new stacks was completed last winter. For the first time in 45 years the archives are now in place on permanent shelves where they are readily accessible.

The floods of last July resulted in only one known instance of damage to state records. The Board of Engineering Examiners reported that eight transfer cases of engineering applicants' folders, 1931-1948, which had been stored in the basement of the Merchants' Moving and Storage Company, were ruined by water seepage. Fortunately, the board had microfilmed these records in 1949, and had deposited the film negative with the archives division for safe-keeping, so that no serious loss was caused by the destruction of the original documents.

Microfilming of Insurance department records was completed during the year. This group now totals 517 rolls, or approximately 51,700 feet of film. The annual statements of insurance companies, 1870-1943, is by far the largest series, amounting to 406 100-foot rolls. An old Adjutant General's record, "Enrollment of Soldiers Under an Act of 1883," also was microfilmed this year, as were four series of census records for 1855, 1865, 1870 and 1875. Microfilming of archives during the year totaled 279 reels.

MANUSCRIPT DIVISION

Accessions during the year were four manuscript volumes and approximately 475 individual manuscripts, in addition to several documents which were lent for microfilming.

Dr. Edward Bumgardner of Lawrence presented a group of autograph letters written between 1893 and 1947 by such prominent Kansans as William Allen White, A. W. Benson, Charles F. Scott, George McGill, U. S. Guyer and Errett P. Scrivner. Dr. Bumgardner also gave an album containing the autographs of all the governors of Kansas from Robinson to Arn, including the signatures of two territorial governors, Reeder and Shannon.

From Miss A. Blanche Edwards of Abilene the Society received a collection of letters written to her father, J. B. Edwards, between 1905 and 1932. These letters are concerned with the early history of Abilene and with recollections of "Wild Bill" Hickok. Miss Edwards also gave 11 photographs, including several of "Wild Bill" and members of his family.

An unusual collection, received through the Oklahoma City libraries from Mrs. Walter M. Robertson of Oklahoma City, is a group of 2,500 waybills of the Central Branch Union Pacific railroad for 1879. These waybills are mounted in a large unbound book measuring 16 by 12 inches and six inches thick.

Harold S. Sears of Alberta, Canada, gave two interesting records. One is a cash and day book kept by his father, Charles Sears, from 1858 to 1889, containing a statement of his relations with E. V. de Boissiere, the founder of Silkville. The other is the cash and day book of Silkville and the De Boissiere Odd Fellows Orphans' Home and Industrial School, 1884-1896. De Boissiere, a wealthy French industrialist and humanitarian, attempted to establish a silk industry in Kansas shortly after the Civil War ended. He bought a 4,000-acre tract in Franklin county where he succeeded in growing cocoons and producing a fine quality silk which won first honors at the Philadelphia Centennial in 1876. Unfortunately the market was not profitable, except, so he said, for the commission merchants, and he was never able to establish

the business on a paying basis. In 1892 de Boissiere gave the property to the Kansas Grand Lodge, Independent Order of Odd Fellows, as a home and industrial school for orphans of deceased members.

Vera Smith of Topeka presented a group of letters of Corydon Carlos Olney, describing his experiences in the Civil War as a member of the First New York dragoons. Olney came to Kansas after the war, settling in Ottawa county.

The Society bought a collection of 51 letters written in 1865 by John Morrill of Hixton, Wis. Morrill was then serving with the 48th regiment of Wisconsin Volunteers, which was stationed in Kansas near Olathe and at Fort Larned. This collection included a rare issue of a soldiers' newspaper, *The Plains*, dated Fort Larned, November 25, 1865.

Several manuscript collections were microfilmed. Edgar B. Corse of Greensburg and Mrs. Benjamin O. Weaver of Mullinville lent a group of 14 papers relating to the history of Greensburg and the Greensburg Town Company, 1884-1888. Mrs. Weaver and the Kiowa County Historical Society also sent a diary and account book of W. S. Winslow of Mullinville, covering the period 1890 to 1908. Sarah and Ed Francis of Topeka lent a small group of papers of Edmund Francis, written at New Orleans in the 1860's. A roster and history of Company K, 11th Kansas Volunteer regiment, 1862-1865, was lent by George E. Grim of Topeka. Records of Wabaunsee community, including records of Wabaunsee township, 1858-1922, records of the First Church of Christ, 1857-1917, and a teacher's record book for 1876-1877, were filmed through the courtesy of H. E. Smith of Wamego. G. H. Dole of Pullman, Wash., sent a typed copy of the autobiography of Artumus Wood Dole, 1835-1902, in which he related his experiences in Kansas from 1856 to 1867. A diary of R. B. Landon, 1881-1916, which includes a number of photographs of persons and scenes in western Kansas, was lent by Mrs. Mabel Plumer of Downs. Correspondence and business papers of Silas Dinsmoor, now in the possession of Dartmouth College, also were filmed. Dinsmoor was born in New Hampshire and was graduated from Dartmouth in 1791, but spent most of his life on the frontier in Mississippi, Louisiana, Kentucky and Ohio. The Dinsmoor papers were discovered in Topeka and the Society was instrumental in arranging for their transfer to Dartmouth.

Additional manuscripts were received from Paul Adams, Topeka; Mrs. H. D. Ayres, Wichita; Will T. Beck, Holton; Margaret J. Brandenburg, Worcester, Mass.; George H. Browne, Kansas City, Mo.; W. S. Campbell, Norman, Okla.; the Chester County Historical Society, West Chester, Pa.; Charles M. Correll, Manhattan; Mrs. Karl E. Gutzmer, Newton; Frank Hodges, Olathe; Tracy F. Leis, Denison, Tex.; Mrs. Neil Little, West Lafayette, Ind.; Wilbur N. Mason, Kansas City, Mo.; Theodore W. Morse, Mound City; Wayne W. Polk, Sidney, Iowa; Case Broderick Rafter, Washington, D. C.; J. C. Ruppenthal, Russell; Burton Sears, Evanston, Ill.; the estate of William Elmer Smith, Wamego, and the Woman's Kansas Day Club.

MICROFILM DIVISION

Approximately two and one-half million photographs have been made by the microfilm division since its establishment in 1946. Over half a million were made the past year: 289,751 of archives and 213,823 of newspapers.

Because of the poor condition of the files of early Caldwell newspapers, published during the years the city was a cow town, the following were

microfilmed: *The Weekly Advance*, March 1, 1894-December 27, 1901; *Commercial*, May 6, 1880-May 3, 1883; *Free Press*, September 19, 1885-May 15, 1886; *Industrial Age*, July 29, 1887-January 11, 1889; *Journal*, May 17, 1883-February 22, 1894; *News*, January 5-December 28, 1893; *Post*, January 2, 1879-May 10, 1883; *Standard*, February 7-September 11, 1884; *Weekly Times*, June 5, 1886-July 2, 1887. Another famous southern Kansas newspaper, the *Oklahoma War Chief*, published for the purpose of opening Oklahoma for settlement, was filmed. The newspaper was issued at Wichita, Caldwell and elsewhere and is dated from January 12, 1883, to August 12, 1886.

The microfilming of the *Salina Journal*, including the *Republican* and *Republican-Journal*, is practically completed. Earl C. Woodward, business manager of the *Journal*, sent all the *Journal's* files to the Historical Society. They were collated here with the Society's own files and 206,001 pages were microfilmed during the year. Thus the entire *Salina Journal*, from 1871 through 1950, will soon be available on microfilm.

NEWSPAPER AND CENSUS DIVISIONS

Eighty-five hundred certified copies of census records were issued during the year, an increase of more than 40 percent over the preceding year. March, 1951, with 1,018 records issued, was the biggest month since January, 1942, early in World War II. The copies, which are furnished the public without charge, are used to establish proof of age for war work, social security or other retirement plans.

During the year, 3,642 patrons called in person at the newspaper and census divisions. They consulted 3,692 single issues of newspapers, 4,545 bound volumes of newspapers, 820 microfilm reels and 13,315 census volumes.

The Society's annual *List of Kansas Newspaper and Periodicals* was not published this year due to the severe cut in the printing appropriation. It is hoped that sufficient money will be available to issue the publication next year.

The Society's collection of original Kansas newspapers, as of January 1, 1951, totaled 54,134 bound volumes, in addition to more than 10,000 bound volumes of out-of-state newspapers dated from 1767 to 1951. The Society's collection of newspapers on microfilm now totals 3,076 reels.

As a gift to the Society, one of our members, George H. Browne of Kansas City, Mo., paid for the microfilming of all the early Lecompton newspapers which are held here and at the Library of Congress. The Congressional Library microfilmed its holdings. The issues in the Historical Society collection which are not duplicates of the Library of Congress holdings were microfilmed here. The two films were then spliced together, with the issues and pages in consecutive order. The resulting film filled one reel and contained the following: *The Lecompton Union*, April 28, 1856-July 30, 1857, and the *National Democrat*, July 30, 1857-March 14, 1861.

Publishers of the following Kansas daily newspapers are regularly donating microfilm copies of their current issues: Angelo Scott, *Iola Register*; Dolph and W. C. Simons, Lawrence *Daily Journal-World*; Dan Anthony, III, Leavenworth *Times*, and Arthur Capper, Henry Blake, Milt Tabor and Leland Schenck, Topeka *Daily Capital*.

Among the most interesting single issues of newspapers received during the year were a copy of *The Plains*, published at Fort Larned, November 25, 1865, and a photostat copy of the *Wallace News*, dated at Fort Wallace, Kan., December 27, 1870. The latter was edited by passengers on a Kansas Pacific train snowbound at Wallace, but the actual printing seems to have been done when the train reached Denver.

Two bound volumes of early newspapers published by A. Sellers, Jr., and dated from 1866 to 1874, were received from M. Beatrice Skillings of McPherson. In the volumes were files of the *Pottawatomie Gazette*, Louisville, July 17, 1867-May 20, 1868; *Wabaunsee County Herald*, Alma, April 1, 1869-March 9, 1871; *Wabaunsee County News*, Alma, May 15, 1872-December 30, 1874, and the Arcola (Ill.) *Record*, March 29, 1866-April 18, 1867. The Illinois collection may be unique, for the available newspaper catalogues do not show these issues anywhere else in the United States.

Among the donors of miscellaneous newspapers were: E. A. Menninger, Stuart, Fla.; Otto J. Wullschleger, Marshall county; W. G. Clugston, Frank Green, Charlotte Leavitt, Walter Saar, Winter Veterans Administration Hospital, Topeka; Mrs. D. W. Smith and Frank Barr, Wichita, and the Woman's Kansas Day Club.

ANNALS OF KANSAS

The work of compiling the *Annals* has now been completed. Beginning with the year 1886, where Wilder's *Annals* left off, this day-by-day history of the state has been carried down through 1925. The rough manuscript of these 40 years runs to 4,000 typed pages, more than a million and a quarter words. This completes the first and most tedious part of the task. Miss Jennie Owen and her assistant, James Sallee, are now rechecking and revising this manuscript. Before it can be published, of course, it must be greatly condensed. In rechecking, it will be possible for Miss Owen to recommend many of the necessary cuts.

The *Annals* was authorized by the 1945 legislature. For a time, until Miss Owen became familiar with the task, she worked alone; however, in the past five years she has had eight different assistants. During this time, thousands of newspaper volumes have been read, and notations made for the compilation. Chief sources were the *Topeka Daily Capital*, *Topeka State Journal*, *Wichita Eagle*, *Wichita Beacon*, and the *Kansas City Star and Times*. All other dailies, and many of the weeklies were used for supplementary material and checking. In addition, hundreds of other sources were consulted, including, for example, official reports of state departments.

During the past year, the period from 1919 to 1925, inclusive, was compiled. Many Kansas events of those years made copy of nationwide significance. Governor Allen's handling of a coal strike, together with his industrial court, and William Allen White's campaign against the Ku Klux Klan, kept Kansas in the headlines. The Non-Partisan league was in the news, as were Minnie J. Grinstead, who in a "voice like a Kansas cyclone" seconded the nomination of Calvin Coolidge for president; Glenn L. Martin, who predicted planes would fly from New York to Europe in less than a day, and Amelia Earhart, who was licensed to fly. Dorothy Canfield's *Brimming Cup* was a best seller; Tom McNeal authored *When Kansas Was Young*; Georgia Neese (Clark) and Sidney Toler (Charley Chan) were on the stage in New York; Zazu Pitts, Phyllis Haver and Charles (Buddy) Rogers were getting favorable

notices, but Roscoe (Fatty) Arbuckle's films were being banned in his native state. William Allen White won a Pulitzer prize. Longren, Beech, Cessna and Stearman built airplane factories. The Victory highway was under construction. The Meadow Lark was named the state bird. The University of Kansas acquired "Phog" Allen. Women and girls went all out for the Gloria Swanson bob, and nearly everybody played Mah Jongg.

MUSEUM

The attendance in the museum for the year was 48,862. This is the largest number of visitors ever recorded and is an increase of nearly 3,000 over last year. Many school groups came from over the state. On April 20, the Santa Fe and Rock Island railroads happened to bring special trains of school children to Topeka at the same time, and for a few hours the museum was jammed with nearly 2,000 boys and girls.

There were 39 accessions. Among the most attractive was a collection of dishes from the William Allen White home in Emporia. Among them is the gold-band white china which was used by Mr. and Mrs. White at their wedding breakfast. A few years ago, when Mrs. White promised this china to the Society, she remarked that "This set is all the dishes we had in the world." Also in the White collection are a copper coffee-pot and a hot water pitcher, some large cups and three beautiful pieces of Irish lusterware.

A case of dental instruments, used by Dr. Eben Palmer in his practice from 1871 to 1907, was donated by his son, F. R. Palmer of Topeka.

There used to be a time when no parlor was complete without a collection of souvenir plates on which pictures of local scenes and buildings were reproduced. The plates have again become popular. During the past year a number, both old and new, have been added to the museum collection.

SUBJECTS FOR RESEARCH

Extended research on the following subjects was done during the year: *Biography*: Mary Ellen Lease; Joseph L. Bristow; Jotham Meeker; Francis Huntington Snow; "Wild Bill" Hickok; William Allen White; Edward Hogue Funston; John Brown; Jedediah Strong Smith. *General*: History of Sumner county and Caldwell; Civil War west of Missouri; Emporia Methodist Church; civil service; removal of Indians from Ohio; history of American historical periodicals since 1895; prices and inflation in the Revolutionary period; Indian agents chosen by religious groups; music in Kansas; border troubles; Fort Leavenworth; labor speeches of Clyde Reed; military order of the Loyal Legion; Paxico community; Valencia; Smoky Hill trail; Silkville; floods; bridges; Topeka parks; Indian legends; Kansas points of interest.

ACCESSIONS

October 1, 1950, to September 30, 1951

Library:

Books	770
Pamphlets	1,642
Magazines (bound volumes)	None

Archives:

Separate manuscripts	158,000
Manuscript volumes	3,093
Manuscript maps	None

Reels of microfilm	321
Private manuscripts:	
Separate manuscripts	475
Volumes	4
Reels of microfilm	5
Printed maps, atlases and charts	364
Newspapers (bound volumes)	670
Reels of microfilm	412
Pictures	692
Museum objects	35

TOTAL ACCESSIONS, SEPTEMBER 30, 1951

Books, pamphlets, newspapers (bound and microfilm reels) and magazines	447,863
Separate manuscripts (archives)	1,790,611
Manuscript volumes (archives)	58,317
Manuscript maps (archives)	583
Microfilm reels (archives)	682
Printed maps, atlases and charts	11,782
Pictures	25,195
Museum objects	33,506

THE QUARTERLY

The 19th bound volume of *The Kansas Historical Quarterly*, which is now in its 20th year, will be ready for distribution soon. Features for the year include: Alberta Pantle's "History of the French-Speaking Settlement in the Cottonwood Valley," Dr. James C. Malin's "The Motives of Stephen A. Douglas in the Organization of Nebraska Territory," and the delightful journal of Mrs. Stuart James Hogg, "A British Bride in Manhattan, 1890-1891." Dr. Robert Taft's revised manuscript, based on "The Pictorial Record of the Old West" series in the *Quarterly*, will shortly be issued by Scribner's in book form. Thanks are due to Dr. James C. Malin of the University of Kansas, associate editor of the *Quarterly*, who continues to take time from his busy schedule to read articles submitted for publication.

OLD SHAWNEE MISSION

During the past year sight-seers from 28 states and a number of foreign countries visited the Mission. There has been a noticeable increase in the number of school classes and other groups brought on conducted tours. Many boy scout troops and similar organizations visit the buildings to learn how Indian boys and girls lived and were taught a hundred years ago.

Although the Mission was operated by the Methodist church, it was primarily a manual labor school and was supported by the federal government. Other Missions also gave similar instruction, among them the near-by Friends Mission, where there was at one time a teacher of agriculture by the name of Calvin Austin Cornatzer. Recently a picture of his wife, Emily Smith Cornatzer, was presented to the Mission by a granddaughter, Mrs. H. D. Ayres of Wichita. Mrs. Ayres also donated to the museum a wood bread-mixing bowl and a chest of drawers which had belonged to her grandparents and were used at the Friends Mission.

THE FIRST CAPITOL

During the past year the outbuildings were painted and minor repairs were made on the Capitol building. The number of visitors for the year was 2,787. The July floods, which closed the highways during most of the tourist season, were apparently responsible for this unusually low figure.

THE STAFF OF THE SOCIETY

The various accomplishments noted in this report are due to the Society's splendid staff of employees. I gratefully acknowledge my indebtedness to them. Special mention, perhaps, should be made of the heads of departments: Nyle H. Miller, assistant secretary; Helen M. McFarland, librarian; Edith Smelser, custodian of the museum; Mrs. Lela Barnes, treasurer; Edgar Langsdorf, archivist and manager of the building; and Jennie S. Owen, annalist. Attention should also be called to the work of Harry A. Hardy and his wife, Kate, custodians of the Old Shawnee Mission, and to that of John Scott, custodian of the First Capitol.

Respectfully submitted,
KIRKE MECHEM, *Secretary.*

At the conclusion of the reading of the secretary's report, Frank A. Hobble moved that it be accepted. Motion was seconded by Joseph C. Shaw and the report was accepted.

President Haucke then called for the report of the treasurer, Mrs. Lela Barnes:

TREASURER'S REPORT

Based on the audit of the state accountant for the period
August 22, 1950, to August 21, 1951.

MEMBERSHIP FEE FUND

Balance, August 22, 1950:		
Cash	\$4,661.33	
U. S. savings bonds, Series G	8,700.00	
		\$13,361.33
Receipts:		
Memberships	\$804.00	
Reimbursement for postage	727.35	
Interest on bonds	242.50	
Books	6.00	
		1,779.85
		<u>\$15,141.18</u>
Disbursements		\$1,477.91
Balance, August 21, 1951:		
Cash	\$4,963.27	
U. S. savings bonds, Series G	8,700.00	
		13,663.27
		<u>\$15,141.18</u>

JONATHAN PECKER BEQUEST

Balance, August 22, 1950:		
Cash	.....	\$144.03
U. S. treasury bonds	.....	950.00
		<hr/>
		\$1,094.03
Receipts:		
Bond interest	.....	\$27.31
Savings account interest	.....	1.28
		<hr/>
		28.59
		<hr/>
		\$1,122.62
		<hr/> <hr/>
Disbursements:		
Books	.....	\$49.74
Balance, August 21, 1951:		
Cash	.....	\$122.88
U. S. treasury bonds	.....	950.00
		<hr/>
		1,072.88
		<hr/>
		\$1,122.62
		<hr/> <hr/>

JOHN BOOTH BEQUEST

Balance, August 22, 1950:		
Cash	.....	\$66.00
U. S. treasury bonds	.....	500.00
		<hr/>
		\$566.00
Receipts:		
Bond interest	.....	\$14.40
Savings account interest	.....	.64
		<hr/>
		15.04
		<hr/>
		\$581.04
		<hr/> <hr/>
Balance, August 21, 1951:		
Cash	.....	\$81.04
U. S. treasury bonds	.....	500.00
		<hr/>
		\$581.04
		<hr/> <hr/>

THOMAS H. BOWLUS DONATION

This donation is substantiated by a U. S. savings bond, Series G, in the amount of \$1,000. The interest is credited to the membership fee fund.

ELIZABETH READER BEQUEST

Balance, August 22, 1950:		
Cash (deposited in membership fee fund)	.....	\$671.19
U. S. savings bonds (shown in total bonds, membership fee fund)	.....	5,200.00
		<hr/>
		\$5,871.19
Receipts:		
Interest (deposited in membership fee fund)	.....	130.00
		<hr/>
		\$6,001.19
		<hr/> <hr/>

Disbursements:

Three pen and ink drawings of Shawnee Mission		
bldgs. by Harry Feron		\$17.50
Balance, August 21, 1951:		
Cash	\$783.69	
U. S. savings bonds, Series G	5,200.00	
		<hr/>
		5,983.69
		<hr/>
		\$6,001.19
		<hr/> <hr/>

STATE APPROPRIATIONS

This report covers only the membership fee fund and other custodial funds. It is not a statement of the appropriations made by the legislature for the maintenance of the Society. These disbursements are not made by the treasurer of the Society but by the state auditor. For the year ending June 30, 1951, these appropriations were: Kansas State Historical Society, \$97,251.44; Memorial building, \$12,784.80; Old Shawnee Mission, \$5,526.00; First Capitol of Kansas, \$2,250.00.

On motion by Wilford Riegle, seconded by Robert T. Aitchison, the report of the treasurer was accepted.

The report of the executive committee on the audit by the state accountant of the funds of the Society was called for and read by John S. Dawson:

REPORT OF THE EXECUTIVE COMMITTEE

September 26, 1951.

To the Board of Directors, Kansas State Historical Society:

The executive committee being directed under the bylaws to check the accounts of the treasurer, states that the state accountant has audited the funds of the State Historical Society, the First Capitol of Kansas and the Old Shawnee Mission from August 22, 1950, to August 21, 1951, and that they are hereby approved.

JOHN S. DAWSON, *Chairman.*

On motion by John S. Dawson, seconded by Robert Stone, the report was accepted.

The report of the nominating committee for officers of the Society was read by John S. Dawson:

NOMINATING COMMITTEE'S REPORT

September 26, 1951.

To the Board of Directors, Kansas State Historical Society:

Your committee on nominations submits the following report for officers of the Kansas State Historical Society:

For a one-year term: William T. Beck, Holton, president; Robert Taft, Lawrence, first vice-president; Angelo Scott, Iola, second vice-president.

For a two-year term: Nyle H. Miller, Topeka, secretary.

Respectfully submitted,

JOHN S. DAWSON, *Chairman.*

The report was referred to the afternoon meeting of the board. There being no further business, the meeting adjourned.

ANNUAL MEETING OF THE SOCIETY

The annual meeting of the Kansas State Historical Society convened at 2 P. M. The members were called to order by the president, Frank Haucke.

The address by Mr. Haucke follows:

Address of the President

FRANK HAUCKE

THE KAW OR KANSA INDIANS

MY paper today is on the Kaw Indians: The Indians who gave our state its name, and for whom our famous river was named; and the tribe that gave to this nation a vice-president. Historians do not credit them with being the most colorful or spectacular tribe to dwell within our state, yet they left their mark on Kansas history. As long as Kansas exists the memory of the Kansa or Kaw Indians will live.

These Indians were known by some 50, and perhaps even more, versions of the name Kansa, which means wind people or people of the south wind. Kaw was the word used by the early French traders as sounding something like that used by the Indians themselves. Since about 1868 it has been the popular name of this group of Indians.

There is a difference of opinion as to whether the Kaw Indians lived in what is now Kansas in the aboriginal period of American history. Some historians hold that they originated east of the Alleghenies and were drifting west when they first became known to white men. The earliest recorded notice of the Kaw Indians was by Juan de Onate in 1601. In 1702 Iberville estimated that they had 1,500 family units. From this, the tribe has diminished until today there are fewer than 25 full bloods.

It is known that the Kaw Indians moved up the Kansas river in historic times as far as the Big Blue. In 1724 de Bourgmont spoke of a large village. Native narrators gave an account of some 20 villages along the Kansas river before the Kaws moved to Council Grove in 1847.

In 1724 de Bourgmont set out from New Orleans for the Kansas river to visit the Padoucas, or Comanche Indians, who were not friendly to the fur trade. He was met by a party of Kansas chiefs and was escorted to their village. The grand chief informed de

Bourgmont that the Kaw Indians would accompany him on his journey. The French remained for some time with the tribe before setting out on their journey. The Kaws supplied them with wild grapes during their stay, from which the French made wine.

In 1792, when the Spaniards owned Louisiana, they thought some of developing an overland trade between New Mexico and Louisiana. Pedro Vial was sent from Santa Fe to Governor Caron at St. Louis to open communications for that purpose. In his daily account of the journey, he reports that when his party reached the great bend of the Arkansas river they were made captive by the Kaw Indians and taken to their village on the Kansas river.

Lewis and Clark recorded in 1804 that the Kaws lived in two villages with a population of 300 men. These explorers reported that their number had been reduced because of attacks by the Sauk and Iowa Indians. Two years later they found that the lower village had been abandoned and that the inhabitants had moved to the village at the mouth of the Big Blue. The Kaws were furnishing traders with skins of deer, beaver, black bear, otter, raccoon; also buffalo robes and tallow. This trade brought the tribe about \$5,000 annually in goods sent up from St. Louis.

The first recorded official treaty with the Kaws was in 1815, at St. Louis. This was a treaty of peace and friendship. In it the Kaws were forgiven for their leanings toward the British in the War of 1812. One of the signers of this treaty was White Plume, who was just coming into prominence and who later became one of the great chiefs of the tribe. He was the great-great-grandfather of Charles Curtis.

On August 24, 1819, Maj. Stephen Long met with the Kaws and Osages on Cow Island east of the present Oak Mills, Atchison county. Secretary of War John C. Calhoun had sent out an exploring expedition with Major Long commanding. They went up the Missouri in a steamboat and were to ascend the Kansas river to the Kaw village, but found it unnavigable. A messenger was sent ahead to summon the Kaw tribe to council at Cow Island. When the Indians assembled, they were more interested in the demonstrations made by the steamboat than in the council. The bow of this boat was in the shape of a great serpent with a carved head as high as the deck. Smoke and fire were forced out of its mouth, which greatly interested the Indians. The council and entertainment continued for some time. The Indians admitted their depredations, promised peace and accepted their presents. Rockets were fired and the flag of the United States was raised.

The Kaw tribe signed a treaty at Sora creek (Dry Turkey creek), August 16, 1825, giving consent to a survey of the Santa Fe trail. They promised unmolested passage to citizens of the United States and the Mexico Republic. The tribe received \$500 in cash and \$300 in merchandise. The place of the treaty was about five miles west of present McPherson.

The Kaw Indians ceded to the United States on June 3, 1825, a vast tract of land which extended along the Missouri river from the mouth of the Kansas river to the northwest corner of the state of Missouri; thence west to the Nodaway river in Nebraska; thence to the source of the big Nemaha river; thence to the source of the Kansas river, leaving the old village of the Pania Republic to the west; thence on a ridge dividing the waters of the Kansas river from the Arkansas to the west line of Missouri; thence on that line thirty miles to the place of beginning: the mouth of the Kansas river. They reserved a tract on both sides of the Kansas river, beginning 20 leagues up the river, including their village, extending west 30 miles in width through the lands ceded as above. This village was two miles east of present Manhattan on the north bank of the Kansas river.

The reservation thus set aside by the Kaw Indians was held by them until 1846. As construed, the treaty covered a tract of the best land in Nebraska, reaching from the Missouri to Red Cloud and extending north at one point more than 40 miles. This domain was cut off at the head of the Solomon, from where it reached to within 12 miles of the Arkansas northwest of Garden City. Thence it followed the divide to the Missouri line. It included nearly half of the state of Kansas. For this the Kaws received \$4,000 in merchandise and horses, an annual tribal annuity of \$3,500 for 20 years, plus the limited reservation. They also received some cattle, hogs and chickens and some half-breed allotments.

The Kaws did not own so vast a tract of land. They never had possessed it and much of it they had never even hunted on, as far as can be determined. The government wished to extinguish the Indian title and having purchased it from the Kaw Indians no other tribe could set up a claim to it.

The Kaw town at the mouth of the Blue river was partly depopulated about 1827. That year an agency was established on allotment number 23, which was on the north bank of the Kansas river and in what is now Jefferson county. This town was south of present Williamstown. There was appointed for the Indians a black-

smith and a farmer. The farmer was Col. Dan Morgan Boone, son of the great pioneer. White Plume was the head of the village. Frederick Chouteau was the Indian trader. His trading post was on what is now Lakeview. This agency was abandoned after 1832. Frederick Chouteau moved his trading post to Mission creek.

By 1830 the Kaw population had moved down the Kansas river and settled in two villages at Mission creek and one about a mile west of Papan's ferry, or north of the present town of Menoken. This was the largest Indian village near the present city of Topeka and was located in the southwest quarter of Section 16, Township 11, Range 15. The Indians made a good selection, because in 1844, 1903 and 1951, when all the valley was submerged, this spot at Menoken and surrounding land was dry. After the recent flood we visited this spot and found it high and dry and have pictures showing the land. There was another Kaw village, but little is known of it. Remains of Indian burial grounds have been unearthed in several places, one south and west of the Skinner Nursery in Shorey, North Topeka. The extent to which these Indians roamed over this territory is still unknown.

In 1830 the missionaries turned attention to the Kaw Indians, and the Rev. Wm. Johnson was appointed missionary to them. He started as a missionary to the Kaws at Mission creek. He went to the Delaware Indians in 1832, returning to the Kaws in 1834. In the summer of 1834 he began work on the mission buildings. He continued there until 1842, when he died. In 1844, the Rev. J. T. Perry was sent to continue this missionary work. Nothing of account was accomplished and the school was discontinued. Much of the missionaries' time was spent in learning the language, which did not leave much time to use the language after it was learned. It has been recorded that during Johnson's stay with the Kaws a book was printed in the Kansa language; however no trace of the book has ever been found. These old mission buildings erected by Johnson were occupied for a time by a Kaw woman and her half-breed Pottawatomie husband. In 1853 he tore these buildings down.

On January 14, 1846, the Kaws ceded two million acres of the east end of their tract. It was provided that if the residue of their land should not afford sufficient timber for the tribe the government should have all the reservation. The lack of timber existed, so the government took over the land. Another tract of land 20 miles square was laid out for them at Council Grove. Until 1847 the

territory now embraced in Morris county was held by various tribes as neutral ground upon which all had a right to hunt.

In 1859 the Kaws signed a treaty retaining a portion of their reservation intact, nine miles by 14 miles. The remainder was to be sold to the government and the money used for the benefit of the tribe. These lands were sold by acts of congress of 1872, 1874, 1876 and 1880.

From 1847 to 1873 the Kaws dwelt on their diminished reserve in the Neosho valley near Council Grove, Morris county. They settled in three villages, each with a chief.

The largest village was on Cahola creek south of the town of Dunlap. Hard Chief, Kah-he-ga-wah-che-cha, ruled here from the time the tribe moved from the Kaw valley until some time in the 1860's when he died. He was never considered a very brave or outstanding chief. He was succeeded by Al-le-ga-wa-hu, who was one of the greatest chiefs ever to rule over the Kaws. He was of fine character, was trusted by all, and was considered the wisest leader of the tribe. He was tall and stately, about six feet, six, and was an eloquent orator. He was one of the few Indians of his time who could not be bribed.

Chief Al-le-ga-wa-hu had three wives, one of whom was his favorite. As was the custom with the Kaws, when a young man married he married the oldest daughter of a family and the other sisters also became his wives. A story is told of the beauty of his favorite wife and how he tried to please her on all occasions. Once when she was ill she craved the delicacy of dog meat. Not having a dog, the chief went to Council Grove in search of a nice fat one. He found one that could be purchased for \$2, but not having the \$2, he had to borrow the money from a friend before he could carry home the prize.

The second village was known as Fool Chief's village and was located in the valley near the present town of Dunlap. Fool Chief ruled over this village for a long time. Fool Chief had a strong and positive nature and was a serious type of man. He was a good speaker and many times represented the Kaws when officials were out from Washington. His death was caused by overeating on the day his annuity money was received. He, like many others, had been on short rations. Like most of the Kaws, he had a large roman nose and high cheek bones.

The third village was located near Big John creek, southeast of Council Grove, and was not far from the agency. At one time this

village was situated within a mile of Council Grove. Peg-gah-hosh-he was the first chief to rule here. He was a stubborn leader and much set in his ways. He died about 1870 and was succeeded by his nephew. Neither were considered outstanding leaders. In the Kaw tribe, chiefs obtain leadership through inheritance; war chiefs through bravery.

In the fall of 1848 Seth Hayes moved into the reservation as Indian trader. The next to arrive were the Chouteau brothers. The Chouteaus of St. Louis were associated with the Astors of New York in the American Fur Company, which came to dominate the business.

In 1850 the population of the Kaws was about 1,700. The agent of the tribe resided in Westport, Mo., the law at that time not requiring the agent to live at the agency.

Several attempts to improve the condition of the Kaw Indians were undertaken during their stay in Morris county. In 1850 the Methodist Episcopal church, desiring to help civilize the Indians, entered into a contract with the government to establish a school. The board of missions erected a stone mission or schoolhouse at Council Grove and subcontracted with T. S. Huffaker to teach the school. The school was closed in 1854, because of the large expense of \$50 per capita annually. The government refused to increase the appropriation. The pupils were either orphans or dependents of the tribe. All were boys, as the girls were not allowed to go to school. Mr. Huffaker reports that he knew of only one Indian who was converted to the faith. The Kaws never took kindly to the religion of the white man. They kept and guarded their own beliefs.

Thomas Sears Huffaker was 24 years old when first employed as an Indian teacher. Mr. Huffaker's influence with the Kaw Indians continued long after he gave up teaching. His name is mentioned in their treaty with the government in 1862 and in many other records pertaining to the tribe.

The Huffaker family lived for many years in the building after the closing of the school. Five children were born at the mission, and three in another home across the street. Carl Huffaker was one of the latter three, and it was from him that the state of Kansas purchased this old building last spring. It is to be a museum devoted to the Kaw Indians and the Santa Fe trail. The building is two stories high. It was built of stone from a nearby quarry and of native lumber from the original Council Grove. When constructed it had eight rooms, and in each gable two large projecting chimneys.

The walls are very thick and the whole building is still a beautiful and solid structure.

This building has been used for many purposes: schoolhouse, council house, courthouse, meeting house, and fortress during Indian raids. Governors, officials of state, and officers of the army have been entertained there. It was a welcome resting place for many a weary traveler on the trail.

From 1854 to 1863 there was practically no missionary or religious work among the Kaws. In 1852 and 1853 over four hundred of the tribe died of small pox. Their burial grounds were scattered all along the Neosho valley. Many died from other epidemics and particularly from hardships to which they were subjected by the pressure of white settlers, the killing of their game and the introduction of whisky. The traders were not permitted to sell whisky, but the Indians had no trouble in getting it as long as they had money or something to trade. When their annuity was received, the money in most cases went for liquor instead of food. As a result, they and their families were starving most of the time. In looking through government reports on the Kaw Indians we find that teachers, agents and others again and again requested that some action be taken to stop the liquor traffic. Some recommended that annuities be received annually so the Indians would have to work for food in the meantime. When traffic was opened on the Santa Fe trail this problem increased.

The Civil War affected the lives of the Kaw Indians. John Delashmitt came from Iowa and enlisted a company of Kaws numbering 80 men for service in the Union army. They left their women and children at home to tend their meager fields and to live as best they could. In 1863 the population was reduced to 741 and the following year to 701. During the latter part of the war the Kaws could not go on buffalo hunts to secure meat because of the danger of their being killed in the campaigns against the Plains Indians.

Many amusing stories are told of the Kaw soldiers in the Civil War. After enlisting they went to Topeka where they were issued uniforms. Just as soon as they received them they took out on foot for Council Grove with their uniforms under their arms. Just before they reached their destination they put the clothes on and walked in all dressed up to show their kinsmen what a soldier really looked like. When they were at Fort Leavenworth, in the heat of the summer they would insist on walking through the streets in their drawers alone. One of the head chiefs of the Kaws was a sergeant.

When a Kaw enlisted in the army it was necessary for him to take on a new name, as his Indian name was not sufficient for the records. Many of the Indians at this time took French names, such as Chouteau. Some believe a good many Kaws have French blood because of their French names, which in many cases is not true. In later years many Kaws took on other names; the son of Al-le-ga-wa-hu, for example, took the name of Albert Taylor.

After the treaty of 1859, when the Kaw reservation was reduced in size to what was known as the diminished reserve, the agency of the tribe was moved from Council Grove to a point about four miles southeast of the city, near the mouth of Big John creek on what is now the Haucke land. The buildings erected by the government were substantial structures, consisting of an agency building, house and stables, storehouse, council house and two large frame school buildings. They were constructed of native oak and black walnut sawed from the forests of the Neosho. The government also built some 150 small stone buildings for the use of the individual Indian families. The Kaw Indians did not appreciate these stone houses and continued to live in their tents which they considered more healthful. However, in bad weather, they did stable their ponies in these buildings.

Many of the agency buildings still stand on the Haucke land. We have tried to preserve them as much as possible. The old cabin occupied by Washunga still stands. He was a minor chief when the Kaws lived in Council Grove and a head chief after their removal to Oklahoma. Here Vice-President Charles Curtis spent a few of his boyhood years with his grandfather and grandmother, Louis and Julia Papan.

Land near the agency was homesteaded by my father, August Haucke, who left Germany when a young man and headed for the new world. He left behind him a brilliant career as a professional soldier, having served as military instructor at the German general staff headquarters at Potsdam, near Berlin. He participated in the Franco-Prussian War. In the siege of Paris he commanded a telescope rifle corps, and when Napoleon III surrendered, he commanded a body guard, guarding him from being assassinated by his own people on account of his surrender.

When my father reached the Eastern shores of our country he was advised to go West, where there were many opportunities for young men. He took this sage advice and bought a railroad ticket to Topeka, where he outfitted himself with a team, wagon and supplies and started out on the trail. He learned from Harry Richter,

who was later lieutenant governor, that the Kaw Indian land would soon be opened for homesteading and decided to stay and prove up on a claim. While doing this he worked on the section of the Missouri, Kansas & Texas railroad at 50 cents a day. He lived in Morris county until his death, with my mother, who had accompanied her family to America from Germany at about the same time.

I recall hearing my father tell about the acquisition of the right-of-way through the Kaw reservation. Many farmers contended that the Missouri, Kansas & Texas did not have right-of-way through the reservation but had merely traded firewater for permission to build through the Indian land. This condition continued until about 1920, when my father and Mr. Brown, counsel for the Missouri, Kansas & Texas, worked out a peaceful right-of-way settlement with the farmers and the railroad through what was formerly the Kaw reservation.

In the summer of 1859, the most serious trouble between the Kaws and the whites took place. Much horse thieving had been going on and the settlers blamed the Kaws. Two white men had been suspected of some of the work. They were caught, and after they confessed one side of their heads was shaved before they were set free. The Indians watched this performance with interest. The Indians, who had stolen horses from two Mexicans, were threatened with the same treatment.

Early on the morning of June 2, a hundred Kaws came riding down the trail from the west, painted and feather-decked for war. Al-le-ga-wa-hu was leading them. They stopped their ponies in front of the Hays tavern in Council Grove and the Indians said, "You white men are all cowards. You shave each other's heads but are afraid of the Indians. Mexicans are a heap worse than Indians but you protect them. If you want the horses the Indians stole come and get them."

Mr. Hays fired into the mob and the Indians returned the fire. One white man was hit by a shot and another by an arrow. The Indians then withdrew across the river. Before the town had time to organize themselves, the Kaws had returned from the Elm creek woods. The settlers started south and several times the Kaws raced the settlers from west to south, south to west, until they were exhausted. Then the Kaws retreated to the timber along Elm creek. After organizing and selecting a leader, the settlers worked their way into the woods, where a battle was waged. The settlers drove the Kaws back. The Kaws then took their position on the bluff, where their warriors lined the bluff for a mile. The settlers were

in the open prairie, with the Kaws on the bluff in front of them and the timber a long way back of them. They dared not fall back with no reinforcements in sight. The Indians threw sun reflections in their eyes from mirrors and flourished their spears and blankets. The Kaws then began a series of attacks. They charged three times but the settlers held their ground. The settlers kept looking for help, as messengers had been dispatched for assistance at the start of the battle. In the afternoon they saw a few heads coming toward them in the grass in the rear and their shouts of joy led the Kaws to believe that a large number had come to help.

The Kaw leaders counseled together and several of them approached with a white flag. The settlers demanded the two who had shot the white men. The Indians again counseled and returned saying that they would surrender the man who had shot Parkes but that they did not know which of their number had shot the other man. The settlers were sure that a young chief greatly loved by the tribe was the guilty one. The Kaws then tried to buy the liberty of the two, offering half of the money they would receive from the government. The settlers insisted that the Indians be turned over to them. At that point the young chief spoke up and said that since his people had offered to give him up he would kill anyone who came near him. The young braves and the chief overpowered him and tied and bound him. He and the other warrior were then turned over to the settlers and taken to Council Grove on horseback, where they were both hanged.

With the sun the next morning two squaws entered the trading post and trudged sorrowfully up the trail to the suspended bodies of their dead. They were the mother of the brave and the young wife of the chief. Their cries could be heard up and down the valley. Each carried a large knife with which she hacked her head and breast until blood flowed from the wounds. They poured ashes over themselves and rubbed the blood near the bodies of their dead. Some of the settlers cut the bodies down so they could be returned to the Indian burial grounds. One of the men at the post was assigned to drive the ox cart in which the bodies were placed. Several others went along as guards. The tribe assembled at Elm creek to meet them. Without warning a low moan arose from the tribe, which frightened the oxen, and they overturned the cart, dumping the bodies on the ground.

In 1863 Mahlon and Rachel Stubbs were sent by the Friends church of Indiana to establish a mission school among the Kaw Indians. Several years later their son, A. W. Stubbs, became inter-

preter for the Kaw Indians. We owe a debt of gratitude to the family of A. W. Stubbs, who are now living in Kansas City, for making the papers of their father available to us and for giving them to the Kansas State Historical Society.

Mr. and Mrs. Stubbs went from Indianapolis to St. Louis by rail, by boat to Hannibal, and by rail to Leavenworth. There friends met them and conveyed them by wagon to their destination, the newly erected mission buildings near the agency on what is known as the R. O. Scott farm. There were two buildings, 30 x 60 feet, two stories high, and here the Stubbs family lived for three years. The buildings were not furnished, and Mahlon Stubbs had to make furniture for them and desks for the school rooms. School opened May 1, 1863, with Martha Townsend as teacher. She had 36 boys and three girls as pupils, most of them in a nude state.

The work at the mission was very difficult. When the children were brought in, they were not only naked, but they had to be thoroughly scrubbed and barbered. Most of them, of course, could not speak a word of English. Mrs. Stubbs took entire charge of the work of the boarding school. She cooked, washed and sewed for the pupils. Mr. Stubbs farmed and raised cattle and hogs. Owing to this hard work, Mrs. Stubbs' health failed. Mr. Stubbs then accepted the position of farmer of the Friends Kansas Manual Labor School. This position was tendered him by Maj. H. W. Farnsworth, U. S. Indian agent. The Stubbs family moved into the old stone house at the agency. This house had been occupied by Joseph Dunlap, the Indian trader, as it was not needed by the government. Mr. Dunlap moved into a settler's house near the mouth of Rock creek, erected before the land was allotted. His was the only white family allowed on the whole reservation, aside from government employees.

During this year as farmer Mr. Stubbs gave the Kaws their first lesson in trying to plow their little fields with ponies. This proved to be a slow job, for they were ignorant about work. It was a difficult task to teach them to properly harness a pony and many times he found them with the collar on the wrong end up and the wrong side to the horse.

At the end of that year there was a change in administration and Democrats were appointed to succeed all employees from the agent down. The Stubbs family then moved to a farm near Lawrence. Here they remained for two and a half years, when Mahlon Stubbs was appointed Indian agent by President Grant. President Grant adopted what was known as Grant's peace policy and turned over

the management of all the Indian tribes to the various leading church denominations. Those in Kansas and Indian territory were allotted to the Friends and they were given full charge and allowed to select all employees at the various agencies. Schools were opened, encouragement given to the Indians to raise stock and to learn to farm. A strong effort was made to better the conditions of the Indians and this continued until there was a change of administration. Grant's plan was not a complete success for the reason that some of the churchmen selected for agents were good churchmen but not good business men and their accounts fell into a hopeless tangle.

Agent Farnsworth in one of his reports to the superintendent of Indian affairs said that the extreme simplicity of the Quaker system rendered it unattractive to Kaw Indians. Others suggested that the pageantry of the Catholic church would have more appeal to the Indians as it would be something they could see and have some understanding of.

A. W. Stubbs relates that in 1864 his parents boarded about 20 recaptured women and children for several months at the Kaw Mission School, which they were conducting at the time. They were received from the Cheyenne, Kiowa and Comanche tribes and were left at the school until their families called for them. Some of them seemed anxious to find their families, but one middle-aged woman was actually indignant because she had not been able to remain with her captors. None of them complained of cruel treatment, although the women had to assist in curing buffalo meat and dressing the hides brought in by the men.

Mr. Stubbs records terrible prairie fires in 1864 and 1865. He relates that the bluestem grew eight or ten feet high and that it was impossible to stop a prairie fire after it was once started. If the fire happened to overtake a person walking across the prairie his only chance for life was to lie face down in a buffalo trail or any bare spot and let the fire sweep over him. Many died before the flames passed over them. Sparks would fly across the Neosho and set fires on the other side. Mr. Stubbs tells about a couple of farmers crossing the high divide south of the Neosho, near Americus, with a load of hogs in a wagon. They saw a cloud of smoke to the northwest, from where the wind was blowing a gale, but paid little attention until the flames were only a short distance away. One of the men then jumped out; ran ahead a few paces, struck a match and kindled a fire. By the time the burned space was large enough to hold the team and wagon, they were surrounded by flames and the

heat was so intense that the hogs in the wagon began to squeal and they had difficulty in holding the frightened team.

In September, 1865, the Kaws ventured forth on a hunting trip into the buffalo country. That fall and winter they killed approximately 3,000 buffalo and sold the robes for an average of \$7 each. This income was in addition to the meat and tallow. They also carried on trade with other Indians. These sources of income carried them well through the winter and spring. But the winter of 1866-1867 was spent in futile efforts to find buffalo. It was a severe one and many of the Kaws died of starvation and exposure.

As long as the buffalo lasted, the Indians held annual hunting parties in the buffalo country. Mr. Stubbs describes an incident that occurred on one of the buffalo hunts he accompanied. After being out some time, the hunters spied some antelope, which the Indians killed. One of the young chiefs was hungry and pulled out his knife and ripped one of the animals open. Taking out the liver, he cut off a generous hunk, put it in his mouth, and began chewing with relish. He wanted Mr. Stubbs to join him in the feast, but Mr. Stubbs wasn't hungry at the moment. The savage was quite a sight with the blood streaming down his face. He then took out the stomach, cut a hole in it, and drank the milk which the young animal had recently taken. Mr. Stubbs records that his feeling was one of pity for the Indian who owned so much in land and yet had so little.

In 1867 a Mr. Goodal of Cleveland offered to instruct the Kaws in the manufacture of woolen goods by use of hand wheels and looms, thinking this would be something the Kaws might enjoy doing, as well as being something profitable, but they turned down the offer.

Up to about 1868 the Kaw Indians had been able partially to support themselves by going to the buffalo country winter and summer for meat, hides and robes. Their small annuity was not enough to keep them. The merchants and traders at the agency often assisted them, relying on appropriations from congress to reimburse them. The Kaws were surrounded by fertile soil, but they were averse to farming. In addition to having no desire to farm, they had no tools, and there was a shortage of seed.

On March 13, 1869, the Kaws entered into a contract with the Southern branch of the Union Pacific, later known as the Missouri, Kansas & Texas railroad, for right-of-way and the privilege to cut timber. Thousands of ties and other timber were sold from the Kaw lands and the proceeds used for subsisting them. Mr. Stubbs received permission to sell off the tops and down lumber for cord

wood and this was a big help to the Kaws. Many of them were handy with an ax and spent considerable time cutting and hauling wood, which work they seemed to enjoy. Wood sold in Council Grove for \$3 a cord. Up to this time even the Indians had not been allowed to cut and haul wood and they had had to use only dead trees and limbs. Thousands of fine walnut and oak trees were converted into bridge timber and ties, as well as hickory and other hardwood varieties. When the railroad was completed to Parsons, A. W. Stubbs was invited to take a group of 25 Kaws to dance and assist at the celebration, all expenses paid. This pleased the Indians and was a change from their humdrum life.

Mr. Stubbs was quite an authority on Kaw words, having served as their interpreter, and in his papers we find many Kaw names and words. He gives the meaning of Neosho as "Water in it." He disputes the general understanding as to the meaning of "Topeka." He says that at one time some folks stopped at the ferry north of Topeka and wanted to cross. The water at that time was very high and the Indians shook their heads no, and said "Too-Beega," meaning the stream was too big to cross.

After the coming of the railroad there was a strong desire on the part of the whites to secure farms in this fertile valley and great pressure was brought upon Washington to open these lands for settlement.

About this time the last Indian battle this far east in Kansas took place. It was on the morning of June 2, 1868, when several hundred well-armed and mounted Cheyenne and Arapahoe warriors appeared on the hills west of Council Grove. They came to fight the Kaws, against whom they had held a grudge for a long time. The Cheyennes were led by Little Robe. The battle took place near the agency on what is known as the E. W. Curtis farm. The Kaws secreted themselves along the banks of Little John creek and refused to engage in battle in the open. The experience of the Kaws in the Civil War helped them as fighters. The Cheyennes were prepared to fight in the open, and failing to dislodge their enemies, they left.

In 1872 Columbus Delano, Secretary of the Interior, came to the agency in a special railroad car to discuss removal with the Kaws. The chiefs and head men were called into a council to meet with him. A. W. Stubbs was the official interpreter. According to the papers of Mr. Stubbs, the secretary pictured in glowing terms the advantage of going to a new country where they could be near other tribes, especially their kinsmen, the Osages, and where wild game

was plentiful. The secretary assured them that from the sale of these lands they could not only buy as good a reservation, but have a large surplus with which to improve homes, buy needed supplies for farming, and in fact live better than they had ever lived before. When the secretary had finished his lengthy report, Al-le-ga-wa-hu, the head chief, arose, deliberately folded his blanket beneath his arms, then began his reply in slow and measured terms, carefully weighing each word. Mr. Stubbs records that this was one of the most earnest, eloquent, and at the same time pitiful, appeals to which he ever listened. It was not only a faithful portrayal of the previous dealings of the Indians with the whites, but was prophetic of what the future held in store for the people for whom their chief was pleading. After recounting the history of their past experiences at some length, Chief Al-le-ga-wa-hu stretched himself to his full height of six feet, six inches, and looking the secretary in the eye, vehemently declared:

Be-che-go, great father, you treat my people like a flock of turkeys. You come into our dwelling places and scare us out. We fly over and alight on another stream, but no sooner do we get well settled than again you come along and drive us farther and farther. Ere long we shall find ourselves across the great Bah-do-Tunga (mountains) landing in the "Ne-sah-tunga" (ocean).

The chief continued protesting against giving up the land where their dead were sleeping on the hill tops, where they had their fields and their homes.

Al-le-ga-wa-hu was followed by others, some favoring and some opposing the move, and after they had all had their say the secretary spoke again. This time in an authoritative voice. He told them that he appreciated their attachment to their land, yet, he said, "It is the policy of the President, to give to the Red Men a country to themselves, where you can meet and mingle together free from the interruption of the whites and it is my duty to say to you that you *must* sell your lands here and select a new reservation in the Indian Territory."

After the close of this conference, the agent was instructed to appoint two commissioners to accompany a delegation of the head men of the tribe to look over the proposed new reserve. This reserve was in the west end of the country to which the Osages had already been removed. Thomas H. Stanley and Uriah Spray, well-known friends of the Indians, were named as commissioners. A. W. Stubbs accompanied them as interpreter. In the midsummer of 1872, this party, consisting of about 25, started out in covered wagons and on horseback.

An interesting story has come down from a pioneer woman who lived near Cottonwood Falls, about their passing through there. She was making lye soap in a big iron kettle outside her house when three of the Indians came near the kettle and motioned that they wanted to eat from it. She kept shaking her head no, but could not make them understand her. They simply thought she was unwilling to share with them. Finally one Indian took the spoon from her and took a big bite. Tears came to his eyes but he never changed the expression on his face. He passed the spoon to the Indian next to him, who ate with tears in his eyes and he in turn passed it on to the third, who did likewise. After which they turned away and rejoined their party.

Their route lay along the Arkansas river to the mouth of Beaver creek. Everyone was more than pleased with the country. They saw many wild turkeys and deer, as well as much small game. The Indians picked up handfuls of dirt and ran it through their fingers and found the land to be all that they desired. After spending a few days looking over the prairie country and the valley of the Big and Little Beaver, they drove on to Pawhuska. Here a council was held with the Osage chiefs and an understanding was had between the two tribes. Mahlon Stubbs negotiated for the purchase of 100,000 acres from the Osages, and then went to Tahlequah, capital of the Cherokee nation, and secured a ratification of the deal by the Cherokee council.

When the Indians learned of their approaching removal to the Indian country, there was much weeping and wailing and daily visits to the graves of their dead. For an hour or more at early dawn and at the close of the day they gave vent to their anguish in lamentations that could be heard for miles.

On August 12, 1925, a monument to an unknown Kaw Indian was unveiled on the Haucke land overlooking the Neosho valley. Here were placed the remains of a Kaw chief, his horse and paraphernalia. Rock for the monument was hauled from the nearby hills by members of the American Legion and the Boy Scouts. The Haucke family donated the money for its erection, which was done by local stone masons. It was at this service that I was made honorary chief of the Kaw tribe and given the name of Ga-he-gah-skeh, meaning white chief. A representative group of Kaw Indians from Oklahoma, headed by Ernest Thompson, took part in the ceremonies at the unveiling and in the adoption ceremonies. I was presented with a Kaw headdress, blankets and other Indian objects. A. W. Stubbs spoke. This monument stands as a reminder of the years

the Kaws spent in the Neosho valley. In 1930, it was dedicated by Vice-President Charles Curtis.

After my father moved to the land formerly occupied by the Indians, he was kept busy reburying their dead. White men would come out and dig up the graves looking for treasure, which they never found, then would go away, leaving the bodies on top of the ground.

While the Indians were inspecting the new country in the Indian territory, Mahlon Stubbs, Indian agent; J. M. Byers of Ohio, and J. Lew Sharp of Council Grove, commissioners, were engaged in the work of appraising the Kansas reserve, diminished and trust lands, preparatory to opening them for sale and white settlement. Riding in a spring wagon, they drove back and forth across the country, estimating what each 40-acre tract would readily sell for. They were equipped with tents and cooking outfits, employed a cook, and camped out the three months required to complete the work. The stony uplands were valued at \$1 per acre, the best bottom lands at \$10. This averaged, on the entire 200,000 acres, about \$3 per acre.

Before time came for the removal, settlers became very impatient at the delay, and in the fall of 1872 C. V. Eskridge, then lieutenant governor of Kansas, headed a large delegation of Lyon county citizens and called a meeting near the mouth of Rock creek, to take some action to hasten the opening of the reserve. The lieutenant governor made a stirring appeal to his audience of several hundred farmers, telling of the great advantages to the Indians of having these fertile lands cultivated, and concluded by urging his hearers to move in and take possession without waiting for authority from Washington. Agent Stubbs had heard of the proposed invasion and had wired Washington for instructions. After the lieutenant governor finished his talk, Stubbs was called upon for a few remarks. He started out by saying that he would like to read them a telegram which he thought would be of interest to them. He read: "Keep all settlers off the Kaw Reservation, if necessary send to Fort Riley for troops."

The reading of this telegram dampened the ardor of the crowd, whereupon Lew Sharp of Council Grove, who, with other citizens of Council Grove, was opposed to any "Emporiaites" taking a hand in settling the reserve, jumped into a wagon box and delivered a fiery talk in which he criticized the lieutenant governor for taking

part in such an affair and for openly advising citizens to violate the law of the land. He was heartily applauded, after which the assembly broke up.

The 42d congress appropriated \$25,000 for removal purposes and to subsist the tribe for one year. Bob Stevens, who had been a contractor for the M., K. & T., tried to secure this contract for removal and promised Agent Stubbs a handsome profit if he would enter into his scheme. Mr. Stubbs spurned the proposition. I recall hearing my father say what an honest and trusted man Mahlon Stubbs was, and how he was respected by all who knew him.

When the time came to move the Kaws, Stubbs hired about 40 men with teams to haul the poorer families. The other members of the tribe were instructed to pack their ponies as they had always done in going to and from the buffalo country. In this way, only a small amount of the \$25,000 was expended. After providing subsistence, there was some \$12,000 left. This was to revert to the United States treasury at the end of the fiscal year.

When they reached their new reservation, the Indians found that no buildings had been erected for their use. The families of the government employees were cooking meals under the trees and sleeping in tents. Winter was coming on and the matter was serious. Agent Stubbs met the commissioner of Indian affairs in Lawrence, and told him of the situation and asked permission to use this sum to build buildings. He received the backing of the commissioner. Contracts were let and before winter set in they had a six-room stone house for the agent, a three-story school building to house the children, a stone schoolroom, and a frame dwelling for the farmer. Some trouble was encountered in getting these bills settled, as it had been appropriated for removal and subsistence. Agent Stubbs had technically violated the law and being under bond had laid his bondsman liable. After several years, authorities viewed these buildings and sufficient proof was given so the account was passed.

After the Kaw Indians were removed to the territory, settlers were allowed to take possession of the lands. When they learned the price at which they had been appraised there was great dissatisfaction. Very few made payments and the department at Washington appealed for a lower price. Through the influence of the politicians this appeal had its effect, and after waiting several years the Kaws got about half what they were promised. As a re-

sult, the Kaws virtually exchanged their lands in Kansas for one-half the acreage in Indian territory.*

After two or three weeks of visiting, receiving gifts and bidding their friends goodbye, about five hundred Kaws left Council Grove for their new reservation on June 3, 1873. They were 17 days on the way. The Kaw agency was established at Washunga, which is about one mile north of the present town of Kaw City, in Kay county, Oklahoma. Rations of beef and other foods were issued to them, as well as clothing, cooking utensils and farming equipment. A school was established at Washunga, where Indians of other tribes were permitted to attend. Board and clothing were furnished to the students by the government, also medical attention; and a general beneficial supervision was given. The full bloods continued to live in their tepees and dugouts, but the half-breeds occupied the log houses built by the government. The Kaws did not care to do much farming, and raised only corn and garden vegetables, and those only in small patches.

When they first reached Indian territory, the tribe would go on buffalo hunts. Men, women and children would make up the party. They traveled in wagons and on ponies and would go a distance of 75 to 100 miles west of the reservation. Some still hunted with bows and arrows, but the majority used rifles of the muzzle-loading type. When a buffalo was killed, they would skin the animal and jerk the meat, to dry and preserve it. This process was by cutting a narrow strip of meat until a hand hold was obtained, then the meat was pulled off in strips and hung to dry. The last big general hunt was started in November, 1873, and ended in February, 1874. They made \$5,000 on the furs obtained on this trip. While they were on the hunt one of the Indian women gave birth to a son. This boy was Forrest Chouteau who later took a prominent part in affairs of the Kaw tribe.

Chief Al-le-ga-wa-hu died shortly after they reached Oklahoma and he was succeeded by Washunga. Washunga was the last of

* Following the opening of the Kaw land for settlement, the battle between the white settlers began. Three men from Council Grove came down to run father off his claim. They told him that if he knew what was best for a "foreigner" he would leave. Father reached inside the door of his shack for his .44 Colt and said in no uncertain terms, "You had better go back to Council Grove or I will blow you to pieces." They immediately hurried back to Council Grove. The sheriff surmised something was up and started down to meet them on their return. He asked what they were up to. One replied that he wouldn't go back down there for all the land on the reservation.

A little later, a man by the name of Knight filed ownership against father. Knight, a quasi-politician, pulled some strings and the land was awarded to him. Father wired his attorneys in Washington. As a result, the Secretary of the Interior held an investigation which resulted in the debarring of three attorneys, the firing of five clerks—and U. S. Senator Preston B. Plumb had to make a lengthy explanation. Father was awarded the land.

When ownership was finally established on all homesteads, there was an era of cornerstone moving. Father remarked that half the cornerstones had been moved or thrown into the streams. Many surveys followed.

the blood chiefs of the Kaws and he ruled until his death in 1908. Since that time leaders have been selected for the convenience of the tribe in handling business transactions but they still talk of Washunga as their last chief.

Agent Stubbs' term expired in 1875 and his name was sent by the President to the senate for confirmation. Bob Stevens used his influence with Senator Ingalls and induced him to vote against confirmation. The department was surprised and wired Stubbs to come to Washington to fix it up with Ingalls. Senator Ingalls could not be changed in his vote. The department then abolished the Kaw agency, attached it to the Osage, and appointed Mr. Stubbs as superintendent in charge. He remained there until ill health made retirement necessary.

On several occasions the Kaws were dissatisfied with conditions in general and sent delegations to consult with the authorities in Washington. In 1878 A. W. Stubbs took a young chief by the name of Eagle Plume to Washington to see if something could not be done to alleviate the condition of the Kaws. Being without funds for the trip, Eagle Plume gave entertainments at several points en route. From the donations received, he and Mr. Stubbs were able to reach Washington. They were given the audience they desired and their expenses home were allowed by the government. While in Washington they attended the open house given by the President.

In less than ten years after the Kaws paid for their reservation, the government entered upon a vigorous policy of dissolving reservations in the western half of Indian territory. From 1890 to 1893 the Cherokee commission negotiated 11 agreements. By these agreements about 12,000 Indians sold their reservations to the government and received allotments as part of their consideration for relinquishment. These surplus lands were then opened to white settlers. The Indians on the Osage, Kaw, Ponca, Otoe and Missouri reservations had acquired their titles by purchase, therefore were able to resist successfully the offers and threats of the commission. Agent Miles, of the Osage agency to which the Kaws were assigned, said in 1890 that the Kaws opposed taking allotments because they felt it would deprive them of the lands which they had paid for. In 1892 a group of mixed bloods expressed their desire to take allotments and insisted on having 160 acres per capita set apart for them. At this time there were only 125 full bloods. The Kaws held their lands in common. Each could occupy as much land as he desired. In 1899 the agent reported that some of the more intelligent

and ambitious members of the tribe were taking advantage of the others and were taking over large areas. Finally the Kaws got together and decided to take their allotment. No doubt the fact that the half-breeds outnumbered the full bloods was a deciding factor. On August 24, 1900, the national council passed unanimously a resolution which read:

Whereas certain interests peculiar to the Kaw Tribe of Indians both of land and money [are] now pending before the Department at Washington, Be it therefore resolved by the Kaw Council this day in Session that we respectfully urge the Hon. Secretary of the Interior Through the Hon. Commissioner of Indian Affairs to allow a delegation of four (4) from the Kaw tribe to wit: Wah-Shun-Gah, Governor, Forrest Chouteau Councilman, W. E. Hardy, Sec. and Achan Pappan Interpreter to visit Washington at the convenience of the Hon. Secretary of the Interior for the purpose as above stated, and that the expense of said delegation be paid from the Kaw Tribal Funds.

Charles Curtis played quite a part in the matter. From Topeka on September 10 he wrote the commissioner of Indian affairs reminding him of his promise to receive this delegation in Washington, if the Kaws passed such a resolution. Permission was granted and the group visited Washington. Later, a special investigator was sent out and he recommended that all the lands be allotted. Each member was permitted to select 160 acres for a home. In 1901 the agent reported that all the Kaws had made their selections of land. On December 16 of that year Curtis submitted to the office of Indian affairs a resolution of the tribal council dated December 12, 1901, requesting the government to resurvey the reservation so each member could make his selection. Many of the cornerstones of the survey of 30 years previous had been removed. On February 7 Walter E. Strumph was instructed to make the survey.

That same year the Kaws proposed to make an agreement for the division of their lands, distribution of their funds and the sale of their landed interests in Kansas. On January 15, Washunga, in reply to a letter from Curtis, stated that he preferred that a delegation be sent to Washington and asked that seven Kaws be allowed to come and treat with the government for final disposition of their matters. Curtis transmitted this letter to the commissioner of Indian affairs, asking the granting of this request, and suggested that the following should go: Chief Washunga, Forrest Chouteau, Wah-noh-o-e-ke, Wm. Hardy, Mitchell Fronkier, Akan Pappan and W. E. Hardy. This request was granted. A general council was held February 1, 1902, and the seven named in Curtis' letter were elected by a majority vote. They were empowered to enter into any agree-

ment which they thought to be in the best interests of the tribe. On February 8 an agreement was signed. This agreement was the product of Curtis' pen and was known as "Agreement of the Kansas or Kaw Indians of Oklahoma Territory among themselves relative to their tribal lands and funds, and memorial to Congress."

According to this agreement the roll of the tribe as shown by records of the local Indian agent December 1, 1901, was declared to be the roll of the tribe. This also listed all descendants of members born between that date and December 1, 1902. There was to be set apart to each member of the tribe 160 acres of land for a homestead, which, with certain provisions, was not to be taxable, and was to be inalienable for a period of 25 years from January 1, 1903. Those that had already selected homesteads were to be permitted to retain them, and others were given 30 days in which to make their selections.

After the selections had been made, the remaining Kaw lands in Oklahoma territory were to be divided equally, with certain provisions, among members of the tribe, giving to each the same number of acres of farming and grazing land as near to his homestead as possible. The land set aside, other than homesteads, should be tax free while held by them, not to exceed 25 years. It was not to be sold or encumbered for a period of ten years. The uninherited lands of minors should be inalienable during their minority.

The division of the land was to be left entirely to the Indians and their agent. It was to be the duty of the agent and the clerk in charge of the subagency, together with a committee of three members of the tribe to be selected by the agent, clerk and tribal council, to divide the surplus lands. The head chief of the tribe was to be furnished deeds by the Secretary of the Interior and he in turn was to execute the deeds. The agent was to deliver them to members of the tribe. Each member was entitled to a separate deed for lands given as a homestead. An approved deed operated as a relinquishment to the individual member of all right, title and interest of the United States and Kaw tribe in and to lands embraced therein. Disputes among members of the tribe as to selection of land were to be settled by the agent.

The Kaws ceded to the United States 160 acres including the grounds of the school and agency buildings. The government was to maintain a school there for at least ten years. Twenty acres were to be reserved for a cemetery. Eighty acres at Washunga were to be set aside as a townsite, to be laid off in lots and sold at auction.

The Secretary of the Interior was to be empowered, in his discre-

tion and at the request of any member of the tribe, to issue a certificate to such member authorizing the sale of any or all of his lands, and the acquisition of a pro rata share of the funds of the tribe. The member was to have the right to manage and dispose of his property the same as any other citizen, but his lands should be subject to taxation, and his name would be dropped from the rolls of the tribe.

On February 21, 1902, Agent Mitscher transmitted the agreement to Commissioner Jones with his approval. On March 10, the agreement was transmitted to the house of representatives and was incorporated in an act of congress.

Agent Mitscher felt this was a good move because "a community of interests tends to dependence, carelessness, indifference, shiftlessness and downright laziness."

On February 23, 1903, Mitscher forwarded to the office of Indian affairs a complete or final roll of the tribe with the names of 247 persons, 11 children having been born between June 20 and December 1. This was approved March 24. Homestead allotments covered 39,670 acres.

The Kaw allotment commission was made up of Mitscher, Edson Watson, the clerk, Chief Washunga, Forrest Chouteau and Wm. Hardy. The commission passed a resolution that these members be paid \$4 per day and the same for an interpreter. This to be paid from tribal funds.

The division of the surplus land was started on April 8 and was completed by the 17th. A total of 60,263 acres was allotted to 247 allottees, or about 245 acres to each, in addition to the homestead of 160 acres.

In the agreement drawn up by Curtis and incorporated in an act of congress, it was designated that all claims which the Kaws might have against the government should be submitted to a commission to be appointed by the Secretary of the Interior; and that the government should render to the tribe a complete accounting of all monies agreed to be paid to them which they were entitled to under any treaty. This commission was appointed, with Wm. C. Braly, Chas. J. Groseclose and Ed. Fox, the members.

Samuel J. Crawford, former governor of Kansas, was the attorney of record for the Kaws. His principal application was for money due the Kaws as evidenced by various certificates of indebtedness, or script transactions, concerning lands in Kansas. The committee reported that the Kaws were entitled to \$155,976.88. On November 26, 1904, the tribe agreed to this. An act of March 3, 1905, pro-

vided for the payment of this amount to the Kaws, stipulating that the Kaws should deliver to the government a general release of all claims and demands of every name and nature against the United States. On April 22, 1905, a general council of the Kaws was held. There were 45 signatures on the release, and none opposed it. The first signers were Chief Washunga, Wah-mo-o-e-ke, Forrest Chouteau, Wm. Hardy, Mitchell Fronkier, W. E. Hardy and Charles Curtis.

In 1923 oil was discovered on some of the lands held by minor allottees. On February 13, Curtis introduced in the senate a bill providing that the period of restriction against alienation on surplus lands allotted to minor members of the Kaw tribe be extended for a period of 25 years in all cases where the allottees had not reached the age of majority. On March 4 the bill became a law. There were now on the reservation 420 Kaws, of whom 77 were full bloods.

Curtis took a homestead about a mile north of Washunga. His share of the surplus lands was 259 acres. His daughters had adjoining homesteads and his son had a homestead southwest of theirs.

Restrictions against alienation of surplus lands expired in 1928 and restrictions on homesteads in 1948. Due to sales, etc., the tribal acreage in 1945 was 13,261. The Kaws numbered 544, of whom 314 resided at the agency.

In an article in the *Wichita Eagle* in 1932 it was stated that only two members of the Kaw tribe, other than the immediate family of Charles Curtis, held the original land allotted at the time the reservation was divided. In addition to the Vice-President, his sister, Mrs. Colvin, and her two sons, held allotments. Seven members of the Curtis family owned 2,800 acres. Ernest Thompson and Mrs. Raymond Bellmard were the only other Kaws still retaining their land at that time.

In the latter part of September of 1951, the Indian claims commission ruled that the federal government owed the Kaw Indians \$2,493,688.75 for land the tribe once owned. It was ruled that the amount the tribe received for its land was so grossly inadequate as to constitute an unconscionable consideration. It was the payment for the release in 1905 that the government found so inadequate.

This past summer we made several trips to Kaw City to learn as much as possible about the remainder of the tribe, where located, etc. After practically each inquiry we were told to visit Forrest Chouteau, who is now living in Newkirk, Okla. We made several trips to Newkirk and enjoyed on these occasions the hospitality of his home. Forrest Chouteau is the son of Peter Chouteau, who

lived on the reservation at Council Grove, and his mother is a full-blood Kaw by the name of Wysaw. Peter Chouteau served three years in the Civil War. It was then that he took the name of Chouteau.

The Forrest Chouteaus have several children. Forrest attended the government school at Washunga and later was a disciplinarian and industrial teacher there. He also served as postmaster at Washunga. His wife is an Oneida Indian and was laundry supervisor at Washunga when she met Forrest. Forrest Chouteau has always been a leader in the tribe and has made many trips to Washington in their interest.

The Chouteaus have a very comfortable home in Newkirk and take an active part in church affairs. Forrest is a 32d degree Mason. His children have positions of responsibility in industry and government. One daughter is employed by the collector of revenue in Wichita. Their home has all the refinements of any typical American home. We asked Mr. Chouteau if he was sorry that the Indians didn't roam the plains as in the past. He said, "No, I like this," pointing to his home, "just press the button and you have lights."

Mr. Chouteau told us that there were only 25 Kaw full bloods left. In Kaw City we visited with the remaining members of the tribe and renewed friendships with those who had attended our celebration in Council Grove in 1925.

John Hoeffler of Kaw City kindly gave us an oil painting of Washunga for the museum.

Ernest Thompson, now deceased, one of the Kaw Indians who had oil on his land, did much to help the Kaws. Many of his Kaw relics have been placed in a museum in the library at Ponca City.

We visited Washunga and viewed the old agency buildings, now falling apart. In the cemetery we found a fine monument on the grave of Chief Washunga and many other Kaw graves with fine markers.

There is one blanket Indian left among the Kaws, Silas Conn. He still wears his hair in braids and is blind. Most any day he can be seen on the streets of Kaw City or Washunga or on his daily walk between the two.

Following the address of the president, Kirke Mechem reviewed briefly his 21 years as secretary of the Society. He spoke of the more important accomplishments of that period and of the organization's expanding activities; also of the less serious aspects of its work. In closing he paid tribute to the many friends who had been of assistance, to the legislators who had supported the Society with

appropriations, to the directors and executive committee, and to members of the staff.

John S. Dawson spoke in appreciation of Mr. Mechem's years of service to the Society.

The following memorials to Milton R. McLean and Charles H. Browne were read by Wilford Riegle:

MILTON R. McLEAN

The death of Brig. Gen. Milton R. McLean, adjutant general of Kansas, on April 17, 1951, ended the career of one of the most useful citizens the state of Kansas ever had. General McLean was a gentleman in the highest sense of the word. He was courteous, but efficient and firm. And even in the last years of his life, though plagued with constant ill health, he never lost that quiet dignity that marked his lifetime of service.

The general was born in Clinton, Ill., on December 9, 1874. After graduating from the high school at Havana, Ill., he attended Northwestern University, Chicago. At the age of 15 years, he was employed as a telegrapher by the Illinois Central railroad and spent four years with that company.

Coming to Kansas in 1894, General McLean found employment as book-keeper in a Wellington bank, later being promoted to cashier. In addition he took an active part in Wellington's civic affairs and served as treasurer of the board of education for 20 years. He continued his employment in the bank until the National Guard began active preparation for federal service in 1917.

Though the National Guard first engaged General McLean's attention as a hobby, it gradually became his life's work. He was appointed captain in the signal corps in November, 1907. In 1915 he was made major of the inspector general's department. Two years later, he was transferred to the signal corps. During World War I, after graduation from the army signal school at Langre, France, he was promoted to lieutenant colonel and assigned as signal officer of the 35th infantry division.

Separated from the service on June 6, 1919, McLean was commissioned as a major in the inspector general's department, Kansas National Guard, and almost immediately thereafter he was named the assistant adjutant general of Kansas. Promotion to brigadier general came with his appointment to the position of adjutant general on February 10, 1925.

It got so that it made no difference whether a Republican or Democrat was elected governor, for General McLean, as adjutant general, won such universal confidence and respect that for many years his reappointment became a habit. He was a member of the committee on arrangements at many inaugural ceremonies. He served as treasurer of the National Guard Association for nearly 30 years.

General McLean set up and directed the operation of machinery for drafting thousands of Kansans for World War II and the Korean war. His selective service work was constantly praised by the national authorities. He was founder of the Kansas Safety Council and was active in organization for civil defense.

In 1925 General McLean took out a life membership in the Historical Society. He was for the past ten years a member of the executive committee and

in 1946-1947 was the Society's president. The general never failed to give of his time and services to further the interests of his adopted state.

General McLean was also a Past Grand Commander of the Grand Commandery of Knights Templar of Kansas, and was a member of various other Masonic bodies.

Though the fine old soldier is dead, the excellence of his work and the exemplary qualities of his life will always be remembered.

CHARLES H. BROWNE

The death of Gen. Charles H. Browne of Horton, on June 13, 1951, was a shock to the entire state. He had been an active member of this Society since 1907, a member of the board of directors continuously since 1933, and served as president in 1941-1942. He was one of the last of the old school of soldiers-editors-statesmen which included such distinguished Kansans as D. R. Anthony, M. M. Beck, Preston B. Plumb, John A. Martin, M. M. Murdock, Noble L. Prentice, and Eugene F. Ware.

Charles Browne was a man of strong personality, able, intelligent, and devoted to the things that he believed would contribute to a better city, state and nation. As a newspaperman who owned his paper, he was in a position to make his views known and his influence felt throughout the state.

He learned the publishing business under his uncle, Ewing Herbert of Hiawatha, and later worked for a time on the Atchison *Champion* when its editor was Jay House. In 1907 he acquired his own paper, the Horton *Headlight*, and was its editor and publisher from that time until his death.

Three times Charles H. Browne left his newspaper to enter military service, first in the Mexican border "incident" of 1916, and again in World Wars I and II. In 1916 he had been a member of the First infantry regiment of the Kansas National Guard for eleven years, and he had moved up through the noncommissioned ranks to the first step in the commissioned officers' corps, second lieutenant. During the first World War he was commander of Company E, 139th infantry regiment, which fought at St. Mihiel and in the Argonne Forest. After that war he returned to private life with the rank of major, but almost immediately was called to help in the reorganization and training of the Kansas National Guard. In 1921 he was made colonel of the 137th infantry—the youngest full colonel Kansas has ever had in the National Guard. He commanded this regiment for 21 years, leading it to Camp Robinson, Ark., in 1940 when it was called into federal service, and retiring in 1941 only after protesting vigorously the decision of the army's doctors that his health could not stand the rigors of active military service. Even then he could not retire completely to civilian life. In 1942 he accepted a call from the governor to organize and train another infantry regiment, to be known as the Kansas State Guard. For this work he was promoted to brigadier general, the rank which he held at his death.

In addition to his long service as a citizen soldier, Charles Browne gave his time and effort to many other causes. His interest in the history of his state, demonstrated as a member and officer of this Society, was only one of many interests. He was a leader in Republican political organizations. He was active in patriotic and veterans' organizations as well as in civic and social groups. In every move for a better community his personal influence and the

influence of his newspaper could always be counted on. Kansas has lost in him one of her finest and most upright citizens. He will be long remembered by his friends.

Mr. Riegle moved that the memorials be spread on the records of the Society and that copies be sent to members of the families. The motion was seconded by Joseph C. Shaw.

The report of the committee on nominations was called for:

REPORT OF COMMITTEE ON NOMINATIONS FOR DIRECTORS

September 26, 1951.

To the Kansas State Historical Society:

Your committee on nominations submits the following report and recommendations for directors of the Society for the term of three years ending October, 1954:

Bailey, Roy F., Salina.	- McArthur, Mrs. Vernon E., Hutchinson.
Beezley, George F., Girard.	McFarland, Helen M., Topeka.
Bowlus, Thomas H., Iola.	Malone, James, Topeka.
Brinkerhoff, Fred W., Pittsburg.	Mechem, Kirke, Topeka.
Campbell, Mrs. Spurgeon B., Kansas City.	Mueller, Harrie S., Wichita.
Cron, F. H., El Dorado.	Philip, Mrs. W. D., Hays.
Ebright, Homer K., Baldwin.	Rankin, Robert C., Lawrence.
Farrell, F. D., Manhattan.	Ruppenthal, J. C., Russell.
Gray, John M., Kirwin.	Sayers, Wm. L., Hill City.
Hamilton, R. L., Beloit.	Simons, W. C., Lawrence.
Harger, Charles M., Abilene.	Skinner, Alton H., Kansas City.
Harvey, Mrs. A. M., Topeka.	Stanley, W. E., Wichita.
Haucke, Frank, Council Grove.	Stone, Robert, Topeka.
Hodges, Frank, Olathe.	Taft, Robert, Lawrence.
Lingenfelter, Angelus, Atchison.	Templar, George, Arkansas City.
Long, Richard M., Wichita.	Trembly, W. B., Kansas City.
	Woodring, Harry H., Topeka.

Respectfully submitted,

JOHN S. DAWSON, *Chairman.*

On motion by John S. Dawson, seconded by W. F. Thompson, the report of the committee was accepted unanimously and the members of the board were declared elected for the term ending in October, 1954.

There being no further business, the annual meeting of the Society adjourned.

Refreshments were served in the secretary's office at the close of the meeting. Mrs. Frank Haucke presided.

MEETING OF THE BOARD OF DIRECTORS

The afternoon meeting of the board of directors was called to order by President Haucke. He asked for a rereading of the report of the nominating committee for officers of the Society. The report was read by John S. Dawson, chairman, who moved that it be accepted. Motion was seconded by Mrs. W. D. Philip and the following were unanimously elected:

For a one-year term: William T. Beck, Holton, president; Robert Taft, Lawrence, first vice-president; Angelo Scott, Iola, second vice-president.

For a two-year term: Nyle H. Miller, Topeka, secretary.

There being no further business, the meeting was adjourned.

DIRECTORS OF THE KANSAS STATE HISTORICAL SOCIETY
AS OF OCTOBER, 1951

DIRECTORS FOR THE YEAR ENDING OCTOBER, 1952

Barr, Frank, Wichita.	Lindsley, H. K., Wichita.
Berryman, Jerome C., Ashland.	Means, Hugh, Lawrence.
Brigham, Mrs. Lalla M., Council Grove.	Norton, Gus S., Kalvesta.
Brock, R. F., Goodland.	Owen, Arthur K., Topeka.
Bumgardner, Edward, Lawrence.	Owen, Mrs. E. M., Lawrence.
Correll, Charles M., Manhattan.	Patrick, Mrs. Mae C., Satanta.
Davis, W. W., Lawrence.	Payne, Mrs. L. F., Manhattan.
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Fay, Mrs. Mamie Axline, Pratt.	Rupp, Mrs. Jane C., Lincolnville.
Godsey, Mrs. Flora R., Emporia.	Scott, Angelo, Iola.
Hall, Mrs. Carrie A., Leavenworth.	Sloan, E. R., Topeka.
Hall, Standish, Wichita.	Smelser, Mary M., Lawrence.
Hegler, Ben F., Wichita.	Stewart, Mrs. James G., Topeka.
Jones, Horace, Lyons.	Van De Mark, M. V. B., Concordia.
Lillard, T. M., Topeka.	Wark, George H., Caney.
Lindquist, Emory K., Lindsborg.	Williams, Charles A., Bentley.
	Wooster, Lorraine E., Salina.

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Haucke, Frank, Council Grove.	Stone, Robert, Topeka.
Hodges, Frank, Olathe.	Taft, Robert, Lawrence.
Lingenfelter, Angelus, Atchison.	Templar, George, Arkansas City.
Long, Richard M., Wichita.	Trembly, W. B., Kansas City.
	Woodring, Harry H., Topeka.

Bypaths of Kansas History

WESTERN KANSAS REPORTS ON AN INDIANA EDITORIAL EXCURSION IN 1879

From the Lakin *Eagle*, August 22, 1879.

What queer ideas eastern people have of things in general out west. The editorial excursion that halted at Dodge yesterday, were wonderfully inquisitive when they beheld a large ox train standing near the depot ready for their trip south. The greatest curiosity was manifested by these people from the east. While some were endeavoring to ascertain the number of oxen hitched to one wagon and began counting the animals up one side and down the other others were speculating how it was possible to get the yoke on these cattle with such extended horns, but when told that they had been yoked when quite young, they appeared perfectly satisfied, and were quite certain it was next to improbability to place yokes on oxen with horns six feet from tip to tip. Another was closely scrutinizing the wheels of the wagon, making measurements of the fore wheels and comparing the measurement with the hind wheels, which he found were considerable the largest. Just what particular ideas run through his mind we are unable to guess—unless it was how those small wheels could keep out of the way of the larger ones. Still another picked up one of the drivers long whips, and as he had had early training in driving his father's oxen while turning over the virgin soil of Indiana, he of course could not resist the temptation of giving an exhibition of his skill in handling a bull whip.

The first sweep he made raked three bonnets and two plug hats besides twisting the lash around his own neck several times, which came very near choking him to death—he lost no time in extracting himself and getting to the car, where, no doubt, he was severely censured by the ladies and gentlemen for his actions.—*Ford County Globe*.

Yes, what funny nonsensical ideas Easternites do have of "out-west."

While stopping at Lakin for dinner, some surmised perhaps that even victuals were furnished free, and they ate accordingly; and after the conductor having waited twenty-five minutes longer than the usual time, hallooed "all aboard," a burly Hoosierite, who, from his outward appearance had already taken down an over-sufficiency, remarked:

"Say conductor, it was agreed that we have plenty of time to get our meals, and I ain't fairly commenced yet!"

Another who saw a slow move of the train which was pulling ahead to get more water no doubt to quench the thirst of the weary traveler on his farther sojourn, was about to yell, "hold on!" when his immense understanding covered by a pair of box-toe styled number twelves, struck a clod of ye hard "virgin soil," plunging his helpless remains head-long into a pool of mud, not more than fifteen feet distant from him, terribly dilapidating a fine plug hat, and shamefully plastering his uncommonly huge proboscis.

The third sincerely wanted to know whether it was not "lonesome" out

here? How could it be when we are almost constantly entertained by similar preliminaries as the above?

Notwithstanding "all in all," we were led to believe that the growing and yet forthcoming "Hoosier Press" will be vastly appreciated, as we noticed some very handsome and intelligent looking young lady typographers in the "out-fit," and to those who took occasion to grace our small sanctum we feel very thankful.

When ye take another excursion brethern, take with ye a pilot who will guide you safely through; an interpreter who can demonstrate to you fully those many encumbrances that ye are liable to encounter on such an occasion, and don't fail to bring with ye a "Baron Rothschild" with lots of ready money, for those who erred so ignominiously.

OBSERVER.

A BIBLE FOR THE STATE HOUSE

From the *Salina Evening Journal*, May 10, 1916.

MARSHAL NEEDS BIBLE

State Auditor Surprised When Hussey's Bill for Good Book Was Presented

Topeka, May 10—Of course if Lew T. Hussey, state fire marshal, wants to spend \$1.25 of the state's funds for a Bible, W. E. Davis, state auditor, probably will not turn down the voucher. But when the said voucher was presented at the auditor's office today without a word of explanation Davis' curiosity was aroused.

"Now I wonder what Hussey wants with a Bible in his office," mused Davis. "Of course, as state fire marshal he is always fighting fire. But he hasn't said anything about using the Bible in his war against fire loss."

So Davis sat down and wrote the following letter to Hussey:

"I have the voucher which you have approved for the purchase of one Bible. This item is so unusual that I believe some explanation should be requested. I am returning you the voucher and would be pleased to have you indorse thereon the purpose for which the Book is to be used in the work of your department."

While no official explanation is forthcoming from Hussey's office, it is understood that his able and resourceful assistant, Imri Zumwalt of Bonner Springs, intends to use quotations from the Bible to send out dope urging all good citizens to fight the fire loss. The voucher will probably be allowed in the long run. In fact, Davis says there are several other departments for which he would be glad to approve vouchers for the purchase of Bibles, if the heads of the departments would agree to read all the Ten Commandments and the Golden Rule.

Kansas History as Published in the Press

Part 3 of "The Geography of Kansas," by Walter H. Schoewe, and "Kansas Flood Producing Rains of 1951," by R. A. Garrett, were included in the September, 1951, issue of *Transactions of the Kansas Academy of Science*, Lawrence. Some items of Kansas history of 1871 were recalled by Editor Robert Taft in the December issue. In that year the Kansas Natural History Society became The Kansas Academy of Science. Also in the December number were the *Transactions'* annual list of Kansas college enrollments and "A Geographic Study of Population and Settlement Changes in Sherman County, Kansas," by Walter M. Koolmorgen and George F. Jenks.

Ernest Dewey's column of historical stories and legends has continued to appear regularly in the *Hutchinson News-Herald*. Some of the recent articles included: "Dry Dust Has Buried Mysteries [Disappearance of Early-Day Travelers on the Prairie] Forever," September 16, 1951; "The Winning of the West Was Not Entirely a Masculine Job," October 7; "Dick [Broadwell] Did Well, But It Wasn't in Cattle," a sketch of a member of the Dalton gang, November 4; "A Pioneer Pathfinder [Jedediah Smith] Buried in Lost Grave," November 18; "Gunman Ed [Prather] Tried to Run His Luck Too Long," November 25, and stories of Asa T. Soule, who established the town of Ingalls and built a 96-mile irrigation ditch on the Arkansas river, January 6, 13, 1952.

The *Hoisington Dispatch*, September 20, 1951, printed a history of the Hoisington Methodist church. In 1887 the Rev. F. F. Bernstorff came to Hoisington and began the organization. Work was begun on the first church building in 1889.

The High Plains Journal, Dodge City, has continued to publish Heinie Schmidt's historical column, "It's Worth Repeating." Among recent articles were: "Offerle, Our Neighbor to the East," September 27, 1951; "The Glory That Was Santa Fe [Kansas]," October 18, 25; "Mount Jesus, an Early-Day Landmark on the Ft. Dodge-Camp Sully Trail," November 8; "The Dalton Hangout and the Cimarron Holdup," December 13; "Sixty-Sixth Anniversary of White Fury From the Sky," a history of the blizzard of 1886, January 3, 1952; "Site of a Hodgeman County Ghost Town Recalls Unfilled Dream of Pioneers," the story of Morton City, an all-Negro settlement, by E. W. Harlan, January 10, and "Slaves Find Freedom in Morton, Now Hodgeman Co. Ghost Town," January 17.

Kansas Historical Notes

Officers recently elected by the Russell County Historical Society were: John G. Deines, president; Judge J. C. Ruppenthal and Luther D. Landon, vice-presidents; Merlin Morphy, secretary; A. J. Olson, treasurer, and Mrs. Dora H. Morrison, director.

Dr. Edward Bumgardner, Lawrence, was the featured speaker at the September 26, 1951, meeting of the Shawnee Mission Indian Historical Society of northeast Johnson county. Newly elected officers of the society are: Mrs. James Glenn Bell, president, Mrs. Homer Bair, 1st vice-president; Mrs. David M. Huber, 2d vice-president; Mrs. Tom Davis, recording secretary; Mrs. John Blake, corresponding secretary; Mrs. Chas. Houlehan, treasurer; Mrs. Kenneth Carbaugh, historian; Mrs. C. L. Curry, curator; Mrs. A. M. Meyers, chaplain, and Mrs. John Barkley, parliamentarian.

A group of 265 Kiowa county pioneers attended the annual Old Settlers Day party in Greensburg October 4, 1951. Purple ribbons were awarded to 81, indicating over 60 years in the county. Officers chosen for the coming year included: Will Sluder, president; C. E. Freeman, 1st vice-president; Robert Parkin, 2d vice-president; Mrs. Benjamin Weaver, secretary, and Mrs. L. V. Keller, treasurer. The Kiowa County Historical Society is going ahead with plans to build a memorial museum in the Big Well park in Greensburg. Several sizable donations have already been received.

Mrs. Mary Ellen Smith Dorsey was elected president of the Clark County Historical Society at the annual meeting and pioneer mixer in Ashland, October 27, 1951. Other officers elected included: Paul Randall, vice-president; Mrs. Charles McCasland and Jerome C. Berryman, honorary vice-presidents; Melville Campbell Harper, recording secretary; Rhea Gross, corresponding secretary; William Moore, treasurer; Mrs. Dorothy Berryman Shrewder, historian; Mrs. Bertha McCreery Gabbert, curator, and Myron G. Stevenson, auditor. Speaker at the meeting was Heinie Schmidt of Dodge City, who spoke on the purpose and need of local historical societies.

Nyle Miller, secretary of the Kansas State Historical Society, discussed the writing of the four constitutions for Kansas at the annual meeting of the Riley County Historical Association, October 29, 1951. Dr. C. W. McCampbell was elected president of the organi-

zation. Other officers chosen included: Alvin Springer, vice-president; Mrs. Max Wolf, secretary, and Joe Haines, treasurer. Directors elected were Bruce Wilson, Mrs. Eva Knox and Dr. George Filinger. C. A. Kimball was the retiring president.

B. H. Oesterreich, Woodbine, was chosen president of the Dickinson County Historical Society at the October 31, 1951, meeting in Chapman. Other officers elected were: Mrs. Viola Ehrsam, Enterprise, 1st vice-president, and Mrs. Lawrence Kehler, Solomon, secretary. All were elected for two-year terms of office. Included on the program were papers on the history of Chapman, churches of Chapman and the Dickinson county high school.

The first annual meeting of the Comanche County Historical Society was held in Protection, November 5, 1951. Willis Shattuck, Ashland, pioneer of Clark county, gave an address on "Pioneering, Then and Now." The officers of the society were re-elected. They are: Warren P. Morton, Coldwater, president; Fred Denney, Protection, vice-president; Mrs. Nellie Riner, Protection, recording secretary; Mrs. Lillian Lyon, Coldwater, corresponding secretary, and F. H. Moberley, Wilmore, treasurer.

A dinner meeting of the Wyandotte County Historical Society was held November 6, 1951, with Nyle Miller, secretary of the Kansas State Historical Society, as the principal speaker. Officers were elected as follows: Alan W. Farley, president; Stanley B. Richards, 1st vice-president; Grant Harrington, 2d vice-president; Sixten Shogran, secretary, and Harry Hanson, treasurer. Clifford R. Mill-sap was the retiring president.

Dr. Ernest Mahan was elected president of the Crawford County Historical Society at the annual meeting in Pittsburg November 8, 1951. Other officers chosen were: Prof. L. E. Curfman, vice-president; Mrs. Mae Stroud, secretary, and Mrs. William Walker, treasurer. Directors elected were: Oscar Anderson, Mrs. Cecil Gregg and Mrs. Viola Holroyd. Ralph Shideler was the retiring president. The Rev. Harold R. Karnes gave an illustrated lecture at the meeting on the building of King Solomon's temple.

The Stevens County Historical Society was organized at a meeting in Hugoton November 15, 1951, under the sponsorship of the Hugoton Woman's Club. Mrs. Ben Parsons was elected president. Edith Thomson was elected vice-president and Margaret Morgan secretary-treasurer. Speakers at the meeting were Nolan McWhirter,

curator of the No-Man's Land Historical Museum, Goodwell, Okla., and Heinie Schmidt, Dodge City.

M. N. Penny was elected president of the Lawrence Historical Society at the annual meeting December 4, 1951. Other officers elected were: Lathrop B. Read, Jr., vice-president; Mrs. L. H. Menger, secretary, and R. B. Stevens, treasurer. Members of the board of directors are: Dolph Simons, Mrs. E. M. Owen, Maud Smelser, Shipman Winter, Jr., and Mrs. Robert Haggart. Principal speaker at the meeting was Nyle Miller, secretary of the Kansas State Historical Society, who spoke on early Kansas newspapers and journalism. A permanent historical museum in the city building is planned for Lawrence. Members of a city historical committee, appointed by City Manager James Wigglesworth to gather and preserve historical items, are: Walter Varnum, chairman; R. B. Stevens, secretary, and Mrs. E. M. Owen, Maud Smelser and Arthur B. Weaver.

John S. Dawson was the principal speaker at the annual meeting of the Shawnee County Historical Society in Topeka December 11, 1951. Trustees elected for three-year terms were: J. Clyde Fink, A. J. Carruth, Jr., J. Glenn Logan, Charlotte McLellan, Mrs. Erwin Keller, T. M. Lillard, Mrs. Harold Cone, Maud Bishop, Helen M. McFarland and Harry Colmery. Homer B. Fink was chosen to fill the vacancy caused by the death of Paul B. Sweet. Paul Lovewell presided at the meeting in the absence of T. M. Lillard, president. The trustees met January 22, 1952, and re-elected the officers. They are: T. M. Lillard, president; Paul Lovewell, vice-president; Paul Adams, secretary, and Annie B. Sweet, treasurer. The group considered a proposal that the old city library building be used for a museum after it is vacated by the library.

The 34th annual dinner meeting of the Native Sons and Daughters of Kansas was held January 28, 1952, with Dr. Franklin D. Murphy, chancellor of the University of Kansas, as the guest speaker. The Senator Capper award for the winner of the collegiate speech contest was presented to William Nulton, Pittsburg. Nyle H. Miller, secretary of the Kansas State Historical Society, gave a memorial tribute to the late Sen. Arthur Capper. C. W. Porterfield, Holton, was elected president of the Native Sons, and Mrs. Ray S. Pierson, Burlington, of the Native Daughters. Other officers chosen by the Native Sons were: Maurice Fager, Topeka, vice-president; R. A. Clymer, El Dorado, secretary, and G. Clay Baker, Topeka, treasurer.

Other officers of the Native Daughters are: Mrs. David McCreath, Lawrence, vice-president; Mrs. Ethel Godin, Wamego, secretary, and Mrs. Ivan Dayton Jones, Lyons, treasurer.

The Land Mortgage Company in the Early Plains States, is the title of an article by Allan G. Bogue, University of Western Ontario, London, Canada, printed recently in pamphlet form. Presented first at a meeting of the Agricultural History Society and the Mississippi Valley Historical Association on April 20, 1950, the article was published in *Agricultural History*, Baltimore, January, 1951.

The 80th anniversary address by Dr. Emory Lindquist at the convention of the Kansas Conference of the Augustana Lutheran Church, Loveland, Colo., April 30, 1950, has been published in a 15-page booklet. The Kansas conference was organized in 1870 with the Rev. A. W. Dahlsten as the first president. Kansas, Nebraska and Missouri were included in the conference area.

A brief history of the German-Russian settlements in Ellis county was published recently in a four-page pamphlet entitled *Diamond Jubilee—German-Russian Colonists, 1876-1951*. Included are the names of the colonists still living who arrived in the county in 1876-1878.

The story of the cattle drives, and the trails, towns and people involved, is told in *Trail Drive Days*, new 264-page book by Dee Brown and Martin F. Schmitt, illustrated with 229 photographs and sketches.

The History of Baker University is a 356-page, recently published book by Homer K. Ebright of Baldwin. The organization of the college was accomplished in 1857 and the charter granted by the territorial legislature early in 1858.

Dodge City, 1872-1886, "the wickedest little city in America," is portrayed in Stanley Vestal's new book, *Queen of Cowntowns—Dodge City* (New York, c1952).

THE
KANSAS HISTORICAL
QUARTERLY

May 1952



Published by
Kansas State Historical Society
Topeka

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Associate Editor

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the secretary of the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

Post headquarters at Fort Leavenworth in 1872. The fort is this year celebrating its 125th anniversary. The picture is through the courtesy of Sgt. W. O. Yount.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

May, 1952

Number 2

The Great Flood of 1844 Along the Kansas and Marais des Cygnes Rivers

S. D. FLORA

AVAILABLE records indicate that the flood of 1844 was five to six and one half feet higher than the disastrous flood of 1951 from Manhattan to below Lawrence on the Kansas river, and at Ottawa on the Marais des Cygnes (Osage) river. Most, if not all, of the tributaries of the Kansas river also had great floods, possibly record-breaking floods.

It staggers the imagination to contemplate the damage had the 1951 flood equaled or exceeded that of 1844. Kansas was not open to settlement until ten years after 1844. About the only white men in the territory at the time were a few fur traders, a comparatively few military personnel and a few missionaries, mostly in the eastern portion. In the 107 years between these floods, prosperous farm communities, towns and cities were built over the state, and especially in lowlands along the rivers. This presented a tremendous flood hazard.

It is a well recognized fact that nature, having produced a great flood, will eventually produce another as great. A small difference in the distribution of the heavy rains on July 10-12, 1951, and their continuation for one day longer, would in all probability have produced a flood equal to that of 1844.

In a recent article Verne Alexander, area hydrologic engineer, U. S. Weather Bureau, stated:

The main storm center [the one that produced the torrential rains of July 9-12, 1951] was near the divide between three river basins—the Osage, Kansas, and Neosho. From a meteorological standpoint, if this center had occurred 75 miles further northwest, 40 per cent more precipitation would have been added to the Kansas Basin.¹

S. D. FLORA of Topeka, a senior meteorologist, retired, was head of the United States Weather Bureau at Topeka from 1917 to 1949. He is the author of *Climate of Kansas*, published in 1948 by the Kansas State Board of Agriculture.

1. *Civil Engineering*, Easton, Pa., November, 1951.

Had these rains, in addition, continued one day longer there are many reasons to believe the high-water marks of 1844 would have been reached, or even exceeded, along the Kansas river.

CRESTS OF THE 1844 FLOOD ALONG THE KANSAS AND MARAIS DES CYGNES
(OSAGE) RIVERS

Location	Height of 1844 Flood Over 1951 (in Feet).	Crest of 1844 Flood.*	Crest of 1951 Flood.	Crest of 1844 Flood as Previously Determined by Reference to 1903 Flood.†
On Kansas River				
Manhattan	6.5	40.0	33.5	40.0
Topeka	6.1	42.5	36.4	42.4
Near Topeka, at Bishop	5.8	42.2	...	...
Near Topeka, at Menoken	3.4 ‡	39.8	...	42.2
Near Lawrence, at Lake View	5.0 §	35.4	30.4	...
Kansas City, Mo.||	2.0	38.0	36.0	38.0
On Marais des Cygnes (Osage) River				
Ottawa	7.0	49.1	42.1	40.0

* Assuming the difference in height of the two floods was the same at the gage site as at the high-water mark.

† Taken from *Climate of Kansas*, 1948, pp. 279, 280.

‡ Crest of 1951 probably raised by ridge of high ground. See remarks under Menoken discussion.

§ Determined as "More than 5 feet."

|| Kansas City crest was on the Missouri river and determined from a definite high-water mark.

Many, if not all, tributaries of the Kansas river also had great overflows in 1844, but as far as is known, no high-water marks exist along these streams.

In a paper prepared for the State Historical Society in 1878, O. P. Hamilton, of Salina, remarked on the 1844 flood as follows:

On the Solomon river driftwood, and a buffalo carcass (pretty well dried up) were found lodged in trees at a height that would cover the highest bottoms several feet, . . . indicating . . . high water. Evidences of great floods were also found on the Smoky Hill, and the water must have flooded the present town site of Salina, Kansas four feet deep.

This great flood was seen by the Indian trader, Bent, located on the upper Arkansas river, who was . . . on his way to Missouri. He had to follow the divides as best he could. Every river was full from bluff to bluff.²

Z. R. Hook, agent for the Union Pacific and present mayor of Manhattan, a man exceptionally well versed in river lore, stated that early settlers in the Blue river valley above Manhattan were told about the great flood by Indians, who advised them to build their houses well above the valley floor. Apparently, this advice was generally taken at the time, but later settlers disregarded it.

2. O. P. Hamilton, *A Brief Sketch of the Great American Desert* . . . , p. 8.

There is also considerable evidence that in 1844 the Marais des Cygnes (Osage) river reached the highest stages ever known along that stream.

The cause of the 1844 flood, which crested at Kansas City on the Missouri on June 16, was evidently the same as that of all other great floods in Kansas—prolonged and heavy rains over a wide area. Precipitation records at the time were kept only at two places in the territory, at Leavenworth and Ft. Scott. At Leavenworth the first four months of the year were fairly dry, but during May and June a total of 20.53 inches was measured. Ft. Scott also had comparatively dry weather for at least the first three months of the year, but recorded a total of 27.43 inches in May and June.

The diary of the Rev. Jotham Meeker, a missionary who lived near the present city of Ottawa, mentioned continuous rains from May 7 to June 10 and a great flood on the Marais des Cygnes. Andreas, in his *History of Kansas*, quoted from the Wyandotte Herald:

The spring of 1844 was warm and dry until May, when it commenced to rain, and continued for six weeks—rain falling every day. What is now . . . Kansas City, Mo., [evidently referring to ground along the Missouri river] was covered with 14 feet of water.³

The diary of Father Hoechen, of the Pottawatomie Mission on Sugar creek, stated: "June [1844]. Here as everywhere around, it has been raining for forty days in succession and great floods covered the country. The damage, however, was not great."⁴

Investigations show that the 1844 flood at Manhattan was about 6.5 feet higher than that of 1951. The crest of the latter, as registered at the official gage, was 33.5 feet. Assuming that the difference in level between the two floods was the same at the site of the gage as at the location of the high-water mark of 1844, this would make a stage of 40.0 feet for 1844.⁵

The 1844 high-water mark at Manhattan was reported by Z. R. Hook as follows: "According to Indian legend, 'The Big Water' (of 1844) came to the present location of the southeast corner of the Campus of the Kansas State College which at its lowest point is 40.0 feet above zero datum of the river gage."

In a letter dated January 13, 1952, Mr. Hook quoted levels run by the city engineer which show that this high-water mark was

3. A. T. Andreas and W. G. Cutler, *History of the State of Kansas* (Chicago, 1883), p. 292.

4. *The Dial*, St. Mary's, October, 1890, p. 17.

5. S. D. Flora, *Climate of Kansas* (Report of the Kansas State Board of Agriculture, June, 1948), p. 287.

6.5 feet above a near-by high-water mark of the 1951 flood. He stated that this is the minimum difference, since no one can say exactly where the drift line (of the 1844 flood) stopped at the campus site, where the ground rises very rapidly.

The height of the 1844 flood at Topeka was 6.1 feet above that of 1951, equal to a reading of 42.4 feet on the Topeka gage, according to the best evidence available.

F. W. Giles, one of the nine men who drew up an agreement for the town association of Topeka on December 5, 1854, only ten years after the great flood, mentioned it in his book, *Thirty Years in Topeka*:

. . . The Kansas river bottoms were flooded for its entire length. At the site of Topeka, the river's breadth was from the line of Third street on the south to the bluffs two miles to the north . . . , the water standing to the depth of twenty feet, where now, in the first ward of Topeka [North Topeka] dwell three thousand people.⁶

Since all activities and building in the early days of Topeka centered on lower Kansas avenue, it seems evident that Giles referred to the intersection of Third street and Kansas avenue, about one half mile from the present location of the river gage. Third street dips down each way from Kansas avenue.

This location is confirmed in an early history of Shawnee county by W. W. Cone, who remarked: "During the flood, Major Cumings [Richard W. Cummins?], paymaster U. S. Army, wishing to cross from the south to the north side of the Kaw river, stepped into a canoe at about the corner of Topeka avenue and Second street and was rowed by an Indian from there to the bluffs [on the north side]." ⁷ A contour map of the Topeka quadrangle, prepared by the state and U. S. Geological Survey, indicates the elevation of Second and Topeka is not more than three to five feet higher than the intersection of Third and Kansas avenue. The ground slopes away rapidly to the north, east and west of Second and Topeka. It seems very likely that the place where Major Cummins stepped into the boat, probably near the time of the crest, was at about the elevation at Third and Kansas.

George A. Root, a resident of Topeka, and for more than 55 years an official of the State Historical Society, a man exceptionally well informed in regard to such matters, stated that the level of Third street at Kansas avenue had never been raised more than the thickness of the pavement. The slope of the street at that

6. F. W. Giles, *Thirty Years in Topeka* (Topeka, 1886), p. 156.

7. W. W. Cone, *Historical Sketch of Shawnee County, Kansas* (Topeka, 1877), p. 7.

point indicates that there could have been no reason to lower it. It is believed that the ground level at this place still marks the approximate crest of the 1844 flood.

On November 26, 1951, levels were run from a high-water mark of the 1951 flood near Second and Kansas avenue to Third and Kansas by Guy E. Gibson and Robert L. Lingo, engineers of the water resources division of the State Board of Agriculture, with the following results:

	Elevation Above 1951 High-Water Mark
Floor of gutter southeast corner of intersection	7.69 feet
Floor of gutter southwest corner of intersection	7.72 "
Floor of gutter northwest corner of intersection	5.96 "
Floor of gutter northeast corner of intersection	6.02 "
Average elevation of four corners	6.8 feet

W. E. Baldry, city engineer at Topeka for many years and a man thoroughly familiar with all paving jobs, gave it as his opinion the ground level averages eight inches, or 0.7 foot, below the floor of the gutter in each case.

Subtracting 0.7 from 6.8, the average of the four gutters, gives 6.1 feet which, according to evidence available, is the height of the 1844 flood above that of 1951 at this point. Assuming that the same difference in elevation of the two floods prevailed at the site of the river gage, the gage reading of the 1844 flood would have been 42.5 feet. The crest of the 1951 flood was 36.4 feet.

In addition to the high-water mark at Third and Kansas avenue, there exist two other legendary high-water marks of the 1844 flood a few miles from the city. One is located near the former site of the Rock Island station, Bishop, a little less than half a mile south of the river and five miles almost due west from the present location of the river gage on the Topeka avenue bridge. The other is near the former Union Pacific station, Menoken, $\frac{4}{2}$ miles northwest of the Topeka avenue bridge, $1\frac{1}{2}$ miles north of the river, and $2\frac{1}{2}$ miles northeast of Bishop.

The 1844 high-water mark at Bishop was pointed out by B. A. Snook, 323 Lindenwood, Topeka. He has been familiar with the Bishop locality for many years. He identified it as the elevation of the midway point of a sloping northwest-southeast section of a graveled road, about 300 feet in length, leading southeast from a bridge across a creek one-fourth mile southeast of the Bishop station. This road makes a sharp turn in the vicinity of the bridge and another turn about 300 feet from it. It is practically straight

between these two points. It has been graded down somewhat in the immediate vicinity of the bridge, but there are no indications that the elevation of its mid-section has been changed materially.

Mr. Snook stated that this high-water mark had been pointed out to him by a half-breed Indian, called Captain Ernest, who once lived in a cabin near by. He told Mr. Snook he obtained the information from an old Indian, name not known, who had been there during the 1844 flood. The fact that Mr. Snook located this point definitely on two successive occasions and the fact that the elevation in relation to the flood crest checks so closely with the high-water mark in Topeka, indicates much credence is to be given his statement.

Levels were run to this high-water mark on November 26, 1951, from a near-by high-water mark of the 1951 flood by Guy E. Gibson and Robert Lingo, the same engineers who ran levels at Third and Kansas. The high-water mark of 1951 in question was a one-x two-inch wooden stake, driven horizontally into a section of steeply sloping ground beside the road, about 35 feet southeast of the abutment of the bridge mentioned. It had been set by Phil C. Gravenstein, county field engineer, shortly after the flood subsided and while the marks of the high point were visible on the ground. These levels showed that the 1844 flood at this point was 5.8 feet higher than that of 1951 and corresponded to a stage of 42.2 feet on the Topeka gage.

According to an Indian legend, the flood of 1844 covered the valley from bluff to bluff in the vicinity of Topeka, except for a small knoll $4\frac{1}{2}$ miles northwest of the city near the site later occupied by the Union Pacific station, Menoken. Menoken is on the north side of the river and about $2\frac{1}{2}$ miles northeast of the other high-water mark near Bishop, which is on the south side of the river.

E. C. Kassebaum, whose residence was located on this knoll, reported that a half-breed Indian told him this legend. George A. Root reported the same legend. He learned of it through talks with Indians on the Pottawatomie reservation, near Topeka, in 1897.

In 1928 levels run by V. R. Parkhurst, a civil engineer especially interested in floods, from a high-water mark of the 1903 flood then existing in a shed adjacent to the barn of Mr. Kassebaum, to the crown of the knoll, indicated that the 1844 flood at this place was 9.5 feet higher than that of 1903 at this location. Assuming the same difference existed at the site of the Topeka river gage, this would be equivalent to a stage of 42.2 feet.

In 1947 this location was surveyed by engineers from the water resources division of the State Agricultural Board, under supervision of George S. Knapp, chief engineer, and a map was prepared showing contour lines for each foot. Elevations were determined by reference to U. S. C. & G. S. bench mark Q-115, near the Menoken station. Elevation of this bench mark is given as 902.006 ft., 1929 general adjustment. The elevation of the top of the knoll, as determined by this survey, is 902.4 feet.

The 1903 high-water mark near the Kassebaum barn had been destroyed before this survey was made, but the engineers were able to locate high-water marks of the 1903 and 1951 floods on what is known as the Christman house, approximately half a mile south of this knoll, which they refer to as "The Legendary Island."

Elevation of the 1951 HWM on Christman house	898.33
Elevation of 1903 HWM on Christman house	892.94
	5.39 feet.

A high-water mark of 1951 near the knoll, "The Legendary Island," was found to have an elevation of 898.5 feet, or 3.9 feet below the top of the knoll. The contour map shows that with a flood crest below 900 feet there would have been a peninsula instead of an island at this place in 1844. If that flood had reached an elevation of 902.4 feet, water would have covered the knoll and there would have been no island. It seems logical that the knoll, or island, must have been at least 0.5 foot above the 1844 flood, making its height at this point 901.9 feet, or 3.4 feet above the crest of 1951. Assuming the same difference obtained at the site of the Topeka river gage, this would correspond to a reading of 39.8 feet.

The following is offered to explain why the difference between the 1951 and 1844 crests at this site was less than at other points of record in the Kansas river basin:

The 1903 flood barely reached the high ridge of which the "Legendary Island" was a part and its flow was probably not materially affected. The 1951 flood came well up on this ridge and was also obstructed by the ridge of ground that divides Soldier creek basin from the basin of the river proper. This ridge extends northwest for at least 11 miles. The ledge on which the "Legendary Island" was located is over 4,000 feet long and almost at a right angle to the direction of flow at this place.

Very little of the water of the 1951 flood escaped into the basin of Soldier creek to the north over this high ridge. The 1844 flood was so high it overflowed this ridge entirely and a considerable

part of its water flowed into the Soldier creek basin. Consequently, its flow would not be retarded as the 1951 flood water was. These factors, in all probability, account for the fact that the difference in elevation between the 1951 and 1844 floods was not as great at this place as in most other parts of the Kansas river valley between Manhattan and Lawrence.

No high-water marks of the 1844 flood are known to exist in Lawrence, but there are records of one near Lake View, about five miles, airline distance, upstream and near the Kansas river.

Levels run from a near-by 1951 high-water mark by Prof. W. C. McNown, of Kansas University, indicate that the 1844 flood was "more than 5 feet" higher than that of 1951 at this place. Assuming that the same difference between the height of the two floods obtained at the site of the Lawrence river gage, this would make a reading of at least 35.4 feet for the 1844 crest reading. The reading of the 1951 crest was 30.4 feet.

This high-water mark was described in a letter dated February 9, 1952, from Prof. J. O. Jones, an associate of Professor McNown, as follows:

Mr. Henry Beurman, who is quite an elderly man who has lived on a farm in the vicinity of Lake View most, if not all, of his life, reported that his aunt told him facts she obtained from the Sweezer family, one of the early settlers in the vicinity. When the Sweezer family first settled on Sweezer Creek there was a spring where Mrs. Sweezer did the family washing. Near the spring was a tree in the crotch of which was a log. The Sweezers ascertained the log floated to that location in the great flood of 1844. The tree had been cut down prior to Prof. McNown's visit but he was able to get a rough idea of the height of the log from Mr. Beurman's recollection of it. On the basis of that evidence Prof. McNown determined the height of the 1844 flood was more than five feet above that of 1951.

There are no known high-water marks of the 1844 flood in Kansas City, Kan., but prior to 1920 there was a definite high-water mark cut in the stone of one of the piers of the Hannibal and St. Joseph railway bridge across the Missouri river in Kansas City, Mo.

Verne Alexander, area engineer, U. S. Weather Bureau, reported as follows concerning this in a letter dated August 8, 1951:

38.0 feet, from the highwater mark of 1844, established and authenticated by Octave Chanute, Supervising Engineer of the First Hannibal and St. Joseph Railway Company bridge in Kansas City, Mo. The mark, which was cut into the stone of one of the piers, was destroyed in 1920 at the time of rebuilding the bridge. New piers were erected at that time. The value of 38 feet has been accepted as correct by the U. S. Engineers. Historical books on file in the Engineers office place the date of the highwater at June 16, 1844.

The crest of the 1951 flood on the Missouri at Kansas City was 36.0 feet from 5 to 7 A. M. on July 14.

An approximate high-water mark of the 1844 flood of the Marais des Cygnes at Ottawa was reported by Warren J. Sheldon, a prominent merchant and life-long resident of Ottawa. He stated that his father, who settled near Ottawa in 1859, knew of a log left by the flood near what is now the intersection of Seventh and Poplar streets.

Prior to the 1951 flood, an investigation, based on levels in the office of the city engineer, indicated that this intersection was at an elevation of 40.0 feet above zero datum of the river gage and 2.4 feet higher than the crest of the 1928 flood, the highest of record at that time.

Investigations made by R. A. Garrett, official in charge, Weather Bureau Office, Topeka, indicated that the intersection in question was about seven feet higher than a 1951 high-water mark in that vicinity. Levels were not run at the time. The difference was scaled from a contour map furnished by the city engineer and there is a possibility of an error of plus or minus a foot, according to Mr. Garrett. Assuming that the same difference in levels of the two floods obtained at the gage site, this would correspond to a gage reading of 49.1 feet. The crest in 1951 was 42.1 feet.

The Seventh and Poplar intersection is 4,000 feet downstream, south-southeast of the gage. This conceivably might affect the slope of the water at times of high crests. It might account for the difference in elevation of the 1844 flood arrived at in the two investigations. It is believed that the value obtained by comparison with the 1951 crest near the 1844 high-water mark, 49.1 feet, is a closer approximation of the true value.

Farmer Debtors in Pioneer Kinsley

ALLAN G. BOGUE

HISTORIES of the Plains States in the 19th century seldom omit the money lender and his dread instrument, the mortgage. But for the most part the financial burdens of the "embattled farmers" have been described in general terms. The following study is a description of how the farmers of a township in the Populist belt of Kansas obtained their holdings and of the debt they placed upon them during the first 35 years of settlement. So misinterpreted in Populist literature have been the mortgage system and the operation of the land laws that a reconsideration of them is long overdue. This can be done successfully only through detailed studies, and later, broader generalizations can safely be drawn.¹

Lying in the valley of the Arkansas river between the 94th and the 100th meridians is Edwards county, Kansas. The administrative township of Kinsley is situated in the northwest quarter of the county and lies, but for portions of six sections, to the north and west of the Arkansas river. In round figures the township embraces 29,000 acres of land. Kinsley, the county seat, is located in the township. Of this town a correspondent of the Atchison *Champion* said: "For a long time it was the westernmost town that really aimed to get a respectable living [in the Arkansas valley]. Dodge was further on, but Dodge, in those days, lived on the Government and its own wickedness."²

The bulk of the township is situated on a strip of flood plains and terraces extending from two to five miles west of the Arkansas. At a distance of some three or four miles from the river a gentle rise marks the limits of the "first bottoms." The soil here is of somewhat different character than that on the flood plains. Portions of six sections lie east of the Arkansas in what are called "the sand hills."³

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1. The writer owes much to Prof. James C. Malin of the University of Kansas and to his ingenious search for new lines of approach to the history of the grasslands of North America. This study was designed to supplement work which Professor Malin had already published on Kinsley township or near-by areas. See his articles in *The Kansas Historical Quarterly*: "The Kinsley Boom of the Late Eighties," v. 4 (1935), February, May, pp. 23-49 and 164-187, "The Turnover of Farm Population in Kansas," *ibid.*, November, pp. 339-372, and "J. A. Walker's Early History of Edwards County," v. 9 (1940), August, pp. 259-284. See, also, "The Adaptation of the Agricultural System to Sub-humid Environment. Illustrated by the . . . Wayne Township Farmers' Club of Edwards County, Kansas," *Agricultural History*, Baltimore, v. 10 (1936), July, pp. 118-141.

2. *Kinsley Mercury*, January 8, 1887.

3. An account of the physical characteristics of Edwards county may be found in United States Department of Agriculture, *et al.*, *Physical Land Conditions Affecting Use, Conservation and Management of Land Resources—Edwards County, Kansas* (mimeographed, June, 1944).

The soils on the flood plains are known locally as "deep hard lands." Officially, they are designated as "deep, friable, silty, to clayey soils," and "characterized by friable, granular to crumb-like, silty to slightly sandy surface soils which are eight to 10 inches thick and grade into somewhat heavier but friable . . . subsoils, 20 to 30 inches thick. In general they are fertile, easily tilled, absorb moisture at a moderate rate and have a high moisture storage capacity."⁴ Drainage is generally adequate but the occasional saline spot or poorly drained area occurs.

The moderate slopes at the edge of the bottoms and along the drainage way in the northwest corner of the township are marked by a "friable or moderately friable, silty to clayey soil" which is similar to the "deep hard lands."⁵ Soil conservation experts classified all lands in the township to the west of the Arkansas as fit for cultivation in 1940 when they surveyed Edwards county. The area of the township lying east of the river, however, was classified as fit only for grazing or woodland use and that with severe restrictions.

Precipitation in the county ranges on an average from 24 inches on the eastern edge to 22 inches on the western boundary. Some 75% of the precipitation falls during the growing season which on the average lasts 175 days. Both rainfall and growing season are, however, subject to wide variations from the mean. The average annual temperature stands between 55 and 56 degrees.

Yields in Edwards county are 88% of the state average and also fall somewhat below those of some of the neighboring counties. Today wheat is the dominant grain crop although a significant acreage of sorghum is grown. But in the 30 crop years between 1911 and 1940, ten wheat crops failed and only fair to poor crops were harvested in 11 other years. Drought which was sufficient to cause crop failure has occurred in as many as four consecutive years.

Kinsley township fell within the boundaries of the land grant given to the Atchison, Topeka, and Santa Fe railway in 1863. Land in the sections designated by odd numbers therefore became the property of that corporation to be sold in aid of the construction of its line. The land in sections bearing even numbers was eventually allocated directly to individuals by the federal government with the exception of sections 16 and 36, Township 24, Range 19, the state school lands. In this article the land transferred directly to

4. *Ibid.*, p. 5.

5. *Ibid.*, p. 9.

individuals by the federal government will be referred to as government land.

The tract books of the United States Land Office identify the settlers who obtained title to government land.⁶ The first such settler filed his application to homestead the northwest quarter of section 4, T25, R19 in June, 1873. He obtained his final certificate 15 months later under the act of 1872 which allowed Union veterans to subtract the period of their war service from the five years of residence which were ordinarily necessary under the homestead act of 1862. The last settler to obtain government land in the township received his final certificate in 1903. Strictly speaking, title did not pass irrevocably until the patent to which the final certificate entitled a settler was issued, but for most purposes title was considered to vest in the claimant for government land as soon as he could show a final certificate.

TABLE 1
DISPOSAL OF GOVERNMENT LAND IN KINSLEY TOWNSHIP

	Successful Entries	Unsuc- cessful Entries	Final Certificates		Successful Entries	Unsuc- cessful Entries	Final Certificates
1872	..	3	..	1888	..	..	..
1873	14	9	..	1889	..	..	2
1874	10	9	1	1890	2	2	..
1875	5	10	6	1891	1	..	..
1876	10	12	6	1892	1	4	3
1877	6	9	11	1893	..	1	3
1878	19	9	8	1894	..	1	1
1879	12	5	18	1895	..	..	1
1880	3	3	7	1896	1	..	2
1881	3	3	4	1897	..	..	5
1882	1	1	5	1898	1	..	..
1883	4	5	2	1899	..	..	1
1884	1	4	8	1900	..	..	1
1885	5	2	1	1901	..	..	..
1886	2	1	4	1902	..	..	..
1887	1	1	1	1903	..	..	1
				Totals	102	94	102

In all, 91 individuals obtained title to 102 parcels of government land. Sixty-seven homesteads were granted.⁷ Fifty of these were 160-acre homesteads which were obtained under the provisions of

6. Duplicate sets of land office tract books for the State of Kansas are held in the National Archives and in the Department of the Interior, Washington, D. C. These books are more enlightening than the county deed records since they show the names of settlers who subsequently relinquished their claims and include the date of the final certificates as well as that of the patents. Kinsley township fell in the land district administered from Larned.

7. The word homestead will be used throughout this article to refer to land either acquired by its owner under the terms of the various federal homestead acts or land in the process of being thus acquired. In the legal sense of course a homestead is a holding which its owner holds free from the claims of creditors under certain conditions.

the soldiers' and sailors' homestead act of 1872. Until 1879 only veterans, or, in certain cases, their heirs or widows, were allowed to homestead more than 80 acres within the boundaries of a railroad land grant. Twenty individuals obtained tracts under the terms of the pre-emption act of 1841, while four homesteaders commuted their claims and purchased them for cash under the terms of the commutation clause of the homestead act of 1862. Finally, 11 settlers acquired title to timber claims.⁸

But all of those who aspired to ownership of government land in Kinsley township were not successful. Of the 196 entries filed between 1872 and 1898, 94, or 35 homesteads and 59 timber claims were given up. In other words 34% of all homesteaders and 84% of all those claiming land under the timber culture acts failed to obtain title.

The entry figures include some duplication. Of the 91 individuals who obtained title to 102 parcels of land, 24 had filed papers on a total of 25 other pieces of land which they eventually threw back into the public domain. Of those who failed to obtain any land whatsoever, two had sought both homestead and timber claims. The 94 canceled entries, therefore, represented the activities of only 67 individuals who did not obtain at least some land from the federal government. Altogether, 158 individuals laid claim to government land in Kinsley township, of whom 41% failed to obtain title to any land. Another 15% obtained only part of the holdings which they claimed originally.

If such percentages appear startling we should remember that all entrymen did not desire to obtain final title. Claims were sold despite the lack of final certificate or patent.⁹ In only four of the 94 cases where the entrants threw up their claims did they abandon them outright. Instead, formal relinquishments were filed at the land office. Such formality could hardly have been accidental. Somewhat different were the cases of the four settlers who filed timber claims and relinquished them years later, only to homestead the same tracts. Whatever other advantages this practice involved, it undoubtedly postponed the day when a settler must pay taxes on his holdings.

In 1873 the Atchison, Topeka and Santa Fe Railway Company

8. Aside from the *U. S. Statutes at Large* a comprehensive summary of the various acts under which title was transferred from the government in this township may be found in Thomas Donaldson, *The Public Domain* (Washington: Government Printing Office, 1884).

9. See, for instance, Orange Judd's matter-of-fact reference to the practice in "Who Shall Go West," pt. 1, *Prairie Farmer*, October 24, 1885, p. 701; also Harold Hathaway Dunham, *Government Handout, A Study in the Administration of the Public Lands, 1875-1891* (New York, 1941), pp. 144-164.

made its first sales of land in the administrative township of Kinsley.¹⁰ Between 1873 and 1898, when the Santa Fe's title to several parcels of land was closed out by bankruptcy sale, the land department of the company sold land in the township to 110 individuals at prices varying from \$1.25 to \$10 per acre. In the order of the frequency with which they availed themselves of the terms, purchasers bought on 11-year contract, on six-year contract, for cash, and on two-year contract. One contract provided for complete payment at the end of one year.¹¹

Two-year contracts involved merely the division of the principal into three parts. One-third, plus a year's interest on the unpaid principal, was paid down and the other installments, plus interest, were paid at the end of the first and second years. When purchasers used the six-year plan they paid one-sixth of the principal down and interest on the remainder. The second payment was limited to interest on the principal, and the final five payments were made up of one-sixth of the principal and interest on the principal outstanding. Similarly, combinations of interest and principal payments were arranged to extend over 11 years.

Interest on unpaid principal stood at seven percent over the whole period during which the Santa Fe sold land. Obviously this interest rate should not be compared with the rate then charged on mortgage loans, since the Santa Fe set both the rate of interest and the purchase price. An attractive rate of interest could be well compensated for by raising the price. Discounts of 10% were given on at least some cash sales and at times discounts were given to the purchaser who made improvements to the land which he was buying on credit.

Sales in the township by the Santa Fe were spread over 22 years, but by far the largest number were grouped in the three-year period between 1876 and 1878, and in the two years, 1884 and 1885. Sales in 1873 were limited to three. One of these transferred sections 33, T24, R19, and 5, R24, T18, to the Arkansas Valley Town Company. Section 33 is the site of the town of Kinsley. A second sale transferred a quarter section to Edward Kinsley, an employee of the Santa Fe in Boston. The consideration was a nominal one of \$1.00. The last sale in 1873 gave possession of the northeast quarter of section 7, T25, R19, to two local men.

10. The most useful published account of the early operations of this company is still Glenn D. Bradley, *The Story of the Santa Fe* (Boston, 1920). Administration of the land grant is discussed in Chapter 5.

11. The analysis of the land sales of the Santa Fe which follows is based on data taken from the tract book of the Santa Fe and from the 15 volumes of the sales record held in the tax division of the Atchison, Topeka and Santa Fe Railway Company, Topeka.

Not until 1876 did the turnover of railroad land in the township become rapid. In that year 29 sales were made. An additional 27 followed during the next two years. Over the next five years only ten sales were made, but in 1884 and 1885 the total number of sales recorded was 33.

TABLE 2
SANTA FE LAND SALES: KINSLEY TOWNSHIP

	Total Sales	Successful Buyers		Total Sales	Successful Buyers
1873	3	2	1882	3	3
1874	6	2	1883	4	4
1875	1	1	1884	11	9
1876	29	10	1885	22	17
1877	14	3	1886	3	3
1878	13	4	1892	2	..
1879	2	2	1894	1	..
1880	1	..	1895	1	1
1881	..	..	
			Totals	116	61

Actually only 110 individuals purchased land and only 58 individuals or their assignees were successful in obtaining deeds. The totals in TABLE 2 stand at 116 and 61 because three buyers returned a second time to purchase land, two others similarly returned but failed to complete one of the transactions and one individual failed on two separate purchases. In the early years of its land business the Santa Fe issued a separate contract for each quarter section or less which was sold. TABLE 2, however, has been worked out in terms of the individual purchasers rather than in terms of contracts. All land contracts issued to the same buyer and bearing the same date have been treated as part of one sale.

Of the 56 sales transacted in 1876, 1877 and 1878, 39, or 70%, were eventually canceled. Some of the blame for the cancellations may be placed specifically upon the weather.¹² In 1879 and 1880 drought severely damaged the crops in west central Kansas and thereby the hopeful plans of many settlers. The officials of the Santa Fe were not unaware of the settlers' problems. A correspondent of the *Kinsley Graphic* reported in August, 1879, that the railway company had offered to furnish seed wheat to all farmers in Hodgeman, Pawnee, Ness, Edwards and Ford counties who had experienced crop failure.¹³ The company offered to bear the trans-

12. In his study of the turnover of farm population in selected townships throughout Kansas, Professor Malin has discounted the influence of physical phenomena in either raising or lowering the number of settlers that left pioneer communities. Rather he emphasized group behavior, writing, "under any given set of general conditions, the farm operators in all parts of the state reacted in much the same manner, the variations of local physical environment exercising only a secondary or minor influence." "The Turnover of Farm Population in Kansas," *The Kansas Historical Quarterly*, v. 4 (1935), November, pp. 339-372. One can accept this qualification and still argue that years of drought played a significant role in producing cancellations since, according to Professor Malin, the inflow of population into pioneer areas fell off at such times. The outgoing settlers therefore, who would have assigned or sold their contracts to newcomers, allowed them to lapse on their departure instead.

13. Taylor Jackson in *Kinsley Graphic*, August 9, 1879.

portation charges on the seed but the terms were to be "cash on delivery." The writer claimed that few settlers could meet these terms, since the stores of cash which they had brought into the region with them were exhausted.

Some months later the *Graphic* recorded that 15 or 20 men had been sent west to work on the railroad on the previous morning and added that the railroad was pledged to furnish work for settlers who desired it.¹⁴ In July, 1880, after repeated references to exodus from the county, the *Edwards County Leader* reported that, "The Railroad Company will furnish every farmer in the county with 25 bushels of wheat—money or no money—and take their note at 7% interest. This is a good stand off, and we hope the boys wont be slow to take advantage of it."¹⁵

Few who defaulted on their agreements in the late 1870's had a great financial stake in the land. On only seven of the 20 contract sales made in 1876 and eventually canceled, was any principal paid. Of the 18 sales made during the next two years and eventually canceled, however, a portion of the principal was paid on all but one.¹⁶ But on only one of the 24 contracts of these years on which principal was paid did the Santa Fe receive more than one installment of the purchase price. During this period the company did not cancel contracts immediately upon default. In most cases contracts were canceled two or three years after the payments had been allowed to lapse.

With the return of more favorable seasons in 1881, central Kansas began to appear more attractive to prospective land buyers. By 1883 the Arkansas valley was beginning to experience a real estate boom. As a result, the Santa Fe was able to dispose of all but a few parcels of its land in Kinsley township during 1884 and 1885. Seventeen of the 26 cash sales made in the township were transacted in these two years, and the percentage of failure among purchasers stood at 21% in comparison to 69% in the earlier period of heavy sales.

In all, 58, or 53%, of the 110 original purchasers of railroad land in Kinsley township, saw land deeded either to themselves or to their assignees. Of the 58, 15, or 26%, assigned their contracts to 18 assignees. The total number of individuals who received deeds from the Santa Fe, therefore, was 61.

The manner in which contracts were recorded and deeds issued

14. *Kinsley Graphic*, October 18, 1879.

15. *Edwards County Leader*, Kinsley, August 26, 1880.

16. Three contracts whose terms are in doubt fell in this period.

makes it difficult to sort out all of the buyers who obtained holdings in several townships. But at least seven of the original 58 were speculators, if we define such individuals as those who held their land for a rise in price with no intention of farming it themselves. Of these, Edward Kinsley obtained 160 acres; R. E. Edwards, merchant and banker of Kinsley, purchased 340 acres within the township and at least 100 acres outside its boundaries; Peter Chesrown of Ashland county, Ohio, bought 480 acres within the township; and Graham and Ellwood of Dekalb, Ill., held a section and a half. Two purchases formed part of much larger transfers outside the boundaries of the township. In this class fell a quarter section obtained by Alexander and Fred Forsha of Topeka in 1885, as part of a purchase which included ten and a quarter sections in adjacent townships, and 1,100 acres in Kinsley township, which Ott and Tewkesbury of Topeka purchased as part of a transfer of 5,200 acres. It is possible that other purchases should be classed as speculative. Of the 21 purchasers who bought more than 160 acres of railroad land, only five can be identified subsequently from the census rolls as rural residents in Kinsley township, whereas a majority of those buying 160 acres or less appear in the returns of the census taker.¹⁷

In numbers, the small purchaser outweighed those who obtained relatively large units. Of the 58 original successful buyers, 40 bought a quarter section or less. The purchases of 15 fell between 160 and 640 acres. Three purchasers obtained more than a section. Three in the first class, however, and one in each of the other two size groups, purchased additional land outside Kinsley township. These five purchases ranged in total size from 400 to 6,000 acres.

In terms of acreage, the story is somewhat different. In round figures, the 40 purchasers of a quarter section or less bought 4,580 acres, while the remaining 18 buyers purchased 8,420 acres.

Although it has its limitations, a grouping by place of residence at the time of purchase gives some clue to the background of those who purchased railroad land. Of the 110 individuals whose names appear in the sales record of the railway, 42 gave their address as Kinsley, and 13 others resided elsewhere in Kansas. Thirty-two purchasers came from Illinois, six came from Iowa, five from Wisconsin and four from Pennsylvania. Missouri and Massachusetts both contributed two buyers while Minnesota, Connecticut, Delaware and New Mexico were all represented by one purchaser.

17. The manuscript census rolls of 1870 (federal), 1875 (state), 1880 (federal), 1885, 1895 and 1905 are held by the Kansas State Historical Society, Topeka.

Those who were successful in completing contracts issued prior to 1879, took, on the average, 49 months to meet their obligations to the railway company. Successful contractors from 1882 onward paid out in 44 months on the average. The difference is not one from which significant conclusions can be drawn. The fact that funds were available more cheaply on mortgage security during the second period may have encouraged contractors to pay out more quickly.

There was no great overlapping among those who purchased railroad land and those who obtained land from the government. Fifty-eight of the original purchasers of railroad land and 18 assignees can be described as successful in their dealings with the Santa Fe. Five of the original 58 succeeded in obtaining both government and railroad land. One of the 18 assignees obtained title to government land. Five of the remaining 85 individuals who received patents on government land attempted railroad land contracts but failed to complete them.

Seventy-nine percent of those who purchased railroad land elected to buy their land on credit. Twenty-one percent paid cash.¹⁸ Nine of the 23 who made up the group of cash purchasers obtained units of 320 acres or more. Two of these, the Forshas and Ott and Tewkesbury, received 11,000 acres in total at a cost of \$1.75 and \$1.25 per acre. The prices paid by the seven other large purchasers ranged between \$4.00 and \$10.00 per acre.

Of the 87 individuals who sought to take the contract route to ownership, 52, or 60%, failed either to obtain a deed or to assign their contracts to someone who did so. In contrast, 34 out of 100 settlers who attempted to homestead land in the township, failed in their efforts. The record on timber claims, however, was worse than that made by the contractors with the Santa Fe. If we consider totals, 41% of all individuals who sought land under the homestead, pre-emption, and timber culture acts, were completely unsuccessful. In comparison, when cash sales of railroad land are considered along with contracts, 47% of the purchasers or their assignees failed to obtain a deed. The percentages are surprisingly close.

If such percentages seem to indicate that price had little effect on the success or failure of those seeking title to land in Kinsley township, the conclusion is modified by a comparison between the prices actually obtained by the Santa Fe in cash sales and on successful contracts and the prices specified in canceled contracts of the same years. In 1876, 1877, 1878 and 1885 a considerable num-

18. Actually 25 cash purchases were made but two buyers returned to obtain additional land.

ber of both successful and abortive sales were transacted. In each of these years, the average price in cash sales and successful contracts fell below the average on the canceled contracts of the same year by amounts ranging from \$1.25 to \$2.60 per acre. The average price paid by successful purchasers on both cash sales and contracts in the four years was \$4.90 per acre; the average price which unsuccessful purchasers agreed to pay was \$6.70 per acre.

With this summary of the way in which the land in Kinsley township entered private ownership, let us examine its role as mortgage security in a pioneer western township.¹⁹

Of the 91 settlers who were successful in obtaining title to government land, 41, or 45%, did not mortgage their holdings. The remaining 50, or 55%, did mortgage 53 tracts of land which they had acquired from the government. Thirty-eight homesteads, eight pre-empted parcels, five timber claims and two commuted homesteads were thus encumbered. In other words, 58% of the homesteads in the township were eventually mortgaged by the homesteader who obtained title, while 50% of the commuted homesteads, 40% of the pre-emptions and 41% of the timber claims were similarly burdened.

The dates on which the settlers mortgaged their land are of some significance since they give a clue to the reasons underlying the decisions to encumber land. It is interesting also to discover whether the pattern of mortgaging differed radically on land which had been obtained under the terms of the homestead act and on land which had been obtained under other provisions of the land code.

Of the 53 parcels of government land which were eventually mortgaged by their owners, 51% was mortgaged within six months after the settler had received his final certificate. Another 9% was mortgaged during the second six months of ownership. A further 15% was mortgaged in the second year and only 2% after five

19. All mortgage statistics used hereafter are derived from an analysis of the mortgage registers of Edwards county, held in the office of the register of deeds at Kinsley. Those interested in the technique of mortgage studies should read: Arthur F. Bentley, "The Condition of the Western Farmer as Illustrated by the Economic History of a Nebraska Township," *Johns Hopkins University Studies in Historical and Political Science*, Baltimore, 11th series (1893), pt. VII, VIII; Robert Diller, *Farm Ownership, Tenancy, and Land Use in a Nebraska Community* (Chicago, 1941); Eleanor H. Hinman and J. O. Rankin, "Farm Mortgage History of Eleven Southeastern Nebraska Townships: 1870-1932," *University of Nebraska, Agricultural Experiment Station Research Bulletin*, 67, Lincoln, 1933; William Gordon Murray, "An Economic Analysis of Farm Mortgages in Story County, Iowa, From 1854 to 1930," *Research Bulletin*, No. 156, Agricultural Experiment Station, Iowa State College of Agricultural and Mechanical Arts, Ames, 1933; David Rozman, "Land Credit in the Town of Newton, Manitowoc County, Wisconsin, 1848-1926," *Journal of Land and Public Utility Economics*, v. 111 (1927), November, pp. 372-384; U. S. Census Office, *Report on Real Estate Mortgages in the United States at the Eleventh Census, and Report on Farms and Homes at the Eleventh Census, 1890*. Since 1930 various agricultural economists have published mortgage studies dealing with the recent history of farm mortgage loans in restricted areas. An excellent example of the techniques used is provided by Jos. Ackerman and L. J. Norton, "Factors Affecting Success of Farm Loans," *Illinois Agricultural Experiment Station Bulletin*, 468, Urbana, 1940.

years had elapsed. There was little difference between the percentage of homesteaded and the percentage of pre-empted land which was mortgaged within the first year of ownership. All of the mortgages on pre-empted land were placed, however, by the end of the third year of titled possession, while 16% of the homesteaded land was mortgaged after the third year of titled possession. All of the timber claims were mortgaged in the first year after title was obtained. Only four out of 70 successful homesteaders, or 6%, commuted their homesteads and paid for their land at the pre-emption rate of \$1.25 per acre. Two of the four mortgaged their land, but only after two and five years had elapsed after the date when they acquired title. That the pre-emptors and those who commuted homesteads bought their land for cash seems to have had little effect upon the percentage of those who mortgaged their holdings soon after obtaining title. Fifty percent of the mortgagors among pre-emptors and "commuters" encumbered their land within a year of acquiring title; 58% of the homesteaders who mortgaged did so during their first year of titled possession.

TABLE 3

DATE OF ENCUMBERING GOVERNMENT LAND

	Home steads		Pre-emp- tions		Commu- tations		Timber Claims		Combined Totals	
	No.	%	No.	%	No.	%	No.	%	No.	%
Mortgaged:										
within 6 months after title,	20	52	4	50	..	..	3	60	27	51
between 6 months and 1										
year after title.....	2	5	1	12½	..	..	2	40	5	9
between 1 year and 2										
years after title.....	6	16	2	25	..	..	..	..	8	15
between 2 years and 3										
years after title.....	4	11	1	12½	1	50	..	..	6	11½
between 3 years and 5										
years after title.....	5	13	..	..	1	50	..	..	6	11½
more than 5 years after										
title	1	3	..	..	..	..	..	..	1	2

Of the 61 individuals to whom the Santa Fe deeded land, 19, or 32%, mortgaged all or part of their holdings. Ten of the 19 mortgaged all or part of their holdings within six months after they had obtained title. One other purchaser mortgaged within a year after the Santa Fe had given him his deed, a second within two years, and the remaining seven recorded mortgages on their land from two to 13 years after acquiring their deeds from the railway. A smaller percentage of those who paid hard cash to the railroad for their land found it necessary to mortgage that land later than did those who homesteaded government land. As in the case of the govern-

ment land which was mortgaged, however, more than 50% of the railroad land encumbered by its first owner was mortgaged within six months after title had passed.

In total, the farmers of Kinsley township recorded 343 first mortgages and 80 junior mortgages between March 15, 1876, and December 31, 1905. In only a few years, however, did second mortgages play a significant role in farm financing in the township.

Four first mortgages were filed on the security of agricultural land in Kinsley township during 1876. During the next 30 years, filings rose and fell in a cyclical pattern. Peaks were reached in 1879, 1886 and 1905. In 1879, 30 mortgages were recorded to the value of \$16,821. In 1886, 52 mortgages represented loans of \$62,538. The same number of mortgages was filed in 1887, but the amount of funds transferred under their terms dropped to \$53,644. In 1905, 26 mortgages secured a total debt of \$70,806. The lows occurred in 1883, when three mortgages totaling some \$2,000 in value were filed, and in 1896, when one mortgage secured a loan of \$375.

TABLE 4
MORTGAGE DEBT IN KINSLEY TOWNSHIP

	FIRST MORTGAGES			Second Mortgages		TOTAL	
	Number	Amount	Acres	Number	Amount	Number	Amount
1876	4	\$1,299	640	..	.....	4	\$1,299
1877	9	3,711	1,353	..	.....	9	3,711
1878	12	4,320	1,670	1	\$100	13	4,420
1879	22	16,249	3,191	8	572	30	16,821
1880	14	8,003	1,598	8	1,387	22	9,391
1881	4	3,200	597	1	73	5	3,273
1882	2	1,600	241	1	1,000	3	2,600
1883	2	1,200	400	1	732	3	1,932
1884	5	2,850	1,043	1	1,000	6	3,850
1885	15	16,554	2,411	2	881	17	18,435
1886	37	55,462	5,991	15	7,076	52	62,538
1887	38	48,120	5,284	14	5,525	52	53,645
1888	13	40,300	2,611	14	11,358	27	51,658
1889	10	12,640	1,986	3	25,772	13	38,412
1890	4	5,050	929	2	2,625	6	7,675
1891	9	7,658	1,038	1	75	10	7,733
1892	12	14,200	1,630	1	1,500	13	15,700
1893	10	9,800	1,344	2	900	12	10,750
1894	10	9,270	1,928	..	.....	10	9,270
1895	2	550	50	..	.....	2	550
1896	1	375	160	..	.....	1	375
1897	1	550	320	..	.....	1	550
1898	2	650	400	..	.....	2	650
1899	4	7,447	531	..	.....	4	7,447
1900	10	4,780	1,791	1	140	11	4,920
1901	18	13,550	2,584	..	.....	18	13,550
1902	11	17,300	296	1	4,800	12	22,100
1903	21	27,072	3,618	..	.....	21	27,072
1904	17	29,596	4,220	1	400	18	29,996
1905	24	68,771	6,125	2	2,035	26	70,806

The percentage of agricultural land under first mortgage behaved in the same fashion as did the number of loans outstanding and the value of the first mortgage debt. Slumping somewhat between 1880 and 1885, it reached a peak in 1890 when 42% of the agricultural land in the township was under mortgage. By 1900 the percentage stood at 15%, but the figure had risen to 25% by 1905.

TABLE 5
FIRST MORTGAGE DEBT AT 5-YEAR INTERVALS

	Number of First Mortgages	Value of First Mortgages	Encumbered Acres (Agricultural)	Percentage of Acres (Agricultural)
Jan. 1, 1880	35	\$20,093	4,766	17%
" " 1885	26	15,465	3,755	13%
" " 1890	76	109,478	11,851	42%
" " 1895	47	59,483	7,140	25%
" " 1900	25	30,183	4,225	15%
" " 1905	46	50,562	7,139	25%

The first peak of mortgaging in the township coincided with the first large issue of titles by the federal government. In 1879 there were more final certificates issued than in any other year in the history of the township. The 26 settlers who obtained final certificates in 1878 and 1879, had, for the first time, real estate security which they could convert into funds. Accentuating the demand for equipment and supplies, which one suspects was normal in a pioneer area, was the drought which struck the counties of the 99th meridian in 1879. In April, 1880, the *Edwards County Leader* passed along the rumor that the county commissioners had passed an order at their last meeting which forbade the township trustees to extend aid to parties who were able to work and had mortgageable property.²⁰ The editor stated that such an order should certainly be passed if it had not already been done.

In all, title to 57 tracts of government land was granted during the seven years, 1874-1880. During the same period, title passed from the Santa Fe railway company on 24 parcels of land. Those same years saw 78 mortgages filed.

The majority of the mortgages which were recorded by the farmers of Kinsley township before 1881 evidently represented an effort to obtain supplies and equipment. Of the 61 first mortgages filed in the five years, 1876-1880, ten were apparently negotiated to refinance mortgage loans which were coming due. Six represented part of the payment in real estate transactions and four

20. *Edwards County Leader*, April 22, 1880.

settlers evidently borrowed to pay out on their pre-emptions.²¹ Five loans patently represented mercantile credit, since they were drawn for uneven sums payable at the store of R. E. Edwards. When these 25 loans are eliminated, 36 are left unexplained. Lumping the five mercantile credit loans with the 36 unexplained loans, 41 loans were unconnected with real estate transactions or the act of refinancing previous obligations. Presumably these 41 loans, or 67% of the first mortgage loans obtained by Kinsley settlers in the early period of the township's history, were used to buy food, stock and equipment, although a few doubtless financed the mortgagor's departure to other pastures.

During the real estate boom of the mid 1880's, land sales and refinancing accounted for a much more significant proportion of the first mortgages than during the 1870's. Of the 90 first mortgages recorded during 1885, 1886 and 1887, 58, or 64%, were obviously refinancing or related to real estate transactions. By the years 1903, 1904 and 1905 this percentage had risen to 71%.²²

It has been pointed out in other studies that hard-pressed settlers often commuted their homesteads with borrowed funds. As soon as such settlers had evidence of title they secured their loan with a mortgage and used any surplus in the loan above the land office price for family living. Such mortgages, it is inferred, were born of desperation, or of the desire to obtain speculator's profits by a quick sale as soon as the settler had obtained title. Similarly, the pre-emption law was used to obtain title quickly.²³ Since none of the commuted homesteads in Kinsley township was mortgaged within the first year after title had passed from the government, such use of the commutation clause of the homestead act was not illustrated in Kinsley township. However, 50% of the pre-emptors who mortgaged their claims did so during the first six months of ownership. Presumably these settlers used a portion of their loans to purchase their land. But the percentage of pre-emptors who mortgaged within six months of obtaining absolute title was no

21. When a mortgage was recorded within six months after purchase of the property by the mortgagor it was assumed that the indenture represented part of the purchase price. Undoubtedly the assumption leaves a margin for error.

22. This total includes eight mortgages filed by six purchasers of railroad land within six months after the Santa Fe had issued the deeds.

23. Charles Lowell Green, "The Administration of the Public Domain in South Dakota," *South Dakota Historical Collections*, v. 20 (1940), pp. 204-225, and Harold Hathaway Dunham, *Government Handout, A Study in the Administration of the Public Lands, 1875-1891*, pp. 188-190. Basic material is contained in the *Annual Reports of the General Land Office during the 1880's*, in Thomas Donaldson, *The Public Domain*, and in the *Report of the Public Lands Commission (1905)*. Actually Kinsley township was settled for the most part before the abuses of the commutation clause of the homestead act and the pre-emption act became most widespread.

greater than the percentage of homesteaders who mortgaged their holdings during the same time.

Of the 19 purchasers who mortgaged railroad land, ten did so within six months after they had obtained their deeds. In every case, these men closed out contracts which still had several years to run. Presumably these buyers were mortgaging to obtain the funds with which to pay off the railroad. Since the prevailing interest rate on mortgage funds stood above the rate specified in the Santa Fe contracts at the time, they must have discerned some other advantage in obtaining full title to their land. Such advantage perhaps lay in the ability of those who had outright ownership to give a warranty deed promptly in case the opportunity to sell presented itself.

During 1876 and 1877, 13 loans were made on first mortgages in Kinsley township. Ten of the mortgagees were residents of Edwards county. Between 1878 and 1894, the borrowers of Kinsley township obtained more than 50% of the funds borrowed on first mortgage in all but two years from outside Kansas. Only six loans on first mortgages were recorded between 1895 and 1898 but they were all obtained within the county. Between 1899 and 1902, out-of-state capital was again the most important source of credit. Beginning with 1903, however, local lenders became more important than nonresident lenders and this continued to be the case through 1904 and 1905.

TABLE 6

PERCENTAGE OF NONRESIDENT CAPITAL LOANED ON FIRST MORTGAGES IN KINSLEY TOWNSHIP: 1876-1905

Year	Percent	Year	Percent
1876	27	1891	82
1877	24	1892	74
1878	66	1893	52
1879	88	1894	96
1880	99	1895	..
1881	100	1896	..
1882	..	1897	..
1883	100	1898	..
1884	47	1899	77
1885	60	1900	90
1886	65	1901	51
1887	76	1902	83
1888	96	1903	20
1889	88	1904	48
1890	66	1905	42

The creditors of Kinsley farmers resided in most of the central and northeastern seaboard states, as well as in Missouri, Illinois,

Indiana and Ohio. A few loans may well have come from Great Britain. The first Eastern investor to lend money in the township was William H. Hanson of Suffolk county, Massachusetts, who in 1876 lent \$350 at 8% per annum on the security of the southeast quarter of section 6, T25, R19. The next year, E. R. Robbins of Middlebury, Vt., was in the field. With others of his family, he was to make numerous loans in the township. In 1878 the National Loan and Trust Company of Topeka entered the district. Other companies followed the next year, which also saw the Travelers' Insurance Company of Hartford become the first of the Hartford insurance companies to lend funds in the township.²⁴

Many of the most important of the early Western mortgage agencies lent funds at Kinsley.²⁵ Of these, the J. B. Watkins Land Mortgage Company of Lawrence made the greatest number of loans over the period of this study.²⁶ Drawing funds from both Great Britain and the Eastern United States, this company made at least 38 first mortgage loans in the township, totaling over \$30,000. Fifteen of these loans, however, represented part of the purchase price of sales made by the company while disposing of foreclosed land, or they were loans drawn by the company on its own land in an effort to raise capital.

An effort was made to work out the proportion of the funds loaned on first mortgage which the mortgage agencies brought to the township. In only three years, between 1879 and 1888, did they handle less than 40%. Again in 1891, 1892 and 1893, the mortgage companies apparently played an important role, but the loans of these years were drawn for the most part on the companies' own property, as their officials strove to raise funds on the large amounts of land which they were foreclosing. By 1894 most of the companies had entered receivership. In 1901 the J. B. Watkins Land Mortgage Company, and the Warren Mortgage Company of Emporia, appeared among the mortgagees in Kinsley township, but the loans of the first company represented only a portion of the sale price of land which was being sold incident to the liquidation of the

24. The *Annual Reports* of the Connecticut Commissioner of Insurance Companies contain much information on the lending activities of the Hartford companies. See particularly 1875 and 1876. The lending policy of the Travelers' Insurance Company is described in the 1891 *Report*, pt. 2, pp. xxx and xxxi.

25. The *Annual Reports* of the Connecticut Bank Commissioner, 1888-1895, of the Massachusetts Commissioner of Foreign Mortgage Companies, 1890-1895, of the New York Superintendent of Banking relative to Foreign Mortgage, Loan, Investment and Trust Companies, 1891-1896, and of the Vermont Inspector of Finance, 1889-1893, provide the most satisfactory catalogue of the Western mortgage companies of this period.

26. A. G. Bogue, "The Land Mortgage Company in the Early Plains States," *Agricultural History*, v. 25 (1951), January, pp. 20-33.

corporation. The Warren Mortgage Company, however, was doing a legitimate brokerage business.

During the heyday of the Western mortgage companies in 1886-1887, the newspapers of Kinsley carried the advertisements of at least nine loan agents representing mortgage companies, three indigenous loan companies and three local banks. Puffing the agent of the Watkins company, the editor of the *Kinsley Graphic* remarked, "L. W. Higgins is loaning money at rates so low, and on time so long that the borrower is liable to forget that he ever has it to pay."²⁷

The commissions of the mortgage companies and of the local agents were often taken in the form of second mortgages. At least 50% of the second mortgages filed from Kinsley township were of this type. The notes backed by such mortgages seldom stipulated a rate of interest but merely specified that the principal should be paid in ten equal semiannual installments.

The role of the local banks in the field of farm credit is worth mention. Two banks were started in Kinsley during the 1870's. The Edwards County Bank began operations as a private bank and the Edwards Mercantile Bank grew out of the merchandising business of R. E. and W. C. Edwards. In 1882 the Edwards County Bank was organized as a state bank with a capital of \$32,000. By August, 1887, this capital had been increased to \$100,000 and was supposedly paid up in full. In January, 1885, the *Kinsley Graphic* listed among the things that it would like to see, "At least two more banks in Kinsley so that money could always be had whenever good security was furnished."²⁸ In March, 1887, the Kinsley Exchange Bank was organized as a state bank with a capital of \$50,000. The officers of this institution came from Iowa. During July of the same year, the Edwards Mercantile Bank was reorganized as the First National Bank of Kinsley. Thus by the summer of 1887 there were three incorporated banks at the service of the community.

Before 1900 the three banks made only eight loans on real estate security in Kinsley township totaling \$14,563. With the exception of three loans to the amount of \$4,733, these loans were secured by second mortgages which bore a higher rate of interest than did the first mortgages of the same years. If the \$3,439 lent by R. E. Edwards in the same period and secured by six first mortgages and five second mortgages is added in, the total of \$18,002 allocated by

27. *Kinsley Graphic*, March 12, 1886.

28. *Ibid.*, January 16, 1885.

local credit agencies still falls far short of the \$30,000 which the J. B. Watkins Land Mortgage Company provided. The local banks were more interested in short term loans backed by chattel or personal security than in first mortgage farm loans.

But the local banks did perform a useful function in the long-term field by acting as local agents. The Bank of St. John which was located in an adjoining county, the Edwards Mercantile Bank and later the First National Bank of Kinsley, the Kinsley Exchange Bank, and the Edwards County Bank, all acted as local agents for either mortgage companies or individual Eastern investors. If the local banking institutions and capitalists did not themselves lend heavily on first mortgage they did perform the function of bringing lender and borrower together. In 1887 there was a tendency for this function to be shifted to a separate agency. The Kinsley Loan and Trust Company, which was organized in 1887, numbered R. E. Edwards of the Edwards Mercantile Bank among its directors and the Edwards County Investment Company, organized at about the same time, listed L. G. Boies of the Edwards County Bank on its governing board. This development marked an attempt on the part of local men to enter the investment company field and to obtain all instead of merely part of the middleman's fee or commission on funds which were sent from the East for investment.

The local banks shared in the financial misfortunes which struck down the nonresident investment and mortgage companies. The Edwards County Bank entered receivership in 1890. It was followed three years later by the Kinsley Exchange Bank. The First National managed to survive the year 1893 and reorganized under a state charter in 1894.²⁹

The provisions in the mortgages filed on land in Kinsley township varied in their complexity. When the mortgagees were local men, the indentures were usually simple and short—a mere transfer of the security in case the terms of the notes should be broken. The mortgages filed by Eastern investors or their agents were much longer and filled with a greater variety of terms which were designed to safeguard the mortgagee.

In most of the forms used by Eastern investors, the failure of the mortgagor to pay taxes and the insurance on improvements promptly broke the contract. But in no case of foreclosure in the township

29. For a comment upon the difficulties faced by a national bank in this area see the *Kinsley Graphic*, February 16, 1894; also James C. Malin, "The Kinsley Boom of the Late Eighties," *The Kansas Historical Quarterly*, v. 4 (1935), May, p. 184.

did such grounds serve as the sole excuse for bringing suit. Generally a clause was included, "waiving all exemption, appraisal and redemption laws." Often the mortgagor authorized the levy of \$25 for attorney fees in case he allowed his loan to become delinquent. It was generally specified that default would entitle the mortgagee to immediate possession of the premises and rents, issues and profits. This clause had no validity in so far as actual possession upon default was concerned, but evidently did insure that the purchaser of the sheriff's deed was entitled to any crops growing on the security when the deed was issued. Most mortgages recorded by nonresident mortgagees named a place of payment in the Eastern United States—a provision which insured that the mortgagor would pay the cost of exchange.

More unusual was the clause used by J. B. Watkins in 1879, which specified that payment should be made "in gold coin of the United States of America." This proviso reflected the fear of Watkins' conservative clients that the monetary supply of the country was about to be inflated by large infusions of greenbacks or silver.³⁰ In 1879 E. R. Robbins inserted a clause seldom found in the mortgages on the land in Kinsley township when he bound several mortgagors to "break forty acres of prairie within a year."³¹

The average rate of interest on first mortgage loans stood in 1876 at 11%. From this figure the trend was downward until 1889, when the rates of interest on nine mortgage loans averaged 7.4%. Over the next ten years the annual average stood between 8% and 10%, with the exception of 1892, when 12 loans called on the average for interest payments at the rate of 6.9% per annum. The loans of this year were unusual in that five of them were drawn by the J. B. Watkins Land Mortgage Company and the Jarvis Conklin Mortgage Trust Company on holdings which they had foreclosed. Since the companies were themselves paying the interest on these loans, the rate was put at 6%, which had little relation to the price of funds in Kinsley township. After 1899 the average rate on loans recorded from Kinsley township hovered around 7%, with the 22 loans, which were recorded in 1905, averaging 6.6%.

30. Edwards county, "Mortgage Register A," p. 300; J. B. Watkins, Lawrence to Edward Lewis, Philadelphia, Pa., December 2, 1878, "J. B. Watkins Papers," University of Kansas.

31. Edwards county, "Mortgage Register A," p. 344.

TABLE 7

INTEREST RATES IN KINSLEY TOWNSHIP

	Number	Rate		Number	Rate
1876	4	11%	1891	6	8.3%
1877	7	10.7	1892	12	6.9
1878	12	11.5	1893	9	8.2
1879	21	9.8	1894	10	8.3
1880	13	9	1895	2	10
1881	4	8.5	1896	1	10
1882	2	11	1897	1	8
1883	2	9	1898	2	10
1884	5	9.2	1899	4	8.4
1885	14	8.4	1900	9	6.9
1886	33	7.8	1901	18	6.9
1887	37	7.5	1902	10	6.5
1888	13	7.6	1903	21	7.3
1889	9	7.4	1904	17	7.2
1890	4	8	1905	22	6.6

The mortgagees of Edwards county consistently wrote a higher rate of interest into their contracts than did nonresident lenders. Invariably the papers negotiated by the Western mortgage companies called for the lowest average rate of interest. In 1887 for example, six loans obtained in Edwards county averaged 9% interest, the over-all average of the 37 first mortgage loans recorded from the township stood at 7.5%, the 30 mortgages held by nonresidents of Kansas averaged 7.3%, and the 22 loans negotiated by the mortgage agencies called for an average rate of 6.9%.

Comparison of the resident and nonresident rate is complicated by the problem of the commission. The local resident who lent his own funds or accepted a mortgage as part payment in a real estate transaction probably did not take a commission from the mortgagor. Both the mortgage companies and their local agents received commissions. Often these commissions were paid by the mortgagor in addition to the rate of interest specified in the note and mortgage. But at times the companies wrote a flat or net rate into their papers from which they subtracted both their own commission and that of their local agents. A 9% loan negotiated by the J. B. Watkins Company in August, 1887, was of this type.³² The note specified 9% and that was the actual cost to the borrower. Significantly, the average rate on the six loans obtained locally in that year was also 9%. The local and nonresident level tended to equate at a common level. The local lender was neither more merciful nor more obdurate than the nonresident when specifying the interest which his debtor must pay.

32. See letters of D. M. Sprankle to L. W. Higgins, Kinsley, June-September, 1887, in "J. B. Watkins Papers."

In general, the loans of local lenders were for a shorter period of time than those of nonresidents. The early Western mortgage companies almost invariably loaned for periods of three or five years. Such companies avoided repayment by installments because of the extra accounting involved. As competition among the companies stiffened, however, an increasing number of them gave "one year after the first interest payment the privilege of paying \$100, or multiples thereof, on the principal upon sixty days notice" or some similar privilege. Such provisions became almost standard with major lending companies after 1900. Payment of the principal over a term of years also became very common after the turn of the century.

Of the 343 first mortgages analyzed in this study, judgment was rendered against the debtor on 52, or 15%. Only 46 sheriff's deeds were issued, however, since a few mortgagors managed to buy the judgment before the judicial sale or compromise the case in some other way. One sheriff's deed represented the foreclosure of three first mortgages obtained by the same mortgagor on different portions of his property. Thirty-one first mortgages were terminated by the mortgagor deeding over his property to the mortgagee, his agent or the holder of a second mortgage. Undoubtedly such deeding represented failure no less than did the issuance of a sheriff's deed. Seventy-nine first mortgages, or 23% of those filed in Kinsley township ended, therefore, with the mortgagor giving up his land. Some half-dozen purchasers bought encumbered land and assumed the payment of first mortgages while giving second mortgages of their own as part of the purchase price. Foreclosure of the first mortgage wiped out the title of these individuals as well as that of the original mortgagors.

The mortgages negotiated in two groups of years were particularly ill-fated. Of 36 first mortgages filed in 1879 and 1880, 18, or 50%, were closed out by foreclosure or deeding. Liquidation took place during 1880, 1881 and 1882 for the most part. Of the 88 first mortgages recorded in 1886, 1887 and 1888, 40, or 45%, were terminated disastrously. These last contracts were liquidated between 1889 and 1893—the years when Populism was born and flourished in its greatest vigor.

In all, 67 individuals and one corporation contributed to the total of 79 mortgage contracts which ended in failure. They sacrificed 22 tracts which had been acquired under the provisions of the homestead acts. Reduced to percentages, 33% of the homesteaders who gained title in the township, and 58% of the homesteaders who

attempted to raise funds by mortgaging, failed to retain their homesteads because they could not repay their loans. Four out of the eight pre-empted tracts which were mortgaged were surrendered, representing 25% of all pre-emptions and 50% of the pre-empted tracts placed under mortgage by their first owners. The three timber claims lost by mortgagors formed 25% of all timber claims, and 60% of the timber claims which were mortgaged in Kinsley township. Of two commuted homesteads which were encumbered by their first owner, one was lost. Among the 61 individuals who obtained railroad land deeds, ten lost all or part of their land by foreclosure. This figure represented 16% of the successful purchasers of railroad land and 53% of those who mortgaged their land after obtaining title from the Santa Fe. Four of the ten were non-residents. In total, 41 out of 79 securities were lost by the individuals who had obtained title to them from the federal government or from the Santa Fe.

Thirty-eight securities, or 49% of those lost by foreclosure, belonged to secondary buyers who had obtained title from the grantees of railroad and government. Since most of the mortgaging which ended disastrously was done by 1890, this last percentage illustrates the speed with which land in the township was transferred out of the hands of its original owners.

Of the 67 unsuccessful mortgagors, a significant percentage of individuals were not primarily farmers. Three mortgagors were women, of whom two were not residents of the county. At least five men were nonresidents at the time of mortgaging and so remained during the life of their mortgages. Three of this group were obviously speculators in railroad land. Two of the local mortgagors were bankers connected with the banks which failed in Kinsley. One local farmer died and the mortgage was foreclosed after his death. Another mortgagor was a tavern keeper attempting to make a living in a state bent on becoming dry. One had attempted to run an ice business in Kinsley. The corporation which negotiated an unsuccessful mortgage was the county fair association. Thus 14, or 21%, of the unsuccessful mortgagors were not full-time farmers in the community. At least five others had sold out to a third party before suit was begun, but the assignees failed to meet the payments on the mortgages which they had assumed.

Among the 67 noncorporate individuals who surrendered land by foreclosure or deeding, 36 appear on the agricultural rolls of one or more of the censuses taken in 1875, 1880, 1885 and 1895. The acres reported in crop by these mortgagors were compared with

those of the other farmers in the administrative township of Kinsley. The crop acres of all the operators at each census date were totaled and the farmers divided into upper, middle and lower thirds. Hay acreage was not counted, since it represented prairie hay for the most part, while acreages in corn, wheat, sorghum, millet, flax, barley and oats indicated that the settler had broken the prairie. In some cases such a technique would deal unfairly with stock farmers, but for the most part the farmers reporting large numbers of stock from Kinsley township also reported large crop acreages.

TABLE 8

CROP ACREAGES IN KINSLEY TOWNSHIP

Year	Crop Acres Reported by	Lower Third	Middle Third	Upper Third
1875	33 operators	4-8	8-19	19-60
1880	134 operators	5-25	26-53	56-645
1885	60 operators	15-60	65-109	110-315
1895	81 operators	4-74	75-153	160-672

Of the 36 unfortunate mortgagors who are listed in the returns of the agricultural censuses, 14 reported crop acreages in the upper third at the time of the census, immediately prior to their failures. Twelve fell in the middle third and ten in the lower third. It is probably safe to assume that the crop acreages of most of the unsuccessful operators, who were not caught by a census, would fall in the middle or lower brackets, since their residence in the township was either of interrupted or short duration. But the 14 who reported a crop acreage in the upper third represented 21% of all the mortgagors who failed. It was evidently not enough to have land broken and in crop. Misfortune could strike the large operator as well as the small one in an area where drought might bring crop failure in two or three successive years.

That a settler lost land by foreclosure or deeding did not necessarily mean that he failed as a farm operator in the community. Of the 67 who lost land, eight, or 12%, survived the loss of their security and remained as farm operators in the township. One settler sacrificed 80 acres of railroad land but retained control of 240 acres which he obtained under the homestead and timber culture acts. In 1905 he reported a farm unit of 1,120 acres, of which 320 were in field crops.

M. E. Hetzel reported a farm of 160 acres in 1875, but not until 1878 did he enter 80 acres as a homestead and buy the other 80 acres under the terms of the pre-emption act. He mortgaged his

pre-empted land immediately for \$500 and raised \$300 locally against his homestead, although he did not receive his final certificate until 1884. By 1885 he had acquired title to four quarter sections near his original holding. One of these he mortgaged for \$360 in 1880. In 1884 the *Kinsley Graphic* reported that Hetzel had lost \$3,000 worth of stock from the plague—presumably Texas fever.³³ In the same year, his \$500 mortgage went to judgment but he succeeded in purchasing it. During 1885 and 1886, Hetzel raised \$4,500 on the security of first mortgages in the East and negotiated another \$4,000 worth of second mortgages with local parties, including two of the banks. In 1886 and 1887, Hetzel deeded 640 acres of land to the Edwards County Bank. In 1892 Hetzel began to buy back this acreage, using a \$4,800 mortgage as partial payment for the first 320 acres. By 1905 Hetzel could report a farm unit of 1,000 acres of which 440 were in field crops, as well as a herd of 150 cattle.

Despite a significant number of exceptions, most of the mortgagors who lost their security disappeared from the records of the county thereafter. Many of them had left long before suit was brought against them. At least 80% of the foreclosure cases in the township were extremely simple; the defendants neither demurred, answered, nor appeared. One settler, however, enlivened the court record with a show of patent bad faith when he mortgaged a quarter section adjacent to his own and later asserted that the indenture was a forgery.³⁴

It is possible to exaggerate both the amount of land which was under mortgage at any one time and the amount of land which was foreclosed or deeded. On January 1, 1890, there was probably more land under mortgage in the township than at any other time during the 30 years of this study. Most of the mortgage debt of 1886 and 1887 which was to be liquidated in the early 1890's still stood untouched. Yet at this date only some 12,000 acres, or between 40 and 45% of the agricultural land in Kinsley township, was mortgaged. A veteran real estate agent of Kinsley estimated in his biography that in ". . . 1893 and 1894, at least two thirds of the land in the county . . . had been taken over and was owned by the loan companies and private investors all over the east."³⁵ The actual figures for Kinsley township are hardly so

33. *Kinsley Graphic*, November 21, 1884.

34. *D. W. McConaugh vs. Frank C. Badger*, filed in the district court of Edwards county, September, 1890, "Journal D," p. 286.

35. G. E. Wilson, *Autobiography* (Kinsley, 1947), p. 27.

generous. In all, the security surrendered by the 67 individuals and one corporation over 30 years, totaled some 11,200 acres, or 40% of the agricultural land in the township.

Some attempt to correlate foreclosures and deeding with soil fertility in Kinsley township may be made. North and west of the Arkansas river, variations in soil and topography are not extreme enough to check against the statistics of foreclosure and deeding. The sand hills southeast of the Arkansas are infertile and the fact was recognized locally at an early date. The editor of the *Kinsley Graphic* wrote in 1887,

Occasionally some eastern sucker gets salted upon a slice off the juicy side of the sand hills lying along the course of the Arkansas river. There are two things those hills are especially adapted to; one is to raise goats upon and the other is to be exchanged for eastern property belonging to parties who have never saw them.³⁶

But mortgagees, or their local agents, paid too little attention to such local wisdom. Four sheriff's deeds were issued on some 600 acres of land in the sand hills. In addition, one mortgagor deeded a quarter section to his mortgagee, while the Interstate Galloway Cattle Company deeded 960 acres of land in the area to one of its creditors. Some 1,700 acres, therefore, out of 2,350, or 72% of the sand hills area, changed hands by foreclosure or deeding in the 30-year period.

By no means all of the foreclosed and deeded land was in the hands of the mortgagees at any one time, although the largest part of it was in their custody during the early 1890's. Until the market for real estate collapsed utterly in the early 1890's, the mortgage agencies and Eastern investors sought to sell their foreclosed land as rapidly as possible. The mortgage companies at least were under considerable incentive to reconvert their operating capital to liquid form. When the land market disappeared, the investors and the receivers, or liquidating agencies of the mortgage companies, held until there was a market and then resold. By 1897 the local farmers were again interested in adding to their holdings. Their purchases before 1905 significantly altered the size of farm units in Kinsley township. Where 52% of the farmers reported a farm unit of 160 acres or less in 1895, ten years later only 23% of the farmers reported such a unit, while 64% listed farms of 241 acres or more, as compared with 39% at the previous census date.

It is obvious that the liquidation of the 1890's was a painful one in Kinsley township, although proportionately a smaller group of

36. *Kinsley Graphic*, April 22, 1887.

mortgagors failed than was the case in the early 1880's. The statistics of deeding and foreclosure cannot show the instances where proceedings were begun and dropped before a journal entry was made. Nor do they show the number of mortgagors whom one more poor crop would have placed in like case with their less fortunate fellows. On the other hand, the bald totals of mortgages and encumbered acres do not differentiate between the genuine settler who mortgaged to equip his farm or to tide himself over a poor year and the petty speculator who mortgaged merely to support himself until he could sell his holdings. When the schemes of the latter type went astray, he was quite willing to pull out and leave his creditor to realize upon the security.

Although willing enough to accept the services of the money lender, the farmers of Edwards county were also willing to criticize him. By 1884 the leading capitalist of Kinsley had been dubbed "old three percent a month."³⁷ When L. G. Boies ran as Republican candidate for the state legislature in 1888 he was opposed because he was a banker.³⁸ In 1892 a local paper reprinted the accusation of the *Mankato Advocate* that the mortgage companies were foreclosing in an effort to obtain the land of the farmers of Kansas, although actually the foreclosures were to ruin the companies no less than the farmers.³⁹ Popular feeling against the money lender contributed no little to the unrest which saw the local Farmers' Alliance men take over the county offices and newspaper during the early 1890's, and help to send Jerry Simpson to congress from the seventh electoral district.⁴⁰

37. *Ibid.*, December 5, 1884.

38. *Kinsley Banner-Graphic*, October 12, 1888; *Kinsley Mercury*, November 15, 1888.

39. *Kinsley Graphic*, April 29, 1892.

40. See James C. Malin, "The Kinsley Boom of the Late Eighties," *loc. cit.*, pp. 173-178.

Vincent B. Osborne's Civil War Experiences

Edited by JOYCE FARLOW and LOUISE BARRY

INTRODUCTION

ALTHOUGH nearly a third of Kansas' counties bear the names of men who were Civil War officers, only two privates have been thus honored. One of them was Vincent B. Osborne, who served as a Kansas volunteer soldier for three and a half years, was twice wounded, and had a leg amputated in 1865.¹

Nothing is known of Osborne's early life, except that he was born March 4, 1839, in Hampden county, Massachusetts. He was 22 years old when he enlisted in July, 1861, in the Second Kansas infantry, at Clinton, Mo. He must then have lived in Missouri, for he suggests (*see* p. 122) that his life would have been in jeopardy had he been captured by *Missouri* rebels.

One month after joining the army, Private Osborne was wounded in the thigh during the battle of Wilson's Creek (August 10, 1861), and was hospitalized for almost six months in St. Louis. Before he recovered, the Second Kansas infantry had been mustered out of service. Osborne re-enlisted, along with other veterans of this short-lived regiment, in the Second Kansas cavalry which was being organized in the early part of 1862. He was mustered in at Leavenworth on February 19, and assigned to Company A, commanded by his former captain, Samuel J. Crawford.

Between March and September, 1862, Osborne's company rode more than 1,500 miles on escort duty, traveling from Fort Riley, over the military and Santa Fe roads, to Fort Union, N. M., and back.

Returning to the regiment in the fall, Company A fought in a number of skirmishes and several important engagements, as the Second Kansas took part in a campaign against the rebel forces of Generals Marmaduke and Hindman, in Missouri and Arkansas. Osborne describes, at some length, the battles of Old Fort Wayne (October 22), Cane Hill (November 28) and Prairie Grove (December 7).

In the early part of 1863 Osborne was a hospital attendant at Fayetteville, Ark., and at Fort Scott. During the rest of the year,

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1. The other county named for a private is Rooks—for Pvt. John C. Rooks. Two counties have been named for noncommissioned officers: Ness, for Cpl. Noah V. Ness, and Harper, for Sgt. Marion Harper.

and in 1864, he was on detached duty much of the time, serving as messenger at district headquarters, Fort Smith, Ark., in the latter year.

On January 16, 1865, he left Fort Smith, on board the *Annie Jacobs*, to rejoin his regiment. Next day, at Joy's Ford, rebels shelled the steamboat and forced it aground. During the firing Osborne was severely wounded in the leg while helping to tie up the boat. Two days later, at Clarksville, Ark., his leg was amputated. When he left the hospital six months later, the war was over.

In 1866 he came to Kansas, having been appointed sutler at Fort Harker by Secretary of War Stanton, upon the recommendation of Gov. Samuel J. Crawford, who had been Osborne's company commander. In 1867 he settled in the near-by frontier town of Ellsworth. On June 22 of that year Governor Crawford appointed him a special commissioner (along with Ira S. Clark and John H. Edwards) to organize Ellsworth county.

Four years later, when another county to the north and west was being organized, it was named for Vincent B. Osborne. It was also in 1871 that Osborne was elected to the state legislature from Ellsworth county, serving during the session of 1872.

He married Nellie V. (Henry) Whitney, widow of Sheriff C. B. Whitney who was killed in 1873. Their daughter Katie, born in 1877, died the same year.

Osborne was highly regarded by the people of his county. When he was admitted to the bar (by the district court) in October, 1875, the *Ellsworth Reporter* recalled his fine war record, noted that a county and city had been named for him, and stated that he ". . . is today probably one of the most popular men in the county."

During the 1870's he held several local offices, being a justice of the peace in 1872-1873, probate judge from 1873-1879, and township trustee for several years. At the time of his death he was city clerk, probate judge, and president of the newly-organized Ellsworth County Agricultural and Mechanical Association.

He died, after a short illness, on December 1, 1879, at the age of 40. One of his Civil War comrades later said of him: "Osborne was one of the bravest soldiers that I ever knew, and a gentleman."²

2. Sources for information on Osborne: *Report of the Adjutant General of the State of Kansas, 1861-'65* (Topeka, 1896), pp. 72, 81; *Kansas Historical Collections*, v. 10, pp. 425, 426; *Compendious History of Ellsworth County, Kansas* (Ellsworth, 1879), p. 52; *Ellsworth Reporter*, July 1, October 28, 1875, December 4, 1879; *Osborne County Farmer*, Osborne, December 13, 1934; *Cemetery Records of Ellsworth County, Kansas*, compiled by Smoky Hill chapter, Daughters of the American Revolution, 1938-1939, v. 1.

Osborne wrote his Civil War experiences in four manuscripts. They are now owned by Mrs. Murray C. Flynn, granddaughter of Mrs. Osborne by a third marriage. The variations in paper, ink, size of handwriting, etc., make it evident that the narratives were written at different times, but all of them appear to have been written in the 1860's. Osborne's journal style in parts of the narratives indicates that he probably kept a diary, or notes, while in the army.

The first narrative (for 1861), and the second (for 1862-1865), have no titles. The third, headed "Southwest Expedition No. 1," is an expanded account of the campaign into Missouri and Arkansas in the fall of 1862. The fourth, entitled "History of My Last Wound," deals with the action on January 16, 1865, and his hospitalization. All the manuscripts have been brought together into one narrative (which will be published in two parts) by substituting the more extensive accounts of the third and fourth manuscripts for the briefer (and less interesting) ones within the second narrative. This has seemed necessary in order to utilize the best of Osborne's writing, and also practicable because of missing sections in the second narrative.

OSBORNE'S NARRATIVE—PART ONE: JULY, 1861-AUGUST, 1862

[In Missouri, with the Second Kansas Infantry]

On Thursday the 11th day of July 1861 I first enlisted in the army I enlisted in the 2nd regiment Kansas Vol. a part of Sturgis brigade on the Osage river a few miles from Oseola in the western part of the state of Missouri This division of the army was under the command of Gen. [Nathaniel] Lyon a brave and gallant officer³ The whole command consisted of a few companies of regulars the Iowa 1st Vol. the First and 2nd Kansas and the First Mo. the whole army did not consist of more than 4000 men This army was marching to join Col Seigel who was at Springfield with 1500 men We were also in pursuit of the rebel Gen Price McCulloch

3. Brig. Gen. Nathaniel Lyon, U. S. volunteers, assumed command of the Army of the West on May 31, 1861. His forces, in four brigades, totaled about 5,800 men. The first brigade (under Maj. Samuel D. Sturgis) included four companies of cavalry, four First U. S. infantry companies, two Second Missouri companies and Capt. James Totten's Second U. S. artillery company. The second brigade (under Col. Franz Sigel) consisted largely of the Third and Fifth Missouri regiments. The third brigade (under Lt. Col. George L. Andrews) contained the First Missouri regiment, four companies of U. S. infantry and an artillery battery. The fourth brigade (under Col. George W. Deitzler) was made up of the First and Second Kansas, and the First Iowa regiments.

The Confederate forces which opposed General Lyon were rebel Missourians under Maj. Gen. Sterling Price and Brig. Gen. James S. Rains. They were estimated to number at least 15,000 men. An additional rebel force of some 5,000 troops under Brig. Gen. Ben. McCulloch, of Texas, was also in Missouri.—*War of the Rebellion* . . . (Washington, 1881), Series I, v. 3, p. 48.

and Rains who were about overrunning the western part of the state We marched on through Stockton and Melville to Camp Seigel which was about twelve miles north of Springfield ariving there on Sunday [July 14] about 2 [?] o'clock P. M. I was on guard detail there the first night for the first time in my life but as we did not have very strict instructions I got along very well

At this place I saw a man shot for murder he was shot on dress parade he was brought up in front the coffin was brought also and he knelt down on it his legs were tied and his eyes blindfolded There was twelve men of the guard to shoot him Thier muskets were loaded by other persons one half with blank cart-riges no man knowing whether thier gun had a ball in it or not when the order was given to fire the muskets roared simultaneously and the prisoner was no more We stayed at camp Seigel from Sunday till the next Saturday morning Each day while we were there we had a company and battallion drill here was where I learnt most of drilling the first summer While there we lived on half rations of bread but we had plenty of meat.

On Saturday [July 20] we loaded our baggage and started for Springfield We arrived in town about noon went in to town stopped and stacked arms for a half hour We were not allowed to leave our arms but to get water which we procured at a well near by At the expiration of a half an hour we marched on We soon after ascertained that we were going to a small town fifty miles a little east of south of Springfield named Forsyth where there was a body of [manuscript faded] We were under the command of Gen. [Thomas W.] Sweeny an officer that had his arm shot off in the Mexican war The command consisted of Five companies of the Iowa 1st the 2nd Kansas and a company of regular cavalry and 1 Section of Tottens battery We camped on James river the first night, a stream of considerable size and had a good bridge across it. I was on guard here it rained nearly all night and till about six the next day We commenced drawing full rations here again.

We left camp early the next morning the rain falling in torrent about noon we arived at Osark a small town near the mountains we stacked arms and stayed there an hour We captured some boots which were distributed among the soldiers As we left this place the officers gave each of us a dram of whiskey which made us feel better after our morning drenching Then we marched out five miles from town and camped in an old field near there was a good spring the ground was very wet and muddy

After supper about forty of us went about a quarter of a mile back into the woods and slept in a meeting house. The next morning went back to camp got breakfast and marched on. In an hour we were in the Osark mountains. These mountains were not masses of rock like those in Mass. but were composed of gravel and covered with timber, but the timber is not very valueable. There is some yellow pine but not of large growth and the hills are so steep that but little of it can be got away. The land is not fit for cultivation. The streams are very clear water and springs are abundant. The inhabitants appear to be nearly all Unionists a considerable number joining us in our expedition to Forsyth. This part of the country is thinly inhabited and has some game. We halted about nine miles from Forsyth at three o'clock P. M. eat some crackers and [meat?] then marched on.

We had gone about $4\frac{1}{2}$ miles when orders came to Col. Michel⁴ to bring up his regt on double quick time and double quick we did in earnest. We were now sure that we were going to have a fight with the enemy and there was a very good prospect of it. The battery come up with us and was with us the rest of the way. Before reaching Forsyth we crossed White river then going about 20 rods threw down a high rail fence and went into a field. The battery took a position near or in a Timothy field but we rushed on and formed on coming to the river again then crossed the river again and pushed forward into the town. On arriving in town no enemy was to be seen even the inhabitants had left. The battery first threw shells into the court house and some on a hill just east of it. Co. E was sent to the court house to guard it and we were pleased to get to rest ourselves of the days march of thirty miles.

It was now sundown. About dark we marched to quarters in a house which had been deserted by it[s] occupants. A library was in the house mostly filled with law books. Excepting a few bedsteads there was no furniture in the house. We stacked arms in the house and some of us commenced getting supper and some lay down on the floor to sleep preferring rest to supper. After I rested a little while I went up town to see what was going on. The regulars were passing around Port Wine in buckets. I found out where they got it went around there found some men there some rolling off barrels of liquer others drinking very freely out of a barrel of Port Wine which had the head knocked in and it was about two thirds full. But an officer coming round put a stop to

4. Col. Robert B. Mitchell, commanding officer of the Second Kansas infantry.

all this I soon went back to quarters lay down on the floor and slept till morning The next morning eat breakfast and went up town The secession flag pole had been cut down and a considerable quantity of Groceries Provisions, Clothing, Bullets, lead and Tobacco and old guns were confiscated

About ten o'clock A. M. On Tuesday morning [July 23] we started back towards Springfield We went about 12 miles and camped on a stream of very clear water Here I done my first cooking staying up till twelve o'clock at night then lay down and slept till morning Twenty of the company were on picket this night The next morning we left camp early and went to our former camping place five miles from Osark. The next day we went to Springfield We camped one mile from town at night and marched the next day to camp Seigel near a small town called Little York which is about ten miles from Springfield We arrived here on Friday the [26th] day of July a little after seven and rested Saturday. Sunday we had a regimental inspection of arms At four o'clock P. M. we had a dress parade and after that preaching the only time that I heard preaching while I was fit for duty

We drilled here considerably We were camped on the top of a high ridge The other regiments and batteries moved on to the top of the ridge three days after we arrived there excepting the 1st Iowa which was still camped on the opposite side of the creek from us We slept on our arms every night after the brigade was camped in line and had them inspected twice a day One night we had an alarm caused by some rebel firing on one of our videttes We turned out in about two minutes and formed in line but soon after went to our tents and lay down

On Wednesday afternoon [July 31] we received orders to be ready to march at fifteen minutes warning Tents were struck wagons loaded and every thing put in readiness About sundown we took up our line of march starting in a southeast direction We marched till about twelve o'clock had our muskets loaded and capped at twelve o'clock we stopped got some water and then lay down and slept till morning In the morning we got breakfast and then marched forward soon intersecting the road leading to the south west Here was Col. Seigel and his brigade waiting for us We passed on and Col. Seigel fell in with his brigade to the rear of [us] The day was intensely hot and the road very dusty. Many men were obliged to stop by the side of the road on account of the intense heat About ten o'clock our advance fired into the

enemies picket causing the latter to fall back About noon we got water out of a well near the road and by marching slower after that suffered less

We arrived at Dug Springs about two o'clock halted here, hearing that the enemy were ahead in strong force and a good position At four o'clock we took up a position for the night Second Kan. took a position on the left of the road the batteries on the road and the Iowa 1st on the right We stacked arms but were not allowed to leave them. Soon after we were brought into line again the enemy advancing on the front Maj. [W. F.] Cloud was sent out on the flank with four companies but no enemy were seen in that direction The enemy still advanced in front till within range of Tottens battery. When Totten opened his [fire] the rebels fled, in the utmost confusion, and advanced on us no more that day Several of the enemy were killed and wounded. Our cavalry had skirmished with them nearly all the afternoon It was here that Capt. [David S.] Stanley made his brilliant charge routing the enemy and killing some of them for which he was promoted to Brig. Gen.

We stood in line till about sundown then got our supper. No tents or baggage was allowed to be unloaded as the train was brought up into line just to the rear of the color line We stacked arms but were obliged to keep a guard over them Co. E was detailed for picket guard Just after dark we marched out about a quarter of a mile on the left flank halted and divided into three reliefs and stationed one relief immediately, the others lay down and slept I was on first relief The sentinels were posted in a circle each one having a short beat I was very tired but had no difficulty in keeping a wake The reserve of the picket was stationed under some trees just at the edge of the circle After coming off post I lay down and slept as soundly as if I was on a feather bed

[Engagement at Dug Springs, Mo., August 2, 1861]

Just as it became light we were marched back to camp and getting a hasty breakfast were marched out to the road there we halted a few moments for the command to get formed properly The 2nd Kansas was near the centre. We marched down a hollow about two miles then over a ridge for two miles farther While yet on the ridge orders were sent back to us to pass to the front Just before going down into the hollow we could discover the dust rising up the opposite hill in the road where the

rebels were retreating. Supposing that they would advance again, Gen Lyon dispatched the 1st Iowa on the right of the road and the 2nd Kansas on the left and crossing the hollow we marched up the hill. We formed an ambuscade but the rebels did not tackle us. The men at the battery got sight of them and sending a few shells over caused the rebels to retreat.

We marched up the hill in the timber parallel to the road and about one hundred and fifty yards from it. By this time the day had become intensely hot and we not having had any water since early in the morning many of the men fell down exhausted and choking from thirst. On our arrival at the summit of the hill we by bearing to the right intersected the road but the enemy had made good his escape. We now hoisted our flag on the telegraph pole to prevent our being fired into by our battery from the opposite hill. About one third of our men had been left on the hill side exhausted. At a house near the top of the hill we found a barrel of water but were not allowed to swallow any for fear it might have been poisoned. We wet our heads and put some into our mouths and washed them out then spit it out. Some of the men went into a field and got some Sugar Cane and by chewing that quenched their thirst. Dr. Patee⁵ came up and gave medicine to such as needed it. I ate an ear of green corn raw that tasted delicious.

After resting about an hour during which time most of our men came up, we marched forward having heard that there was a spring about a mile in advance. Orders having been sent to Col. Mitchel to advance if he thought best if not to fall back. The advance seemed to please Col. Mitchel the best and away we went. Capt Woods⁶ cavalry in advance. We advanced about one mile to one of the cool clear springs of delicious water which are so plenty in that section of country. Col. Mitchel would not allow us to drink till we had washed and then cautioned us not to drink to much. I never tasted water that tasted so deliciously. After drinking what we wanted we were permitted to go into an orchard and get what apples we wanted. This place was called McCollocks Ranche [McCulla's Farm] after the man that lived on it. We now had the advance the command had stopped at a spring two miles back, the country was covered with thick short oak trees which would conceal an enemy perfectly. occasionally some of the enemy would

5. Asst. Surgeon Eliphalet L. Patee of Manhattan.

6. Capt. Samuel N. Wood, commanding Company I, Second Kansas infantry.

show them selves but we were prepared to recieve them at any time Three of the rebels were taken prisoners The rebels might have come into the rear of us and cut us entirely from the command An alarm was given after we had got sufficiently rested to feel well and we were brought into line and the cavalry sent out to recoinoitre The cavalry captured a carridge and a small mule and an old wagon.

Gen. Lyon came up to us in the course of the afternoon with a company of dragoons but did not stay long About five oclock we fell in to march back The prisoners were placed in ranks on foot and marched back to McCullocks [McCulla's] Spring We arived at camp a little before sundown and camped on the opposite side of the road from the spring on a steep ridge which was covered with gravel We got us some supper and lay down and slept till the next morning

Early the next morning we were roused up got breakfast and prepared to march All surplus baggage was taken out of the wagons and burned so as to take every man along that might be sun struck or fatigued that they could not travel This day we took it very leisurely getting to camp at Double Springs a little after dark making fourteen miles. At this place we just pitched into rebel property for the first time a field on the oposite side of the road from where we were camped suffered terribly the fence was burned the corn taken and much of it boiled or roasted by us and the stalks fed to the animals Our camp was on a ridge the east side of the road very rocky There our arms were stacked and only half of the company allowed to leave at a time

The next morning [August 3] we left camp early for Springfield marched leisurely and arived there about one oclock P. M. Waited there some time for orders where to camp and then marched out about half a mile west of the court house and camped in a meadow near where Fort No. 2 stands now. After stacking our arms we went back into a pasture and rested ourselves under some trees Here under some trees we done our cooking and stayed most of the time in day light. At night we had orders to sleep in line on our arms with our accoutrements on The next day we rested washed our clothes &c. but we had to hold ourselves in readiness to march at short notice we now drew plenty of rations and ate plenty of apples from an orchard near which we baked or boiled to eat We had a roll call now every two hours to prevent any men leaving camp

The rebels had followed us on our return from Dug Springs they had already come as far as Wilsons Creek ten miles from here We slept the second night in line the same as the first the ranks lying with thier feet together and thier heads opposite to each other One night about dark we were marched out to surprise the enemy at daylight but after marching till midnight saw a rocket sent up away to the left supposed to be a signal of our movement On seeing this Gen. Lyon ordered a halt and soon we were ordered back to camp ariving there about sunrise The next day in the afternoon we marched out of town on the Little York road for four miles and waited about two hours for the rebels to attact us but they did not come Then we marched back into town and volunteers were called for to march out and surprise the enemy but soldiers were not very prompt volunteering, but soon orders came to march back to camp this object having been abandoned. The weather was now most intensely hot, so that we could not sleep in the heat of the day

[*The Battle of Wilson's Creek, August 10, 1861*]

On Friday the 9th of Aug about four oclock in the afternoon the whole command fired off thier guns and cleaned them and were ordered to get ready to march by six oclock P. M. with one days rations in our haversack At the hour appointed we fell in line and were ready to march We had forty rounds of cartriges in our cartrige boxes and our guns loaded Our train was loaded and driven up into the town as usual when we left camp The sick were all sent into town Four hundred Home Guards were left to guard the town The rest of the command all went out Col. Seigel with his brigade went out on the Telegraph road a few miles then turned to the left and went round and attacted the enemy at Sharpe's house on the south side of Wilsons Creek. the enemy were north west of him camped along the creek. Gen. Lyon

7. In his report of the battle of Wilson's creek (also known as the battle of Oak Hills), Union Major General Fremont stated: "General Lyon, in three columns, under himself, Sigel, and Sturgis, attacked the enemy at 6:30 o'clock on the morning of the 10th, 9 miles southeast of Springfield. Engagement severe. Our loss about 800 killed and wounded. General Lyon killed in charge at head of his column. Our force 8,000, including 2,000 Home Guards. Muster roll reported taken from the enemy 23,000, including regiments from Louisiana, Tennessee, Mississippi, with Texan Rangers and Cherokee half-breeds. This statement corroborated by prisoners."—*War of the Rebellion*, Series I, v. 3, p. 54.

Brigadier General McCulloch, who commanded the Confederate forces, stated in his official report that his " . . . effective force was 5,300 infantry, 15 pieces of artillery, and 6,000 horsemen, armed with flint-lock muskets, rifles, and shot-guns. . . ." He also stated: "The force of the enemy, between nine and ten thousand, was composed of well-disciplined troops, well armed, and a large part of them belonging to the old Army of the United States. With every advantage on their side they have met with a signal repulse. The loss of the enemy is 800 killed, 1,000 wounded, and 300 prisoners. We captured six pieces of artillery, several hundred stand of small arms, and several of their standards. . . . Our loss was also severe, and we mourn the death of many a gallant officer and soldier. Our killed amounts to 265, 800 wounded, and 30 missing. . . ."—*Ibid.*, pp. 104, 106.

commanded the other brigade in person which consisted of the 1st Mo, 1st Iowa, 1st & 2nd Kansas Totten's and Dubois batteries Four companies of regular Inf. and two companies of rifle recruits from St. Louis, also some cavalry in all numbering about three thousand men Col Seigel command numbered about twelve hundred men with six peices of artillery We left camp about sundown and went out west on the Little York road four and one half miles then turned to the left and went across the prairie in nearly a southerly direction but not on any road

About 12 oclock we halted and lay down and slept as soundly as though we were at home in our beds till just as light was coming in the eastern horizon We then got up fell in and marched on When first getting sight of thier camp thier tents were still standing We had succeeded in completely supprising them We marched also in the rear of them south west of thier camp We succeeded in getting an exelent position Cheers would occasionally resound from our lines commencing in the front and being caught up along the lines would go to the rear The artillery succeeded in getting an exelent position and opened on the enemy. This was a signal for Col. Seigel to attact with his brigade and soon we had the satisfaction of hearing his artillery The 1st Mo, 1st Iowa, and some rifle recruit were formed on the right and left of the batteries Four companies of regulars and the 1st Kansas followed the creek down. The Kansas 2nd was the reserve

The battle was now fairly commenced. The artillery fire was as fast as any one could count and the roar of musketry was incessant We were stationed in a ravine in sight of one of the enemies guns which kept firing at us but the balls passed far over our heads A rebel lay dead near where we were the first man I had ever seen that was killed in battle This firing continued for some time say half an hour when it gradually abated and silence reigned once more the wounded were now being brought off the field, and preperations made for another fight. The rebels sent flankers out which once came in sight of our hospital Soon firing commenced on the hill once more One of our men was wounded in the shin while here

At about eight oclock Lieut. Col. Blair⁸ came back from the hill bringing orders from Gen. Lyon to have the 2nd Kansas brought forward and we marched up the hill just in the rear of the line of the Iowa 1st As we marched on amid the dead and wounded of

8. Lt. Col. Charles W. Blair, second in command of the Second Kansas infantry.

that brave regiment I heard one exclaim as he stood leaning against the body of a tree apparently wounded in the leg. We have had an awful hard fight a great many of our boys killed We passed on by Tottens battery when a six pound ball struck the ground just to the rear of me striking just by a mans feet making him lame but not seriously injuring him Soon firing was heard in our advance the regiment had just time to fire when the enemy rose up in front of [us] and poured a volley into our ranks which was very well sent as that single volley killing and wounding more men than all the rest of the battle The second man from me fell mortally wounded This volley threw us into some confusion but Gen. Lyon riding along just then on a bay horse his gray having been killed under him before with his hat in his hand flourishing it over his head and ordering us to stand up to them and drive them back we again formed our line and soon repulsed the enemy Gen. Lyon was killed just after he passed us Col. Mitchel was also wounded severely in the groin For a few moments we fought without a field officer just as the action was over Lieut. [Colonel] Blair came up and took command of the regiment.

The enemy now amused themselves by creeping up near some tree in front of us about a hundred yards and rising up and firing into our ranks and then falling down but whenever one showed himself he was fired at by our men so much that they soon stopped it Maj. Cloud came up about this time he had been out reconnoitering in the south and west of us We were now left in possession of the field. The wounded were taken to the rear and we had time to rest ourselves In this action a ball passed between my legs without hurting them only making my right leg smart considerably The rebels soon exhibited signs of another attack they planted a flag about two hundred yards in front of and brought a battery up on a point to the left front of us with the United States flag on it but soon as they got a position opened on us with grape and canister by this time we had our line formed almost directly north and south and we sat down in ranks Two shots from the rebel battery passed through the branches of a tree I was standing under & One grape shot struck just in front of me and bounded through the ranks but did not hit any one During this rest a rebel rode up to the rear of [us] supposing us to be rebels and inquired where to take his train he was ordered to halt by Capt. Russell⁹ and at that discovered his mistake and wheeling his horse attempted

9. Capt. Avra P. Russell, commanding Company G, Second Kansas infantry.

to escape but Capt. Russell drew his revolver and fired killing the rebel instantly

While resting in line an officer came riding up in front and said that the rebels were advancing in large force up a ravine in front of us. At this we moved a little to the right and two pieces of artillery were placed on the right of the company and the rest of the regiment sent still farther to the right so as to give them room. I was on the extreme right of the company and near the battery by a tree top that lay on the ground. The battery fired as soon as they got their position. The enemy commenced firing when about three hundred yards distant keeping steadily advancing. Our fire was reserved till within two hundred yards then we opened still in the gesture [?] of Scott tactics of charge bayonets against cavalry. The balls flew around us like hail but fortunately mostly over us.

I had fired three times and was loading again when a ball struck my thigh on the outside midway between the knee and hip, the ball passed in obliquely going towards the femur striking it about three inches below the acetabulum enough to the rear to glance off without breaking the bone and after turning a revolution endwise lodged in the thick part of the thigh. The feeling when it struck my leg was like striking it with something blunt without any sharp pain in the vicinity of the wound. It caused a slight dizziness at first and I thought I was shot both in the foot and leg. This supposition was increased by a round hole in my boot which I had cut a few days previous on account of it hurting my ankle and to my dizzy brain it looked just like a bullet hole. The feeling in my foot was about the same [as if] one had hit it with a hammer. I looked first at my foot and then felt my leg and looked to see if it was bleeding much, run two of my fingers in the hole, but ascertaining that it was not bleeding much commenced to think about the condition I left my gun in for I could not recollect how far I had gone towards loading it. As near as I could ascertain I had torn the cartridge and was in the act of pouring the powder in the muzzle. A ball had struck my gun bruising the barrel and stock but not injuring it for present use.

Soon after receiving my wound I got up and started for the rear but had proceeded but a few paces when I laid down. The bullets now flew thicker than ever two passed within a few inches of my head as I was lying down. Once I thought I would go and sit by a tree near by but thinking I would wait till a cessation of the strife lay still. When the firing had nearly ceased I got up and went to

the tree and sat down for a moment and examined my thigh once more and thinking it to be a slight wound determined not to be a coward and go back into ranks picked up my gun and started but at this moment the firing nearly ceased and Col. Blair gave the order About Face forward Slow time March. I now commenced going off the field using my gun for a crutch the line of the regiment passed me as I could not get over the rough ground but slowly As I was going up the opposite hill I heard firing in the rear and turning to look saw that the enemy had already taken possession of the ground we had fought on A few bullets whistled near me but I had got so that they did not frighten me any by this time after going over the ridge and down into a ravine I got some water out of a branch but it was muddy Just then I thought I ought to find the regiment and on looking back I saw them coming down the ravine under the command of Maj. Cloud I was nearly exhausted by this time.

When the Co. came up I gave Capt. Crawford my gun and Lieut. Lindsay went away in search of a horse for me to ride and soon returned with Col. Clouds pony it having recieved a rifle ball in the neck with the assistance of Sergt. Johnston and Nugent I mounted him and started towards Springfield.¹⁰ As I passed along wounded men could be seen on all side[s] of the road shot in every place imaginable Wagons were loaded with them besides many that were on horses I kept on till I got to a house about four miles from the field there I stopped and dismounted rested a short time had some water Dr. Patee here looked at my wound said it was shot with a spent ball, but ordered nothing to be put on it. Soon I mounted with the assistance of A. Saulsbury¹¹ and rode on feeling much better. The regiment on ariving on the prairie about a mile from the battlefield halted formed a line of battle and was the rear guard coming in I went on till I got to Springfield about sundown went to the brick hotel which was being used for a hospital and dismounted was helped up stairs and lay down on the floor. When I was about three miles from town I met some wagons going out after the wounded they were loaded with bread which they were distributing out to the soldier[s] and this was all I recieved till the next day The regt came in and camped at the usual camping place. J. F. Walker¹² was wounded and came into the same

10. Capt. Samuel J. Crawford, 1st Lt. John G. Lindsay, 1st Sgt. John Johnston and Ens. Henry Nugent, all of Osborne's company (E), Second Kansas infantry.

11. Pvt. Albert Saulsbury, Company E, Second Kansas infantry.

12. Cpl. James F. Walker, Company E, Second Kansas infantry.

room with me I succeeded in pulling off my boots and with my hat and them I made me a pillow and soon went to sleep and slept till about three oclock the next morning

I had been awake but a few moments when some men among who was Lieut. Lindsay came into the room to bid us good bye They stated that they were going to retreat and leave all the sick and wounded behind We wanted to go with them but they said that they could not take us They said that we would be well taken care of by the rebels &c. but this did not satisfy me I knew that there were rebels that would hunt me out and I feared that it would be the worse for me. It proved that they hunted all over Springfield for me but could not find me.

When I left I went down stairs and on the piazza and sat down on the steps After sitting there a few moments Seargt. Nugent came along and I asked him to help me to the wagon and on getting to it climbed up and made me a bed in the blankets and the train soon started for Rolla I got along on the journey to Rolla as well as could be expected considering that I had as dangerous a wound as mine was The men in the Co. were very kind to me One man was sent along with us to see that we were supplied with water and any other necessary J. Norris¹³ was in the wagon with me

The 2nd day from Springfield my leg got so bad that I could not walk on it and when I got to Rolla I could walk very little by placing both hands on the left knee and throwing my weight on my arms and going stooped over any other way I could not walk a step The march from Springfield to Rolla was the hardest and fatigueing of any march previous many of the men were taken sick afterwards from the effects of it. The soldiers had worn out nearly all thier clothes many were barefooted No Clothing had been issued to the Kansas regts but blouse and socks The Iowa 1st had had clothing issued to them by the state but it was worn out by the time we got to Rolla so that they were no better off than the rest of us They went on to St. Louis and were mustered out of service. Several regiments were at Rolla Rolla is the terminus of the south western branch of the Pacific railroad We were seven days on the march from Springfield to Rolla I lay one day at Rolla.

13. Pvt. John Norris, Company E, Second Kansas infantry.

[Hospitalized in St. Louis, August 19, 1861-February 13, 1862]

The 19th day of August I was placed on the cars and sent to St. Louis arriving at the depot about seven P. M. Then placed in wagons and taken to the General Hospital or Ware House of Refuge. The flags along the route and in St. Louis were at half mast on account of the death of Gen. Lyon. We arrived at the hospital just before dark and received some crackers to eat. The worthy Superintendent Dr. Bailey¹⁴ of the regular army came around to see us. He appeared good natured kind and done every thing in his power to make us comfortable. As soon as beds could be made down on the floor we went in and laid down. My wound had by this time healed on the outside but was very stiff and the muscles contracting on the posterior of the bone had drawn it crooked. I could walk only by placing my hands on my knee and throwing my weight on my hands. The first night I slept very well. Before going to sleep a German M. D. came round and dressed all the wounds. He was very severe on wounds in which balls were lodged trying to get as many balls as he could. He would make a much better butcher than Dr. The next morning my leg pained me considerably and was swelled considerably. Cots were brought in to day and our beds laid on them. Dr. Patee of the 2nd Kansas was detailed for duty in the hospital. He was placed in charge of ward B the one that I was in. The ward accommodated about seventy patients and was filled with wounded.

My wound continued to get worse until Wednesday the 24th when it broke and discharged a large quantity of matter. I had by this time procured a pair of crutches and walked about without using it at all. My wound continued discharging at least a pint a day for two weeks. The Dr. felt the ball repeatedly but it was so deep that he could not extract it. By the 10th of Sep. my wound commenced getting better. It discharged less and my health improved so that I was able to take considerable exercise on crutches. My leg was still contracted so that I could not walk on it any. From this time till Oc. 20th my wound kept improving. I had so that I could walk a little without crutches but I never went out of doors without them.

Oc. 20th the process of getting the ball out was commenced. The Drs. ascertaining that it would never get well without. First poultices were put on it to draw the ball to the surface. As soon

14. Surgeon Elisha I. Baily.

as this operation comenced my leg kept getting worse and my health failed also At the end of two more weeks was having slight chills nearly every day and was hardly able to get up out of bed My leg was swelled very much some days discharging very freely others none at all the wound had increased very much in size turned black and the matter had a very offensive smell I had some apprehensions of losing my leg altogether and cared but little whether I lived or died.

The seventh of Nov. the ball was extracted by Drs. Patee and Hoffersette[?] It had been lanced the day before by Dr. Patee and discharged about a pint of bloody matter The morning of the seventh before daylight I awoke and I could feel the ball lying in the hole. When it was dressed the Dr touched it with the probe it was in the flesh about an inch from the surface. He bandaged it and I went back to bed About ten oclock the Dr. came in with the instruments ready The ball was taken out of the back side of my leg about an inch below the body. The first operation was to cut the hole larger This caused so much pain that it was decided to give me some chloroform which was brought and sprinkled on a hankerchief and placed on my nose It caused very severe pain in my eyes for a moment then I thought that all the blacksmiths in creation were hammering on anvils close to my ears Then I thought that I was screaming as loud as I could. Then suddenly became exhausted and fell into a spasm After some time I felt as if I had just awoke from a sound sleep I had a faint recollection of the ball being out and I asked the Dr. to show it to me which he did and recolected the shape of it but this was all like a dream

When I awoke the dresser was sitting by the side of the bed the windows raised the wind blowing in very freely two blankets over me and lying on my back feeling very weak I did not know whether the ball was out or not and not willing to express ignorance on the point ventured to ask the dresser what kind of a ball it was he answered a Miss. rifle ball This gave me a great deal of satisfaction confirming the hope that I entertained that it was out He could hardly believe that I had been ignorant of what had happened all the time On inquiry I acertaind that when the Dr. was drawing the ball I yelled most awfully so as to bring the women out of the washhouse and friten the pe[r]sons in the vicinity terribly the sentinel at the gate heard me, and then passed into a very severe spasm, and remained for a few minutes as if dead Dur-

ing this time Dr. Bailey was sent for. The window opened and a blanket taken off another bed and put on me. Chloroform was still administered whenever any pain was felt in my leg. Before noon I was so far recovered that the constant attention of an attendant was no longer necessary.

When the Dr came in he showed me the ball. It was the size of a Minie musket. The point had been mashed very much and one side of the point had in striking the bone been mashed much more. Then the appearance of the ball indicates that the butt turned end for end and went to the rear of the bone still making two marks, by mashing the lead into the cavity of the butt of the ball. About four o'clock in the afternoon I was able by the use of crutches to go to the dressing room and have it dressed. The pain had nearly subsided and did not pain me much for several days but a fever set in which kept me confined to my bed most of the time. I could smell chloroform occasionally for a few days. I had a diarrhea also that kept me sick.

In two weeks after the ball was taken out I commenced getting better both in health and my wound. By the 1st of Dec my health was as good as could be expected and my leg had got so that I could bear my weight on it. By the 7th of Dec. I could walk on it a few feet. The eighteenth of Dec. was the first day that I went entirely without any crutches but did not go any farther than I was obliged to, and that was very little. Christmas day I went outside of the enclosure without crutches for the first time and went about a quarter of a mile and back. I now commenced thinking of getting a discharge and leaving the army. At that time I had no hopes that my leg would ever get strait or so that I would ever be able to do the duties of a soldier again. My wound continued getting better slowly but surely from this time although but little change could be discerned in a day as the weeks passed away I could discover that I was getting better.

By New Years the wound had got so much better than I expected that I had commenced thinking of re-enlisting in the army again. By this time no persons remained of the 2nd Kansas at the hospital but Dr. Patee and myself. Lieut. Lindsay came to the hospital to see us one day and said that the regiment was mustered out of service the last day of Oc.

Feb. 10th I applied for a discharge from the hospital and a return to duty. I had never received a discharge and could not be considered as out of service. I had determined on going to Leaven-

worth where the regiment was getting a discharge and re-enlisting in the 2nd Kansas Cav'y which was in process of organization at that place. The hospital in which I was situated was in the southern part of St. Louis in a very pleasant location for a hospital and very well conducted. The discipline was strict but not too much so for the good of sick and wounded soldier[s]. The food was very good most of the time. The building was large enough to comfortably accommodate five hundred patients and most of the time there were many more than that there. I had the mumps pretty severe just before I left the hospital. Cases of small pox were not uncommon. Two cases of the disease was in the same ward I was in till they were broke out and then removed to a hospital in another part of the city. Diarrhea and colds the latter occasioned by the subjects having had the measles first and taken cold before they fully recovered were the most prevalent diseases at the hospital.

On the 13th I left St. Louis for Leavenworth having obtained a pass for that purpose. I went by the North Missouri railroad to Macon city then to St. Jo. by the Hanibal and St. Jo. railroad. North Missouri is much better adapted for agriculture than I had supposed being plenty of timber and prairie. At nearly every station soldiers . . . *[The rest of this manuscript is lacking. But the second narrative picks up Osborne's story six days later, so little of his account is lost.]*

[Enlistment in the Second Kansas Cavalry, 1862]

On the 19th of February 1862 I enlisted in the 2nd Kansas Cavalry at Leavenworth City Kansas. This regiment was partially organized out of men that had been in the 2nd Kan Inf which had been mustered out of service in Oc. 1861. For the purpose of organizing the new regiment the field officers and Capt Crawford of the old regiment had been retained in service. At the date of my enlistment four companies had been partially organized and mustered into service and were doing Provost Guard duty at Leavenworth City. Maj. Cloud had command and was also Provost Marshal of the city. I was enlisted by Lieut Pratt and mustered in but the muster was illegal as no volunteer officer had any right to muster in men at that time. About the first of March the 2nd and Ninth Kansas regiments were consolidated and was at first called the 9th but soon after the name was changed to the 2nd.

On the 8th of March we turned in all our infantry arms and equipments and drew cavalry equipments, on the 9th drew our

horses and the 10th left Leavenworth leading the horses that were to be used by the battalion of the ninth. On the 11th arrived at Quindaro a town situated about thirty miles below Leavenworth on the Missouri river where the 9th had been quartered during the winter. The field officers of the regiment were R. B. Mitchel [1] Colonel O. A. Bassett Lieut. Col. C. W. Blair J. G. Fisk and [J. M.] Pomeroy Majors John Pratt Adjutant I belonged to Capt. Crawfords Co. which was designated as Co. H, S. J. Crawford, Capt. J. Johnston, 1st Lieut.

We left Quindaro on the 12th passed through Wyandotte crossed the Kansas river and went through Shawnee town and camped on the prairie one mile from town naming the camp Camp Blair where we remained about six weeks. We drilled three hours and had a dress parade every day when the weather permitted and were under strict discipline not being allowed to leave camp with out passes, and they were given to but two men in a Co. daily

[A Raid on Quantrill's Guerrillas¹⁵]

On the 22nd of March we drew our carbines they were short light and inferior arms called the Austrian Carbine. At five o'clock in the afternoon of the same day Col. Mitchel ordered three hundred men to be ready to march at six with one days rations with six rounds of cartridges each that being all the cartridges that could be procured at that time. By the time appointed we were ready and divided into three[e] divisions Capt Russell commanding the detachments of Cos. H, K, and F, Col. Mitchel accompanying this detachment. We arrived at Santa Fee, a town near the Missouri line about eleven o'clock, and the other detachments arrived soon after. Thirty men were sent forward under the command of Maj Pomeroy to see if he could find the enemy; the rest of the command stopped fed our horses but did not try to sleep any.

Four miles from Santa Fee Maj Pomeroy dismounted his men and advanced cautiously to a house where the enemy were supposed to be. Twenty one horses were tied to the fence in front of the house bridled and saddled and the enemy were in the house. The enemy were immediately attacked by our men firing into the windows and doors they returned the fire with spirit severely wounding Maj Pomeroy in the thigh¹⁶ and slightly wounding an-

15. Quantrill and his men had just burned the bridge between Kansas City and Independence, Mo. Colonel Mitchell hoped to surround and capture the guerrillas.—*War of the Rebellion*, Series I, v. 8, pp. 346, 347.

16. The Union casualties were Major Pomeroy (severely wounded), Pvt. William Wills, Company D (died of wounds), and two horses killed. Of Quantrill's men, seven were known to have been killed, and six were taken prisoner.—*Ibid.*, p. 347.

other man the house being made of logs afforded the enemy shelter but some of our men succeeded in getting to the chimney corner and setting it on fire The rebels seeing no hope of extinguishing the flames led by their leader Quantrell threw open the door rushed out and run for the woods a volley was fired into them as they came out killing one and mortally wounding three more Quantrell escaped but it was at first supposed he was severely wounded but it was subsequently ascertained that he was not As soon as the house was attacked a messenger was sent back to Col. Mitchel and he brought the command up on double quick but was too late to take part in the skirmish We scoured the woods in every direction but could not find Quantrell.

Just before daylight we went back to the house helped ourselves to what apples we wanted a wagon load of which had been loaded the night before to take to our camp and sell The dead man was recognized as an apple peddler who had been in our camp often Six bodies were said to have been burned in the house At daylight we mounted and scoured the country around at one house we found breakfast prepared for several men but they seeing us took to the woods and escaped Two sabres were found here besides powder flasks, canteens, etc About noon we started for camp arriving there about four o'clock in the afternoon

On the 14th of April Capt Crawford took command of the Co. he having been sick in Leavenworth since we left there in march and the Co. was organized H. Nugent was appointed 1st sergeant, the other noncommissioned officers were Quin, Archer, Romine, Wilson, and J. P. Hiner, Sergeants; Shannon, Hewitt, Stowell, Nye, Williams, Myers, Sample, and Simons, corporals They were appointed by Capt Crawford which created considerable dissatisfaction in the Co. at the time as he had promised many of the Co. when they enlisted that the non commissioned officers should be elected by vote On the 15th the Cos. were lettered according to the rank of the Capts Capt. Crawfords Co. was designated as A Hopkins¹⁷ B Whitten[h]alls C Moores D Gardners E Cameron F Matthews G, Guenthers [Gunthers] H Ayer [Ayres] I and Russells K.

[En Route to Fort Riley, April, 1862]

On Sunday morning the 20th of April the regiment left Camp Blair [Mo.] and started for Fort Riley The first day passed through the towns of Chilicothe and Montecello camped the sec-

17. Company B was later captained by Elias S. Stover.

ond night near Eudora and arived at Lawrence in the afternoon of the 23rd We drew our revolvers on the 20th They were the French defacheur pistols and shot metalic cartriges¹⁸ but no cart-riges had at that time been procured We remained at Lawrence until the 26th While there one hundred and fifty men were de-tailed out of the regiment for a Co. of artilery and sent to Leaven-worth Lawrence is situated on the south bank of the Kansas river and next to Leavenworth in size of the cities of Kansas Steamers go up there in some seasons of the year

We left Lawrence on the twenty sixth and passed through Big Springs Tecumseh and Topeka and camped two miles from the latter place the 28th. Topeka is the capital of Kansas [It] is situated on the southern bank of the Kansas river The houses are mostly built of stone and the inhabitants eastern people Timber is not as abuntant between Lawrence as in the eastern part of the state We mustered and had a regimental review on the 30th of April the latter was witnessed by a large number of citezens

The third of May we left Topeka and arived at Fort Riley on the sixth Our route lay along south of the river at times miles from it But few houses were to be seen on our route but the land was fertile and timber scarce Fort Riley is situated at the junction of the Republican and Smoky Hill Forks which form the Kansas river A brigade was there preparing to march to New Mexico which consisted of the 1st 2nd & 7th Kansas and the 12th & 10th [13th?] Wisconsin regiments which was to be commanded by Brig Gen'l R. B. Mitchel who had been promoted from Col. of the 2nd Kansas On the 7th of May the 2nd Kansas was inspected by an officer of the regular army who condemed our guns and revolvers and we turned them in and drew sabres

[From Fort Riley to Fort Union, N. M., May 20-July 4, 1862]

About the twentyeth of May orders were recieved from Leaven-worth detaching the 2nd Kan from the brigade and ordering Genl. Mitchel to take the brigade to Tennessee Cos A, and D of the 2nd were detailed for an escort for the paymaster to go to Fort Union New Mexico On leaving we drew the same revolvers that we had before but not the same carbines We drew what are called carbine pistols and old fashioned U. S. Arms Maj Fisk was assigned to the command of the detachment When we left the regiment there was considerable contention among the officers about who should be

18. French Le Fauchaux revolvers and cartridges were used during the Civil War.—C. E. Fuller, *The Breech-Loader in the Service* (Topeka, c1933), p. 226.

Col. But it was settled by Gov [Charles] Robinson who commissioned W. F. Cloud Colonel

On the twenty first of May we started across the plains We crossed Republican Fork at Fort Riley passed through Junction City crossed Solomon Fork forty miles from Fort Riley where we found Col Howe [of the Third U. S. cavalry] and the paymaster waiting for us Our route lay along the Smoky Hill Fork the land was fertile and well watered but timber scarce On the west bank of Solomon Fork we saw the first antelope and prairie dogs On the twenty fourth we crossed Saline river and camped near Salina the last town on our route Leaving Salina on the twenty fifth we passed into the buffalo range seeing several small herds that day Crossing Smoky Hill on the twenty sixth we saw many large herds and several were killed their meat is delicious We saw but few after crossing Cow Creek

At Walnut Creek we saw the first wild Indians they belonged to the Arapohoe Cheyennes and Pawnees They appeared friendly came into our camp and were desirous to trade their lariats or mocazins for hats caps or any other article of clothing or food On the twenty ninth we arived at Fort Larned where we remained one day Fort Larned is situated on Pawnee Fork five miles from the Arkansas river and is built of sods principally From Solomon Fork to Fort Larned the land is poor water scarce with but little timber but the roads are good excepting at the fords of the creeks

We left Fort Larned on the first of June taking the cut off route to the Arkansas river where we arived on the second. The Arkansas river at this point was about one half mile wide very shallow with a sandy botton and no timber on its banks. We proceeded up the river on its northern bank to Fort Lyon where we arrived on the 10th of June. Grass was plenty along the river but until we arrived within forty miles of Fort Lyon wood could not be procured and we used buffalo chips for fuel in cooking. At Fort Lyon there is timber mostly cottonwood. Most of the buildings there are built of stone.

On the 12th we left Fort Lyon and went up the river to Bents Fort, and there crossed the river The river was very high and we were obliged to double teams to get our train over taking nearly all of the 13th to cross. From a hill near our camp we could see Spanish Peak, Pikes Peak and the mountain range between them. The 14th we left the river and traveled twenty one miles and camped at a place called Hole in the Ground where there was but

a small supply of wood water or grass On the 15th we traveled about thirty miles and camped at Hole in the Rock where there was plenty of wood, but water and grass were not abundant The 16th we arrived at Picket Wire near the foot of the Rattoon mountains where we found plenty of wood water and grass Here was a small settlement The next day we commenced traveling over the mountains which took two days The 19th Co. D's horses nearly all stampeded and we left them on the 20th and passing Maxwells ranche and Rio camped on a smal creek one mile from Rio Co D overtook us on the twenty first and the twenty second we arrived at Fort Union.

From Fort Larned but little game is to be seen except wolves and antelope till you reach Bents Fort but from Bents Fort to Fort Union there is bear elk deer antelope and wolves in considerable numbers but shy and not easily killed Fort Union is situated in a valley about five miles in width hemmed in by rocky bluff on each side A spring near the Fort supplies the garrison with water grass is not abundant but what there is is very nutritious and animals thrive on it. We were placed on duty at the fort and Col. Howe procured another escort and went on to Fort Craig On the 28th of June thirty men were detailed out of the Co. to go out after some Comanche Indians who had been committing some depredations on Johnsons ranche we took ten days rations packed on Jacks but not finding their trail returned at the end of three days

*[From Fort Union, N. M., to Fort Riley, July 5-
August 25, 1862]*

The 5th of July we left Fort Union and started back to Fort Lyon. The prospect from the summit of the Rattoon mountains is grand far away to the west the peaks of the snowy range are in view which are covered with snow at this season at the north west Spanish Peak rises and has some snow on its summit clouds are sailing through the air between the mountain tops increasing the sublimity of the scene When I was in the mountains it rained nearly every day the clouds follow the watercourses so that nearly all of the rains fall in the valleys but notwithstanding this all cultivated lands require irrigation. The 14th the wind blew very hard while we were crossing a sandy plain filling the air fill of sand so thick that we could see but a short distance and making it very uncomfortable We camped about noon but could not put [up] any tents as the pins would not hold in the sand and we were obliged to go down under the banks of the creek for shelter.

On the 15 we arrived at the Arkansas river but it having swollen so that we could not cross and we remained there one day when a large ox train arrived on the north bank and commenced crossing by doubling teams one wagon had thirty three yoke on it and the least number that was put on to cross the river was twenty six pair. As they returned our wagons were drawn over The 18th we arrived near Fort Lyon where we camped several days The 25th we left Fort Lyon and were joined by a detachment of Co. C, and proceeded towards Fort Larned taking nearly the same route as we came arriving there on the 5th of Aug. Cos C, & B, were at Fort Larned having been ordered there in June

A large number of Indians estimated at thirty thousand were camped in the vicinity of Fort Larned They had assembled to receive their annuities from the government and represented the Arapahoes Apaches Kioways Cheyennes & Comanches The Apaches and Cheyennes were at war with the Pawnees and had some skirmishes while we were at Fort Larned but not near the Fort. No Indians were allowed to come into our camp but we went into theirs at will. We exchanged hats clothing coffee &c. for moccasins and lariats with them They were dressed in Indian costume but some having procured coats of soldiers wore them many had their legs naked with a blanket thrown over their shoulders but always wearing the breechclout most of the children are entirely naked except what is covered with the breechclout. Their lodges are made of buffalo hides and shaped like Sibley tents and supported in the center by poles which are tied together at the top by thongs and spread out at the bottom nearly to the covering of the lodge. They live on game and wild fruit. A few are armed with guns but most of them armed with bows and arrows. When away from their camp they are almost always mounted They are excellent riders and are very skilful with their bows and arrows. Their horses are inferior animals but they have large numbers of them While we were there the authorities informed the Indians that they were to go to Fort Lyon, there to receive their annuities from government. That caused some dissatisfaction among them but they confirmed it to threats. Their manner of moving is novel The lodges are struck and rolled up in bundles the poles are one end fastened to the saddle and the other drags on the ground and the bundles rolled up on these and fastened to the saddle then an Indian child is placed on top of that to guide the animal. Their blankets are fastened to pack saddles in such a manner as to form

a hollow in the centre into which the papooses are placed Their saddles are very poor and bridles crude Bridles, Sugar, Coffee, &c. are in good demand with them. A pint of sugar or coffee will get a pair of moccazins. Twenty four hours after the first Indians started they were all gone While these Indians remained there was some fear among citizens and travelers of them. Letters were written to the states of their depredations and found their way into the papers but were all or nearly all false.

The 12th of Aug. Cos A & C were ordered to the Big Bend of the Ark. river forty miles east of Fort Larned where we arrived on the 14th and remained there several days We were now in the buffalo range and many of these animals came in sight of our camp and several were killed. On the opposite side of the river were large quantities of wild plums; they grow on low bushes on sand hills, where nothing else grows, but grape vines, are of a bright red color, and equal in flavor any plums ever I saw The 19th several men went out on a buffalo hunt but were not very successful. Buffalo can be hunted successfully in two ways. One is to be well mounted, and armed with a pair of good revolvers and run into a herd and shoot them in the lungs or heart; the other is to be on foot, and armed with a long range target rifle, and approach them on the leeward and shoot them while grazing. The 21st we left the Big Bend and went to Little Arkansas river on our route to Fort Riley where we arrived on the 25th of Aug. and remained until the 2nd of September While here several men were taken sick with fever probably caused by too frequent bathing.

*[Part Two, the Concluding Installment, Covering the Period from
September, 1862-July, 1865, Will Appear in the August,
1952, Issue]*

Recent Additions to the Library

Compiled by HELEN M. McFARLAND, Librarian

IN ORDER that members of the Kansas State Historical Society and others interested in historical study may know the class of books we are receiving, a list is printed annually of the books accessioned in our specialized fields.

These books come to us from three sources, purchase, gift and exchange, and fall into the following classes: Books by Kansans and about Kansas; books on the West, including explorations, overland journeys and personal narratives; genealogy and local history; and books on the Indians of North America, United States history, biography and allied subjects which are classified as general. The out-of-state city directories received by the Historical Society are not included in this compilation.

We also receive regularly the publications of many historical societies by exchange, and subscribe to other historical and genealogical publications which are needed in reference work.

The following is a partial list of books which were added to the library from October 1, 1950, to September 30, 1951. Federal and state official publications and some books of a general nature are not included. The total number of books accessioned appears in the report of the secretary in the February issue of the *Quarterly*.

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Bypaths of Kansas History

THE INDIAN AND HIS SQUAW

From the *White Cloud Kansas Chief*, October 15, 1857.

We must not neglect to say something about our dusky neighbors occasionally. We notice that many of them are beginning to dress more after the style of civilized life than heretofore. One came to town last week, doffed his blanket and leggings, and purchased a suit of store clothes and a fur cap. He could not get the hang of them rightly, but straddled about like a three year old sonny with his first pair of breeches on!

We also learn that some of the warriors are becoming more polite towards the squaws. They used to ride and make the women walk. But now, when a man wants to sell a pony, he will put his wife on its back, and mount a horse himself, and come to town. When he starts home again, he will place his squaw on the remaining horse, tie the extra saddle behind her, and walk by her side. But as soon as he gets out of sight of town, he kindly makes her dismount, and lug the saddle home on her back, while he rides!

THE GOOD OLD DAYS?

Schedule 3 of the U. S. census of 1860 is a report on persons who died during the year ending June 1, 1860. At the bottom of the page for Verdigris township, Woodson county, Kansas, the assistant U. S. marshal wrote:

John Coleman was taken from his house & Shot by a company of Robbers Common in Southern Kansas Ann Extraordinary Drouth Nothing Growing and many Many People Leaving the Country

WHEN WICHITA WAS LESS CROWDED

From the *Kansas Weekly Tribune*, Lawrence, October 22, 1868.

FROM THE VOLUNTEERS.

CAMP CRAWFORD, WICHITA CITY

October 1st, 1868.

ED. TRIBUNE: We have reached this point, our destination, at last, all right, with the exception of a few sorefooted animals. Our winter quarters are built on the banks of the Little Arkansas, about a half-mile from Wichita City.

This town was laid out but recently, and without counting the soldiers, has about two hundred inhabitants. Of these fifty are single young ladies, and seventy-five children under ten years of age. The rest are hunters, scouts, &c. It has one hotel and two saloons, and one trading house and the post sutler's establishment. Our sutler, Durfee, is from Leavenworth. The buildings generally are constructed of hewn logs.

We have a dance about once a week, and are now organizing a minstrel company, for the good of the country.

In addition to our command, one company of the 5th U. S. Infantry is stationed here, commanded by Captain Barr, who is also commandant of the post.

We have had but one scare since arriving here, which was caused by a squad of horse thieves attempting to steal our horses, before daylight on last Thursday morning. The guard discovered them at work and fired on them, which aroused the camp, and in less than no time the boys were out. As they were retreating about forty shots were fired at them, but with what effect is not known. All that could be found the next morning on their trail was a large jack, wounded in four places.

We are well provided with everything necessary at present, except corn for our horses, having had none since leaving Council Grove.

We are all enjoying excellent health, and are anxious for active service. Our company numbers sixty men, all told, having lost five by desertion at Burlingame, and replaced them with five others, who enlisted since we came here. The deserters, I am sorry to say, are from Douglas county.

Groceries and provisions are plentiful at reasonable prices. Flour is worth \$6 per sack, bacon 27½¢ per pound, and fresh beef 9¢.

As the mail is closing, so will I, but will write you again soon, and in the meantime,

I remain, yours,

WILL-O'-THE-WISP.

P. S. All letters to members of our company should be directed to "Co. A, 19th Kansas Volunteer Cavalry, care of Capt. S. J. Jennings, Salina, Kas."

CHEWING IN THE SCHOOLROOMS

From the *Caldwell Commercial*, September 21, 1882.

There is a rule, we mean in school, that has been in vogue as far back as we can remember. And it is prohibiting the chewing of gum during school hours. Now we can find no fault with that, or the enforcement of the same, but it is not very likely that scholars will quit the foolish habit of chewing gum so long as the teacher tells them it is against the rule, and at the same time has a wad of tobacco in his mouth that makes it necessary for him to run to the window every minute to spit. Teachers should set examples for children that will enoble and elevate them, but this will not. . . .

A PREDICTION THAT CAME TRUE

From the *El Dorado Daily Republican*, August 15, 1887.

Will A. White, who has been attached to this paper as local scribe for the past two months leaves for Lawrence Saturday next to resume his collegiate course. He is a good writer and will some day be a bright and shining light in the editorial fraternity. The *Republican* will miss him, and his place will be very difficult to fill.

Kansas History as Published in the Press

Stories of the Comanche cattle pool, with headquarters in present Comanche county, were published in *The Western Star*, Coldwater, September 28, 1951. The pool, founded by Jess Evans, existed in the early and middle 1880's. A Comanche pool reunion was held in Coldwater September 29, 1951.

Installments of Mrs. Oello Ingraham Martin's article, "Father Came West," have continued to appear regularly in recent issues of the *Girard Press*.

The German-Russian settlements in Ellis county were the subject of an article by Father Matthew Pekari which appeared in the *Hays Daily News*, October 5 and 7, 1951, and in the *Ellis County News*, October 11 and 18. These settlements recently observed their 75th anniversary.

"Report From Whistle-Stop, Kan.," by Hal Borland, in the *New York Times Magazine*, October 7, 1951, was the title of an article on Goodland. Chosen as representative of America's political whistle-stops, the town's history, citizens and businesses were discussed.

Lillian K. Farrar's historical column has continued to appear in the *Axtell Standard*. The Axtell Catholic church was her subject October 11, 1951. Biographical sketches of pioneer residents of Axtell and vicinity have appeared as follows: B. P. Redmond, October 25; William C. Ford, January 3, 1952, and James E. and Lewis L. Kirk, January 10.

A 40-page special edition of the *Russell Daily News* was published October 18, 1951, in recognition of Kansas oil progress week. Featured in the edition were articles on the history and activities of the oil industry in Russell county.

Biographical information on Pierre Bete, the man for whom Labette county is said to have been named, compiled by Wayne A. O'Connell, was published in the *Oswego Independent*, October 19, 1951; the *Oswego Democrat*, October 19, 26, and the *Chetopa Advance*, October 18 and 25. Bete, a Frenchman, was a famous guide, interpreter and hunter who lived in present Labette county for about 12 years. In 1832 Washington Irving was a member of a hunting

party which employed Bete as a guide. Irving's comments on the guide in his *Tour of the Prairies*, are quoted at length in the article.

The Beloit *Daily Call* published a golden anniversary edition October 20, 1951. The *Call's* first issue was published October 1, 1901, and the first issue of the Beloit *Weekly Democrat*, the *Call's* predecessor, appeared September 27, 1878. Histories of the *Call* and the *Democrat* with reproductions of the front pages of the first issues, and histories of Asherville, Tipton, Hunter, Glen Elder, Cawker City, Scottsville and Beloit are included in the edition.

A two-column historical sketch by the Rev. John Bauer of St. Francis Xavier parish at Burlington, was published in *The Daily Republican*, Burlington, October 24, 1951. As early as 1859 Catholic missionaries visited the area and in 1871 Father Heller organized the parish.

Some of the history of the old Clark county courthouse, built in 1887-1889, was published in the *Clark County Clipper*, Ashland, October 25, 1951. The county recently dedicated a new courthouse.

A two-column history of the Cumberland church, near Douglass, by Rolla F. Murdick, was printed in the *Douglass Tribune*, October 25, 1951. Another history of the church, written by J. M. Saterthwaite in 1941, appeared in the *Tribune*, November 1. The first church meeting was in the log-cabin home of John Rodgers in 1876. The church was organized by the Rev. T. C. Sanberry.

A brief discussion of the part played by Linn countians in the campaign for "Women's Rights" during the 1850's and 1860's, appeared in the *Mound City Republic*, October 25, 1951.

"The Eisenhower I Know . . .," by Charles M. Harger, was printed in *The American Magazine*, New York, November, 1951. Harger included in the article General Eisenhower's personal characteristics, incidents of his life in Abilene and, briefly, his political background.

Brief reminiscences by J. C. Alkire about his boyhood in Kiowa county, written by Carrie Allphin, appeared in *The Kiowa County Signal*, Greensburg, November 1, 1951. Alkire came with his parents to the county in 1885. A short history of the Greensburg Baptist church was printed in the *Signal*, January 17, 1952. The church was organized in 1894 under the leadership of the Rev. Mr. Shanklin.

Articles of historical interest to Kansans published in recent issues of the Kansas City (Mo.) *Star* included: "Damon Runyon's Philosophy and Life Reflected in His 'Guys and Dolls,'" by Webster Schott, November 1, 1951; "Manuscript of Wandering Artist Describes This Area in 1845-1846," a review of *Travels in Search of the Elephant: The Wanderings of Alfred S. Waugh, Artist, in Louisiana, Missouri and Santa Fe, in 1845-46*, edited by John Francis McDermott, by John Edward Hicks, December 4; "Doctor [Charles H. Crooks] From Kansas City, Kansas, Made Many Friends for West in Thailand," by John De Mott, December 8; "Unparalleled Journey Through Alaska Told in Letters of Frederick Funston," by Mrs. Ella Funston Eckdall, December 27; "Civil War Washington Was a Boyhood Memory of Kansan [Linton J. Usher] Who Died [Recently] . . .," by Don Huls, January 14, 1952; "Jim Bridger's Heroic Story Is Brought Home to Kansas Citians by a New Book," a review of Louis O. Honig's *James Bridger: The Pathfinder of the West*, by John Edward Hicks, January 19; "Through Many Difficulties Kansas Attained 'To the Stars' of Statehood," by Jonathan M. Dow, January 29; "October Hues of Rural Kansas Colored Political Self-Interview by W. A. White," an article by White wherein he interviews himself for the *Star* in 1924 while a candidate for governor, February 29; "Ft. Leavenworth's 125 Years Yield Rich History for a Pageant," by John T. Alexander, and "The Horseback Ride That Broke Records and Made History," the story of F. X. Aubry's six-day ride from Santa Fe, N. M., to Independence, Mo., by Henry A. Bundsche, March 9, and "She [Mrs. Lottie Law of Hill City] Was a Horse-and-Buggy Doctor in Kansas 50 Years Ago," by Jessie-Lea M. Williams and John T. Alexander, March 23. Among articles in recent issues of the Kansas City (Mo.) *Times* were: "Neighbors and Crowds From Kansas City Found Good Times [in 1890's] on Old Kenna Farm [Near Tonganoxie]," by Albert H. Hindman, September 29, 1951; "Lawyer's [Dean Earl Wood] Research Establishes Course of Old Santa Fe Trail in This County [Jackson County, Missouri]," by Henry Van Brunt, October 26; "Memorial to Merton Rice Will Serve Baker University, Where He Studied," by Walter W. Reed, October 29; "Buffalo Chase Was Tops in Excitement in Plentiful Hunting on Western Plains," by Geraldine Wyatt, November 9; "Famous Men and Heroic Deeds Recalled by the Names of Counties in Kansas," by E. B. Dykes Beachy, December 6; "I Swam a Little River and They Gave Me a Medal,' Was Hero's [William B. Trembly of Kan-

KANSAS HISTORY IN THE PRESS

sas] Story of Feat," by Harry Hannon, Jr., January 18, 1952; "Tragedy of Donner Party Is Recalled by Locale of Snowbound Streamliner," by Alvin Shayt, January 19; "Pioneer Postal Service to West Coast a Matter of Fast Horses, High Rates," by Geraldine Wyatt, February 7; "Abraham Lincoln Voiced in Kansas Ideas That Would Make Him President," by Albert H. Hindman, February 12; "Bayard Taylor Entranced by Kansas Scenes During a Rainy Visit in 1866," by Charles Arthur Hawley, March 7; "Dick Parr, Famous as Plains Scout, Spent Later Years in Kansas City," by Albert H. Hindman, March 20, and "Ralph Waldo Emerson's Kansas Visit Has Been Overlooked by Biographers," by Charles Arthur Hawley, March 26.

St. Patrick's Catholic church at Chanute was the subject of a brief historical article in the Chanute *Tribune*, November 16, 1951. The first priest, the Rev. Patrick J. Nagle, took up residence at Chanute 50 years ago. The present building was dedicated in 1911.

John S. Swenson recalled many historical events concerning the Rosedale school, Jewell county, during the 1880's and 1890's, in "Memories From Rosedale," published in *The Jewell County Republican*, Jewell, November 22, December 6, 13, 1951.

The history of the First Methodist church of Coffeyville was sketched in the Coffeyville *Daily Journal*, November 25, 1951, by Bette Jan Metzler. The church had its beginning in Old Parker during the 1860's. The building was moved to Coffeyville in 1875. The present building was erected in 1908.

Articles in the December, 1951, number of the *Bulletin of the Shawnee County Historical Society*, Topeka, included: "Local History in the Making," a review of Shawnee county events of 1951, by Earl Ives; "Why Shawnee's Boundaries Changed"; "Underground Railroad in Topeka," from the reminiscences of Harvey D. Rice; a biographical sketch of Gasper C. Clemens, by Charles A. Magaw; part 6 of "The First Congregational Church of Topeka," by Russell K. Hickman; "What It [Flood] Was Like in 1903," by Paul A. Lovewell; "Friday the Thirteenth," a review of the 1951 flood in Topeka and Shawnee county, by A. J. Carruth, Jr.; "A Vanished Local Industry [Growing of Seedling Apple Trees]," and a continuation of George A. Root's "Chronology of Shawnee County."

A brief history of the Caldwell cemetery, by E. A. Detrick, was printed in the Caldwell *Messenger*, December 20, 1951. In 1879

J. U. Huff deeded the original tract to the Caldwell Cemetery Association, and the first burial was made that same year.

Fred W. Warren's account of Barton county's first public Christmas celebration appeared in the *Ellinwood Leader*, December 20, 1951. The celebration took place the evening of December 24, 1874, in the Ellinwood schoolhouse.

The memoirs of R. W. Akin, concerning early-day life in the vicinity of Hewins, were published in the *Cedar Vale Messenger*, December 20, 27, 1951, January 3, 10, 1952. A brief history of Hewins park by Newton Myers appeared in the *Messenger*, January 24.

A page-length article on Christmas in Baldwin in 1858 and some of the history of that period was published in the *Baldwin Ledger*, December 20, 1951. At that time the Methodists had established a college at Baldwin but no buildings had yet been erected.

The Kansas-day issue of *To the Stars*, January, 1952, published by the Kansas Industrial Development Commission, featured articles on the geography, history, agriculture, minerals, transportation and power, industry, government, people, military installations, recreation and tourist points of interest in Kansas.

Among articles appearing in the 1952 number of the *Kansas Magazine*, Manhattan, were: "The Unwilling Bishop," the story of a Catholic bishop in early-day Kansas, by J. Neale Carman; a biographical sketch of Henry Thomas Stith, first inventor of caterpillar traction tread, by Edith Kibbe Bestard; "Wichita at the Turn of the Century," by Henry Ware Allen; "Kansas Commune," by Henry M. Christman, and "Drama in the Dustbowl," by Charles G. Pearson.

An account by Col. Harrie S. Mueller of a project to name the Wichita elementary and intermediate schools for prominent Western and Kansas personalities, appeared in *The Westerners Brand Book*, Chicago, January, 1952.

A history of Jefferson county from the *Kansas New Era* of Valley Falls, July 1, 1876, has been reprinted in installments in the *Valley Falls Vindicator*, beginning January 16, 1952.

The legend of the first American flag with 34 stars to be flown in Kansas is the subject of an article by Wayne A. O'Connell in the *Chetopa Advance* and the *Baxter Springs Citizen*, January 24, 1952.

According to the story, the flag was made by Sister Bridget Hayden of the Osage Mission in 1855 when Kansas was expected to become the 32d state. Twice the flag was altered when states were admitted to the Union. During the Civil War the flag was used by Maj. Gen. James G. Blunt's command. Also by O'Connell is an article on the first permanent house on the site of present Oswego, which appeared in the *Chetopa Advance*, February 21, and the *Oswego Democrat and Independent*, February 29. The house was built by John Mathews in the early 1840's.

A letter by G. W. McClung, Westminster, Md., recalling the pioneer Catholic families of Jewell and their church, was published in the *Jewell Republican*, February 7, 1952. The church was built in 1879.

An article by James A. Clay on early business ventures in Douglass was printed in the *Douglass Tribune*, February 7, 1952. Other reminiscences by Clay of early Douglass appeared in the *Tribune*, March 20.

Some of the history of early Wellsville was published in the *Wellsville Globe*, February 14, 1952. The *Globe*, February 28, printed a brief sketch of LeLoup.

A brief account of the fraudulent organization of Harper county in the 1870's was published in the February 21, 1952, issue of the *Harper Advocate*.

The Coffeyville *Journal*, February 24, 1952, published a 126-page progress edition, featuring the industry, education, agriculture, building advancement and churches of the community.

A 144-page, 1952 achievement edition was published February 25, 1952, by the Winfield *Daily Courier*. Included were sections on history, schools, colleges, clubs, industries and sports of Winfield.

Published in the *Transactions of the Kansas Academy of Science*, Lawrence, March, 1952, were "A Geographic Study of Population and Settlement Changes in Sherman County, Kansas," parts 2 and 3, by Walter M. Kollmorgen and George F. Jenks, and Robert Taft's editorial on the wildlife of Kansas in the 1870's. The editorial has been republished in pamphlet form with the addition of accounts of wildlife from the newspapers of that period.

A sketch by Otto J. Wullschleger of the Indian Mission school in present Marshall county was published in the *Marshall County News*, Marysville, March 6, 1952. Buildings for the school were erected in 1855 and 1856 by the Presbyterian board of foreign missions, and in 1857 the Rev. Daniel A. Murdock arrived to take charge. In 1858 the mission was abandoned and a year later the buildings were destroyed by a tornado.

The history of Sharon school, district No. 55, Johnson county, by M. D. Bartlett, was published in the *Johnson County Democrat*, Olathe, March 6, 1952. The original building, believed to have been erected in 1871, served until 1892 when a larger schoolhouse took its place. The second building was recently sold to make room for a new consolidated school.

J. P. Moran's story of the robbery of the Coffeyville banks by the Dalton gang in 1892, written by Arnold McClure, was published in the *Coffeyville Journal*, March 9, 1952. Moran was a tank wagon driver who assisted in stopping the robbery.

A biographical sketch of the Col. Hooper G. Toler family of the Wichita area appeared in the *Caldwell Messenger*, March 17, 1952. The Toler farm in the early days was famous for its purebred trotters and pacers, and a community called Tolerville grew up around the farm.

A brief history of the Church of the Brethren, Quinter, was printed in *The Gove County Advocate*, Quinter, March 27, 1952. The church was organized in 1886.

"Hays, Kansas, at the Nation's Heart," by Margaret M. Detwiler, is the title of an illustrated article appearing in the April, 1952, number of *The National Geographic Magazine*, Washington, D. C. Some of the history and a description of present-day Hays and vicinity are included in the article.

Kansas Historical Notes

Newly elected officers of the Ness County Historical Society are: Edna Robison, president; Mrs. Mabel C. Raffington, vice-president; Mrs. Audra Hayes, secretary, and Mrs. Ada Young, treasurer.

Mrs. C. C. Webb was elected president of the Northeast Kansas Historical Society at the annual meeting January 9, 1952. Other officers chosen were: Fenn Ward, vice-president; Mrs. Fenn Ward, recording secretary, and C. C. Webb, chairman of the finance committee. The society is the sponsor of the Highland museum.

The Woman's Kansas Day Club held its 45th annual meeting in Topeka January 29, 1952, with the president, Mrs. Ira Burkholder of Topeka, presiding. Mrs. W. M. Ehram, Wichita, was elected president. Other officers elected were: Mrs. Douglas McCrum, Fort Scott, first vice-president; Mrs. E. R. Moses, Sr., Great Bend, second vice-president; Mrs. Dwight Numbers, Paola, registrar; Mrs. James L. Jenson, Colby, historian; Mrs. C. W. Spencer, Sedan, recording secretary, and Beatrice Kassebaum, Topeka, treasurer. The following directors were elected: Mrs. Percy Haag, Holton, first district; Mrs. C. D. Waddell, Edwardsville, second district; Mrs. J. U. Massey, Pittsburg, third district; Mrs. Jessie Clyde Fisher, Wichita, fourth district; Mrs. Herb Barr, Leoti, fifth district, and Mrs. L. E. Womer, Agra, sixth district. "Old Opera Houses and Early Places of Amusement" was the theme of the meeting. District directors and historians made interesting reports on this subject, supplemented with programs and pictures. Mrs. James E. Smith, daughter of the late Sen. Clyde M. Reed, through the historian, gave an interesting album of pictures of Senator Reed and other items of interest. These reports, pictures and museum articles were presented to the Kansas State Historical Society.

John G. Deines was elected president of the Russell County Historical Society at the annual meeting in Russell January 31, 1952. Other officers chosen were: J. C. Ruppenthal, first vice-president; Luther Landon, second vice-president; Merlin Morphy, secretary, and A. J. Olson, treasurer. Mrs. Dora H. Morrison was re-elected to the board of directors. Landon was the retiring president.

The Scott County Historical Society was reorganized at a meeting in Scott City February 11, 1952, under the sponsorship of the

Senior Study and Social Club. Officers elected were: Elmer Epperson, president; S. W. Filson, vice-president; Mrs. Clarence Dickhut, secretary, and Matilda Freed, treasurer. Among the plans of the society is a history of Scott county.

H. D. Lester was named president of the Wichita Historical Museum board at a meeting of the board in Wichita March 13, 1952. Other officers elected were: Eugene Coombs, first vice-president; Grace Helfrich, second vice-president; Carl E. Bitting, secretary, and Charles K. Foote, treasurer.

Elected to the board of directors of the Finney County Historical Society at a meeting in Garden City, March 12, 1952, were: Harry G. Carl, Clay Weldon, John Wampler, Ralph Kersey, Eva Sharer, Cliff Hope, Jr., Mrs. P. A. Burtis, A. J. Keffer, Dr. L. A. Baugh, Helen Stowell, Mrs. Josephine Cowgill and C. L. Reeve. Abe Hubert, principal of the Garden City junior high school, was the principal speaker at the meeting. Gus S. Norton is president of the society.

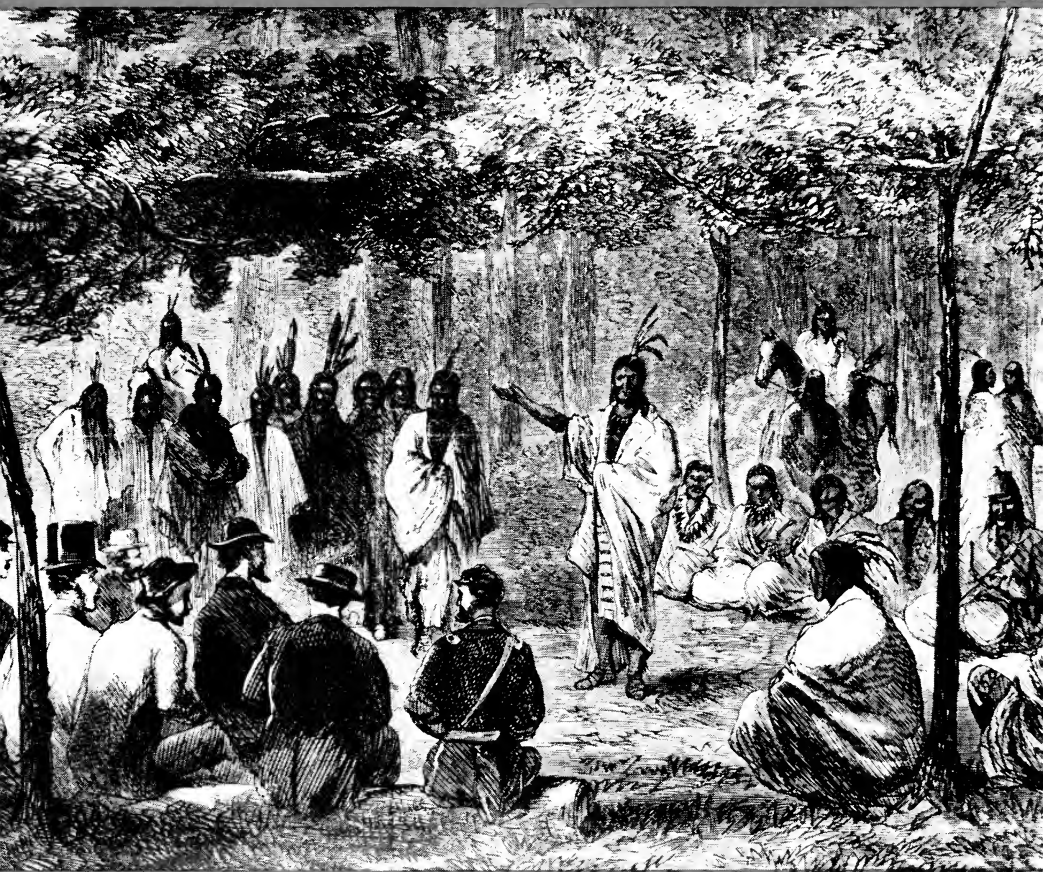
The annual meeting of the Ford Historical Society was held March 14, 1952. Officers elected or re-elected include: Mrs. Mamie Wooten, president; Mrs. F. M. Coffman, vice-president; Mrs. L. Emrie, historian, and Mrs. Marguerite Patterson, custodian.

The work of Mother Bickerdyke in caring for Union soldiers during the Civil War and her later activities are related in *Cyclone in Calico—The Story of Mary Ann Bickerdyke* (Boston, 1952), a 278-page book by Nina Brown Baker.



THE
KANSAS HISTORICAL
QUARTERLY

August 1952



Published by
Kansas State Historical Society
Topeka

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JAMES C. MALIN
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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the secretary of the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

A portion of J. Howland's sketch, "Council at Medicine Creek Lodge With the Kiowa and Comanche Indians," from *Harper's Weekly*, New York, November 16, 1867. The picture depicts one of the peace treaty councils held by the United States government with the Plains Indians near what is now Medicine Lodge in October, 1867. An estimated 15,000 Indians were present.

Beginning in 1927, and every five years thereafter, a pageant commemorating the 1867 peace meetings has been given at the Medicine Lodge peace treaty amphitheater. This year the pageant will be presented on the afternoons of October 10, 11 and 12.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

August, 1952

Number 3

The Annals of Kansas: 1886

INTRODUCTION BY KIRKE MECHEM

THE first *Annals of Kansas* was published in 1875 by Daniel W. Wilder. It was a volume of almost 700 pages of fine print, which began with the expedition of Coronado and ended with the year 1874. In 1886, Wilder issued a second edition; a reprint of the first with eleven years added.

These books were so popular and useful that in later years half a dozen attempts were made to continue them. A good deal of time and money went into several of these projects. But the day of the one-man compilation had long since passed; a fact that was recognized by the Legislature in 1945 when the first appropriation was made to the Kansas State Historical Society for the present work, to begin where Wilder left off.

The Annals committee was composed of Fred Brinkerhoff of Pittsburg, the late Cecil Howes of Topeka, Dr. James C. Malin of the University of Kansas, and Justice William A. Smith of the Kansas Supreme Court. Work began July 1, 1945, under the direction of the editor. Fortunately, it was possible to employ Miss Jennie Owen to take charge of the compilation. She has done a splendid job on a manuscript that in the first draft totaled about 1,500,000 words. Now, with her assistant, James Sallee, she is helping edit it for publication.

The principal sources were Kansas newspapers. It would be impossible to make such a thorough compilation in any other state because in no other state is there such a newspaper collection. Virtually every Kansas paper is on file at the Historical Society. Since the Annals is a day-by-day record of events, and necessarily brief, these papers will enhance its value by enabling users to refer directly to the original and detailed stories.

Not all these papers, of course, were read, but at one time or another they were nearly all consulted. Three papers were scanned

KIRKE MECHEM, for 21 years secretary of the Kansas State Historical Society, is now the society's editor. He lives in Lindsborg.

"The Annals of Kansas: 1887" will appear in the November issue of the *Quarterly*.

regularly for every day of the forty years of the Annals: 1886 to 1925, inclusive. In this way, state-wide coverage was secured, as well as freedom from one-paper or one-party news slanting. Among these papers were the Topeka *Daily Capital*, the Wichita *Eagle*, the Kansas City (Mo.) *Times*, and the official state paper, whatever it was. The *Kansas Farmer*, official organ for farm organizations and a source of agricultural news, was also read. Items from over the state were verified in the local papers; a story from Hutchinson, for example, was checked in the Hutchinson papers.

There were many other sources. Hundreds of volumes in the Historical Society's library were consulted, among them the official reports of all state departments, from which the summaries that appear at the end of each year were compiled. Newspaper stories dealing with the state's business were checked against these reports. Other official reports included those of state-wide associations, such as the Kansas Bar Association, etc.

The most difficult problem was to determine what to include. At the beginning, three prominent Kansans, two lawyers and one professor of history, were asked to compile an annals for the same brief period, each from a different newspaper. There was agreement only on the outstanding (and obvious) events. History is made up of many occurrences that are not important themselves but in the aggregate are vital. For example, there are the meetings of organizations. People organize for countless reasons and nothing is more illustrative of times and conditions. Obviously, the most important should be mentioned. But which are important? The solution was to make brief listings in six-point type of the annual meetings of most of the state-wide associations. For researchers who need to know more, the listings will be a guide to the papers containing the complete stories. The six-point type will save space and enable the casual reader to skip these hundreds of items.

The goal of the editors was to make the Annals accurate, readable, comprehensive, concise and unprejudiced—an impossible achievement, no doubt. It might reasonably be asked, what is comprehensive? Manifestly, a forty-year record of Kansas, which will be a standard reference for perhaps a hundred more, if it is to be worth anything, cannot be written in a few thousand words. On the other hand, it must cost as little as possible. The year 1886, printed in this issue, runs to about 10,000 words. It has been cut from about 20,000 words; that is, in half. It could be reduced to 5,000 words by sacrificing a great deal that is valuable and most of the life and

color. The text, however, represents several editings, based on the experience of a good many years. Nothing essential has been left out. This sample is submitted in the belief that the completed work will give Kansans an accurate, thorough and long-needed history of the state.

THE ANNALS OF KANSAS: 1886

JANUARY 1.—A severe storm, one of a series known as the "Blizzard of '86," swept Kansas with rain, turning to ice and snow. It was accompanied by high winds and below-zero temperatures. Many settlers living in temporary houses, and cowboys and travelers, bewildered when landmarks and trails were obliterated, were frozen to death. Some estimates placed the number at nearly 100. Rabbits, prairie chickens, quail and antelope died. Railroad traffic and business were paralyzed. Hundreds of men worked with picks and shovels to clear tracks; it cost several hundred dollars a day to feed snowbound passengers. Food and fuel shortages were serious. Farmers burned corn to keep warm. Many of the great cattle companies were ruined. It was estimated that 80 per cent of the cattle in the storm's path were killed; those that survived were "walking skeletons."

—Twelve carloads of buffalo bones had been shipped from Cimarron since May, 1885. They sold for \$10 a ton and were made into harness ornaments and cutlery handles.

—George W. Glick, Atchison, former Governor, took charge of the Topeka pension office which served Kansas, Missouri, Colorado, Indian territory and New Mexico territory.

—Fort Scott now had electricity and a street railway.

—Robert L. Downing played in *Tally-Ho* and *A Tin Soldier* at the Grand Opera House, Topeka.

—Food prices in Topeka newspapers included: butter, 20 cents a pound; eggs, 20 cents a dozen; New York full cream cheese, 15 cents a pound; prunes, 18 pounds for \$1; sugar, 14 pounds for \$1, and coffee, 8 pounds for \$1.

—More than 500 pounds of rabbits were being shipped daily from Osborne.

—The *Anti-Monopolist*, Enterprise, published a history of Dickinson county.

—The Grand Army of the Republic, Department of Kansas, had 372 posts.

—The State Board of Education met at Topeka.

JAN. 2.—Two wagonloads of slaughtered antelope were shipped from Wallace county to Eastern markets.

—Vol. I, No. 1, *Wallace County Register*, Wallace; S. L. Wilson, editor and owner; the first paper in Wallace county.

JAN. 3.—A gang at Wichita attacked Charley Sing and ordered him and other proprietors of a Chinese laundry to leave town. The Chinese were promised police protection.

—Judge David J. Brewer in the U. S. Circuit Court held that Henry Bradley, enjoined by the district court at Atchison from selling liquor, was not deprived of his rights as a citizen.

JAN. 4.—Adelaide Moore played in *A School for Scandal* and *As You Like It* at the Grand Opera House, Topeka.

JAN. 5.—In Meade county's first election, Meade Center was chosen county seat. The following officers were elected: county commissioners, Hugh L. Mullen, John D. Wick and Christian Schmocker; county clerk, M. B. Reed;

treasurer, W. F. Foster; probate judge, N. K. McCall; register of deeds, C. W. Adams; sheriff, T. J. McKibben; coroner, Ed E. Buechecker; surveyor, Price Moody; superintendent of public instruction, Nelson B. Clarke.

—A cougar was shot near Sun City, Barber county.

—The Newton Milling and Elevator Co. was organized with a capital stock of \$50,000. Bernard Warkentin was one of the directors.

—The State Board of Pharmacy met at Topeka.

JAN. 6.—A Chautauqua county farmer received a \$50 premium for the best bale of upland cotton at the New Orleans Exposition. It was grown, ginned and shipped by Exodusters, Negroes who migrated to Kansas.

Vol. I, No. 1, Frisco *Pioneer*, Euphrates Boucher, editor and publisher; the first newspaper in Morton county.

JAN. 7.—The Lindsborg *News* quoted broomcorn at \$280 a ton.

—Kansas had a school population of 461,044.

—The Westmoreland *Recorder* published a 14-column history of Pottawatomie county.

JAN. 8.—Charles F. Scott bought the interest of E. E. Rohrer and became the sole owner of the *Iola Register*.

—The Kansas Democratic Editors and Publishers Assn. met at Topeka.

JAN. 10.—The Sedan *Graphic* published a political history of Chautauqua county.

JAN. 11.—The Kansas State Bar Assn. met at Topeka.

—The Kansas Equal Suffrage Assn. met at Topeka.

JAN. 13.—The Cheney *Journal* and the *German-American Advocate*, Hays, were printed on Manila paper because of the snow blockade.

—The Kansas State Board of Agriculture met at Topeka.

—The Kansas Real Estate Agents Assn. met at Topeka. Members voted to ask the Legislature for \$25,000 to advertise Kansas.

JAN. 14.—Indians suffering from the cold annoyed Wichita citizens by begging admission to their homes.

—Governor Martin was appealed to in the Pratt county-seat war. Residents of Pratt and Saratoga were armed. Pratt charged that Saratoga had stuffed the ballot box in the election of October 1, 1885. Although Saratoga received more votes, county commissioners had decided in favor of Pratt, declaring a fraud. The county seat had been moved at night and by force from Iuka to Pratt. Suit was pending in the Supreme Court.

JAN. 15.—Vol. I, No. 1, Wellington *Monitor*, J. G. Campbell and Charles Hood, publishers.

JAN. 17.—Eugene F. Ware stated he became a poet through writing rhymes advertising the harness business.

JAN. 18.—The Attorney General moved to oust the Leavenworth county attorney for failure to enforce the prohibitory law. He listed over 130 names of county saloonkeepers.

—The Western Baseball League was organized at St. Joseph, Mo., with seven teams including Topeka and Leavenworth.

JAN. 19.—A special session of the Legislature was convened to make a new apportionment for senators and representatives. Governor Martin asked for a law providing for arbitration of disputes between employers and employees. He also called attention to the hog-cholera epidemic which had resulted in losses estimated at \$2,000,000.

—The Kansas State Historical Society met at Topeka.

JAN. 21.—Bishop Thomas Vail protested when the rector of St. John's Episcopal Church at Leavenworth held "requiem" mass for a suicide.

JAN. 22.—Judge Brewer of the U. S. Circuit Court, in the case of John and E. Walruff, Lawrence, held that the state could prohibit brewers from manufacturing but must pay for property destroyed.

—The U. S. House of Representatives voted to give Mary A. Bickerdyke a pension for services to the Union army during the Civil War. "Mother" Bickerdyke, who lived in Kansas at intervals until her death, served as nurse and cook, and established army laundries and supervised hospitals. Later she settled several hundred veterans and their families in Kansas and secured aid for them when Indians, grasshoppers and drouth depleted their resources.

JAN. 23.—Travelers halted by storms published Vol. I, No. 1, of the *B-B-Blizzard* at Kinsley: "Published once in a lifetime by a stock company composed of the passengers on snowbound trains at this point."

JAN. 25.—The Kansas Assn. of Architects was organized at Topeka. J. G. Haskell, Topeka, was elected president; H. M. Hadley, Topeka, secretary.

JAN. 26.—David R. Atchison, U. S. Senator from Missouri and "president for a day," died in Clinton county, Missouri. The city and county of Atchison were named for him.

JAN. 28.—Two members of a Saratoga raiding party were wounded when Pratt was attacked during the county-seat fight. The courthouse at Iuka was burned.

—Vol. I, No. 1, *Plainville Times*, S. G. Hopkins, editor and proprietor.

JAN. 29.—The quarter-centennial of Kansas was celebrated at Topeka. Speakers included Gov. John A. Martin, former Governors Charles Robinson and Thomas Osborn, Judge Albert H. Horton, Judge James Humphrey, Cyrus K. Holliday, B. F. Simpson, Dr. Richard Cordley, D. R. Anthony, I., A. P. Riddle, J. B. Johnson, Samuel N. Wood, John Speer, Daniel W. Wilder, Williams Sims, Alexander Caldwell and Noble L. Prentis.

—Hamilton county was organized with Kendall as temporary county seat. J. H. Leeman, Dennis Foley and Lawrence W. Hardy were named county commissioners; Thomas Ford, county clerk.

JAN. 30.—Corn was being burned in hundreds of stoves.

—Governor Martin directed the Adjutant General to investigate the Pratt county-seat conflict.

—Vol. I, No. 1, *Our Messenger*, official organ of the Woman's Christian Temperance Union, was published at Topeka; Olive P. Bray, editor.

FEBRUARY 4.—The Supreme Court held that the law attaching Clark and Meade counties to Comanche county was unconstitutional, affirming the opinion of the Attorney General.

—The Kansas State Eclectic Medical Assn. in extra session at Topeka resolved "that the State Board of Health shall not have power to enforce compulsory vaccination, nor to make any rule or regulation governing the practice of medicine."

FEB. 6.—Timothy hay sold for \$5.50 a ton; prairie hay at \$5. All farm products were correspondingly low.

—Eight antelope were captured near Leoti.

FEB. 7.—Pratt county offices and records were returned to Iuka from Pratt in accordance with a writ of mandamus issued by the Supreme Court.

—The Knights of Labor asked Lawrence dealers to stop sales of the *Kansas City Journal*. The boycott, a result of the discharge of union printers several years before, reduced the *Journal's* circulation at Lawrence nearly 25 per cent.

FEB. 8.—W. F. "Buffalo Bill" Cody presented his "sensational" play, *The Prairie Waif*, at the Grand Opera House, Topeka. He was assisted by Buck Taylor, Western scout, and a band of Indians.

FEB. 11.—The State Board of Charities met at Topeka.

FEB. 13.—Vol. I, No. 1, *Hugo Herald*, G. W. McClintock, publisher; the first newspaper in Stevens county.

FEB. 16.—The Royal Arch Masons and the Royal and Select Masters of Kansas met at Topeka.

FEB. 17.—The Ancient, Free and Accepted Masons of Kansas met at Topeka.

FEB. 19.—A joint committee on state affairs, reporting on expenditures on the east wing of the Capitol, charged favoritism, incompetence, extravagance, inferior materials and workmanship, and recommended the discharge of the State Architect and members of the Statehouse commission.

—Vol. I, No. 1, *Hope Dispatch*, A. M. Cray, editor.

—Vol. I, No. 1, *Kiowa County Signal*, Greensburg; Will E. Bolton, editor; Milo M. Lee, publisher.

FEB. 20.—The Legislature adjourned. Acts passed included: Authorization for district courts to set up boards of arbitration in disputes between management and labor; permission to counties and cities to encourage development of natural resources by subscribing to stock of companies organized for such purposes; provision for the disposition of surplus taxes in the hands of county treasurers; suppression of obscene literature; prevention of hunting on Sunday; protection of birds; declaration of May 30 as a legal holiday; provision for the consolidation of cities; creation of the 22nd, 23rd and 24th judicial districts; provision for the organization of militia; authorization for county high schools; regulation of certain joint stock and mutual insurance companies; provision for a department of pharmacy at the University of Kansas, and the re-creation of Morton and Seward counties.

FEB. 21.—G. J. Coleman, Mound Valley, arrested on a charge of cruelty for dehorning cattle, was discharged by the court.

FEB. 23.—The State Reformatory Commission met at Topeka.

—G. A. R., Department of Kansas, met at Wichita.

—The Women's Relief Corps and the Sons of Veterans met at Wichita.

—The Ancient Order of United Workmen met at Topeka.

FEB. 25.—Governor Martin appointed R. C. Bassett, Seneca, judge of the 22nd judicial district, created by the 1886 Legislature. It included Doniphan, Brown and Nemaha counties. C. W. Ellis, Medicine Lodge, was named judge of the 24th district, comprising Barber, Comanche, Clark, Meade, and unorganized Kiowa, counties. Stephen J. Osborn, Wa Keeney, was named judge of the 23rd district, which included Rush, Ness, Ellis and Trego counties and the unorganized counties of Gove, St. John, Wallace, Lane, Scott, Wichita and Greeley.

FEB. 27.—Osage City voted \$22,000 in bonds to aid the Council Grove, Osage City and Ottawa railroad, a branch of the Missouri Pacific.

MARCH 2.—The first steel rails of the Kansas, Nebraska and Dakota railroad, a branch of the Missouri Pacific, were laid near Fort Scott.

—Delegates of the Knights of Labor organized a state assembly at Topeka.

MAR. 3.—At Garden City the land office was “packed with new settlers.”

—Nathaniel Stickney Goss, ornithologist, returned from Central America with 43 new species of birds. His collection was valued at \$100,000.

—Fourteen women held county offices in Kansas. They were Emily S. Rice of Harper, county clerk; Jennie Patterson of Davis, Ada E. Clift of Trego, and Mrs. A. M. Junken of Dickinson, registers of deeds; Gertie Skeen of Barber, Maggie Kilmer of Chautauqua, Sallie Hulsell of Cherokee, Mary Williams of Coffey, Mattie Worcester of Graham, Georgianna Daniels of Greenwood, Mrs. A. C. Baker of Labette, Annie E. Dixon of Lyon, Gertrude E. Stevens of Sheridan, and Lizzie J. Stephenson of Woodson, superintendents of public instruction.

—Barber county organized an immigration bureau.

MAR. 4.—The South Kansas Conference of the Methodist Episcopal Church met at Parsons.

MAR. 5.—The Supreme Court returned the Pratt county seat to Iuka from Pratt, pending settlement in the district court.

—Immigrants were pouring into Anderson county, among them a group of Dunkards bound for Westphalia.

—The Garden City *Sentinel* advocated dividing Kansas at the 200-mile line and forming a new state of the western half, with Garden City as the capital.

—Governor Martin issued a proclamation consolidating Wyandotte, Armourdale and Kansas City into a city of the first class, called Kansas City. Officials elected were: T. F. Hannan, mayor; John J. Moffitt, clerk; Frank S. Merstetter, treasurer; W. S. Carroll, attorney; J. H. Lasley, engineer; John Wren, street commissioner; J. K. Paul, fire marshal; John Sheehan, marshal; M. J. Manning, police judge; Charles Bohl, W. T. Brown, William Clow, Edward Daniels, Thomas Fleming, Charles Haines, Samuel McConnell, James Phillips, Cornelius Butler and J. C. Martin, councilmen.

—Kenneth and Hoxie, Sheridan county, were consolidated.

MAR. 8.—About 250 Missouri Pacific shop employees at Atchison struck in protest against the Gould system.

MAR. 9.—The Independent Order of Odd Fellows grand encampment met at Leavenworth.

—The Order of the Eastern Star met at Newton.

MAR. 10.—A colony of 40 families from Berlin, Ontario, arrived at Garden City.

—Leverett W. Spring, author of *Kansas, The Prelude to the War for the Union*, resigned from the University of Kansas. The *Topeka Daily Capital* commented, “The loss of the professor would be more generally mourned if he had not attempted to write a history of Kansas.”

MAR. 11.—A graveyard ghost in McPherson county turned out to be a man copying names from tombstones. It was said that the names were going to be used on a petition for an election to move the county seat to Galva.

—Ferdinand Fuller, member of the first party sent to Kansas by the Emigrant Aid Co. of Massachusetts, died at his home in Lawrence. He designed the first University of Kansas building.

—Fort Scott protested when the Kansas, Nebraska and Dakota railroad imported cheap Italian labor.

—The Southwest Kansas Conference of the Methodist Episcopal Church met at McPherson.

MAR. 12.—John Maloy wrote a history of Morris county for the Council Grove *Cosmos*.

MAR. 13.—Dodge City saloons were closed on complaint of William B. "Bat" Masterson, peace officer.

—The Attorney General interpreted the act of the Legislature pertaining to school lands as prohibiting their sale until three years after the organization of the county in which the land lay.

MAR. 14.—Italians brought to Yates Center to work on the Verdigris and Independence railroad were withdrawn when citizens protested.

MAR. 16.—A Leavenworth census fraud was exposed. To boom real estate and secure larger legislative representation, 7,268 names had been added to the correct return of 22,000.

—The Christian Church convention met at Wichita.

MAR. 18.—The Kansas Conference of the Methodist Episcopal Church met at Holton. —The Kansas Evangelical Assn. met at Willow Springs.

MAR. 19.—Governor Martin and Frank H. Betton, Labor Commissioner, conferred in Kansas City, Mo., with the governor and labor commissioner of Missouri, regarding the Missouri Pacific strike. Their proposal for settlement was accepted by the workers.

—The Atchison, Topeka and Santa Fe railroad contracted to build 28 miles of road from Elvira, Chase county, via Bazaar and Matfield Green, to El Dorado.

—Vol. I, No. 1, *Veteran Sentinel*, Will C. Higgins, editor; the first newspaper in Stanton county.

MAR. 20.—Paola was lighted by gas from a 310-foot well.

—The U. S. District Court at Atchison granted an injunction to the Missouri Pacific, restraining strikers from obstructing traffic.

MAR. 22.—Electric lights were turned on at Abilene. "Time will tell," remarked the *Reflector*, "whether it will be to the interest of the city to use the same to any extent."

MAR. 23.—Kiowa county was organized with Greensburg as temporary county seat. H. H. Patten, Jacob Dawson and C. P. Fullington were appointed county commissioners; M. A. Nelson, county clerk.

—Vice President Hoxie of the Missouri Pacific modified the proposals of Governors Marmaduke and Martin for settlement of the strike. The Knights of Labor considered the conditions unacceptable, and the strike continued with several displays of violence.

MAR. 25.—The Northwest Kansas Conference of the Methodist Episcopal Church met at Kirwin.

MAR. 26.—Wano, Cheyenne county, ten months old, had 30 business houses and 55 residences.

MAR. 30.—Thirty Missouri Pacific engines were disabled by strikers at Atchison.

APRIL 1.—Cheyenne county was organized with Bird City as temporary county seat. J. M. Ketcham, W. W. McKay and J. F. Murray were appointed county commissioners; B. W. Knott, county clerk.

—Strikers at Parsons captured deputies, wrecked engines and disabled machines in the Missouri Pacific shops. The Adjutant General was authorized to call out the National Guard.

—Hamilton county held its first election; Syracuse was chosen county seat. Officers elected were: L. C. Swink, W. D. H. Shockey and L. W. Hardy, commissioners; Thomas Ford, clerk; Alvin Campbell, treasurer; C. H. Frybarger, probate judge; John Stanfield, register of deeds; Shade J. Denson, sheriff; John N. Sloan, coroner; William O. MacKinley, attorney; George W. Earp, clerk of the district court; John Robertson, surveyor; G. F. Rinehart, superintendent of public instruction. Kendall, a rival town, charged fraud and appealed to the Supreme Court. The court threw out the vote of Syracuse township and ordered county officers to return to Kendall until the general election in November.

—Hunting antelope with greyhounds was a popular sport in Cheyenne county.

—Vol. I, No. 1, Hector *Echo*, C. C. Thompson, editor; the first newspaper in Greeley county.

—Vol. I, No. 1, *Western Odd Fellow*, Osborne, a monthly; Topliff and Richey, publishers.

APR. 2.—The Rev. Philip Krohn, pastor of the Abilene Methodist Episcopal Church, confessed to scandal charges which led to his suspension. He was a member of the State Board of Charities and a former member of the Kansas State Agricultural College Board of Regents.

APR. 3.—A regiment of the Kansas National Guard was sent to Parsons during the railroad strike. At Atchison, trains were running on schedule and 58 men were at work in the shops. Only those who assisted in destruction were refused employment. Mayor S. H. Kelsey of Atchison said the city would pay for all damage to Missouri Pacific property within city limits.

—Fifty west-bound prairie schooners were passing through Oberlin daily.

—Greenwood county had over a thousand persons of foreign birth, including 219 English and Welsh, 192 Danes, 150 Germans, 125 Irish and 62 Scotch.

APR. 5.—The State Board of Agriculture crop report showed that the wheat acreage was 16 per cent less than in 1885 because of light yield and low price. Forty per cent of the wheat sown had been killed by cold and the Hessian fly.

APR. 6.—An anti-dude club was formed at Newton. Fines to be levied included \$5 for carrying a cane during business hours, \$10 for wearing kid gloves or a plug hat, and \$20 for parting the hair in the middle.

APR. 9.—Paola voted \$20,000 for building the Kansas City and Southwestern railroad.

—Wichita employed 527 persons in factories. Products included stairs, sashes, blinds, doors, flour, brick, cigars, crackers, clothing, saddles, harnesses, shoes, fence, carriages, millinery, pumps, plows, bedsprings, iron, marble and stone.

—Thousands of trees were being planted on timber claims in Kearney county.

—The Santa Fe reduced railroad rates to California to \$12 first class, \$7 second class.

—George C. Ropes, Topeka, was appointed Statehouse architect and J. P. Parnham, Lawrence, superintendent of construction.

—Vol. I, No. 1, *Gove County Gazette*, Gove City; Ralph L. Crisswell, editor and proprietor.

APR. 12.—The Supreme Court ordered a public canvass of the Hamilton county-seat election of April 1 at Kendall.

APR. 14.—A tornado struck Nemaha, Pottawatomie and Wilson counties, causing much property damage.

—The Rock Island took over all stock and franchises of the Omaha, Abilene and Wichita railroad.

APR. 15.—The Wichita Academy was renamed Lewis Academy in honor of Hiram W. Lewis, who gave \$25,000 for a permanent endowment fund.

APR. 16.—Two steel barges were completed at Arkansas City for navigation on the Arkansas river. They were towed by the steamboat, *Kansas Miller*.

—The Hamilton county-seat election was declared illegal. The court ordered offices kept at Kendall.

APR. 18.—El Dorado celebrated installation of its waterworks. Special trains brought visitors from Newton, Fort Scott and Wichita.

APR. 20.—Mrs. Mary Ellen Lease lectured at Wichita on "Equal Suffrage and Its Influence on Temperance."

—The U. S. Senate confirmed the appointment of Edmund G. Ross, former U. S. Senator from Kansas, as governor of New Mexico.

APR. 21.—The Santa Fe bought the Gulf, Colorado and Santa Fe of Texas, a system with about 800 miles of track.

APR. 23.—Two hundred zinc workers at Pittsburg struck for higher wages. The top salary for furnace men was \$2.25 a day.

APR. 24.—A freight train was wrecked by strikers at Wyandotte. The engineer and fireman were killed.

—William Scully of London, England, now owned more than 70,000 acres of land in Kansas, largely in Marion, Dickinson, Butler and Marshall counties.

APR. 27.—Clay county voted a \$100,000 bond issue to build a Rock Island extension through the county, the first proposition submitted by the road in Kansas.

—Ford county voted a \$144,000 bond issue for construction of a railroad from Dodge City to Red Cloud, Neb., by the Chicago, Nebraska, Kansas and Southwestern.

APR. 30.—Frank Wilkeson, Salina journalist, was the author of "Cattle-Raising on the Plains," published in *Harper's Magazine*.

—Governor Martin wrote on "The Progress of Kansas" and Sen. John J. Ingalls on "National Aid to Common Schools" in the *North American Review*.

MAY 1.—Work began on a \$40,000 building for Bethany College, Lindsborg.

MAY 4.—The Missouri Pacific strike ended in accordance with an agreement reached at St. Louis by the congressional investigating committee and the Knights of Labor executive board.

—The Kansas State Sunday School Assn. met at Junction City.

—The Kansas State Dental Assn. met at Topeka.

MAY 6.—Fredonia held a calico ball that netted \$45 toward the purchase of a town clock.

—Thousands of plover were slaughtered in Butler county. One hunter killed 2,000 in one day. Plover sold for 60 cents a dozen in Towanda and \$2.50 a dozen in New York.

—The Kansas State Homeopathic Medical Assn. met at Topeka.

—The Social Science Club of Kansas and Western Missouri met at Ottawa.

MAY 11.—Greensburg was chosen permanent county seat at Kiowa county's first election. Officers elected were: J. L. Hadley, J. W. Gibson and B. F. Gumm, commissioners; J. N. Crawford, clerk; H. H. Patten, treasurer; W. N. Hankins, probate judge; Frank L. Cruickshank, register of deeds; O. J. Greenleaf, sheriff; A. L. Bennett, coroner; J. W. Davis, attorney; J. K. Stephenson, clerk of the district court; O. L. Stockwell, surveyor; W. W. Payne, superintendent of public instruction.

—The Kansas State Eclectic Medical Assn. met at Wichita.

—The Knights Templar grand commandery met at Kansas City.

MAY 13.—Vol. I, No. 1, *Eudora News*, M. R. Cain, editor and proprietor.

—Vol. I, No. 1, *Western Cyclone*, Nicodemus; a Negro newspaper; Arthur G. Tallman, editor. Nicodemus was named for an ex-slave and located by Exodusters 12 miles northeast of Hill City, Graham county. Population was 333, of which 261 were Negroes.

MAY 14.—The Attorney General ruled that the *Police Gazette* could not be sold in Kansas.

—Hamilton county, population 4,000, had ten newspapers.

MAY 15.—The Rock Island purchased the Chicago, Kansas and Nebraska railroad.

—An anti-claim-jumping society was organized in Trego and Graham counties.

—Montezuma was founded in Gray county.

—Cheyenne county held its first election; Bird City was chosen county seat. Officers elected were: John F. Murray, John Elliott and John G. Long, commissioners; B. W. Knott, clerk; Charles I. Kerndt, treasurer; D. W. Cave, probate judge; H. E. Kingsley, register of deeds; George W. Reynolds, sheriff; James A. Scott, coroner; Joseph Crow, Jr., attorney; Edwin M. Phillips, clerk of the district court; J. A. Hoffman, surveyor; Etta Linn, superintendent of public instruction.

—The directors of the Kansas State Reading Circle met at Topeka.

MAY 17.—Water was turned into the Eureka irrigating canal for the first time. It was intended to provide a controlled water supply to farmers in Ford county. The project was conceived in 1882 by George and J. W. Gilbert, and work began in 1884. The president of the company was A. T. Soule, the "Hop Bitters" millionaire of Rochester, N. Y.

MAY 18.—The Kansas State Medical Society met at Atchison.

—The Knights of Pythias grand lodge met at Salina.

MAY 19.—The Seventh Day Adventists met at Topeka.

MAY 22.—Great Bend had 300 buildings under construction.

—The Kansas State Music Assn. met at Topeka.

MAY 26.—N. S. Goss published a revised catalog of his *Birds of Kansas*.

MAY 28.—Strawberries sold at four cents a quart in Parsons.

—The military cemeteries at Forts Dodge and Larned were abandoned.

MAY 29.—A directors meeting at Chanute voted to consolidate the following railroads with the Chicago, Kansas and Western: Walnut Valley and Colorado; Pawnee Valley and Denver; Independence and Southwestern; Emporia and El Dorado Short Line; Colony, Neosho Falls and Western.

MAY 30.—Over 6,000 attended the dedication of the National cemetery at Leavenworth.

MAY 31.—The Fort Dodge military reservation of more than 12,000 acres was settled by near-by residents. Every quarter section was taken within 24 hours. The government had abandoned the fort several years before.

JUNE 1.—The Grand Opera House, Topeka, was sold to L. M. Crawford, Topeka, who owned opera houses in Topeka, Atchison, Wichita, and the Kansas-New Mexico circuit.

JUNE 3.—Lane county was organized with Dighton as temporary county seat. Joshua Wheatcroft, J. J. Schaffer and G. H. Steeley were appointed commissioners.

JUNE 5.—Vol. I, No. 1, *Caldwell Weekly Times*, D. D. Leahy, editor and publisher.

JUNE 6.—Patrick Fleming, one-time county attorney of Rawlins county, was hanged by a mob for the murder of five homesteaders.

—The Ancient Order of Hibernians met at Leavenworth.

JUNE 8.—The State Sheriffs' Assn. met at Topeka.

JUNE 9.—The Kansas State Pharmaceutical Assn. met at Emporia.

JUNE 10.—Completion of the Missouri Pacific to Salina was celebrated by 1,500 persons.

—Electric lights were in general use at Clay Center, which claimed to be the first city in the Republican valley to use electricity.

—The Smoky Hill Editorial Assn. met at Wa Keeney.

—The State Board of Health met at Topeka.

—Vol. I, No. 1, *Sherman County Dark Horse*, Eustis; J. H. Tait, editor; Tait and Frank T. Pearce, proprietors.

JUNE 11.—The report of the commission appraising the Salt Springs lands in Saline, Lincoln, Mitchell, Cloud and Republic counties fixed valuations at from 50 cents to \$50 an acre, totaling about \$75,000. When sold, the money was to go to the State Normal School, Emporia.

JUNE 13.—Street car service was begun at Garden City. The first ride was free. Cars were designed for 15 persons but could hold 50 when all "hanging on" room was used.

JUNE 15.—C. C. Olney fenced 3,000 acres in Ottawa county with barbed wire.

—The first state Negro militia, the Garfield Rifles, was organized at Leavenworth.

—The United Presbyterian Church convention met at Topeka.

JUNE 17.—Seward county was organized with Springfield as temporary county seat. Walter I. Harwood, E. M. Campbell and Edward A. Watson were named commissioners; J. M. Wilson, clerk.

—The Kansas State Veterinary Assn. met at Topeka.

JUNE 18.—Paola had a free city library of 3,000 books.

—Cimarron drug stores were taxed \$700 each annually for selling whisky.

—Seven thousand acres of land adjoining Paola were leased for oil and gas prospecting.

—*Reminiscences of Early Days*, a pamphlet by Scott Cummins, was published at Canema, Barber county.

—Vol. I, No. 1, *Cherryvale Republican*, S. L. Smith, editor; L. A. Sheward, publisher.

JUNE 19.—Directors of the fair association met at Topeka and adopted the name, Kansas Fair Assn.

JUNE 23.—N. S. Goss, ornithologist, discovered that the snowy plover is a Kansas bird. He secured three specimens in Comanche county.

—A branch office of the Louisiana state lottery was located at Topeka.

JUNE 24.—Vol. I, No. 1, *Logan Republican*, B. F. Coffman, editor and publisher.

JULY 1.—Fifteen thousand persons attended the interstate Sunday School assembly at Ottawa. Dr. Lyman Abbott of New York spoke.

—Vol. I, No. 1, *Little River Monitor*, T. J. Robison, editor.

JULY 4.—A colony of Swedes settled in Clay county.

JULY 5.—Gen. John A. Logan spoke at the Methodist Episcopal Assembly at Lawrence to an estimated crowd of 40,000.

—A *Moonlight Boy*, a novel by Edgar Watson Howe, Atchison, was published.

JULY 7.—The Republican state convention at Topeka nominated the following state ticket: John A. Martin, Atchison, Governor; A. P. Riddle, Girard, Lieutenant Governor; E. B. Allen, Wichita, Secretary of State; Timothy J. McCarthy, Larned, Auditor; J. W. Hamilton, Wellington, Treasurer; S. B. Bradford, Carbondale, Attorney General; J. H. Lawhead, Fort Scott, Superintendent of Public Instruction.

—The Kansas and Missouri Press Assn. met at Topeka.

JULY 9.—The American Coursing Club was organized at Topeka.

JULY 14.—The Prohibition party state convention at Emporia nominated the following state ticket: C. H. Branscombe, Douglas county, Governor; D. W. Houston, Anderson county, Lieutenant Governor; W. B. Klaine, Ford county, Secretary of State; C. H. Langston, Douglas county, Auditor; William Crosby, Jefferson county, Treasurer; W. S. Waite, Lincoln county, Attorney General; Mrs. C. N. Cuthbert, Sumner county, Superintendent of Public Instruction.

—The State Board of Pharmacy met at Topeka.

JULY 15.—Lane county held its first election; Watson was chosen county seat. Officers elected were: G. H. Steeley, John L. Schaffer and C. E. Houston, commissioners; T. J. Smith, clerk; W. H. Lee, treasurer; V. H. Grinstead, probate judge; Maurice Roche, register of deeds; D. G. McClellan, sheriff; P. B. Dick, coroner; T. J. Womack, attorney; E. G. French, clerk of the district court; P. W. Hey, surveyor; Grace Hoover, superintendent of public instruction.

JULY 16.—Hundreds of women and children were engaged in the silk-cocoon industry. The majority of them were Russian Mennonites in Marion, Harvey, Sedgwick and Reno counties. Miss Mary M. Davidson, Junction City, wrote a manual for beginners in silk culture.

JULY 20.—A suit was filed in the Supreme Court to compel the return of Rush county offices and records to Walnut City from La Crosse.

—Rep. Edmund N. Morrill, Hiawatha, demanded that the Secretary of the Interior detain Chaco, the Apache murderer of the McComas family in 1883, until evidence could be furnished to warrant his conviction. Mrs. McComas was a sister of Eugene Ware, Kansas poet.

JULY 22.—Jacob Stotler sold his interest in the *Wellington Press* to A. L. Runyon, veteran newspaperman and father of Damon Runyon.

JULY 25.—The Denver, Memphis and Atlantic railroad reached Norwich.

JULY 26.—*Mr. Desmond, U. S. A.*, a novel with scenes and incidents laid at Fort Leavenworth, by John Coulter, formerly of the *Leavenworth Times*, was published by McClurg's, Chicago.

JULY 27.—Kansas departments of the G. A. R. and the W. R. C., accompanied by the Modoc and Flambeau clubs, left Topeka in 14 railroad coaches to attend the national G. A. R. encampment at San Francisco.

—Willie Sell, 16, was sentenced to life imprisonment for murdering his family at Osage Mission (St. Paul), in March.

—Clay Center was building \$15,000 and \$75,000 hotels, a \$25,000 opera house, and eight \$8,000 brick houses.

JULY 28.—The Wichita Piscatorial Society left in a special car, decorated with tall corn, to spend a month in the Minnesota lake region.

JULY 29.—The Sheridan county seat was moved from Kenneth to Hoxie, ending all residence at Kenneth.

—Work began on the Rock Island bridge across the Kansas river at Topeka.

JULY 30.—The steamer *Kansas Miller*, made a trip from Arkansas City to Fort Smith, Ark., with a cargo of 100,000 pounds of Kansas flour.

AUGUST 3.—Stevens county was organized with Hugoton as temporary county seat. John Robertson, H. O. Wheeler and J. B. Chamberlain were named commissioners; J. W. Calvert, clerk.

—A thousand men were working on the Rock Island between Topeka and St. Joseph, Mo. Graders were at work on the Santa Fe extension from Arkansas City to Galveston. The Missouri Pacific was laying track from El Dorado to McPherson.

AUG. 4.—The Democratic state convention at Leavenworth nominated the following state ticket: Thomas Moonlight, Leavenworth, Governor; S. G. Isett, Chanute, Lieutenant Governor; W. F. Petillon, Dodge City, Secretary of State; W. D. Kelly, Leavenworth, Auditor; L. P. Birchfield, Jewell county, Treasurer; A. S. Devenney, Johnson county, Attorney General; W. J. A. Montgomery, Clay Center, Superintendent of Public Instruction.

—The Negro Knights Templar met at Topeka.

AUG. 5.—Seward county held its first election; Fargo Springs was chosen county seat. Officers elected were: E. M. Campbell, P. W. Kimball and Charles Mayo, commissioners; Oliver Leisure, clerk; A. T. Ragland, treasurer; L. A. Etzold, probate judge; George W. Ferner, register of deeds; G. W. Nelley, sheriff; Dr. C. M. Carpenter, coroner; C. J. Traxler, attorney; W. E. McClure, clerk of the district court; A. L. Stickel, surveyor; Charles Edwards, superintendent of public instruction.

AUG. 7.—The Topeka *Daily Capital* listed 44 fairs to be held in the state during the year.

AUG. 10.—Scott county held its first election; Scott City was chosen county seat. Officers elected were: H. M. Cranor, C. Garrett and Eugene McDaniel, commissioners; Charles S. Reed, clerk; W. R. Hadley, treasurer; Thomas Poulson, probate judge; C. C. Hadley, attorney; B. F. Griffith, register of deeds; B. F. Daniels, sheriff; Dr. J. F. Bond, coroner; S. T. Burgess, clerk of the district court; William E. Daugherty, surveyor; Miss Lulu Boling, superintendent of public instruction.

AUG. 14.—Vol. I, No. 1, *Little Sand-Pounder*, Abilene. It was "devoted to the science of pounding sand in a rat hole."

AUG. 16.—Vol. I, No. 1, *Clay Center Evening Times*, D. A. Valentine, editor.

AUG. 18.—The Attorney General ruled that "any woman over 21 years of age is a qualified voter at a school meeting."

—Shawnee county led all others with a school population of 14,505 and an apportionment of \$7,397.55. Leavenworth was second and Sedgwick third.

AUG. 19.—The State Board of Railroad Commissioners reduced freight rates on wheat and corn five to ten percent.

AUG. 20.—The Supreme Court ordered a canvass of the Seward county election returns. All votes cast in the "Owl building" at Fargo Springs were ordered thrown out. The ballots cast at the "wagon box" were to be accepted.

AUG. 22.—Amos A. Lawrence died at Nahant, Mass. He was treasurer of the New England Emigrant Aid Co. and gave nearly \$12,000 toward founding a Free-State college in Kansas. The sum eventually went to the University of Kansas. The city of Lawrence was named for him.

AUG. 25.—Samuel N. Wood was kidnaped at Woodsdale, Stevens county. Hugoton had been declared temporary county seat. Citizens of Woodsdale wanted to postpone the election, holding that the county did not have sufficient population to qualify for organization. Wood, the leader of the Woodsdale faction, was seized by Hugoton partisans and taken on a "hunting trip" to the Texas Panhandle.

—Street cars began running at Council Grove.

—The Anti-Monopoly state convention opened at Topeka.

AUG. 31.—The Supreme Court issued a writ of habeas corpus ordering the abductors of Sam Wood to produce his body in court.

—Reno county voted to issue \$200,000 in bonds to the Rock Island and \$125,000 to the Fort Smith, Kansas and Nebraska railroad.

—The Geuda Springs, Caldwell and Western railroad was completed to Caldwell.

SEPTEMBER 1.—Vol. I, No. 1, *Broom Corn Reporter*, Fort Scott; Solomon Schulein, manager.

SEPT. 2.—Gove county was organized with Gove City as temporary county seat. Jerome B. McClanahan, William Stokes and Lyman Raymond were appointed commissioners; D. A. Borah, clerk.

—The Missouri-Kansas bridge across the Missouri river at Leavenworth burned.

—The African Methodist Episcopal Church conference met at Topeka.

SEPT. 3.—The Parsons and Pacific railroad grade was completed to Mound Valley.

—The Denver, Memphis and Atlantic railroad was completed to Coffeyville.

—Sam Wood, who was kidnaped at Woodsdale, August 25, was rescued by friends.

SEPT. 4.—Vol. I, No. 1, *Geuda Springs Crank*. It was established for "the elevation of public morals and horsethieves."

SEPT. 6.—The Western National Interstate Fair Assn. met at Lawrence.

SEPT. 8.—A sugar-cane factory began operation at Fort Scott.

SEPT. 9.—The Kansas, Nebraska and Dakota railroad began work on its depot at Topeka, laid the first rail in Shawnee county, and had 25 miles graded and ready for track.

—Stevens county held its first election; Hugoton was chosen county seat. Officers elected were: J. E. Hunt, J. B. Chamberlain and W. L. Clark, commissioners; J. W. Calvert, clerk; C. W. Kirby, treasurer; William Guinn, probate judge; H. F. Nichols, register of deeds; A. P. Ridenour, sheriff; W. J. D.

Holderman, coroner; J. L. Pancoast, attorney; W. E. Allen, clerk of the district court; G. B. Teams, surveyor; J. P. Cummings, superintendent of public instruction.

—The Emporia Normal school board of regents reported that all but 20 acres of the Salt Springs land had been sold for \$78,882, which was \$3,362 more than the appraised value.

—Nineteen Osage county druggists made 2,812 liquor sales in June. "Reasons for purchase" totaled 215. Indigestion came first, biliousness second.

—The Universalist Church conference met at Seneca.

SEPT. 13.—The enlarged edition of Daniel Webster Wilder's *Annals of Kansas* was issued. It contained 1,196 pages, the largest book ever printed in the state. The price was \$5 a copy.

SEPT. 14.—The Southern Kansas Academy at Eureka was dedicated and opened for classes.

—Electric lights were turned on at Junction City for the first time.

—Judge Brewer in the U. S. Circuit Court ruled that the Santa Fe had authority to build through other states and to acquire the Gulf, Colorado and Santa Fe railroad of Texas.

SEPT. 15.—The first passenger train over the Missouri Pacific extension traveled from Wichita to Hutchinson.

—Kansas Wesleyan University, Salina, opened.

SEPT. 18.—A Fort Scott oil well yielded six barrels a day with an estimated value of \$8 to \$10 daily.

SEPT. 20.—Fifteen members of the Topeka Bicycle Club left on a two-day cycling trip to Junction City for the state meeting of the League of American Wheelmen.

—Sherman county was organized with Eustis as temporary county seat. L. J. Gandy, O. D. Dickey and Rufus Edwards were named commissioners; J. H. Tait, clerk.

—E. C. Walker, Jr., editor of *Lucifer, the Light Bearer*, and Lillian Harman, daughter of his partner, were arrested at Valley Falls on a charge of unlawful cohabitation. On the preceding day they had contracted a free-love marriage, the ceremony being performed by Moses Harman.

SEPT. 21.—The Kansas National Guard went into camp at Fort Riley.

SEPT. 23.—A new town on the Rock Island in Brown county was named Horton in honor of Albert H. Horton, Chief Justice of the Supreme Court.

—The Coolidge *Border Ruffian* reported high winds in Hamilton county: "Two quarter sections of land were blown into this office. Anyone having lost their claims during this blow can have same by removing the property and paying for this advertisement."

SEPT. 27.—An estimated 20,000 persons attended P. T. Barnum's circus at Topeka. "The Greatest Show on Earth" was also scheduled for Junction City and Emporia.

SEPT. 28.—*Thirty Years in Topeka*, by F. W. Giles, was published.

—The Women's Christian Temperance Union met at Cherryvale.

SEPT. 29.—Central Kansas College opened at Great Bend.

SEPT. 30.—Track-laying began on the El Dorado and Walnut Valley railroad.

—The state assembly of the North American Knights of Labor was organized at Topeka.

—Governor Martin issued a proclamation against importation of cattle from Illinois, Ohio and Canada because of pleuro-pneumonia.

OCTOBER 1.—Larned street cars began running.

OCT. 4.—A woman's suffrage convention at Leavenworth was the first of 11 to be held in the state. Others were at Abilene, Lincoln, Florence, Hutchinson, Wichita, Anthony, Winfield, Independence, Fort Scott and Lawrence.

OCT. 5.—The Independent Order of Good Templars met at Topeka.

—The Improved Order of Red Men met at Emporia.

OCT. 6.—The G. A. R. state reunion began at Emporia.

OCT. 7.—The Presbyterian Synod of Kansas met at Emporia.

OCT. 9.—The Chicago, Kansas and Western railroad filed an amended charter to build and operate 52 lines in Kansas with an estimated 7,274 miles of track. Capital stock was \$154,000,000, said to be the largest of any railroad company in the country.

OCT. 10.—A colony of 50 persons settled near Coolidge in Hamilton county.

—Wild turkeys were plentiful in Ford and Clark counties.

OCT. 12.—The Southwestern Kansas Exposition was formally opened at Garden City by Governor Martin.

—Nearly 5,000 men and 3,000 teams were working on the Chicago, Kansas and Nebraska Rock Island railroad.

—The I. O. O. F. grand lodge met at Topeka.

—The Swedish Evangelical Lutheran Augustana Synod met at Waterville.

OCT. 14.—Independence was lighted with electricity.

—E. C. Walker and Lillian Harman, defendants in the "free love case," were found guilty and sentenced to 75 and 45 days in jail. They appealed to the Supreme Court.

—The Kansas Society of Friends met at Lawrence.

OCT. 17.—Topeka's steam brickyard, with a capacity of 50,000 bricks daily, was in operation.

OCT. 18.—The Topeka pension agency was said to be the fourth largest in the nation, with 26,000 names on the rolls.

OCT. 19.—Gove county held its first election; Gove City was chosen county seat. Officers elected were: Lyman Raymond, John W. Campbell and James Hamilton, commissioners; D. A. Borah, clerk; F. F. Wright, treasurer; J. H. Jones, probate judge; L. F. Jones, register of deeds; J. W. Hopkins, sheriff; W. H. Crater, coroner; P. J. Cavanaugh, attorney; William Murphy, clerk of the district court; F. B. Cope, surveyor; G. G. Lehmer, superintendent of public instruction.

OCT. 21.—Republicans praised Charles Curtis as the most successful county attorney in the state. The Topeka *Daily Capital* said "the people of Shawnee county are proud of their faithful son. He did his duty despite the jeers and threats of the whisky element."

—Partisans of Kendall swore out warrants for the arrest of members of the Hamilton county election board. They were arraigned at Kendall and denied bail. A writ of habeas corpus was secured and the men were escorted home by the sheriff and citizens.

—The General Association of Congregational Ministers and Churches of Kansas met at Topeka.

OCT. 23.—Holbrook Hall, gift of Miss Mary Holbrook of Holbrook, Mass., and Boswell Hall, gift of Charles Boswell of West Hartford, Conn., were dedicated at Washburn College.

OCT. 24.—The Sixth Kansas cavalry held a reunion at Pleasanton.

OCT. 26.—The American Woman's Suffrage Assn. met at Topeka. Delegates included Julia Ward Howe, Lucy Stone and Susan B. Anthony.

OCT. 27.—The Kansas Anti-Horse Thief Assn. met at Parsons.

NOVEMBER 1.—The Adjutant General authorized a Negro National Guard company at Topeka.

—St. Aloysius' Catholic Church was dedicated at Wichita. It cost \$75,000.

—The Kansas Central Elevator Co. purchased the "largest cornsheller in the world," invented by Kansas men.

Nov. 2.—Garden City organized a Law and Order League to aid in enforcing the prohibitory law.

—A settlement of broomcorn growers from Illinois was established near Garden City.

—The peanut crop in Kearney county averaged 30 bushels per acre.

—The general election was held. For governor, John A. Martin, Republican, defeated Thomas Moonlight by about 34,000 votes. Other state officers elected were: A. P. Riddle, Girard, Lieutenant Governor; E. B. Allen, Wichita, Secretary of State; Timothy J. McCarthy, Larned, Auditor; J. W. Hamilton, Wellington, Treasurer; S. B. Bradford, Carbondale, Attorney General; J. H. Lawhead, Fort Scott, Superintendent of Public Instruction.

Nov. 3.—Vol. I, No. 1, *Ford County Republican*, Dodge City; Rush E. Deardoff and M. W. Sutton, editors and publishers.

Nov. 4.—The Young Men's Christian Assn. of Kansas met at Ottawa.

Nov. 5.—Fifty-six prisoners in the state penitentiary were under death sentence.

—Marley K. Kittleman, Harper, defeated Charles K. Gibson in a foot race at Wichita that attracted sportsmen from New York, San Francisco and other cities. Betting was said to involve more than \$100,000. Kittleman's time for the 125 yards was 14.25 seconds.

—The Young Women's Christian Assn. of Kansas held its first meeting at Ottawa in connection with the Y. M. C. A. meeting. Miss Anna S. Campbell, Fort Scott, was elected president; Miss May L. Parker, Topeka, secretary.

Nov. 6.—The Sterling syrup works closed for the season after making over 40,000 gallons.

—Hamilton county commissioners threw out the votes of an entire precinct because of fraud and ordered the records moved to Syracuse. An armed mob at Kendall threatened to shoot anyone attempting to remove them.

Nov. 8.—Sam Purple was hanged by a mob near Jetmore for the murder of his wife and two children.

—Sherman county held its first election; Eustis was chosen county seat. Officers elected were: C. E. Bennett, John Bray and E. L. Lyons, commissioners; G. W. Benson, clerk; J. E. Rule, treasurer; Lewis E. Tobias, probate judge; E. W. Penny, register of deeds; R. G. Albright, sheriff; A. E. Tice, coroner; W. K. Brown, attorney; A. E. Keller, clerk of the district court; F. S. Palmer, superintendent of public instruction.

Nov. 9.—The Supreme Court ordered Hamilton county commissioners to canvass the vote in Coombs precinct, thrown out three days before.

Nov. 16.—Snow Hall, K. U.'s new natural history building, was dedicated.

—Dodge City voted a \$140,000 bond issue for the Denver, Memphis and Atlantic railroad extension to Kingman.

—Chase county voted an \$80,000 bond issue for the Chicago, Kansas and Western railroad.

Nov. 17.—Governor Martin designated Richfield as temporary county seat of Morton county and named Frank Robinson, D. D. Sayer and James McClain as county commissioners; E. F. Henderson, clerk.

—The Missouri Valley Unitarian Church conference met at Topeka.

—The Kansas Academy of Science met at Emporia.

Nov. 19.—Gas was found at Beloit at a depth of 145 feet.

Nov. 25.—A 22-inch coal vein was struck near Admire City, a new town on the Missouri Pacific.

Nov. 26.—The Rock Island had 1,000 men and 300 teams working near Hutchinson.

Nov. 27.—Nearly nine-tenths of the counties voted railroad bonds during the year. One state officer commented: "The tendency of some of the new counties to rush headlong into debt is alarming. It will bankrupt them. Something must be done by the Legislature to prevent this reckless voting of bonds."

Nov. 29.—The first engine and caboose on the Kansas, Pacific and Western railroad reached Pratt.

—There were 1,667 post offices in Kansas. Seventy-five had been discontinued during the year and 180 established. Names changed included: Bangor, Coffey county, to Gridley; Barnard, Linn, to Boicourt; Bismarck, Wabaunsee, to Halifax; Blue Mound, Linn, to Bluemound; Brandley, Seward, to Richfield, Morton; Bridge, Saline, to Chico; Churchill, Ottawa, to Tescott; Colorado, Lincoln, to Beverly; Cowland, Hodgeman, to Ravanna; Dallas, Norton, to Oronoque; Debolt, Labette, to Stover; Deerton, Labette, to Valeda; Fawn Creek, Montgomery, to Fawn; Fort Harker, Ellsworth, to Kanopolis; Grand View, Morris, to Delavan; Guilford, Wilson, to Benedict; Gypsum Creek, Saline, to Digby; Harwoodville, Seward, to Fargo Springs; Hatfield, Sedgwick, to Mays; Holden, Butler, to Brainerd; Howe, Rush, to Lippard; Kenneth, Sheridan, to Hoxie; Lucas, Pawnee, to Marshall; Maud, Kingman, to Calista; Memphis, Bourbon, to Garland; Mid-Lothian, Harper, to Freeport; Naomi, Mitchell, to Excelsior; Newcastle, Cherokee, to Stippville; Ozark, Anderson, to Kincaid; Pliny, Saline, to Gypsum; Reno Centre, Reno, to Partridge; Rooks Centre, Rooks, to Woodston; Salt Creek, Reno, to Abbyville; Satanta, Comanche, to Comanche; Shilo, Ness, to Harold; Ship, Comanche, to Shep; State Line, Cheyenne, to Rogers; Tiblow, Wyandotte, to Bonner Springs; Tolle, Butler, to Wingate; Ulysses, Clark, to Lexington; Waseca, Johnson, to Holliday; Zamora, Hamilton, to Kendall.

—The Attorney General ruled that Wallace county was still organized under the law of 1868 although in the "grasshopper year" of 1874 the entire population left the county and the records were lost. Wallace was attached to Ellis county for judicial purposes in 1875. Resettlement was rapid in 1886, and a full set of officers was elected.

Nov. 30.—Dickinson county voted a \$276,000 bond issue to the Chicago, Kansas and Western, the Santa Fe, and the Chicago, St. Joseph and Fort Worth railroads.

DECEMBER 1.—Dr. A. A. Holcombe, State Veterinarian, reported widespread fatality among cattle from cornstalk disease.

—The Protestant Episcopal Church, Diocese of Kansas, met at Topeka.

DEC. 2.—A 45-inch coal vein was discovered at Cato, Bourbon county.

—Wellington now had street cars, a waterworks, gas and electricity.

DEC. 3.—Chautauqua county grew 100 bales of cotton in 1886.

—The Great Bend *Tribune* remarked that the number of railroads under construction to every little town in western Kansas "is only equalled by the number of street railways, waterworks, electric lights, colleges and children to fill them. A town of 150 inhabitants that hasn't at least four trunk lines and all these other advantages is considered too unimportant to put on the maps."

DEC. 6.—The first train over the Kansas, Nebraska and Dakota railroad arrived at Topeka.

DEC. 7.—A 40-inch vein of coal was discovered at Clyde.

—The Kansas State Horticultural Society met at Emporia.

DEC. 8.—The first state sanitary convention met at Wichita under the auspices of the State Board of Health.

—The State Board of Trustees of Charitable Institutions met at Topeka. The biennial report recommended a ward for insane convicts in prison. Under existing laws the insane were sent from prison to asylums.

DEC. 9.—The Leavenworth city council refused to install electric lights.

DEC. 10.—Beloit had completed a 100-bedroom hotel at a cost of \$25,000.

—Samuel J. Crawford, state claim agent at Washington, D. C., reported that over 275,000 acres, valued at \$1,381,000, had been patented to the state in lieu of lands in Indian reservations. Crawford recommended that railroad land grants be adjusted by federal agencies. He pointed out that railroads frequently violated terms of the grants by failing to build over the specified routes.

DEC. 14.—The Kansas State Grange met at Olathe.

—The Kansas Shorthorn Breeders Assn. met at Topeka.

DEC. 16.—A 42-inch vein of coal was located in Clay county.

—The Kansas State Veterinary Assn. met at Topeka and reorganized as the Kansas State Veterinary Medical Assn.

DEC. 20.—The Cedar Vale *Star* was taking stovewood, coal, vegetables, apples and chickens on subscriptions.

—Kansas still had 2,000,000 acres of government land, enough for 12,000 families, according to the State Board of Agriculture.

DEC. 22.—The Supreme Court ordered Governor Martin to organize Wichita county and locate the county seat at Leoti.

DEC. 23.—The Topeka, Salina and Western and the Kansas and Colorado railroads consolidated as part of the Missouri Pacific.

DEC. 24.—Governor Martin proclaimed Leoti the temporary county seat of Wichita county. R. F. Jenness, S. W. McCall and J. F. Brainard were named commissioners; Lilburn Moore, clerk.

—The 20th district court declared the Pratt county seat election of October, 1885, illegal, allowing the county seat to remain at Iuka.

DEC. 26.—Gen. John A. Logan, for whom Logan county was named, died at Washington, D. C.

DEC. 28.—The Kansas State Teachers Assn. met at Topeka.

—The Kansas Academy of Language and Literature met at Topeka.

STATISTICAL SUMMARIES FOR 1886

AGRICULTURE: The late summer drouth caused the worst crop year since 1874. Total acreage as computed by the State Board of Agriculture was 52,572,160, including 2,693,760 acres of unorganized land. Farm acreage totaled 25,607,413 acres, and farm values were \$431,405,347. A summary of crop statistics for 1886:

<i>Crop</i>	<i>Acres</i>	<i>Bushels</i>	<i>Value</i>
Winter wheat	982,029	13,580,592	\$7,961,946.00
Spring wheat	83,503	990,441	520,557.00
Corn	5,802,018	139,569,132	37,966,031.80
Rye	164,819	2,525,385	1,004,480.00
Barley	34,100	728,368	214,497.00
Oats	1,178,642	35,777,365	8,860,603.55
Buckwheat	2,110	33,213	23,665.10
Irish potatoes	99,394	7,274,765	4,402,305.50
Sweet potatoes	3,585	358,500	358,500.00
Castor beans	30,641	306,410	459,615.00
Cotton	682	204,600*	16,368.00
Flax	87,904	879,040	791,136.00
Hemp	158	110,600*	5,530.00
Tobacco	409	245,400*	24,540.00
Broom corn	68,399	38,633,500*	1,352,172.50
Millet and Hungarians	570,600	1,141,200†	4,873,751.00
Tame grasses	690,325	1,100,580†	6,387,751.00

* Pounds.

† Tons.

LIVESTOCK

<i>Animals</i>	<i>Number</i>	<i>Value</i>
Horses	572,059	\$51,485,310
Mules and asses	83,642	8,364,200
Milk cows	627,481	15,687,025
Other cattle	1,460,652	40,898,256
Sheep	664,761	1,329,522
Swine	1,965,869	11,795,214

ASSESSMENT OF PROPERTY: The following valuations were given: city lots, \$46,967,259.80; farm lands, \$142,657,158.35; personal property, \$55,491,972.18.

BANKS: Seventy-five banks were included in the tabulation published by the Secretary of State, as compared with 54 in 1885. Resources totaled \$7,715,134.

CHARITABLE INSTITUTIONS: The State Insane Asylum, Topeka, had 508 patients and 107 employees; the State Insane Asylum, Osawatomic, had 400 patients and 87 employees; the State Asylum for Idiotic and Imbecile Youth, Lawrence, had 30 pupils; the Institution for the Education of the Blind, Wyandotte, had an average attendance of 67; the Institution for the Education of the Deaf and Dumb, Olathe, had 202 students; the State Reform School, Topeka, had 95 boys, and buildings to provide for 200 were under construction.

CHARTERS: Banks, building and loan, trust companies, 241; boards of trade, fairs, merchant and civic assns., 49; cemetery and funeral assns., 57; churches and affiliated organizations, 255; coal and mining industries, 38; creameries and dairy organizations, 5; gas, light, water and power companies, 47; grain, milling and elevator companies, 16; hotels, 17; insurance companies, 15; livestock and poultry, produce companies, 15; lodges, clubs, guilds and benevolent societies, 66; printing and publishing companies, 15; railroads, 124; real estate, town and immigration companies, 255; schools and colleges, 8; stage lines and freighting companies, 6; street railways, 37; telegraph and telephone companies, 20; miscellaneous, 122. Total number of charters for the year, 1,408.

EDUCATION: There were 7,520 organized school districts in 91 counties with 6,791 schoolhouses and 9,387 teachers. Of 497,785 children of school age, 365,239 were actually enrolled. School terms averaged six months.

The University of Kansas for the year 1886-1887 had a faculty of 27 and a student body of 489, including 14 graduate students. Kansas State Agricultural College had an enrollment of 428 and a faculty of 18. The State Normal School, Emporia, had an enrollment of 724 and 13 instructors. All three schools reported an urgent need for books.

FINANCES: The State Treasurer's fifth biennial report showed total receipts of \$4,792,655.26 since July 1, 1884, as against disbursements of \$4,962,894.17. The balance in the treasury at the end of the fiscal year was \$584,273.16.

INDUSTRY: Assessors' rolls for March 1, 1886, listed 795 mechanical and manufacturing firms in the state, employing 11,320 persons at total wages of \$5,158,612. Capital invested amounted to \$16,369,724. Cost of raw materials purchased was \$31,651,913, and the value of finished products was \$48,471,406.

INSURANCE: Fire insurance written by 88 companies authorized to do business in the state totaled \$120,046,025. Life insurance sold by 21 authorized companies amounted to \$8,259,449.

POPULATION: The biennial report of the State Board of Agriculture gave the population as 1,406,738, an increase of 138,208 over the preceding year. The largest city in the state was Leavenworth with 29,150; Topeka, 25,005; Kansas City, 21,229, and Wichita, 20,129.

RAILROADS: Sixty-four railroads operated 4,517 miles of main track in Kansas. Total earnings were \$62,766,858.90 for the year ending June 30, 1886. Freight totaled 16,260,673 tons, an increase of 705,278.07 tons over 1885. During the first ten months of 1886, 950 miles of new track were laid, more than in any other state. The aggregate value of all railroad equipment as fixed by the State Board of Railroad Assessors was \$32,434,936.68.

WEATHER: The mean temperature for 1886 was 52.96 degrees. The highest temperature recorded was 105 on August 16, and the lowest was —18 on January 9. Rainfall over the state averaged 24.24 inches, 11.02 inches below the annual average. The drouth during July, August and September was the first serious one since 1874.

Background Notes on the Bourne Lister Cultivator

PATRICIA M. BOURNE and A. BOWER SAGESER

IN the drier regions west of the Missouri river, corn was frequently planted by the lister planter. The lister planter, in reality a double-moldboard plow with a drilling device for the seed, was used extensively in the lighter soil areas of Kansas. It presented the advantages of increased yield, resistance to drought and wind erosion, and reduced operating costs. It was adopted by many farmers before a tool suitable for cultivating the ridges and furrows had been developed. The farmer depended on the existing tools which were inadequate. Consequently, there was a real need for a new lister cultivator. Midwestern farmers experimented with adaptations for the existing corn-cultivator and eventually invented several new machines more adaptable to this particular type of cultivation. Interest in the development of a lister cultivator ran high during the period 1883-1900.

The history of the lister planter and the general evolution of the lister cultivator has been described thoroughly by James C. Malin in his study, *Winter Wheat in the Golden Belt of Kansas*.¹ The purpose of this brief report is to relate the personal factors and the motivating influences around one particular invention by Daniel M. Bourne of Cool, Kan.

Among the early settlers who made their homes in and near the Solomon valley were Mr. and Mrs. Daniel M. Bourne, who came to Kansas in 1876. The story of this family is typical of many frontier families. Daniel Montague Bourne was born near New Bedford, Mass., December 27, 1848. When he was four years old, he moved with his parents, the Franklin Bournes, to Oshkosh, Wis. He was married to Amelia Jane Spencer of Stockbridge, Wis., on September 26, 1875.² According to Amelia Bourne:

There was a lot of advertising being done and it sounded like the Solomon Valley flowed with milk and honey. So Daddy decided he would come out and see for himself, and he was so taken with the country that he bought the farm which we still own.³

PATRICIA M. BOURNE, of Delphos, a granddaughter of Daniel M. Bourne, is a senior in arts and science at Kansas State College, Manhattan. DR. A. BOWER SAGESER is professor of history at Kansas State College.

1. James C. Malin, *Winter Wheat in the Golden Belt of Kansas* (Lawrence, 1944), pp. 210-231.

2. Children born to this family were: Leona, 1876; Harry, 1877; Bessie, 1879; Richard, 1881; Gordon, 1883; Bert, 1892; Essie, 1898.—From family records.

3. "Recollections," MS. written by Amelia Bourne, January 1, 1932. Manuscript is in the possession of Mrs. L. M. Ballou of Delphos, Kan. Mrs. Ballou's maiden name was Essie Bourne.—See Footnote 2.

In late September, 1876, Mr. and Mrs. Bourne and their baby daughter arrived by train in Solomon. Their new homesite was 40 miles northwest of Solomon. Bourne had purchased in the spring of that year the rights of an original homesteader for the sum of \$600, having paid \$100 down with the balance due the first of October. This quarter section was located three miles east and three miles north of Delphos, in south-central Cloud county. Family records show that the Bournes experienced the usual problems typical of such a frontier community. In time, Bourne enlarged the farm holdings.

However, Bourne did not limit himself entirely to farm work. He became interested in a general store and post office in the Cool community. Near the store was a stone house and a blacksmith shop. This small village was located eight miles north of Delphos and four miles east and two miles north of Glasco. In the fall of 1883, Bourne mortgaged his farm for \$1,500 to buy the business at the country store, and the family moved to the new community.⁴ The local press frequently spoke of Bourne as "the Cool merchant."⁵

Bourne found that he enjoyed the work of a blacksmith. He began his blacksmithing career at a time when there was a great deal of demand for a lister cultivator. From his own experience and from that of his farmer neighbors, he knew that no implements, up to this time, would adequately control the weeds in the rows and the ridges. He set himself to the task of making a shovel that could be attached to the shank of a regular cultivator. He soon named this shovel Bourne's Wing Bull Tongue for cultivating listed corn.⁶

After making several sets of shovels for the local farmers, Bourne decided to patent his invention. He secured the services of Munn & Company of New York, publishers of the *Scientific American*. The patent was issued December 14, 1886.⁷ Two weeks later the *Scientific American* published a lengthy description of the new invention.⁸ At the time, patent attorneys advertised extensively in the local newspapers, and the following week, the description was reprinted in the *Glasco Sun*.⁹

According to the *Scientific American*, the chief objects of the invention were "to provide a shovel that will cultivate the bottom of

4. From an interview with Mrs. L. H. Cool. The buildings were owned by Frank Wilson of the Cool community. Mrs. Cool's maiden name was Bessie Bourne.—See Footnote 2. She married L. H. Cool of that community and lived near the site of the Cool store and post office.

5. *Glasco Sun*, January 1, 1887.

6. *Ibid.*, May 28, 1887.

7. The patent is now in the possession of Bert A. Bourne, Delphos, Kan.

8. *Scientific American*, New York, January 1, 1887, p. 6.

9. *Glasco Sun*, January 8, 1887.

(No Model.)

D. M. BOURNE.
CULTIVATOR.

No. 354,381.

Patented Dec. 14, 1886.

Fig: 1.

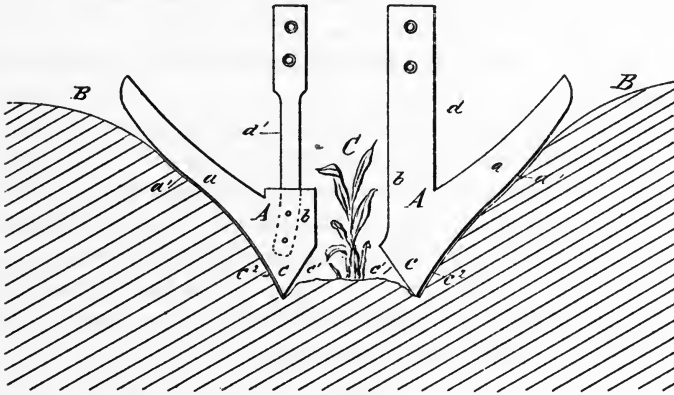


Fig: 2.

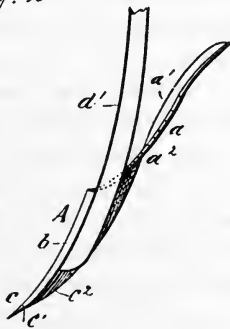
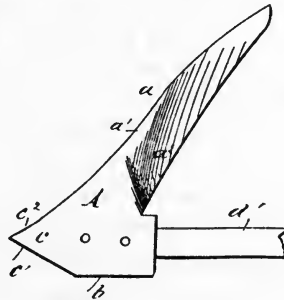


Fig: 3.



WITNESSES:

Chas. Nias
W. Sedgwick

INVENTOR:

D. M. Bourne

BY

Munn & Co.

ATTORNEYS.

the furrow, and at the same time trim the edges.”¹⁰ The description likewise stressed that the shovel could be used on the riding or walking cultivator. The accompanying diagram of the Bourne model shows the chief problems of design. *Figure 1* shows how the shovels would operate in the lister row.¹¹ *Figures 2* and *3* show how the shovel was curved and pointed to work more effectively in the row and on the sides of the ridges.

After securing the patent, Bourne advertised the invention in the local press. Usually a modified drawing of *Figure 1* was used by the printer. The shovels sold for three dollars per pair. The advertisements, like many others, carried indorsements by local users of the new shovel.¹²

The Wing Bull Tongue had to compete with several other lister cultivators. The Clyde Carriage Company sold the Kirlin listed corn cultivator and many farmers endorsed the success of this machine.¹³ The rate of invention was high. The January 27, 1887, issue of *The Republican-Empire*, Concordia, published a list of Kansas inventors. On this list were a cultivator, a planter and a harrow patented by F. M. Dougan of Seneca, and a garden cultivator and a seed drill patented by C. C. Hunter of Concordia.

Family records offer no evidence as to the number of shovels made by Bourne, but there was sufficient blacksmithing business to enable him to hire a clerk to help run the store. Bourne did not find a manufacturer to produce his machine. Soon his invention was replaced by a better one. In fact, most of the inventions were replaced by the disc sled-type cultivator.

The years following the Bournes' entrance into the store and blacksmithing business were years of general hard times. Few people could pay their bills, and Bourne carried too many accounts on his books. He eventually closed the store and the family returned to the farm. They were not free from debt until 1898.¹⁴

While Bourne's invention was not a great success, his experience brings out more clearly the role of the local farmer in the inventive process. Then, as now, many of the machine problems were solved on the scene. Daniel M. Bourne was one of many who tried to meet the need for more adaptable farming machinery in a pioneer country.

10. *Scientific American*, *loc. cit.*

11. Photograph of the original patent.

12. *Glasco Sun*, May 28, 1887. This particular advertisement carried an endorsement by Frank Wilson of the Cool community.

13. *Clyde Herald*, April 20, 1887. This machine had been in use for three years.

14. Interview with Mrs. L. H. Cool.

Vincent B. Osborne's Civil War Experiences

Edited by JOYCE FARLOW and LOUISE BARRY

PART TWO: SEPTEMBER, 1862-JULY, 1865

[*Stationed Near Fort Scott, September, 1862*]

WE left Fort Riley¹⁹ the [2nd] of Sep. to go to Leavenworth where we were ordered. The first day we marched as far as Manhattan. I had the pleasure of visiting one of my friends Dr. [E. L.] Pat[t]ee who lived at Manhattan that day. This was a small but thriving town at the junction of the Blue river and Kansas and it is situated in a very pleasant section of country. The soil is good. The inhabitants are trying to have an institution of learning erected here with good prospect of success. Dr. Patee still belonged to the army and got Maj Fisk to issue an order for him to accompany us and the next morning he started with us and was with us till we arrived at Fort Scott.

The 2nd day after leaving Fort Riley we received orders to go to Lawrence instead of Leavenworth and we turned our course towards that place. The third day I was taken sick with a fever and headache and was compelled to get into the ambulance and I rode in the ambulance till I got to Lawrence. We crossed the Kansas river at Topeka the capital of Kansas. The teams were ferried acrossed but the Cav'y forded it. We remained at Lawrence a few days during that time I was confined to the hospital with Beaveas[?] Fever while we were at Lawrence a Co. of infantry passed there on their road to Leavenworth where they were to be organized into the Eleventh Kansas. I saw two persons that were in the 2nd Kansas under its first organization Lieut Lindsay, and George Bacon, in that Co. We were ordered from Lawrence to Fort Scott but were to escort three large siege guns to the latter place. These guns were hauled on very heavy artillery wagons by oxen. The oxen were poor and very slow not going but about twelve miles a day. The day I left Lawrence I was able to ride my horse and kept getting better till I was well.

Our force now consisted of four companies of 2nd Kansas. These were A, B, C, and D and we were under the command of Maj Fisk. Capt Crawford of Co A had got permission of Gen Blunt to take his Co. by way of Garnett Anderson Co. where most of them lived

19. Copy Missing.

before enlisting in the army The third morning of our march we left the rest of the companies and by turning more to the right went by way of Ohio City to Garnett arriving there about noon Sunday passing through town and camped near it on the south side Then the Co were dismissed by Capt [Samuel J.] Crawford but were to be back Tuesday night without any exception And then those that lived in the vicinity each took the road home

The rest of us put up what tents we needed and then we done what pleased us most Some saddling their horses and going to Camp Meeting one of which was being held in the vicinity I remained at camp not having entirely recovered from being sick Monday night the young folks had a dance in town and we were all invited The tickets were one dollar a couple the dance was kept up till morning and they had a good supper Tuesday in the afternoon it rained very hard and continued till the next morning Tuesday night nearly all of the Co came in and the next morning about nine oclock we left Garnett. Garnett is pleasantly situated on the prairie about a mile from the south Fork and four from the north fork of the Pottawatamie. The country around this town is high rolling prairies of good quality but subject to drowth and timber is not abundant Unimproved prairie land is worth from two and a half to three dollars per acre timber from ten to twenty

We traveled in a southeast direction after leaving Garnett till we got on the road that the rest of our detachment had passed over and we overtook the guns about nine oclock Wednesday night at a small town called Mapleton where we camped that night The next morning Maj Fisk came back and put us on duty as rear guard marching in the rear of the guns Our train went on with the rest of the command arriving at Fort Scott about two oclock and Co A got there about five oclock P. M. We camped about a half a mile from the Fort and south east of it Fort Scott is situated on Marmiton creek but does not look as though it was in a prosperous condition And is in a weak position to defend should an attack be made upon it The country around it is mostly high rolling prairie with good soil

The morning after we arived at Fort Scott we marched out to Dry Wood Creek where the rest of the regiment were camped and joined them again having been seperated about three months Corn had become very scarce about Fort Scott but there was plenty of grass on the prairies The day after we got to Dry Wood we moved camp and all of the regiment camping together Co. A on the right and D on the left the whole regiment camping in line We

had anticipated before we got back to the regiment that when we got back we would have some rest but in this we were disappointed Forage had to be procured and we had to go long distances for it The Second day after we got to Dry Wood a detail was made out to go after it At first the detail was from Co E, C, and B and consisted of fifty men and were under Command of Capt [John] Gardner but Capt. Gardner did not think it safe to go out with this number and twenty five more were detailed from Cos A and D, and put under command of Lieut [H. L.] Moore and were sent to overtake Capt Gardner When we were detailed nothing was said about taking any rations or blankets along with us and we supposing we would be back at night did not take any along with us We went east from Dry Wood getting our forage the third day near the east line of Vernon County Missouri.

The third night we kept our horses saddled all night and our arms ready to pick up and put on at any moment We were alarmed about twelve oclock by one of the pickets firing. We roused up got in line and stood about a half an hour The sentinel reported that a man came riding towards him and on being halted turned his horse and run away and he fired after him Then the seargent of the guard went out to see what the firing meant and not hearing the sentinel halt him was fired on by the sentinel and he returned the fire and they exchanged several shots before finding out their mistake After we acertained what the cause of the firing was we laid down and slept as well as we could till morning for the night was very cold The next day about three oclock in the afternoon we arived at camp

After getting back to camp we learned that Capt Crawford had left the day before with about one hundred men twenty of which were of Co. A to escort a train to Col Richie²⁰ who was in command of two regiments of Indians and camped about forty miles south of our camp. About this time Col Richie had a skirmish with the enemy after which he fell back to a creek twelve miles south of our camp and there the train was delivered to him. Then Capt Crawford came back to camp ariving here the day after we did The next morning I was detailed to go for forage We went up Dry Wood and got corn loading sixteen wagons and got back to camp about eight oclock P. M. the same day

When we arived at camp I learned that all of the available force of the regiment were just starting for Humbolt, a town on the

20. Col. John Ritchie, Second Indian home guards, formerly lieutenant colonel of the Fifth Kansas cavalry.

Neosho forty miles west of Fort Scott A report having come in that the enemy had made a raid upon that place Each Co took one team to haul thier rations and cooking utensils and nothing more was taken Orders were also issued to have the camp moved to Fort Scott the next day by those whose horses were not fit to go with the rest of the regiment After I learned this I eat supper and then went on overtaking the Co. about two miles from camp Col. [W. F.] Cloud had command of this expedition and took his whole brigade His brigade consisted of the 2nd Kansas Cav'y Rabbs battery and two Indians regiments We went south to the Indian camp and the Indians joined us we turned west and kept marching till about nine oclock A. M. occasionally halting for the battery and team to overtake us At that time we halted and got breakfast stopping an hour and a half for that purpose Then we mounted and kept on till five oclock P. M. At that time we met a Co. of the Ninth who had come through Humbolt and they reported that no enemy had been there We halted now and camped staying till morning

Col Cloud now called a council of war with the result of which was for Col Cloud to take all the best mounted men in 2nd Kan they taking three days rations on thier horses, and proceed down the Neosho and ascertain where the enemy were and whether they had been up the Neosho in any considerable force Capt. Crawford was sent back to camp with the train and those whose horses were not fit to go on and was to take charge of camp when he got back Capt Rabbs battery and the Indians regiments went back also About sunrise the next morning we went on Seargent [Ezra] Romine and four men of Co. A were detailed as an escort for Col Cloud I was on the detail We marched south till about noon when we arived at the Osage Indian Mission There we halted fed our horses killed a fat steer roasted meat and eat dinner This is a Catholic mission [and] was in a thriving condition before the war broke out but it is now on the decline the Indians having taken part with the rebels²¹ The whites at the Mission treated us very civilly and gave us all the information of the enemy that they could

About two we saddled mounted and went on down the river crossing about a mile below the mission and then taking a trail which kept about a mile from the timber We halted about an hour after dark on the prairie where there was neither wood or water and unsaddled picketed our horses and lay down and slept

21. This mission, founded in 1847, was not molested by soldiers or guerrillas of either side during the Civil War; and the school was not suspended during the war years.

till daylight the next morning Then we got up saddled mounted and went on About ten oclock A. M. we came to a creek and finding cattle halted killed some and got us some dinner. We also unsaddled and picketed our horses About twelve oclock M. we saddled mounted and crossing the creek went on down the river After traveling about two hours we came to a small settlement where we stoped fed our horses and rested ourselves for an hour Here we acertained that the enemy had heard of our advance and had gone south so far as to make it hopeless to pursue them.

We crossed the river at this place and started back The valley of the Neosho whenever the land comes into market will present many inducements to settlers The soil is good timber plenty The prairies are beautifully rolling and covered with luxuriant grass After crossing the river we went about twelve miles and stoped on a creek where there was plenty of wood water and grass and unsaddled picketed our horses and lay down In about an hour an alarm was given and the men were roused up got in line and after waiting some time were dismissed The cause of the alarm was a vidette who was stationed some distance from camp said he saw two men coming towards him and he thought he heard a large body of men coming still behind them he came into camp and told the officer of the guard what he had seen and then the officer of the guard alarmed the camp Col Cloud after hearing the cause of the alarm had the vidette brought to him and asked him whether he fired his piece or was fired on and on being answered in the negative told him to go right back to his post and never again leave his post till he fired his piece or was fired on A reconoitreing party was sent out but could find nothing The cause of the alarm was probably nothing but imagination

The next morning we got up by daylight we were up saddled and mounted and went on still following the creek up that we camped on Col Cloud and his escort went in advance and after going about twelve [miles] we saw some men who we took to be Indians driving cattle down the creek on the oposite side We crossed and galloped our horses on after them and on over taking found out that we were mistaken about thier being Indians They proving to be some whites who had been living down the Neosho but were now leaving thier homes thier houses having been robbed by the rebel Indians and thier property taken or destroyed They were going up into the settlements north of the Indian lands They were very glad to see us and would have given us our breakfast if we would have waited for them to cook it. While we were talking

the regiment crossed the creek and went on in advance of us We had no road after leaving this creek taking a northeast direction across the prairie We stoped once about an hour and let our horses eat grass and then went on We got to Cow Creek about one oclock P. M. but did not stop only just long enough to let our horses drink Col Cloud and his escort went on in advance and turning to the right went down by where Col Richie had been camped Col Cloud examined things about camp and came to the conclusion that no one had been there since Col Richie had left Col Bassett²² did not follow us taking a nearer route with the regiment After we passed the camp we saw several Indian ponies and were delayed at least two hours trying to catch some of them Then we got into the military road and kept following it till after dark

The regiment was a few miles in advance of us And Col Cloud did not wish to ride very late so turning off the road went about a quarter of a mile from it and we unsaddled piketed our horses and remained here till daylight We kept a guard on all night each man standing an hour and a half At daylight we got up saddled and mounted and went on It rained all the latter part of the night wetting our blankets and clothing so as to make very heavy About nine oclock A. M. we got to the Indian camp and they got us some breakfast we were very hungry not having eaten anything for nearly two days We heard that all the troops had been ordered to go south and that our camp equipage was now on the road About ten oclock we went on to Fort Scott ariving there about two P. M. and Col Cloud getting us an order for forage we went and drew it and fed our horses

[*Expedition Into Missouri, October, 1862*]

The regiment got within five miles of Fort Scott before they knew any thing about being ordered south and were very much disappointed supposing they would rest a few days But when meeting the train turned back and went as far as Dry Wood when they halted and got something to eat and stayed at that place till about dark Then every thing was packed up and they went on marching till about eleven oclock at night when they stoped and unsaddled picketed thier horses and lay down till morning Col Cloud remained at Fort Scott till a little after dark and then we left that place and went on after the regiment overtaking them about twelve oclock at night after they had stopped And we lay down till morn-

22. Lt. Col. Owen A. Bassett, second in command of the Second Kansas cavalry.

ing The next morning we went to the company and got breakfast but returned to headquarters again About sunrise we saddled mounted and went on After going a few miles we saw some one riding across the prairie in gallop and Col Cloud sent Ed Wilson and me after him on overtaking him we saw he was a boy about fifteen years of age but we took him to the Col who after questioning him considerably let him go Then we went on to Lamarr the county seat of Barton County and stoped to feed and get dinner Rabbs battery and the two Indian regiments were in advance of us

Before we got dinner a messenger came in reporting that the Indians had been attacked by the enemy and we went on as quick as possible on double quick but when we overtook the Indians the skirmish was all over the enemy having gone away so far as to make it useless to pursue them This skirmish ocured about seven miles south east of Lamarr The enemy numbering about seventy and they were watching the road probably to supprise Gen Blunt²³ and his escort as they passed south But Gen Blunt had already passed and the Indians coming up were close upon them before they saw them Volleys were exchanged and then the enemy retreated on double quick They were on foot but we believed they had horses some where in the timber nearby Two of our men were wounded one white man and one Indian but not mortally It was not certainly known that any of the enemy were hurt After deliberating about this some time we went on about five miles and camped at Golden Grove where we got plenty of corn to feed but water was scarce

The next morning by sunrise we were again on the march The inhabitants around Golden Grove apeared to be very much afraid of us Even the women and children hiding in the brush I saw one woman in the morning when I went to water my horse She looked to be about eighteen years of age was bearheaded and had a child in her arms under a year old She apeared to be turribly fritened and run into some thick brush as soon as she saw me After watering our horses we went back to camp and the regiment having gone we went on after them overtaking Col Cloud in a short time Eight miles from Golden Grove the regiment found water enough for thier horses, it was in pools to the right of the road It was eighteen miles before we got to timber after leaving Golden Grove

23. Brig. Gen. James G. Blunt was commander of the District of Kansas, at this time, with headquarters at Fort Scott. He became Kansas' first, and only, Civil War major general on November 29, 1862.

The first timber was on a medium sized creek in which was plenty of water. After crossing we went up on a narrow prairie and halted for the train to close up then went on to a small town called Oregon.

At Oregon we crossed another stream of considerable size on which was a large flour and saw mill. There was a company of Mo. S. Militia stationed at this place; the first we had seen. The regiment halted here to feed but Col Cloud went on to Sarcoxie a town eight miles from Oregon and which was our place of destination with his escort. We arrived there about four o'clock P. M. [October 3rd] We went immediately to Gen Solomons[?] headquarters where we found Gen Blunt. We got forage here and fed our horses and the Gen. ordered the cooks to get us some supper and a good supper we got too. About dark we were dismissed by Col Cloud and sent to our company. The regiment having just come in and were sent out on the prairie south of town where we found them.

Sarcoxie is a medium sized town situated in the timber on a medium sized creek and is nearly deserted by the citizens. It was the residence of the rebel Gen. [James S.] Rains before the war broke out and has been a general rendezvous for the rebels before it was occupied by our troops. Here was where the rebel army was first organized and was the place where the rebel portion of the legislature met after Gen [Nathaniel] Lyon took possession of Jefferson City and Boonville. At this time the rebels were camped at Newtonia about twelve miles south of Sarcoxie. A detachment of Solomons brigade had an engagement with them a few days before we got to Sarcoxie and were obliged to retreat having several killed and wounded and a large number taken prisoners.

We got orders before dismounting to get supper and prepare ourselves with one days rations and forty rounds of ammunition and to be ready to march again at nine o'clock P. M. We got supper eat and were ready by the time, but we did not move till about twelve then we started out taking a road which went nearly due south we marched about six miles and stopped the head of the column resting at the timber we dismounted and stood to horse till morning the night had become very dark accompanied with some rain. I was sent for by Capt Crawford for an orderly and I was his orderly till the next night.

At daylight we moved on until our advance guard drove in the enemies pickets, then halted, formed our line, and waited a short time when we heard the artillery commence firing, it having taken another road, had come up and attacked the enemies right; this

was our signal to move forward which we did immediately, but before we arrived at Newtonia the enemy had fled. We had expected to have a severe battle with the enemy here. All the troops had come out from Springfield which with Gen. Blunts division amounted to twenty thousand men, and the enemy fled at the first fire. Not over a dozen men were hurt on either side. We pursued them to the timber, then came back to Newtonia. The Springfield troops went back towards Springfield, and we camped near the town. We killed all the hogs we wanted and procured plenty of forage for our horses.

We remained here overnight and the next morning by nine o'clock our train came up, by noon four Co's of the regiment were ordered to go out and meet a supply train, which was coming from Fort Scott. The Co's were A, D, I and K, and were under the command of Col. Cloud; Capt Moore²⁴ was second in command. We passed through Granby the principal town of the lead mines, and Sarcouxie, then went on towards Carthage stopping on the prairie about one o'clock in the morning and remained until daylight, then went over a creek to another road where we found the train, then stopped got us some breakfast of roast beef, and apples, which was abundant. Then we were divided, Co's K, and I, in advance and A, & D, were in the rear of the train, went through Granby, and arrived at Newtonia at dark. We had no rations and the baggage train had left; So Capt Moore, and Russell,²⁵ demanded some hard bread of the Commissary, which was refused, when Capt Moore jumped up on a wagon and rolled off a box for each company, ordered the men to carry it away then gave the Commissary an account of it, which ended the matter. Early in the morning we marched on to Indian Creek, where the rest of the regiment was camped in a field near the creek, in the form of a hollow square, where we remained three days. It rained nearly all the time. The ground became very muddy, and we were glad to get away from there.

One night the camp was alarmed and we got up and saddled, mounted, and stood in line, until we were wet through, it proved to be a false alarm, and we went back to bed.

About the 10th of Oc we left Camp Mud, went nearly east going through Gad Fly, and arrived at Hazel Bottom five miles from Keitsville on the 13th [of October], where we remained until the 16th. We did not receive orders to march until two o'clock in the morning, and the available force moved at four, leaving the sick,

24. Amaziah Moore, captain of Company D.

25. Avra P. Russell, captain of Company K.

and dismounted men, and cooks, to come up with the baggage train. I was on guard and did not come off post until just as the regiment left. I was relieved at seven and went on finding the regiment at Kiettsville. About twenty men of the company had gone out with what prisoners we had under a flag of truce to turn them over to the rebels and the regiment was waiting for them to get some distance ahead before starting. About noon we left Kietsville taking the telegraph road arrived at Elkhorn Tavern by five oclock in the afternoon. The train which had come with us from Kietsville was sent back after we had taken out three days rations and forty rounds of ammunition and we stopped there for the night. We were on the battle field of Pea Ridge now where Gen. Curtiss had beaten the rebels in the spring. The country round was rough rocky and covered with timber which made it a hiding place for hundreds of gurillas who improved it. Before we had gone to sleep the pickets commenced firing and the remnant of Co. A were sent out to reinforce them remaining with them until sunrise the next morning then went back to camp. The men who had been out with the flag of truce had returned, having found the rebel pickets five miles northeast of Bentonville, where they exchanged their prisoners. At ten oclock we moved on to McCollocks gap, on [?] creek which had been fortified by McColloch, about the time the battle of Pea Ridge was fought remained here one night.

About ten oclock the next day (the 18th) we left McColloch's gap taking the Fayetteville road went on about six miles when our advance guard was fired on by the rebels. Co. A, which led the column were sent to the right of the road mounted. Co. D to the left dismounted and advancing through the timber soon came to a field in sight of the enemy who were standing their ground but when we fired on[e] volley into them they left as fast as their horses could carry them. Our howitzers were brought up and a few shells fired after them. One of our men was wounded and one horse disabled. None of the enemy were killed or disabled so that they could not get away. We formed our line and waited one hour then went on to Cross Hollows seeing nothing more of the enemy. We found hats, coats, guns, &c. scattered allong the road among which was a rebel sabre made out of an old mill saw the blade was about three feet in length ground sharp on both edges wooden gripe with a single piece of steel for a guard.

After watering our horses, went back about half [a] mile and camped. I was sent out on picket with six others, on post on a

road east of Cross Hollow, where we remained until three o'clock in the afternoon the next day, when the officer of the guard sent for us, to come in as the regiment had moved without his knowledge and we went to find them, but on arriving at Cross Hollow we met them, and went back [to our?] posts. The regiment had been joined by the Seventh M. S. M. and had been out to Mud Town but had not had any skirmish with the enemy. The rebels were camped at Elm Springs thirteen miles north of Fayetteville, where they intended to fight us, but the officers did not think it best to attack them there. The pickets were relieved about dark and we fell in to the rear of the regiment, marched about five miles back towards Pea Ridge, and camped. The next morning we were out of rations and made out our breakfast of roasted apples, and coffee, left camp early passed McCollochs gap and found the regiment three miles west of Elkhorn. Gen. [John M.] Schofield's division had advanced as far as Elkhorn. The 11th Kan. Inf. had arrived from Fort Scott, and were attached to Col. Clouds brigade.

[*Battle of Old Fort Wayne, October 22, 1862*²⁶]

At three o'clock P. M. [October 20] we received orders to march at six, taking everything. At dark we started out taking the Bentonville road, and marched until three the next morning, when we arrived at Bentonville. Gen. Blunt accompanied this expedition with the 2nd, (Col. Weir²⁷) and the 3rd, (Col. Clouds) brigades. We remained at Bentonville until four o'clock P. M. of the twenty first of Oc. then marched on towards Maysville. Co. A & H of the 2nd Kan. were the rear guard kept moving until three the next morning, when we stopped built fires and slept till morning. The night was very cold and we suffered considerable.

By daylight Gen. Blunt sent back for us to come up on the double quick as he with only four companies of the 2nd had met the enemy. We went on through Maysville and found the Gen. four miles southwest of there, and eleven from where we were in the morning. The rebel pickets were captured, and small parties were out

26. General Blunt reported this engagement as follows: "After a severe night march of 30 miles I attacked the rebel forces of Cooper and Stand Watie this morning at 7 o'clock. Their force estimated at from 4,000 to 7,000. The attack was made by my advance, consisting of the Second Kansas Volunteers and two mountain howitzers, and after a spirited engagement of less than an hour resulted in the complete and total rout of the enemy, with the loss of all their artillery, one battery of 6-pounder brass pieces, a large number of horses, and a portion of their transportation and camp and garrison equipage. They are now fleeing in disorder in the direction of Fort Smith. All my available cavalry and four mountain howitzers are now [October 22—2 P. M.] in hot pursuit. My loss, as far as known, is 4 killed and about 15 wounded. The Enemy's loss in killed and wounded is much greater. I have 30 prisoners. . . ."—*War of the Rebellion*, Series I, v. 13, p. 325.

27. Col. William Weer, Tenth Kansas infantry.

to ascertain the position of the enemy. Co A was sent to the right and advanced a half mile when we were joined by Co. H, and continuing our advance another half mile, when we discovered the enemy about four hundred yards in front of us, then we run our horses over the fence, and attacked them. Lieut. [E. S.] Stover brought up the howitzers in front of us, and unlimbered and commenced firing on the enemy, with shell. All of the regiment but Co A., and the howitzers were sent to the left, and dismounted, Lieut. Stover called for more men to work the howitzers and Lieut. [John] Johnston sent him several. We were posted on a high piece of ground and in full view of the enemy. The enemy had four pieces of artillery which they directed towards our howitzers but nearly all their shots were fired to high. The enemy were posted in our front and both to the right and left of us, in all numbering three thousand men, commanded by Gen. [Douglas H.] Cooper, but he was intoxicated and managed the battle unskillfully. Just as the howitzers fired their last shell, Capt Crawford with five companies of dismounted men charged on the rebel battery, and captured it, the enemy retreating to the timber. This battle lasted twenty one minutes. On our side no troops were engaged but the 2nd Kan Cav'y. until the rebel battery was captured, then Rabbs battery came up and fired after the enemy. We had three men killed and mortally wounded. The rebels lost thirty killed, and wounded, but no prisoner[s] were taken on either side. As soon as the Inft came up we were sent three miles to the right, where we captured a herd of beef cattle, then returned and camped on the battle field. The train came up at sundown, and we pitched our tents for the first night since leaving Hazel Botton.

The next morning we moved our camp half a mile, but before we dismounted an allarm was given, and the Inft and artillery we[re] formed in line on the same ground that we occupied the day before, and cavalry was sent out to reconnoitre, it proved to be a party of rebels who not knowing of the battle the day before were coming to the camp, but discovered their mistake in time to get away again. In the afternoon a scout of two hundred men were sent out under command of Maj Fisk, and after dark one hundred and fifty men were sent out on picket. I was one of the last detail. We went out through Maysville and were posted in small squads on several different roads, but saw nothing except one bushwhacker and he got away.

At four oclock in the afternoon of the 24th we were relieved by the 6th Kansas. In the afternoon the weather turned cold very

suddenly, and the wind rose, and it commenced snowing and the next morning the ground was covered three inches with snow, but it all went off in a few days, Maj Fisk returned on the twenty fifth, not having any action with the enemy. He had heard some women telling about the battle of Maysville, who said that we had just thirty one thousand men there, and that they were obliged to retreat on account of our numbers. The scout went as far as Cincinnati. The battery that was captured was issued to Co. B, it consisted of three six pound field pieces, and one twelve pound [howitzer]. I was detailed on the twenty fourth as messenger for a court martial. The 28th [Henry S.] Shannon, and [John Y.] Hewitt, were promoted to sergeants and [James A.] Gooch and [George W.] Spencer, to corporals.

We left Old Fort Wayne the thirtieth of Oc. marched twenty miles and camped naming it Camp Solomon. The 13th Kan Inf'ty arrived on the twenty eighth, and were attached to the 2nd, (Col. Weirs), brigade, the 3rd of Nov. we left Camp Solomon went twenty miles, and named the Camp Bowen. While here Maj Fisk took the available force of Co A, I, K and went down to Browns mill, eight miles from camp took possession while two companies of the 11th run it.

The 6th Capt. Crawford took the available force of the rest of the regiment, and went out on a scout went through Cane Hill where he met some rebels who fled and he pursuing them captured six wagons, and an ambulance, on Cove Creek but not having any teams to haul them away burned them. All the mills in the neighborhood of camp were taken possession of by the army, and in this manner large quantities of flour was produced. The 14th as the Co. were going to take their baggage to Browns mills, I requested Lieut. [Gideon M.] Waugh, the judge advocate, to relieve me which he did. We arrived at the mill about noon and had the tents pitched when a detail came round calling for three men of each company, we went out were gone all night and when we arrived at camp the next morning the company was gone, but we took their trail went back to Camp Bowen, then southwest twenty miles where we found the division all camped, this camp was named Babcock. The 16th I was on another scouting party we passed between Camp Bowen, and Browns mills, and arrived at Elm Springs about sundown went on three miles when night set in, dark and rainy when we turned back went about five miles, and the night became so dark that we could not find the road, stopped at a bushwhackers house lay down by the side of the road, and slept

till morning. The next morning we got up cold and wet and rode twenty miles to camp where we got breakfast. . . .

[At this point there are three pages lacking from the manuscript, pages which described events between November 17 and November 22. In an official history of the Second Kansas cavalry it is stated that "On the 17th of November [1862] Captain Crawford was sent with one hundred (100) men to Carthage, Missouri, to reinforce the escort to a supply train en route from Fort Scott, and returned on the 26th." Osborne's narrative, which resumes on November 23, indicates that he was a member of this detail.]

. . . command was called up, and formed in line but were sent to quarters in a half an hour. The pickets were reinforced and changed their position. A party of rebels had charged on the picket post, took the sentinel prisoner, and drove the rest into the town. The next morning Lieut Moore took twelve men and went out to the line road to see if the train had passed on that. Capt Gardner took a detail and went down Spring river to a mill where he procured some flour which was issued to the men, cattle were killed and we did not suffer with hunger. Lieut Moore did not return until after dark he ascertained that the train was on the road, and would camp near Sherwood that night.

The next morning we left Carthage taking a southwest direction intending to intersect the line road in the rear of the train, but the train not having passed we went to far, then turned to the north and camped at a cornfield at night sent some messengers to Sherwood where the train was found, and we were camped near their route. The next morning we took the advance marched until night when we stopped the next day we went in the rear. We arrived at camp about sundown the 26th While on our return several bushwhackers were captured among which was the notorious Fay Price The division was still camped at Camp Babcock, but was short of rations. Early in the morning of the 27th we received marching orders, left camp by sunrise. This time the whole division moved taking three days rations, but the train was left. We went south on the Cane Hill road halted at Cincinnatti for supper but went on after dark several miles, then stopped for the night.

[*Engagement at Cane Hill, Ark., November 28, 1862*²⁸]

At five oclock the next morning we resumed our march the third brigade in advance. The 1st battalion, Maj. Fisk commanding, of the 2nd Kan. was the advance guard, then Rabbs battery and the 11th Kan. next the 2nd battalion of the 2nd Kan. next the Indians. We followed the road as far as Rheas mills then turned to the right, went up a steep hill, and taking the ridge road kept on towards Cane Hill. kept on until nine oclock when the brigade halted, excepting Rabbs battery, and the advance guard, which went on and attacked the enemy. The enemy were in line readdy for them but expecting them on the main road had stationed their battery so as to command it.

When the enemy commenced firing on Capt. Rabb his battery was in the woods and he could get but two peices into position when he replied and sent the other pieces forward on open ground where they unlimbered and they with Stovers howitzers soon silenced the rebel battery which was taken away by the enemy Before Rabb fired a shot he had two men killed and some horses disabled Maj Fisk was wounded by a piece of a shell in the top of the head.

As soon as we heard the firing we mounted passed the 11th on double quick turned to the right came out on a high hill several hundred yards to the right of Capt Rabbs battery which was shelling some timber in front of us. Gen. Blunt now sent a messenger to the battery to have them cease firing and we charged into the timber and took a position and sent back for a battery Capt [Henry] Hopkins brought his up and the 11th came up to support it, the enemy were firing on us with shell but Hopkins soon silenced them and they fell back

We now took a circuitous route and comming into the town found the second brigade there but we soon passed them left the road on our right went through fields and by roads and came in sight of the enemy near the foot of the mountain their battery was placed in position about half way up and the cavalry at its foot. Co. C was sent forward to the left of the road dismounted Cos. A & D, took posession of the road mounted Co. C, soon discovered the enemy and opened a brisk fire on them and Co. A were dis-

28. Maj. Gen. Samuel R. Curtis' report of this engagement stated: "General Blunt, with his division, made a forced march and attacked the enemy yesterday morning at Cane Hill, Ark. The battle lasted for several hours. The enemy, under General Marmaduke, began to fall back about 1 o'clock, but retreated, fighting till sundown. The victory was complete. Our loss is not great. The enemy much more. Our forces camp on the battle-field. The enemy has retreated to Van Buren."—*War of the Rebellion*, Series 1, v. 22, Pt. 1, p. 41.

mounted and went forward to assist them. After firing several rounds the enemy opened on us with shell and we retreated about a hundred yards and waited for the battery. E. Wilson was wounded in this action.

Rabb soon came up and fired some shell at the enemies battery when it was taken up the mountain, and the 1st Indian, and 2nd Kan. charged up the mountain continually skirmishing with the enemy, who kept firing, and falling back, we followed them about two miles on the mountain when the 11th, and 6th, were sent up and relieved us, they followed the enemy until dark. Once the enemy charged back on the 6th, killed several, and mortally wounding Lieut. Col. [Lewis R.] Jewell, who fell into their hands, but the 6th soon retook the ground, and the enemy still retreated.

About dark the enemy sent in a flag of truce, offering to give up Col. Jewell and wished to know what would be done with their dead and wounded, when Gen. Blunt told them that their dead would be buried, and their wounded delivered to them outside of our lines. The battle had lasted from ten in the morning until six at night and the enemy retreated fourteen miles with us after them, and continued their retreat during the night. Their loss was ninety killed, and wounded, ours was not so severe only one man in the 2nd was killed. Lieut Col. Jewell died in a few days. Maj Fisk was sent to Kansas where he remained six months, and recovered. The 2nd Kan. camped at night on the head of Cove Creek, and the rest of the command went back to Cane Hill. This battle was named Cane Hill, and was fought on the 28th of November 1862. The next morning we went back to Cane Hill, and details were sent out to bury the dead and bring in the wounded. The 30th our train came up and we camped in a field just east of Cane Hill.

The 31st two hundred men were detailed out of the regiment for a scout with Capt. [Hugh] Cameron in command, the other officers were Capt. [Arthur] Gunther, Lieuts [John A.] Lee, [W. M.] Hook, [P. B.] Mitchel[1], and [A. T.] Lavella [Lovelette]. About two oclock P. M. we started out went out to the grand guard where Capt. Guenther took half the men and went over the mountain on the ridge road while Capt. [Hugh] Cameron took the rest, and went over on Cove Creek followed it down meeting Capt. Guenther fifteen miles from where we separated, then kept on down Cove Creek to Olivers store, there halted. The enemy were camped two miles below we remained here half an hour, then faced about went back eight miles, then turned went up a

mountain, and went back towards the rebel camp went up near enough to the camp to see their fires, formed platoons and dress paraded around for an hour, then started back towards Cane Hill.

It was now nearly daylight, we went about two miles, and stopped fifteen minutes to feed, then went on up a creek Sergt. [C. A.] Archer had command of the rear guard and remaining a few moments after the scout left a rebel Capt. and soldier, rode up spoke to Archer not having any idea that there were any Feds about But Archer suprised them by inviting them to dismount and fork over what arms they had, which they did and were taken back to Cane Hill prisoners. The rebels had this road picketed and we being between their pickets and camp took them prisoners as we came up to them and took them to Cane Hill. About eleven oclock we arrived at Evansville where we halted fed our horses and killed hogs roasted meat and eat dinner then mounted and went to Cane Hill arriving there at four oclock P. M. having marched about seventy miles in twenty six hours.

In the afternoon of the 4th of Dec. Cos A, D, I and K were sent out on another scout under command of Capt Russell seperating at the grand guard as before Cos A, and D, taking the ridge road under command of Lieut Moore but arriving at the descent of the mountain discovered the enemies camp in the valley Then they formed a line and watched them some time then went back to camp. But Capt Russel had not returned Gen. Blunt could not believe that the enemy were advancing and sent the same Cos. back the next morning under command of Capt Moore. When we arrived at the mountain the enemy had stationed their pickets and we driving them in formed our line in sight of their camp and they sent up a regiment of cavalry and we fell back our rear guard skirmishing with their advance for five miles when they gave up the pursuit. We arrived at camp about dark.

Early the morning of the 6th fifty men were detailed to go out to the pickets with the howitzers we were to arrive at the picket post by daylight. Capt. Cameron was in command and having one of his parades delayed starting until nearly daylight. We met the pickets near the foot of the mountain As Gen. Blunt had anticipated the enemy had attacked them at daylight and driven them in On meeting them we halted and retreated half a mile formed a line but no enemy approached The 2nd & 3rd brigades were called out and formed a line two miles to the rear of us The 11th brigade was sent back to guard the train which was at Rheas

Mills. About nine o'clock we advanced to the foot of the mountain and the enemy were seen on its top. Here we remained until two in the afternoon occasionally exchanging shots with the enemy. Col. Bassett came up with the regiment at noon.

At two o'clock Capt Crawford took Co. A, and went up to see what force the enemy had there. We dismounted and went up as skirmishers sheltering ourselves as much as possible behind trees and arrived at the top with out discovering any enemy then kept on about thirty rods when we saw about a dozen fired on them and they retreated one of them had a flag he got behind a tree and waved it at us and then put spurs to his horse and was out of sight in a moment. We now halted and in a few minutes fell back to the top of the mountain and formed an ambush expecting the enemy to soon return. Capt Crawford sent back for a Co of infantry to come up and relieve us. Co H of the Eleventh came up and took our place and we went back and mounted and went back to the rest of the regiment which was nearly a half mile from the foot of the mountain. Soon after Co. I was sent up dismounted and the Infantry Co. came back.

We remained here in this position about an hour when we knew by the firing on the mountain that the enemy were advancing and the infantry Co was sent back and Co A and D of the 2nd were sent up soon after. We dismounted leaving our horses about half way up the mountain. Co D went to the right a report having come in that the enemy were flanking us there. Co A went up and went in among those that were there every man sheltering himself as much as possible behind rocks and trees. I fired one shot to the flagbearer and the flag dropped just then but was caught by another man and I think I must have hit him or his horse by the time I got my gun loaded again orders were given to reserve our fire by Capt Crawford who saw that they were about to charge and soon they did charge on us we poured a deadly fire into thier ranks and then retreated down the mountain and very fast at that Albert L. Payne a private in Co A was severely wounded but succeeded in getting down the mountain and was sent to the hospital immediately. One of the Eleventh was severely wounded also.

The enemy charged to the top of the mountain and halted and poured a shower of buckshot after us but with little effect and occasionally a rifle ball would pass. After this we went down the mountain and did not go up any more that night as it was sundown now we fell back about a half a mile and remained till after dark

and then fell back across a field staying there some time. A few companies of the Eleventh coming here we fell still farther back and halted a short time after which we were allowed to go back to camp and get some supper.

We fed our horses at camp but did not unsaddle expecting orders to go back in a short time but we did not go till about three o'clock the next morning. At that time we mounted and went out to where the Cove Creek road and the ridge road separate. We halted there built fires and got warm and then Co A was sent down the ridge road to guard it. We went about a mile and halted and remained there till daylight. While there we heard the heavy rumbling of artillery and tread of cavalry on the other road and we supposed that they would attack us early in the morning.

[*Battle of Prairie Grove, December 7, 1862*²⁹]

At daylight we went back to the other road but we were sent back to the same place again. Soon after Co C was on another road still farther to our right. The rest of the regiment and Cos D, F and H of the Eleventh were guarding the Cove Creek road. About nine o'clock we heard cannonading several miles northeast of us and it continued some time. About ten o'clock we received orders to fall back and we went back. This regiment was the rear guard leaving Cane Hill and we marched on at a common gait till we got within a mile of Rheas mill when we again heard cannonading to our right and each regiment turned to the right and marched on double quick in that direction. This was about one o'clock and by two were close upon the enemy. The road we traveled over was bad enough at any time but it was at this time

29. Of this major engagement, near Fayetteville, General Blunt, on December 8, reported: "This place [Prairie Grove], on yesterday, was the scene of a hard-fought and bloody field, resulting in a complete victory to the Army of the Frontier. The rebel forces, under Generals Hindman, Marmaduke, Parsons, and Frost, numbered 25,000. My whole force in the field did not exceed 8,000. I had been holding the enemy on the Boston Mountains for two days . . . holding them in check until General Herron could come up with re-enforcements.

"On the 7th, they commenced a flank movement on my left during the night . . . Their object was to cut off communication between myself and General Herron . . . They attacked General Herron at about 10 a. m., who, by gallant and desperate fighting, held them in check for three hours, until I came up and attacked them in the rear. The fighting was desperate on both sides, and continued until it was terminated by the darkness of the night. . . . the enemy . . . availed themselves of the night to retreat across the Boston Mountains. The loss on both sides has been heavy. . . . The enemy's loss, compared with ours, is at least four to one. My artillery made terrible destruction in their ranks. They had greatly the advantage in numbers and position, yet Generals Marmaduke and Hindman acknowledged to me, in an interview under a flag of truce, that they had been well whipped. . . ."—*Ibid.*, pp. 69, 70.

The rebel casualties were placed at 1,000 killed and nearly 2,000 wounded. The union losses were: 175 killed, 800 wounded and over 260 missing.—*Ibid.*, pp. 76, 83, 86.

so crowded that in some places it was nearly impossible to get along

When at the scene of action we came very near rushing up to the rebel army thinking it was our own. The rebels were in a thick grove of small timber the trees being from four inches to a foot in diameter. The rebel Gen's intention was to get in our rear and capture our train. And Willie Col. [Charles A.] Carroll with his cavalry regiment was making flints on Cane Hill while he and his army took another road which lead to Fayetteville. This road has been guarded by the Sixth Kansas but by some mistake they had been drawn off for a few hours and the rebel army allowed to pass. The meeting of Gen Herron³⁰ and the enemy was unexpected by Gen Herron. His advance guard had stopped to feed and on the enemy charging up to them threw them into confusion immediately. About two hundred were taken prisoners and the regiment they belonged to the Arkansas First lost their train. Gen. Herron succeeded in getting the rest of his men into line and the battle commenced. And they fought till after Gen Blunt got there with his division. In this battle Gen Herron showed himself to be a brave and efficient officer and the men under his command done their part nobly.

When we found out the position of the rebels we turned to the left and went down into a large cornfield leaving the infantry just at the edge of the timber where they formed a line to be ready to receive the enemy. Hopkins and Rabbs batteries were placed on the left where they could see the rebel battery and they opened fire upon it and soon silenced it. Allens battery was placed on the right. I[t] was but a short time before the infantry were engaged and the 2nd Kansas were dismounted and went forward in line passed the tenth and went up and some of us formed on the right of the Eleventh. Two Cos E and H formed on the left of the Eleventh and were under command of Capt Crawford. Three companies of the 2nd A C and G were on the right of the Eleventh but did not have any field officer over them each Co acting independently. Where Col. Bassett was I do not know. At least he was not there.

Soon the enemy advanced on us again and after we had commenced firing the Tenth came up and formed on our right. The timber where we were was clear of underbrush but in advance of us where the enemy [was] the underbrush was thick and it

30. Brig. Gen. Francis J. Herron, at this time, commanded the third division of the Army of the Frontier which was headed by Brig. Gen. John M. Schofield.

made it difficult for us to see them We did not fire by volleys but each man fired when he saw some enemy to shoot at and the enemy fired in the same manner After we had been engaged some time Col Weir came along on foot swearing it was our own men that we were firing on so we reserved our fire for a few moments but they kept firing on us whenever they had a good opportunity We soon found out that it was the enemy that were firing on us and then our men rushed forward sheltering themselves as much as possible behind trees and opened a brisk fire on them and kept it up some time Joseph Ballance of Co A was severely wounded in the breast about this time and was carried of[f] the field

We kept up this fire till about sundown when the enemy being largely reinforced charged forward in line and we were compeled to fall back the infantry into the field but we went back to our horses and mounted but remained in line The enemy advanced to the edge of the field and then our batteries opened thier fire with shell and kept it up till dark The enemy got one battery into position on our right and commenced firing at us with shell One came just over the right of Co. A and passing over us struck a horse in Co. C not more than sixty paces behind us killing him instantly but did not hurt the rider We then moved back some distance. Allens battery opened on the rebel battery and soon silenced it and they moved it away

At dark the firing ceased as if by mutual consent We fell back about a mile from the position of the enemy and lay down for the night The infantry stacked arms and lay down near them the cavalry went and got corn fed thier horses but did not unsaddle and the horses were kept in line as near as possible till morning We lay down near our horses but did not sleep very sound The night was cold and not one of us were allowed to build a fire

About eleven oclock Lieut Johnson came and waked four of us up to go out with him to discover the position of the enemy and gave us instructions that if we ran into the enemy and got scattered to make the best of our way back to camp We went at first directly towards the enemy but when we got about half way acrossed the field we turned to the right and went about a mile still getting closer to the enemy and then turned around and came back about a quarter of a mile from the timber and paralell to it We came back to near where Rabb had his battery at dark and then turned towards our army Just as we turned back we heard

sounds like artillery moving but in what direction we could not tell. The enemy were probably still on the field at least it had that appearance. On our road back we saw two men horseback and an ambulance but not knowing whether they were ours or not we struck the gallop towards them and they supposing we were the enemy turned to the right and run thier horses and mules as fast as possible towards our army and by that we concluded they were our own men and so they proved. We went strait along instead of turning towards our army as they did but bringing our horses to a walk soon went to camp. On ariving at our army Lieut. Johnston went to headquarters to report and the ambulance having arived before him. The driver reported that he had been driven in by the enemy who came near overtaking him. We went back to our places and lay down. About two oclock Nugent came and waked me up to have me go with the ambulances under a flag of truce to gather up the wounded but after I told him I had been out once before and he then excused me.

The next morning we got up at daylight mounted and moved back into the timber and built fires. An armistice had been asked for by Gen Hindman till 6 oclock P. M. but which was not granted till that time but a short armistice was allowed. During this time Gen's Blunt and Herron met the rebel Gen. [Thomas C.] Hindman under a flag of truce and at first Hindman claimed the victory but Gen Blunt told him that he would have to fight it over again and Gen Blunt said his force would be ready in fifteen minutes and Gen. Hindman rather than fight it over acknowledged himself whiped but said the day would come when his army would be victorious. Giving as a reason why his army was whiped that his army was less in number to the army of Gen Blunt and Herron and then Gen Herron told him he would fight him man for man he would take five hundred one thousand or he would take his body guard against the same number of rebels and fight him and if that would not do he would fight him by himself but Gen Hindman declined this offer.

About nine oclock one days rations were brought to us of bacon and hard bread. We not having any thing to eat since the night before the battle. About noon it was acertained that the enemy were on the full retreat leaving thier dead on the field and many of the wounded were left in our possession nearly every house having more or less of them. We amedately took possession of the field after learning that the enemy were on the retreat. The 2nd Kansas were sent about one mile from the field and camped for

the night A detail was made out for a scout of fifty men and we were ready a little before sundown and went at first back to Rheas mill and then took the ridge road for Cane Hill and went to that place but saw nothing of the enemy We stayed at Cane Hill about half an hour and then went back the same way we came getting back to camp about four o'clock in the morning we lay down by the fire and slept till daylight

The loss of the enemy at the battle of Prairie Grove was four hundred and fifty killed and about fifteen hundred wounded Thier own report was sixteen hundred and fifty in killed and wounded Some of our reporters place the enemies loss at twenty five hundred Our loss was about five hundred killed and wounded most of which were in Herrons division Two companies of this regiment E K lost eighteen killed and wounded Capt [Avra P.] Russell of Co. K was mortally wounded and has since died The loss of the other Co that were engaged was but slight One in Co. A was severely wounded but not mortally

The ninth of Dec we went into camp at Rheas mill pitched tents and got us some thing to eat once more The first night in camp I was so nearly worn out that I could not sleep well not having slept any of any consequence for the three nights previous The next day we stayed in camp all day The Tenth [11th?] we went to Cane Hill once more and camped the same place we were when we were there before While on our road to that [place] we met several secesh ambulances which were going to the battle field after the wounded they were under a flag of truce

Nearly every house in Cane Hill has wounded in and flags of truce come in nearly every day At first we were obliged to issue rations to thier wounded but after a few days they sent in rations for them Our sick and wounded were sent to Fayetteville A. L. Payne and J. Balance were sent there and five that were sick of Co A were sent there also M. Stern was sent to take care of them The Second and Third brigades occupied Cane Hill after the battle but did not have near as much duty to do as when we were here before The details for forage and picket are by companies so that it is not near as hard on the privates as when details are made from every company for these purposes

Dec twentieth Co's A and D were detailed for a scout and were under command of Capt. Crawford We started with one days rations at daylight and taking the Cove Creek road went down as far as Oliver's store met two flags of truce one which was bringing

in provisions for the wounded and the other had despaches for Gen Blunt The first one was inside the picket before we met it the other was near Oliver The last one we met was just as we were turning a bend in the road and we were as near as fifty paces before seeing one another We then kept on till as near as twenty paces when both parties halted and the flag bearer first saluted first with his hand and then lowered the flag Lieut [John M.] Mencer who was in command of the advance guard returned the salute with his hand and then rode up to the flag bearer and asked for what purpose the flag was sent in and on being answered sent it back to Capt. Crawford who was at the head of the column and Capt. Crawford allowed them to go on towards camp We saw nothing of the enemy at Oliver but some of the inhabitants said there was a rebel picket one mile father on but as no confidence could be placed in what they said Capt Crawford did not think it best to go any father so we started back towards camp

The Valley of Cove creek had the apearance of having been occupied by large bodies of troops very recently Signs of camp could be seen nearly all of the way from our picket to Oliver a distance of eighteen miles There was no forage on the road and rebel horses suffered in consequences Every tree that had horses tied to them had the bark knawed of[f] even walnut trees had the bark knawed of[f] by them grape vines two and three inches in diameter were knawed clear off We came back by the ridge road but had a very steep mountain to ascend and on getting to the top found ourselves at the same place where we were on the fifth of this month when the enemy were camped in the valley below This mountain is so steep as to make it nearly impossible for two good horses to pull an empty wagon up Nothing more of importance ocured before we got to camp except that the advanced pickets got frightened at our advance and fell back on the main body of the picket but no shots were fired We arrived at camp about nine oclock P. M. having rode almost incessantly since daylight and our horses and ourselves were fatigued very much.

[*March to Van Buren, Ark., December 27-28, 1862*]

Dec 26 we recieved orders to be ready at seven oclock A M the morning of the 27th with three days rations of bread, meat and so forth and a peck of shelled corn on our horses and three days rations in the wagon to march from Cane Hill Cane Hill is the name of a coledge situated about a mile from Boonsboro but most of the Federal soldiers nearly all call both the town and college Cane

Hill it was formerly a thriving place but the war has left its mark. The inhabitants were almost to a unit secesh but have nearly all left now. There are about four hundred and fifty wounded secesh in the different hospitals at Cane Hill.

We left Cane Hill the morning of the twen[ty] seventh equipped according to orders and marched towards Van Buren. This was a general movement of the whole army and our object proved to be to take Van Buren and Fort Smith from the rebels. The first division went in advance, in the following order the Kansas 2nd was the advance guard for the main army then the rest of the third brigade under Col Cloud the 2nd brigade under Col Weer. We had no skirmishing on the first days march the advance halted about a mile north of Olivers store and rested till morning. At daylight the next morning we started on passed Olivers store and took the Van Buren road which led down [?] creek about half a mile and then went up the mountain. Gen Herron arrived at Olivers store a few minutes after we arived but halted till our division had passed and then fell in behind us. They came down on the telegraph road from the battleground . . .

[There is a brief gap in the manuscript here, the account lacking only a part of the events of December 28, 1862. According to the official military history, the Second Kansas cavalry "moved rapidly forward" on the 28th, "met the enemy's pickets sixteen miles from Van Buren, drove them back, and met a regiment of Texas cavalry at Dripping Springs. At this place Lieutenant Colonel Bassett was ordered, with six squadrons, by Brigadier General Herron to make a detour to the right, and gain a road two or three miles further west, which caused him to enter Van Buren half an hour behind the advance. Captain Moore, in command of the other three squadrons, maintained the advance into Van Buren, and supported by a regiment of Missouri cavalry, drove the Texas regiment, before referred to, into and through Van Buren, and captured their baggage train, consisting of twenty-five wagons; the entire advance under Colonel Cloud.]

Osborne's narrative picks up the story again as the Texans are being driven out of Van Buren.]

. . . two men but were soon compelled to retreat again. This stand was made to save their train which was just ahead of them. They retreated through Log Town to Van Buren. We charged after them until we arrived at the top of the hill over looking Van Buren where we halted and waited for the rest of the regiment. We had expected to have a battle here. The streets appeared very

quiet and the cavalry we had been pursuing was galloping down the river below town and entering the woods were out of sight in a few moments. Three steamers could be seen on the river one was ferrying troops across the river the others were going down the river

Col. Cloud soon ordered a charge and we charged through the town and down to the steamer which was being used as a ferry boat and dismounted and commenced firing into her and she soon hoisted the white flag the rebel soldiers who were on board jumped off[f] and swam to the shore and escaped The rebel Gen. Sharpe [?] was on board and got a ducking with the rest. Leaving a guard with this steamer Col. Cloud took the rest of his men and went down the river after the rebel train.

About four miles below Van Buren we came in sight of the steamer Key West she was on a sand bar and was easily captured and a guard left with her and Col. Cloud kept on after the train which he captured two miles father down A few moments after he left, the steamer Rose Douglass came in sight we having passed her coming down She was hailed and ordered to land which she did These steamers were loaded with corn and hard bread negros were throwing corn off the Rose Douglass and would not stop until fired on The captured train was nearly useless to us the wagons were old and worn out and the mules looked as if they were strangers to corn or any other kind of feed the wagons were loaded with rebel soldiers baggage When Col Cloud came back he went on board of the steamers examined their cargos and ordered them to return to Van Buren he going up on the Rose Douglass The train was turned over to Capt Cameron who took it to Van Buren

Cos A & D started back towards Van Buren but before arriving there heard cannonading in that direction when Co. A went down to the river bank hailed the steamer and told Col. Cloud of it and he ordered the boat to land. The firing proved to be the rebels They had posted a battery on the river bank opposite Van Buren and were shelling the town. Our artilerry and infantry had not yet arrived so the rebels having no resistance shelled the town for an hour. Allens battery was brought up on double quick and fired a few shots at the rebel battery and it was taken away One man belonging to Co H was killed and some ladies living in town were wounded Several rebel hospitals were in town filled with sick and wounded rebel soldiers whose lives were in as much danger as ours.

When the rebel battery was silenced Gen. Blunt came down got on board the *Rose Douglass* and ordered it to go up to town. We now went back into town arriving there about sundown. Gen. Blunt's division had arrived and were formed along the levee. We found the regiment camped back away from the river on low ground near McGees house. Col. Cloud took two sections of Allens battery after dark and went down and complimented the rebel camp which he had discovered while coming up the river killing several of the enemy. The loss of men was small on both sides although we had skirmished nearly all day we had not got into any close action. The rebel army was all on the south side of the river excepting the 1st Reg. Texan Partisan Rangers which was camped at Dripping Springs and was the one that we had skirmished with during the day.

The next morning the reg't saddled and left camp at ten o'clock and went down the river after the rebels and to get all the servicable horses and mules we could find. We went about fifteen miles saw some rebels across the river in several places when we found some negroes ferrying some stock across and sent for them animals which they had taken over but night coming on were obliged to go back with out them. When we came in sight of Van Buren we saw the steamers we had captured burning and no camp fires were to be seen and the place seemed to be evacuated.

During the day General Blunt had recieved orders from St. Louis to fall back across the Boston mountains immediately and the army had moved out of the town. We went back to the same place where we stayed the previous night but before lying down recieved orders to shell two days rations of corn for our horses and be ready to march by five o'clock the next morning. At daylight we were ready to move but were delayed by negro reffugees who were going north with us. The train we had captured was unloaded and mostly given to them. A few hogsheads of sugar and some hard bread was all we retained of our captures the rest was destroyed. As soon as the negroes were ready and started we followed them forming the rear guard going back. The night of the 30th we camped at Olivers store where we drew some rebel hard bread as our ration had been consumed it was not hardly fit to eat. It tasted as though it was made of beans boiled mashed and mixed with flour and then baked. The next day went up Cove Creek and camped at its head near the picket post.

New Year day we left Cove Creek and went past Cane Hill to Rheas Mill where we found our regimental train and camped pitch-

ing our tents once more. The man who had been detached in April for a battery had returned during our absence they had been in Tennessee nearly all the time while absent. The 2nd division moved again with the 2nd Kan. as rear guard as usual in a retrograde movement at night camped at Willow Springs went on the next day to Elm Springs where we remained several days.

Gen. Blunt was removed from the command and ordered to Kansas. Gen. Schofield assumed command of the division and brigaded it again The 1st brigade consisted of the 6th 9th & 11th Kansas & the 3rd & 9th Wis. and Allens battery. Col. Weer in command the 2nd brigade consisted of the 2nd 10th & 13th Kansas and Rabbs battery Col. Cloud in command the 3rd brigade had all the Indian regiments and Hopkins battery. The 3rd of Jan we escorted some officers to Bentonville and returned the 4th The army was reviewed by Gen. Schofield on the 7th The transportation was reduced to one wagon to a Co. Cos A & D had drawn A tents when at Fort Riley, these were returned to the Q. M. and we drew Sibley tents

[Hospital Duty, January 10-March 25, 1863]

The 10th I was detailed as an attendant in hospital at Fayetteville I was placed on duty in the ward where [Albert L.] Payne & [Joseph] Ballance were The room was small and had only five patients in it one of whom died the 12th another, Culverson of the 20th Iowa, died the 20th he was severely wounded in the thigh had been neglected when first wounded if his leg had been amputated at first his life could have been saved [James] Hill and Silas Snook of Co. A of the 2nd Kan died of disease the 10th of Jan.

The 8th of Feb. orders were recieved to remove all the sick and wounded of the 1st division to Fort Scott. The 10th we started taking eight patients who could not sit up two ambulances only were furnished in which beds were placed and two men placed in each The other patients were obliged to ride in transportation wagons the wagon beds were filled with straw then mattresses laid on it and four who could not sit up placed in one but patients who could sit up were placed eight in each wagon Surgeons [E. L.] Pattee and [A. J.] Ritchie had charge of the hospital. We passed Jones mill and Maysville crossed Cow Skin river and arrived at Neosho on the 15th We drew eight days rations at Col. [W. A.] Philipps camp on Cow Skin The 16th left Neosho The 18th the rear guard had a skirmish with Livingstons gurillas one

Lieut and one private was killed and three privates mortally wounded Two scouts were captured Denton & McKinney but pretending to be sutlers were paroled one of them had Dr. Patees horse and saddle and all the Drs. papers these fell into the hands of the enemy.

The night of the 19th it rained all night and until four in the afternoon the 20th when it turned to snow and snowed for several hours. The patients nearly all got wet making them uncomfortable we arrived at Dry Wood at night had some trouble with the teamsters who would not take the train where the patients could be taken care of but the master of transportation made them remove the train to a house where the patients were taken out and the blankets dried The 22[nd] of Feb. we arrived at Fort Scott and the patients were placed in the Gen. Hospital there While on the road the patients suffered very much but one died he from sickness. I was placed on duty in Ward A.

The 19th of March all the patients were removed from the hospital and started for Leavenworth Payne and Ballance had permission to go home and remain until the last of April. March 25th I was relieved from duty in the hospital, and the 28th left Fort Scott for Springfield where the regiment was stationed I met the 6th 10th & 11th at Dry Wood they were going home on furlough passed Rouse Point Greenfield and arrived at Springfield on the 31st. The regiment had arrived there about the 15th of January and were on duty at the post as escorts, pickets, &c.

[*Regimental Activities, April-October, 1863*]

The 21st of April an escort was detailed out of the regiment to escort Maj Weed to Fayetteville we were absent six days and marched 220 miles. [*Manuscript torn. About three lines are missing*] . . . and drew Sharpes Carbines the 18th [of May] drew Colts Army revolvers The 19th [of May] the regiment left Springfield for a scout went through Cassville and Kiettsville had a skirmish near Bentonville the 22nd captured eleven prisoners then sent a flag of truce to Fayetteville but Lieut Ballard then turned went back through Neosho Pineville and Carthage had a skirmish near the latter place the 26th Here the dismounted men were sent to Fort Scott for horses and the others went back through Mt. Vernon to Springfield arriving there on the 29th At Mount Vernon Col. Cloud hearing that Vicksburg had fallen had a salute fired but on arriving at Springfield news was recieved that it had not.

The 18th of June I was detailed to go to Greenfield on duty with five others we arrived at Greenfield at sun down and returned the next day. The 28th of June six men were detailed out of the Co. to go after forage we went through Bolivar and found corn about twelve miles northwest of the town, loaded our wagons and came back through Humansville to attend a dance then through Bolivar and arrived at Springfield the 3rd of July. The next day had a grand review. The 15th of July Brig Gen. John McNeil relieved Col. Cloud of the command of the district All of the regiment left . . . [*Manuscript torn. Two or three lines are lacking.*] for Cassville. The 21st Co. A left for the same place as an escort for the pay master and on arriving at Cassville were ordered back by Gen. McNeil, and on the 30th were detailed as an escort for Gen. McNeil and placed on duty the same day.

The 3rd day of August I was detailed for duty as messenger and was on duty every other day until the 13th of Oc. Col. Cloud took the regt and the 1st Arkansas Inft. and two sections of Rabbs battery and went into the Indian Nation joined Gen. Blunt pursued the rebels as far as Perryville Choctaw Nation then came back towards Fort Smith and fought a battle at the Devils Back Bone routed the enemy and then took possession of Fort Smith & Van Buren the 1st of Sep 1863.

About the last of Sep Gen. McNeil went to St Louis on business leaving Col. John Edwards of the 18th Iowa Inft in command of the district. A few days after a force of rebel cavalry came into the state from Ark Commanded by Shelby & Coffee³¹ They passed through Neosho, Greenfield, Stockton, Warsaw and Cole Camp burning all the court houses as they went. They were defeated near Syracuse and came back. [*Manuscript torn. Two or three lines are missing.*]

. . . stationed at Springfield and went out after them, but was too late to overtake them before they crossed the Osage river going north so he retired to Buffalo where he remained until the 13th of Oc. when Gen. McNeil arrived from St Louis and assumed command.

The 14th orders were recieved for all of the Co. that could be spared from Springfield to go to Buffalo. We started at ten oclock at night and arrived there a distance of thirty five miles before daylight. At eleven oclock in the forenoon the command left Buffalo and marched to Bolivar. Early in the morning of the 16th we left Bolivar and went through Humansville and camped on

31. Confederate colonels Joseph O. Shelby and John T. Coffee.

Sac river at night Maj [E. B.] Eno of the 8th M. S. M. came up at dark and reported that the enemy had passed through Humansville in the afternoon on their way south Gen. McNeil ordered his command to saddle and we moved out to intercept the enemy at Stockton we marched all night and arrived near Stockton at day light but the rebels had taken another route we did not meet them. We remained here long enough to get breakfast and then went on to Greenfield remained there over night and in the morning went on to Sarcoxie We heard of the enemy several times and found their trail. They had avoided passing through any towns after leaving Humansville As they were going towards Cassville two messengers were sent to that place to alarm the troops at that place. The 19th we left Sarcoxie and went to Cassville. Col. [E. C.] Catherwood of the 6th M. S. M. took all the troops except the escort and leaving Cassville to the left went on to Keittsville. We had followed the trail of the enemy nearly all day they having passed during the night.

We left Cassville early the morning of the 20th [of October] joined Col Catherwood near Keittsville then went on to Sugar Creek The next morning we left Sugar Creek on the Fayetteville road but turned off of it near Cross Hollows went east to the ford of White river where we camped for the night. The next day we went on to Huntsville. We met a flag of truce before entering the town and while the Gen. was talking to the bearer of the flag the escort charged into the town drove out a Co. of rebels who were stationed there and captured about a dozen rebels. The 23rd we left Huntsville and went about twenty miles and camped At night a messenger arrived from Cassville with orders for Gen. McNeil to go to Fort Smith and assume command of the district of the frontier. Capt. [C. G.] Laurant and Lieut French were sent back to Springfield to finish all business which was left unfinished.

The 24th we marched through Kinston and over a range of the Buffalo mountains On the decent we discovered the enemy in the valley below. They were busy preparing their supper evidently thinking that we could not get our artillery over the mountains and they were not afraid of our cavalry as they had twice as many men as we had but they were mistaken about the artillery it had been brought up and was soon posted on a high point and commenced shelling their camp and they saddled and went on up another mountain. We went down into the valley where we found plenty of fresh beef and pork all ready to cook and plenty of forage. We remained there till morning and then went on after the rebels

The mountain was so steep that it took all day for the artillery and train to get over the first one and the infantry was left to guard them the cavalry went on to the head of Big Piney where we camped for the night. The enemy being all mounted and not having a wheeled vehicle of any kind got so much the start of us that we could not overtake them before they crossed the Ark river but Maj [Thomas J.] Hunt of the 1st Ark. Cav'y skirmished with their rear guard every day.

The 26th the cavalry moved only four miles and waited for the artillery and infantry to come up. The train did not get in until about dark. The morning of the 27th the mountain Feds as they were called executed a man who as they said had deserted from them twice he appeared very indifferent to his fate and was not pitted any by the soldiers. The same day we arrived at Clarksville and camped there one night Oc. 28th we left Clarksville on the telegraph road for Fort Smith. Col. Catherwood left us when near Osark for Springfield taking the detachments of the 1st Ark Cav'y and the 6th & 8th M. S. M. Capt [Henry] Hopkins and his Co. had a skirmish with the enemy the 29th on Mulberry creek.

[Regimental Activities, November, 1863-December, 1864]

Oc. 30, Gen. McNeil arrived at Fort Smith with his escort. Col. Cloud was in command of the District. The posts in the district were Fort Smith Van Buren Fayetteville and Fort Gibson. The company arrived from Springfield the 1st of Nov. and the next day Gen. McNeil assumed command of the District of the Frontier. Co. A, the escort was given quarters in the garrison and we had a stable for our horses We remained in quarters until April [1864] but most of the Co. was absent at times going to Springfield once and to Fort Scott once Gen McNeil went to St Louis in Jan. leaving Col [William R.] Judson of the 6th Kan in temporary command of the district and before he could return the state of Ark was set off into a separate department and Gen. J. M. Thayer ordered by Gen Steele³² the department commander to assume command of the district of the Frontier.

Gen. Thayer assumed command in Feb. The Indian Territory belonged to the Department of Kansas and Gen Blunt was assigned to the command of it. The town of Fort Smith belonged to one department and the garrison to the other, and the Generals were each jealous of the other. Gen. Thayer had nearly all of the troops

³². Maj. Gen. Frederick Steele.

and Gen Blunt most of the transportation. The 24th of March Gen. Thayer moved out with his army, and joined Gen. Steelle about a hundred miles southwest of Little Rock. In the latter part of March 1864, the troops of the department of Ark. moved out to assist Gen. [Nathaniel P.] Banks in his expedition on Red River. Gen Thayer took all the troops that could be spared from Fort Smith and marched out and joined Gen. Steelle about one hundred miles southwest of Little Rock. They went as far as Camden and fought several battles, but Gen. Banks having retreated the whole rebel army marched on them and they fell back to Little Rock.

The 17th of April Gen. Blunt recieved orders from the war department at Washington for him to report to Maj Gen. Curtis at Fort Leavenworth Kansas, and his district was attached to the Department of Ark. He took about forty of the Co. and went to Kansas, Col. [William R.] Judson of the 6th Kan. assumed command of the district. The whole available force at Fort Smith did not then amount to six hundred men, and many apprehended an attack from the rebels, but the enemy were too much engaged elsewhere to molest us. The 16th of May Gen. Thayer arrived with his army and assumed command of the district. He had the forts which had been commenced finished, and had a line of rifle pits dug from Peteau river to the Ark. Thereby completely encircling the town.

As warm weather advanced the gurillas spread over the country attacking any small party of our troops that they could find. The telegraph was cut so often that it was impossible to keep it in repair and it was given up in Aug. Mail parties were fired on and it became necessary to abandon the regular mail and send parties through with it at long intervals without letting any one know when it would go or when it was expected to return. The 26th of July a battalion of the 6th Kan which was camped on Mazzard prairie, eight miles from Fort Smith was attacked by a brigade of rebels commanded by [Gen. R. M.] Gano and lost 16 men killed and one hundred men were taken prisoners. The mounted men nearly all escaped.

Several other attacks were made on detachments of the command, but only one more was successful. That was made on a supply train on Cabin Creek fifty miles north of Fort Gibson in the Cherokee Nation. A train of two hundred and fifty wagons was lost there all loaded with Commissary and Q. M. stores. This was a severe loss to the army as it was short of rations before, and were now obliged to subsist on half rations. Forage was even less abun-

dant than rations and many horses died for want of it. In the three cavalry regiments not fifty servicable horses were left by the 1st of Dec.

In Dec Maj Gen [E. R. S.] Canby who commanded the Military Division of West Miss. ordered the posts of Fort Smith and the adjacent posts to be evacuated. He removed Gen. Steelle from the command of the department of Ark. and assigned Maj Gen [Joseph J.] Reynolds to the command of it. Four steamers came up to Fort Smith loaded with forage and returned loaded with Q. M. stores About the first of Jan. orders were recieved from Lieut Gen. Ulysses S. Grant not to evacuate the posts of Fort Smith, Van Buren and Fayetteville and ordering Gen. Reynolds to forward supplies as soon as possible to those posts. Four steamers arrived on the 15th with supplies.

[Rebel Attack on the Steamboat Annie Jacobs, January 17, 1865]

On the 16th of January 1865 I was releived from duty as Messenger at District Headquarters Fort Smith, Arkansas, by order of Brig. General J. M. Thayer commanding officer District of the Frontier and ordered to report to my Company Commander for duty The Co. were at Clarksville Ark a post sixty five miles by land below Fort Smith and four miles from the Arkansas river on the north side The river was in boating condition and boats were at Fort Smith ready to start for Little Rock Transportation was furnished my companions and myself on board the steamer Annie Jacobs and daylight the morning of the 17th found us on board of her ready for starting to Clarksville

Before the sun was up we were on our way We passed the Ad. Hine near Van Buren she was on a sand bar but working hard to get off Afterwards passed the steamer Chippewa where she was wooding with dry rails and over took the steamer Lotus wooding and stopped to wood ourselves near her While wooding the steamer Chippewa passed us but we were ready to start before the Lotus We passed two small towns Osark and Roseville without seeing any rebels but just below the latter town a woman hailed us and told us that the enemy were waiting for us about three miles below her story was hardly credited but we made some preperations for an action with them

On ariving in sight of Joy's ford four miles from Roseville we discovered the Chippewa lying still on the south bank of the river. Col. [Thomas M.] Bowen of the 13th Kansas now procured a field glass and looking at her said that he thought that she was

wooding at first but soon said that she was on fire soon after that we could see the flames distinctly with the naked eye The officers now held a consultation about what was best to do Col. Bowen said to run through that we had more of an escort than the Chippewa and were able to run through Lieut Col. Bassett did not like this plan but allowed it to be carried out.

When about a mile from Chippewa we discovered the enemy on the south bank of [the] river but did not see their artillery until they fired a shell at us which struck in the water about thirty paces to the right in the water; now for the first time we found out that we were in a sad predicament to go ahead we would have to go within sixty paces of their artillery and we had gone so far to turn back everything was in confusion no particular officer had command and all were giving orders Lt. Col. Bassett finally ordered the boat to run itself aground on the northern bank and the pilot succeeded in turning her and she soon struck the ground about ten feet from the waters edge during this time the enemy kept up an incessant fire both with their artillery and small arms two shells struck the boat one passed through the pilot house doing but little injury and one through the cabin neither of them burst until after they had passed through the boat

As soon as the boat struck the refugees with which she was loaded commenced getting off double quick time By this time our men had ceased their firing and prepared to leave the boat After most of the refugees were off[f] I jumped off and started for the river bank just before arriving there I was requested to help tie up [the] boat having done this I started up the steep bank narrowly escaping being hit by a musket ball which passed just over my shoulder and very close to my neck After getting to the top of the bank I stepped a few paces back and seeing one of my companions Charles Wells lying down in a hollow to keep clear of the balls which were flying pretty thick around us asked him how he liked that he did not make an audible answer but got up and went father back into the woods

I turned and started back towards the river and had not gone more than three paces when a shot from their artillery and a volley of musketry poured into the timber a musket ball struck me about three inches above the knee.³³ My companions done every-

33. Col. Thomas M. Bowen, reporting the attack on the steamboats, stated: "Private Vincent B. Osborn, of the Second Kansas Cavalry, had his thigh bone shattered whilst making the cable of the Jacobs fast on shore. His leg was subsequently amputated and his life is lost."—*War of the Rebellion*, Series I, v. 48, Pt. 1, p. 16.

The colonel was mistaken in predicting Osborne's death from the amputation. It is noteworthy that Osborne, in his own account of the affair does not mention his bravery under fire in tying up the boat. Modesty seems to have been characteristic of the man.

thing in their power to make me comfortable and when the men arrived from the 2nd Kansas I was happy to find several of my Co. with them they and the officers, Dr. Hunt³⁴ especially, were very kind to me offering their assistance to me I slept but little during the night being compelled to lie on my back all the time and not being used to that could not go to sleep I partook very freely of wine and whiskey during the night drinking three bottles of the former and one of the latter at last daylight came, and then I was removed to the train

Just before starting I wishing to know what Dr. Hunts opinion of the severity of my wound and not wishing to put the question directly to him said Dr this is a pretty severe wound Yes said he its a terrible wound this answer settled the question in the affirmative in my mind about my leg being amputated I was carried by six men to the wagon and laid in carefully The wagon was a common six mule government wagon and not very easy to ride in but ambulances had been sent for and were to meet us on the road about sunrise we started for Clarksville I suffered considerably of the jar of the wagon but not more than I had expected The rebels had all left during the night and the next day preparations were made to remove the boats The Annie Jacobs was found to be disabled so that she had to be towed of[f] but the Lotus was able to be taken down the river.

About half way to Clarksville the ambulances met us and I was moved into one and we pushed on to Clarksville arriving there a little after dark There I met some more of my friends who took me up into a room where I remained that night Capt [N. Z. ?] Strong A A A Gen'l of the 2nd brigade came to see me and had some supper brought to me which was very acceptable as I had eaten nothing since I had been wounded except a few canned peaches Soon after eating supper Drs [Joseph P.] Root and [John S.] Redfield came in and examined my wound and prescribed water dressing to be put on it but did not tell me what they thought of the severity of my wound Two of my Co volunteered to keep it wet during the night It did not pain me much now and being very tired I soon fell asleep and slept till morning the next morning I looked at my leg and saw that it had already turned a deadly color and all hope of saving it was blasted

34. Maj. S. B. Hunt, surgeon-in-chief of the District of the Frontier.

I passed the fore noon quietly but about noon the Drs all came in half a dozen or so and said they had come for a final examination but their looks belied what they said as I could read in their faces that they thought the case hopeless but they looked at my leg and soon gave their decision that they should have to take my leg off I made no pa[r]ticular objection and a table was brought in and I was laid upon it my pants cut off and Dr. [Albert W.] Cheneworth applied the chloroform to my nostrils In a moment I was asleep and on waking up saw Dr. Root bandaging my stump Dr. Redfield holding it for him I had not the slightest recollection of it being taken off

I was placed on a stretcher and carried about a quarter of a mile to where the hospital had been established This was in a house situated on a hill just north of the town a healthy pleasant place I was put in a room about sixteen feet square by one of the southern windows five or six more patients were placed in the same room but they all left but one in a couple of days that one was shot through the shoulder and was confined to his bed William Paul of my Co. was detailed as nurse for me and he done it faithfully My leg was dressed with water and every night two men came up from the company to sit up with me and keep my stump wet with cold water To the men of my Co and to Co F of the 6th Kansas I shall always owe a debt of gratitude which I can never repay they done everything in their power to alleviate my suffering and they shall long hold a place in my memory

Wm Paul remained with me until the 10th of March and then went to the Co. which was stationed at Louisburg Ark. The 12th I started for Little Rock As Clarksville is situated four miles from the river I was obliged to ride that distance in an ambulance. A boat was expected down the river the same day but for some reason was delayed five days and I remained at Spadras Bluffs during the time. At night the 17th the Lotus came down and I was taken on board and the next morning started for Little Rock stopped three hours at Louisburg and arrived at Little Rock at eight oclock P. M. The next day I was removed to the Gen. Hospital at that place. I had been gaining slowly all the time from the 1st of March and continued gaining I was discharged the 8th day of May 1865 but remained in the hospital until the 7th of July, when I left Little Rock for home. I did not get able to walk until the 19th of June.

Bypaths of Kansas History

AN INDIAN BURIAL CUSTOM

From the *Council Grove Press*, May 18, 1861.

A strange custom prevails amongst the uncivilized Indians of the West. When a chief, brave, or notable squaw dies or is killed, besides the usual funeral ceremonies of burial, a horse belonging to the deceased or his friends is led to the grave and shot. This is done so that the disembodied spirit may ride away into the happy hunting ground. While on a visit to the Kaw villages below town, a few days ago, we saw no less than four dead horses lying near as many fresh made graves.

CIVIC IMPROVEMENT AT IOLA

From the *Neosho Valley Register*, Iola, March 17, 1869.

The citizens of Iola who deal in swine will, undoubtedly, be interested in the fact that the Board of Trustees of the incorporation have passed an ordinance which prohibits the running at large upon our streets of the porkino fraternity. And in order that any of these troublesome quadrupeds, that may unfortunately set the law at defiance, a "calaboose" or pound is in process of erection wherein they may be taken and properly cared for by the Marshal. This we conceive to be a move in the right direction. It is a notorious fact that, of all the animal creation, the swine is the biggest hog, and that they take as little thought of the inconvenience to which they put men and women when they deliberately root the gate off the hinges, and destroy the "garden sass," as if we were all delighted to see their cunning pranks, and had no angry passions that occasionally take a rise. But there is hope now that they may see the error of their way, and, in fear of the wanderings up and down through the town of our Marshal who will prove to them to be an evil one, they may be induced to go and root no more.

WHEN BUFFALO WERE A HAZARD OF RAILROADING

From the *Newton Kansan*, November 28, 1872.

Engine No. 37—"Buffalo"—was drawn in Monday night from the front, it having been ditched the other day beyond Larned by its namesakes.

THE LAW IN DODGE CITY

From the *Dodge City Times*, October 6, 1877.

Frank Edwards spent a short respite in the lime kiln this week, until some of his "friends" obtained a key from the marshal and let him out. This

surprised our hero, and struck him as not being good law. When his trial came up he appeared before the terrible Judge, and brushing the lime from his afterdeck as he spoke, said: "There's something wrong, Judge, if I was legally drunk, what was I illegally let out for?" With this the case went to the court who said no complaint had been made and it was therefore not a legal drunk.

From the *Times*, October 13, 1877.

HE AND SHE.—She is of the "speckled and sorrel persuasion," and he is the man who bends pleasantly over the aggravated violin at the Saratoga. She arrayed herself in a costume "too sweet" and met him on the boulevards. He, overcome at the sight, fell to emulating the dreamy notes of the distant fog-horn. She gathered the back of a chair and made a loving and affectionate endeavor to caress him. The attempt was abortive, and he put out the fire in one of her eyes. The eye went into the sables of grief and she appealed to the majesty of the law. The counsel for defendant said she was one who flaunted her frailties to the world and could not recover. But the City attorney said it was a Magdalena that waited at the tomb to waken the crucified savior, and that the city had been insulted and must be pacified.—Why lengthen the story? He paid one dollar and so did she. Selah.

A SQUAW ON THE WARPATH

From the *Caldwell Commercial*, October 19, 1882.

Even Lo [the common name for an Indian in the frontier days] is not free from domestic difficulties. However much he may lord it over his poor squaw, it often happens that she refuses to submit to abuse or even neglect. Our hired man had the satisfaction of witnessing an instance of that kind on Tuesday afternoon, while coming up from Fall creek. Half way up the hill he met a buck on horseback who hailed him with "How John! Swap?" "Swap what?" the h. m. asked. "Moccasin," Lo replied. Our hired man shook his head and passed on. He had gone but a few steps when Lo turned his horse and came after. A short distance on, where the road bends down from Main street, a squaw was seen stooping over as if in the act of tying up something. Lo reached her first and addressed her with a few guttural grunts, to which she apparently paid no attention. As our h. m. neared the party, he discovered that Mrs. Lo was in tears, and appeared otherwise greatly distressed. Suddenly she started up and grabbed hold of the saddle upon which her lord and master was seated, and attempted to pull him off. Failing in this she seized the lariat rope and began thrashing her hubby and his horse with an energy betokening deep and dire passion. Mr. Lo chuckled a little and endeavored to get away, but his faithful spouse hung to him.

The reporter watched the scene for ten or fifteen minutes, and when he left the squaw was tugging at the rope and occasionally giving her Indian lord and his horse a lick with it. How the ruction ended, he could not say, but is satisfied that Mr. Lo had to come to terms with his incensed spouse. The h. m. gave it as his opinion that the buck had rode off and

left the squaw to get to camp the best way she could, but finally concluded to return and let her ride behind him. When he reached her she was too mad to get on the horse or to do anything else, except to give him a lesson in conjugal duty, and she did it in the best way possible.

THE FORERUNNER OF THE "SINGING" COMMERCIAL?

From the *Thomas County Cat*, Colby, August 19, 1886.

Buckeye barber shop, W. M. Northrup, proprietor.

If you want as good a shave
 As any barber ever gave,
 Call on me at my shaving saloon,
 At morn or eve, or sunny noon.
 I'll cut your hair or shave your face,
 Or dye your hair with equal grace.
 Rooms, chairs, and towels clean,
 Scissors sharp and razors keen,
 And as light a hand
 As any barber in the land.
 Next!

PLAIN TALK FROM BAXTER SPRINGS

From the *Baxter Springs News*, May 26, 1894.

TAKE A BATH.—Some arrangements should be made whereby the bath house could be used once a week at least. There are people in this town who need a bath. If a sufficient amount of patronage was assured the house would be opened. Make a resolution to bathe occasionally and we will have a chance to use the bath house.

AN UNWELCOME BEDFELLOW

From the *Minneapolis Messenger*, October 3, 1895.

A. R. Goodwyn tells of rather an amusing incident but what might have proven a serious accident which occurred near the Lincoln county line. Aaron Woody with his family lives in a small dug-out near Barnard and one night last week Sam White's cattle broke out and one of the steers weighing about sixteen hundred pounds wandered onto the roof of the dug-out and when directly over the bed occupied by Mr. and Mrs. Woody he went like McGinty to the bottom, striking the bed but fortunately he fell across the head board and not directly on the sleeping occupants. Mr. Woody finally got the steer off and looked after the injuries of his wife and child. The latter he at first thought had been killed and a doctor was sent for and it speedily recovered and no serious injury except a terrific scare resulted from the accident. This is a great country where cattle wander on top of the houses and fall in on people while they are asleep.

Kansas History as Published in the Press

Heinie Schmidt's column of southwest Kansas history, "It's Worth Repeating," has continued to appear regularly in *The High Plains Journal*, Dodge City. Included among subjects in recent months were: the part wells played in early settlement, January 24, 31, 1952; a review of Stanley Vestal's *Queen of Cowntowns*, Dodge City, February 21; a description of and quotes from a recently discovered promotion pamphlet issued in the middle 1880's, March 6, 13, 20, 27; the battle of Fort Coon, by Robert M. Wright, April 10, 17; the story of the Hinkle ranch, Clark county, by Fred Hinkle, April 24, May 1, 8, 15, 22, 29; and Purdyville, Hodgeman county, by E. W. Harlan, June 5. A pamphlet containing 27 stories from "It's Worth Repeating," entitled *Ashes of My Campfire*, was recently published.

Ernest Dewey's series of historical stories and legends has continued to be published regularly in the *Hutchinson News-Herald*. Some of the recent articles were: "Old Border Town [Trail City] Now Hardly a Memory," February 3, 1952; "Warmth of Her Life [Mrs. W. M. Smith] Lingers After Death," February 17; "Mother Bickerdyke Was Saint to Her Soldiers," March 16; "Bemis Bilked Barber County Until Persuaded to Hurry Away," March 23; "His Nickname ['Pistol Pete' Eaton] Was Not Just a Boast," April 13; "They All Laughed When Ned [Buntline] Got off the Train," April 27; "His [David L. Payne] Hunger for Land Made Him Relentless," May 11, and "Hatred for Railroads Finally Brought Death [to Saul Riley]," June 8. An article by Ruby Basye relating an experience of her family with Al Jennings, train robber, was printed in the *News-Herald*, June 15.

Articles in the *Bulletin of the Shawnee County Historical Society* of Topeka, March, 1952, included: "Washburn's Campus: John Ritchie's Gift," by Paul Adams; part 7, "First Congregational Church of Topeka," by Russell K. Hickman; "Recollections of Baseball in Topeka," by Louis E. Frazer; "Earthquakes in Topeka"; "My Experiences During the Flood [1903]," by Iva Maze; "Joseph Groff Waters," biographical sketch; "The History of Topeka," from Radge's *Topeka Directory*, 1883-1884, by Joseph G. Waters, and a continuation of George A. Root's "Chronology of Shawnee County."

The Whitley Opera House, Emporia, was the subject of a column-length article entitled "When Emporia Was Young," which appeared

in the *Emporia Gazette*, April 15, 1952. Built in the early 1880's, the opera house was the scene of many theatrical performances by famous stage personalities until it burned in 1913.

A one-column history of Antioch school, district No. 7, Marshall county, by F. W. Tebbut, was printed in the *Frankfort Index*, April 17, 1952. The first school in the area was a subscription one taught by a Mrs. Stoner. The district erected the first schoolhouse in 1866.

The struggle of Philip A. Emery in founding the State School for the Deaf at Olathe, was reviewed briefly in the *Johnson County Democrat*, Olathe, April 24, 1952. Emery opened the school late in 1861 with one pupil. A new building at the school has been named Emery Hall in his honor.

Historical articles of interest to Kansans in recent issues of the *Kansas City (Mo.) Star* included: "Josiah Gregg, Misfit on the Frontier, Left Classic Account of Life in West," a biographical sketch of Gregg and a discussion of his *Commerce of the Prairies*, by J. Frank Dobie, April 25, 1952; "Grandeur of Kansas Plains Impressed Walt Whitman on Trip to West in 1879," by Charles Arthur Hawley, June 6, and "Wife Was a Constant Helper in the Career of William Allen White," by Ruby Holland Rosenberg, June 21. In the *Kansas City (Mo.) Times* were: "With Varied Interests, William Allen White Was Primarily a Man of Books," by Everett Rich, April 16; "Heroic Nurse [Mother Bickerdyke] Fought Grim Nature and Austere Military Men to Save Wounded," a review of Nina Brown Baker's *Cyclone in Calico*, by Paul V. Miner, April 25; "Life on Prairies Failed to Make Men of Spoiled Sons of English Gentry," by Louis O. Honig, May 10, and "Wooden Bridge Dating From 1858 Still Carries Kansans Across Stranger Creek," by Albert H. Hindman, June 14.

Articles of a historical nature appearing recently in the *Arkansas City Daily Traveler* included: "Arkansas City Once Served as Door-Step to 'No Man's Land,'" by Arthur J. Emahizer, April 26, 1952; "Arkansas City Once Was Known as Honest-to-Gosh Ferryland," by Walter Hutchison, May 3, and "Oak Grove School's History Reflects Growth of Arkansas City Area," May 24.

Many of the historic and scenic points in Kansas are listed and pictured in the 48-page, May-June, 1952, issue of *To the Stars*, published by the Kansas Industrial Development Commission, Topeka. Designed as a tourist guide, the issue includes brief historical notes on many areas of Kansas.

The Topeka *Daily Capital* has published a historical feature by Margaret Whittemore each Sunday in recent months. A few of the articles were: "Last Covered Bridge [near Leavenworth] Dates Back to 1859," May 4; "Grass Lodges First Residences in Kansas," May 18; "Old Mission at Council Grove Honors Kaws," May 25; "First College in Kansas—Baker University," June 8, and "Fort Hays State College Is 50 Years Old," June 22. On June 4, Gen. Dwight D. Eisenhower's homecoming day, Miss Whittemore's article entitled "Ike's Home Attracts Tourists," was printed.

Articles about historic sites in the Winfield vicinity printed in the Winfield *Daily Courier*, May 12, 1952, were: "Colorful Procession Haunts Scenic Tunnel Mill Vicinity," by Charles O. Booth; "Winfield's Main Street Follows Old Indian Trail," and the Indian legend of Kickapoo Corral quoted from writings of Margaret Hill McCarter.

"Sketches of Pioneer Lore," by Walter S. Keith, have appeared in recent issues of the Coffeyville *Daily Journal*. Included were notes on the Osage and other Indians May 12, 19, 1952.

A "See Kansas" series of illustrated articles on historic sites and historical collections of Kansas, by John Watson, have appeared in the Wichita *Evening Eagle* in recent months. Places discussed included: the museum of the Kansas State Historical Society, May 15, 1952; Council Grove, May 21, and Dyche Museum, University of Kansas, Lawrence, June 19.

Some of the history of Baileyville and the near-by area by Mrs. Bert Hay, Holton, has been published in recent issues of *The Courier-Tribune*, Seneca, including May 22, 29, June 5, 12, 1952.

A historical account of five cemeteries near Oswego by Wayne A. O'Connell, was published in the Chetopa *Advance*, May 22, the Oswego *Democrat*, May 23, and the Oswego *Independent*, May 30, 1952. Included in the article were biographical information on Walt Mason, Kansas poet, and his comments on Oswego.

The Clay Center *Dispatch*, May 24, and the Clay Center *Times*, May 29, 1952, printed a list of over 40 "lost" towns and settlements of Clay county. A brief historical note with location was included for each community.

A 12-page 80th anniversary edition of the Baxter Springs *Citizen* was published May 29, 1952. Included in the issue were articles on the history of the *Citizen* and of Baxter Springs.

Some of the history of the Kansas regiments during the Spanish-American War and the Philippine rebellion was recalled in a Memorial day article in the *Pittsburg Sun*, May 31, 1952.

Included in the June, 1952, number of the *Transactions of the Kansas Academy of Science*, Lawrence, were "Kansas Weather—1951," by R. A. Garrett, and "The Editor's Page," wherein several persons describe their favorite views in Kansas.

A brief history of the Short Creek Baptist church, near Atchison, was printed in the *Atchison Daily Globe*, June 1, 1952. The church was organized in a school room, December 2, 1869, with G. M. Huntley as moderator.

A letter from Percy G. Maxwell, descendant of a Marysville family, recalling early residents and incidents of the Marysville area, was published in the *Marshall County News*, Marysville, June 5, 1952.

Kansas Historical Notes

The 77th annual meeting of the Kansas State Historical Society will be held in the rooms of the Society in the Memorial building at Topeka on October 21, 1952.

The annual meeting of the Kansas Association of Teachers of History and Related Fields was held at the Memorial building, Topeka, May 2 and 3, 1952. Speakers and their subjects were: "Was Moscovite Russia Imperialist? The Catholic Orthodox Struggle and Its Effect Upon Historical Interpretation," O. P. Backus, University of Kansas, Lawrence; "James A. Farley, Master Politician," Russell Windes, Jr., Kansas State Teachers College, Pittsburg; "Apportionment in the Kansas House of Representatives," C. S. Boertman, Kansas State Teachers College, Emporia; "The Influence of the German Element in the United States," Leonard Baak, College of Emporia; "The Convoy Controversy—1917," V. R. East-erling, Kansas State College, Manhattan; "The Objectives of the Course in the History of Civilization," John W. Heaton, Baker University, Baldwin, and "The Objectives of the General Social Science Course," Verne S. Sweedlun, Kansas State College. George L. Anderson, University of Kansas, addressed the group at the luncheon session on "History Versus the Social Sciences." Officers elected were: Elizabeth Cochrane, Kansas State Teachers College, Pittsburg, president; Charles Onion, Fort Hays Kansas State College, Hays, vice-president, and Ernest B. Bader, Washburn University, Topeka, secretary-treasurer. F. R. Flournoy, College of Emporia, was the retiring president.

Tribute was paid to W. W. Graves, St. Paul editor and historian, by a gathering of state and church officials, Indian chiefs, editors and friends in St. Paul, May 31, 1952. The Most Rev. Mark K. Carroll, bishop of the Wichita diocese of the Catholic Church, was the principal speaker, and Fred Brinkerhoff, Pittsburg, served as toastmaster. Graves published the St. Paul *Journal* for over 50 years and is the author of more than a dozen books and pamphlets. His latest book, the second volume of his *History of Neosho County*, recently published, marks the end of his writing career.

Directors elected by the Scott County Historical Society at a meeting in Scott City, June 3, 1952, were: John A. Boyer, Gene Henderson, Earl Van Antwerp, Harold Kirk, Tom Sherry, S. W.

Filson, Mrs. C. W. Dickhut, Matilda Freed and Elmer Epperson. Nyle Miller, secretary of the Kansas State Historical Society, was the principal speaker at the meeting.

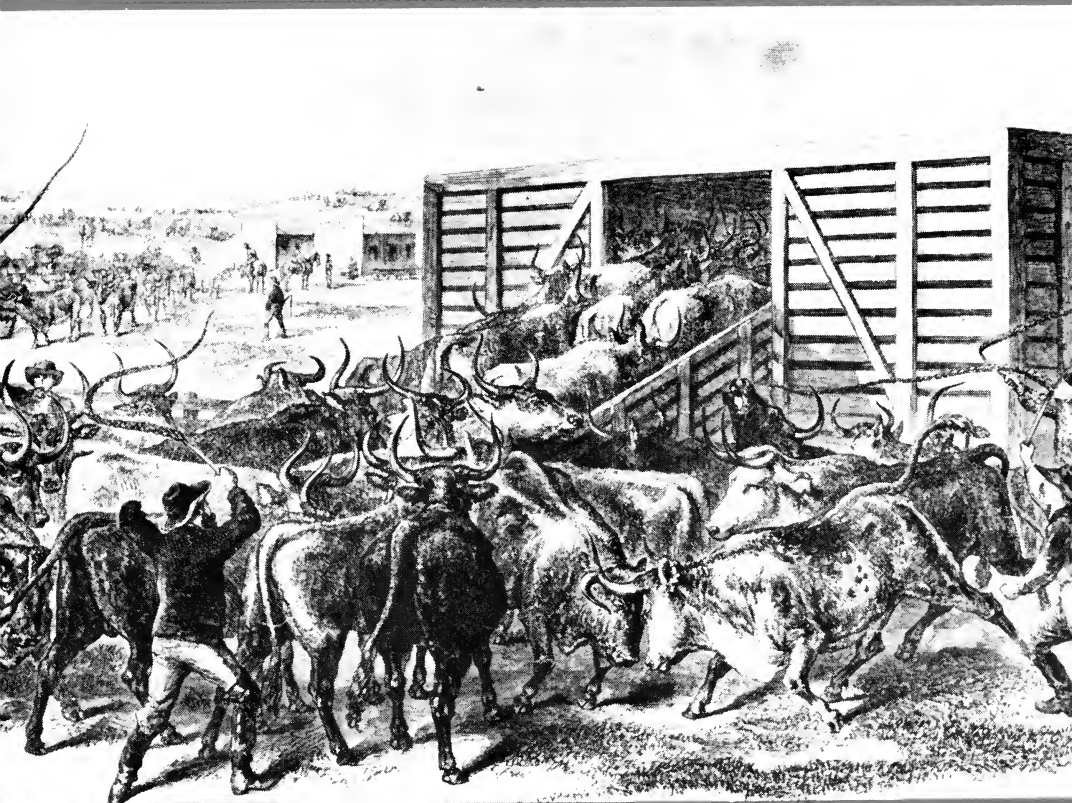
Mrs. E. G. Peterson was re-elected president of the Edwards County Historical Society at the annual meeting in Kinsley, June 3, 1952. Other officers elected were: Lavina Trotter, first vice-president; Harry Offerle, second vice-president; Mrs. Leonard Miller, third vice-president; Mrs. Myrtle Richardson, historian; H. J. Draut, secretary; John Newlin, treasurer; Beulah Moletor, custodian, and Mrs. Hazel Buxton, publicity.

The First Military Escort on the Santa Fe Trail—1829 is the title of a recently published 222-page book by Otis E. Young, based on the reports of Maj. Bennet Riley and Lt. Philip St. George Cooke. "This work attempts to show not only the actual day-by-day occurrences on the Santa Fe trail in the year 1829, but also to relate those events which led to the demand for such an escort, and an outline of the national developments which had their inception in this event."

A 105-page illustrated booklet entitled *Kansas-Missouri Floods of June-July 1951* was recently published by the Weather Bureau, U. S. Department of Commerce. Compiled under the direction of F. W. Reichelderfer, chief, U. S. Weather Bureau, the booklet is a record of the basic hydrometeorological data of the flood.

THE
KANSAS HISTORICAL
QUARTERLY

November 1952



Published by
Kansas State Historical Society
Topeka

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Editor

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the managing editor at the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

The picture, showing the loading of cattle in the Kansas Pacific (now the Union Pacific) yards at Abilene, was sketched by the Kansas artist, Henry Worrall, for *Frank Leslie's Illustrated Newspaper*, New York, August 19, 1871. The original *Leslie's* caption was: "Kansas.—Transport of Texas Beef on the Kansas-Pacific Railway—Scene at a Cattle Shoot in Abilene, Kansas." Photo courtesy of Dr. Robert Taft.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

November, 1952

Number 4

The Administration of Federal Land Laws in Western Kansas, 1880-1890: A Factor in Adjustment to a New Environment¹

GEORGE L. ANDERSON

THE careful interpretive studies of James C. Malin,² some of which have appeared in earlier issues of this *Quarterly*,³ have demonstrated that adaptation to the physical characteristics of the grassland region was the greatest single problem confronting the settlers in the western half of Kansas. Malin has shown that the successful types of adaptation were the results of folk-processes; and that the most fruitful technique for the historian is to study a community in its entirety, with the emphasis upon the role of individuals as portrayed in local newspaper and manuscript sources.

This study involves only certain selected phases of the question. It is based upon the assumption that the administration of the federal land laws was an important component of the problem of adjustment. It is intended to illustrate the use that can be made of certain types of archival materials and to provide a background for further studies. It does not represent a commitment to the point of view that fraud and speculative activities constitute the most important aspects of the problem.

It should be clear that the history of the administration of the land laws cannot be reduced to some capsule-like generalization

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1. An earlier version of this paper was presented at the 1944 meeting of the Mississippi Valley Historical Association.

2. "The Adaptation of the Agricultural System to Sub-humid Environment," *Agricultural History*, Baltimore, v. 10 (1936), July, pp. 118-141; *Winter Wheat in the Golden Belt of Kansas: A Study in Adaptation to Subhumid Geographical Environment* (Lawrence, 1944); *The Grassland of North America: Prolegomena to Its History* (Lawrence, 1947); "Grassland, 'Treeless,' and 'Subhumid': A Discussion of Some Problems of the Terminology of Geography," *The Geographical Review*, New York, v. 37 (1947), April, pp. 241-250.

3. "The Turnover of Farm Population in Kansas," v. 4 (1935), November, pp. 339-372; "The Kinsley Boom in the Late Eighties," v. 4 (1935), February, May, pp. 23-49 and 164-187; "J. A. Walker's Early History of Edwards County," v. 9 (1940), August, "Introduction," pp. 259-270; "An Introduction to the History of the Bluestem-Pasture Region of Kansas: A Study in Adaptation to Geographical Environment," v. 11 (1942), February, pp. 3-28.

that will faithfully portray developments in even a part of one state, much less accurately reflect developments in all the states and territories west of the Missouri river. For too long a time a summary of the laws padded with quotable portions of congressional debates, and seasoned with the more dramatic generalizations of officials in Washington, has passed for a history of the subject. Even this formula is so diluted or distorted in some instances as to leave the impression that the operation of the federal land laws was relatively unimportant. In pursuing the study of a subject in an entirely different field Joseph Schafer remarked:

The author's chief reason for calling sharp attention to the futility of the speculative method hitherto commonly used by historians in dealing with subjects of this kind is to protest against an outworn methodology. The "guessing game" is no longer permissible to those who claim the right to be called historians, in the American field at least. Like Hamlet, we demand "proofs more relative" than those supplied by ghosts.⁴

Much of the historical literature in the field of public land studies is vulnerable to this criticism. Also, it cannot escape the judgment Malin makes concerning population studies that are based exclusively upon printed federal materials: "As in outline surveys or general histories, it is writing from the top down and partakes too much of the fitting of generalizations to particular cases rather than arriving at the generalization from the study of the underlying detail."⁵

Another characteristic of many of the historical accounts of the public lands which this study seeks to avoid is the almost universal preoccupation of the writer with the large speculator, the "bonanza farmer," the cattleman or the corporation. Thus Paul W. Gates excludes from a study of the homestead law the "many farmers who speculated in a small way."⁶ The histories of the range cattle industry tend to limit land frauds to fencing the public domain and the use of hired or dummy entrymen.⁷ The authors of a widely used general history accept this point of view so completely that they are able to say, "Land frauds in the cattle kingdom were so universal

4. "Who Elected Lincoln?" *The American Historical Review*, New York, v. 47 (1941), October, p. 63.

5. "Local Historical Studies and Population Problems," in Caroline F. Ware (ed.), *The Cultural Approach to History* (New York, 1940), p. 300.

6. "The Homestead Law in an Incongruous Land System," *The American Historical Review*, New York, v. 41 (1936), July, p. 652.

7. Ernest S. Osgood, *The Day of the Cattleman* (Minneapolis, 1929), pp. 190-215; Ora B. Peake, *The Colorado Range Cattle Industry* (Glendale, Cal., 1937), pp. 69-84. Louis Pelzer, *The Cattleman's Frontier* (Glendale, Cal., 1936), pp. 173-191. The reports of the registers and receivers of the local land offices and those of special agents that were sent to the General Land Office during October and November, 1884, are devoted almost exclusively to these forms of fraudulent practice. "Report of the Commissioner of the General Land Office," 1885, in *Report of the Secretary of the Interior, House Ex. Doc. No. 1* (serial no. 2,378), 49 Cong., 1 Sess. (1885-1886), v. 1, pp. 202-216.

as to make impertinent the suggestion of mere individual wrongdoing.”⁸ This relegation to the realm of the “impertinent” leaves the individual settler a shadowy figure, always present, but rarely made the specific object of attention. How he came to be in a particular community; how he obtained his land; whether he was a permanent settler, transient drifter or would-be speculator; how the operation of the land laws affected his adjustment to his environment if he stayed; these and many other questions have been answered only in a fragmentary way if at all.

The nature of the problem of research in this field, if printed federal materials are used exclusively, can best be emphasized by quoting conflicting statements of two commissioners of the General Land Office. Each had access to the same type of material and each had come to the office from the Middle West after long periods of public service and political experience. William Andrew Jackson Sparks was a member of the Democratic party and an anti-monopoly crusader;⁹ his successor, William M. Stone, was one of the organizers of the Republican party.¹⁰ Said Commissioner Sparks in 1885, after six months in office:

I found that the magnificent estate of the nation in its public lands had been to a wide extent wasted under defective and improvident laws and through a laxity of public administration astonishing in a business sense if not culpable in recklessness of official responsibility. . . . I am satisfied that thousands of claims without foundation in law or equity, involving millions of acres of public land, have been annually passed to patent upon the single proposition that nobody but the government had any *adverse* interest.

The vast machinery of the land department appears to have been devoted to the chief result of conveying the title of the United States to public lands upon fraudulent entries under strained constructions of imperfect public land laws and upon illegal claims under public and private grants.¹¹

Following these introductory remarks there are estimates of fraud under the several land laws ranging from 40% in the case of the homestead law to 100% under the commutation clause of that law.¹²

Thus Commissioner Sparks, using materials accumulated by the preceding administrations, drew a blanket indictment that was

8. Samuel Eliot Morison and Henry Steele Commager, *The Growth of the American Republic* (New York, 1942), v. 2, p. 94.

9. There is a brief biography by Harold H. Dunham, in the *Dictionary of American Biography* (New York, 1946), v. 17, pp. 434, 435.

10. Benjamin F. Gue, *History of Iowa* (New York, 1903), v. 4, p. 253.

11. “Report of the Commissioner of the General Land Office,” 1885, *loc. cit.*, pp. 155, 156.

12. *Ibid.*, p. 223. In this report reference is made, pp. 201, 202, by Commissioner Sparks to his order of April 3, 1885, suspending the further entry of land in a group of Western states and territories including western Kansas. This order remained in effect until April 6, 1886, when it was revoked upon direct orders of Secretary of the Interior L. Q. C. Lamar.

tantamount to saying that the settlement and development of the Western plains prior to 1885 was largely based upon fraud.

The quotation given above is reasonably characteristic of those that have gained entrance into the general histories, but in fairness, Commissioner W. M. Stone should be heard in rebuttal. Making direct reference to the Sparks report of 1885 and quoting several paragraphs from it, he said:

This wholesale arraignment of claimants on the public domain should not have been made without the most conclusive evidence to sustain it. It contains in express terms, without discrimination and without exception, a charge of the gravest character against these hardy and courageous pioneers of our advancing civilization well calculated to challenge the credulity of the lowest order of American intellect.

This astounding condition of things . . . may or may not have existed during his administration, but it affords me infinite pleasure to inform you that during my more than four months of intimate connection with the duties of this office I have found no evidence of general misconduct on the part of our western settlers, and have failed to discover any general system of fraud prevailing upon the government in reference to the public domain. Instances of attempted fraud are to be expected, but justice requires me to say that they are exceedingly rare and notably exceptional. I speak now of the individual settler.¹³

It is elementary to point out that both of the honorable commissioners could not be right and that the truth must lie somewhere between the two extremes. It is more important to note certain factors, other than political, that may serve to explain their disagreement. The General Land Office, although charged with the responsibility of administering a landed heritage of imperial proportions, was handicapped by an undermanned staff, an antiquated building, a pint-sized budget and an overwhelming flood of business.¹⁴ The information that came to Washington from the cutting edge of settlement was from special agents with too little time to

13. "Report of the Commissioner of the General Land Office," 1889, in *Report of the Secretary of the Interior, House Ex. Doc. No. 1* (serial no. 2,724), 51 Cong., 1 Sess. (1889-1890), v. 1, p. 9. Commissioner Stone was much too optimistic. Statements that he thought would challenge "the credulity of the lowest order of American intellect" have come to be accepted almost without question as accurate descriptions of the administration of the federal land laws. There is no question concerning the existence of practices that the commissioners described as fraudulent. The question is whether they were well nigh universal and characteristic. N. C. McFarland, the predecessor of Sparks, wrote on August 5, 1881, to J. R. Hallowell, United States district attorney for Kansas, "This fraudulent entry business has become too common as I have reason already to know."—Correspondence of the United States District Attorney's Office, Kansas State Historical Society manuscript collections. Unless otherwise indicated all correspondence used in this paper is contained in this collection.

14. Harold Hathway Dunham, *Government Handout: A Study in the Administration of the Public Lands, 1875-1891* (New York, 1941), pp. 124-144. The chapter cited is entitled "The Inadequate Land Office." This study, which is a product of the seminar of Allan Nevins at Columbia University, illustrates a statement made earlier in this paper. The opening sentence of the paragraph in the preface, p. v., which describes the bibliography that was used is as follows, "Emphasis on the administration of the public lands did not call for an exhaustive analysis of the literature of the West."

do an enormous piece of work; from partisans in the local land offices; from cranks and malcontents; as well as from honest settlers with legitimate complaints and views. The alternate advance and recession of settlement produced by alternate periods of drought and rainfall brought a complex mixture of humanity to an unfamiliar environment and piled entry upon entry, relinquishment upon relinquishment and contest upon contest until even the plat books were hopelessly out-of-date and the basement and corridors of the land office were piled high with unclaimed patents, unsettled contests and unstudied correspondence.¹⁵ "Going back to the wife's folks" may be just a convenient euphemism to the historian, but it more than doubled the work of the General Land Office. The sequence of entry, abandonment without record, relinquishment or sale may have added up to fraud in the humid regions farther to the east and south; but in western Kansas it may have meant that optimistic settlers, becoming discouraged by death, drought, dust and grasshoppers, were giving up the fight and were only trying to salvage enough from their battles with and on Uncle Sam's land to get out of the country.¹⁶ For this reason, among others, the emphasis in this study is shifted from Washington to the local scene, from federal officials to individual entrymen, from the public domain of several millions of acres to the individual quarter section of 160 acres. Obviously broader questions must be considered, but the center of attention is the individual entryman on a particular quarter section of land.¹⁷ This paper is, in a sense, a preliminary move in the direction of studying the history of the operation of the federal land laws in the western half of Kansas from the ground up.¹⁸

15. Any researcher with a specific project in hand who has used even a small portion of the mass of material in the General Land Office section of the National Archives, Washington, D. C., with the assistance and guidance of skilled personnel and modern technical aids, will appreciate the difficulties that confronted the staff of the General Land Office when the public lands were being entered at the rate of several millions of acres annually.

16. See article entitled "Governmental Evictions in Kansas" in the *Kirwin Independent*, July 7, 1887, for a suggestion that the homesteader was really just betting his \$14 against Uncle Sam's 160 acres that he could live on the land for five years.

17. A study somewhat comparable in objective was made in 1887 at the request of Commissioner Sparks. He directed that a thorough study be made of representative townships by special agents and inspectors to discover how the several land laws operated in particular instances. After giving specific directions for carrying out the study, Sparks stated its purpose as follows: "The purpose of these examinations is to ascertain what becomes of public land taken up under the public land laws, and the general character of the different classes of entries on different classes of land, and to what extent they are made to sell or mortgage, or for the benefit of land and loan agents, speculators, syndicates, and corporations."—"Report of the Commissioner of the General Land Office," 1887, in *Report of the Secretary of the Interior, House Ex. Doc., No. 1* (serial no. 2,541), 50 Cong., 1 Sess. (1887-1888), v. 1, p. 144.

18. Almost without exception the examples selected involve entries west of the 98° meridian. The principal local land offices for the area were located at Wichita, Salina, Concordia, Cawker City, Kirwin, Larned, Garden City, Hays, Wakeeney, Colby and Oberlin.

Reduced to its simplest term, the process of alienating land from the public domain to private ownership under the pre-emption and homestead laws consisted of three steps: settlement, residence and improvement. The timber culture act required a sequence of breaking, planting and cultivating. The performance of these various activities had to be verified before the local land officers by the entryman through the filing of sworn affidavits and the sworn testimony of two witnesses. Indeed, there was so much swearing in the process that it is reminiscent of the medieval practice of compurgation or oath helping.¹⁹ It was this same abundance of swearing that made perjury the most frequent offense under the land laws. Forgery was quite prevalent, but it was the swearing to the truth of the forged statement that made it actionable. If, in the judgment of the officers of the local land office, the final proof was satisfactory a final certificate was issued, and if no contest had been filed the entry would be reported to the General Land Office for the issuance of the patent. If the entry was contested the case was heard in the first instance at the local land office with the right of appeal to the commissioner of the General Land Office and ultimately to the Secretary of the Interior.²⁰ Under some circumstances entries that had been suspended because of the failure of the entryman to comply with the law could be referred to the Board of Equitable Adjudication for final determination.²¹ The almost limitless variation of this process of entry, proof, contest, appeal and patent; the numerous technical features of the laws; the frequent contradictions in the interpretations of the laws and the administrative procedures used in enforcing them imposed heavy burdens upon the individual entryman. In nearly two-thirds of the suspended entries referred from the area under consideration

19. The following contemporary comments suggest that the act of swearing to the truth of statements contained in land entry papers had become so commonplace that it had lost its value as an inhibitor to fraud: "The fact is land law is almost disregarded. The people make affidavits much as they eat pie without any regard for their moral digestion."—Frank Thanhouser, Garden City, to W. C. Perry, May 1, 1886. "It is a positive fact that a class of land lawyers in this country tell their clients that there is no danger of getting into any trouble by swearing what they please and a certain class are acting accordingly to the annoyance of honest settlers. . . ."—Charles Morrison, Hillside, to W. C. Perry, June 25, 1887. "There has been to much looseness in these land claims and many persons think they are perfectly safe to swear to anything in a land claim or entry that in those cases false swearing is no crime this idea which is quite prevalent should be corrected and those persons who are disposed to swear falsely should be taught that it is perjury. . . ."—L. V. Hollyfield of Cheryvale, to J. R. Hallowell, March 23, 1880. "Our atty's here claim there is no law against perjury and that there never was a party sentenced to the Pen. for this kind of false swearing in the state of Kansas. They argue this way: that a man is compelled to swear falsely in order to start a contest and whenever a party is compelled to swear in order to start a suit it is not considered a crime. . . . This president of affairs has existed in this county until perjury is considered witty and cute."—C. H. Barlow, Goodland, to W. C. Perry, April 12, 1888.

20. The contest division was established in 1887 upon the recommendation of Commissioner W. A. J. Sparks. It was designated Division H.—"Report of the General Land Office," 1887, *loc. cit.*, pp. 435-438.

21. There is no readily available source of information concerning this agency.

to the Board of Equitable Adjudication, "ignorance of the law" was the reason given for failure to make proof within the required period of time.²²

The position of the individual entryman was further weakened by the fact that the federal land laws did not make adequate provision for the punishment of criminal fraud. So weak was the position of the government that W. C. Perry, United States district attorney, wrote warningly to a United States court commissioner: "I write this letter not for public use, as it is better not to let every one know the weakness of the federal statutes with reference to the punishment of frauds against the public domain."²³ Even the avenue of prosecution for perjury was so restricted as to permit all but the most glaring cases to go unpunished. In discussing a land case Perry defined perjury as "wilful and corrupt swearing to some material matter, which was known at the time by the party so swearing to be untrue."²⁴ It had to be "positive, unequivocal, malicious and knowingly false."²⁵ There had to be proof that the alleged acts were intended to and did actually defraud the United States and not merely a private individual.²⁶ Moreover it should be noted that the statute of limitations barred prosecution after three years had elapsed²⁷ and that in all cases where the land involved had been passed to patent the district attorney was helpless and could prosecute only upon orders from the Attorney General, who in turn could act only if requested to do so by the Secretary

22. H. Booth, former receiver of the Larned land office, expressed the opinion that not one settler in a thousand could fill out the entry and proof papers correctly without assistance from an attorney.—Larned *Chronoscope*, July 10, 1885. The editor of the paper agreed with Booth. The comments were inspired by the order issued on June 24, 1885, by Commissioner Sparks which curtailed the activities of land attorneys. Every suspended entry referred to the Board of Equitable Adjudication was of course open to contest. The fact that such a large number of vulnerable entries escaped contests has caused this writer to study the operations of the board in some detail.

23. W. C. Perry to J. M. Tinney, U. S. commissioner at Kirwin, April 28, 1886. The letter was written from Topeka and concerned the D. N. Whipple case. On October 10, 1885, Perry had written to A. H. Garland, Attorney General of the United States, requesting more assistance because ". . . a large portion of the State is, or, rather, formerly was public domain and many cases have, and are arising out of frauds and perjuries perpetrated in the entries of public lands under the homestead, pre-emption and timber culture statutes and more will and should arise under these laws, as the violating thereof are notoriously and shamefully frequent."

24. W. C. Perry to R. A. Crossman, Vilas, Colo., November 29, 1887. In another case Perry emphasized wilful and false testimony to "material matter."—Letter to Charles Fickeissen, Buffalo Park, May 6, 1886. In an undated letter to J. M. Tinney, Kirwin, Perry included "a dishonest or corrupt motive" as part of his definition of perjury. In letters to R. G. Cook, U. S. commissioner at Dodge City, April 23, 1886, and to Thomas J. Richardson, special agent of the General Land Office at Wichita, November 9, 1888, Perry commented upon the difficulty of securing convictions in perjury cases.

25. W. C. Perry to C. W. Reynolds, Chalk Mound, July 9, 1886. Perry to A. D. Duncan, special agent of the General Land Office at Kirwin, October 20, 1886.

26. W. C. Perry to C. H. Carswell, Coronado, December 7, 1887. Same to J. G. Allard, special agent of the General Land Office, Oberlin, June 12, 1888.

27. The evidence in a case involving Charles Miller and Gust Mauer of Hays, seemed to indicate that fraud had been used by the former in 1881, but it was not discovered until 1885 thus taking "it out of the Statutes."—A. D. Gilkerson to Perry, November 10, 1885; Perry referred to the statute of limitations in letters to Loudon and Freeman of Ness City, February 4, 1887; and to Doctor H. Tant, Medicine Lodge, June 29, 1888.

of the Interior.²⁸ Thus a fraud could be committed under the pre-emption act, the land be patented and sold to an innocent third party and the whole process go unnoticed and unpunished.²⁹

The same legal and technical complications that laid heavy handicaps upon the entrymen provided the foundation for the profitable activities of land attorneys, land agents, professional locators and chronic claim jumpers. It seems clear that these men contributed in considerable measure to the confusion and instability that were characteristic of communities during their early years. They made a practice of buying and selling relinquishments;³⁰ of hiring men to make entries in order to prevent legal entrymen from initiating claims to choice tracts;³¹ of loaning money to prove up,³² and in some cases of preventing by violence the entering of *bona fide* settlers.³³ Instances are on record of one of these agents securing 12 quarter-sections on two separate occasions;³⁴ of another paying individuals \$5 for the use of their names in making homestead entries and retaining the claims until they could be sold to *bona fide* entrymen for \$25 to \$50,³⁵ and of a third getting control of a local

28. W. C. Perry, to J. E. Anderson, Salina, February 25, 1889. Note in Perry's handwriting on letter of June 13, 1887, received by him at Fort Scott from Lovitt and Sturman of Salina.

29. In a letter to Thomas J. Richardson, special agent of the General Land Office at Wichita, May 26, 1888, W. C. Perry emphasized the difficulty of canceling an entry that had reached the final receipt stage and the land in question had passed in good faith to an innocent third party. Other references to the "innocent purchaser" doctrine are contained in letters from Perry to Clark S. Rowe, special agent of the General Land Office at Larned, March 20, 1888; to W. F. Galvin, Stockton, December 4, 1888, and to Rowe, March 16, 1888.

30. A rapid examination of almost any newspaper published during the period under consideration in the western part of Kansas will confirm this statement.

31. Randolph Burt, Gettysburg, to W. C. Perry, May 3, May 12, and June 2, 1886. Henry Kern, Falco, to Perry, April 2, 1889. The material relating to the activities of such large scale operators as J. L. Gandy, J. G. Hiatt and A. M. Brenaman is relevant, but is much too voluminous to be cited here.

32. Land agents on frequent occasions mentioned "loans to make final proof" as a specialty. The *Lane County Herald*, Dighton, April 22, 1886, contained two examples.

33. Allegations to this effect are so numerous in the incoming correspondence of the United States district attorney as to make listing impracticable. There is some reason to believe that "Homesteaders' Unions" and "Old Settlers' Protective Associations" were devices to protect illegal entrymen. W. C. Perry to E. E. Thomas, special agent of the General Land Office at Salina, July 31, 1886, relative to organized intimidation in Scott county; Perry to G. M. McElroy of Oberlin, August 27, 1886, concerning a similar organization in Cheyenne county; E. R. Cutler, Meade Center, to W. C. Perry, December 20, 1886, asking for help against mob violence in Meade county; J. Word Carson, Wakeeney, to Perry, November 22, 1887, calling attention to the situation in Greeley county; Charles P. Dunaway, Stockton, January 2, 1888, to Perry asking him to investigate the activities of the Homesteader's Union in Rooks county. The Hoover case in western Ness county and the Widow Edsall case in Sherman county produced a voluminous correspondence with the district attorney's office during the spring and early summer of 1888.

34. *The Eye*, Oberlin, September 18, and November 20, 1884, referring to the activities of A. J. Cortell. The Cortell-Zimmermann contest case attracted a great deal of attention in 1887-1888.

35. The Lincoln (Neb.) *Journal* quoted in the Oberlin *Eye*, January 28, 1886, describing the activities of the firm of Wilson, Tacha and Parker. S. F. McKinney wrote to W. C. Perry from Salina on April 7, 1887, "I . . . am a poor man & have a family to support & look after and I have got very poor health also & I have been swindled out of my land & home just by such law pettifoggers & western swindle schemers as this Robert W. Carter & J. W. Brooks & many others in Ellsworth that stand ready to gobble up a poor mans hard earned property & lie him out of it." W. Jones to Perry from Conway Springs, April 30, 1888.

landoffice by placing beds and cots in front of the door for his "rustlers" to sleep on so that they could anticipate even the early rising settlers in making and shifting relinquishments, entries and contests.³⁶ In many cases they were the publishers or editors of the local newspapers and in some they were intimately familiar with local land office procedures either through previous experience or current connections.³⁷ The notion that a settler reached the frontier and "gazing upon almost endless stretches of rich agricultural land" made his selection does not fit the facts. More often than not he located his claim under the watchful eye of a land locator who may have located some other person on the same tract at an earlier date.³⁸

The activities of land agents and attorneys received special attention from Commissioner W. A. J. Sparks in several of his annual reports³⁹ and in the day-to-day correspondence of his office. His determination to eliminate those who were engaging in dishonest practices is indicated in a number of letters written to law firms in Kansas towns. In November, 1885, W. A. Frush, of Garden City, was debarred from practice before any bureau of the Department of the Interior for failing to give a satisfactory explanation of a charge that he had forged the signature of an entryman in connection with the relinquishment of a timber culture entry.⁴⁰ During the same month Sparks was extremely critical of a circular issued by Milton Brown, also of Garden City, advising union veterans of

36. "Report of the Commissioner of the General Land Office," 1886, in *Report of the Secretary of the Interior, House Ex. Doc. No. 1* (serial no. 2,468), 49 Cong., 2 Sess. (1886-1887), v. 2, p. 86.

37. C. J. Lamb, editor of the *Kirwin Independent*, advertised real estate for sale in the issue for February 3, 1887; R. H. Ballinger, editor of the *Larned Chronoscope* and Henry Booth, receiver of the land office in Larned were partners in a real estate firm; Ed Martin, a loan agent in Oberlin had served as a clerk in the land office at Kirwin according to the *Kirwin Independent*, March 31, 1887. William Don Carlos of Kirwin began his career as chief clerk in the Kickapoo land office; his son, the junior partner in the firm, had been a clerk in the General Land Office in Washington, D. C.—*Ibid.*, March 10, 1887. H. A. Yonge who became register of the land office at Kirwin in March, 1887, had been editor of the *Beloit Democrat* and a member of the firm of Yonge and Scott; Tully Scott had been appointed register of the Oberlin office at an earlier date.—*Ibid.*, March 31, 1887. W. J. A. Montgomery, editor of the *Stockton Democrat* on March 26, 1886, ran the following advertisement: "Say—If you want a good claim that you can put a pre-emption, homestead or timber entry on, call at this office. If you want to make your home here, buy a claim and lay your homestead or timber entry on it and save from 7 to 13 years' taxes." The following land office officials were accused of having had illegal if not corrupt dealings with land firms: Tully Scott, Oberlin, *Oberlin Eye*, March 8, 1888; C. A. Morris, Larned, *Larned Weekly Chronoscope*, November 25, 1887; B. J. F. Hanna, and W. C. L. Beard, Wakeeney, *Lane County Herald*, August 25, and September 1, 1887.

38. The firm of Borton and Spidle of Ness City advertised in the *Lane County Herald*, July 17, 1885, "Will locate you. Win a contest for you. Make out your final proof. Make out filing papers for you. Sell you horses and cattle. Furnish you money to pay out on your claims. Make a soldier's filing for you, if you cannot come in person, and win law-suits for you." One partner was a lawyer, the other a locator.

39. The "Report for 1887" is typical. It is contained in *Report of the Secretary of the Interior, House Ex. Doc., No. 1* (serial no. 2,541) 50 Cong., 1 Sess. (1887-1888), v. 1, pp. 134-136.

40. Sparks to Frush, August 18, September 3, and November 21, 1885—"General Land Office Correspondence," A, Miscellaneous, pp. 233, 234, 272 and 449, in the National Archives.

the Civil War that they were entitled to 160 acres of government land which they could obtain "*without residence on the land*" and informing them that the filing and locating could be accomplished "*without their leaving their eastern homes.*" In his first letter to Brown, Commissioner Sparks asserted that "these statements are false and misleading and . . . can be regarded only as attempts to defraud either the soldier or the government or both." In his second letter Sparks declared that the "statements in said circulars are unwarranted by any provision of the laws and are calculated to encourage and induce frauds upon the government in the procurement and promotion of illegal entries and claims.⁴¹ In a letter to a third Garden City firm Sparks commented that their circular was a palpable invitation to fraud and that its apparent purpose was "to deceive soldiers, impose upon their widows and orphaned children and promote frauds on the government." Critical reference was made to their requirement of the soldier's discharge papers, a power of attorney and a fee of ten dollars.⁴² In other letters Sparks asked one firm to explain charges that it had accepted a fee for filing a contest and then had dismissed the case without notice to its client,⁴³ and another one to explain why it had filed a contest, dismissed it without notice to its client, and then filed a fictitious contest against the client's entry.⁴⁴

It should be apparent that the entryman's problem of adjustment to his new environment began with his first encounter with the local land officers and with those residents of the community who sought to exploit his ignorance for their own profit. It should be added that some entrymen had the benefit of honest and capable legal advisers when they became entangled in administrative regulations. The firm of William Don Carlos and Son, of Kirwin, was held in high esteem. The editor of *The Independent*, Kirwin, a critic of almost every other aspect of land office administration, stated that this firm was composed of "competent, energetic men, always wide awake and attentive to the interests of their clients. . . . In the twelve or thirteen years that this firm has been doing business here

41. Sparks to Brown, November 4, and December 12, 1885.—*Ibid.*, pp. 411, 412 and 486.

42. Sparks to Bennett and Smith of Garden City, December 23, 1885.—*Ibid.*, pp. 12, 13.

43. Sparks to Kimball and Reeves, Garden City, August 10, 1886.—*Ibid.*, 499, 500.

44. Sparks to Morris and Morris, Larned, November 17, 1885.—*Ibid.*, p. 435. A summary of the practices of the Garden City firms is contained in the "Report of the Commissioner of the General Land Office," 1886, *loc. cit.*, pp. 85, 86. Larned *Weekly Chronicle*, November 25, 1887. An earlier instance is described in a letter of Secretary of the Interior Henry Teller to Commissioner N. C. McFarland, September 26, 1883, in *Decisions of the Department of the Interior Relating to the Public Lands*, v. 2, pp. 58-62.

we have never heard them charged with unfair practice, or wrongful action toward their clients.”⁴⁵

One phase of the operation of the land laws that was particularly productive of friction, insecurity and uncertainty was the invitation extended to all comers to contest the entry of any settler upon the public domain.⁴⁶ Entries were subject to contest at any time; and, if they escaped contest prior to the time that the entryman was required to make his final proof, the published notices, six of which were required in pre-emption and commuted homestead entries, were almost sure to produce a contest. There is some reason to believe that timber culture entries were particularly vulnerable to contest.⁴⁷ The possibility of encountering a contest must have operated as frequently to discourage improvement and cultivation as it did to encourage complete compliance.⁴⁸ In effect every transient in a community and every person who had not exhausted his rights under the land laws was asked to keep his eye on the entryman and advertise alleged noncompliance by filing a contest. In a sense the right to contest placed a premium upon snooping and exalted the role of the talebearer. When witnesses in the proof-taking process were asked questions concerning smoke from the chimney, chickens around the shack, lights in the windows and the exact diameter of trees, it seems clear that the land officials expected that neighbors in a community would see each other as actual or at least potential defrauders and therefore scrutinize even routine activities with the vigilance and zeal of a secret police agent. As commissioner of the General Land Office, W. A. J. Sparks introduced elaborate and detailed forms for the presentation of proof. The new procedures received some support in the newspapers of western Kansas,⁴⁹ but the preponderance of comment was in opposi-

45. March 10, 1887.

46. The *Ness City Times* reported a statement of the county attorney that three-fourths of the contestable claims in the county were already under contest and that in a few more weeks timber claims would be obtainable only by purchase. Reprinted in the *Lane County Herald*, May 1, 1885, together with an invitation to entrymen to come to Lane county for homesteads and timber claims. About six months later, October 29, 1885, the *Herald* reported that timber claims were becoming scarce in Lane county. The *Rooks County Record*, Stockton, April 29, 1887, in condemning the frequency of contests said, "There are few of the farmers in Rooks county whose titles are not open to attack on some petty technicality."

47. O. F. Searl, receiver of the land office in Salina, in discussing the contest case of Russell C. Harris vs. Anderson Stoops with W. C. Perry on June 21, 1887, stated the usual grounds for contesting timber claims as failure to plant and cultivate trees and the entering of land not naturally devoid of timber. Nearly three out of the eight pages of the *Lane County Herald*, October 15, 1885, were devoted to land notices which were for the most part announcements of contests against timber culture entries.

48. The uncertainty involved in obtaining a final patent under the homestead, pre-emption and timber culture acts was emphasized in a letter written by George Cotton of La Crosse to W. C. Perry, July 29, 1887.

49. *Rooks County Democrat*, Stockton, January 13, 1887.

tion to them. The following critical comment appeared in the columns of the *Rooks County Record*:

A government is in a big business when it tries to find out what kind of a crib the baby sleeps in, whether the farmer and his wife recline on wire-woven springs or ante-diluvian bed cords, or whether the woman of the house bakes her beans in a stone jar or brass kettle. Sparks is a thousand times more particular about a homesteader's exact compliance with each infinitesimal iota of the law than he is with a railroad grant or the stock ranch of an English syndicate. Yet that is the general style of this great business administration, which constantly strains at gnats and swallows dromedaries by the caravan. After 1888 there will be a new deal and a more just equation of the peoples' rights.⁵⁰

The editor of the *Kirwin Independent* expressed his views in an editorial entitled "Tom Foolery." It was a mixture of general criticism of the Sparks policies and specific objection to the high costs of making proof that resulted:

Commissioner Sparks of the General Land office is a beautiful beast, a red tape dude, a go-off-half-cocked sort of a man. When he assumed the duties of his office he also assumed that the people of the west were perjurers, swindlers and fugitives from justice at large in a Garden of Eden. . . .

It wouldn't be quite so bad if all of this tomfoolery didn't have to be paid for out of the homesteaders pocket, but this arrant nonsense costs men who, as a class are poor, several extra dollars, in counties where, as a rule, dollars are scarce. Take this in connection with the swindle requiring claimants to advertise their lands, an act passed to benefit newspaper men, and the homesteader who has to shell out here and there to obstructionists along the road to a final proof, is not apt to entertain a very high opinion of the simplicity of a democratic form of government.

As to Sparks we believe that he is honest, but he is the biggest old nuisance that ever a pioneer community had to depend upon for titles to well earned land.⁵¹

Just as contemporary reaction to Commissioner Sparks ranged from one extreme to the other so the contemporary evaluations of the contest process varied a great deal. Commissioner Sparks and those who supported his policies seemed to assume that a contested entry involved deliberate fraud either on the part of the contestee or the contestant, whereas his critics tended to look upon the right of contest as an almost automatic inhibitor to fraud. At no point does the doctrine of simple causation or broad generalization with

50. November 26, 1886.

51. January 6, 1887. The editor elaborated one aspect of his views in the issue for January 20, when he remarked: "Since Sparks became commissioner of the general land office he has so ruled and managed the business of the office as to make all the land fraudulently proved up on, cost honest settlers not less than \$25 per acre. He suspicions dishonesty and so plans that those who are honest shall pay fifteen to twenty-five dollars costs in making a proof that ought to cost not over five or six dollars." It should be noted in passing that the editor has suggested the answer to those who insist that homestead land was "free" land, a subsidy from the federal government to the agricultural interests of the nation.

respect to the administration of the land laws break down so completely. Contests were initiated for almost every conceivable reason. Some were the results of poor advice given by land agents and professional locators;⁵² others were encouraged by local land office men because the fees in such cases constituted a large portion of their remuneration;⁵³ and still others were deliberate attempts to secure desirable tracts of land.⁵⁴ There were friendly contests to conceal a fraudulent entry until the relinquishment could be sold to an innocent third party.⁵⁵ There were collusive contests initiated by friends or relatives to bar a legitimate contest or to "smuggle" a tract of land, that is, keep it from being legally entered until a son reached his majority or a friend could enter it.⁵⁶ The most vicious contests were outright cases of blackmail and were accompanied by violence or threats of violence.⁵⁷ They were commenced by professional claim jumpers to force a legal entryman to fight a contest or pay the contestant to withdraw his suit.⁵⁸ Fre-

52. W. J. Calvin to the editor of the *Larned Chronoscope*, February 19, 1886; Thomas J. Richardson, special agent of the General Land Office, Wichita, to W. C. Perry, January 4, 1887; E. Sample, Medicine Lodge, to Perry, October 16, 1887; B. W. Dysart, Ansonia, Ohio, to Perry, October 15, 1888.

53. "Report of the Commissioner of the General Land Office," 1885, *loc. cit.*, p. 42.

54. Mrs. M. E. Warner, Oxford, wrote several letters to J. R. Hallowell urging him to continue the legal sifting of claims in Pratt county and the canceling of fraudulent entries so that she might be able to secure one of the canceled entries. Her letter of July 8, 1885, is particularly relevant. C. O. Erwin, Harper, wrote to W. C. Perry on April 11, 1886, accusing several men of making fraudulent proof, asking to be informed of the best method of procedure in securing one of the claims, and offering Perry a \$100 fee for securing one of the claims for him; M. B. Bailey, Wichita, to Perry, January 12, 1889; *Larned Weekly Chronoscope*, September 30, 1887.

55. "Report of the Commissioner of the General Land Office," 1886, *loc. cit.*, pp. 85, 86; *ibid.*, for 1887, pp. 149, 150; D. H. Henkel, U. S. circuit court commissioner at Wakeney, to W. C. Perry, January 25, 1888.

56. There are several cases described in the *Decisions of the Department of the Interior Relating to the Public Lands*. Some examples are: R. W. Satterlee vs. C. F. Dibble, v. 2, pp. 307, 308, in which the original Dibble entry was contested by three different relatives; A. Moses vs. J. B. Brown, v. 2, pp. 259, 260, wherein the right to contest was denied to S. H. Brown, a relative of the plaintiff; and Caroline E. Critchfield vs. W. M. Pierson, v. 1, pp. 421, 422, which involved a divorce on the grounds of adultery in order to qualify Mrs. Critchfield as a contestee. Charles Fickheisen, Buffalo Park, to W. C. Perry, April 29, and May 16, 1886; M. B. Bailey, Wichita, to Perry, January 12, 1889.

57. E. C. Cole, U. S. commissioner at Larned, to W. C. Perry, April 15, 1887; *Rooks County Record*, May 20, 1887. *The Eye*, Oberlin, January 19, 1888, reprinted the following comment from the *Atchison Champion*: "For a number of years past persons in the western third of Kansas who have in good faith, entered land as timber claims, have been annoyed and harassed by a class of irresponsible and mischievous vagabonds who have made it a business to go prowling around to find a few bushes and saplings on timber claim entries as a basis of contest, making these few scattering trees an excuse for annoying and expensive litigation, instituted solely for the purpose of blackmail." On April 9, 1889, W. C. Perry wrote to J. M. Barrett, register of deeds at Canton, concerning an unsigned letter accusing B. A. Dupree and Joe Smalley of instituting contests and then offering to drop them for \$250. An unsigned letter to Perry dated April 11, 1889, quoted the following from a telegram from F. G. White of McPherson, "R. A. Deupree and Jack Smalley are in the business of Swearing out contest papers for the purpose of *Black Male* [sic] and then compel parties to By [sic] them off. . . ."

58. W. J. Crumpton in a letter to the *Larned Chronoscope*, February 19, 1886, emphasized the blackmail aspect of many contest cases, but more importantly called attention to the fact that the effect of the contest procedure was to compel the entryman to pay far more than the market value for a tract which the law intended him to have in return for cultivation and improvement. Crumpton stated explicitly what most later historians have not understood, namely that land was not free for the taking; administrative procedures among other factors nullified the law and defeated the avowed intent of those

quently the process was repeated by a whole series of contestants until either the settler had to pay out more money in fighting contests than the land was worth or give up his entry.⁵⁹ The quest for personal revenge was a fruitful source of contests.⁶⁰ A community quarrel, a jilting by a boy friend,⁶¹ a real or imagined loss in a business deal, a political controversy, all of these and many more excuses of similar character were involved in the initiation of contest cases.⁶² The persistent habits of some pioneers of telling tales, informing on neighbors, writing letters, venting prejudices and going

who drafted it. J. A. Nelson of Buffalo Park, on May 20, 1886, wrote Perry a detailed description of his experiences with the professional claim jumper. In his case the original price for being left alone was \$250; this was reduced to \$200 and later to \$87. He refused all offers to compromise and made a successful defense. Wm. Don Carlos, of Kirwin, in writing to Perry on May 28, 1887, concerning a perjury case that had developed out of a contest affidavit, asserted that it was founded upon spite and was brought for the purpose of scaring some money out of the defendants. He continued, "This class of cases, is becoming frequent, and in my mind are generally brought, or instigated, for the purpose of making money out of a compromise, by certain Attys, and witness fees, and mileage by other impecunious parties." James P. Burns of Oberlin, wrote to Perry on February 3, 1888, "Now there is lots of this contesting going on for the mere purpose of extracting money out of parties holding claims, or for the mere purpose of annoyance." Frequent reference is made to the professional claim jumpers in the contemporary discussion of homesteaders' protective associations. In this connection *The Eye*, Oberlin, on December 29, 1887, reprinted the following from the *Atchison Champion*: "Next to prairie dogs, jack rabbits and coyotes, one of the worst pests of a new country . . . is the 'claim jumper,' the party who prowls around like a wolf to hunt up opportunities to dispossess some honest and well meaning settler. . . ."

59. In a letter to J. R. Hallowell on October 6, 1884, M. B. Jones of Corwin, estimated the cost of prosecuting a contest against an entry at \$200. In a letter on December 26, 1885, to W. C. Perry, Y. R. Archer estimated the cost of defending against a contest at \$100 to \$1,000. The *Rooks County Record*, May 20, 1887, placed the cost of defending at \$50 to \$200. M. F. Dean, Sappaton, told Perry on January 16, 1888, that one of his neighbors had been forced to defend his claim against four contests.

60. L. D. Seward, St. Louis, to J. R. Hallowell, September 5, 1881; J. P. Campbell, Harper, to Hallowell, March 20, 1882. The Zickefoose-Shuler contest case in the Wakeeney land office seems to have originated in a desire by Zickefoose for revenge. W. H. Pilkenton, receiver of the Wakeeney office to W. C. Perry, April 7, 1885. Wm. Lescher, Lawrence, wrote Perry on February 12, 1886, alleging "malicious meanness" as the cause of the sequence of contests against his entry in the Oberlin land district. W. T. S. May, Kirwin, to Perry, June 5, 1886. Ira T. Hodson, Burr Oak, to Perry, June 9, 1886. W. C. Perry, to John McDonald, Dun Station, November 11, 1886. George Cotton, La Crosse, to Perry, July 29, 1887. W. C. Perry to Clark S. Rowe, special agent of the General Land Office at Larned, December 14, 1887. J. P. Burns, Oberlin, to Perry, February 3, 1888. Frank Thanhouser, Garden City, to Perry, August 10, 1888. R. M. Wright, Dodge City, to Perry, September 22, 1888. W. C. Perry to E. E. Thomas, special agent of the General Land Office, Salina, November 28, 1888.

61. Such an instance is described in a letter by W. C. Perry to J. G. Allard, special agent of the General Land Office at Oberlin, September 20, 1888. Perry's remarks, based on an affidavit made by Dolly Hayes, contained the following: "In the first place Dolly having kept with the young man for three years and that beautiful and heavenly relation now having ceased, is undoubtedly angry with Alvin, and if he is keeping company with some other young lady, is also undoubtedly suffering from a severe attack of the green-eyed monster."

62. W. M. Skinner, Gaylord, in letters to J. R. Hallowell, July 14 and 15, 1882, recited a particularly long tale of woe concerning contests growing out of personal quarrels and political differences. Hallowell had received letters from H. C. Sunderland, Gaylord, on February 13, 1880, and from G. W. Hodson, Gaylord, of March 22, 1880, relative to the Skinner case and had written to the commissioner of the General Land Office on February 24, 1880, describing the case as a neighborhood quarrel. Tully Scott, receiver, Oberlin land office, to W. C. Perry, October 27, 1885, describing the Wheelock-Cass contest as a "neighborhood fight." C. H. Barlow, Kansas Banking Company, Goodland, in a letter to Perry on April 12, 1888, said that the man who had contested his claim "is owing this Bank of which I am a member and he came around and hinted as though he would release the contest if I would cancel his note and informed me that we did not treat him right last fall in some of our deal is why he contested it." J. G. Lowe, Washington, to Perry, October 10, 1886.

to law probably confused the federal land officials as completely as they do the historians of today.⁶³

Probably there was as much informality with respect to the residence requirements as toward any other feature of the operation of the federal land laws. Again, as far as the evolving community was concerned, the immediate effect of such informality was to contribute to instability and impermanence. It was regular practice for the business and professional men in the towns to enter a tract of land, go through the motions of compliance by eating a meal—sometimes cooked in a hotel and carried to the claim—or by sleeping on the land at infrequent intervals, and then make final proof before the local land office.⁶⁴ Sen. Preston B. Plumb stated in the senate that these practices were considered normal and legal in the parts of Kansas with which he was familiar. While defending the settlers in Kansas against charges of fraud he described the contemporary attitudes and practices in the following words:

A man goes out from the East; he is a tinner, a shoemaker, a blacksmith, a wagon-maker, or a tradesman of some kind. He goes West for the purpose of getting a home, and in the mean time he must live. He goes into the nearest town, follows his calling, and takes a quarter-section of land outside, lives upon it between times, so to speak, having his domicile part of the time perhaps in the town and part of the time on his claim, and at the end of six months he proves up on it. Perhaps the intent and the act do not fully combine, and yet the intent is as good as that of any man ever was to make that place his home, and to all intents and purposes it is his home. . . . It may be called in law a fraudulent entry, and yet so far as the essential elements of fraud are concerned they are entirely lacking.”⁶⁵

At almost exactly the time that Senator Plumb was placing a

63. The letters of J. B. Tillinghast, Myrtle, to W. C. Perry, illustrate this point. See the one written on April 16, 1888; A. C. Mende, another resident of the same community, wrote an extraordinarily gossipy letter to Perry on July 15, 1888. Letters written by Mrs. M. E. Warner, Oxford, to J. R. Hallowell on January 19, February 13, and March 26, 1885, are in the same category. In many respects the brochure-length letter written by I. V. Knotts of Schoharie on July 5, 1886, to W. C. Perry, is the most fantastic of them all.

64. *Decisions of the Department of the Interior Relating to the Public Lands*, v. 1, pp. 77, 78. The document referred to is a letter of Secretary of the Interior Henry Teller to the commissioner of the General Land Office, N. C. McFarland, dated October 2, 1882, and concerned with the contest case of W. P. Peters vs. George Spaulding. Report of William Y. Drew, special agent of the land office at Wichita, dated November 26, 1884, and contained in the “Report of the Commissioner of the General Land Office,” 1885, *loc. cit.*, pp. 206, 207. Report of Walter W. Cleary, special agent of the land office at Garden City included in “Report of the Commissioner of the General Land Office,” 1887, *loc. cit.*, pp. 149, 150. *Larned Chronoscope*, March 11, 1887.

65. *Congressional Record*, 49 Cong., 1 Sess. (1885-1886), pt. 6, p. 6,073. In the course of the debate Plumb implied that the zeal with which Commissioner W. A. J. Sparks was enforcing the land laws in the West and Northwest was rooted in partisan considerations. “Is it not a little singular that the individual whose duty it is to scan the horizon should be afflicted with such a political, geographical, isothermal strabismus that he has never allowed his eagle eye to cover anything south of Mason and Dixon’s line, but has kept it as steady as the needle to the pole on the West and Northwest?”—*Ibid.*, p. 6,075. A week earlier Plumb had described his own experience at pre-empting a quarter section of land, remarking in one place, “I have no doubt that I committed a fraud upon the law; the claim was my home though I was printing a newspaper in a hamlet a mile away.”—*Ibid.*, Appendix, p. 426.

"loose" construction upon the residence requirement in pre-emption entries, Commissioner Sparks was defining his views in response to a series of questions directed to him by a resident of Kansas. In answer to the question, "Can a married man pre-empt or homestead a claim and prove up without his family?", Sparks replied, "The home contemplated is the home of the family. It is inconceivable that a homestead entry is made in good faith when the permanent home of the family is elsewhere. The pre-emptor is also expected to make his home on the land." In reply to the question, "What constitutes six months residence?", the commissioner replied briefly but specifically, "The actual living on the land for the period of six months."⁶⁶ The local newspapers took the practices described by Senator Plumb for granted and reported individual instances as news: railroad employees were visiting their claims; school teachers, merchants, and artisans were spending short visits on their homestead or pre-emption entries; entrymen were returning to their claims after a prolonged absence during the winter months.⁶⁷ One entryman who was a member of a banking firm that operated banking houses in Goodland, and Burlington, Colo., complained bitterly to the federal district attorney when his claim was contested.⁶⁸ Another banker in Sherman county in discussing compliance with residence requirements and in response to a question concerning what he raised on his claim remarked, "Last year I raised 'hell and watermelons.' This year it is too dry to raise anything; I shall try to raise the mortgage next year and skip."⁶⁹ Another entryman wrote to Sen. John J. Ingalls protesting against the cancellation of his entry simply because he left his claim to work in a near-by town from Monday morning to Saturday night of each week in order to provide food for his family.⁷⁰ Still another tried to retain his claim in the face of a contest, even though he spent the winter months near Boul-

66. W. A. J. Sparks to C. T. Connelly, Terry, June 10, 1886, "General Land Office Correspondence," A, Miscellaneous, pp. 363, 364.

67. *Kansas Herald*, Hiawatha, March 12, 1880; *Larned Chronoscope*, January 28, 1881; *Lane County Herald*, June 3, July 24, September 11, and September 25, 1885; June 3, September 9, September 16, November 11, and December 16, 1886; February 24, and December 8, 1887; and June 7, 1888. *The Eye*, Oberlin, December 11, 1884; September 10, and November 26, 1885; March 25, and April 1, 1886. *Scott County News*, Scott City, March 19, April 12, May 12, and May 14, 1886. The Oberlin *Eye*, January 27, 1887, in commenting on the shooting of a claim jumper said, "a number of persons whose claims were contested are working on the railroad for a livelihood and were vexed with having contests put on their claims."

68. Charles H. Barlow, Goodland, to W. C. Perry, March 19, April 12, and August 7, 1888.

69. E. E. Blackman, "Sherman county and the H. U. A.," *Kansas Historical Collections*, v. 8 (1903-1904), p. 53.

70. Bishop W. Perkins, representative in congress from Kansas, quoted from the speech by Senator Ingalls during the course of a debate in the house of representatives.—*Congressional Record*, 49 Cong., 1 Sess. (1885-1886), pt. 6, p. 6,289.

der, Colo., working in a mine.⁷¹ Even a United States court commissioner on one occasion closed his office while he undertook to fulfill the residence requirement by living on his claim.⁷² A diligent shoemaker left his family on his claim while he maintained his shop and residence in Dighton during the entire period that he was supposed to be in residence on his claim.⁷³ After the Fort Dodge military reservation was opened to settlement 75 filings were made on land within its limits. Of these, 18 were made by gamblers, saloon-keepers, bartenders and sporting women engaged in business or plying their trade in Dodge City; four were made by widows living in town; six were made by railroad employees and five were unknown. Only eight or ten were made by actual settlers.⁷⁴ One entryman on trial for perjury in connection with his attempt to prove up replied to the question concerning continuous residence in the language of a college freshman, "Yes, except when temporarily absent."⁷⁵ Another one of Teutonic ancestry, extremely anxious to secure some choice land adjacent to his own claims and unable to comply with the residence requirement, left the following note on the back of a township plat:

Dere Misses—: Know your name as you hat Bad Lugg in your man and lost him I tell you I am for sale I am a widderwor and after Land and woman and home I have som land Now how would this sude you, you gitt a devores and a home state & timber clame and I have some land now and I gitt a home state and timber clame and we can have lots of land Com and see me in Rume No 1 or rite.⁷⁶

Beyond the physical facts of unimproved land and undeveloped claims the effects upon community spirit of such activities as have been described, together with the accompanying absentee ownership and control, must have been important. Certainly it was discouraging to newcomers to discover that the land near town, although apparently unoccupied was in the hands of nonresident

71. James Baird writing from Langford, Colo., to W. C. Perry, January 15, 1888.

72. W. T. S. May, Kirwin, to W. C. Perry, November 25, 1886.

73. *Lane County Herald*, December 8, 1887. Actually the news item revealed the fact that the entryman was proving up on his second claim. The *Herald* for June 3, 1886, reported that a carpenter who was working in Dighton was surprised while paying a visit to his claim to discover that he had become the father of twins, the first set to be born in Lane county.

74. "Report of the Commissioner of the General Land Office," 1886, *loc. cit.*, p. 96.

75. Letter from the commissioner of the General Land Office to J. R. Hallowell, March 3, 1880.

76. Oberlin *Eye*, August 12, 1886. It should be suggested that the plan would have been perfectly legal. On August 11, 1879, the commissioner of the General Land Office wrote to Hughes and Corse of Larned that if a man and woman having adjacent homestead entries should marry they could fulfill the residence requirement by living in a house on the dividing line between the two claims. "Report of the Commissioner of the General Land Office," 1880, in *Report of the Secretary of the Interior, House Ex. Doc. No. 1* (serial no. 1,959), 46 Cong., 3 Sess. (1880-1881), p. 484.

entrymen.⁷⁷ One homesteader who had to walk a good many miles to a small town remarked in a letter that the only thing wrong with the town was that everyone in it had land for sale.⁷⁸

The problems arising out of contests and the evasion of residence requirements led to the formation of various types of protective associations. In many respects they were the direct descendants of the claim associations of an earlier period. There were all kinds of protective associations. Some were organized by entrymen who were residing on their claims for the purpose of protecting themselves against chronic contestants and professional claim jumpers.⁷⁹ Others, although masquerading under such names as "Old Settlers' Association" or "Homesteaders' Union," were composed of residents of towns and villages who had never settled on their claims and did not propose to do so.⁸⁰ Their objective was to maintain their entries by intimidation if need be until final proof could be made or a relinquishment sold.⁸¹ Whatever might have been their purpose or form of organization, these protective associations introduced a disruptive influence into the early development of some communities.⁸² The incoming correspondence of the federal district attorney's office was burdened with letters describing incidents of intimidation and violence to which entrymen had been subjected.⁸³ It

77. The complaint of T. B. Hatcher, Grenola, addressed to W. C. Perry on September 25, 1886, with reference to the activities of J. G. Hiatt is reasonably typical: "The masses here want to see the land grabbers punished for we know to what extent it is practiced and detrimental to the settling of the country. West and north of us the people have no direct roads to town but have to go 5 & 10 miles around and have no schools on account of the large tracts that are fenced."

78. John Ise, editor, *Sod-House Days: Letters From a Kansas Homesteader, 1877-1878* (New York, 1937), p. 153. These letters written by Howard Ruede of Osborne county contain a great deal of information on matters pertaining to entering claims, proving up, residence requirements and the like.

79. The Larned *Chronoscope* alleged that this was the motive behind the formation of an Old Settlers' League near Larned. See the issues for March 12, March 19, May 14, and May 21, 1886. W. J. Calvin in a letter to the *Chronoscope* which appeared in the issue for February 19, 1886, suggested a protective league as the answer to the epidemic of contests that had broken out. He attributed the frequency of contesting to the Sparks' policies. The *Chronoscope* echoed this point of view in the issue for May 14, 1886.

80. The character of the Rooks County Homesteader's Union was argued in the columns of the *Rooks County Record* and the *Rooks County Democrat* during the spring and summer of 1887. The issues of the *Record* for April 29, May 6, 20, and 27, September 2, 9, 16, and 23, and of the *Democrat* for May 17 and August 23, contain particularly relevant information. The varied activities of one organization are described in Blackman, *loc. cit.*, pp. 50-62.

81. E. R. Cutler, Meade Center, in a letter written to the United States district attorney for the Garden City land office on December 20, 1886, and forwarded to W. C. Perry, described a typical instance. In a letter to Walter W. Cleary, special agent for the General Land Office at Garden City, on February 23, 1887, Perry described the type of evidence that would be necessary for the successful prosecution of the individuals accused by Cutler.

82. The *Stockton Democrat* on May 21, 1886, used the phrase "guerilla warfare" to describe the friction between rival settlers in northwest Kansas. It was stated that five persons had been killed, that the sheriff had refused to act, and that an appeal for assistance had been sent to the governor.

83. Charles L. Chittenden, Nickerson, to W. C. Perry, January 28, 1886; John W. McDonald, Dun Station, to Perry, November 7, 1886; J. W. Carson, Wakeeney, to Perry, November 22, 1887; Charles P. Dunaway, Stockton, to Perry, January 2, 1888; Blanche Hoover, Beelerville, to Perry, November 21, 1887; C. B. Dakin, Colby, to Perry, May 2, 1888, describing the Edsall case and commenting upon the character of the Sherman County H. U. A.

should be noted in this connection that the federal laws did not afford any protection against the threats or acts of an individual. It was only when two or more persons conspired to deprive an entryman of his rights under the federal land law that a prosecution by federal officials could be undertaken.⁸⁴ It should be clear that it was in precisely such instances that the entryman was outnumbered by the parties whom he was accusing. As a result the federal district attorneys were never optimistic concerning the likelihood of securing convictions. Vigilante activities, with all of the disturbing features that usually accompany them, seem to have been a characteristic feature of the instances of overt or threatened violence that plagued entrymen in some new communities.⁸⁵

It has been pointed out by many writers that the federal land laws were not well adapted to the Great Plains environment. It has also been pointed out in connection with the homestead act that it "would have worked badly on any frontier" because of the incompatibility of the five-year residence requirement with the frontier tendency toward mobility.⁸⁶ It may be suggested that it was not only the land laws that were unadapted to the Great Plains, but the rules and regulations with which they were surrounded—the administrative procedures as well as the laws. It may be remarked further that the tendency toward rapid turnover among early settlers was stimulated rather than checked or restrained by the operation of the federal land laws. The technical and involved rules of procedure, the invitation to contest, and the absence of any effective method of dealing with violations of the laws contributed to the atmosphere of uncertainty and insecurity that surrounded western Kansas communities during their early and formative years.

84. W. C. Perry to G. E. Rees, Scott City, January 14, 1888; Perry to C. B. Dakin, Colby, May 7, 1888; Perry to Thomas J. Richardson, Wichita, May 26, 1888. In the last letter Perry quoted section 5508 of the federal statutes, "if two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, or because of his having exercised the same, he shall be punished. . . ."

85. G. E. Rees, Scott City, to W. C. Perry, January 6, 1888, alleging that a vigilante committee was trying to intimidate legal entrymen in Scott county is a case in point.

86. James C. Malin, "Mobility and History: Reflections on the Agricultural Policies of the United States in Relation to a Mechanized World," *Agricultural History*, v. 17 (1943), October, p. 181.

The Rev. Louis Dumortier, S. J., Itinerant Missionary to Central Kansas, 1859-1867

SISTER M. EVANGELINE THOMAS

THE Rev. Louis Dumortier, a colorful frontier personality was to be the first to work among the Catholic white settlers to the north, south and west of St. Mary's Indian Mission between 1859 and 1867. His French name proved to be a stumbling block to his German and Irish parishioners, to the extent that in the preparation of this piece of research it has been found in 16 incorrect versions.¹ Therefore, he was usually referred to as "Father Louis."²

He was a Frenchman by birth, born near Lille in 1810 at the height of the Napoleonic era. In 1839 he entered the Jesuit Order in Belgium and began his theological studies there. Soon, however, he was sent to the United States where he continued his studies at St. Stanislaus Seminary, Florissant, Mo. According to contemporary records, he completed his studies with distinction, specializing in mathematics, chemistry and theology.³

After his ordination to the priesthood, Father Dumortier engaged in teaching in various Jesuit colleges at Cincinnati, Bardstown, Ky., and St. Louis. His work was successful and he was portrayed as "a man of cheerful temper, alert, and witty in conversation and one whose companionship was sought by all."⁴ However, his health was not robust, and for a year he was permitted to return to his native France. Upon returning to America he was assigned to St. Mary's Indian Mission in Kansas. In the words of his friend and contemporary, Father DeSmet, "Providence formed him for the life, a wandering but pious one, of the prairies."⁵

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1. The correct spelling is Dumortier as found in his own signature. Incorrect spellings are Damortier, Demonte, Dumortur, DeMorte, Demortier, Dumortie, DeMonett, Demontee, DeMauritier, Lemarte, Dumortierez, Demotrius, Dumotrius, Lemort and Martyn. To add to the confusion the given name was listed as "August" instead of "Louis" in the Catholic directories, 1859-1867.

2. Pierre J. DeSmet, "Biography of the Venerable F. Louis Dumortier, S. J.," MS. in the handwriting of DeSmet found in the "Linton Album" at the Jesuit Provincial Archives, St. Louis. Photostat in the files of the author.

3. Gilbert J. Garraghan, *The Jesuits of the Middle United States* (New York, 1938), v. 3, p. 39. In connection with his arrival at Florissant, the novitiate diary commented: "There arrived from Belgium eight novices [four Belgians—Florian Sautois, Peter Kindekens, John Roes and John DeBlieck] . . . ; two Hollanders, Adrian Hoecken and Adrian Van Hulst; a Frenchman, Louis Dumortier; and a German, Francis Horstman. They met with a hearty welcome, bringing as they did, a new lease of life to our most deserted novitiate. So it was with full hearts that we sang the Te Deum." The travelling expenses of the party . . . were borne by the seminaries of Bois-le-Duc and Breda, the former contributing twenty-four hundred and the latter six thousand francs."—*Ibid.*, v. 1, p. 360.

4. DeSmet, *op. cit.*, p. 111.

5. *Ibid.* pp. 111, 112.

The Jesuits began their work in Kansas in the early 1840's, primarily for the conversion of the Indians. To that purpose stations had been established among the Osages and the Pottawatomies. When calls were sent to them to minister to the influx of white settlers, they lacked personnel to meet the challenge. As late as 1864, the Jesuit Mission Board stated in reply to such requests: "We have no mission on behalf of the whites in Kansas."⁶ The missionary efforts to the Indians of Kansas, however, had been so successful that in 1851 a Vicariate Apostolic was established there under John Baptist Miege, S. J.

Along the California and Pike's Peak trail, St. Mary's was station five, and the hospitality of the Jesuits became well-known among the immigrants.⁷ An excerpt from a contemporary source stated:

Many a heart in the far West beats warm today for the Fathers at St. Mary's . . . They know what it is to meet a kind and liberal friend in a wild and desert place, far from friends and home, without shelter and protection against the elements. The settlers in the neighboring counties were liberally assisted by St. Mary's. Seeds were furnished, cattle of a superior stock given on credit. . . . All this exercised a powerful influence on the Northwest and prepared a heartfelt welcome for later missionaries. Both Catholics and Protestants . . . would watch the coming of the priest on his gray mustang to invite him to their cheerful hearth and to repay him the kindness received in former days at St. Mary's.⁸

A year before the death of Dumortier, Father DeSmet encouraged him to commit to writing experiences and other data which would be interesting for posterity. DeSmet had a sense of the historical value of keeping records seldom found among pioneers. Father Dumortier, humble in his accomplishments, was loathe to record them on paper. However, he consented and sent the following account to DeSmet:

You ask me to send you some details of our apostolic labors. I think I cannot better satisfy your request than by sending you a little geographical sketch which will put you *au courant* with our Kansas missions. You will see from it our successes and our difficulties. The banks of the Kansas and its tributaries offer scarcely anything else but forests and virgin soil. A number of small missions have now been established. The faithful gather around them; here they come with their families to make their permanent residence so that even now these missions form so many Catholic centers. The great difficulty that even now presents itself is the lack of missionaries. Our labors here are beyond the strength of a single individual. The great distance sepa-

6. Garraghan, *op. cit.*, v. 3, p. 37.

7. George A. Root and Russell K. Hickman, "Pike's Peak Express Companies," *The Kansas Historical Quarterly*, v. 13 (1944), November, pp. 221-226; William E. Smith, "The Oregon Trail Through Pottawatomie County," *Kansas Historical Collections*, v. 17 (1926-1928), pp. 435-464; Floyd B. Streeter, *Prairie Trails and Cow Towns* (Boston, 1936), pp. 15-20.

8. Garraghan, *op. cit.*, v. 3, p. 38.

rating the different stations, the heavy snows of winter, the thaws of spring-time, the river floods, bad roads and the absence of bridges are so many handicaps of my journeys. I cannot visit my good Catholics except once every five or six weeks. In the course of my ordinary rounds I have succeeded in building four little churches of stone . . . each of them costing pretty near two thousand dollars. The liberality of our good Catholics who have contributed is our only resource, so that, my Reverend Father, I think I may recommend myself to the generosity of your acquaintances and benefactors, hoping that they who have so often by their liberality shown you the interest they take in the Indians of the North will once more stretch out a charitable hand to the poor Kansas missions.⁹

The sketch map to which Father Dumortier referred, as well as the letter cited above, were sent by DeSmet to Father Terwecoren, S. J., in Belgium for publication with the following request:

Please communicate the contents of this letter to the Superior of the poor churches in Brussels. I hope that these ladies who are so zealous in the service of the Lord will faithfully fulfill what Rev. Father Dumortier has asked me to do. He is a worthy priest who continues to give great service in the mission of St. Mary's. I am waiting for a list of the things he needs the most and I shall send it to you. Father Dumortier was your co-novice at Trouchiennes.

P. J. DeSmet, S. J.¹⁰

The map is drawn to scale showing the mission stations which radiated to the north, south and west of St. Mary's. Just as the field notes of Joseph C. Brown of the United States surveying expedition of 1825-1827 charted the Santa Fe trail¹¹ as so many miles from Fort Osage to Taos, so the Dumortier map indicated his circuit as so many miles from St. Mary's. And, as the Brown map measured distances from one creek to another, so also did that of Dumortier. That was the only possible method of calculation and direction in those days on the prairie. In addition to the information mentioned, the number of Catholics at each mission station was written into the map.

The region covered by Father Dumortier in his missionary journeys included at least 17 present-day counties: Jackson, Pottawatomie, Marshall, Washington, Nemaha, Riley, Clay, Ottawa, Saline, Lincoln, Ellsworth, Dickinson, Davis (now Geary), Lyon, Morris, Chase and Wabaunsee. This section lay roughly between St. Mary's and Fort Harker, the Verdigris and the Otoe mission. Some

9. Letter from Dumortier to DeSmet, July 1, 1866.

10. DeSmet to Terwecoren, an addendum to the above-mentioned letter. The originals of letters and maps are still in the Belgian Archives. Photographs are in the Jesuit Provincial Archives, St. Louis; photostat of same in files of the writer.

11. Although the trail had been used for pack animals before 1821, and for wagons after 1822, it was only after the survey made by the corps of engineers of the United States government under Joseph C. Brown that it became the best recommended trail to Santa Fe.—William R. Bernard, "Westport and the Santa Fe Trade," *Kansas Historical Collections*, v. 9 (1905-1906), pp. 552-578; William E. Connelley, "The Santa Fe Trail," *Kansas and Kansans* (Chicago, 1918), v. 1, pp. 93-110.

25 or more small congregations were organized in these counties. During the last two years of his ministry he built five stone churches and projected plans for a sixth.¹²

The year 1859 was a memorable one in the development of Kansas. Gold had been discovered in Colorado the year previously and the demand for safe transportation there by the gold-rushing throng led to the organization of the Leavenworth and Pike's Peak Express, which though short-lived became a forerunner of the Butterfield Overland Dispatch through the valleys of the Kaw and Smoky Hill during the 1860's.¹³

Several outstanding personages made the overland trip to Denver and commented on the stations along the line. Albert Richardson had this to say of St. Mary's:

Passed St. Mary's Catholic Mission—a pleasant, homelike group of log-houses, and a little frame church, bearing aloft the cross—among shade and fruit trees, in a picturesque valley. The mission has been in operation twelve years. In the school-room we saw sixty Indian boys at their lessons.¹⁴

This same writer stated that Manhattan was a flourishing Yankee city of some two or three hundred people.¹⁵

Henry Villard in an article printed in the Cincinnati (Ohio) *Commercial* considered Fort Riley the best military post he had seen in his travels through the West.¹⁶

Junction City, station seven on the trail, was regarded as the "jumping-off place" on the frontier where travelers for the West bade good-bye to most of the remaining amenities of civilization.¹⁷ As the caravan approached Chapman's Creek, sparcity of settlement was noticed. Horace Greeley stated that it was without houses and with "two small tents and a brush arbor [to] furnish accommodations for six to fifteen persons." He remarked that the station keeper's wife had given them an excellent dinner of "bacon and

12. These stone churches were built at Elbow, Chapman's Creek, Ogden City, Rock Creek (present Flush) and Junction City. The latter was finished and ready for occupancy at the time of Father Dumortier's death in July, 1867. The church at Solomon City was projected and built after that time.

13. Root and Hickman, *loc. cit.*, pp. 221-226; Bernard, *loc. cit.*

14. Albert Richardson, *Beyond the Mississippi* (Hartford, 1867), p. 160.

15. *Ibid.*, p. 161.

16. Richardson also praised this location in *Beyond the Mississippi*, p. 161. Horace Greeley, however, lamented the fact that "two millions of Uncle Sam's money" had been used in its improvement.

17. Junction City was also the frontier post office of Kansas. Richardson, *op. cit.*, p. 161. The Junction City *Sentinel* was the most western newspaper establishment in Kansas at the time. The first stage coach left there for the West, August 4, 1862. This was quite an event in the history of the county as it was the formal opening of the Smoky Hill route to Santa Fe.—A. T. Andreas and W. G. Cutler, *History of the State of Kansas* (Chicago, 1883), p. 1002. The first through mail service to Santa Fe over the Smoky Hill route left Junction City, July 2, 1866. It was triweekly.

greens, good bread, applesauce and pie."¹⁸ Thus, as they proceeded toward the West, conditions became more challenging even to the organized stage coaches. These challenges must have been accentuated when a lone man on horseback pushed on in search of scattered families.

Many of the settlers who had entered Kansas during the territorial days of upheaval wanted to move on west. Among them were many Catholics who were therefore deprived of religious ministrations. Father Louis began to search them out, and, wherever he found two or more families, gathering them together, he would improvise an altar to celebrate Holy Mass. Then from them he would hear of others who had gone on farther and immediately he would undertake to locate them and do the same in their regard. This meant that the circuit widened with each succeeding trip.

Father Dumortier's sense of duty made him a typical frontiersman. Close to the appointed day he was at his post, having traveled an average of 20 or 30 miles daily. Upon reaching a station, instead of sending someone else to announce his arrival to the outlying district, he would remount his pony and make the trip himself.¹⁹

To the north of St. Mary's, Jesuits before the time of Dumortier had worked among the Indians and French half-breeds. Along Soldier creek and on the north bank of the Kaw, the Pottawatomies and French-speaking Kansa half-breeds benefited by the erection of a chapel at Soldier Creek in 1850.²⁰ It was a modest structure, 18 by 20 feet, costing only \$106, where Mass was said every Sunday with preaching in English, French and Pottawatomie.²¹

Among the prominent Catholics of that region were the Papin brothers, Louis and Auguste, enterprising Frenchmen who operated a ferry across the Kansas river near present-day Topeka. It was a favorite stopping place for the emigrants. While working as ferryman for Papin, a certain Curtis married Helen Papin, the daughter of his employer. To that union was born the future vice-president of the United States, Charles Curtis.²² His mother, Helen Papin Curtis, member of the Kansa tribe, had received a rudimentary edu-

18. Horace Greeley, *An Overland Journey From New York to San Francisco in the Summer of 1859* (New York, 1860), p. 75; Martha B. Caldwell, "When Horace Greeley Visited Kansas in 1859," *The Kansas Historical Quarterly*, v. 9 (1940), May, pp. 132-133; "Life on the Plains, 1860-1868," *Kansas Historical Collections*, v. 16 (1923-1925), *passim*; Streeter, *op. cit.*, pp. 32-34.

19. DeSmet, *op. cit.*, p. 112.

20. This chapel was erected by Moise Belmaire.

21. Garraghan, *op. cit.*, v. 2, pp. 617, 618.

22. Don C. Seitz, *From Kaw Teepee to Capitol: The Life Story of Charles Curtis* (New York, 1928), pp. 32-34; Connelley, *op. cit.*, p. 160.

cation at St. Mary's where the Ladies of the Sacred Heart conducted a school for girls.²³

The account of the baptism of Charles Curtis is as follows:

This fifteenth day of April, 1860, I have solemnly baptized Charles Curtis, the legitimate son of William [sic] and Ellen Papin Curtis, born on the twenty-fifth [sic] of January, 1860. Sponsors Henry Papin and Suzanne Papin. SIGNED: L. Dumortier, S. J.²⁴

Another record of 1860 stated that Father Dumortier married Louis Papin and Laury McFurson on January 1.²⁵ According to the Dumortier map of 1866 there were only 30 communicants at Soldier Creek at that time.²⁶

Also to the north of St. Mary's in south central Nemaha county, was an Irish settlement at Coal Creek. Although there were a few white settlers during the territorial days, the greater influx was after the admission of Kansas to the Union. In 1863 the first Mass was offered in that area, supposedly by Father Dumortier. It was celebrated in the log cabin of Francis Flaherty located on the county line east of Coal Creek. Later, Mass was celebrated at the Huey O'Donnell home until a more organized congregation was established.²⁷ There were also two stations on the Black Vermillion, one, 30 miles from St. Mary's with about 120 in attendance, and the other 40 miles away with 39 parishioners.²⁸

To the southeast of St. Mary's, Father Dumortier ministered to groups in present-day Lyons, Morris, Chase and Wabaunsee counties. Patrick Doyle was a pioneer settler of Chase county and his name is perpetuated on the map in Doyle creek and Doyle township.²⁹ At Cedar Point there was a French settlement where undoubtedly the French priest felt doubly at home. This was the only group of his compatriots among whom he worked, although the half-breeds at Soldier Creek had a semblance of French culture also.

The first Frenchmen who settled along the Cottonwood river arrived in 1857 and gradually confined themselves to Cottonwood, Grant and Doyle townships and the town of Florence. At Cotton-

23. Garraghan, *op. cit.*, v. 2, pp. 202-208.

24. "Account Book of St. Mary's Mission," April 15, 1860. There was no place listed so it is supposed to be somewhere in St. Mary's parish. The name "William" is an error as William was the grandfather not the father of Charles Curtis.

25. *Ibid.*, January 1, 1860. The place was listed as Indianola.

26. Dumortier's map, 1866.—Photostat in files of the writer.

27. Henry Drostigier, "Coal Creek, St. Patrick's Parish," "Diocese of Leavenworth Records," Book A, pp. 85-87, October 24, 1935, Kansas State Historical Library, Topeka. Dumortier's map, 1866, indicates that this mission was 30 miles from St. Mary's with a congregation of 30.

28. Garraghan, *op. cit.*, v. 3, p. 41. These were congregations without churches. There are records of baptism on the Black Vermillion in 1859 and 1860.

29. DeSmet, *op. cit.*, p. 112.

wood Falls there were other French settlers. Belgians were included as an integral part of this so-called *French Colony*. The name of Francis Bernard, first permanent French settler, as well as those of Portry, Godard, Ravenet, Bichet and Louis became well known to the Jesuit itinerant priest.³⁰

The homes of John Lawless in Diamond Creek and of William Norton in Bazaar, Irish settlements, became centers for Catholicism.³¹ These stations were taken over after the death of Father Dumortier by the other famous Jesuit missionary to the Osages of southeastern Kansas, the Rev. Paul Ponziglione. He stated that the congregation at Cottonwood Falls was the most fervent he had seen in the West.³²

However, the most important missions in the 1850's and 1860's were those to the west of St. Mary's. The building of Fort Riley in 1853 had been an attraction to numerous Irish and German immigrants who accepted employment in its construction. They worked in the capacity of stone masons and carpenters, and upon the completion of the fort many of them pre-empted land along the Kaw and its tributaries. They formed a nucleus of the settlers in Rock Creek, Elbow, McDowell's Creek, Clark's Creek, Ogden, Junction City and Chapman's Creek—all congregations of Father Dumortier. These pre-emptors often supplemented their earnings in farming by working as teamsters on the government trails.

Soon after the territory was open for settlement, four Dixon brothers took land at Pawnee. They were summarily evicted by the authorities at Fort Riley but were allowed land on the edge of the reservation.³³ The Dixons assisted greatly in the early days in establishing the Catholic church in Ogden and Junction City.

At the invitation of Maj. E. A. Ogden, commandant at Fort Riley, a priest from St. Mary's began to hold monthly services there.³⁴ Bishop John B. Miege purchased several lots for a church which became, according to some records, the first stone church erected in

30. Alberta Pantle, "History of the French-Speaking Settlement in the Cottonwood Valley," *The Kansas Historical Quarterly*, v. 19 (1951), pp. 12-49, 174-206.

31. Garraghan, *op. cit.*, v. 2, p. 572; George P. Morehouse, "Diamond Springs, 'The Diamond of the Plains,'" *Kansas Historical Collections*, v. 14 (1915-1918), pp. 794-804; Sister Mary Paul Fitzgerald, *Beacon on the Plains* (Leavenworth, 1939), p. 256; Peter Beckman, *The Catholic Church on the Kansas Frontier* (Washington, D. C., 1943), pp. 87, 88; John M. Moeder, *Early Catholicity in Kansas and History of the Diocese of Wichita* (Wichita, 1937), pp. 23, 56.

32. Ponziglione to Coosemans, December 17, 1867; Beckman, *op. cit.*, pp. 87, 88; DeSmet, *op. cit.*, p. 112; William Connelley, *op. cit.*, v. 3, pp. 1218, 1219, contains a good evaluation of Ponziglione; Fitzgerald, *op. cit.*, *passim*.

33. Duerinck to Maj. George W. Clarke, October 20, 1856; Garraghan, *op. cit.*, v. 3, pp. 4, 5; interview with Msgr. James Bradley, Junction City, April 7, 1951; interview with Hubert Bader, Junction City, April 7, 1951; W. F. Pride, *The History of Fort Riley* (Junction City, 1926), p. 104.

34. Garraghan, *op. cit.*, v. 3, p. 14.

Kansas.³⁵ When the cholera broke out there in 1855, a priest was sent to nurse and console the dying. When the danger had passed the men in gratitude presented a purse to the priest.³⁶

Two entries in the journal of St. Mary's Mission in the handwriting of the Rev. John Duerinck, superior, refer to Father Louis Dumortier. One mentioned that he was hurt by his pony while on a sick call to Fort Riley and the other that he returned and had deposited \$105 in treasury notes given him by the soldiers.³⁷ In 1866 there were 160 Catholic soldiers at the fort.³⁸

Twenty-four miles to the northwest of St. Mary's, a German settlement was made in the middle 1850's at Rock Creek, today known as Flush. Jesuits on horseback made the trip there where Mass was said in the homes of Vincent Repp, Anton and Theodore Dekat and Michael Floersch.³⁹ These pioneers, driving government wagons between Fort Leavenworth and Fort Riley, observed the fertile valley of Rock creek and decided to settle there. The proximity to Fort Riley served as a ready market for produce.⁴⁰ There are records extant of Father Dumortier's visits to Rock Creek where he baptized and married people of the congregation⁴¹ as well as several references to the stone church which he erected.⁴² In 1866 the congregation numbered about 130.⁴³

To the west of Rock Creek, north of the Kansas river, was an Irish settlement at Elbow, which was derisively referred to as "The Devil's Elbow" by the Germans of Rock Creek.⁴⁴ This fertile valley became the home of people who later were wealthy farmers. Before the building of the church, Mass was said in the homes of the Glens, Cunninghams, Peaks, Conroys, Dempseys and Dowlings. Toby and Elizabeth Neckelman donated the land upon which the

35. Miede to Boudreaux á Beckx, July 4, 1885.

36. Garraghan, *op. cit.*, v. 3, pp. 14, 15.

37. "January 25, 1862: Revd. F. Dumortier returned from his trip; got hurted [*sic*] by his pony above Fort Riley whilst on a sick call. . . . May 28, 1862: Revd. F. Dumortier deposited \$105."—"Diary of St. Mary's Mission, 1854-63."

38. Dumortier's map, 1866.

39. Michael Floersch, for whom the town was named, gave four acres of land upon which the church was erected.

40. J. E. Biehler, "Flush, St. Joseph's Church,"—"Diocese of Leavenworth Records," Book A, pp. 142-144, October 29, 1936, in Kansas State Historical Library, Topeka.

41. Maurice Gailland, "History of St. Mary's Mission," MS. at St. Mary's College, St. Mary's; "A Prairie Parish," *Topeka State Journal*, March 17, 1914.

42. March 25, 1865: deed for land; April 16, 1865: 22 loads of stone quarried; February 6, 1866: \$30 in safe and 104 loads of stone; May 14, 1866: \$1,455 subscribed; \$194 expended; \$1,351 remain; December 2, 1866: paid out \$422; in treasury \$69; no debts.—"Dumortier Account Book." This is an interesting book containing information sealed at the time of his death and opened recently. It itemizes contributions to the churches in the various parishes.

43. Dumortier's map, 1866.

44. Interview with Sebastian Dekat, Flush, April 6, 1951; interview with Hubert Bader, Junction City, April 7, 1951.

first church was built.⁴⁵ The old cemetery is a landmark of early Catholicism in central Kansas. The tombstones date much earlier than those in the Manhattan cemetery. The first baptism was in 1861 and there were 70 who attended services at Elbow in 1866.⁴⁶

It is interesting to note that several years ago when the Elbow church was demolished the stone was sold to the Flush parish to be used in the building of a parish hall. The stone from the original Flush church was used in the parish school building standing next to the hall. Thus, stone quarried and erected into two churches in different places by Father Dumortier survive today in two adjacent buildings in Flush.⁴⁷

New Englanders settled Manhattan in 1855. Although there were large numbers of Catholics in Elbow and McDowell's Creek, Manhattan had so few that the first Mass was not said there until 1865. At that time Father Dumortier celebrated it at the home of Mr. and Mrs. Mathew Peak and he baptized their daughter, Rose, on the same day. Glass candlesticks used at this original service are still in the possession of the Peak family.⁴⁸ The fact that the map of 1866 does not state numbers for Manhattan is an indication that the few families there joined the Catholics of near-by congregations for services or conducted them in the Peak home.⁴⁹

McDowell's Creek is in the country a few miles southeast of Manhattan. There were never many communicants there and those few were Irish. Among them were the Brannick, Ryan and Tully families and later converts from the Lutheran Schippert family. These people were mostly stone masons as is evidenced from the number of stone walls, stone houses and stone barns still extant in that vicinity.⁵⁰ Besides farming, this vicinity became known for sheep raising. Today the little stone church and cemetery at the foot of the hill brings a person back to the days when Father Dumortier would arrive to serve his flock. Although some baptisms are recorded for McDowell's Creek as early as 1859, they must have been those of adult converts. The first two white children born in the valley were John Brannick and Mary Ann Tully. The former lost

45. Interview with Msgr. A. J. Luckey, Manhattan, April 6, 1951.

46. Dumortier's map, 1866.

47. Interview with Msgr. A. J. Luckey, Manhattan, April 6, 1951; interview with Sebastian Dekat, Flush, April 6, 1951.

48. Arthur J. Luckey, *Seven Dolors Parish, Manhattan, Kansas* (Manhattan, 1920), pp. 17, 81; interview with John Peak, Manhattan, April 6, 1951.

49. Dumortier's map, 1866.

50. The Kansas City *Catholic Register* in 1937 carried several articles on the history of the Catholic church in the Diocese of Concordia (now Salina). Among these was one on McDowell's creek, July 15, 1937; interview with Mrs. Mary Brannick and Marie Brannick, McDowell's Creek, April 6, 1951.

his mother a few days after his birth and was reared by the James Ryan family whose daughter he later married. The Ryan family donated land for the church and cemetery. Mary Ann Tully died in April, 1951, in Junction City.⁵¹

To the west of McDowell's Creek is Clark's Creek. There were three distinct settlements—all Irish—in this region. The familiar names still found in the locality are Maloney, Gogin, Murphy, O'Day and McGrath. Patrick Maloney and James Gogin, both bound for Clark's Creek, met in Leavenworth, bought a span of oxen, put a top on a wagon and struck out together for their destination. Maloney settled at Skiddy and Gogin three miles down the creek. Two living members of the latter family, who were baptized by Father Dumortier, furnished this information.⁵² Members of families from Chapman's Creek and Clark's Creek intermarried in several instances.⁵³ This mission, some 55 miles from St. Mary's, had a congregation of 94 in 1866.⁵⁴

Lyon's Creek, also to the south of the Kaw, had a few Catholics, about 30 in number. In an account entitled, "Kansas Sixty Years Ago," there is a reference to neighborly visits back and forth among the settlements. Thomas F. Doran of Lyon's Creek wrote:

There were two Irishmen who came regularly to visit us. They were Pat Maloney and Tom O'Day. They always came in the winter, and usually in a snow storm. Every time a blizzard came from the north we looked for them, though they had to travel from Clark's creek, a distance of twenty miles. We were seldom disappointed. O'Day came on foot, leading a saddled horse. I never saw him ride. Maloney was a strong character and afterwards became quite wealthy.⁵⁵

It appears that Father Dumortier would cross the Kaw and visit the missions in the Cottonwood valley, first working west along the creeks mentioned south of the river, and would recross the river at Junction City. Then he would go west, visiting the other missions east of Junction City on his way back to St. Mary's. At Ogden there was a sizable group of Dykes, Mallons, Hanaghans, Woods, Dixons and a Jewish family, Weichselbaums, who were friendly to the

51. Interview with Msgr. James Bradley, Junction City, April 7, 1951. He stated that the Tully family later helped in the erection of the Junction City church. The fact that Father Dumortier knew of the capabilities of the people in the various settlements made this co-operation possible. Pride, *op. cit.*, p. 90, states that some of the original buildings at Fort Riley had been erected from stone quarried by Tully, contractor for buildings there.

52. Interview with Richard and Martin Gogin, Junction City, April 7, 1951. Both men have died since that time.

53. Three Gogin daughters married three Scanlon sons of Chapman's Creek. The first marriage performed of a native of Chapman's Creek and one of Clark's Creek was that of John Erwin of the former and Ellen McGrath of the latter place, November 7, 1862.

54. Dumortier's map, 1866.

55. Thomas F. Doran, "Kansas Sixty Years Ago," *Kansas Historical Collections*, v. 15 (1919-1920), pp. 482-501; Clara M. Shields, "The Lyon Creek Settlement," *ibid.*, v. 14 (1915-1918), pp. 143-170.

priest.⁵⁶ Here he built one of his stone churches. In the modern church in Ogden today the main altar is erected to the memory of this courageous missionary.⁵⁷

As mentioned previously, Junction City became the entrepot for trade and travel to the West and a large group of Catholics settled there at an early date. This became one of the largest and most important missions of the area. The first mention in the Junction City *Weekly Union* read: "Father DeMortier organized the Catholic Church on June 4, 1861."⁵⁸ Important early settlers were the Dixons—Patrick, Thomas and James, A. B. White, John Caspar, R. E. Lawrenson, R. O. Rizer, Anton Bader, V. Phester, A. Singleman, James Maloney of Dry Creek, Mrs. J. Petter and Pat Breen. Perhaps one of the most interesting women in the entire missionary circuit was Mrs. Mary Clarke, whose husband, a captain in the army, died in 1862. The following year she purchased a home in Junction City.⁵⁹ While at Fort Riley she had been of great assistance to Father Dumortier in helping him locate the Catholic soldiers stationed there. Upon her removal to Junction City, she became the religious leader of the community, forwarding every charitable and religious cause. The government granted Mrs. Clarke the privilege of operating the ferry across the Republican river at Junction City and of collecting the tolls. She hired Tom O'Day to operate the ferry for her until its discontinuance after the bridge was built in 1867.⁶⁰

The local newspaper made many references to the church which was to be built in Junction City, but, as with construction in general, its actual building was postponed until after the Civil War.⁶¹

56. Theodore Weichselbaum settled in Ogden in 1857 at the time the county seat and the land office were located there. He became financially interested in sutlers' stores at Forts Larned, Dodge, Harker, Wallace and Camp Supply. Early in the 1870's he built a brewery at Ogden and ran it until the Kansas prohibition law was passed in 1881. The beer was hauled around the country and sold to sutlers' stores and saloons.—Pride, *op. cit.*, pp. 109, 110. It was this same Weichselbaum who carried the news of the breaking out of the Civil War from Fort Riley to Fort Wise (Bent's old fort) with an ox team.—*Ibid.*, p. 144.

57. Interview with Msgr. C. J. Roache, Abilene, April 8, 1951. The "Dumortier Account Book" listed expenditures for the church he erected as \$1,300, with debts amounting to \$267 and with \$56 in the treasury as of December 2, 1866.

58. Another item in the Junction City *Weekly Union* of May 29, 1862; Andreas-Cutler, *op. cit.*, pp. 1006, 1008.

59. *Smoky Hill and Republican Union*, August 22, 1863, stated: "The stone dwelling house . . . was sold one day last week . . . to Mrs. Capt. Clarke, of Fort Riley, for \$1450"; interview with Margie Clarke, Junction City, April 7, 1951; "St. Xavier's Catholic Church Founded in 1861 by Father DeMortier, A Martyr to the Plague," Junction City *Union*, March 3, 1934. This was the anniversary issue of the paper.

60. Interview with Mr. Hubert Bader, Junction City, April 7, 1951; interview with Margie Clarke, Junction City, April 7, 1951. The ferry was swept away by high water and repaired at once in 1865.—Pride, *op. cit.*, p. 150.

61. "Dumortier Account Book," December 2, 1866: "Deposit \$205 minus \$20 equals \$185. Mrs. Clarke had subscribed \$50; gave \$20; returned \$10 at her request and the \$10 remaining to the Elbow Church. Therefore, deposit \$185 for Junction City; Mr. John Ajpe gave \$20 for the church of which \$15 were returned to him at his request and \$5 given to the Elbow Church. The money deposited for Junction City Church is not \$185 but \$165. The Church has in its treasury \$470 cash. Common church property \$500 cash." *Smoky Hill and Republican Union*, October 24, 1861; May 29, 1862; Junction City *Union*, May 19, 1866.

Finally the *Smoky Hill and Republican Union* stated:

The citizens of Junction City and vicinity have gone to work in earnest to have a Catholic Church erected . . . of brick or stone . . . 40 x 80 feet. . . . About three hours work on Thanksgiving Day produced a subscription of over \$1100 for the purpose. In addition . . . a large amount has been subscribed by persons living in the surrounding vicinity. Success to it we say.⁶²

This was the most expensive structure of those erected by Father Dumortier, costing over \$4,000. It was finished with the aid of stone masons from McDowell's Creek and ready for dedication at the time of the death of the priest in July, 1867.⁶³ The congregation was about one hundred.⁶⁴

Construction of the Kansas Pacific railroad accelerated the influx of immigrants to central Kansas. As the track was laid, settlements sprung up in its wake. With the march of civilization went the missionary as far west as present-day Ellsworth, and reaching out into the untracked area to the north and south as well.⁶⁵

As early as 1851, the Rev. Ignatius Maes, S. J., had found his way to Chapman's creek to labor among the Indians. Several tribes habitually roamed over this part of the territory along the Smoky Hill river and Chapman's creek, which was favorable for hunting. An added reason for the choice of this region for Indian maneuvers was the presence of numerous springs. Indian hill, on the high knoll overlooking the valley, became a communal burial ground for a number of Indian tribes. There is a tradition among white settlers that the squaws would gather there periodically to chant their death songs on three consecutive nights to the consternation of the frightened pioneers.⁶⁶

While ministering to the Indians, Father Maes encountered whites scattered throughout a wide area and ministered to them until the coming of Dumortier. By that time other Irish families had settled there. John Erwin and Michael Hogan arrived in 1858 and shortly afterwards John Powers and William Delaney arrived. The latter had scouted there earlier and now came to settle permanently. The first corn crop was credited to Thomas Howe and

62. *Ibid.*, December 8, 1866; February 23, 1867.

63. *Ibid.*, August 10, 1867, stated: "Mass will be celebrated in the new Catholic church on next Sunday [the 11th] morning at 10 o'clock."

64. Dumortier's map, 1866; DeSmet, *op. cit.*, p. 112. In the present church in Junction City is a plaque in honor of Father Dumortier. The name is spelled DeMorte.

65. These settlements included Chapman's Creek, Mud Creek (Abilene), Solomon, Salina, Lincoln, Ellsworth and Fort Harker (present-day Kanopolis). Up the Republican river and Parson's creek there was a mission for 59,—Dumortier's map, 1866.

66. J. B. Carpenter, "Early Days of Chapman," *Abilene Chronicle*, August 29, 1930. This was a reprint of an article written and published in 1884.

the first wheat to Michael Hogan.⁶⁷ Since the nearest mills were at Leavenworth and Council Grove, these men were obliged to haul their grain by ox wagon to those distant places. Oftentimes they took their families with them the entire journey or left them with their friends in the more eastern settlements.⁶⁸ Other Catholic families were those of L. L. Warnock, John Nash, John Lundrigan, Mrs. M. Kelley, Mrs. Catherine Ryan and Mrs. M. Devan, all of whom became prosperous farmers.⁶⁹

Father Dumortier began to plan at once the building of a church in Chapman and the settlers donated time and the sum of \$700, a veritable fortune in those days. Rock was quarried near by, but lumber had to be brought from Leavenworth. In the account book he listed the outlay of money to the amount of \$1,750, with \$50 in the treasury.⁷⁰ The Junction City *Union* commented that stone work on the little church was finished and the carpenters were enclosing it.⁷¹

The old church, although not used since 1883, is still a pioneer landmark, standing in the old Chapman cemetery. Each year on Memorial Day it is used again by the descendants of the pioneers for services.⁷² The first couple married in that church was Patrick Riordan of Solomon and Maggie Devan of Chapman. Prior to that time, John Erwin of Chapman had married Ellen McGrath of Clark's Creek at the home of her parents in the latter place as there was no church in either place.⁷³ There was a large congregation of 140 in Chapman in 1866.⁷⁴

Mud Creek had changed its name to the more dignified Biblical one of Abilene about the time that Father Dumortier met a group of Catholic settlers there. In 1859 the James Mason, Margaret Callahan and Pat Hall families settled in Abilene and invited the priest to their homes. With the coming of the Kansas Pacific, a considerable colony of Catholics moved there from Kankakee, Ill. This included the Ryans, Rings, Hogans and Sherrins. Most of the

67. *Ibid.* John Erwin also operated a stage station for some time in the early days.—Pride, *op. cit.*, p. 127.

68. Notes by and interview with Mrs. Ann Erwin Thisler, Chapman, April 1 and 8, 1951.

69. These names predominate in the cemetery at Chapman, where not only the first settlers of that place but also those of Abilene and Clark's creek were buried.

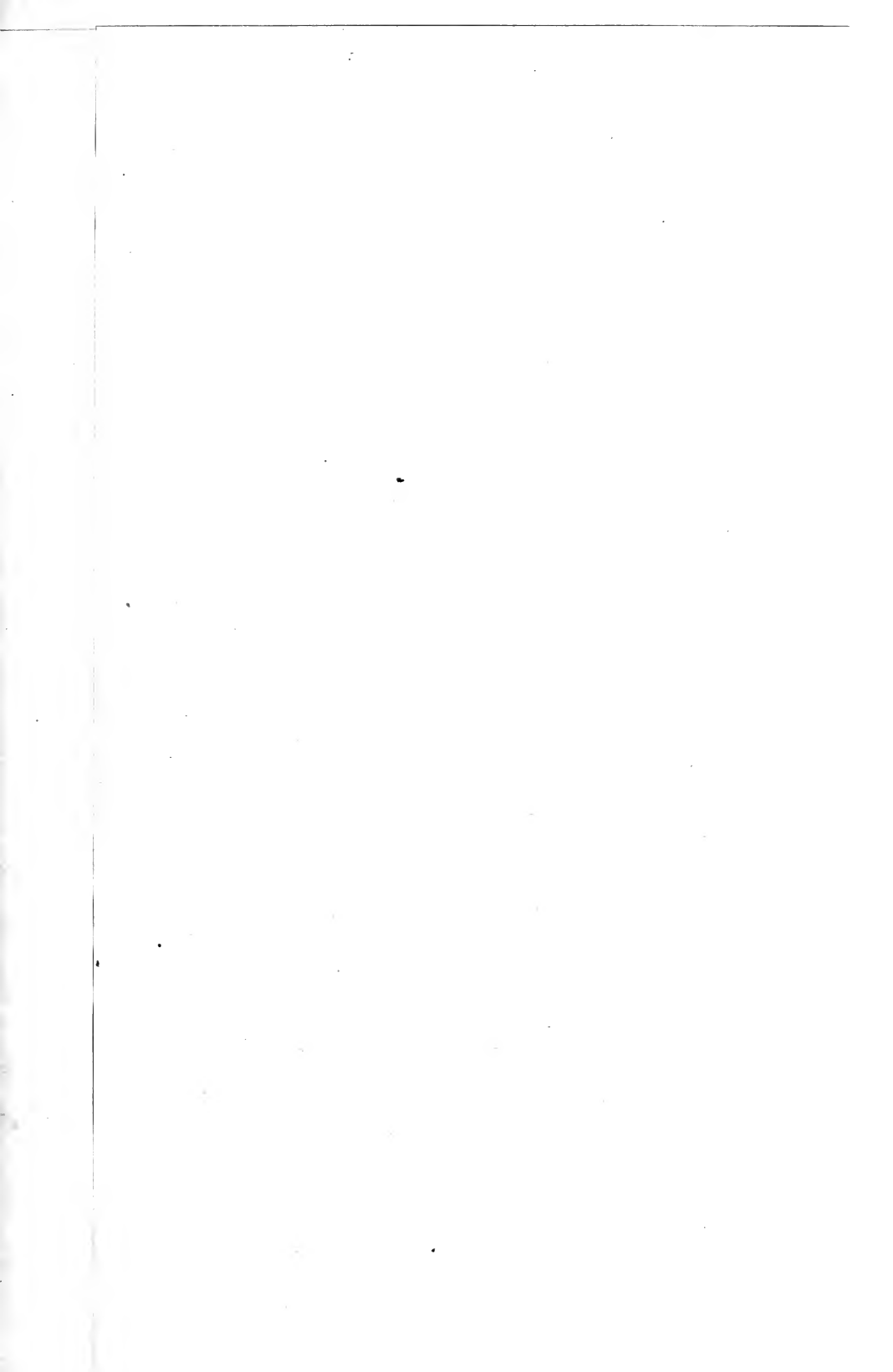
70. This account was itemized as follows: "(eve of my retreat) Chapman's Creek has paid \$930 to masons; \$54 to Devan for lumber; \$15 to Hardeher Hall; \$30 to John Essen [Erwin?] for lumber; \$750 to Loder Corporation. Total \$1750."—"Dumortier Account Book," December 2, 1886.

71. Junction City *Union*, May 19, 1866.

72. This is considered the oldest church in the Diocese of Salina.—Interview with the Rev. Romanus Mattingly, Chapman, March 14, 1951; interview with Mrs. Ann Erwin Thisler, Chapman, April 8, 1951.

73. November 7, 1862, with Father Louis Dumortier as officiating priest.

74. Dumortier's map, 1866.



men freighted over the two routes hauling foodstuffs from Fort Leavenworth to Salina and from Fort Riley to Fort Larned. These trips with ox team were made infrequently, only when necessary.⁷⁵

According to the memoirs of Mrs. Margaret Callahan Flynn, daughter of the pioneer mother who with her large family staked a claim west of the present St. Joseph's orphanage, the first Mass was said in the log cabin of her grandmother in 1860. She received Communion at the hands of Father Dumortier. She stated that he was revered by Protestants and Catholics alike. The first baptism in Abilene proper was that of Jimmy Hall in 1860.⁷⁶ There were 82 Catholics there in 1866, although a church was not built until 1874. Many joined the Chapman Creek congregation or heard Mass in private residences.⁷⁷

Mrs. Flynn related that the people of Abilene felt sorry to see Father Louis riding bareback on his pony; therefore, they sponsored a dance, the proceeds of which would buy him a buggy. The sum of \$180 was realized. However, en route back to St. Mary's, he found one of his churches in debt and with a generous gesture turned the money over to it. This was a disappointment to his Abilene benefactors but they admired the charity of the missionary.

Beyond Abilene was another Irish settlement, Solomon City, which became the largest mission in point of numbers, 200 in 1866.⁷⁸ This large number was due no doubt to the railroad camps built there. Previous mention has been made of the work of two frontierswomen, Mrs. Mary Clarke of Junction City and Mrs. Margaret Callahan of Abilene, in assisting Father Dumortier to bring about parish life in those places.

The third woman in this account was Mrs. Margaret Riordan, a widow, who with her seven children and her nephew, traveled in 1860 from LaSalle county, Illinois, by boat to Leavenworth and thence to the Solomon valley. On the long trek across the country they stopped at St. Mary's where they enjoyed the hospitality of the Jesuit Fathers. While there, Father Dumortier described to

75. Margaret Callahan Flynn, "Memoirs." This account was written December 20, 1936, in an interview with the Rev. Edmund Arpin to be used by the Rev. Joseph Conway in an article similar to the one under consideration. The interviewer commented that Mrs. Flynn, although old at the time, had a clear mind and in checking the information she supplied the writer also feels that it may be considered reliable.

76. *Ibid.* Mrs. Flynn was nine years old at the time. Hence the events she chronicled happened within her lifetime. Her marriage record is found in the old baptismal, death and marriage record book in the Solomon parish house. It reads: "Abilene—on this nineteenth day of November, 1870, I the undersigned joined in the bonds of holy matrimony John Flynn, age 23 and Margaret Callahan, age 19 years. Witnesses were Richard Callahan and Kate Dawe. Felix Swembergh."

77. Dumortier's map, 1866; interview with Agnes Callahan, Abilene, April 8, 1951.

78. Dumortier's map, 1866.

them the country through which they would travel, some of his parishioners whom they would meet en route, and the beauties and possibilities of the valley where they hoped to settle.⁷⁹

Continuing westward for a few days, they reached Chapman's Creek where they made the acquaintance of the Erwin, Devan and other Catholic families who encouraged them to stay in this more settled location. However, "Mother Riordan," as she came to be known, continued to the spot where they had been advised to settle. To their surprise, they found the log cabin of John Begley, an Irishman, who had taken a claim on Buckeye creek, four miles northwest of present Solomon. He advised the Riordans to take land immediately to the south, which they did. There they built a sturdy cabin which became the center of Catholicism for a large area. "Mother Riordan," a powerful personality, is spoken of with reverence even to the present time.

It was some time before the familiar white pony wandered riderless into the Riordan property. It was the custom of Father Louis, when he saw the cabin to which he was directed, to dismount and allow the pony to go ahead and announce his coming. Mrs. Riordan, accustomed as she was to caution in dealing with frontier peddlers or refugees from organized society, always advised her children to ask from whence the stranger came. When one day the answer was "St. Mary's" it was evident that the long-expected guest had arrived.

Hurriedly she summoned the Berrigans, the Sullivans, the Stantons and other pioneers. In the possession of the Riordan family today is found the rosewood chest from Ireland upon which Mass was said and in which were kept linens used solely for that purpose.⁸⁰ In 1865 Father Dumortier proposed that a church be started. An item in the Junction City *Weekly Union* the following year stated: "A Catholic Church and school house are to be built at Solomon City during this Summer."⁸¹ After the death of Father Louis, Solomon became a resident pastorate from whence the priest cared for Catholics west to the Colorado line.⁸²

79. Interview with Mrs. Mary O'Keefe, Solomon, April 3, 1951. The children of Mrs. Riordan were John, Bridget, Timothy, Patrick, Dennis, Mary and Thomas. All married and took out claims in the Solomon valley. Patrick as mentioned in another connection married Maggie Devan of Chapman's Creek.—"Into Old History," *Salina Journal*, July 18, 1933. This was a reprint of an article on the beginnings of Solomon which had appeared in a paper, *The Rustler*, 1895, edited and published by W. R. Geis of Salina.

80. Interview with Mrs. Mary O'Keefe, Solomon, April 3, 1951.

81. Junction City *Weekly Union*, July 6, 1867.

82. The "Solomon Parish Book" contains an account of the general history of the beginnings of the church there in the handwriting of the Rev. Felix Swembergh, pastor in 1869. In this same book are accounts of baptisms, confirmations, deaths and marriages for the early years. Since the priest from Solomon tended to the spiritual needs of Catholics as far as the Colorado line records for those dates are to be found there. Sixteen were confirmed by Bishop John B. Miege on June 20, 1869, at Solomon; Andreas-Cutler, *op. cit.*, pp. 691, 692.

There were so few Catholics in Salina during Dumortier's time that services were conducted either with the Solomon congregation or in log cabins of the settlers. The priest stayed at the A. M. Campbell home when in Salina. This was one of the pioneer non-Catholic families of Salina and they treated him as a member of the family. Living members of the Campbell family relate that their mother always referred to him as a very pious man, a true saint if ever one walked the prairies of Kansas.⁸³

The German Schippel brothers, Gotthard and John, who pioneered in the Saline valley, erected a log cabin on the banks of that river. Gotthard Schipple married Clara Wary, daughter of a Belgian Catholic, and the descendants of that branch became one of the prosperous families of Saline county. Carpenters by trade, the Schippels realized the need for transportation over the Saline for on-coming immigrants. Therefore, they built a ferry, charging a dollar a wagon or team. It is recorded that some days they ferried as many as 300 across the river.⁸⁴

The early settlers of Salina were of mixed nationality—German, Belgian, French and Irish. Names still prominent in the parish are Giersch, Wary, McAuliffe, Commerford, Carlin, O'Reilly, Cunningham, Sherrin, Geis and Schwartz. In 1866 there were 75 Catholics in the Saline valley.⁸⁵

Father Dumortier rode on past Salina up the Saline river in 1867 to present-day Lincoln. There, according to printed sources, he was called Father LeMarte. A description of the early days is extant:

The structure was a log cabin; the priest had come from Ellsworth, and was not seen again for months . . . instructions was given to the little ones and confessions were heard on the banks of the Saline beneath a friendly cottonwood tree. . . .⁸⁶

Lincoln was also an Irish settlement, where the Owen Healeys, the Whalens and the Flahertys settled in 1865. The Dumortier map indicates a congregation of 45.⁸⁷

83. Interview with Mrs. A. M. Campbell, Salina, April 11, 1951.

84. Interview with Mrs. Rose Wessling Schippel, Salina, April 18, 1951. The Fort Riley-Fort Larned road crossed the Smoky Hill river at Salina.—James R. Mead, "The Saline River Country in 1859," *Kansas Historical Collections*, v. 9 (1905-1906), pp. 8-19; Andreas-Cutler, *op. cit.*, p. 698; George A. Root, "Ferries in Kansas," *The Kansas Historical Quarterly*, v. 4 (1935), May, pp. 151-153.

85. Dumortier's map, 1866; Anna M. Geis, "The Coming of the Catholic Church to Salina," *Salina Journal*, October 6, 1931. This was a reprint of a talk given to the Saline County Native Daughters, September, 1931.

86. Connelley, *op. cit.*, v. 3, p. 1607, contains an article on early beginnings in Lincoln county; and on p. 1605, an article on Michael Joseph Healey, son of Owen Healey, in which considerable mention is made of Catholicity there; Adolph Roenigk, *Pioneer History of Kansas* (Lincoln, Kan., 1933), pp. 63-68; interview with Miss Nellie Healey, Salina, April 3, 1951; interview with Mr. and Miss Dillon, Lincoln, April 3, 1951.

87. Dumortier's map, 1866; George Jelinek, *Ellsworth, 1867-1947* (Salina, 1947), *passim*.

Even before the town of Ellsworth was platted, the United States government in 1864 had established a fort near by to afford protection to the whites engaged in railroad building and to those crossing the prairies against depredations by the Indians. This fort, at first called Fort Ellsworth and later Fort Harker, became a distributing point for supplies to forts of New Mexico, Texas, Arizona and California.⁸⁸

There is no record of the first visit of Father Louis to Fort Harker but it is quite certain that as soon as he knew of its location he felt obligated to go there and offer his services to the soldiers. It was there that he met his death while ministering to the victims of the Asiatic cholera which attacked the fort with great loss of life.

According to the report of Dr. George Miller Sternberg⁸⁹ to the surgeon general's office, Company H of the 38th infantry en route from Jefferson Barracks, Mo., to New Mexico in late June, 1867, stopped at Fort Harker and camped about a mile from the post. Cholera broke out first in this regiment and rapidly spread to the fort and to the entire central Kansas area. Lumber was scarce and the dead were buried in army blankets almost as soon as it was evident that life had ceased. Panic struck the entire region. There were about 300 soldiers and about 1,700 civilians at Fort Harker at that time.⁹⁰

In the numerous accounts of the tragedy the heroism of Father Dumortier is mentioned. On hearing of the epidemic he could not be persuaded to stay in Salina, saying that his duty was with his

88. The *Ellsworth Reporter* carried a series of articles on Ellsworth and Fort Harker which gave important information, January 27, February 3, 10, 17 and 24, 1938. There was a special edition of this paper to commemorate the 80th anniversary, July 10, 1947. The *Ellsworth Messenger* also carried a series December 29, 1938, and January 5 and 12, 1939. *History of Fort Harker, Kanopolis, Kansas* (pamphlet); "Kansas Historical Markers," *The Kansas Historical Quarterly*, v. 10 (1941), November, p. 359; Marvin H. Garfield, "Defense of the Kansas Frontier, 1866-1867," *The Kansas Historical Quarterly*, v. 1 (1932), August, pp. 326-344.

89. Sternberg is considered one of the outstanding figures in control of cholera, yellow fever and malaria. The experience which he had in combating it under frontier conditions enhanced his prestige in medical circles. His wife, Louisa Russell Sternberg, died of the cholera at Fort Harker. His name is identified with the establishment of the Army Medical School in 1893, the creation of an army nurses corps and a dental corps and of the tuberculosis hospital at Fort Bayard, N. M. In 1900 he established the Yellow Fever Commission headed by Walter Reed. His tombstone in Arlington cemetery bears the inscription: "Pioneer American Bacteriologist, distinguished by his studies of the causation and prevention of infectious diseases, by his discovery of the micro-organism causing pneumonia, and scientific investigation of yellow fever, which paved the way for the experimental demonstration of the mode of transmission of the disease."—*Dictionary of American Biography*, v. 17, pp. 590-592.

90. Jerome M. Schneck, "Sternberg and the Fort Harker Cholera Epidemic of 1867," *The Journal of the Kansas Medical Society*, v. 45 (1944), May, pp. 161-163; *Report on Epidemic Cholera and Yellow Fever in the Army of the United States During the Year 1867* (Circular No. 1, War Department, Surgeon General's Office, Washington, 1868). The epidemic was severe at Fort Riley at this same time. General Custer who was at Fort Wallace, fearing for the safety of his wife, left his command in the hands of a subordinate to return to the former place. For this neglect he was court-martialed and sentenced "to loss of rank and pay for one year." Part of the sentence was remitted upon the recommendation of General Sheridan.—Pride, *op. cit.*, p. 156; *Ellsworth Messenger* files, *New York Tablet*, August 10, 1867; *Junction City Union*, July 27, 1867.

boys. He gave them the consolations which they craved in that dread hour. These tributes were found not only in official reports but also in memoirs of such persons as Elizabeth Custer, wife of the famous frontier general, and of Maj. Gen. Frank D. Baldwin.⁹¹

By a strange coincidence, the first battalion of the newly-organized 18th Kansas volunteer regiment was mustered into the service of the United States at Fort Harker on July 15, 1867, the day the cholera broke out. The command became practically demoralized, since each company lost heavily by death and desertion.⁹²

A pathetic reminder of the scourge was found among the correspondence relative to the death of Alphonse Eugene Colbrant, whose mother lived in Fontainebleau, France. He had served in the Civil War as a major of the Second United States colored cavalry and had joined the Kansas group on July 18th, dying on the 24th.⁹³ To this soldier, and to many others, Father Dumortier proved a friend. His calm influence persuaded would-be deserters to remain at their posts of duty regardless of the dangers involved.

Father Louis contracted the disease and died alone after he had helped so many face death. There are conflicting accounts as to the place of his death. One was that he died in a construction car along the Kansas Pacific tracks.⁹⁴ Another maintains that he died in a tent⁹⁵ while a third states that he was stricken and died along the roadside as he was returning from the town to the camp.⁹⁶ At any rate, his courageous death followed the pattern of his courageous life. His memory is still cherished by the descendants of those to whom he ministered. Among these is Mrs. R. L. Pafford, wife of the retired postmaster of Salina, whose uncle, Capt. John Mullen,

91. Elizabeth B. Custer, *Tenting on the Plains* (New York, 1889), pp. 667-669; Alice Blackwell Baldwin, *Memoirs of the Late Frank D. Baldwin, Major General U. S. A.* (Los Angeles, 1929), pp. 133, 134; DeSmet, *op. cit.*, pp. 112, 113; Junction City *Weekly Union*, August 3 and 24, 1867; Lillian Johnson, "A Worse Enemy Than Rattlesnakes, Asiatic Cholera Plagued the Plains," *Salina Journal*, September 24, 1950; *Baltimore Catholic Mirror*, August 3, 1867; *St. Louis Guardian*, August 1, 1867; *New York Freeman's Journal*, August 24, 1867; *New York Tablet*, August 24, 1867; *Menology Missouri Province*, Supplement (St. Louis, 1893), p. 13.

92. George B. Jenness, "The Battle of Beaver Creek," *Kansas Historical Collections*, v. 9 (1905-1906), pp. 443-452; Henderson L. Burgess, "The Eighteenth Kansas Volunteer Cavalry and Some Incidents Connected With Its Service on the Plains," *ibid.*, v. 18 (1913-1914), pp. 534, 535, 537.

93. This packet of letters was turned over to the War Department archives by Adjutant General Hughes. A search for them for this paper has been fruitless.

94. This is the opinion of Msgr. A. J. Luckey, Manhattan, who bases his theory on information given him by the late Bishop John Cunningham of Concordia who was a contemporary of Dumortier and who ministered to the Catholics of Ellsworth shortly after his death.—*Baltimore Catholic Mirror*, August 31, 1867; *Junction City Weekly Union*, August 3, 1867.

95. This theory is possible for in the reports of Sternberg to the surgeon general he mentioned that cases were isolated in tents a distance from the camp.

96. Baldwin, *op. cit.*, p. 134.

received the last sacraments from Father Dumortier and who, in spite of predictions to the contrary, recovered.⁹⁷

Father DeSmet penned in his own hand the biographical sketch of Father Dumortier which was sent to France and Belgium for publication.⁹⁸ One of the accounts of his death appeared in the *Kansas Magazine* in 1872 and is worthy of quotation in full:

Rev. Louis Dumortier, S. J., St. Mary's Mission, Pottawatomie County, Kansas, who fell a victim to his heroic zeal and charity on the 26th of July, 1867, at Fort Harker, had been for many years on the mission in Kansas, and had endeared himself to the Catholics of that part of the State allotted to his zeal by the untiring energy with which he labored for their spiritual welfare. When the cholera appeared at Ellsworth, the shepherd was promptly there, ready to lay down his life for his sheep. He made the offering of his life to his Lord, and then threw himself into the breach. Day and night he labored on, encouraging the healthy, attending to their spiritual wants, but above all, waiting upon the sick, proving himself the Good Samaritan, the physician both of soul and body. There was no rest, no respite; he was alone, the only priest within eighty miles, almost the only nurse for the sick. At length his strength was exhausted; he fell, overcome by fatigue rather than by disease, and after a few hours of suffering he breathed his last in a common construction car, at one o'clock A. M. July 25, 1867, a martyr to charity.⁹⁹

The people of Ellsworth purchased a coffin and sent the remains of Father Dumortier back to St. Mary's. The faithful white pony was taken there as his last request. Even today, while in the preparation of this article, when the writer visited the mission stations enumerated above, the name of Father Louis Dumortier was spoken of with love and veneration by the descendants of the families whom he served almost a century ago.

97. Interview with Mrs. R. L. Pafford, Salina, April 11, 1951. Mrs. Pafford, descendant of the Mullens of Mullen Siding (known also as Terra Cotta), an Irish settlement between Brookville and Carneiro, stated that one of the first and one of the largest construction camps was located at that place. Apparently this large group supplemented the Ellsworth Catholic congregation.

98. DeSmet, *op. cit.*

99. J. H. Defouri, "Western Indian Missions," *Kansas Magazine*, Topeka, v. 2 (1872), p. 171.

The Annals of Kansas: 1887

JANUARY 1.—Charles Robinson, former Governor, became superintendent of Haskell Indian Institute at Lawrence.

—The Manhattan and Blue Valley and the Marysville and Blue Valley consolidated under the name, Blue Valley Railroad Co. Both roads were built and operated by the Union Pacific.

—Some prices were: prairie chicken, \$4.50 a dozen; quail, \$1.75 a dozen; venison saddles, 13 cents a pound; rabbits, 60 cents a dozen; turkeys, 4 and 5 cents a pound; dried apples, 2½ cents a pound; sugar-cured ham, 10 cents a pound; bacon, 9 cents a pound; potatoes, 40 cents a bushel; butter, 20 cents a pound; eggs, 22 cents a dozen; full cream cheese, 22 cents a pound.

—During 1886 Stafford county paid \$666 in bounties for wolf scalps; \$9 for wildcat scalps.

—The sorghum syrup works at Sterling had averaged 45,000 gallons a year since 1881. In 1886, 8,000 bushels of seed were saved. Seed was sold to France, Germany, Russia and Australia.

—During the last six months of 1886, 85 railroads were chartered, more than any other state.

—Wolves in Norton county barked at travelers. In the Wakarusa valley near Blue Docket they killed pigs in the daytime.

JAN. 4.—The Dodge City Cowboy Band was invited to attend the inaugural ceremonies of the Colorado governor.

—Buffalo meat cost 15 cents a pound at Dodge City; ten years earlier it cost three cents.

JAN. 5.—John L. Sullivan appeared at Topeka, Leavenworth, Atchison, Wichita and Kansas City “in an interesting exhibition of manly art.”

—The McPherson *Daily Freeman*, published by Sen. H. B. Kelly, charged that Topeka was dominated by railroad interests, notably the Santa Fe, which attempted to control the state through the majority party.

—The U. S. Senate confirmed the appointment of Thomas Moonlight, Leavenworth, as governor of Wyoming territory.

—Twenty wolves were captured in a hunt at Baldwin.

—The Catholic Knights of America met at Hiawatha.

JAN. 6.—*Early Reminiscences of Pioneer Life*, by the Rev. James Shaw, was published at Atchison.

—Negro voters of Shawnee county petitioned the Legislature to strike out the word “white” from an amendment to be submitted to the voters.

—Oleomargarine was becoming an important industry. N. F. Acers, internal revenue collector, collected \$10,000 in November, 1886, on the manufacture of “bogus butter.”

JAN. 10.—John Alexander Martin, Atchison, took the oath of office as Governor for his second term. All former Governors but three were present. Speeches were made by Robinson, Carney, Osborn, Anthony, St. John and Glick.

JAN. 11.—The Legislature convened. Governor Martin recommended restrictions on counties voting railroad bonds; modification of legislation covering

state institutions; abolishment of the mileage system; more equable division of judicial districts, and a stiffer prohibitory law.

—The Kansas Equal Suffrage Assn. met at Topeka.

—The Kansas State Bar Assn. met at Topeka.

JAN. 12.—Boston Corbett, who shot John Wilkes Booth, Lincoln's assassin, was elected third assistant doorkeeper of the House of Representatives. Corbett had lived on a homestead in Cloud county since 1878.

—The Kansas State Bar Assn. admitted its first woman member, Mrs. Maria E. DeGeer, Sharon Springs.

—The Kansas Real Estate Assn. met at Topeka.

—The Kansas State Board of Agriculture met at Topeka.

JAN. 13.—Bill Nye, humorist, commented on the Kansas drugstore liquor traffic: "If you would like to go to a flourishing country and put out a big basswood mortar in front of your shop in order to sell the tincture of damnation throughout bleeding Kansas, now is the accepted time. If it is the great burning desire of your heart to go into a town of 2,000 people and open the 13th drug store in order that you may stand behind a tall black walnut prescription case day in and day out, with a graduate in one hand and a Babcock fire extinguisher in the other, filling orders for whisky made of stump water and the juice of future punishment, you will do well in Kansas. It is a temperate state, and no saloons are allowed there. All is quiet and orderly and the drugstore business is a big success."

JAN. 14.—Allen Ditson, builder of the street cars used in Garden City, sued for \$3,800, owed him by the city. The cars had remained idle after running only a few days.

JAN. 15.—The Missouri Pacific completed its branch to Sterling.

JAN. 18.—The Kansas State Historical Society met at Topeka.

—The Kansas and Missouri Associated Press met at Topeka.

—The Kansas Assn. of Architects met at Topeka.

JAN. 19.—The County Clerks Assn. met at Topeka.

—The Kansas State Temperance Union met at Topeka.

JAN. 21.—The Spearville *Blade* reported 93 miles of the Eureka irrigation canal completed, with 50 miles of lateral canals. It was designed to irrigate 400,000 acres. The company had contracts totaling over \$150,000 for water rent at \$2 per acre for 1888.

—Vol. I, No. 1, *St. John County Capital*, Lewis and Rader, publishers.

JAN. 22.—A committee appointed to investigate the status of Wallace county reported that it had functioned from its organization in 1868 until 1874, the grasshopper year, when its population "depleted." In 1875, the Supreme Court had declared the organization void. Until that decision was changed the county could claim no legal organization.

JAN. 24.—Larned voted \$125,000 in bonds to the Denver, Memphis and Atlantic railroad.

—The Parsons and Pacific railroad was completed from Parsons to Coffeyville.

JAN. 25.—The Kansas Sheriffs' Cooperative Assn. met at Topeka.

JAN. 26.—The Trans-Mississippi Associated Press met at Topeka.

JAN. 27.—Kansas millers reorganized the Kansas Mill Assn. at Newton.

JAN. 28.—The Wichita German Immigration Society was organized.

JAN. 29.—Susan B. Anthony, Kansas suffragist, was quoted by the Kansas

City *Times* as saying "Ingalls has to go." Senator Ingalls had made some anti-suffrage and anti-British remarks.

JAN. 30.—Masked farmers lynched Richard Wood, Negro, for raping a white girl at Leavenworth. Wood was taken from the county jail and dragged to death behind a horse.

—The Topeka *Daily Capital* praised Sen. Preston B. Plumb for voting for woman suffrage. "Senator Ingalls, in voting against the bill, placed himself in the unfortunate position . . . that he did when he voted to keep the whisky saloon in the basement of the Capitol."

JAN. 31.—The Kansas City (Mo.) *Times* quoted London newspaper comments on Senator Ingalls' agitation over the fisheries question. The *Pall Mall Gazette* said: "Kansas is about the last place in creation to which one should look for wise or well-informed diplomacy or statesmanship." The *London Chronicle* remarked that "Ingalls is not a person whose utterances are awaited with anxiety by a deferential world, or is it likely that his clap-trap eloquence will be approved in his own country."

FEBRUARY 1.—Governor Martin appointed W. J. Lea, Topeka, State Insurance Commissioner.

—A "weigh social" was held at Sabetha. A man paid a third of a cent per pound of a woman's weight for the privilege of eating supper with her.

—I. Horner, Emporia, addressed a joint session of the Legislature on the silk culture industry. He exhibited Kansas silk and urged encouragement.

—The Kansas State Eclectic Medical Assn. met at Topeka.

FEB. 2.—Real estate was booming throughout the state. Daily transfers in Wichita averaged \$400,000. The *Sedgwick Pantagraph* said Wichita was six miles wide and nine miles long and contained 24,000 real estate agents.

—The House committee on county seats and county lines listened to arguments for and against moving the Osage county seat from Lyndon to Osage City.

—The state assembly of the Knights of Labor met at Topeka.

FEB. 3.—Morton county voted for Richfield as permanent county seat.

—The Kansas Commandery of the Military Order of the American Legion met at Topeka.

FEB. 4.—The Leavenworth *Times* reported 200 saloons in the city, one for every 30 families.

FEB. 5.—Vol. I, No. 1, *McPherson Daily Republican*, S. G. Mead, publisher.

FEB. 7.—Senator Plumb presented to the U. S. Senate a memorial from the Kansas Legislature requesting the organization of Oklahoma territory.

FEB. 8.—Fred and Eddie Stone gave a program at Lukens' Opera House, North Topeka, consisting of songs, dances, Irish and Negro sketches, acrobatic and contortion acts. Total receipts were \$12. (Fred Stone, a Kansan, became famous in the theatrical world.)

—On advice of the Attorney General, Wichita county held its election. Leoti won when voters of rival towns relied on a Legislative postponement and did not vote. Another election was called for March 10.

—Burlington voted \$40,000 in bonds to the Chicago, Kansas City and Texas railroad.

—The Kansas Mill Assn. met at Newton.

FEB. 9.—At Lawrence 29 churches held services every Sunday with sermons in five languages.

—Track laying was completed to Great Bend on the Hoisington extension of the Missouri Pacific.

FEB. 10.—The House of Representatives voted for the woman suffrage bill, 91 to 22. Kansas thus became the first state to grant municipal suffrage to women. They now could vote in elections for city and school officers and on school bonds, and might hold municipal offices.

FEB. 11.—The largest saloon in Leavenworth, the Saratoga, was closed upon complaint of Carl Mueller and F. M. Anthony. Later the two were attacked by a gang but were rescued by police and put in jail for protection.

—Directors of the Western National Fair Assn. met at Lawrence.

—The Kansas State Oratorical Assn. held its annual contest at Ottawa. Baker was first, Washburn second.

FEB. 13.—An unofficial mining report for 1886 showed \$656,419 in sales of ores and gravels, all shipped from Galena.

FEB. 14.—Eureka voted \$100,000 in bonds to the St. Louis, Fredonia and Denver railroad and \$46,000 to the St. Louis, Newton and Denver.

FEB. 15.—Boston Corbett, doorkeeper of the House of Representatives, was discharged after he threatened to shoot several persons. Later he was declared insane and taken to the state hospital.

—The Royal Arch Masons and the Royal and Select Masters of Kansas met at Atchison.

FEB. 16.—The Ancient, Free and Accepted Masons of Kansas met at Atchison.

FEB. 17.—Thomas W. Stevens, Kansan, was a guest of the New York Citizens' Bicycling Club. He had recently made a world bicycling tour, leaving San Francisco in April, 1884, returning there in January, 1887.

—In the Wichita county-seat election, Leoti partisans organized the registration boards before Coronado voters arrived and refused to register them. Coronado citizens then organized their own boards in a covered wagon outside the precinct house.

—Vol. I, No. 1, *Florence Weekly Bulletin*, J. B. Crouch, editor.

FEB. 22.—The Kansas Bankers Assn. was organized at Topeka. John R. Mulvane, Topeka, was elected president; C. N. Beal, Topeka, secretary.

FEB. 23.—The U. S. marshal arrested Moses Harman and his son, George, publishers of *Lucifer, the Light Bearer*, the "free love" paper at Valley Falls, on charges of circulating obscene literature through the mails.

—Leavenworth saloonkeepers and bartenders resolved to boycott the Leavenworth *Times* and all advertisers because it favored closing saloons.

FEB. 24.—The Kansas, Nebraska and Dakota railroad was sold to the Missouri Pacific.

—The House passed a bill changing the name of St. John county to Logan, in honor of the late Gen. John A. Logan. John P. St. John, former Governor, was in disfavor with the Republicans because he had bolted the party to become leader of the Prohibitionists.

FEB. 25.—Garden City levied a \$250 annual tax on druggists.

FEB. 26.—Senator Ingalls took the oath of office as president pro tem of the U. S. Senate.

FEB. 27.—Two persons were killed and seven wounded in a flare-up of the Wichita county-seat dispute at Coronado.

MARCH 1.—One thousand persons took part in a wolf hunt on the Indian reservation near Holton.

—A contract was let for the construction of shops at Horton by the Chicago, Kansas and Nebraska (Rock Island) railroad. Cost was estimated at \$250,000.

—Vol. I, No. 1, *Daily Walnut Valley Times*, El Dorado; Alva Sheldon, editor; John McGuin, publisher.

MAR. 2.—The Senate rejected the nomination of Dr. A. A. Holcombe for another term as State Veterinarian and reduced the appropriation for the office from \$10,000 a year to \$3,000.

MAR. 3.—The city clerk of Weir City refused to register women as voters. He believed the new law was unconstitutional.

—Coronado and Leoti, rivals for the Wichita county seat, were surrounded by armed guards and strangers were not allowed to enter. Merchants carried guns while waiting on customers. Streets were patrolled day and night.

—The South Kansas Conference of the Methodist Episcopal Church met at Chanute.

MAR. 4.—The Supreme Court held that the "wagon-box" vote in the Seward county election of August 5, 1886, was legal and that Springfield was the rightful county seat.

MAR. 5.—The Adjutant General left for Wichita county to investigate the county-seat fight and expected to alert National Guard units at Sterling and Larned.

—The Supreme Court held that although Leavenworth city officials had not issued licenses authorizing the sale of liquor, they had achieved the same end "by shifts and subterfuge, even more culpable and indefensible."

—The state executive council appointed a board of police commissioners at Leavenworth to enforce the prohibitory law. They were to discharge the city marshal, police judge and the entire police force, and make new appointments.

—The law fixing terms of court in Wallace and other counties became effective. Although no law specifically legalized the county's organization, the Supreme Court in a similar case had ruled that establishment of terms of court was recognition.

—The Legislature adjourned. Acts passed included: The creation of Garfield, Gray, Haskell, Grant, Stanton and Kearney counties and definition of the boundaries of Hamilton, Finney, Hodgeman and Ford; provision for appointment of police commissioners by the executive council upon petition from a city of the first class; clarification of laws relating to organization of new counties and regulations regarding county-seat elections; consent to the purchase of land by the federal government for the location of Haskell Institute; requirement that laborers be paid at regular intervals in lawful money and not in any form of scrip or token money; creation of a State Board of Pharmacy; prohibition of pools or price-fixing agreements in grain and livestock; granting of woman suffrage in municipal elections; an appropriation of \$13,000 to establish and conduct a silk station; a liquor law to suppress the "drugstore saloon."

MAR. 7.—The Atchison Land and Improvement Co. was organized. The company "had \$1,000,000 in capital stock and owned \$1,500,000 worth of real estate" in and near Atchison.

MAR. 8.—Henry Ward Beecher died. As a leader of antislavery forces he had urged immigration to Kansas to make it a free state. In 1856 he published an eight-page pamphlet, *Defence of Kansas*, asking for money and arms to fight slavery. He sent Bibles and rifles to a group of emigrating pioneers which became known as the Beecher Bible and Rifle Co. Sharps rifles soon were known as "Beecher's Bibles."

—The Supreme Court held that Wallace county was legally recognized by the Legislature's act fixing time for holding court.

—A Santa Fe special train ran from Topeka to Kansas City, 65 miles, in one hour and 45 minutes.

—The G. A. R., the W. R. C., and the Sons of Veterans met at Abilene.

—The I. O. O. F. grand encampment met at Wichita.

—The Order of the Eastern Star met at Topeka.

MAR. 9.—Work began on the \$165,000 Rock Island station and general offices at Topeka.

—The Adjutant General arrested 14 men in connection with the Wichita county shooting affair of February 27.

—Vol. I, No. 1, Larned *Daily Chronoscope*, E. E. Stevens, editor.

MAR. 10.—Wichita county held an election for permanent county seat. Leoti received 420 votes and Coronado 353. However, Coronado's votes were not cast at the places designated by the commissioners.

—The Protestant Episcopal Church accepted Salina's proposal to donate \$50,000 and 15 acres of land for its military academy. (St. John's Military Academy.)

—The Southwest Kansas Conference of the Methodist Episcopal Church met at Winfield.

MAR. 11.—The State Architect's plans for the main building of the Capitol were adopted.

MAR. 13.—Nine denominational colleges were operating in Kansas.

—Lack of funds caused cancellation of the April term of the U. S. District Court at Topeka.

—Leavenworth had five flour mills, four elevators, a brass foundry, a flax-seed oil mill, a glucose works, a bridge and iron works, and factories making stoves, brooms, boots and shoes, clothing, cigars and tobacco, paper boxes, candy, barrels, crackers, cement, fruit evaporators, fire brick, furniture and patent medicine.

MAR. 14.—The machine shops of the St. Louis, Fort Scott and Wichita railroad were located at Fort Scott.

MAR. 15.—Clarence H. Venner, Boston broker, lost his suit in the U. S. Circuit Court to restrain the Santa Fe from building a line from Kansas City to Chicago and another known as the Indian Territory and Texas extension.

—Thirty carloads of freight and emigrants arrived in Garden City from the East.

—The Topeka City Railway and the Rapid Transit Co. began laying track on Jefferson street, both claiming the right of way.

MAR. 16.—A \$25,000 contract for building Cooper Memorial College at Sterling was let. Ground was broken for a new \$34,000 waterworks.

MAR. 17.—The Kansas Evangelical Assn. met at Jewell City.

—The Kansas Conference of the Methodist Episcopal Church met at Junction City.

MAR. 18.—The Anthony *Republican* reported that real estate sales from March 2 to 16 totaled \$1,140,162.

—Wichita donated \$25,000 and 223 acres southwest of the city for the location of a Quaker college to be called John Bright University. An additional 630 acres was purchased by the Friends Society. More than \$100,000 was to be spent in erecting buildings.

MAR. 19.—The Western Baseball League met at Leavenworth and admitted Kansas City. A schedule was arranged for the coming season.

—Governor Martin made the following appointments for the five new judicial districts: Frank Doster, Marion, 25th district; A. L. Redden, El Dorado, 26th district; A. J. Abbott, Garden City, 27th district; S. W. Leslie, Kingman, 28th district; O. L. Miller, Kansas City, 29th district.

MAR. 20.—Fort Scott had a sugar factory, planing mill, tobacco factory, four cigar factories, two flour mills, a railroad chair car factory, two furniture factories, two hominy mills, three carriage and wagon factories, a woolen mill, three marble factories, a castor oil plant, three bedspring and mattress factories, three railroad machine shops, two potteries and a baking powder factory.

MAR. 22.—Crawford county druggists decided not to take out applications for liquor permits, which required them to present petitions signed by 25 qualified voters and 25 reputable women, to advertise the time and the place of hearing for at least 30 days, and upon receiving the license to post a bond of \$1,000 as surety for abiding by the prohibitory law.

MAR. 24.—The Hamilton county-seat fight was believed ended when the new county-boundaries act went into effect. Kendall went into Kearney county and left Syracuse with no rival.

—The Northwest Kansas Conference of the Methodist Episcopal Church met at Ellsworth.

MAR. 26.—An artesian well and a vein of coal were discovered near Fort Scott.

—The first engine on the Fort Scott and Wichita railroad arrived at Kiowa.

—Anthony was building an opera house and several business blocks.

MAR. 27.—The Attorney General ruled that women could not vote for justices of the peace and constables who were township officers.

MAR. 28.—The State Board of Silk Commissioners met at Topeka. Larned, Peabody, Hutchinson, Newton and McPherson all wanted the silk station.

MAR. 29.—The Knights of Pythias held a state jubilee at Ottawa.

MAR. 31.—The Kansas League of Professional Baseball Players was organized at Emporia.

APRIL 3.—The Chicago, Kansas and Nebraska (Rock Island) railroad opened the first passenger and Pullman service that eliminated changing cars en route from Topeka to Chicago.

—Travel on the Santa Fe was nearly 50 percent heavier than a year ago. Trains ran in sections, sometimes three, west-bound.

APR. 4.—Leavenworth Negroes honored C. H. J. Taylor, assistant city attorney of Kansas City and recently appointed minister and consul general to Liberia. He had practiced law in Leavenworth and Kansas City and had been admitted to practice before the U. S. Supreme Court.

—Lillian Harman and E. C. Walker, the "free lovers" who had been in the Oskaloosa jail since September, 1886, were released when Moses Harman paid the costs.

—The State Silk Commission decided to locate the silk station at Larned and voted to pay a bounty of 50 cents for the best cocoons raised by an individual or family.

APR. 5.—Municipal elections were held. A considerable number of women voted in most cities. Mrs. Dora Salter was elected mayor of Argonia, Sumner county. Two women were elected to the school board at Parsons. At Abilene, the women's vote defeated all councilmen opposed to woman suffrage. Five women were elected to the city council in Syracuse.

APR. 6.—St. John's real estate transfers totaled over \$100,000 in a week. Business houses and a \$20,000 courthouse were under construction.

—Alfalfa was reported to be a profitable crop in western Kansas. It was excellent for cattle, horses and sheep. Three to four crops could be cut each season, and each crop yielded three to four tons per acre.

APR. 7.—The Ladies of the G. A. R. met at Topeka.

APR. 10.—Topeka's baseball club, Goldsby's Golden Giants, defeated the St. Louis Browns, 12 to 9, before 3,000 persons.

—A prairie fire near Nicodemus, Graham county, caused nine deaths and large property damage. The fire was driven through Rooks and Phillips counties by a 40-mile wind.

APR. 11.—The Rock Island general offices were moved from Atchison to Topeka.

APR. 12.—Dickinson county voted a \$100,000 bond issue to the Chicago, Kansas and Western and the Chicago, Omaha and Southwestern railroads.

—A large flow of natural gas was struck at Fort Scott at a depth of 221 feet. Pressure was 125 pounds to the inch.

—Vol. I, No. 1, Hutchinson *Daily Herald*, Fletcher Meridith, proprietor.

APR. 13.—A streetcar line and a \$50,000 hotel were under construction at Great Bend.

—The Kansas State Music Teachers Assn. met at Topeka.

—The Kansas Knights of Honor met at Ottawa.

APR. 14.—The location of the state silk station was changed from Larned to Peabody.

APR. 15.—Hays City voted bonds for a Santa Fe extension to Little River.

APR. 18.—Ground was broken for the Santa Fe depot southwest of Kansas City on 2,500 acres of ground purchased by the Santa Fe and Pullman companies. They planned to found a summer resort town there called Quivira.

APR. 19.—The Kansas State Sportsman's Assn. began a three-day tournament at Atchison.

APR. 23.—The Supreme Court held that Wallace county was not legally organized.

APR. 26.—Remains of a wind wagon, "a combination flying machine and go-cart," were reported by the Kansas City [Mo.] *Times* in an old house on State Line Road. Wind wagons were designed to replace "bull" trains on the prairies and had wheels, a deck and sails. John B. Wornall, Westport, steersman on the trial run, described it as lively traveling. The project collapsed when a group of passengers, en route to a camp meeting, was "becalmed in a hollow." Several wind wagons were reported to have crossed Kansas.

—The Kansas State Dental Assn. met at Topeka.

APR. 28.—Natural gas was struck at Ottawa.

APR. 29.—Beloit offered 20 acres adjoining the city and \$40,000 in cash to any church organization that would locate and build a college there.

APR. 30.—The *Allen County Democrat*, Iola, claimed that of the 38,000,000 pounds of broomcorn raised in Kansas in 1886, nearly 6,000,000 were grown in Allen county.

MAY 1.—John Walruff, Lawrence brewer, was sentenced to 30 days in jail and fined \$100 in costs for violating the liquor law.

MAY 2.—Vol. I, No. 1, Abilene *Evening Reflector*, Henry Litts, editor.

—The Kansas Fair Assn. met at Topeka.

MAY 3.—Boston and Topeka capitalists bought 1,500 acres west of Topeka for \$500,000. Plans were to build a summer resort with a hotel, a botanical garden, an observatory, and an artificial lake, connected with the city by a boulevard. The syndicate also purchased the franchise of the Circle Street Railway Co.

—The Kansas State Medical Society met at Winfield.

MAY 4.—The Kansas State Sunday School Assn. met at Wichita.

MAY 5.—Chapman claimed the only county high school in the state, as only Dickinson county took advantage of the law passed by the 1886 legislature.

—The Kansas State Homeopathic Medical Assn. met at Kansas City.

MAY 6.—The editor of the *Great Bend Tribune*, looking over his exchanges, discovered that every town in Kansas would have "two or three railroads this year"; there were 150 "Queen Cities"; 600 towns would double in population; in 450 towns it was impossible to keep up with construction; 285 would become great distributing centers; 585 papers announced that their towns would soon be in the midst of the greatest boom ever known, and all towns reported heavy investments by Eastern capitalists.

—A second state forestry station was located near Dodge City on 160 acres donated by citizens.

MAY 10.—Sen. J. W. White, Lyons, was awarded \$20,000 in a libel suit against W. E. Carr, editor of the *Ellinwood Express*. Carr sold his paper and left the state before the trial.

—Vol. I, No. 1, *Sterling Evening Bulletin*, W. M. Lamb, Tom L. Powers and Clarence Prescott, publishers.

—The Knights Templar grand commandery met at Salina.

MAY 11.—The Agricultural Fair and Trotting Assn. was organized at Wichita.

—The Kansas and Missouri Press Assn. met at Wichita.

MAY 12.—The Social Science Club of Kansas and Western Missouri met at Kansas City.

MAY 13.—Coal was discovered at Marysville at a depth of 231 feet.

A. T. Soule, Rochester, N. Y., millionaire, bought an interest in the First National Bank of Dodge City. He offered \$50,000 and a site to the Presbyterian church to locate a college near Dodge City. Soule also purchased the Dodge City waterworks.

MAY 15.—Chief Wasiki, former leader of the Ponca Indians in Cowley county, was buried at Arkansas City with great ceremony.

MAY 17.—The Knights of Pythias grand lodge met at Atchison.

MAY 18.—The Boston-Topeka syndicate bought the Topeka City Railway for \$250,000. Its investments in Topeka totaled nearly \$1,000,000.

—The Seventh Day Adventists' encampment began at Topeka.

MAY 19.—The president of the Walnut City Business Men's Assn. claimed that an election call to vote for the Rush county seat was based on petitions containing names obtained by whisky and misrepresentation. He claimed that all papers in the case were stolen from the county clerk's office.

MAY 20.—In a speech at Abilene, Senator Ingalls, explaining his vote against the woman suffrage amendment, said that "women are women and their place is in the home."

MAY 21.—The Travelers' Protective Assn. met at Topeka.

MAY 23.—The St. Louis, Fort Scott and Wichita railroad, sold by order of the U. S. Circuit Court, was purchased by the Missouri Pacific.

MAY 24.—Natural gas, struck at Girard at a depth of 60 feet, was strong enough to furnish the city with light and fuel.

MAY 27.—The River Brethren Church conference met at Ottawa.

MAY 28.—The Swedish Baptist Church conference met at Lawrence.

MAY 30.—A catfish weighing 79 pounds was caught in the Arkansas river near Sterling.

JUNE 1.—Real estate transfers in Topeka during the first five months of 1887 totaled \$7,641,867. For the same period in 1886 the total was \$1,560,109.

—The Attorney General was in Wichita to enforce the closing of saloons.

—A contract for the completion of the Statehouse went to George H. Evans and Co., Topeka, for \$422,055.

—A Wichita employment agency was reported to have hired 500 men for 30 days at \$1.65 a day to vote for the county seat of an unspecified county.

JUNE 3.—*Railway Age* reported that Kansas laid the third largest amount of track in the country during the first five months of 1887: 262 miles.

JUNE 6.—The Kearney county census, required before the first election, was being taken. Lakin was reported to have employed 200 men at \$1.65 a day to vote. Citizens of Chantilly threatened homesteaders with signs, "Vote for Chantilly for county seat or leave the county."

JUNE 8.—The Kansas State Pharmaceutical Assn. met at Wichita.

JUNE 9.—Judge Brewer in the U. S. Circuit Court held that the U. S. District Court for Kansas had jurisdiction over the Cherokee Strip, reversing the decision of the Arkansas court.

JUNE 10.—St. John remained county seat of Stafford county. Stafford lacked 56 names on its petition and withdrew.

—The State Board of Charities announced that the Soldiers' Orphans' Home at Atchison was completed.

—Contracts were let for the \$25,000 addition to the State Normal School, Emporia, and the erection of the \$40,000 Sisters of St. Joseph College at Abilene.

JUNE 11.—The Missouri Valley Turner Society met at Topeka.

JUNE 14.—Salina complained that it had given \$40,000 to the Missouri Pacific for a depot and that the company was spending only \$7,000.

—Oliver Edwards, Doniphan county, had 50,000 carp in his ponds. He started two years before with four male and eight female fish.

—The first through train on the Santa Fe to Galveston passed through Wichita.

JUNE 15.—Fifteen thousand attended the laying of the cornerstone of the new courthouse at Columbus.

—Chautauqua opened at Ottawa. Sam Jones and Gen. William H. Gibson were speakers. A chorus of 300 voices sang. Five hundred tents were provided for guests.

JUNE 16.—The Winfield Chautauqua attendance was estimated at 20,000.

—The State Board of Health met at Topeka.

JUNE 17.—The Governor ordered Statehouse flags displayed, apropos of an announcement that captured Confederate flags were to remain in Washington.

—Stanton county was organized with Johnson City as temporary county seat. Frank Woodruff, Charles A. Soper and A. H. Fisher were appointed commissioners; Will H. Quick, clerk.

JUNE 18.—The Rock Island finished laying track to Peabody.

—The Kiowa extension of the Santa Fe was 105 miles southwest of Kiowa. The Santa Fe was also pushing a line west from Great Bend to Denver. It had reached Dighton.

JUNE 21.—Leavenworth county claimed the country's largest apple orchard: 437 acres with 50,000 trees.

—A pleasure steamer, *Belle of the Walnut*, was launched at Arkansas City.

—Business buildings at Leavenworth burned; loss was estimated at \$200,000. The seven-man fire department proved inadequate, and the *Times* criticized the mayor for devoting "too much time to protecting whisky sellers and organizing bogus booms, and too little to building a fire department."

—A warrant was issued for the arrest of two judges and the clerk of the election in Kendall township, Hamilton county, charged with forging poll books in November, 1886. An armed mob released the prisoners.

—Vol. I, No. 1, *Kinsley Daily Mercury*, W. S. Hebron, editor.

JUNE 22.—Missouri Pacific track was laid into Fort Scott.

—Ford county voted \$181,000 in bonds to the Arkansas, Kansas and Colorado and the Dodge City, Montezuma and Trinidad railroads.

—A creamery at Hiattville, Bourbon county, was sending a carload of butter and cheese to New York every week.

JUNE 24.—On Sunday in Olathe "it was impossible to buy a cigar or newspaper or hire a buggy."

—The Loyal Legion met at Fort Leavenworth.

JUNE 26.—Mathias Splitlog, "the wealthiest Indian in the United States," was swindled out of \$140,000 in land and money, according to the *Wichita Eagle*. "Mr. Splitlog isn't worried, he still had \$864,000."

JUNE 27.—Fifteen thousand attended a natural gas celebration at Paola.

JUNE 28.—Two horse thieves and 21 stolen horses were captured by the Barber county sheriff.

JUNE 29.—Cimarron was elected temporary county seat of Gray county.

JULY 1.—The State Auditor issued certificates payable in 1890 for Quantrill raid claims approved by the commission of 1875.

—Daniel Webster Wilder, Hiawatha, replaced R. B. Morris, Atchison, as Superintendent of Insurance.

—Haskell county was organized with Santa Fe as temporary county seat. James E. Marlow, Joseph Comes and C. H. Huntington were appointed commissioners; Lowry G. Gilmore, clerk.

—Lakin was chosen temporary county seat of Kearney county, winning from Chantilly by 140 votes.

JULY 5.—Vol. I, No. 1, *Pittsburg Daily Headlight*, M. F. Sears, editor.

JULY 6.—The State Veterinarian reported Texas fever among cattle in Washington county. He charged that the owner had paid the Missouri Pacific a \$5,000 bonus to transport them after rejection by an inspector.

—William Dill, Leavenworth, was appointed Assistant Attorney General to help prosecute over a hundred liquor cases there.

JULY 7.—Mitchell county voted \$180,000 in bonds for the Strong City extension of the Santa Fe.

—The Oberlin and Garden City land offices reported great emigration into western Kansas, many coming from Nebraska.

JULY 8.—The Pittsburg gasworks was completed; the city was “brilliantly illuminated.”

JULY 9.—John N. Reynolds, an ex-minister, editor of the *Atchison Times*, was indicted by a federal grand jury on charges of using the mails to defraud.

JULY 11.—Teachers’ institutes began in 27 counties.

JULY 12.—The Rock Island reached Hutchinson.

—J. N. Allen, Phillips county, had 16 acres of timber claims averaging 7,000 trees to the acre, including walnut, ash, boxelder, mulberry, hackberry, sycamore and catalpa.

—The *Newton Daily Republican*, commenting on the streetcars, said: “Newton has the best-trained streetcar mules in the country. When they are near a siding where the cars are to pass they let out a long strain of melodious sound, and when they reach the end of the line they add a cadenza that ends in a *dimenuendo*. Thus it is that our people know when the streetcars are coming.”

—The Kansas Millers Assn. met at Newton.

JULY 13.—Men employed by the Barber Asphalt Co. at Topeka struck for wages of \$1.75 a day, an increase of 25 cents.

JULY 16.—Garfield county was organized with Ravanna as temporary county seat. George Goff, John Bull and J. E. Dixon were appointed commissioners; Clarence Van Patten, clerk.

JULY 18.—The Kansas League of American Wheelmen met at Paola.

JULY 19.—The Silk Culture Committee, meeting at Topeka, was told that the silk station at Peabody was receiving cocoons from every section of the state. Companies from Dallas, New York, Kansas City, Boston and St. Louis had requested displays.

—The Kansas Chautauqua began at Topeka.

JULY 20.—Gray county was organized with Cimarron as temporary county seat. J. Q. Shoup, E. S. McClellan and Frank V. Hull were appointed commissioners; G. C. Pratt, clerk.

—The Topeka Rapid Transit Street Railway Co. used its first steam motor. The company had 12 miles of track in use. The Topeka City Railway Co. had ten miles of track. The West Side Circle Railway Co. was building in the western suburbs.

JULY 21.—The Missouri and Kansas Telephone Co. enlarged its Topeka facilities to care for 600 subscribers.

JULY 23.—An election was held in Rush county to vote on removal of the county seat from Walnut City to La Crosse. A temporary injunction was issued preventing a canvass on grounds of fraudulent petition.

JULY 27.—The Livestock Sanitary Commission brought suit against the Missouri Pacific for illegally shipping cattle with Texas fever to Washington county. Circulars were sent to all railroads calling attention to state laws.

JULY 28.—Kansas Negroes held an industrial convention at Hutchinson. It was stated that Negroes in southwest Kansas owned 767,000 acres of land valued at \$1,225,000 and town property valued at \$965,000.

JULY 31.—*Around the World on a Bicycle*, by Thomas J. Stevens, Kansan, was published by Scribner’s.

AUGUST 1.—Nicodemus celebrated Emancipation day. Several fights, resulting in two deaths, took place.

AUG. 2.—An “album” was sent to President Cleveland asking him to stop in Topeka on his Western tour.

—Two-thirds of the voters in Harper county petitioned for an election to move the county seat from Anthony to Harper. The courthouse at Anthony was under guard.

—The Rock Island laid track at Wellington. It had contracted to deliver 30,000 head of cattle to Chicago from Caldwell by September 1.

AUG. 3.—Shalor W. Eldridge, owner of the Eldridge House at Lawrence, which was destroyed by Quantrill, presented a claim of \$60,000 to the State Auditor.

AUG. 4.—Millbrook, Hill City and Plainville were damaged by a “straight wind.”

—Vol. I, No. 1, Hugoton *Hermes*, Charles M. Davis, publisher.

AUG. 5.—Pittsburg druggists were sued by the Law and Order Society for selling soda water on Sunday.

AUG. 7.—Leavenworth citizens, by a “nickel subscription,” paid the \$100 fine of Bill Bond, who horsewhipped D. R. Anthony, editor of the *Leavenworth Times*.

AUG. 8.—Normal institutes opened four-week terms in 37 counties.

AUG. 9.—An anti-saloon Republican campaign opened at Topeka with many prominent sponsors.

—The Union Labor party state convention met at Topeka.

AUG. 11.—The Church of the Brethren College was located at McPherson.

AUG. 16.—The Syracuse town council was composed of women.

—Texas fever was reported under control. One man, who had illegally shipped in infected cattle, was fined \$200.

—The Knights of Labor state assembly met at Topeka.

AUG. 17.—The Santa Fe issued new freight rates of five cents per hundred pounds, a reduction of four cents, on wheat and other grains.

AUG. 18.—Wamego and Topeka were connected by telephone.

—Citizens of Kendall who went to Syracuse for a Republican meeting were beaten and run out of town.

—Highest wages paid to laborers in Topeka was \$1.75 a day.

AUG. 20.—Hailstones ten inches around caused \$5,000 damage at Atchison.

—Osborne raised \$250 for Millbrook storm sufferers.

AUG. 23.—The quarantine of September, 1886, against cattle from Illinois, was lifted.

—The Great Western Stove Foundry and Machine Works at Leavenworth employed 400 men.

AUG. 29.—The Central Protective Assn. of Kansas and Missouri was organized at Kansas City, Mo., for protection against horse thieves.

—Russell Springs received 542 votes for temporary county seat of Logan county, Logansport 273.

—Dr. A. G. Abdelal, a state pension examiner, was suspended, charged with extorting money from applicants.

AUG. 31.—John Ritchie, member of the Leavenworth and Wyandotte constitutional conventions, died at Topeka. He helped found Washburn College and donated the land for the school.

—The West German Conference of the Methodist Episcopal Church met at Enterprise.

SEPTEMBER 1.—“In politics the virtues of women would do more harm than their vices,” wrote Senator Ingalls in an anti-suffrage article, “The Sixteenth Amendment,” which appeared in *Forum*.

SEPT. 2.—The Free Methodist Church conference met at Topeka.

SEPT. 3.—The Western National Fair Assn. met at Lawrence.

SEPT. 6.—Clarence H. Venner, Boston, filed suit to restrain the Santa Fe from issuing \$10,000,000 in new stock. He claimed the issue was illegal. Judge Brewer failed to grant an injunction.

—First classes were held at Garfield University, Wichita.

SEPT. 7.—A salt vein struck at Ellsworth at a depth of 730 feet was 155 feet thick.

SEPT. 8.—An injunction against the organization of Grant county charged the census taker with fraud, drunkenness, conspiracy and favoritism.

SEPT. 9.—Labette was the leading castor bean county with 8,946 acres.

—The Universalist Church conference met at Hutchinson.

SEPT. 10.—Fifty-six cars of cattle were shipped from Caldwell to Chicago over the Rock Island, the first shipment on the line. Cars were elaborately decorated. The train ran in three sections; the last carried a Pullman car for cattlemen and a brass band.

SEPT. 13.—The Methodist Episcopal Church camp meeting opened at Topeka.

SEPT. 16.—At Fort Scott and Leavenworth Negro children were refused admittance to schools reserved for whites.

SEPT. 17.—Logan county was organized with Russell Springs as temporary county seat. J. W. Kerns, N. C. Phinney and R. P. McKnight were appointed commissioners; Joseph W. Jones, clerk.

—Buildings under construction at Salina included the four-story brick National Hotel; the \$50,000 Episcopal military school; a \$25,000 lodge building; three ward schools, \$10,000 each; a Knights of Pythias building, \$30,000; the *Tribune* building, \$25,000; the Huntington Opera House, \$30,000.

SEPT. 18.—The Carey Hotel, Wichita, was completed at a cost of \$120,000.

SEPT. 20.—A day's run at the Parkinson Sugar Works, Fort Scott, yielded 23,000 pounds of sugar from 200 tons of cane.

—A window-glass factory at Fort Scott, said to be the first west of the Mississippi river, was ready to begin operation.

SEPT. 22.—Leavenworth celebrated the 17th anniversary of the Riverside coal discovery with a trades parade; 350 decorated floats took part.

—J. A. Stewart, Wichita drugstore clerk, pleaded guilty to 208 counts of violating the liquor law and was sentenced to 17 years in jail and fined \$20,000 plus costs.

SEPT. 26.—Grading began on the Garden City Nickel Plate railroad, which would connect Finney county with the Denver, Memphis and Atlantic railroad in Lane and Ness county.

SEPT. 27.—A 300-foot vein of salt was discovered in South Hutchinson by Ben Blanchard, who was disappointed in his efforts to find gas, oil or coal.

—Johnson City was voted permanent county seat of Stanton county.

—The Women's Christian Temperance Union met at Salina.

—The Christian Church convention met at Hutchinson.

SEPT. 30.—A sunflower badge worn by Kansas delegates at the G. A. R. convention at St. Louis attracted attention. The *Newton Daily Republican* believed they would attach the name of "Sunflower State" to Kansas.

OCTOBER 4.—A suit began in the Supreme Court to test the constitutionality of the metropolitan police law. It was claimed the law was unconstitutional because it suspended general laws.

—The Independent Order of Good Templars met at Topeka.

—The Improved Order of Red Men met at Girard.

OCT. 5.—The glassworks at Paola turned out "the first bottles made west of the Mississippi river."

—The Adjutant General disbanded National Guard companies at Columbus, Fort Scott, Robinson, Seneca, Jewell City and Smith Center.

—The Western Annual Conference of the Methodist Episcopal Church South met at Council Grove.

—The Union Veterans Union met at Topeka.

OCT. 6.—The Arkansas Valley Editorial Assn. met at Hutchinson.

—The Presbyterian Synod of Kansas met at Wichita.

OCT. 10.—Boom times at Wichita were indicated by a list of factories, capital and employees:

<i>Factory</i>	<i>Capital</i>	<i>Employees</i>
Burton Car Works	\$1,000,000	2,000
Watch factory	250,000	400
Packing house	50,000	400
Ten brickyards	750,000	350
Two iron works	75,000	100
Two sash and door factories	70,000	80
Spice mills	10,000	20
Soap factory	25,000	15
Vinegar works	10,000	15
Two carriage factories	20,000	50
Terra cotta works	20,000	50
Ice factory	60,000	35
Illinois Washer Co.	15,000	25
Two artificial stone works	25,000	50
Archer Electrical Manufacturing Co.	60,000	15
Stair factory	3,000	10
Boot and shoe factory	100,000	150
Goldback Leather Co.	135,000	200
Picket factory	20,000	100
Miscellaneous	29,000	57
Totals	\$2,727,000	4,122

—The Kansas Society of Friends met at Lawrence.

OCT. 11.—A contract was let for construction of 30 miles of irrigation ditches in Finney and Kearney counties.

—The I. O. O. F. grand lodge met at Wichita.

—The Kansas Ministers Union met at Salina.

—The Kansas Baptist convention met at Salina.

OCT. 12.—The Washington county courthouse was completed and paid for.

—The case of H. H. Cook, editor of the *Ottawa Journal*, who had sued A. T. Sharpe of the *Ottawa Republican* for \$10,000, was dismissed. Sharpe had called Cook a watermelon thief.

—Santa Fe was chosen permanent county seat of Haskell county.

—The African Methodist Episcopal Church conference met at Omaha, Neb.

OCT. 14.—John N. Reynolds, editor of the *Atchison Times*, was sentenced to 18 months in the penitentiary and fined \$200 for using the mails to defraud.

—The Kansas Equal Suffrage Assn. met at Newton.

OCT. 16.—It was estimated that more than 25,000 women voted in the municipal elections in April under the new law.

OCT. 17.—The American Coursing Club races began at Great Bend.

OCT. 18.—Wichita University was opened under the direction of the Synod of the Interior of the Reformed Church. (This is not the Wichita University which was established in 1926 when the people of Wichita voted to take over Fairmount College.)

—The Kansas Turner Society met at Topeka. Member towns had withdrawn from the Missouri Valley Turners.

OCT. 19.—Governor Martin commuted the sentence of J. A. Stewart, Wichita drugstore clerk, from 17 years to six months and cut the fine from \$20,000 to \$600.

OCT. 20.—The General Assn. of Congregational Ministers and Churches of Kansas met at Wichita.

OCT. 23.—The Santa Fe reached Salina.

—Dodge City made plans for a \$100,000 sugar factory.

OCT. 24.—More than 30 carloads of cotton had been raised near Iola.

—The Y. M. C. A. building at Marion, the first in Kansas, was completed at a cost of \$15,000.

OCT. 25.—The Missouri Pacific purchased 100 acres near Winfield for a shops location.

—The Kansas Evangelical Lutheran Synod met at Abilene.

OCT. 26.—Five Englishmen were arrested in Paris for forging securities of the Southwestern Kansas Railroad Co.

—The Kansas Anti-Horse Thief Assn. met at Anthony.

—The Kansas Academy of Science met at Topeka.

OCT. 27.—The Young Men's Christian Assn. of Kansas met at Wichita.

OCT. 29.—Vol. I, No. 1, *Horton Daily Headlight*, Brundidge and Bear, publishers.

OCT. 31.—The Atchison Library Assn. received a \$10,000 donation from J. P. Pomeroy.

—An artesian well near Meade Center spouted water nearly 40 feet high.

—“Buffalo Bill” Cody offered \$1,000 a head for buffalo owned by C. J. Jones, Garden City. He wanted the animals for his wild west show.

—In the Gray county-seat election Cimarron defeated Ingalls, 754 to 711.

NOVEMBER 1.—Cooper Memorial College, Sterling, was opened under the direction of the United Presbyterian Synod.

—The first train passed over the “dummy” railroad line between Kansas City and Leavenworth. Fare was 74 cents one way, \$1 a round trip.

NOV. 2.—A trial of a new electric switch signal by the Santa Fe proved successful. It was invented by McClure and Wright of Junction City and was expected to lessen the danger of open switches.

—The Topeka Sorghum Sugar Manufacturing Co. was organized with a capital stock of \$150,000.

NOV. 3.—Edward C. Weilup, Galena, was appointed U. S. consul at Sonneberg, Germany, succeeding Oscar Bischoff, Topeka, who resigned.

Nov. 4.—The *Wichita Eagle* issued the first number on its web-perfecting press, the first in Kansas. It had a capacity of 1,600 pages per minute.

—Governor Martin lifted the quarantine on cattle from Cook county, Ill.

—The Young Women's Christian Assn. of Kansas met at Lawrence.

Nov. 5.—A grand jury at Marion investigated charges of corruption made against members of the silk commission by the dismissed superintendent, I. Horner.

—The Supreme Court affirmed the decision of the district court which perpetually enjoined the canvass of the 1885 Pratt county-seat election, won by Iuka. Saratoga, the rival town, wanted another election.

Nov. 7.—The Supreme Court ordered Gray county commissioners to canvass returns of the election of October 31.

Nov. 8.—Dr. A. G. Abdelal, recently suspended from the State Board of Pension Examiners, was reinstated when charges against him were dismissed by a federal grand jury at Leavenworth.

—County elections resulted generally in victory for the Republican tickets. J. W. Robison was elected to fill the vacancy in the 23rd senatorial district. In Seward county the Fargo Springs ticket won over Springfield in a test of county-seat sentiment. In Harper county a similar contest resulted in victory for Harper over Anthony. Both Eminence and Ravanna claimed a majority in Garfield county.

Nov. 12.—Cimarron received a majority of votes in the Gray county-seat vote on October 31.

Nov. 13.—Haysville, 12 miles south of Wichita, was destroyed by fire.

—N. S. Goss, state ornithologist, left for Lower California and Mexico in search of additional specimens for the state collection.

Nov. 15.—Lee Mosier, convicted of the murder of Hugh B. Lawler, was executed at Wichita. It was the first legal hanging in Kansas since 1870.

—The Supreme Court issued a writ of mandamus in behalf of Robert Crawford, Negro resident of Fort Scott, to compel admittance of his son in school.

—The Attorney General ordered the clerk of the district court in Garfield county to move his office from Ravanna to Eminence.

Nov. 16.—Members of the election board of Union township, Rush county, were arrested for falsifying returns.

—J. E. Rule, Sherman county, claimed he had been elected county treasurer but was refused recognition by the commissioners. He filed a petition in the Supreme Court asking that the rival treasurer, J. H. Tait, be compelled to turn over the office. He also asked \$5,000 damages.

Nov. 18.—Wano and Bird City both claimed victory in the Cheyenne county-seat election. Bird City took possession of the courthouse; Wano men gathered arms and threatened to drive them out.

Nov. 19.—The Rock Island reached Clay Center.

—The unusual number of jurymen used in the Wyandotte county district court in the train-wrecking case, during the railroad strike, had exhausted the list of 900 jurors, with two terms remaining before another list could be prepared.

Nov. 21.—A reception was held at Topeka for Arthur O'Connor and Sir Henry Gratten Esmonde, Irish members of Parliament.

Nov. 22.—The Kansas State Historical Society received from John Brown, Jr., a medal presented to his mother by France in 1874 in commemoration of the services of John Brown, the Abolitionist. The medal is solid gold, 2½ inches in diameter, with a portrait of Brown in relief on one side and a suitable inscription on the other. Victor Hugo was among those who signed the presentation letter.

—Kansas had 23 colleges in operation.

—Mary E. Merrill became the first woman to practice law in Sedgwick county.

—The Sherman county-seat election was won by Goodland. "Money carried the day," declared the *Sherman County Democrat*, of Eustis.

Nov. 24.—Thomas Nast, "king of caricaturists," lectured at Crawford's Opera House, Topeka.

—The Kansas State Volunteer Firemen's Assn. was organized at Abilene.

Nov. 25.—Quo warranto proceedings were brought in the Supreme Court in Garfield county offices disputes.

Nov. 28.—The number of post offices established in Kansas since December 1, 1886, was 217. Name changes included: Altory, Decatur county, to Kanona; Arnold, Labette, to Angola; Baldwin City, Douglas, to Baldwin; Bates, Pratt, to Isabel, Barber; Big Timber, Riley, to Cleburne; Bittertown, Lyon, to Olpe; Bonasa, Wichita, to Leoti; Boone, Sumner, to Hukle, Sedgwick; Bluestem, Russell, to Lucas; Bluff Creek, Harper, to Bluff; Bluffville, Ellsworth, to Geneseo; Braman Hill, Wyandotte, to Summunduwot; Brown's Grove, Pawnee, to Burdette; Buena Vista, Barton, to Hoisington; Bureau, Logan, to McAllister; Candish, Ness, to Nonchalanta; Christian, McPherson, to Moundridge; Corbitt, Ford, to Bucklin; Cuyler, Garfield, to Eminence; Damorris, Morris, to Dwight; Dowell, Kiowa, to Wellsford; Dresden, Kingman, to Olcutt, Reno; Durham Park, Marion, to Durham; Easdale, Ellis, to Pfeifer; Eli, Cowley, to Hooser; Elgin, Chautauqua, to New Elgin; Everett, Woodson, to Vernon; Far West, Morris, to Latimer; Front, Allen, to Bayard; Gopher, Logan, to Winona; Greystone, Wilson, to Sidell; Hart's Mill, Chautauqua, to Hewins; Irene, Pratt, to Cairo; Jurett, Wilson, to Buxton; Kalamazoo, Sedgwick, to Anness; Kansas Center, Rice, to Frederic; Keimfield, Rush, to McCracken; King City, McPherson, to Elyria; LaMont's Hill, Osage, to Vassar; Larimore, Franklin, to Imes; Leland, Kingman, to Spivey; Leslie, Reno, to Medora; Matanzas, Chautauqua, to Newport; Mule Creek, Ellsworth, to Crawford, Rice; Nasby, Saline, to Trenton; New Kiowa, Barber, to Kiowa; Nilesville, Ottawa, to Niles; Nyack, Crawford, to Midway; Pike, Wabaunsee, to Willard, Shawnee; Purcell, Sumner, to Anson; Radical City, Montgomery, to Ritchie; Rattlesnake, Stafford, to Hudson; Sherwin City, Cherokee, to Sherwin Junction, Pratt; Silverton, Pratt, to Preston; Sorghum, Rice, to Bushton; Surprise, Grant, to Tilden; Veteran, Stanton, to Johnson; Weaver, Osage, to Rosemont; Worth, Butler, to Elbing; Zenith, Reno, to Sylvia.

Nov. 30.—The Livestock Sanitary Commission met to adjust claims arising under the Texas fever quarantines. Nearly 1,200 cattle were under restriction in Washington, Sumner and Crawford counties. In Washington, 964 had been in possession of the sheriff since April 4. Shippers had violated the new cattle-inspection law.

—The Protestant Episcopal Church, Diocese of Kansas, met at Topeka. The diocese was divided into four convocations: northeast, northwest, southeast and southwest.

DECEMBER 1.—Quarantined cattle in Washington county were ordered sold unless owners paid costs.

—*Poems of the Plains*, by Thomas Brewer Peacock, Topeka, was published by G. P. Putnam's Sons, New York. The Philadelphia *Times* said Peacock was regarded by the *Saturday Review*, London, as the great American poet.

DEC. 2.—One divorce for every 15 marriages was the average in Kansas, according to a survey made by the Department of Interior.

—Western Kansas was suffering from a fuel famine. It was claimed that the Santa Fe had refused to move coal from the mines. Six cars of coal, en route to Garden City, were switched off at Syracuse by citizens. Crowds threatened to burn railroad property and rob the engines of coal.

—Comanche county young folks resorted to peanut picking as a recreation in place of comhusking bees.

DEC. 5.—The U. S. Supreme Court, in the liquor cases involving Ziebold and Hagelin, Atchison brewers, upheld the state's right to take over private property without due process of law.

DEC. 7.—The State Sanitary Board met at Topeka. Discussed were communicable diseases, water and ice supply, food adulteration, and sanitary conditions of schoolhouses and grounds.

DEC. 8.—I. Horner, former superintendent of the State Silk Station at Peabody, died in poverty at Kansas City, Mo. Horner had advocated silk as a suitable industry for Kansas and devoted his time and money to the project.

—In the Grant county dispute, Cincinnati alleged fraud in the census and brought suit in the Supreme Court to prevent organization of the county with Ulysses as county seat.

DEC. 10.—Judge Brewer in the U. S. Circuit Court held that the Walruff brewery at Lawrence was a common nuisance and directed the U. S. marshal to close it. John and August Walruff were enjoined from using the brewery to manufacture intoxicating liquor.

—After nine years of fighting, the Rush county seat, by Supreme Court decision, was moved from La Crosse, where it had been for eight years, to Walnut City.

DEC. 13.—The Kansas State Horticultural Society met at Marion.

DEC. 14.—Gold badges were presented to members of the Topeka baseball club, champions of the Western League.

DEC. 15.—The Kansas State Veterinary Medical Assn. met at Topeka.

—The Kansas Shorthorn Breeders Assn. met at Topeka.

DEC. 17.—The Walruff brewery at Lawrence was razed and the machinery shipped to Kansas City. Walruff's fight against prohibition had cost him an estimated \$25,000.

DEC. 21.—The Paola branch of the Missouri Pacific was completed, connecting Kansas City and Pueblo, Colo.

DEC. 22.—Russell Springs won the Logan county-seat election.

—George E. Harris, president of the Wichita city council, was arrested for selling liquor and indicted on 40 counts.

—The *Leoti Transcript* said there were 852 newspaper editors in Kansas, and commented: "This is an appalling statement coming as it does upon the verge of what promises to be a severe winter."

DEC. 23.—Much of the Holton business district was destroyed by fire. Loss was estimated at more than \$90,000.

—Kansas City used the installment plan in paying for public works. Improvements were encouraged by issuing tax bills through a term of years.

DEC. 24.—The State Silk Station at Peabody suspended operation until spring. The supply of cocoons was exhausted.

DEC. 25.—Clark county asked for aid for new settlers made destitute by the drouth. A committee was appointed to handle contributions.

DEC. 26.—The Kansas Academy of Language and Literature met at Topeka.

DEC. 27.—The Topeka *Daily Capital* employed a resident correspondent in Washington, claimed to be the first from a Kansas daily.

—The Kansas State Teachers Assn. met at Topeka.

DEC. 28.—The Kansas Prohibition party held a convention at Topeka.

DEC. 29.—The Kansas Midland railroad was completed to Wichita from Ellsworth.

—The first passenger train on the Rock Island passed through Dodge City.

DEC. 31.—Jonathan G. Long, the "mayor of Sumner," Atchison county, died. He was the only remaining resident of the town, which was destroyed by a tornado and never rebuilt. Senator Ingalls' essay, "Catfish Aristocracy," published in the *Kansas Magazine* in 1872, was about Long, who stood six feet, seven inches and weighed 115 pounds. Long served in the Mexican and Civil Wars.

—The W. C. T. U. established a girls' industrial school at Beloit. The town gave 40 acres and \$10,000.

—Seven Lane county farmers, indicted by a federal grand jury, were brought to Topeka. They were accused of intimidating and injuring another farmer while trying to scare him off his homestead so they could jump his claim.

THE YEAR IN BRIEF

AGRICULTURE: Crops as a whole suffered severely from the drouth and farmers incurred serious losses. The value of sorghum was greatly increased, however.

Crop statistics for 1887:

Crop	Acres	Bushels	Value
Winter wheat	1,298,619	8,616,244	\$5,352,562.75
Spring wheat	75,296	662,257	406,886.85
Corn	6,530,392	75,791,454	26,836,422.70
Rye	153,472	1,926,335	820,108.20
Barley	20,727	414,540	165,816.00
Oats	1,577,076	46,727,418	12,232,243.62
Buckwheat	4,229	63,435	47,576.25
Irish potatoes	114,728	9,178,240	6,883,680.00
Sweet potatoes	5,016	501,600	419,745.00
Sorghum: syrup	27,311	2,731,100*	1,103,345.00
Sorghum: forage	69,121	.....	691,210.00
Castor beans	43,342	405,488	364,939.20
Cotton	1,639	409,750†	32,780.00
Flax	142,577	1,400,741	1,190,629.85
Hemp	327	228,900†	11,445.00
Tobacco	740	440,000†	44,400.00
Broomcorn	70,111	42,066,600†	1,472,331.00
Millet and Hungarian	508,441	1,016,882†	4,764,901.00
Tame grasses	747,061	410,894†	2,460,774.00

* gallons

† pounds

‡ tons

Livestock statistics:

<i>Animals</i>	<i>Number</i>	<i>Value</i>
Horses	648,037	\$58,323,330
Mules and Asses	89,957	8,995,700
Milk cows	692,858	13,857,160
Other cattle	1,568,628	31,372,560
Sheep	538,767	1,077,534
Swine	1,847,394	12,931,758

Other farm products:

<i>Product</i>	<i>Amount</i>	<i>Value</i>
Butter	27,610,010 lbs.	\$4,323,403.84
Cheese	496,604 lbs.	59,592.48
Milk		447,381.00
Poultry and eggs sold		1,757,508.00

CHARITABLE INSTITUTIONS: The biennial report of the board of trustees of State Charitable Institutions gave the following statistics for the fiscal year ending June 30, 1887:

<i>Institution</i>	<i>Enrollment</i>
State Insane Asylum, Topeka.....	569
State Insane Asylum, Osawatomie.....	478
State Reform School for Boys, Topeka.....	145
Deaf and Dumb Institution, Olathe.....	209
Institution for the Blind, Wyandotte.....	84
Asylum for Idiotic and Imbecile Youth, Winfield.....	66
Soldiers' Orphans' Home, Atchison.....	91*

* December 30

CHARTERS: Banks, building and loan, trust companies, 309; boards of trade, fairs, merchant and civic associations, 76; cemetery and funeral associations, 78; churches and affiliated organizations, 259; coal, oil and mining companies, 130; creameries and dairy organizations, 19; gas, light, water and power companies, 82; grain, milling and elevator companies, 22; hotels, 20; insurance companies, 13; livestock and poultry, produce companies, 34; lodges, clubs, guilds and benevolent societies, 123; printing and publishing companies, 34; railroads, 123; real estate, town and immigration companies, 557; schools and colleges, 34; stage lines and freighting companies, 3; street railways, 60; telegraph and telephone companies, 11; miscellaneous, 203. Total number of charters for the year, 2,190.

EDUCATION: The number of organized school districts had increased to 8,330 with 7,841 school buildings and 10,450 teachers. Of 526,734 persons between the ages of 5 and 21, 391,554 were enrolled as students. The total amount expended during the year for school purposes was \$4,064,945.49. The average salary of men teachers was \$39.28 per month; women teachers, \$32.50 per month. Average length of the school term was 22.8 weeks.

Fifty-one students were graduated from the University of Kansas in June, 1887. The enrollment for the fall term was 483, including 53 out-of-state students. Kansas State Agricultural College had a fall enrollment of 472, with 35 students from other states. The State Normal School, Emporia, reported an enrollment of 875 for the fall semester. Private schools and enrollments included Highland University, 91; Ottawa University, 215; Baker University, 386, and Bethany College, 340.

FINANCES: At the end of the fiscal year, June 30, 1887, the state treasurer reported a balance of \$431,377.90. The state auditor's report showed receipts of \$3,210,238.20 from all sources, and disbursements of \$2,778,860.30. The aggregate value of all taxable lands was \$152,200,666, and the aggregate value of city lots, \$56,646,873. The valuation of personal property as returned by the county clerks was \$60,796,746.

GOVERNMENT: A list of state and federal officers, judges and members of the Legislature as taken from the biennial report of the Secretary of State:

EXECUTIVE DEPARTMENT OF THE STATE OF KANSAS, 1887

OFFICE	Name	Residence
Governor.....	John A. Martin.....	Atchison
Lieutenant Governor.....	A. P. Riddle.....	Girard
Secretary of State.....	E. B. Allen.....	Wichita
Auditor of State.....	T. McCarthy.....	Larned
Treasurer of State.....	J. W. Hamilton.....	Wellington
Superintendent of Public Instruction.....	J. H. Lawhead.....	Fort Scott
Attorney General.....	S. B. Bradford.....	Carbondale
State Printer.....	C. C. Baker.....	Topeka
Secretary State Board of Agriculture.....	William Sims.....	Topeka
Secretary State Historical Society.....	F. G. Adams.....	Topeka
Superintendent of Insurance.....	D. W. Wilder.....	Hiawatha
State Librarian.....	H. J. Dennis.....	Topeka
Railroad Commissioners.....	Almerin Gillett.....	Emporia
Secretary Board of Railroad Commissioners.....	James Humphrey.....	Junction City
Adjutant General.....	A. R. Greene.....	Cedarvale
Governor's Private Secretary.....	H. C. Rizer.....	Eureka
Assistant Secretary of State.....	A. B. Campbell.....	Topeka
Commissioner of Labor Statistics.....	James Smith.....	Marysville
Assistant Auditor of State.....	W. T. Cavanaugh.....	Topeka
Assistant Treasurer of State.....	F. H. Betton.....	Wyandotte
	S. S. McFadden.....	Topeka
	R. R. Moore.....	Topeka

JUDICIARY DEPARTMENT OF THE STATE OF KANSAS

JUDGES AND OFFICERS OF UNITED STATES COURT FOR DISTRICT OF KANSAS

POSITION	Name	Residence
Judge of Circuit Court.....	David J. Brewer.....	Leavenworth
Judge of District Court.....	C. G. Foster.....	Topeka
District Attorney.....	W. C. Perry.....	Fort Scott
Assistant District Attorney.....	Eugene Hagan.....	Topeka
United States Marshal.....	W. C. Jones.....	Iola
Clerk of District Court.....	Joseph C. Wilson.....	Topeka
Clerk of Circuit Court.....	A. S. Thomas.....	Topeka

JUDGES AND OFFICERS OF THE SUPREME COURT OF KANSAS

OFFICE	Name	Residence
Chief Justice.....	Albert H. Horton.....	Atchison
Associate Justice.....	D. M. Valentine.....	Topeka
Associate Justice.....	W. A. Johnston.....	Minneapolis
Commissioners of the Supreme Court.....	B. F. Simpson.....	Topeka
	J. B. Clogston.....	Eureka
	Joel Holt.....	Beloit
Clerk.....	C. J. Brown.....	Topeka
Reporter.....	A. M. F. Randolph.....	Burlington

JUDGES OF THE DISTRICT COURTS OF KANSAS

DISTRICT	Name	Residence
First.....	Robert Crozier.....	Leavenworth
Second.....	H. M. Jackson.....	Atchison
Third.....	John Guthrie.....	Topeka
Fourth.....	A. W. Benson.....	Ottawa
Fifth.....	Charles B. Graves.....	Emporia
Sixth.....	C. O. French.....	Fort Scott
Seventh.....	L. Stilwell.....	Osage Mission
Eighth.....	M. B. Nicholson.....	Council Grove
Ninth.....	L. Houk.....	Hutchinson
Tenth.....	J. P. Hindman.....	Olathe
Eleventh.....	George Chandler.....	Oswego
Twelfth.....	Edward Hutchinson.....	Marysville
Thirteenth.....	E. S. Torrance.....	Winfield
Fourteenth.....	S. O. Hinds.....	Lincoln
Fifteenth.....	Clark A. Smith.....	Cawker City
Sixteenth.....	J. C. Strang.....	Larned
Seventeenth.....	Louis K. Pratt.....	Norton
Eighteenth.....	T. B. Wall.....	Wichita
Nineteenth.....	J. T. Herrick.....	Wellington
Twentieth.....	Ansel R. Clark.....	Sterling
Twenty-first.....	B. B. Spillman.....	Manhattan
Twenty-second.....	R. A. Bassett.....	Seneca
Twenty-third.....	S. J. Osborn.....	Wakeeney
Twenty-fourth.....	C. W. Ellis.....	Medicine Lodge
Twenty-fifth.....	Frank Doster.....	Marion
Twenty-sixth.....	A. L. Redden.....	El Dorado
Twenty-seventh.....	A. J. Abbott.....	Garden City
Twenty-eighth.....	S. W. Leslie.....	Kingman
Twenty-ninth.....	O. L. Miller.....	Wyandotte

SENATORS AND REPRESENTATIVES IN CONGRESS

SENATORS

NAME	Post Office	NAME	Post Office
John J. Ingalls.....	Atchison	Preston B. Plumb.....	Emporia

REPRESENTATIVES

DISTRICT	Name	Post Office
First.....	E. N. Morrill.....	Hiawatha
Second.....	E. H. Funston.....	Carlyle
Third.....	R. W. Perkins.....	Oswego
Fourth.....	Thomas Ryan.....	Topeka
Fifth.....	John A. Anderson.....	Manhattan
Sixth.....	E. J. Turner.....	Hoxie
Seventh.....	S. R. Peters.....	Newton

LEGISLATIVE DEPARTMENT OF THE STATE OF KANSAS, 1887

MEMBERS OF THE SENATE

Dist.	NAME	Post Office	County
1	Sol Miller.....	Troy.....	Doniphan
2	A. J. Harwi.....	Atchison.....	Atchison
3	Matt Edmonds.....	McLouth.....	Jefferson
3	P. G. Lowe.....	Leavenworth.....	Leavenworth
4	W. J. Buchan.....	Wyandotte.....	Wyandotte
5	R. W. Blue.....	Pleasanton.....	Linn
5	W. M. Shean.....	Gardner.....	Johnson
6	W. J. Bawden.....	Fort Scott.....	Bourbon
7	M. C. Kelley.....	Mulberry Grove.....	Crawford
8	John N. Ritter.....	Columbus.....	Cherokee
9	C. H. Kimball.....	Parsons.....	Labette
10	L. U. Humphrey.....	Independence.....	Montgomery
11	R. N. Allen.....	Chanute.....	Neosho
12	L. K. Kirk.....	Garnett.....	Anderson
13	L. C. Wasson.....	Ottawa.....	Franklin
14	T. L. Marshall.....	Osage City.....	Osage
15	G. J. Barker.....	Lawrence.....	Douglas
16	Silas E. Sheldon.....	Topeka.....	Shawnee
17	J. S. Coddling.....	Louisville.....	Pottawatomie
18	W. W. Smith.....	Waterville.....	Marshall
19	George S. Green.....	Manhattan.....	Riley
20	L. B. Kellogg.....	Emporia.....	Lyon
21	E. M. Hewins.....	Cedarvale.....	Elk
22	Frank S. Jennings.....	Winfield.....	Cowley
23	A. L. Redden.....	El Dorado.....	Butler
24	R. M. Crane.....	Marion.....	Marion
25	Conrad Kohler.....	Enterprise.....	Dickinson
26	F. P. Harkness.....	Clay Center.....	Clay
27	George H. Case.....	Mankato.....	Jewell
28	R. M. Pickler.....	Smith Center.....	Smith
29	I. D. Young.....	Beloit.....	Mitchell
30	Ira E. Lloyd.....	Ellsworth.....	Ellsworth
31	H. B. Kelly.....	McPherson.....	McPherson
32	W. M. Congdon.....	Sedgwick.....	Harvey
33	John Kelly.....	Goddard.....	Sedgwick
34	W. J. Lingenfelter.....	Wellington.....	Sumner
35	J. W. Rush.....	Larned.....	Pawnee
36	J. W. White.....	Lyons.....	Rice
37	E. J. Donnell.....	Stockton.....	Rooks
38	H. S. Granger.....	Phillipsburg.....	Phillips

OFFICERS OF THE SENATE

NAME	Office	Post Office	County
A. P. Riddle.....	President.....	Minneapolis.....	Ottawa
L. U. Humphrey.....	President pro tem.....	Independence.....	Montgomery
C. C. Baker.....	Secretary.....	Topeka.....	Shawnee
Joel Moody.....	Assistant Secretary.....	Mound City.....	Linn
C. O. McDowell.....	Sergeant-at-Arms.....	Columbus.....	Cherokee
F. M. Higgason.....	Asst. Sergeant-at-Arms	Belleville.....	Republic

MEMBERS OF THE HOUSE

Dist.	NAME	Post Office	County
1	B. A. Seaver	Highland	Doniphan
2	C. W. Benning	Atchison	Atchison
3	Joseph Donahue	Farmington	Atchison
4	S. S. Cooper	Oskaloosa	Jefferson
5	G. W. McCammon	Valley Falls	Jefferson
6	Ed. Carroll	Leavenworth	Leavenworth
7	T. A. Hurd	Leavenworth	Leavenworth
8	M. H. Berry	Reno	Leavenworth
9	Frank Gable	Lansing	Leavenworth
10	Porter Sherman	Wyandotte	Wyandotte
11	James F. Timmons	Edwardsville	Wyandotte
12	Niek Reitz	Monticello	Johnson
13	J. J. Cox	Lawrence	Douglas
14	J. D. Bowersock	Lawrence	Douglas
15	J. V. Pollinger	Ottawa	Franklin
16	L. W. Hostetter	Wellsville	Franklin
17	W. H. Wilhoite	Paola	Miami
18	C. Lewis	Fontana	Miami
19	Alfred Blaker	Pleasanton	Linn
20	J. F. Sawhill	Welda	Anderson
21	E. D. Lacey	Morantown	Allen
22	A. E. Currier	Hammond	Bourbon
23	Wiley Bollinger	Mill Creek	Bourbon
24	A. N. Chadsey	Cherokee	Crawford
25	E. H. Brown	Girard	Crawford
26	R. P. McGregor	Baxter Springs	Cherokee
27	H. B. Hubbard	Boston Mills	Cherokee
28	F. R. Morton	Parsons	Labette
29	J. H. Morrison	Oswego	Labette
30	R. S. Lybarger	Valeda	Labette
31	J. B. Ziegler	Independence	Montgomery
32	D. McTaggart	Liberty	Montgomery
33	J. W. Martin	Parsons	Labette
34	Wm. Miller	Chanute	Neosho
35	C. J. Butin	Fredonia	Wilson
36	W. H. Slavens	Yates Center	Woodson
37	Frank Fockele	LeRoy	Coffey
38	G. W. Doty	Burlingame	Osage
39	J. V. Admire	Osage City	Osage
40	C. P. Bolmar	North Topeka	Shawnee
41	George W. Veale	Topeka	Shawnee
42	J. B. McAfee	Topeka	Shawnee
43	S. E. Ream	Holton	Jackson
44	T. J. Elliot	Morrill	Brown
45	G. W. Conrad	Capioma	Nemaha
46	A. L. Coleman	Centralia	Nemaha
47	W. S. Glass	Marysville	Marshall
48	T. F. Rhodes	Frankfort	Marshall
49	J. W. Arnold	Louisville	Pottawatomie
50	Thomas Beattie	Wamego	Pottawatomie
51	Wm. Fryhofer	Randolph	Riley
52	P. V. Trovinger	Junction City	Davis
53	Charles Taylor	Eskridge	Wabaunsee
54	George Johnston	Plymouth	Lyon
55	D. A. Hunter	Emporia	Lyon
56	J. B. Clogston	Eureka	Greenwood
57	Asa Thompson	Howard	Elk
58	C. M. Turner	Sedan	Chautauqua
59	John A. Eaton	Winfield	Cowley
60	Louis P. King	Arkansas City	Cowley
61	John D. Maurer	Dexter	Cowley
62	D. W. Poe	Leon	Butler
63	E. D. Stratford	El Dorado	Butler
64	M. A. Campbell	Cottonwood Falls	Chase
65	J. N. Rogers	Marion	Marion
66	J. Hudson Morse	Peabody	Marion
67	J. S. Earlywine	Wilsey	Morris
68	Harrison Flora	Poplar Hill	Dickinson
69	M. L. Potter	Plympton	Dickinson
70	A. J. Banner	Clifton	Clay
71	Chas. Williamson	Washington	Washington
72	Albert Hazen	Barnes	Washington
73	Gomer T. Davies	Republic City	Republic
74	John A. Jacobs	Seapo	Republic

MEMBERS OF THE HOUSE—Concluded

Dist.	NAME	Post Office	County
75	George W. Knapp	Clyde	Cloud
76	James McCall	Jamestown	Cloud
77	E. B. Crew	Delphos	Ottawa
78	J. Wayne Amos	Gypsum City	Saline
79	J. M. Simpson	Spring Valley	McPherson
80	A. W. Smith	McPherson	McPherson
81	T. J. Matlock	Burrton	Harvey
82	Rodolph Hatfield	Wichita	Sedgwick
83	R. E. Lawrence	Wichita	Sedgwick
84	A. H. Carpenter	Valley Center	Sedgwick
85	C. N. Bottoff	Wellington	Sumner
86	John A. Murray	Wellington	Sumner
87	Levi Thrailkill	Caldwell	Sumner
88	B. C. Cook	Attica	Harper
89	F. E. Gillett	Kingman	Kingman
90	T. A. McNeal	Medicine Lodge	Barber
91	J. M. Bowman	Saratoga	Pratt
92	Thomas T. Taylor	Hutchinson	Reno
93	E. J. Arnold	Nickerson	Reno
94	Frank Cox	Stafford City	Stafford
95	H. J. Roetzel	Ellinwood	Barton
96	R. F. Bond	Sterling	Rice
97	S. W. Bard	Ellsworth	Ellsworth
98	J. B. Corbett	Bunker Hill	Russell
99	J. D. Miller	Lincoln	Lincoln
100	S. H. Calderhead	Beloit	Mitchell
101	Z. T. Walrond	Osborne	Osborne
102	D. C. Wilson	Superior, Neb.	
103	B. F. Wallace	Jewell	Jewell
104	W. M. Skinner	Gaylord	Smith
105	H. N. Boyd	Logan	Phillips
106	L. H. Leach	Stockton	Rooks
107	L. D. Kirkman	Walker	Ellis
108	John Hargrave	La Crosse	Rush
109	Wm. C. Edwards	Larned	Pawnee
110	L. G. Boies	Kinsley	Edwards
111	E. S. West	Avila	Comanche
112	Francis C. Price	Ashland	Clark
113	M. J. O'Meara	Meade Center	Meade
114	W. H. Young	Spearville	Ford
115	T. S. Haun	Jetmore	Hodgeman
116	J. P. Johnson	Challacombe	Ness
117	W. S. Tilton	Wakeeney	Trego
118	James Justus	Millbrook	Graham
119	D. B. Kunej	Norton	Norton
120	F. L. Henshaw	Oberlin	Decatur
121	M. A. Chambers	Hoxie	Sheridan
122	H. P. Myton	Garden City	Finney
123	G. W. Goodsoe	Colby	Thomas
124	E. D. York	Atwood	Rawlins
125	J. T. Kirtland	Hartland	Hamilton
	C. H. Townsley	Sloey P. O.	Gove
	S. J. Gillis	Fargo Springs	Seward
	John Pancoast	Hugoton	Stevens
	Wm. McK. Milligan	Greensburg	Kiowa
	John F. Murray	Bird City	Cheyenne
	S. W. Case	Scott City	Scott
	John W. Davis	Eustis	Sherman
	John Shetterly	Wallace	Wallace

NOTE.—Those in excess of 125 were admitted from counties organized subsequent to the apportionment.

OFFICERS OF THE HOUSE

NAME	Office	Post Office	County
A. W. Smith	Speaker	McPherson	McPherson
J. B. Clogston	Speaker pro tem	Eureka	Greenwood
H. L. Millard	Chief Clerk	Sterling	Rice
Will T. Walker	Assistant Clerk	Wellington	Sumner
C. A. Norton	Sergeant-at-Arms	Beloit	Mitchell
John L. Waller	Ass. Sergeant-at-Arms	Leavenworth	Leavenworth

INDUSTRY: Kansas had 801 industrial establishments with an invested capital of \$29,016,760. Wages totaling \$7,818,295 were paid to 15,856 employees. The cost of raw materials was \$34,019,357, and the value of finished products was \$51,061,791. Kansas coal mines in 1887, employing 4,728 miners and 870 day laborers, produced 39,251,985 bushels of coal. Osage and Cherokee counties were the largest producers with nearly 10,000,000 bushels each.

INSURANCE: The Superintendent of Insurance for the first time since the creation of the department tabulated life insurance business in the state. During the year policies totaling \$12,801,843 were issued by 28 authorized companies, by far the greatest amount ever written in Kansas. The total for 17 years of business was \$58,406,493. Fire insurance written in 1887 by 83 authorized companies amounted to \$137,228,880.

POPULATION: The total population of the state was 1,514,578, an increase of 107,840 over 1886. Leavenworth reported the largest population, 35,227; Topeka had 34,199, a gain of over 9,000; Wichita, 33,999, an increase of 13,000, and Kansas City, 33,110.

RAILROADS: The State Board of Railroad Assessors listed 87 companies, including main lines and branches, operating in the state. As of June 30, 1887, there were 6,549 miles of main track, an increase of 1,845 miles during the year. The railroads hauled 21,293,832.6 tons of freight. Total earnings from all sources was \$75,717,049.44.

WEATHER: The mean temperature for 1887 was 55.21 degrees. The highest temperature recorded was 111 in August, and the lowest was -32 in January. Rainfall was slightly less than normal, but the western half of the state had very little during the summer. Average precipitation was 24.67 inches. A drouth in July caused one of the most disastrous crop years in history.

Bypaths of Kansas History

A KANSAS NEWSPAPER OFFICE IN 1857

From the White Cloud *Kansas Chief*, August 6, 1857.

HOW THEY DO IN KANSAS.—The office of the *Weekly Herald*, published in Leavenworth, Kansas, was recently visited by a correspondent of an Eastern paper, and is thus described by him:

“A visit to the printing office afforded a rich treat. On entering the first room on the right hand, three law ‘shingles’ were on the door; on one side was a rich bed—French blankets, sheets, table cloths, shirts, cloaks and rugs, all together; on the wall hung hams, maps, venison and rich engravings, onions, portraits and boots; on the floor were a side of bacon, carved to the bone, corn and potatoes, stationery and books; on a nice dressing case stood a wooden tray half full of dough, while crockery occupied the professional desk. In the room on the left—the sanctum—the housewife, cook and editor lived in glorious unity—one person. He was seated on a stool, with a paper before him on a plank, writing a vigorous knock down to an article in the Kickapoo *Pioneer*, a paper of a rival city. The cooking stove was at his left, and tin kettles all round; the corn cake was a doin’, and instead of scratching his head for an idea, as editors often do, he turned the cake and went ahead.”

MAN WRITING ON “WOMAN’S RIGHTS”

From the Fort Scott *Democrat*, September 22, 1859.

Mrs. Nichols the celebrated Lecturer on “womans rights,” delivered a lecture in the Hospital, last Friday evening. Of course the room was crowded, and although the weather was very warm, there was a large number of ladies in attendance.

The Lecturer declared that woman had many responsibilities. We agree with her, for we once knew one who had a dozen. She said if the men didn’t give them their rights, they would revolt—wouldn’t marry. What a row that would make. They wanted to vote but didn’t care about holding office if the men only behaved themselves.

Upon the whole, the lecture was not a remarkable one either for originality of thought or power of delivery. Haven’t heard of any converts in this region.

A PLEA FOR MORE BUSINESS

From the Council Grove *Press*, May 25, 1861.

LOOK HERE!—When tuition is but one dollar per month, and fifteen or twenty children are running about idly upon the streets, and only twenty at school, we are allowed to make this assertion, that, *some people care not if their children grow up in ignorance*. The tuition for schooling at Council Grove, was put as low as possible, so that *all* might send; those who are not willing to pay one dollar a month, would be willing to hire a man for nothing, and pay him according to *agreement*.

TEACHER.

ALONG THE SANTA FE RAILROAD IN WESTERN KANSAS IN 1873

From *The Kansas Daily Commonwealth*, Topeka, May 30, 1873.

ON THE TRAIN, MAY 24, 1873.

Sargent [near the state line in present western Hamilton county] puts on the appearance of a town in the dark. The train arrived at 11 P. M., and the numerous glass fronts, all brilliant with light, would remind us of some other towns who had once no better display than this, but are now large cities. Sargent has about thirty business houses, including saloons and hotels; about fifty buildings in all, with a population of about two or three hundred. It has a two-story depot, engine house, turn-table, and numerous side tracks. It has two hotels, the Winram house and Sargent City hotel. The latter is the largest and best finished. Both have accommodating and obliging proprietors. It is about two and a half miles from the state line, and about half a mile from the Arkansas river, which is here lined with a young growth of cottonwood, and the scenery is very beautiful. The soil, no doubt, is productive, but it is doubtful whether farming will be a success without irrigation, which can be easily done along the valley of the Arkansas. This is designed to be a grazing country, and large herds of Texas cattle are now grazing here. These cattle are said to have wintered here.

The train moved eastward a few minutes before six. It was a beautiful morning, with a fine, gentle breeze.

Coming into the vicinity of the Syracuse colony, we see already the marks of an industrious farming community. Syracuse is the first station east of Sargent. We counted eighteen buildings in town and vicinity, all of a fair size and substantially built. The amount of sod already turned over and the fine rows of trees planted along the streets, display a degree of energy, taste and enterprise that will insure success. First Lieut. Robt. McDonald of the Fifth Infantry, of Fort Dodge and Capt. H. B. Bristol of the same company got on the train here. Capt. Bristol went along the line inspecting the soldiers stationed at all the points on the road between Dodge and Sargent. There are generally 7 soldiers at each station. Two with each squad of section hands. These are on guard while the men are at work. Sometimes we see one of them on picket duty on an eminence commanding a view of the country. Three soldiers are always left at the station to guard it. The railroad company has put up a building at each of these stations for the accommodation of these soldiers. There are, as yet, no depot buildings at any of the stations between Dodge and Sargent, but there is a telegraph office at each point, and these are in communication with Fort Dodge, where the government troops are six hundred strong, and ready for action at short notice. Scouts are constantly on duty on the south side of the river. The object of this is to keep the Indians on their own hunting grounds and the territory assigned them. Lieut. McDonald assures us that through these precautionary steps there is no danger of an attack from the Indians.

There is no settlement between Dodge and Sargent except that at Syracuse; and the guards stationed along the line are not so much for military protection as for the protection of railroad property. We can easily perceive what an amount of damage a marauding band of Indians might do to railroad tracks and telegraph wires if allowed to leave their hunting grounds.

There appears to be a feeling of security and safety among the section hands. If there were any danger from Indians we would certainly have heard ere this of attacks made upon the trains of teams moving toward Colorado. But if eastern people are afraid of Indians, let them settle further east. There are fine openings for settlement at Petersburg [now Kinsley], Criley, Larned, Great Bend, Ellinwood, Raymond, and Peace [now Sterling], where they can feel perfectly secure from any attack from Indians.

Lakin, Sherlock and Cimmaron are pleasantly located, and will make good points for towns; would be fine centers for stock raising communities.

At Sherlock [present Finney county], we peeped into several "Dug-outs," one of them fitted up for lodging and the other for *dining*; size about 15x20, and apparently more comfortable than *city basements*. Miss Mudge, late from the Vermont House of the same place, is cook. She is a noble young woman, a splendid cook, and of undaunted courage; for she is the only one of her sex in all that region of country.

J. B. SCHLICHTER.

FURNITURE ADVERTISING IN EARLY DAY NEWTON

From the *Newton Kansan*, February 3, 1876.

What is the use of sitting around on nail kegs when you can go to Rhoades and buy a good set of chairs for \$4.

ON THE SPOT

From *The Daily Commonwealth*, Topeka, October 10, 1882.

A witness in a liquor trial down at El Dorado, said he had to tell where he bought his whisky, for two or three of the jury were with him when he got it, and he dare not lie about it.

THEY GROW THEM BIG IN WESTERN KANSAS

From the *Thomas County Cat*, Colby, January 7, 1886.

EDEN RESTORED.—It has been discovered that Western Kansas is the Eden from which Grandfather Adam and Grandmother Eve were driven for fooling with the commandments and the Good Man's winter wine saps. The stump of the identical tree under which Mrs. Adam was beguiled by the serpent, is just south of the river in Hamilton county. The flaming sword that guarded the Tree of Life has been stolen, perhaps by the Indians or cowboys, but the fig tree is here from which Mrs. Adam manufactured her fashionable but somewhat scanty wearing apparel. It is dead now—probably winter killed—but, like our flag, it is still here, and furnishes evidence which the oldest inhabitants dare not dispute.

The soil is just as fruitful as in ye olden time and produces prodigiously. Sunflowers can be seen that will make a dozen rails and a whole lot of hard work. Potatoes grow so big that they can only be roasted by building a fire on

the windward side and when one section is done, waiting for the wind to change. Cabbage leaves are used for circus tents, and hoop poles are made out of timothy stalks. Jack rabbits grow as large as a horse, and the tail feathers of a wild goose make excellent fence posts. Wheat is larger than corn in most states, and it is dangerous to plant rye, as the roots have to be grubbed out before the ground can be plowed again. A man planted a turnip one mile from the railroad last summer and the railroad company sued him for obstructing their right of way before the middle of July.

Pie plant makes excellent bridge timbers, and pumpkins are in good demand this winter for barns and houses. Pea pods are used as ferry boats on the Arkansas river, and onion seed are much sought after for walling wells and terrace work. Rye straw, properly connected, makes superior pipe for drainage, and the husk of the berry when provided with rockers, make unique baby cradles. North of Coolidge are several lakes of strained honey and we often have showers of rose water and cologne in the early part of the year. The settlement of western Kansas is restoring Eden to its primitive glory and man to his first estate.—*Border Ruffian*.

WHEN CALDWELL TRIED OUT ITS WATERWORKS

From the *Caldwell Journal*, July 8, 1886.

THE WATER WORKS.—A public test of the new city water works was had at three o'clock, from the hydrant in front of this office. The test was a success, and a pile of fun was had out of it by the fire companies. No. 2 was attached to the hydrant first, and proceeded to wet things down in good shape. One or two of No. 1 and some citizens got a few drops of water on them.

No. 1 was then called and hose attached. No. 2 tried to make themselves scarce, but not before three or four of them were drenched to the skin. But few citizens were wet much at this bout, but when No. 2 was again called on the mud and water flew in all directions, and some of the too curious people got pretty badly saturated with soft mud and hard water. Part of it was accidental, especially to those who were on the side walks; but those of the crowd who persisted in swarming into the street and up to the very nozzle of the hose were entitled to what they got, and got what was intended for them.

Chief Colson had a nice suit of clothes about ruined, and assistant chief Nyce looked like he had taken a mud bath before the hurrah was over.

It all amused the crowd and counted for fun.

A STORY ON THE UNION PACIFIC

From the *Minneapolis Messenger*, November 28, 1895.

Rev. S. B. Lucas tells us a good story which reflects some on the appearance and rapid movement of the Union Pacific train running from here to Solomon. On Monday the train was mistaken by a colt for an emigrant train, to which it belonged. The colt left its own train of wagons, and followed the cars for about three miles, keeping up with the train with much ease. The owner of the colt finally captured it, and had hard work to get it from the train. . . .

Kansas History as Published in the Press

Lillian K. Farrar's articles in the Axtell *Standard* during recent months included: "Nemaha County Freighting in the Early Days," April 3, 1952; "Axtell Presbyterian Church," April 10; "A History of the Axtell Methodist Church," April 17; "Names in Yesterday's Schools in the History of Nemaha County," May 15, and a biographical sketch of Albert C. Eichenmann, July 3.

A column by Elizabeth Barnes, entitled "Historic Johnson County," has appeared regularly in the *Johnson County Herald*, Overland Park, in recent months. Subjects discussed included: Early trappers and traders, May 15; Santa Fe trail, May 22; Oregon trail, May 29; first Indian mission, June 5; Shawnee Indian Manual Labor School, June 12; Shawnee Baptist Mission, June 19; Shawnee Quaker Mission, June 26; beginning of statehood, July 10; wagons and stage coaches used on the Plains, July 17, and distinguished visitors to Kansas in the early days, July 31.

Recent articles in Heinie Schmidt's column, "It's Worth Repeating," in *The High Plains Journal*, Dodge City, were: "[The Rev. Homer Gleckler] Tells of Murder of Sam Wood, Pioneer Stevens Co. Lawyer," June 12, 1952; "Question Authorship of Words to 'Sod Shanty on the Claim,'" June 19, and "Pioneer Tells Story of Wagon Train Trip Through Southwest," June 26, July 3, 10, 17, 24, 31, by Charles A. Blanchard.

Brief historical notes on the "Maine Colony" of Arkansas City, appeared in Walter Hutchison's column, "Folks Hereabouts," in the *Arkansas City Daily Traveler*, June 28, 1952. The colony was a group of families from Maine who settled in Arkansas City over 80 years ago.

An article, explaining the dispute over who was the first mayor of Coffeyville, by Dr. T. C. Frazier, was published in the *Coffeyville Daily Journal*, June 29, 1952. In 1872 a portion of the town was incorporated and elected A. B. Clark mayor. A short time later the charter was revoked, and in 1873 the entire village was incorporated and Dr. G. J. Tallman elected mayor.

A four-page article on Yates Center by Neil L. Toedman, was published in the July, 1952, number of *The Mid-West Truckman*, Yates Center. The town is just now completing its 77th year.

The Seventh Day Baptist settlement in the Nortonville area was the subject of a historical sketch by Myra Maris, printed in the *Atchison Daily Globe*, July 2, 1952. The Baptists arrived late in 1857, and the first church was organized in 1862.

A brief historical sketch of Irving was published in the *Frankfort Index*, July 3, 1952. Irving was founded late in 1859 by a group from Lyon City, Iowa, on a site selected by W. W. Jerome.

A summary of K. D. Hamer's article, "Story of Ellsworth," appeared in the *Ellsworth Messenger*, July 3, 1952. The original town-site of Ellsworth, about two miles southeast of the present town, was surveyed in 1867, but that same year the town was moved to the present location because of a flood. J. H. Edwards was the first mayor.

In the July 4, 1952, issue of the *Hutchinson News-Herald*, Ernest Dewey described some of the scenery and historic points of southwest Kansas. The gold strike of 1893 on the Smoky Hill river was the subject of his article on July 13.

An article on the fight over building a railroad through McCune in 1904 was published in the *McCune Herald*, July 11, 1952. An election was held, resulting in a very close vote in favor of a bond issue for buying the right of way. Some work was done on the right of way but the railroad was never built.

In connection with its 75th anniversary, a brief history of St. Ann's Catholic church, Effingham, was printed in the *Atchison Daily Globe*, July 17, 1952. The church was established as a mission parish in 1867 and became a full-fledged parish in 1877.

The hobby of Charles B. Driscoll, native Kansan, of collecting pirate lore, was discussed in an article by John Edward Hicks, "Captain Kidd Was No Pirate According to Data in C. B. Driscoll Collection," in the *Kansas City (Mo.) Star*, August 4, 1952. The collection, believed to be the world's largest on that subject, has been purchased by the Wichita City Library. The story of the capture of the wild horse, Black Kettle, by Frank M. Lockard, is told in "The Most Famous of Kansas Wild Horses Outmaneuvered by Man in a Buckboard," by E. B. Dykes Beachy, in the *Kansas City (Mo.) Times*, July 28.

The Modern Light, Columbus, has continued in recent months to publish the column of historical notes entitled "Do You Remember When?"

Kansas Historical Notes

Nyle H. Miller, secretary of the Kansas State Historical Society, was the principal speaker at a luncheon meeting of the Lyon County Historical Society in Emporia, July 4, 1952.

Thaddeus A. Culbertson's *Journal of an Expedition to the Mauvais Terres and the Upper Missouri in 1850* has been edited by John Francis McDermott and recently published as *Bulletin 47*, Bureau of American Ethnology, Smithsonian Institution. The booklet, 164 pages in length, is Culbertson's day by day account of his scientific expedition to the Bad Lands in 1850.

A 312-page history of the Missouri, Kansas, Texas Railroad, entitled *The Katy Railroad and the Last Frontier*, by V. V. Masterson, was recently published by the University of Oklahoma Press. The Katy, originally incorporated as the Union Pacific Railway, Southern Branch, came into legal being in September, 1865.

A collection of letters written home by emigrants to California in 1849 and 1850, has been edited by Dr. Walker D. Wyman and published by Bookman Associates in a 177-page book entitled *California Emigrant Letters*.

The material on Kansas history collected by the late Cecil Howes during his nearly 50 years as Kansas statehouse reporter for the *Kansas City Star*, has been assembled and edited by his son, Charles C. Howes, and recently published by the University of Oklahoma Press under the title *This Place Called Kansas*. The 236-page book is a collection of entertaining and revealing anecdotes "representative of the social and cultural pattern of the state."

THE
KANSAS HISTORICAL
QUARTERLY

February 1953



Published by
Kansas State Historical Society
Topeka

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the managing editor at the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

A sod house near Coldwater in the early 1880's. The man is not identified, but it is said that he was a bachelor! Which is remindful of the jingle going the rounds of western Kansas newspapers in the 1880's, "The Little Old Sod Shanty on the Claim," two stanzas of which are as follows:

I am looking rather seedy now, while holding down my claim,
And my victuals are not always served the best;
And the mice play shyly 'round me as I nestle down to sleep,
In my little old sod shanty on the claim. . . .

But when I left my Eastern home, a bachelor so gay,
To try to win my way to wealth and fame,
I little thought that I'd come down to burning twisted hay,
In my little old sod shanty on the claim. . . .

[The photograph, lent by Mrs. J. W. Bosley of Coldwater, was brought in by Mrs. Benj. O. Weaver of Mullinville.]

THE KANSAS HISTORICAL QUARTERLY

Volume XX

February, 1953

Number 5

Dr. Samuel Grant Rodgers, Gentleman From Ness

MINNIE DUBBS MILLBROOK

IN 1872 western Kansas was virtually empty. The Indians, however restless and discontented, were mostly on reservation in what is now Oklahoma. The remaining buffalo were being rapidly hunted down, skinned and the bones left for later pickers. The Kansas Pacific railroad (now Union Pacific) was like a thin bridge, stretched across an enormous empty sea, and although little settlement had followed its building, still another railroad, the Santa Fe, was pushing out across that same great vacant land. Here was an unprecedented opportunity—free land and convenient transportation to it—open to that restless, always westward-pushing, always land-hungry American. And yet the settler was reluctant. The reputation of the land was not good; it was dry and the crops might not grow.

But other men, who had learned that profit and power attend the settlement of new territory, were ready and anxious. They had dreams far beyond a home and a farm for themselves; they would build towns and counties. In the best sense, these men were planners and creators, building unselfishly for a good community. In many cases they were exploiters of their fellows, hoping to control the settlement to their own personal gain. In their worst form they were outright thieves, faking the establishment of counties and towns, secure in the knowledge that no one would come west to investigate the phantom populations for which they projected phantom courthouses and bridges, only to sell the bonds to Eastern financiers for real hard cash.

In the 1870's nearly every town and county organized in western Kansas had such a sponsor and it was not always easy to determine

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in which category each might belong. Ness county had Dr. Samuel Grant Rodgers, who was unsuccessful with his organization and has ever since been regarded as a rascal and a cheat. As a consequence, for many years Ness countians have chosen to ignore historically, what seemed to them, the dishonorable beginnings of the county. But when at last the skeleton of these beginnings has been taken from the closet,¹ dressed in some long-neglected facts and set in a proper contemporary background, the whole affair proves to have been not only most interesting but of comparative respectability.

What has not been generally understood, is that Ness county was not the first of Dr. Rodgers' promotions. He served an apprenticeship in Pawnee county where his plans for a model community were defeated. Adopting the more successful, more unscrupulous techniques of his adversaries, he tried again in Ness county and again failed. For all his efforts he got neither an established colony nor any monetary reward. A failure rather than a thief would be the truer word for Dr. Rodgers.

In order to understand Dr. Rodgers' first promotion, some of the early conditions in Pawnee county must be explained. Pawnee was not an organized county in 1872, although its boundaries had been drawn in 1867, when the Kansas legislature had laid out three tiers of western counties²—all the unoccupied land in Kansas up to Range 26 West—with the provision that when these counties had attained sufficient population (600 inhabitants) they could be organized into political units. These 21 counties were uniformly laid out, 30 miles by 30 miles, five townships square. Pawnee consisted of townships 21, 22, 23, 24, and 25 in ranges 16, 17, 18, 19, and 20 West.

In the northeast corner of Pawnee county was Fort Larned, an important army post during the Indian wars and still occupied by troops in 1872. Among the innumerable tales of earlier events about the fort, was one involving Capt. Henry Booth, who in 1864 was inspecting officer of the military district in which the fort lay. Driving from Fort Zarah with another officer in an ambulance, he was attacked by Indians and barely escaped with his life.³ Earlier that same year Captain Booth had commanded an expedition from

1. Judge Lorin T. Peters of the 33d judicial district of Kansas, intensely interested in western Kansas history, has made a thorough search into the organization of Ness and other western counties. This article is based on his research, as communicated to the writer by Mrs. G. N. Raffington, Ness City.

2. *The Laws of the State of Kansas, 1867*, pp. 51-57.

3. *War of the Rebellion*, Series 1, v. 41, Pt. 1, p. 934. Also, Col. Henry Inman, *The Old Santa Fe Trail* (New York, 1897), pp. 435-451.

Fort Riley to the relief of Ft. Larned reportedly infested by Indians.⁴ Before the war, Booth had been a resident of Riley county and after the close of his service in the army, he returned to his home there. In 1867 he served as legislator from Riley county in the Kansas house. In 1869 he received an appointment as post-master at Fort Larned and moved there with his family, establishing a sutler's store at the fort.

When the Atchison, Topeka & Santa Fe railroad ran its survey through Pawnee county in 1871, Booth and several associates began planning a new town over on the railroad, six miles east from the fort, to be named Larned. In January, 1872, the directors of the Larned Town Co., including ex-Governor Samuel Crawford, president, and E. Wilder, secretary, met at the home of Booth and selected the exact site of the town.⁵ There is no doubt that Booth, with his wide experience in the war and in Kansas affairs, was well-fitted to be the leader in the bright future that the railroad would bring to Pawnee county. Neither was there any doubt that he had excellent political connections and many friends in Topeka.

The first house was "brought bodily from Fort Larned on wheels" to the new town by Booth in April.⁶ Several other houses were built that summer and a number of settlers came in. The railroad was completed into Larned on July 20, 1872. With it came the railroad construction gang under John D. Criley, who had previously built part of the Kansas Pacific across western Kansas, and who now located his laborer's camp near Larned at a place called Camp Criley. F. C. Hawkins is said to have come with this crew only to remain in Larned indefinitely when he found a fine growing town that offered possibilities to a man of his talents.⁷ Everything was going well when Dr. Samuel Grant Rodgers arrived in Pawnee county as one of a committee to locate a site for the Chicago workman's colony.

The railroad was completed to the, then, barren plain, where Kinsley now stands, in the summer of 1872. In August of that year C. N. Pratt and Dr. Samuel G. Rodgers (the gentleman from Ness), representing the "Chicago workmen's colony," (the work was to be done by the men who were to follow, like all colonies you know,) visited the upper valley and selected the present

4. *War of the Rebellion*, Series 1, v. 41, Pt. 1, p. 189.

5. Capt. Henry Booth, "Centennial History of Pawnee County," read by Captain Booth at a centennial celebration, July 4, 1876, and printed beginning November 3, 1899, in the Larned *Eagle Optic*. The history was contributed to the newspaper by Mrs. Isabel Worrall Ball, historian of the old settlers' association. Clippings are now in the State Historical Library, Topeka.

6. *Ibid.*

7. A. T. Andreas and W. G. Cutler, *History of the State of Kansas* (Chicago, 1883), p. 1350.

site of Kinsley as their objective point, and named it Petersburg, in honor of T. J. Peters of the Santa Fe railroad.⁸

In his history of early Pawnee county, Henry Booth gave August 10 as the day of the location of Petersburg, 24 miles southwest from Larned on the railroad. He named in addition to Rodgers and Pratt as the committee of the Chicago Workingmen's Co-operation colony, F. W. Neye, J. Trumbull, and Robert McCause. He stated further that the place was selected on account of the fertility of the soil, the healthfulness of the climate, and the abundance of pure water. This colony, it would seem, would offer only the best of advantages to its colonists.

This, then, was the entrance of Dr. Rodgers upon the Pawnee county scene—one of a committee to locate and promote a co-operative colony of workingmen from Chicago. To establish such a colony was his ambition and his dream and there is no evidence throughout his experience in western Kansas that he ever wavered from this primary objective. Organized colonies of this type were actively advocated by the social idealists of that day in the hope of relieving the pressure of poverty on the working class of the cities. Many such colonies were planned and begun in Kansas, several in the vicinity of what is now Kinsley. Needless to say, they were regarded with ridicule and hostility by the hard-bitten realists⁹ of the Western country, and particularly those whose personal plans might be endangered by such altruistic ideas.

It is to be regretted that all our judgment of Dr. Rodgers must be based on the few newspaper clippings and official records that now remain to tell of his work, since nothing has been found concerning his life prior to August, 1872, or after the spring of 1874. One of his colonists said that he was an Englishman, a dark, slender, genteel looking, fellow.¹⁰ He was 40 years old in 1874¹¹ and he was from Chicago. A check of the directories of that city, show him listed as a resident only in 1872 and 1873, the same years in which he was

8. Kinsley *Republican*, January 4, 1879. This is a rewrite with interpolations, from J. A. Walker's "Early History of Edwards County," which was edited by James C. Malin and published in *The Kansas Historical Quarterly*, v. 9, pp. 259-284. This particular quotation is used here since it shows the local contemptuous attitude toward Rodgers and his colony. It also reflects the fact that even in Kinsley, Rodgers was better remembered as of Ness county.

9. In the Kinsley *Republican*, January 4, 1879, there is a characterization of a co-operative colony "as an institution founded upon the principle that to secure a quarter of land was to transform a poor mechanic into a wealthy prince." An editorial in the Kinsley *Graphic*, May 4, 1878, stated of such colonies, "As a rule they are successful failures. That is, as failures they are a success."

10. Fern Cook interviewed William Lenihan, one of Rodgers' Ness county colonists in 1935. The article to be written from this interview was never completed, but her notes were lent to the writer.

11. D. W. Wilder, *The Annals of Kansas* (Topeka, 1886), p. 631.

promoting his Kansas colony, and it is therefore assumed that he was resident there only for the purpose of recruiting settlers.¹²

The advent of Rodgers and his town of Petersburg probably brought some misgivings to Capt. Henry Booth in Larned. Rodgers must have talked busily as was his wont, with anyone who would listen, about the model community,¹³ he and his associates would build, where workingmen of great cities like Chicago, might attain independence and a great future. While to the more experienced Booth, the Chicago doctor must have seemed naive and an all round tender-foot, still the doctor's appeal to prospective settlers in Chicago and points east, would conceivably be compelling. At least his arrival was a warning that the railroad would bring others with similar dreams of building towns and if Larned's lead was to be preserved, time was of the essence.

So in October, Henry Booth, D. A. Bright and A. H. Boyd secured signatures to a petition or memorial, asking for the organization of Pawnee county. The law passed in 1872 by the legislature, specifying the procedure for organizing new counties (ch. 106) required that such a petition be signed by 40 *householders who were legal electors* of the county. Evidently, there were not 40 legal electors in Pawnee county at that time. According to one report,¹⁴ "An immigrant train came toiling by and the men in Larned rode out, held it up and forced the men in the party to sign the petition" Notwithstanding the way the signatures were obtained, Henry Booth, D. A. Bright and A. H. Boyd, on October 7, 1872, swore under oath before George B. Cox, a justice of the peace, that "the above signatures are the genuine signatures of householders and legal electors of the County of Pawnee."¹⁵ Henry Booth also on October 7 wrote Gov. James M. Harvey a letter and the first sentence of the letter contains the following: "I send you herewith a petition of 40 householders and legal electors of this county." The letter also bears a postscript in which Henry Booth recommended "F. C. Hawkins as a good man to take the census and would be pleased to see him appointed."¹⁶

If there were not 40 householders or legal electors in the county, there scarcely could have been 600 inhabitants as were by law re-

12. Dr. Rodgers was listed as a physician at 277 Clark St., and 318 Clark St. One of his colonists said he had an office on State St.

13. In practically every existing letter or direct quotation of Dr. Rodgers, his model colony is mentioned.

14. *Great Bend Tribune*, December 24, 1934. From an article written by Dwight B. Christy, who was the third sheriff of Pawnee county.

15. Records of the secretary of state, Topeka.

16. *Ibid.*

quired for the organization of a county. But if the first step in the conspiracy succeeded, how much more confidently might the second misrepresentation be compounded! According to the law of 1872, upon receipt of the petition for organization, the governor should appoint some "competent person who was a bona fide resident of the county to take the census." At this point the governor, however uninformed he may have been of the true facts in the case, could have stopped this fraudulent organization and set up a precedent that would have prevented many subsequent ones. He could have diligently investigated the qualifications of his appointee—his census taker—and made sure that the census was correctly taken. In this manner, as was the plain intent of the law, the whole process of organizing the new counties would have been safe-guarded. But Governor Harvey did not bother, he appointed F. C. Hawkins, the man recommended by Booth. In the Norton county organization of the same year he also appointed without investigation the locally recommended census-taker. Governor Osborn followed this same loose practice with Harper, Ness, Barbour, and Comanche counties in 1873. Thus the door was opened to the fraudulent organizers.

Since the census of F. C. Hawkins is typical of what occurred in all these fraudulent organizations, let us therefore consider it somewhat in detail. On October 19, 1872, F. C. Hawkins took an oath before George B. Cox, a justice of the peace in Pawnee county, to "take the census of Pawnee county to the best of my knowledge and ability. So help me, God." On October 28, 1872, F. C. Hawkins finished the census and sent it to the governor with this certification: "I certify that the foregoing schedule of bona fide inhabitants of Pawnee county is correct. Signed: Francis C. Hawkins, Census taker for Pawnee county."¹⁷ The census report showed 674 inhabitants in Pawnee county—18 women, 48 children and 618 men—a rather strangely assorted population.

All this had been done in the absence of Dr. Rodgers, who apparently was in Chicago drumming up settlers. When he returned to Pawnee county on October 28, he was shocked and surprised at what he saw and heard had been going on in his absence. He wrote indignantly to W. H. Smallwood, secretary of state, at Topeka:

Oct. 28, 1872

TO THE HONORABLE SECRETARY OF STATE W. H. SMALLWOOD—

Dear Sir

On my arrival here I found that the most dishonest means are being taken

17. *Ibid.*

to organize this county. Inhabitants of Hodgeman and other counties are upon the list. Even persons who are merely travelling by rail have been taken.

And the names of the workmen from the pay list the A.T. & S.F.R.R. have been taken while many of them are discharged months since.

Also all the Soldiers names are taken contrary to law. Will you please stay all proceeding in the matter till I return to Topeka on Wednesday or Thursday first. I am now with two men taking the census.

It will be much to the interest of the state to do so as I am afraid our Colony will not come if this proceeds as we want to have a Model Colony in regard to Education, taxation and all else which will benefit them.

We will contest this matter if they persevere in their fraudulent attempts to organize the county.

Most Respectfully

Your Obedient Servant

SAMUEL GRANT RODGERS M. D.

N. B. Hawkins says here in *public*¹⁸ that he takes the census by Governor Harvey's request in order to get two men to the legislature to vote for a certain purpose this winter. SGR¹⁸

Since the date of this letter is the same as that on the census report, the letter must have reached the secretary of state at the same time as the census report, furnishing to the governor, evidence that his appointed officer, F. C. Hawkins, was guilty of fraud and perjury in the census report that he had submitted. But fearful perhaps that his letter would not arrive in time, Dr. Rodgers sent a telegram to the secretary of state, which was received in Topeka, October 29, at 11 A. M.:

Dated GREAT BEND Ks 28 1872

Received at Oct. 29 11 am

TO HON W. H. SMALLWOOD

SEC. OF STATE

Great fraud in taking census please stop all proceedings till I reach Topeka

S. G. RODGERS M D¹⁹

From this telegram it is certain that the governor in Topeka knew that the census of Pawnee county was not above suspicion. Notwithstanding this, Governor Harvey, on November 4, appointed the commissioners for Pawnee county and proclaimed the county organized. Was there fraud in the census of F. C. Hawkins—an officer of the governor? Of this there is no doubt. On May 8, 1873, A. L. Williams, attorney general of the state of Kansas, filed a quo warranto proceedings in the supreme court, to set aside the organization of Pawnee county and in his petition alleged in detail that

18. Correspondence of the secretary of state, Archives division, Kansas State Historical Society. As there is no address given in this letter to show from where it was written, it has been carelessly attributed to Rodgers' Ness county adventure. The date and the reference to Hawkins, place it without question as referring to the Pawnee county organization.

19. *Ibid.*

the organization "was procured by fraud and perjury and the census taken of said county was false and fraudulent." The board of county commissioners and the county clerk in their answer to the petition admitted all the allegations of fraud. (State vs Commissioners, Pawnee County, 12 Kan. 426.)

Why did the governor ignore this evidence of fraud? Here again an honest courageous stand by the governor might have preserved the intention of the organization law, rendered helpless the self-seeking organizers and protected the future citizens of western Kansas from the monstrous debts that were loaded onto them without their consent and knowledge as a consequence. Timid, intimidated, complaisant, or corrupt—the governor ignored the evidence and proceeded with the organization of Pawnee county.

The record is silent, but considering his telegram, Dr. Rodgers must have gone to Topeka. It would be interesting to know what Governor Harvey and the secretary of state told him. Did they tell him that it was important for counties to be organized now that the railroad had come through? Did they tell him that settlers would come more readily if organized law had already been established for their protection? These were the arguments later used by Rodgers when he was under attack for his organization of Ness county.²⁰ Did they also tell him that as long as the legal formalities were fulfilled, they had no power to refuse the organization? In 1875, Governor Osborn, in his message to the legislature asked for a new county organization law claiming that the 1872 law was defective in that the governor's "functions are ministerial only," and he had no power to deny an organization if the preliminaries were observed in the counties and the proper papers presented to him. This was the political alibi of gross neglect of duty on the part of the governors, in the face of the scandal that broke late in 1874, which concerned the fraudulent organizations of Comanche, Harper, and Barber counties with their \$200,000 bonded indebtedness. However, the claim was a misstatement of the law. From *State vs Sillon, et al*, 21 Kan. 207, we quote the following, with respect to the fraudulent organization of Pratt county: "Fraud and falsehood poison the proceedings throughout, and notwithstanding the regularity of the records, . . . all of these proceedings, being in violation of law, are void, and the pretended organization is consequently void."

True it was that Governor Harvey was merely a ministerial offi-

²⁰. *House Journal*, 1874, pp. 445, 446.

cer of the legislature in the organization of Pawnee county, yet when he obtained information that one of his appointees, F. C. Hawkins, had committed fraud and perjury in the census, no law required the governor to perform a void act. It was the duty of the governor to investigate the matter and, if the evidence warranted it, lay the matter before the attorney general for investigation and prosecution of his guilty appointee. The intention of the legislature of 1872 was plainly manifest by the act itself. It determined that there should be 600 bona fide inhabitants before a county could be organized and, in order to safeguard this requirement, it provided that the governor should appoint a "bona fide, competent census taker," thus guarding at every step the 600 requirement, and hedging it with a precaution that would have insured such a result if the governor had diligently performed his duty.²¹

While in the light of history, there seems to have been no excuse for the governor's ready compliance with fraudulent procedures, still at the time, Dr. Rodgers was apparently convinced of the validity of the governor's action. He later stated before the legislature of 1874, that he had found it impossible to do anything about the Pawnee county organization.²² It follows also that he was persuaded that nothing could stop any other county organization along similar lines.

Besides appointing temporary county commissioners and declaring the county of Pawnee organized on November 4, 1872, the governor also designated Larned as the temporary county seat. In this regard the law stated that the governor should "designate such place as he may select, *centrally located*, as a temporary county seat." Larned was located in the extreme northeast corner of the county. Although the organization papers and official appointments could not possibly have arrived, the temporary county commissioners acted immediately and on the very next day held an election,²³ first dividing the county into two townships, a voting precinct in each, in strict observation of the organization law. These two precincts were located, one at Fort Larned and one at Larned, within six miles of each other, in the northeast part of a county 30 miles long and 30 miles wide. This action practically excluded

21. The citations of the supreme court and their applications were furnished to the writer by Judge Lorin T. Peters who, in 1948, was appointed by the supreme court to try the Morton county-seat case—probably the last county seat fight in the state. Dunn vs Morton County, 165 Kan. 314.

22. *The Commonwealth*, Topeka, February 4, 1874.

23. November 5 was the regular general election day of 1872. In defending the Pawnee county organization before the supreme court, 12 Kan. 426, the defendants claimed that a 30 day notice of the election was not necessary as everyone was bound to know the general election date.

the bulk of the county from participation in the election. In the first place there was no notice of the election and second, no polling place, at which residents in the more remote parts of the county, could vote.

However, Captain Criley and his railroad workers, together with members of the Chicago Workingmen's colony, did not accept this action passively. Hawkins had listed the railroad workers and the members of the colony as inhabitants of the county so they decided they had a right to vote and they proceeded to do so. Unfortunately we have no unbiased account of this action. Captain Booth recites it in detail in his history and his supporters in the legislature presented virtually the same story when the election was later being considered in the house:

That on the day of said general election, a large number of men were in the employ of the Atchison, Topeka & Santa Fe Railroad Co., upon the line of its road through said county of Pawnee; that the said persons were not legal residents of said county at the date of the general election, being there temporarily, and with the intention of moving westward with said road; that no families were with them, and they have since moved westward; that the said persons had their headquarters at a place called Camp Criley, which place was situated in Larned City,²⁴ the township voting place being at Larned City; that on the day of said general election, about eleven o'clock A. M., certain of aforesaid persons in the employ of the Atchison, Topeka & Santa Fe Railroad Co., pretended to organize themselves into an election board . . . and received the votes of others of said employes or railroad hands until about 4 o'clock P. M. of said day, when the persons who were acting as judges and clerks of said pretended election, got aboard of a railroad train without ballot boxes and poll books, and proceeded west twelve miles to a locality called "Siding No. 2," at which place they opened the ballot box and received votes of other railroad hands, and did not return to Camp Criley until 9 P. M. . . .²⁵

The county commissioners proceedings concerning this election, written up later, shows only that the county was divided into two precincts for convenient townships with the Larned township polling place at Cox & Boyd Hotel in Larned and the Pawnee township polling place at Booth's sutler store. While the votes were tabulated by townships for state officers, only the total votes were recorded for the county offices, indeed the votes for county officers seems to have been an afterthought. F. C. Hawkins was elected sheriff,

24. There is some confusion as to the location of Camp Criley at this time. Booth himself states that the camp was moved when the railroad reached a point about 12 miles west of Larned, which would have been around the latter part of July or first of August. But other sources seem to indicate that the camp was not moved until after the election when Criley quarreled with Booth over his refusal to allow the county commissioners to canvass the votes of the Criley faction.

While it is impossible to know how long these railroad men had been in the county, it is reasonable to believe that some of them had been there since the railroad came into the county. Hawkins himself came with this railroad gang. The Booth faction claimed that only four of the electors who voted in this "outlaw" fashion were legal electors.

25. *House Journal*, 1873, pp. 417, 418.

but the election tally omitted any mention of Henry Booth's election as representative. Thirty-eight votes were cast and no mention was made of the voting of the other faction. Although Booth said, "There was no clamoring for office—there were more than enough to go around . . .," he does in the end become more factual and names the parties voted for at Camp Criley and points west. Among the county commissioners was Captain Criley.²⁶ Other candidates for office were A. D. Clute, F. V. Neye and Robert McCause, all known to have been members of the Chicago workingmen's colony. Dr. Rodgers was entered as candidate for representative to the state legislature. It is easy to conjecture that the Petersburg faction with help from the railroad camp, being excluded or lacking a polling place out in the county, took matters into their own hands, provided their own polls and did their own voting. It was a blundering, straight forward action that would naturally arouse the scorn of Booth who, ostensibly at least, appreciated the legal niceties. He saw to it that the county commissioners refused to canvass these spontaneous votes.

Later others were not so scornful of the effort of Criley, Rodgers, and followers to cast their votes. The state board of canvassers confronted by the two sets of election returns for representative from Pawnee county, solicited the advice of the attorney general of the state and was advised to canvass neither of them.²⁷ Hence when the legislature of 1873 convened, the matter was turned over to the house itself for a decision.

But when the house gathered in January, 1873, the contest for representative of Pawnee county was overshadowed by a much greater problem. The constitution of the state of Kansas provided that the house should be composed of not more than one hundred members and that each county should be represented by at least one member.²⁸ As the representation had been apportioned earlier and a number of the eastern counties had several representatives, each according to population, 99 of the seats were already taken, leaving only one seat open to the new counties that had been organized since the legislature met in 1872.²⁹ This seat was to go to Norton county³⁰ as it had been the first of the four new counties

26. Captain Criley, construction boss of the Santa Fe, was a man of great resource and no emergency daunted him. This election episode was undoubtedly of his planning although there is now no evidence to prove it.

27. *House Journal*, 1873, p. 416.

28. Kansas Constitution, Article 2, Section 2. Also, Article 10, Section 1. Also, *The Laws of the State of Kansas*, 1871, p. 32.

29. At that time, an election was held every year and the legislature met every year.

30. Norton county, organized on August 22, 1872, with presumably 600 inhabitants, cast 32 votes for representative on November 5, 1872. Another fraudulent organization?

now coming and asking seats. If the others were to be admitted, then some of the larger counties would have to give up some of their representatives, as they were not disposed to do. This dilemma was gotten around by refusing seats to either of the contestants from Pawnee county, the Rooks county representative and the Ford county representative, this last having been adjudged illegally elected anyhow. Therefore, Henry Booth was correct when he stated in his history, "The constitutional limit having been reached as to number of representatives, the member from Pawnee, after eleven days, was voted out together with members from two other counties."

The committee on elections did, however, make some investigation and a report in the matter of the Pawnee county election.³¹ Their report of February 13, stated:

The organization of the county of Pawnee was made and completed in the city of Topeka on the fourth day of November, 1872, and the pretended election held in said county . . . shows that the will of the people could not have been fully and properly expressed at the said election, occurring the day after the organization.

And hence your Committee reports that neither of the persons claiming seats, under said pretended election are entitled to be admitted as members or delegates in this Legislature. But should this House decide to respect the will of the people³² as so expressed in said election, then your Committee would recommend that Mr. Rodgers be entitled to the seat for the reason that he, (Mr. Rodgers,) received 108 votes, and Mr. Booth but 35 votes.

The minority report of the committee was presented by Simeon Motz of Ellis county and as previously stated, retold the Booth version of the election.³³ There was some support in the house for this minority report but as related above both the majority and minority reports were more or less ignored, due to the preoccupation of the house with the problem of keeping the size of the house to its constitutional limit. It is perhaps indicative of the character of that house, that they respected the 100 member limit set by the constitution and maintained the status quo, preferring to ignore that other provision of the constitution that no organized county should be without representation. In this case, the will of the people desiring

31. *House Journal*, 1873, p. 416.

32. There was no consistency in the decisions of the house as to the admission of members. In the report here quoted, the statement is made that the *will of the people* could not possibly have been expressed in so sudden an election and yet goes on to say that if the house decided to respect the *will of the people*. These reports so often started out with expressions concerning the purity of election laws and ended up with a recommendation of admitting or rejecting members on entirely different grounds. Reno county was organized January 6, 1871, and the election held January 8, and yet the representative was allowed to sit.

33. This alignment of the Ellis county representative against Dr. Rodgers marks the beginning of the Ellis county animosity that was to harrass the doctor later.

expression received scant consideration. Both Rodgers and Booth were sent home.

Meantime, down in Petersburg, progress had been made:

Undismayed, Dr. Rodgers proceeded with his improvements and on the 5th day of December 1872 the corner stone of the Buffalo House, (the structure now known as the Kinsley Hotel,) was laid in ample form by Dr. Rodgers and Robt. McCanse,³⁴ between where now is Parker's blacksmith shop and the railroad track, and the building approached completion *as rapidly as the Dr. could get trusted for material.*³⁵ About this time the railroad company established a telegraph office at the tank three miles west of Petersburg . . ., also A. D. Clute was prospecting about Petersburg, having become a member of the "Workingmen's Colony."³⁶

There were several towns in Pawnee county by early 1873; a government supply point on the railroad southwest of Larned; Garfield, established near Camp Criley by a colony from Ohio; and Fitchburg farther down the line. Dr. Rodgers' town continued to improve. In February the telegraph office and operator had been moved into Petersburg, the Buffalo House had been sided, by March 10 it was occupied as a hotel and the railroad trains stopped at the town for meals. A colony from Illinois and one from Boston, Mass., had come into the community.³⁷ This Massachusetts colony was also a co-operative and since it had much the same ideals and objectives, seems soon to have merged itself with the workingmen's colony. There had been bad luck too. A party of Germans, who had come to Chicago bound for Kansas, had been persuaded to settle in Petersburg. In the end though, they stopped in Barton county and settled on the Walnut and Cheyenne bottoms, about six miles from Great Bend.³⁸ There were 16 families in this party and it would have been a sizable addition to the Petersburg community. The report of the settlement of this group contains the terms offered by the Chicago colony—a town lot 50 x 140 for \$50 and a quarter section of land for \$218.

Another statement of the ambitions of Dr. Rodgers and his colony is given in the *Kansas Daily Commonwealth* of March 13, 1873:

34. According to his own account in the *Kinsley Graphic*, June 14, 1901, Robert McCanse was a member of the Chicago workingmen's colony. He paid \$25 for this membership.

Robert McCanse was appointed census taker in Edwards county in 1874, as a preliminary to that county's organization. However, he could find but 301 inhabitants and standing firm on his census, the organization was stalled, until the governor appointed another census taker. The second census taker was able to find one month later, 611 inhabitants in Edwards county, which goes to show what the governors might have accomplished had they been more discriminating in their appointments of census takers.

35. The italics are not those of the original writer but of this copyist. They emphasize the fact that Dr. Rodgers had little money with which to back his plans.

36. *Edwards County Leader*, Kinsley, March 14, 1873, a history by J. A. Walker. Walker, himself, was a member of the Massachusetts colony.

37. *Ibid.*

38. *Kansas Daily Commonwealth*, Topeka, February 25, 1873, correspondence from Great Bend.

Dr. S. G. Rodgers, of Chicago, who had returned from a trip over Atchison, Topeka & Santa Fe road to the southwest for the purpose of selecting a location for a colony of six hundred families, says that he has traveled over Europe and America and testifies that Kansas, and especially the Arkansas valley, is the most beautiful country he ever saw. He and Messrs. Nye and Redsell had received from the directors of the A. T. & S. F. railroad, passes to carry them from Chicago and back in order to select the location for six hundred families—colonist; and he says he never dreamed of such a garden of Eden as that valley presents to the settler. He says the vegetable mould is from four to ten feet deep; is inexhaustible, and would, if cultivated, raise food for all Europe. He thought the people of Kansas were selfish or they would have told the world of the great beauty and fertility of the state, but he said it would be a secret no longer, as he and Capt. Nye had begun and would not stop until the valley is filled with families from Europe and all parts of America.

He said that from the governor to the railroad constructors at the end of the road, every one had vied with each other as to who would show them the most kindness, and he would go home to tell the people of Chicago that not only is Kansas the most beautiful and healthy and fertile state in the union, but her people are the kindest he ever met.

He said they would bring a steam plow and brick machine, and dig an artesian well, and make their colony a model for America.—Atchison *Guide Board*.

Despite the discouragements suffered in his contest with Booth on the county organization and the diversion of his colonists to Barton county, Rodgers here still seems brimming with enthusiasm. His words, read today, seem astonishingly prophetic. The steam plow or its gasoline counterpart did come to western Kansas, the Arkansas valley presently did help abundantly to feed Europe and truly the inexhaustibility of the soil became the wonder of scientists everywhere.

But at the time Rodgers was making his glowing appraisal of Kansas and her kind people, Booth and his associates had already counted another coup on the doctor and his supporters. A bill re-arranging the boundaries of a number of counties, among them several along the Santa Fe railroad, was quietly passed by the Kansas legislature on March 5, the day before adjournment.³⁹ As new settlers had come into these new counties, the town planners became increasingly aware that a central location was the determining factor when the voters came to choose the county seat. County seats, already located, might even lose that honor, if the situation was deemed too inconvenient. So the more politically influential town planners had the county lines redrawn, a process much simpler to accomplish than moving their town and much less painful than losing the county seat.

39. *The Laws of the State of Kansas, 1873*, pp. 152, 153.

Henry Booth intimated that he got this idea from the managers of the Chicago colony, who instructed Rodgers to go down to Topeka and get the lines changed so as to eliminate Larned from Pawnee county. This is hard to believe since in the whole course of rivalry between Booth and Rodgers, Rodgers seems to have been continually several jumps behind the more agile Booth. But however the idea originated, Booth, according to his own admission, was one of those who implemented it. Although eliminated from a seat in the legislature himself, he remained to look after his interests and so potent was his influence that "the county lines were changed by cutting twelve miles off the south—leaving Petersburg out—and adding six miles on the north, which were taken from Rush county, and six miles on the east, which were taken from Stafford county." This as Booth said frankly, "brought Larned nearer the center of the county and strengthened it as the county seat." He failed to add that Larned was the stronger, too, because not only Petersburg but every other town, was by this same action, cut off and cast out of Pawnee county entirely.⁴⁰

More graphically than words, the accompanying map tells the story of this rearrangement of county lines and the ensuing benefit to county seats of that area.⁴¹

On January 25, 1874, the Topeka *Commonwealth* reported that two petitions had been presented to the legislature asking that the original county lines of Pawnee county be restored. One petition was signed by inhabitants living in Pawnee county; the other was signed by the inhabitants of the detached part of Pawnee county.⁴² The result was that the legislature again saved Booth and his county seat by returning one township to Pawnee—the one containing Garfield—and creating Edwards county out of the orphan townships.

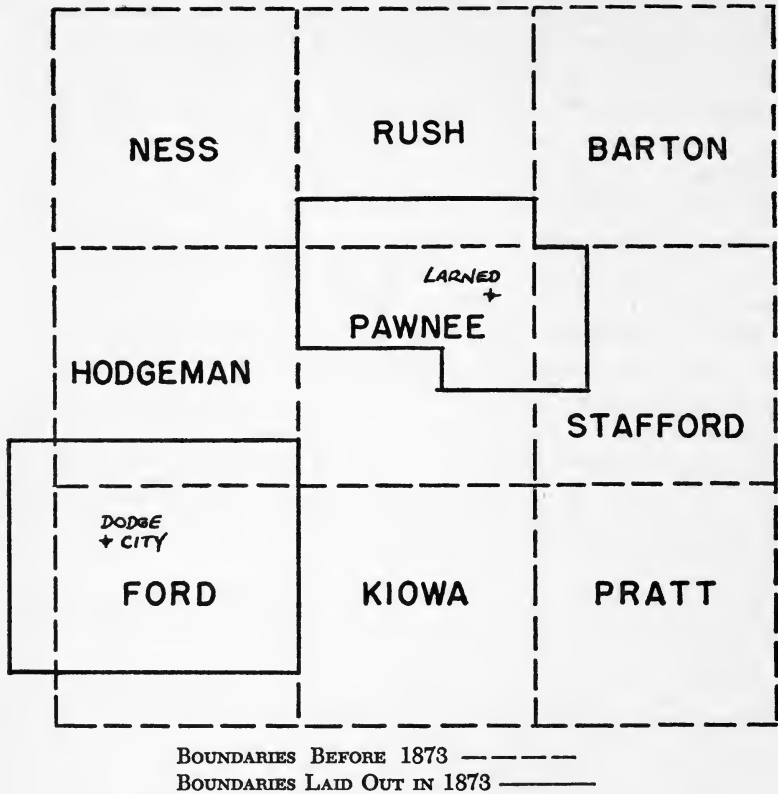
Whether by design or unwittingly, the legislature of 1873 did Booth and Pawnee another good turn. A law was passed detaching Pawnee from Ellis county for judicial purposes and authorizing district courts to be held in Pawnee.⁴³ This recognition by the legislature of Pawnee as an organized county caused the supreme court to declare in March, 1874 (12 Kan. 426), that since the legislature had the exclusive power to provide for the organization of new coun-

40. Booth's history, *loc. cit.*

41. *The Laws of the State of Kansas*, 1873, pp. 146-156.

42. Booth could not afford to have the original county reconstituted. Although Larned was voted the county seat at a special election on October 7, 1873, he was worried about the county lines and on November 14 wrote to W. H. Smallwood, secretary of state, who seems to have been the special friend of all the county organizers, "I wish you would do all you can consistently for me and our County. We are in a condition that renders it absolutely necessary for us to have someone to watch our interests especially our County lines."

43. *The Laws of the State of Kansas*, 1873, pp. 165-167.



ties, the fraudulent organization of Pawnee was cured of its defect and rendered valid by this recognition of the county organization. All in all the legislature of 1873 could not have done more for Henry Booth even if it had admitted him to membership.

Properly for this story, the chronicle of Henry Booth should end with the casting out of Petersburg and Dr. Rodgers from Pawnee county, but as a contribution to an understanding of the political climate of that day, the manipulations of Henry Booth are important. Henry Booth never suffered any loss of honor or prestige on account of his actions and maneuvers in organizing and maintaining his hold over the political affairs of Pawnee county. He became clerk of the house in the legislature of 1875 and 1876, later speaker of the house, and in 1878 was appointed district land agent at Larned. Historians have never classed him with the other fraudulent county organizers of his time, although he used exactly the same methods

with the exception that he did not perhaps load his county with a great burden of bonds as did some of the other organizers. In Pawnee and Edwards counties his tactics were expressed, summed up and possibly also judged by the phrase, he "out-generated" his opponents.⁴⁴ And it is quite likely that his success encouraged other opportunists to go and do likewise.

And what of Dr. Rodgers? Apparently a sincere, well-meaning man, obsessed with the dream of founding a model colony in the west for workingmen, he had been frustrated and beaten at every turn. He had not attracted enough colonists to retain his leadership after the more numerous Massachusetts colony had coalesced with the few settlers from Chicago. Although he retained his equity in the Buffalo House and it was on its way to become one of the most important dining stops along the Santa Fe railroad, it had capable managers. While we can only conjecture, Rodgers' actions suggest that he still retained his faith in the country and his project; that he believed that having learned the tactics of the day in organizing counties and being given a clear field, where old animosities would not interfere, he could apply his hard-won knowledge and still build a successful colony. Dr. Rodgers sought a new field for his operations.

Now other less scrupulous men, desirous of organizing counties in 1873, also sought places well off the beaten path, where they might, unobserved, complete their plans, vote their bonds and depart to cash them, leaving the payment to the future citizens of the luckless county. Some of these conspirators scarcely bothered to go into the county which they were prepared to victimize.⁴⁵ While Dr. Rodgers' organization in Ness county has always been classed along with these others in 1873, there were several important differences.⁴⁶ For one thing, he insisted on having a population and went to great trouble to recruit it from among workingmen of

44. Walker's history, *Edwards County Leader*, March 14, 1878.

45. Harper and Comanche counties were particularly notorious for their illegal organizations in 1873. A special session of the state legislature in September, 1874, alarmed by the great number of bonds that had been issued in these counties, appointed an investigating committee of which A. L. Williams, the attorney general, was one. His report (*House Journal*, 1875, p. 72) states: "It is not pretended that Harper county ever had an inhabitant; it is doubtful even if the bond-makers of that county were ever in the county." Of Comanche, he said: "I visited the county myself, and declare, as the results of actual observation, that there are no inhabitants in the county, and that there never was a *bona fide* inhabitant there."

46. It is believed that much of the ill repute of Dr. Rodgers and his Ness county organization is due to the scandals connected with the other counties that were organized at the same time. Since practically every county that was organized in the decade of 1870-1880 was attended by fraud in some particular or degree, the study of any one specific county is really a study in the variations and contrast among these several counties. Ness county has always been bracketed with Harper and Comanche, but the details of the organizations differ greatly, as can be shown.

Chicago and take it to Ness county. He was even rather particular about who was to belong to the colony, enlisting workmen of various crafts so the colony would have within itself the skills necessary to actually build a model community. It is believed that he still held to the co-operative organization,⁴⁷ envisioning the group working together to build the public buildings the community would need. If Dr. Rodgers had larceny in his heart, and that alone, he certainly went to a lot of trouble that was totally unnecessary.

While we have no direct information that Rodgers ever visited Ness county to locate a site for his proposed colony, it seems likely that he did.⁴⁸ For by June, 1873, the plans were laid. In that month William Lenihan, one of the colonists, who remained in the West afterwards and has been one of our principal sources of information concerning the colony,⁴⁹ met Rodgers at Rush street bridge in Chicago where boys were scattering literature, and became interested. Later he went to Rodgers' office where he purchased a town lot in the town-to-be for \$30, paying \$10 down and being trusted for the rest.⁵⁰ The depression of 1873 was already so severe in Chicago, that Lenihan was able to draw only a few dollars a week from his bank account. Acquaintances in Chicago thought he was crazy to consider going way out west to a place no one knew anything about.

The Maguires and John Shannon⁵¹ became members of the colony later. They stated:

That in the month of September 1873 and for some time thereto, they were residents of the city of Chicago . . . that their attention was attracted by divers advertisements appearing in the public prints⁵² of that city

47. There is but little information on this point. The colony was so short-lived that there remains few details of its community structure. However, there were evidences that the colonists were to function in some respects as a group and had certain expectations as members of the group that would imply some co-operative organization. None of the colonists was ever questioned on this point as far as is known because Dr. Rodgers' interest in co-operative colonies has been but recently discovered, too late to question any of the colonists who remained in the west.

48. George Strong, a Ness county settler in July, 1873, near whose home the Rodgers colony located its town, met the first contingent when it arrived in Hays. Hence there must have been some communication between him and Rodgers previously.

49. William Lenihan, a young man of 21 years, was from a farm near Cooperstown, N. Y., and had been a carpenter in Chicago only a few months. He remained in Ness county a number of years, then moved to Lane county and died in Scott county in 1942. Fern Cook interviewed Lenihan in 1935 and he stated at that time that he still had his receipt for his town lot. Other garbled, inaccurate interviews with Lenihan on the subject of the Rodgers' colony were reported in *The News Chronicle*, Scott City, September 21, 28, and October 5, 12, 19, 1939. Also in the *Hutchinson Herald*, May 28, 1940. Lenihan was reluctant to talk about the organization because he did not share the common belief in Rodgers' rascality and that was what the interviewers asked about.

50. As far as can be ascertained this was the only charge for becoming a member of the Rodgers colony.

51. The Maguires were a family group from Ireland composed of the mother with a number of her children, grown, several with families. John Shannon also was a family man from Ireland.

52. The *Chicago Tribune* of May, June, July and August, 1873, and the *Chicago Journal* of June, July and August, 1873, were searched in the hope of finding Rodgers' advertisement but there was none that could be definitely attributed to him.

and in other ways, to a certain scheme of colonizing a portion of the State of Kansas which was known under the name of the Rodgers' Colony.⁵³

Rodgers enlisted some 20 or more members for his Ness county colony⁵⁴—some were young single men and some were men with families, about two-thirds of them of Irish extraction.⁵⁵ By the middle of August the plans neared completion and Rodgers asked the U. S. army headquarters in Chicago to arrange for an army escort from Hays to Ness county upon the arrival of the colonists in Kansas.⁵⁶ However, the first group of about 15 families did not leave Chicago until September. They occupied one whole car of the train, thus getting a cheaper ticket rate for the group. It is not known whether Dr. Rodgers accompanied this group or not. On September 20, 1873, he wrote the Kansas secretary of state from an undisclosed location:

HON. W. H. SMALLWOOD

Dear Sir I tried to see you before you left here. Will you please have James Lee appointed Justice for Ness Co. at your earliest convenience.

Will [you] also send me to (Hayes City) in care of postmaster, the exact form necessary to the organization of our county. I mean the form of application. Please send it on by first mail if possible, and in due time I will thoroughly reciprocate.

Most truly

S. G. RODGERS M. D.⁵⁷

Here we have the first intimation that there might have been some understanding between Smallwood and Rodgers. While this is the only letter remaining of the correspondence of the secretary of state that shows Rodgers to have suggested appointments, undoubtedly he suggested others.⁵⁸

53. This statement is from an affidavit made to the officers at Fort Hays when later these people were destitute and asking for help.—Records of the War Dept., U. S. Army Commands, National Archives.

54. Ellen Maguire, daughter of Charles Maguire, a colonist, compiled and read a brief history of Ness county before a Ness County Teachers' Association at Cleveland school house, Saturday, January 20, 1894, which gives some details on the Rodgers' colony. This history remains in the collection of the Ness County Historical Society. Ellen Maguire stated that there were 20 families in the colony. Lenihan seems to have implied that there were more.

55. Fern Cook's interview of Lenihan.

56. According to the Fort Hays letter book, now in the National Archives, the commander at Fort Hays wrote to the Chicago headquarters in August:

"Referring to your letter of the 20th relative to sending a corporal and five or six men for a limited time to the colony of Mr. Rodgers, in order to give confidence to his immigrants, be pleased to say that the wishes of the general will be complied with as soon as Mr. Rodgers expresses a wish to that effect. Up to this time, we have no information that any colony under his charge has been established on Walnut Creek."

57. Correspondence of the secretary of state, Archives division, Kansas State Historical Society.

58. The correspondence files of Secretary of State Smallwood now remaining in the Archives division of the Kansas State Historical Society are plainly incomplete. The letter book containing the replies of the secretary to his correspondents has disappeared. When the conduct of this office was investigated in 1875, the committee stated, "Your committee desires to say they believe there had been no intentional wrong done the State on the part of Mr. Smallwood but that the administration of this office has been permitted to become inefficient, through usages not positively prohibited by law which have become in some instances scandalous. The office should be completely reorganized by statute."—*House Journal*, 1875, p. 917.

When the group of colonists arrived in Hays City, their departure for Ness county was delayed because there were insufficient wagons and teams in the colony to transport them and their belongings. Then the commander at Ft. Hays provided them with some wagons as well as with the promised escort of soldiers and they started overland for their destination, many of them walking. The weather was warm and pleasant and they enjoyed the journey, stopping the first night on the Smoky, the second in what is now the McCracken vicinity, the third night at John Farnsworth's (near what is now Bazine) and finally arriving at the forks of the Walnut on the fourth day out.⁵⁹ Here they proceeded to immediately establish the town of Smallwood and begin the construction of their sod houses. One street was laid out with houses alongside, the sod for them being dug with a spade. The houses had fireplaces and Dutch ovens beautifully laid by the Maguires, from a red stone peculiar to the Smoky river region.⁶⁰ The town was splendidly located on Section 16, Township 19, Range 23, near the creek with an abundant supply of wood and water. There was a large building, the store, where elections and other meetings were held. There was also a blacksmith shop.

There remains no record evidence that the colony was to be operated in a co-operative manner although there is direct testimony that the townsite was to be jointly owned and that in the beginning at least, work, tools and, provisions were to come from a common pool. A near-by settler,⁶¹ not of the colony, wrote many years afterwards:

We are told that during the colonization in Chicago, Rodgers and Smallwood⁶² charged each family quite a sum of money to become members of this colony, and that they were promised to be located where land was cheap and plentiful and would be given an equal share in the townsite, which would become the county seat; that in two or three years it would become a city of ten thousand or more; they would all become wealthy and they would live a luxurious life on the income from the sale of their land and city property.

The Maguires later, when destitute and making a good case of their necessity for relief, made the following statement:

That Rodgers at the time of their subscribing themselves as members and at various other times did make the following assurances and promises to each

59. Ellen Maguire's history.

60. Reminiscences of Claude Miller, who as a boy played among the ruins of Smallwood.

61. James Litton lived along the Walnut not far from Smallwood. He left Ness County in the early 1880's and moved to Oregon. Some 50 years later he wrote his Ness county reminiscences which were printed May 31, 1930, in *The Ness County News*.

62. Litton names a C. A. Smallwood as Rodgers' right hand man, describes him as a tall man and says he heard of him later in Sprague, Wash. Lenihan also seems to remember such a person. But since no such name appears in any of the records pertaining to the colony, it is believed that there may have been some confusion of names in this instance.

of them, viz: that during the first year of their occupancy of the lands which he would provide he would furnish them with plow, teams and seed for getting the same into cultivation; that money for other necessary articles would be provided by him; that groceries and provisions for their sustenance and that of their families he would furnish as needed; that any of the colonists who so desired after their arrival on the lands would be hired by him (Rodgers) at the rate of Thirty (\$30.00) Dollars per month for the first month and afterwards he would pay any such hired laborers at the rate and wages paid in the nearest town or village in the vicinity of the colony . . . that he would see that themselves, their household goods and baggage were safely transported to said lands . . .⁶³

While this statement is undoubtedly a magnification of the hopes and plans of Rodgers, given by the Maguires in a moment of stress and disillusionment, still it probably contains an inkling of what Rodgers might have planned to accomplish by co-operative effort. The doctor himself apparently had little financial resource.⁶⁴ William Lenihan stated positively that his membership in the colony cost but \$30 with a town lot thrown in. He stated further that the trip on the railroad was cheap because they came in a group in one car. It seems unlikely that any colonist paid either to Rodgers or any community fund, an amount sufficient to provide the services that the Maguires seem to have expected. Certainly Dr. Rodgers could not have promised all these things to Lenihan without, in the end, disillusioning that young man too. And yet Lenihan, a quiet, reliable man, insisted all his life that Dr. Rodgers treated him fine and that any short cuts Dr. Rodgers took in the details of organizing Ness county were but the necessary expediences that often confronted Western pioneers.⁶⁵ Perhaps Dr. Rodgers actually believed that if the county could be organized and the bonds voted, the colony could employ itself for a time at building the schoolhouse. The make-work idea was not unknown even in those days. The Maguires had taken a most active and important part in the building of the houses for the community and, as masons, they could expect to be employed in any public building that might be done.

Upon his arrival in Hays City, Dr. Rodgers received the organization application which he had requested from the secretary of state. It was all written up in the form of a memorial to the governor and read in part,

Respectfully pray your excellency to appoint a bona fide census taker to make census of Ness County as required by law. We have reason to believe there are 600 inhabitants. If the enumeration made by said census taker shall be satisfactory to your excellency, then we, your petitioners would further

63. Maguire-Shannon affidavit, Records of the War Dept., National Archives.

64. His Buffalo House in Petersburg was loaded with liens.

65. *The News Chronicle*, Scott City, September 21, 1939.

pray for the immediate organization of the county of Ness as provided by law. To this end we pray for the appointment of three temporary county commissioners as provided by law, and we would recommend for county seat—Smallwood.⁶⁶

To this memorial 40 signatures were appended, the number required by law. Since these names include probably all the Rodgers colonists, which are to be found nowhere else, they are listed here.

Samuel G. Rodgers	W. S. Grieve	George Hayes
John M. Rodgers	Jeremiah Hickel	Patrick O'Donel (mark)
Henry Maguire	Patrick O'Donnel	Patrick McCleary
(by mark)	Robert Donlop	John McBride
Bernard R. Maguire	O. H. Perry	Alexander McBride
Henry Maguire	George Morris	Patrick Hays
Charles Maguire	William Sultzer	James Hayden
William Meyers	Andrew Carrick	John Kilfoil
Henry Myers	(mark)	Michael (or Nicholas) Carman
John Shannon	John Shannon	Anson Carman
Andrew Carrick	(mark)	S. Casselman
Andrew Carrick	E. Maroney	Erastus Casselman
Charles Myers	James Lee	Buck Carman ⁶⁷
D. N. Hadden	John Lee	
W. H. Gage	John O'Toole	

Since there were a number of other families in the county, the total of householders in the county was certainly more than 40. But here we find Rodgers modeling closely on the pattern he had observed in Pawnee county where the whole matter was kept within the one tight little group. So it is possible that this list of householders was stretched a bit.

The petition was taken to Hays and there before D. C. Nellis, notary,

Samuel G. Rodgers, Henry Maguire, and Edward Maroney being duly sworn, depose and say that they are householders of the county of Ness of the state of Kansas and that the signatures subscribed to the above and foregoing petition are the genuine signatures of bona fide householders of the unorganized county of Ness; and that they verily believe there are six hundred inhabitants in said county.

In due time, John Maroney was appointed census taker, taking oath on October 14 to "faithfully discharge the duties of census taker for the unorganized county of Ness." On October 22, he made

66. Records of the office of the secretary of state, Topeka. The memorial seems to have been written up in the secretary of state's office since the paper bears the same stationer's mark as the sheet on which the governor's proclamation was later written.

67. It will be noted that Andrew Carrick's name appears three times and John Shannon twice. In the first instance it was the last name at the bottom of the sheet and the first at the top of the next page. Checked with the later census there seems to have been two Andrew Carricks, a father and a son. There were also two John Shannons in the census. The last ten names seem to have been added without much care—the two McBride names are in the same hand, the next four in another, and the last four in yet another hand. Still the Hayden name also appears in Ellen Maguire's history so there must have been a colonist by that name.

his census return showing 643 names of residents of Ness county.⁶⁸ Tradition has it that most of these names were copied from a Chicago directory.⁶⁹ On October 23, 1873, Governor Osborn proclaimed Ness county temporarily organized and appointed John Rodgers, O. H. Perry, and Thomas Myers as temporary commissioners, Charles Maguire as county clerk and designated Smallwood as temporary county seat.

Grateful and bursting with further plans for his colony, Rodgers wrote to Smallwood:

SMALLWOOD CITY
NESS Co.
28 Oct 73

HON W. H. SMALLWOOD

My Dear Friend

I did not get your Telegram till today, although I got the organization papers on arrival.

Ten thousand thanks to you & Gov. Osborne I shall try to reciprocate the very great kindness you have shown me & my Colony.

I will in due time render you good service in Several ways. We are going to make this the nicest Town in Kansas and next autumn when we have got up some good buildings, we will have in September a pleasure excursion of Gentlemen & Ladies from Chicago We will then ask you to go along & make the opening speech, and then you will see our progress, in the city of your own name,⁷⁰ and I will interest you in it thoroughly.

Please convey my heartfelt thanks to Gov Osborne also

Receive my Kindest & best thanks till they are substantially conveyed.

Most truly yours

S. G. RODGERS M.D.

68. Strangely enough this figure is backed up by the assessor's report of Ness county in June, 1873. According to a law of that year, the county assessor was instructed to take a census of any unorganized county attached to an organized county for judicial purposes. Although this assessor's report could not be found in the original, it was quoted in the agricultural report of that year on Ellis county. This report gave Ness county 642 people. The listing of 643 people in this census of October seems a most unusual coincidence. It would seem almost impossible for Rodgers to have influenced that report and he did not use it as backing when he later insisted that there was a much larger population in Ness county in the summer than in the fall later. In certain other respects also, there would seem to have been some more astute intelligence pulling strings that Rodgers scarcely could have had access to. But as is made plain in the later stages of his adventure, Rodgers had no political backing or influence and when the chips were down in the end, whatever hand that had seemed to help, was discreetly withdrawn.

69. In all the fraudulent organizations of 1873, hotel registers and directories were supposed to have supplied names for padded censuses. Wherever some of the names came from, the Ness county census was quite carefully made up. Although residents outside the Rodgers colony were clearly not consulted directly, their names were all there, and the proper number of children were included in families, but the ages and given names were guessed. The John Farnsworth family appeared as Robert Farnsworth 38, Mary Farnsworth 28, and Jane Farnsworth six. The Nelson Peckham family appeared as David Peckham with wife and nine children ranging in age from 30 to four years of age.

70. There is an interesting side light on the naming of the town Smallwood. In Comanche county, which Andrew J. Mowry was organizing at almost exactly this same time, the county seat was also called Smallwood. The secretary of state evidently thought too many namesakes were inadvisable and wrote suggesting that Mowry change the name of his town. Mowry's answer to Smallwood remains in the Archives division of the Kansas State Historical Society:

"SUN CITY, BARBOUR Co.
KANSAS

"Oct. 5, 73.

"FRIEND SMALLWOOD:

"I got your letter when I came here. I did not understand you fully in regard to changing the name of my town in Comanche Co.

"I see the point now & if you are perfectly willing that the change should be made I will readily consent to change to the name of Wilder I have the Proclamation can return

The first election in Ness county was held on November 4, 1873, the regular election day of that year. The county had been divided into precincts, perhaps townships—this again in accordance with the laws governing the organization of new counties. "They had regular voting precincts all over the county—but only on paper."⁷¹ Apparently residents outside the colony took part in the election,⁷² and John Farnsworth ran for sheriff. He stated that he was at the polls at Smallwood all day and 48 votes were cast. The same commissioners that had been initially appointed by the governor, were elected as was Charles Maguire for county clerk. Dr. Rodgers was elected representative and a certified abstract of 263 votes cast for representative was made on November 7, and signed by the commissioners and the county clerk and sent to the secretary of state in Topeka. Overlooked perhaps was the vote on the amendment which was not reported until November 11.⁷³ This was an amendment to the state constitution increasing the number of representatives in the house to 125. It was an amendment very important to Rodgers, since the limitation of the members of the house to 100 had resulted in his being sent home in 1873. In this amendment there was also a provision that would in effect, make necessary a larger population in a county before it could be represented, i. e., "the House of Representatives shall admit one member from each county in which at least 250 legal votes were cast at the next preceding general election."⁷⁴ Another important propo-

it and have the name changed if it would not make to much trouble in your Office When you spoke of your last letter to me I did not think there was one that contained your suggestion that I had not got owing to Wilders disposition & the County Seat of Ness being what it is it may be for the Best to make the change if you do Send me another Proclamation of the same date & I will return the one I have My Respect to all

"A. J. MOWRY"

"P. S. Steps are being taken to organize Clarke Co. I understand it and Hope the Parties will succeed. I will look out for the Governor interest there the same as in Comanche A. J. M."

What could the governor's interest in Comanche have been? Comanche county turned out to be nothing but a base for the issuance of thousands of dollars in bonds. And why if the governor's duty was only ministerial in this matter was it so necessary to take care of his interests at all times and thank him so devotedly for his help. Here too, it sounds as if Mowry already had on October 5 the proclamation of organization of Comanche which was dated October 28 and presumably not issued until after the census had been received in Topeka. If this letter means what it seems to mean, this most flagrant of rigged county organizations was rigged in the state capitol and the governor's interest provided for.

71. *Ness County News*, Ness City, May 31, 1930; Jim Litton's reminiscences.

72. James Litton stated that the other residents did not take part in the election, but John Farnsworth in a sworn affidavit said he had been at the polls and Dr. Rodgers in a sworn statement said Farnsworth ran for sheriff and was defeated. Hence at least one of the other residents took part in the election.

73. Records of the office of the Kansas secretary of state. This report consisted of a hand-written note to Smallwood stating that the vote at the election for the constitutional amendment was 263. It was signed only by Charles Maguire, county clerk.

74. It is interesting to note that in all the new counties where organizations had just taken place, the reported vote was over 250. What guardian angel saw to that? In many of the older western Kansas counties a lower number of votes were reported: Pawnee 80, Rooks 110, Ford 219.

sition that the Ness county voters approved was the issuance of \$5,000 in bonds for the building of a school house.⁷⁵

It was chiefly in this matter of voting bonds, that Rodgers failed to live up to the pace set in 1873 by his fellow organizers in Barbour county, Comanche county and Harper county. In Comanche bonds to the amount of \$72,000 were voted. In Harper the amount was \$40,000. In Barbour the total was \$141,300.⁷⁶ The improvements to be built in these counties ranged from courthouse, bridges and several schools in Comanche to a courthouse and a railroad in Barber county.⁷⁷ It is to wonder that historians have thought fit to put Ness county with her \$5,000 schoolhouse in such a financially superior class.

The county organized, the election held and the bonds voted, Rodgers soon left Ness county. By November 18, he was in Chicago and applying again to his friend Smallwood:

206 Twenty Sixth Street
CHICAGO ILL.
Nov 18 -73

HON. W. H. SMALLWOOD

Dear Friend

I have sent you the vote on the amendment. I am anxious to hear whether it is *carried* or not.

I came here to Negotiate Some *School Bonds* which we voted for the purpose of erecting a School House in Smallwood. I will likely have to go to New York as money is yet hard to get since the crash. If it necessary I will refer the parties who purchase to you. Or if you would please drop me a few lines stating what School Bonds sell for in Kansas generally. So that I may use it if necessary as I am a stranger in New York.

I would like to know How the Amendment has resulted also. A reply at your earliest convenience will oblige.

Your Friend truly

S. G. RODGERS ⁷⁸

Here again Rodgers looks the awkward amateur among his fellow county organizers. W. H. Horner, chief organizer of Harper county sold his \$40,000 worth of bonds in St. Louis for \$30,000

75. Ellen Maguire said that \$15,000 was voted for the construction of a courthouse, schoolhouse and a bridge across the Walnut, but no such bonds are mentioned anywhere else. The *Hays Sentinel*, May 11, 1878, in speaking of Ness county bonds, reported the sum as \$5,000. There is every reason to believe that this newspaper was well informed on this matter since D. C. Nellis, the editor in 1878, as a notary in 1873, notarized various documents having to do with the Ness county organization and also in 1874, as Ellis county attorney pressed the criminal case against Dr. Rodgers.

76. *Laws of the State of Kansas*, Special Session, 1874, p. 5. These were the amounts of bonded indebtedness reported by the state auditor to the special session of the legislature called in September, 1874. This session was called for the purpose of voting relief to the people of the state whose crops had been destroyed by grasshoppers. But by that time the bond scandal was so great that the special session voted for an investigation.

77. *House Journal*, 1875, pp. 70, 71.

78. Kansas State Historical Society, Archives division, Topeka.

without any need of help or recommendation from the secretary of state.⁷⁹ The Comanche county bonds seem to have been passed out generously to anyone who might happen to think he could sell a few bonds.⁸⁰ However, the Comanche county group, captained by A. J. Mowry, lured by the ease and size of their profits, began issuing school bonds and thereby came to grief. Mowry took \$2,000 worth to Topeka and sold them for \$1,750 to the permanent state school fund. W. H. Smallwood, secretary of state, and the state superintendent of education both approved this purchase and it was planned to load the school fund with more had the attorney general not stopped it.⁸¹

On the other hand, Rodgers had no connections through which he could sell his comparatively modest Ness county bonds. Perhaps he tried in New York but even there as far as can be ascertained he could not sell the bonds. While there is no record of any statement by Rodgers that he did not sell the bonds, they were certainly never registered at the state auditor's office nor were they ever presented for payment to Ness county.⁸² In all other counties with so-called "bogus organizations," the bonds had to be paid by later settlers of the county and the courts upheld the purchasers in their right to collection. It is impossible to believe that the bonds of Ness county were sold and then not presented for payment.

But this is getting ahead of our story. While Rodgers was away trying to sell the bonds, the colony was getting along as best it could. As the winter deepened in Ness county and Rodgers did not come back to provide the work and assistance expected, the colonists began to believe that he had deserted them. They were city people, carpenters, masons, and blacksmith and probably people of no great resources. They had arrived too late in the fall and had had no chance to sow and reap a crop. The loneliness and emptiness of western Kansas must have been frightening to these city dwellers. Under these conditions it is remarkable that so many were able to take care of themselves. Some went buffalo hunting, others found employment in Hays or elsewhere. When the army, keeping its customary eye on the frontier settlements, made a trip to Smallwood on December 20, only the Maguire and Shannon

79. T. A. McNeil, *When Kansas Was Young* (New York, 1922), p. 47.

80. *House Journal*, 1875, p. 78. Minority report by Atty. Gen. A. L. Williams. Alex. Mills, treasurer of Comanche county, told Williams that he did not know exactly how many bonds were outstanding. Some men had taken bonds to sell but returned them unsold.

81. T. A. McNeil, *op. cit.*, pp. 63, 64.

82. *Hays Sentinel*, May 11, 1878. Also a letter to R. J. McFarland of Ness, September 12, 1878, from Governor Anthony: "There is no evidence in the auditor's records of the existence of any bonded indebtedness in your county."—Governor's correspondence, Archives division, Kansas State Historical Society.

families were found, "shirtless, shoeless and nearly destitute of clothing, their appearance cadaverous and very emaciated apparently from hunger."⁸³ When this was reported to Col. James Oakes at Fort Hays, it was decided by a board of officers called for the purpose, to issue rations to these people for 12 days. When the 12 days were past and Rodgers had not returned, the troops came with wagons and removed the Maguire and Shannon families to Hays. These families comprised six men, six women and nine children and were not the whole colony by any means.⁸⁴ A number of the other families were still in Ness county on January 12 when John Farnsworth took his census. William Lenihan, who spent the winter in the county, said that the settlers lived mostly on game which was plentiful enough but tiresome. There was never much at the colony store but flour, coffee, and sugar and that only in the beginning.

The Maguires, in all appearances the most whole-hearted supporters of Rodgers in the beginning, were his most bitter detractors when things went wrong. If the organization of Ness county was a conspiracy with intent to defraud, then the Maguires were in it up to their necks. But when their hopes were blasted, they laid all their troubles onto Rodgers. In their statement to the army officers at Hays they accused Rodgers not only for failing to keep his many promises but stated that he had acted "dishonestly in that he failed to pay over to the Railroad company, a certain sum of money which was paid into his hands *by a colonist*,"⁸⁵ for the purpose of paying freight on certain baggage still held by the railroad company. This seems to be a duplicate accusation as Rodgers had already been accused of being responsible for transporting their baggage to Ness county for the sum of money paid to him when they joined his colony. If the colonist had already paid, why was he paying a second time? When the army investigated the matter, baggage was found held for non-payment of freight. This inconclusive accusation is the only definite charge of dishonesty made against Rodgers. Another rather unreasonable Maguire grievance was that lumber had not been furnished them and they had "been compelled to dig dug-outs to protect themselves from the inclemency of the winter."⁸⁶ There was at that time no single stone,

83. Records of the War Dept., U. S. Army Commands, National Archives.

84. Ellen Maguire's history. Ellen Maguire tells this story as if the whole colony had to be taken to Hays by the troops. According to the army record it was only the Maguire and Shannon families. The statement made by the heads of families was signed by Bernard Maguire, Charles Maguire, Henry Maguire, Henry Maguire, Jr., and John Shannon.

85. Here again Ellen Maguire intimates that the baggage of all the colonists was held by the railroad.

86. Maguire-Shannon affidavit, *loc. cit.*

brick or frame house in Ness county or in any adjoining county. Everybody lived in sod houses or dug-outs, as did the Rodgers colonists.

Other forces in Hays besides the army, were interested in Rodgers and his colony for reasons not so altruistic as that of the army. The composition and motives of these antagonistic forces are not clear. Perhaps the "crowd" at Hays had intended some day to organize Ness county as they had organized Ford county. If so, such intent would explain certain previous actions in regard to Ness, that have remained inscrutable to the historian. In 1873 when the boundaries of other counties were changed, why was the western line of Ness county also pushed over one whole row of townships?⁸⁷ Who could have arranged that assessor's census report of 642 inhabitants in Ness county in June, 1873, but some one in the county clerk's office in Hays? While there were probably more Ness residents in June than in October, all sources indicate that the population could scarcely have been 642. What these two preparatory moves presaged, we can only guess. But that Rodgers' organization of Ness county was deeply offensive to someone, we now know.

On November 13, when Rodgers had scarcely left the colony, an attorney, A. D. Gilkeson, of Hays City, wrote to W. H. Smallwood, "Will you be kind enough to inform me what parties were appointed by the Governor to act as County Commissioners and County Clerk of Ness County (newly organized) and also who took the census of said county upon which Proclamation of Organization was made."⁸⁸ The next inquirer was N. Daniels, agent for the land department of the Kansas Pacific railway, who wrote on November 17, 1873, to the "Hon. Sec. of State," "Please send me a certified copy of the papers from Ness County sent by Doctor Rogers for the organization of Ness County with your fees and I will properly remit the amount."⁸⁹

On December 9, 1873, N. Daniels swore to a complaint against Dr. Rodgers. The case was filed before George R. Jones, a justice of the peace in and for Big Creek township in Ellis county and in

87. In March, 1873, when the county lines were rearranged, Ford county received not only a row of townships on the west from unallotted territory but also a row of townships on the north taken from unorganized Hodgeman. Since Hodgeman was deprived of townships on the south, it seemed only reasonable that the county should in lieu, acquire the townships of Range 26 on the west. But why Ness county should also have been gifted with that same range of townships on the west, has never been understood.—*Laws of the State of Kansas*, 1873, p. 148.

88. Secretary of state's correspondence, Archives division, Kansas State Historical Society. Gilkeson was later an attorney in the case for perjury against Rodgers. He was elected representative to the state legislature in 1876.

89. On this letter, found in the correspondence files of the secretary of state, is written "Sent Nov. 26 See Letter Book." It is this letter book, strayed or stolen, that prevents a complete appraisal of Smallwood's part in these various organization intrigues.

the appearance docket of the justice of the peace we have the following:

N. Daniels personally appeared before me, who being duly sworn deposes and says:

That on the ____ day of ____ A. D. 187__ at the county of _____ and state of Kansas, Samuel G. Rodgers did then and there unlawfully and feloniously commit the crime of perjury, the same being contrary to law made and provided against the peace and dignity of the state of Kansas and deponent prays that process may be issued against the said S. G. Rodgers and that he be dealt with according to law.

N. DANIELS ⁹⁰

A warrant was issued on that same day for the arrest of Dr. Rodgers.

The files in the case are missing, likewise files in the district court are missing. Since neither the complaint nor the information can be found, the exact charge of "perjury" made by Daniels cannot be obtained. It will be remembered that the only papers Dr. Rodgers signed in the process of organizing Ness county, was the memorial stating that the signatures attached were those of householders of Ness county and that he believed there were 600 inhabitants. This memorial was also signed by Henry Maguire and Edward Maroney, both of whom were on December 9 residing in Ness county and easily available to plaintiff, N. Daniels or anyone else, who wished to establish that the county had been fraudulently organized. The census taker, who had undoubtedly padded the census, was also in Ness county. Too, there was Charles Maguire, the county clerk, who had certified to 263 votes that *had not* been cast in the election.

It is plain, however, that it was not so much the fraudulent organization that bothered N. Daniels and the other interested Hays men as it was Rodgers. So they made ready for him if and when he should return.

On January 7, John Farnsworth, who Rodgers claimed was a defeated candidate for sheriff, made an affidavit in Hays before the notary, D. C. Nellis, testifying in part:

That he has been a resident of Ness county for ten months past; that on December 22d and 23d, 1873, he took a census of all the inhabitants of Ness county and that the number . . . did not exceed one hundred forty, including men, women and children; that he was at Smallwood City, the temporary county seat, on the evening of the day of the election, . . . and saw the record of votes cast, and the poll books showed 48 votes cast; that he was well acquainted with all the legal voters of the county of Ness, and that

90. City clerk's records, Hays.

on the 4th day of November, 1873, there were but 14 legal voters in the county who had resided in said county for thirty days or more.⁹¹

On January 10, 1874, J. W. Hickel of the Rodgers' colony also made affidavit, stating,

That he is a resident of Ness county and has resided there for four months last past; that he is well acquainted with all the inhabitants of said Ness county and knows the number does not exceed 200; that he knows all the legal voters who were in the county at the election of November 4, 1873, and that the number does not exceed fifteen.⁹²

A week later, John Farnsworth took another census in two days finishing on January 13, listing the heads of families by name and finding 79 inhabitants.⁹³ This census was also furnished to the interested men at Hays, whose representative, John McGaffigan, was preparing to confront the legislature and Dr. Rodgers with all these documents in case he should come back to sit in the legislature when it convened in January, 1874.

Rodgers did come back to sit in the legislature. Perhaps he did not know of the measures taken against him. And even had he known, he probably could not imagine that they would matter. Had not practically every county in western Kansas been organized in the same way he had organized Ness and had not the organizers earned thereby a reputation of shrewd maneuver? He had but followed others' footsteps with the co-operation of the secretary of state and the governor and just like his fellows, he could expect to be taken into the house even if there were objections. He had not been able to sell the bonds, but that was no offense to anyone except his poor workingmen who had been deprived of the work they had expected.

The legislature assembled on January 13, 1874, and the member from Ness Co., S. G. Rodgers, was duly sworn in but had no more than got his seat warmed nicely before he was summoned before Sheriff Ramsay, Sheriff of Ellis County at the door who informed him that his county had only 23 voters and upon his signing certain papers for its organization and election returns he had laid himself liable for arrest.⁹⁴

This report from the Hays newspaper continues, stating that Rodgers secured a lawyer and "endeavored, we understand, to enlist the sympathy of the candidates for Senator but they would not

91. *House Journal*, 1874, p. 442.

92. *Ibid.*

93. This census is particularly interesting to the historian trying to compile a list of the first settlers of Ness county. There were 28 heads of families, only five of which are identifiable as members of the Rodgers colony. Several were not included that are believed to have settled in the county earlier, notably the Nelson Peckham family and James Litton. Probably these settlers had gone east or to Hays for the winter as was customary with many early settlers. They went to find work and to send their children to school.

94. *Hays Sentinel*, January 22, 1874.

listen to him." The *House Journal* shows Rodgers present on January 13, 14, and 15, but absent for several days thereafter. Apparently he went to Hays with Sheriff Ramsay. The warrant for Rodgers was returned to the issuing court on January 15 with the notation that it had been served and S. G. Rodgers was in court. On the 16th a preliminary hearing took place. Rodgers waived a hearing and was bound over to answer in the district court.

And now, to wit: on the 16th day of January 1874, this cause being called for hearing, the defendant waived examination and in lieu of bail, which was fixed at \$1,000, S. G. Rodgers was committed to the county jail of Saline County, there to remain until discharged by due course of law.

GEORGE R. JONES
Justice of the Peace ⁹⁵

Serving the warrant	.75
Bring prisoner to court	1.00
Mileage 666	66.00
Total	\$67.75

The Hays newspaper adds detail to this incident:

In default of \$3,000.00 bail he was remanded to jail and brought to Saline county. There was another good reason for his coming to Saline county. Just before the time for his departure, his constituents in Ness county . . . assembled about the hotel where he was lodged and proclaimed that they had been swindled by their representative to the amount of their entire cash and that he had left them to winter in the plains without food nor the wherewith to purchase food. Being in this condition, some of his constituents had nearly starved to death. It was to avenge this wrong that they had assembled and made some demonstration which indicated that they thought hanging was his just desert.

That this account is exaggerated in the amount of the bail we know. Other details may also be exaggerated. The Maguire and Shannon families were in Hays and this report seems to repeat their complaint. But there has remained no tale or tradition in Ness county that Rodgers ever came back to Hays. Ellen Maguire says nothing about it in her history nor did John Farnsworth apparently leave any word-of-mouth story of such an occurrence. This seems strange as certainly this return of Rodgers under guard, and the threat of mob action by the colonists would have added much drama to the story of the "bogus" organization.

Once in Salina, Rodgers attempted to arrange bond, the deputy sheriff going around town with Rodgers for this purpose.⁹⁶ After several days, due perhaps to the persuasiveness of Dr. Rodgers, the two embarked by train for Topeka. Sheriff Going then went to

⁹⁵. Records, clerk of the court, Ellis county. The cost of bringing Rodgers back to Ellis county is an interesting item of this record:

⁹⁶. Hays *Sentinel*, January 22, 1874.

Topeka to look into the matter and being dissatisfied with the bond that had been put up there by Rodgers, he rearrested the doctor. Rodgers thereupon asked for a writ of habeas corpus and was immediately freed by the district judge. Sheriff Going of Saline county, then took the bond back to Sheriff Ramsay of Ellis county.⁹⁷

Meantime, the house of representatives was going through its usual contortions deciding who was eligible to sit as representatives in that eminent but strangely inconsistent body. At this distant time, it is impossible to know or gauge the cross currents that agitated and influenced this group. Particularly difficult circumstances surrounded this meeting. Decisions in the suits asking the dissolution of fraudulent Pawnee and Ford county organizations were announced by the supreme court in January. The new amendment to the constitution had passed, thus allowing 125 members in the house but specifying, that "from and after the adoption of the amendment the House of Representatives shall admit one member from each county in which at least two hundred fifty legal votes were cast at the next preceding general election." A number of the counties among them Pawnee, Norton, Rooks, and Ford had reported less than 250 votes in that next preceding general election.⁹⁸ What should be done about them? Under the amendment, they should be sent home. The charges of fraud against Dr. Rodgers in his Ness county organization had been spread over the newspapers for all to see. And there must have been some bad odors seeping into Topeka about the recent Comanche and Harper organizations.

As early as January 15, a resolution was introduced in the house to investigate the "settlement, organization and rights of Representatives in this House of the counties of Harper, Comanche and Ness."⁹⁹ But this was laid over under the rules until January 20 when it was taken up and referred to the judiciary committee.¹⁰⁰ This was the committee that was also defining the intent of the amendment which if taken literally "would practically disenfranchise all members of this House in excess of one hundred." The report of the committee came in on January 27 and stated:

97. *The Commonwealth*, Topeka, January 25, 1874; *Saline County Journal*, *Salina*, January 29, 1874.

98. Amendment of Article II, Sec. 2. In order to comply with the provision of the constitution that each organized county shall have at least one representative, this amendment also provided that "each organized county in which less than two hundred legal votes were cast at the next preceding election shall be attached to and constitute a part of the Representative District of the county lying next adjacent to it on the east." The 200 figure was believed to be an error but so it was passed and published. This left counties with from 200 to 250 voters with no provision for representation. At it turned out this part of the amendment was ignored at this session.

99. *House Journal*, 1874, pp. 56, 57.

100. *Ibid.*, p. 91.

It is the opinion of the committee that all members now occupying seats in this House, in excess of one hundred, and holding certificates of election from counties in which two hundred and fifty legal votes were cast at the general election held in November A. D. 1873, are entitled to seats as members of this House. . . .

The committee further report that from the official records, it appears that the counties of Comanche, Harper and Ness were regularly and properly organized; and the committee are of the opinion that the question of the fraudulent organization of said counties, and whether two hundred and fifty legal votes were cast in either of these counties at the last general election, are matters of fact, which your committee deem proper subjects of investigation upon evidence.

And we therefore recommend the questions of the fraudulent organization of each of said counties, and as to the number of legal votes cast in each of them at the last general election, be referred to the Committee on Elections, together with the petition and affidavits in relation to said county organizations and elections now in possession of your committee; and that said Committee on Elections examine said matters, take evidence in relation thereto, and report thereon to this House at the earliest possible day.¹⁰¹

Despite this report, some were not content to let the committee on elections decide this matter. On February 3, 1874, Mr. McGaffigan,¹⁰² gentleman from Ellis, offered this resolution:

Resolved, that a special committee of three be appointed to inquire into the organization of Ness county, and that said committee be authorized to administer oaths, send for persons and papers, and to visit Ness county if deemed necessary for the prosecution of this inquiry.¹⁰³

This resolution did not pass. On the same day, Mr. A. J. Mowry, gentleman from Comanche, offered a resolution. At that time it was not known that his county had no residents whatsoever, and he did not therefore anticipate any such difficulties as had befallen the gentleman from Ness.

Resolved, That this House will not consider any question of the rights of members to seats in this House, unless there is a contest filed or some good evidence of fraud produced from the county where a member was elected,

101. *Ibid.*, pp. 266-268.

102. It would seem that Mr. McGaffigan was not exactly a fair knight battling for right against wrong in this instance. A short time before, the supreme court of the state had handed down a decision that the Ford county organization was void because of a fraudulent petition and census. (*State vs Ford County*, 12 Kan. 441. See footnote). And yet at the moment McGaffigan was making his proposal, the gentleman from Ford county, James Hanrahan, was still sitting in the house and voting. The potent group at Hays that kept a jealous finger in all western Kansas affairs, was not at all alarmed about Ford county's fraud. Under these circumstances, the limitation of McGaffigan's concern to Ness county was a measure of his honesty of intention.

McGaffigan came with the famous or infamous "Judge Joyce" from Leavenworth county to Hays and was active in the organization of Ellis county in 1867. He served at one time and another in most of the early offices of the county. It was as probate judge of Ellis county that he found the site of Dodge City to be worth just *One Dollar*—that being the price he decreed the government should be paid for the quarter section of land on which Dodge City was located. James Hanrahan lived at Hays first but later made the first settlement in Dodge City—he opened a saloon in a tent—and was a prominent citizen from then on. Ford county was attached to Ellis county for judicial purposes at the time. Hanrahan later kept a saloon at Adobe Walls.

103. *House Journal*, 1874, pp. 328, 329.

believing it to be unwise to contract expense to the State upon mere assumption alone.¹⁰⁴

Suspension of the rules being necessary for the consideration of this resolution, it was not considered. Later in the day, these matters again came up for discussion and the following report of the action that ensued is taken from Topeka *Commonwealth* for February 4, since it follows closely the report of the *House Journal*¹⁰⁵ but adds certain detail that is not given in the *House Journal*:

Mr. Mason¹⁰⁶ offered a resolution that the committee on elections be authorized to take testimony by deposition in relation to the number of inhabitants in the counties of Harper, Comanche and Ness.

Mr. Horner¹⁰⁷ offered an amendment that the committee also inquire into the organization of the counties of Reno, Pawnee, Ford, Rooks, Phillips, Barber, Billings and Labette.

Mr. A. H. Horton offered an amendment that the investigation should only be had where a sworn statement, or affidavit, is made of some fraud in the organization of such counties. He said his object was to save expense, and only in cases where there was some charge made, should this door be opened, which would entail a vast expense on the state.

Mr. Mason proceeded to say that the question before the judiciary committee in relation to this matter, was one of law, and they had decided that question.

The question now is whether there were actually in the counties of Ness, Harper and Comanche, 250 legal voters, and this is what the committee on elections have to decide on the evidences that may be presented to them. He did not believe that the committee had any right to inquire into the organization of any county unless on some sworn statement. In regard to these three counties there are some complaints and he protested against adding to the burden already on the committee, and he hoped the amendment by Mr. A. H. Horton would prevail.

Mr. Horner wanted the facts in relation to the county of Harper judged fairly and calmly. It was not his intention to call up the question of the organization of any of the counties of the state; but if it should be gone into *he was certain that many of them would be found improperly organized*. Many false reports have been circulated about him and his county and he believed it was done to influence in some way the vote for U. S. senator. He occupied some time and went into the question of organization of several of the older

104. *Ibid.*

105. *Ibid.*, beginning p. 334.

106. Mr. Mason was from Franklin county and was chairman of the committee on elections.

107. Mr. Horner was the gentleman from Harper county, whose fraudulent organization of the county was later revealed by investigation and subsequent suit in the supreme court. At this moment his guilt was not known. He says here in effect, if the house is sincere in this matter, it should investigate all the fraudulently organized counties and he named a number of them. Some of these were subsequently investigated, *e. g.*, Barber. Others not investigated, need but a casual look at the record to demonstrate their probable fraudulence: Reno, organized January 1, 1871; election, January 8, 1871; 61 votes cast. Norton or Billings, organized August 22, 1872; election November 5; 32 votes cast.

Pawnee and Ford had already had their fraudulence spread before the world by cases before the supreme court.

counties, and insisted that under the usage which has heretofore prevailed no investigation should be permitted.¹⁰⁸

Mr. S. G. Rodgers had no objection to any committee making a full investigation of the county of Ness. He had tried last year to disorganize Harper [Pawnee]¹⁰⁹ but he found it impossible to do so. He was proceeding to give a history of the whole business, but was decided to be out of order, the question being on Mr. Horton's amendment.

Mr. A. J. Mowry rose to a question of privilege and asked that the journal be read showing where the question had been taken from the judiciary committee and given to the committee on elections.

The chair decided that the gentleman was too late—that the matter was referred to the committee on elections, in the regular order of business, and then would have been the time to object.

In reply to a question by A. J. Mowry, Mr. Mason said there was no sworn statement relative to any county but Ness; but that by a resolution of the house the committee on elections were directed to investigate the organization of Ness, Comanche and Harper.

The amendment offered by Mr. Horton was adopted. The resolution [Mr. Mason's] as amended then was adopted.

Hence the matter went into the committee, which was authorized to take depositions in the matter of the number of inhabitants in the counties of Comanche, Harper and Ness only in case there was a sworn statement alleging fraud in the organization. This very neatly isolated Dr. Rodgers and restricted investigation to Ness county, should other statements not be presented.

C. B. Mason, chairman of the committee on elections, submitted his report on February 12, concerning Harper and Comanche, stating that they had awaited statements on these two counties and none having been presented they might return their papers without comment but would make certain conclusions for the information of the house. The organization and election papers from Harper were in perfect order and so far as anything contrary was shown, Mr. Horner was entitled to a seat as member of the house. In regard to Comanche the report was much the same except that the county was declared organized October 28, 1873, and the election was held December 3, 1873. The election being held on December 3, it did not appear that the necessary 250 votes recorded had been cast *at the general election next preceding the present session*, as required

108. Horner here undoubtedly presented the understanding that prevailed among all the later organizers of counties. "According to the usage which has heretofore prevailed no investigation should be permitted." The portion of the above in italics was selected by the author for emphasis.

109. The newspaper reporter plainly made a mistake here. It was Pawnee not Harper. Dr. Rodgers must have embarrassed the governors and other officials when he tried to tell publicly how he had tried to stop the Pawnee organization. Although he was pulled up short before he could tell his story, here we have ample evidence that he was persuaded that under the law such organizations could not be prevented.

by the constitutional amendment. Therefore, Mr. Mowry was not entitled to a seat in the house.¹¹⁰

The next day, however, this matter was regarded in a more tolerant light. Mr. Hodge offered a resolution that there being no evidence of fraud or corruption in the election of the representative from Comanche county but only a technical point of law in regard to his election, and since the previous legislature had set the precedent of allowing members under the same circumstances to hold their seats according to the *expressed will of the constituents*,¹¹¹ the member from Comanche be entitled to his seat. There was some discussion of this resolution, Mr. Mason sticking to the letter of the law and other members stating they thought the election illegal but the resolution was adopted 31 to 30. Mowry, on his part, was so confident of the outcome, that he had already introduced a bill to organize two new counties, Webb and Wilder.

The election committee finally brought in its report on Ness county on February 17. The report included not only the affidavits by Farnsworth and Hickel¹¹² concerning the number of inhabitants and electors in Ness county as already given earlier in this article, but also the statement offered in reply by Dr. Rodgers. This statement was made after Dr. Rodgers had been arrested and charged with perjury at Hays and was undoubtedly made with the advice of legal counsel and therefore may be depended on to contain only statements that could be proven.

I am the Representative from Ness county, Kansas, and was duly and lawfully elected to said office on the 4th day of November, A. D. 1873. At the time of my said election, the county of Ness contained, according to the oath of census taker, within its boundaries the lawful number of . . . voters duly qualified. At the time of the petition for organization, the said inhabitants desired to avail themselves of the benefits of county organization, and of police regulation for the better protection of their families and as an inducement for emigrants to settle upon the fertile lands of said county.

This affiant states that he has read the affidavits of Mr. Farnsworth and Mr. Hickel, filed in this matter, and now before this committee, and waiving the manifold objections which appear on the face of such papers, and the

110. For a few days it seemed Mowry had out-smarted himself. By waiting 30 days after the organization to hold the election, he had ignored the proviso that the 250 votes were to be cast on the general election date of November 4, 1873.

111. Atty. Gen. A. L. Williams commented on these *constituents* in his report on Comanche county, published in the *House Journal*, 1875, p. 72:

" . . . If Marius sat amid the ruins of Carthage and wept, I camped upon the town site of Smallwood (the county seat), and feasted upon wild turkey, with no (white) man to molest or make me afraid. In Smallwood there are two log cabins (both deserted, of course), without doors, windows, sash or blinds; about a mile off is another deserted ranch; and these compose the houses of the 'householders' of the county. In this county there is not an acre of land or a dollar's worth of personal property subject to taxation; its sole inhabitants are the Cheyennes and the coyote, the wolf and the Araphoes, and its organization is, and always has been, a fraud."

112. *Ibid.*, 1874, p. 442.

inconsistencies which are therein contained, he makes answer to them on their merits, and states: the said Farnsworth makes oath that he took the census of Ness county in two days, to wit, on the 22d and 23d of December, 1873. This affiant states that the county of Ness is 36 miles long by 30 miles wide, and states as his judgment that no man can ascertain what is here claimed in that short space of time. The census so alleged to be taken was not by authority nor was he duly qualified to take a census, and it is entitled to no consideration at the hands of this committee. This affiant states that at the time the census was taken, under the seal of this State, in Ness county, here were, as shown by census taker's returns, a requisite number present and resident householders therein.¹¹³ Deponent states that since that time many have removed to other localities to wit: some have removed to Denver, some to Illinois, some to Massachusetts, and some to other parts of Kansas, so greatly decreasing the number of bona fide residents there in October and November. This affiant further states that the polls were open at the first precinct from 9 A. M. to 6 P. M. and that said Farnsworth was there present but two or three hours, and was not able to, and in fact, did not, know the number of votes cast at the said precinct. Hickel was one of my colony, and shortly after coming to said county he received an injury which confined him to his bed, and so he was for nearly two months, and is, in fact, ignorant of the matters whereof he wishes to speak to the detriment of affiant and the residents of Ness county, who desire to retain the county organization. Said Hickel swears that the total number of inhabitants in Ness county on the 10th of January, 1874, is but 200; this affiant states that this was long after the lawful census was taken, and after numbers had gone away for the winter, as hereinbefore set out.

Mr. Farnsworth does not swear that the number of bona fide inhabitants in Ness county in October, 1873, was not a requisite number for organization as required by law, and this affiant knows that there were a requisite number. . . . This affiant further states that he verily believes that Farnsworth has been induced by malice to affiant to make these false statements. Affiant knows that said Farnsworth was a candidate for sheriff, and only received twenty-seven votes; affiant opposed his election, and on this account, he, Farnsworth, seeks to annoy affiant. Said Farnsworth before 4th of November worked hard at said precinct No. 1, to get the support of the colonists; but received only twenty-seven votes as aforesaid.

This affiant has no other or further objection to the affidavit of J. W. Hickel, than has already been urged against that of Farnsworth, and he states that the matters averred herein are true of his own knowledge, and those things otherwise alleged he believes to be true; and affiant further saith not, except that this honorable committee weigh the matter in its proper light, and by the strict rules of evidence dismiss the papers of said Farnsworth and Hickel from their consideration, and restore to him, this affiant, all things lost by reason thereof.

S. G. RODGERS

Subscribed and sworn to before me this 13th day of February, 1874.

ELIAS SHULL, *Notary Public.*

113. Rodgers apparently did not know of the Ellis county assessor's census report of June that might have been cited to support the census of October.

The report of the committee on elections was long and did not, except in a few instances, make much reference to the facts offered by Farnsworth and answered by Rodgers. The findings are important, however, in that they did make some inquiry into the fraudulence of the Ness county organization as well as determine whether 250 votes had been cast in the Ness county election of November 4, 1873. The findings are also important in that the committee was the only official body that ever in any way considered the organization of Ness county.

The report first took up the fact that there had not been a 30-day notice before the election, discussed it at great length but, after pointing out that there should have been a 30-day notice, made no finding that Rodgers was not entitled to his seat¹¹⁴ because of the lack of a 30-day notice.¹¹⁵

The report next devoted one short paragraph to the clause in the Farnsworth and Hickel affidavits relating to the falsity of the sworn statement of Rodgers and others claiming 600 inhabitants. This is the only part that bears in any way on the accusation that the Ness county organization was fraudulent because the census was false in claiming 600 inhabitants in October, 1873. The Farnsworth statement was:

Deponent says he has seen the copy of the affidavits of S. G. Rodgers, Maroney and others, who testified as to the number of inhabitants of said Ness county, which were filed in the office of the Secretary of State . . . Deponent saith that the contents of the said affidavits, as to the number of inhabitants in said county, and the number of householders, is false, and an over-estimate, and were given he believes, to fraudulently obtain an organization of the said county of Ness.

The only affidavit that Rodgers signed pertaining to the organization of Ness county was the affidavit attached to the memorial or petition to the governor, which was also signed by Henry Maguire and Edward Maroney. The exact words were, "They verily believe there are six hundred inhabitants in the county." The petition requested the governor to appoint a census taker to find out if there were 600 inhabitants.¹¹⁶

The election committee in its report disposes of this charge of fraud made by Farnsworth against Rodgers in the following words:

114. As has been explained before, this was often discussed by committees on elections, but as the house was the sole judge of the qualifications of its own members, seats were customarily not denied for this reason.

115. Apparently the reporter for the *Topeka Commonwealth* stayed only long enough to hear this part of the report as his newspaper stated the next day that Rodgers was denied his seat on this account.

116. One wonders if the charge of perjury entered in Ellis county against Dr. Rodgers was not on this same basis.

Both of the foregoing affidavits [Farnsworth and Hickel] also set forth that the sworn statements of S. G. Rodgers, John Maroney and others, claiming six hundred inhabitants and asking a census taker to be appointed, are false. These later statements concerning the application for organization being made *merely upon belief of S. G. Rodgers* and others, the committee *have not attached any importance to the statements of Farnsworth and Hickel controverting them.*¹¹⁷

It is believed that this decision meant exactly what it said. It certainly was good legal judgment that prompted the committee to refuse to find fraud on the basis of nothing more than Rodgers' sworn statement of his *belief*. Rodgers did not swear there were 600 inhabitants, he merely swore that he thought so, at the same time asking that they be counted. Farnsworth practically admits the weakness of his charge when he uses the word *overestimate*. An *overestimate* is not necessarily a proof of fraud, it may be only a proof of poor judgment or poor information. A charge of fraud was a very serious thing and no responsible court, attorney, or committee would countenance such a charge without very strong evidence. It is not surprising that the committee refused to consider such a charge on such evidence alone.¹¹⁸

After this pronouncement, the report took time out to state that the committee had informed Dr. Rodgers that any sworn statements he might produce would be received in evidence and that Dr. Rodgers had asked for authority to go to Ness county for the purpose of taking evidence. The committee had advised that a commission would be sent if desired to Hays City but declined to send to Ness for the purpose of taking evidence because the inquiry involved might be interminable in time and expense.¹¹⁹

Then finally the committee got down to what it evidently felt was its real task—were there cast at the general election on the 4th day of November, 250 legal votes in Ness county? Without stating any doubt of the 600 inhabitants that the census taker said was in

117. The italics have been inserted by this writer.

118. It is to wonder if Farnsworth might not have made a more effective charge of fraud against Rodgers or the organization. Tradition has said that there were not 40 householders in the Rodgers colony. Farnsworth saw all the names signed to the petition or memorial and yet he made no contention that any of these names were fraudulent and no such persons existed. Are we to conclude that there were these 40 householders resident in the Rodgers colony in October, 1873? This historian would like to know?

It has perhaps not been sufficiently emphasized in this account how ingenious and safe for the organizer was the fraudulent organization conspiracy. There was no easy way to connect him with the conspiracy although it was known to all that he was the instigator. Mowry of Comanche county was at one time indicted but the case was dropped on account of insufficient evidence. Conceivably the census taker could have been held for making a false census return but this was never done either perhaps because it was felt he was really not to blame and perhaps because these indictments would have reflected on the governor. The governor might have been fooled on the first appointment he made of a census taker but not on the succeeding ones. We stress here again the moral responsibility of the governor for these fraudulent organizations. They could not have happened had he done as the law provided—appointed competent, bona fide census takers.

119. Apparently Rodgers felt he still had friends in Ness county.

Ness county in October, the committee held that Dr. Rodgers, continuing to stand on the census report, had not offered any refutation to Farnsworth's and Hickel's claim that there were less than 250 legal voters on election day. Here Farnsworth had sworn to a positive fact, the "poll books showed forty-eight votes cast."¹²⁰ Dr. Rodgers offered in reply only "Farnsworth was there present but two or three hours and was not able to, and, in fact, did not know the number of votes cast" and he did not deny Farnsworth's statement that the poll books showed only 48 votes.

. . . the committee unanimously report, in their opinion, there were not two hundred fifty legal voters in Ness county at the last general election, and therefore that S. G. Rodgers is not entitled to a seat on the floor of this House.
 . . .¹²¹

It is to be regretted from an historical stand point, that this inquiry did not bring out some evidence on how many persons were resident in Ness county in 1873. As is well known 1873 was a terribly dry year and settlers left all the western counties. Farnsworth's two censuses prove that people kept leaving the county as the winter advanced. In his December census he enumerated 140 persons, while in January he could find but 79. There certainly were at least 200, the figure given in Hickel's affidavit and also in the petition for disorganization. It is quite possible that earlier there were more, but it is believed that the number could scarcely have ever reached 600 although that has never been proven one way or another and must always remain simple conjecture.

The report of the election committee was adopted by the house and Dr. Rodgers' tenure in the Kansas legislature ended and with it any further effort by him to encourage the settlement of working men in western Kansas.¹²²

120. It is at this point that the old tradition that Farnsworth was responsible for exposing and eliminating Dr. Rodgers and his organization, comes at last to a qualified verification. While the organization was not voided, it was Farnsworth's affidavit that supplied the basis for Dr. Rodgers' rejection by the house.

121. We mention in this connection that at the moment the committee was rejecting Rodgers because 250 votes had not been cast in Ness county, Booth was sitting, elected by a county that had cast but 80 votes. Hanrahan was also sitting although the supreme court had declared the Ford county organization void in January. The committee knew all this. But the seats of these representatives had not been challenged in the house. Rodgers' had, and that by a group that had real political power. This is not to say that there were not grounds to reject Rodgers. There were, and the lawyers on the committee made sure that he was rejected for a good valid reason. But it should be emphasized that this rejection of Rodgers by the committee did not in any way convict Rodgers of fraud or padding the census, regardless of what individuals might have thought of the situation.

We might also add that Hanrahan and Ford county were saved from even going through the committee on elections, were saved from any discussion of the organization by a simple act passed by the legislature on March 7 of that year: "That the organization of Ford county be and the same is hereby legalized. . . ." (*Laws of the State of Kansas*, ch. 12, p. 8.) We might also add that by this act Ford seems to have escaped the tarnished reputation that historians so generously bestow on Ness.

122. Technically speaking, Rodgers was in no worse situation than when he had been rejected by the house in 1873, except for the perjury charge in Ellis county. We

The case for perjury was still pending against Rodgers in Ellis county. Since Ness earlier had been attached to Pawnee county for judicial purposes,¹²³ this case had no business in Ellis county. But if it were kept hanging over Rodgers, it would likely discourage any ideas he might have had of returning to Ness. This case came up at the April, 1874, term of court. Neither Dr. Rodgers or his sureties appearing, the bond was forfeited, bail was set and the case continued.¹²⁴ Finally on April 1, 1875, the county attorney entered a "nolle prosequere" and the charge against Rodgers was terminated, the county paying the costs.¹²⁵

It is worthy to note here that on July 31, 1875, two promoters from Ellis county came down to Ness county and organized the Walnut Valley Town Company¹²⁶ with the declared purpose of building a town by the name of Ness not more than a mile from the site of ill-fated Smallwood. The project included the building of a flouring mill on the Walnut and was capitalized at \$50,000, this capital to be raised by selling shares at \$25 each. This scheme never came to fruition either.

Among the papers in the hands of the election committee of the house in 1873 was a petition to the governor asking that Ness county be disorganized, because

The number of inhabitants is not large enough as the law requires, there being not over two hundred inhabitants in the whole county; that fraud has been used by one Samuel G. Rodgers and others to have said county organized; that the present organization is onerous and burdensome upon the people living in said county, who can ill afford to pay the taxes required to support a county organization.

This petition was signed by 22 Ness county residents including three of the Rodgers' colony.

conjecture, however, that lack of money was a more serious deterrent to Rodgers than anything else. If he had sold the bonds as some may contend in spite of the fact that they were never presented for payment—Rodgers would have had money. He could then have prevented the loss of his Buffalo House at Petersburg (Kinsley), for on April 1, 1874, it was sold under "the foreclosure of the numerous liens for lumber and labor existing upon it." The price was \$750 and it was paid by W. C. Edwards and A. D. Clute, their guarantor being no other than Henry Booth. A short time afterwards this property was insured for \$5,000. There is no evidence that Rodgers was present or tried to prevent this foreclosure.

It is to wonder under these circumstances why—although he had been unable to sell them through regular channels—Rodgers did not now go out and sell the bonds with a suitable discount in that market, which chroniclers of that time (T. A. McNeal) state was always open to bonds on the streets of Topeka. Considering the ease with which other organizers sold their greater amounts of bonds at this very same time, it is impossible to believe that Rodgers could not have sold his bonds had he been willing to sell in this sly, under-cover market.

123. *The Laws of the State of Kansas*, 1874, p. 101.

124. Clerk of the court, Ellis county, "Journal A," p. 84.

125. *Ibid.*, "Trial Docket A," pp. 28, 50.

126. "Corporation Charters (official copybooks from office of secretary of state, now in Archives division, Kansas State Historical Society)," v. 7, pp. 38, 39.

Because in the end, Dr. Rodgers was denied his seat, the petitioners evidently thought their request for disorganization had been granted. This was not true. The governor had no power to disorganize a county. If suit had been brought, the supreme court could have tested the validity of the organization as was done in the case of Pawnee and other counties.¹²⁷ But no such suit was ever brought.

The county organization after 1874, ceased to function and no other elections were held. This inaction did not however destroy the organization. A municipal organization once created continues to exist in an active state or in a dormant state until dissolved by law. Ness county after 1874 was subsequently mentioned as an organized county in various acts of the state legislature. In 1875 the legislature considering the case of organized counties where less than 250 votes were cast,¹²⁸ listed Ness county as an organized one, along with some 11 others, although Ness had not held an election or reported any votes cast.

Early in 1876, the question as to whether or not Ness county was fraudulently organized became a *moot* question. On this date the legislature passed an act disorganizing Ness and other counties. Governor Osborn refused to approve the act and it did not become a law.¹²⁹ The passage of the act by the legislature was a recognition of Ness county as an organized county. As the legislature said specifically here that Ness was an organized county, this cured any defect or fraud in the organization. This legal opinion follows the state supreme court decisions in the various cases on county organizations, Harper, Pawnee, and Stevens.¹³⁰ It also follows two United States Supreme Court decisions that concerned county organizations of Harper and Comanche.¹³¹ The organization of Ness county before March 2, 1876, might only have been a *de facto* organization, but according to the above decisions on that date it became a *de jure* organization.

Inquiries to state officers in 1878 and 1879, when Ness county was again showing signs of wishing to take up county responsibilities, were invariably answered that the county had been organized and

127. *Kansas Reports*, v. 12, p. 426; v. 21, p. 210.

128. *House Journal*, 1875, pp. 277-282. Although Dr. Rodgers was refused a seat in 1874 because 250 votes had not been cast in Ness county in November, 1873, and the constitutional amendment is clear, express and unambiguous on this point, still of the 12 counties concerned in 1875, the house seated five and declared vacant the seats of seven others.

129. *House Journal*, 1876, p. 1453.

130. *State ex rel vs Pawnee Co.*, 12 Kan. 426; *State ex rel vs Harper Co.*, 34 Kan. 302; *State ex rel vs Robertson*, 41 Kan. 200 (*Stevens Co.*).

131. *Board of County Commissioners of Comanche Co. vs Lewis*, 133 U.S. 604; *Board of County Commissioners of Harper Co. vs Rose*, 140 U.S. 71.

was still organized. On September 12, 1878, Gov. Geo. T. Anthony wrote R. J. McFarland a letter in part as follows:

That in order to set aside that organization or test its validity the readiest way is to have officers appointed or elected; if you have none, or if you have them, to bring an action directly in the Supreme Court . . . by Quo Warranto denying their authority to act. In this manner it may be promptly and inexpensively settled.¹³²

Such an action was never filed, however, and a new governor, John P. St. John came into office in 1879. This governor also gave an opinion as to the organization of 1873.¹³³ Unfortunately a careful search for the letter in which this opinion was written, did not discover it. We can only conjecture that St. John must have given some encouragement to the action that resulted in the organization of 1880.

On January 3, 1880, the following item was published in the *Walnut Valley Times* at Clarinda, Ness county, N. C. Merrill, editor:

SMALLWOOD THE COUNTY SEAT—COUNTY ALREADY ORGANIZED and COUNTY SEAT QUESTION—HOW CAN THE GOVERNOR ORGANIZE AN ALREADY ORGANIZED COUNTY? Ness County stands on the books at Topeka an already organized county and Smallwood the county seat although we ignore it. Has the Governor [St. John] by virtue of his position the right to unorganize a county or is it the Supreme Court of the State of Kansas, that does such things? These are questions we would like to have answered.

The questions posed by the *Walnut Valley Times* have never been answered. We only know that in the spring of 1880 a petition of householders for the organization of Ness county was submitted, accepted and acted on by the governor and the following routine of county organization again gone through. The popular belief was that the first organization was fraudulent and the county had been disorganized by petition. The inhabitants of 1880 were much more hotly interested in whether there should be a functioning organization and who should control it and locate the county seat, than in any legalistic arguments. No one protested the method employed in reactivating the county and there remains to this day no actual legal opinion as to whether the method used was legal or not and whether the organization was a real one.¹³⁴ Nevertheless, it is believed that on a legal basis the governor had no power to organize an already organized county. In the office of the secretary of state

132. Correspondence of the governor, Archives division, Kansas State Historical Society.

133. Letter dated June 23, 1879, written by Ross Calhoun to Governor St. John: ". . . the only communication Mr. Johnson produced, or could produce, was the one in which you gave your opinion as to the legality of the organization of Ness County in 1873, which letter we think does you great credit. . . ."

134. It is believed that the reactivation of Ness county might just as handily have been accomplished by petitioning the governor to appoint commissioners and set the county going again. The proclamation of 1880 did appoint commissioners who set the machinery in motion.

in Topeka are to be found the papers on which rests the lawful organization of each and every Kansas county. Among those for Ness county are deposited the memorial of 1873 signed by Dr. Rodgers and others, the census report of the governor-appointed census taker, John Maroney, and the proclamation of Governor Osborn organizing Ness county on October 23, 1873. The memorial of 1880 and the census of that year are placed in the archives of the State Historical Society. The proclamation of 1880 is in the secretary of state's office.

Ignoring the wealth of source materials concerning the invariably irregular organizations of this period of Kansas history, historians have most generally continued to use Ness county as at least one of the horrible examples.¹³⁵ Likewise the tradition that Rodgers was simply a crook who issued fraudulent bonds and then stole the money, has come down by word-of-mouth in the county itself.¹³⁶ This article has been written in the hope of correcting some of these misconceptions. If the story of Rodgers is obscured by the story of the organization of Ness county, that is because the records that remain are chiefly legal and government records that can be cited with definiteness and authority. It can be said positively that the 1873 organization was legal and valid although procured perhaps by fraudulent methods. It is not so easy to make judgment of Dr. Samuel G. Rodgers. His time on our stage was short and his appearances were few and inconclusive. And yet in so many ways the man so stands out among his fellows that we can say with pride that he was "the gentleman from Ness."

Any estimate of Rodgers must stand against the Kansas background of the 1870's, and the nature of this background must be stressed. Political morality was low. If it seemed desirable to get things done, no one minded if a few corners were cut and a few laws evaded. As has been said before, probably every county organized in Kansas during this decade flouted in some way the strict letter of the organization law. In most cases, no one was sufficiently interested to even inquire into such evasion. Even when the supreme court handed down decisions excoriating these organizations, little attention was paid and the organizers went serenely on to public offices of trust, elective, or appointive. The singling

135. Frank W. Blackmar, *Kansas, a Cyclopaedia of State History*, v. 2, p. 352; T. A. McNeal, "Southwestern Kansas," *Kansas Historical Collections*, v. 7, p. 92; "Some of the Lost Towns of Kansas," *Kansas Historical Collections*, v. 12, p. 469; Bliss Isely and W. M. Richards, *Four Centuries in Kansas* (Wichita, 1936), p. 172.

136. Judge J. K. Barnd, editor of the *Ness County News* for many years, was the first to doubt the traditional story of the 1873 organization and expressed his opinion in his newspaper, pointing out that the Rodgers organization differed from others in that Ness county did have a population and no bonds were sold. One such article was reprinted by his son in the historical edition of the *News* on August 17, 1929, without crediting the author. Nevertheless Judge Barnd's style is unmistakable as was his opinion at that time.

out of Dr. Rodgers for employing the "tactics of his day" was clearly a political maneuver and undoubtedly his fellow organizers and his associates in the house recognized it as such. In their view, he was simply "outgeneraled."

Where Dr. Rodgers seems to us to have differed from other county organizers, was in his purpose. Every evidence points to the fact that he wanted to found a colony for workingmen in western Kansas, and was so possessed with the idea that he scarcely spoke or wrote a letter without stating it. He could not have merely wanted to sell land because he charged almost nothing for membership in the colony and he deliberately recruited men of little means. If he had wanted a colony simply to vote the bonds, he need not have brought a large group of families to the county for that purpose. A few kindred souls would have been infinitely more manageable and the bonds would have been just as good. Perhaps his dream was too big for practical realization, but that does not mean that he deceived his colonists with any intent to defraud. Undoubtedly he was just as ignorant as they of the difficulties of settlement in western Kansas. Who knew the difficulties of western Kansas in 1873?

The final evidence of the essential honesty of Dr. Rodgers' purpose was that, faced with the impossibility of carrying out his original plan, he did not sell the bonds. The bonds were voted and issued. We can believe that there was no regular market for bonds in that panic-ridden winter of 1873-1874, as Dr. Rodgers indicated. But we cannot believe that the bonds could not have been sold in that furtive under-counter market where all the larcenous organizers sold theirs. And we cannot believe that the bonds might have been sold and then not presented for payment as they were in every other county. What we do know positively is that the bonds were never presented for payment and that Dr. Rodgers and his colony never cost Ness county one cent.

Essentially Dr. Rodgers seems a tragic figure. The very device that seemed to make his colony possible—the organization of the county and the voting of the bonds to carry it through the winter—was the instrument of his undoing. In the end the politicians destroyed him with the very weapon they taught him to use. His dream was broken and his hopes blasted. Surely he deserves a better memory than posterity has so far held for him. When the whole record is read and the bits of evidence put together, we cannot do better than to concur in the opinion of William Lenihan, his colonist, when he said of Dr. Rodgers, "I always thought he meant to do the right thing."

Light on the Brinkley Issue in Kansas: Letters of William A. White to Dan D. Casement

JAMES C. CAREY and VERLIN R. EASTERLING

TWO examples of an older generation of men who lived their lives in Kansas but knew intimately the great and near-great and were vitally concerned with public issues are W. A. White of Emporia and Dan D. Casement of Manhattan.¹ Their range of interests and their intense feeling for the welfare of the American man in contemporary society often led them to resort to the power of the pen both for publication and in letters where some inmost thoughts were bared. Both men were extremely effective in the use of the now near-gone art of writing personal letters on public issues.

White's reputation for free, frank expression stands out on the record. His close friend, and intimate correspondent, Casement, is in his own words, "the last Viking of the Plains." Former rancher of the open range, breeder of nationally famous Herefords and quarter horses, vitriolic critic of the New Deal farm program, he remains among the most rugged of the remaining exponents of rugged individualism. By pen and voice he has entered state and national political discussion whenever he felt the dignity of the individual was imperiled. Casement, described as an "educated roughneck" by George Clammer, Manhattan lawyer, loathed the public official who valued constituents' votes above honest expression of opinion. His "fearless pronouncements" against his congressmen gained attention far beyond the limits of Kansas.²

It is our purpose here to look at one incident in Kansas history. That is the action of these two men concerning one aspect of the gubernatorial race in 1932. Prior to examining White's letters to Casement on this point, it is important to note one interpretation Casement made of his friend's character. White was characterized by Casement in a letter to Dr. Harold Willis Dodds, president of Princeton University, as follows:

DR. JAMES C. CAREY and DR. VERLIN ROBERT EASTERLING are associate professors in the history, government and philosophy department at Kansas State College, Manhattan.

1. William Allen White, known as the "Sage of Emporia," died in 1944. Dan D. Casement, 84 years of age at this writing (1952), is a very active citizen of Manhattan.

2. From "back home" he wrote to his congressman as follows: "If the vote represents your sincere convictions, it gives conclusive proof of an inferior mentality. . . . I ask you, how long can America hope to survive if the people's chosen representatives persist in the shameless display of either (1) such a low order of intelligence, or (2) such a dearth of courage and honor as your vote in this instance has evidenced."—An editorial from the *New York Sun* reprinted in *The Watch Dog*, New York, published by the National Economy League, July, 1939.

P. S. I have sent your speech to my dear friend, Bill White in Emporia, who believes profoundly in democracy but who is so damned patient and tolerant and forgiving of human weaknesses that he seems able to see little threat to liberty in the present political scene and sometimes appears to be almost incapable of righteous anger even against demagogues, be they ever so contemptible.³

It would appear that at times White needed to be pushed into a fight. The "Sage of Emporia" who had helped to whip the Klan in Kansas could not make up his mind to pronounce against the political neophyte from Milford, Dr. John R. Brinkley, who was making a second serious bid for the office of governor.

"The trouble with Brinkley," editorialized White in the *Emporia Gazette* on October 7, 1932, "is his inexperience. He is not a political crook. He just doesn't know any better."⁴ The editor claimed that the "weird wizard," Brinkley, who promised anything for votes, would, if elected, not only regain his medical license but would "wreck Kansas." On September 23, 1932, White wrote as follows:

DEAR DAN:

You and I agree exactly on the Brinkley situation. Brinkley is going to carry this state if Landon and the State Committee doesn't make an aggressive, two-fisted fight.

The reason why I don't do it is that my fight would of course be linked up inevitably with Landon in spite of my protest and if Landon was licked they would point the finger of scorn at me. And blame me for the defeat of Hoover in Kansas also. Until they get some guts I cannot begin to fight. But Lord I would like to start! I am not afraid of a libel suit!

If you have any suggestions to make how I can proceed, please let me know.

Sincerely yours,

W. A. WHITE⁵

The next few days, late in September of an interesting election year, must have been a time of decision. Just five days later, on September 28, there followed a brief but revealing letter:

SEPTEMBER 28, 1932

DEAR DAN:

I've crossed the Rubicon.

I am not going to take my Brinkley licking lying down. I enclose an editorial and I am going to shoot more of them. This may not please Alf and may not please anyone, but it satisfies my conscience. I think as you say we have let this fellow get away with murder because we are afraid of offending his poor half-witted dupes, and I am going to go to it.

3. Draft of a letter, Casement to Dodds, dated April 24, 1937, in "Casement Manuscripts."

4. The *Emporia Gazette*, October 7, 1932.

5. Letter from White to Casement dated September 23, 1932, in "Casement Mss." Neither the original nor carbon copies of Casement's letters to White have been found at this writing (1952).

Take this around to Fay Seaton and tell him I dare him to print it.⁶

Sincerely yours,
WILL⁷

On November 9, 1932, during the evident flush of victory in a battle furiously fought and won, Casement received the following unique letter:

DEAR DAN:

I owe a lot to you. Your letter prodded me up and I decided not to take my licking lying down. I wrote a letter to start with, to all my friends in the daily newspaper business, thirty of them, and asked them to join me. Then I wrote this editorial "Save Kansas" and sent it out and they all printed it. I didn't consult with the State Central Committee, nor with Landon, nor with Mulvane on behalf of the National Committee. I just went to it hog wild and plumb loco which I believe is my best technique. Then I got a list of Republican weekly newspapers and wrote to them and soon had a hundred editors with whom I was corresponding and to whom I was sending editorials every week and to the dailies two or three times a week. And we shot the old goat's guts full of holes and there he lies today belly up.

And you did it and I thank you.

Always cordially yours,
W. A. WHITE⁸

Three more days passed during which the Emporian could evaluate the recent political campaign. On November 12, 1932, this note was penned:

DEAR DAN:

I had the same fun fighting Brinkley that I had fighting the Klan and it was the same outfit, the organized moron minority, plus the despairing and the disgruntled who knew better. Generally both outfits divide in the ballot box, but this year they got together and two years ago they got together. But it is a comfort to think Brinkley did not get a larger per cent of the vote this year than he got last year.

Come down and see us some time.

Sincerely yours,
W. A. WHITE⁹

The "despairing and the disgruntled" in the above letter reminds one of White's early impressions of the social elements which comprised the Populist movement and provoked his "What's the Matter With Kansas." Still there was a difference, but in the light of what has happened at the level of state government and politics, the public-spirited citizen had a duty to perform. The editor of the *Emporia Gazette* could turn crusader and help to save the people from what he considered folly and poor judgment. There was an era of

6. This editorial, entitled "Save Kansas," was printed in the *Manhattan Mercury*, October 8, 1932.

7. Letter from White to Casement dated September 28, 1932, in "Casement Mss."

8. Letter from White to Casement dated November 9, 1932, *ibid.*

9. Letter from White to Casement dated November 12, 1932, *ibid.*

"Governors' trouble": Jim and Ma Ferguson in Texas, and Walton and Johnston in Oklahoma. There have been *characters* who graced or disgraced the office of chief executive of states such as "Alfalfa Bill" Murray of Oklahoma, "Kingfish" Long and "You Are My Sunshine" Davis of Louisiana, and "Pass the Biscuits Pappy" O'Daniel of Texas. On the other hand, presidential timber came out of the West in 1936, Alf Landon of Kansas. Depression and disillusionment brought some strange political manifestations. So it is not surprising that Kansas narrowly missed having a unique "medicine-man" as governor in 1932.

Everett Rich of Emporia State Teachers College has elicited a fine collection of letters from White's friends in connection with the opening of the new William Allen White Memorial Library at Emporia. The following is an excerpt from the letter by H. J. Haskell of the Kansas City *Star*:

When "Old Doc Brinkley" made such an astonishing showing in the Kansas governorship race Mr. White sent a brief comment to The Kansas City *Star*. "In every age and clime," he said in effect, "there is a great seething moronic underworld. Its denizens are literate. They can read and write, but they can't think. They live on the level of their emotions and vote their prejudices. Usually they are divided between the two great political parties, but occasionally some man or issue comes along that stirs them and they boil up and hold a Scopes trial in Tennessee, or elect a Big Bill Thompson mayor of Chicago and almost put in Doc Brinkley as governor of Kansas."

At once Brinkley voters deluged him with letters of protest. They didn't know what "moronic" meant, but they knew "underworld" had bad associations. They weren't wicked, they wrote. They were good Christian people.

"Dear Brinkley voters," he replied, "you got me wrong. I didn't mean that you were wicked. I only meant that you were dumb."¹⁰

The contemporary nature of the Kansas political campaign of 1932 no doubt accounts for the fact that no adequate attempt has been made to diagnose the Brinkley political appeal from the standpoint of historical analysis.¹¹ While this has not been done here, the above letters have shed some interesting light on "why" and "how" one fight was made on the Milford man. W. A. White sensed not only a shirt-sleeve fight but the need to do battle. It is quite evident that the impetus (push) came from his good friend in Manhattan, the "Deever," Dan D. Casement.

10. The Kansas City *Star*, April 6, 1952, p. 8D.

11. There is, of course, the interesting, exploratory work of W. G. Clugston, *Rascals in Democracy* (New York, 1940), which gives considerable attention to the Brinkley election efforts.

The Annual Meeting

THE 77th annual meeting of the Kansas State Historical Society and board of directors was held in the rooms of the Society on October 21, 1952.

The meeting of the directors was called to order by President William T. Beck at 10 A. M. First business was the reading of the annual report by the secretary:

SECRETARY'S REPORT, YEAR ENDING OCTOBER 21, 1952

Acting upon the request of Kirke Mechem, the board of directors of the Kansas State Historical Society accepted his resignation as secretary at the annual meeting in October, 1951. Mr. Mechem continues with the Society, however, as editor of the *Quarterly* and the *Annals of Kansas*.

At the conclusion of the 1951 meeting, the newly-elected president, Will T. Beck, reappointed Charles M. Correll, Robert C. Rankin, and Wilford Riegle to the executive committee. The members holding over were John S. Dawson and T. M. Lillard.

Death claimed several members of the Society's board of directors the past year, and it is with deep regret that we record their passing. On the memorial roll are Sen. Arthur Capper, Topeka; W. C. Simons, Lawrence; H. K. Lindsley, Wichita; W. B. Trembly, Kansas City; F. L. Carson, Wichita; Frank A. Hobble, Dodge City; Mrs. Effie H. Van Tuyl, Leavenworth; and Mrs. Mamie Axline Fay, Pratt. Mr. Simons and Mr. Lindsley were former presidents of the Society.

Miss Edith Smelser, curator of the Historical Society's museum, died unexpectedly October 4. She was at work until two days before her death. Miss Smelser served the Society for 37 years, and was a valued and faithful member of the staff.

A gift of \$134.57 was received from the estate of Lillian Forrest of Jewell. Miss Forrest, a life member of the Society, died in 1950.

BUDGET REQUESTS

Appropriation requests for the next biennium have been filed with the state budget director. In addition to the usual requests for salaries and maintenance, several increases and special appropriations were asked. These included \$48,000 for steel stack floors, \$15,000 for partial rewiring of the Memorial building, \$11,000 for new lights in the business office, newspaper sorting room, and throughout the old newspaper and library stacks, \$3,000 for painting, and \$3,200 for plumbing and for insulating steam pipes.

The largest item in the Society's budget, \$48,000 for steel stack floors, was made necessary because of the deterioration of the glass floors in the old stack area. Over the years the glass has become dangerously brittle and weakened. One of the staff narrowly escaped serious injury the past year when the glass broke under him and he fell through the floor. Several of the glass sections have been replaced with steel plates, but the entire five levels of glass need to be removed before a serious accident occurs.

The electrical wiring is in much the same condition as the stack floors. It is now about 40 years old and has deteriorated dangerously. We have been

warned by the state architect's office, as well as by electrical contractors and servicemen, that it should be replaced.

Two thousand dollars was requested for repairing the roof of the First Capitol at Fort Riley, and for painting and other repairs.

A maintenance fund of \$1,500 a year, in addition to the caretaker's salary, was asked for the Old Kaw Mission at Council Grove, which was purchased by the state last year. If this amount is granted some museum displays can be built and the landscaping can be improved.

An increase of \$500 a year in the maintenance fund of the Old Shawnee Mission was asked, in addition to the following special requests: \$3,000 for the construction of a wing on the tool house to provide increased storage for machinery and supplies, \$800 for the purchase of a power saw and a three-gang lawn roller, \$2,450 for a sewer connection and for payment of special sewer district assessments, \$2,500 for waterproofing the porous brick exteriors of the buildings and for tuckpointing and other repairs to the masonry, \$500 for painting and decorating, and \$1,000 to be used for repair and maintenance of the roofs.

LIBRARY

During the year 2,977 persons did research in the library. Of these, 1,038 worked on Kansas subjects, 1,089 on genealogy and 850 on general subjects. Many inquiries were answered by letter, and 127 packages on Kansas subjects were sent out from the loan file. A total of 5,131 sheets and biographical cards of clippings were mounted, of which 634 sheets were on the floods of 1951. Five hundred and seventy-five pages of old clippings were remounted. Twelve pieces of sheet music have been added to the collection of Kansas music.

The Kansas society of Colonial Dames of America presented a microfilm copy of the federal census of 1850 for Ohio, and Mrs. Pauline Keller has given for the John Haupt chapter of the Daughters of the American Revolution a microfilm copy of the federal census of 1850 for Iowa. The Emporia chapter of the Daughters of the American Revolution gave nine typed volumes of "Tombstone Inscriptions of Lyon County," and other gifts were received from the Topeka town committee of the Colonial Dames of America, the Daughters of the American Revolution, the Woman's Kansas Day Club and the National Society of Daughters of Founders and Patriots of America. Several gifts of Kansas books and genealogies have been received from individuals. Fourteen volumes and pamphlets were bought with funds from the Pecker bequest for New Hampshire items.

Microfilm copies of the following have been added to the library:

KARPENSTEIN, KATHERINE, "Illustrations of the West in Congressional Documents, 1843-1863. . . ." Thesis.

LAIRD AND LEE, pubs., *The Dalton Brothers and Their Astounding Career of Crime*. . . .

LINES, CHARLES B., [Scrapbook of Clippings from 1840-1857].

RUSSELL, CHARLES, [Scrapbook of Drawings, Prints, and Clippings].

RYAN, RAYMOND, "Mr. and Mrs. William Ryan, Hays City Pioneers."

SHAW, VAN B., "Nicodemus, Kansas. . . ." Thesis.

U. S. ADJUTANT GENERAL'S OFFICE, "Eighth United States Cavalry Organizational Returns and Miscellaneous Letters, 1866-1898."

U. S. ARMY, MILITARY DIVISION OF THE MISSOURI, *Records of Engagements With Hostile Indians*.

WELLS, FARGO & CO., vs. THE UNITED STATES ET AL., *Indian Depredations*.

PICTURE COLLECTION

During the year, 768 photographs were added to the picture collection, of which 370 featured the floods of 1951. An oil painting of Edgar Watson Howe was received from Al Bennett, editor of the Atchison *Daily Globe*, and an oil painting of the late Gov. George Hartshorn Hodges was given by his brother, Frank Hodges, of Olathe. Through the Woman's Kansas Day Club a portrait and an album of pictures of the late U. S. Sen. Clyde M. Reed were given by his daughter, Mrs. James E. Smith. From the Lions club of Lawrence the Society received seven reels of motion picture film showing Lawrence buildings, the National Guard, and other scenes taken in 1941 and 1942.

The 1951 legislature appropriated \$2,000 for repairing and restoring the Society's oil paintings. This work has been nearly completed and the appearance and physical condition of the paintings have been greatly improved. Such renovation should be done periodically to prevent the canvas from becoming brittle and the paint from blistering and chipping.

ARCHIVES DIVISION

Edgar Langsdorf, state archivist, was advanced to the position of assistant secretary on November 1, 1951. A new state archivist, Robert W. Richmond, joined the staff October 1, 1952. Mr. Richmond is a native Kansan, a graduate of Washburn University, with a master's degree in history from the University of Nebraska, and for the past year has been employed by the Nebraska State Historical Society as state archivist.

Records received by the division during the year are as follows:

Source	Title	Dates	Quantity
Board of Agriculture . . .	Statistical Rolls of Counties	1945	1,725 vols.
	Statistical Rolls of Cities . . .	1951	1,557 vols.
Board of Engineering			
Examiners	Engineering Applicants' Folders	1948-1951	5 reels
Budget Director	Correspondence Files	1932-1946	5 transfer cases
	Budgets (city, county, etc.)	1941-1945	53 vols.
Civil Service Department	Minute Book of the Civil Service Commission	1915-1921	1 vol.
Insurance Department . . .	* Admission Statements	1944, 1945	2 vols.
	* Annual Statements	1944, 1945	106 vols.
	* Record of Agents' Licenses	1939-1944	54 vols.
	* Casualty Insurance Expense Exhibits	1946-1949	4 vols.
Shawnee County, Register of Deeds	† Deed Records	1855-1858	2 vols.
	† Lien Book	1860-1867	1 vol.
	† Record of Civil War Discharges	n. d.	1 vol.
	† Indenture: Wm. D. Cornish, Special Master to Union Pacific Railway . . .	1898	1 vol.

* Microfilmed and originals destroyed.

† Microfilmed and originals returned.

The correspondence files of the office of the budget director will be screened for important material and the remainder will be discarded. Two volumes of the 1925 census which are becoming badly worn were filmed as a precautionary measure, although the originals are still in regular use.

MANUSCRIPT DIVISION

During the year approximately 1,200 individual manuscripts and two reels of microfilm were added to the manuscript collections.

In July the Society acquired a group of 800 letters and business papers of Hiram Hill, a Massachusetts businessman who invested heavily in lands and town lots in territorial Kansas, particularly in Quindaro. Much of the correspondence is between Hill and his Kansas agents, Simpson brothers of Lawrence. The bulk of the collection falls within the period 1855-1870.

The following records of the First Baptist church of Topeka were filmed through the courtesy of the church, and the originals returned: history of the church, 1857-1880; minutes of the church clerk, 1857-1948; financial record and minutes of the board of trustees, 1884-1890; register of members, 1857-1892, 1910-1947; and minutes of the secretary of the building committee, 1923-1927.

Edward M. Beougher of Grinnell secured from the National Archives a microfilm reel of War Department general and special orders relating to Fort Wallace, 1866-1876, which he donated to the Society. He also sent a typed copy of a letter of Col. H. C. Bankhead, concerning the Battle of the Arickaree, and two reports of the attempt to recover the bodies of soldiers who were killed. Five photostats of a diary of Sigmund Shlesinger, written in 1868 during the same battle, were given by Robert Taft of Lawrence. Dr. Taft secured the photostats from the American Jewish Archives in Cincinnati, owner of the original diary.

Several letters of E. W. Howe, the "Sage of Potato Hill," were presented by Mrs. Sheila Burlingame of New York.

The late Sen. Arthur Capper gave 32 letters, written by Kansas Republicans in February, 1912, reporting political sentiment on the Taft-Roosevelt-LaFollette presidential race, and on voluntary precinct primaries to nominate and instruct delegates to the convention.

More than 200 letters to and from William Allen White were received from Rolla A. Clymer of El Dorado. Of this group, 128 letters were written by White to Clymer and 61 by Clymer to White.

Frank Haucke of Council Grove, on behalf of the family of Addison W. Stubbs, presented a collection of Stubbs' papers consisting largely of unpublished poems, articles, and addresses. Mr. Stubbs and his father, Mahlon Stubbs, were for many years agents, teachers, and interpreters to the Kaw Indians.

A collection of autographs of more than 100 writers, statesmen, artists, actors, and educators was given by Charlotte M. Leavitt of Topeka.

Mrs. Carl F. Trace of Topeka presented more than 200 pieces of scrip issued by the Topeka Bridge Company in 1857-1858. Her great-grandfather, F. L. Crane, was president of the company.

A journal of Patrick Walsh, recounting his experiences in the U. S. marine corps in 1862-1864, especially in Confederate prisons in 1863 and 1864, was received from his daughter, Agnes Walsh of Topeka.

Other donors were: Ward Atwood, Colorado Springs, Colo.; L. J. Bond, El Dorado; Dickinson County Historical Society; Alan W. Farley, Kansas City, Kan.; Conie Foote, Kansas City, Mo.; Mr. and Mrs. Grant Harrington, Kansas City, Kan.; Clint W. Kanaga, Kansas City, Mo.; Mary Cornelia Lee, Manhattan; Mrs. A. W. Lewis, Galva; Dr. Karl Menninger, Topeka; Marco Morrow, Topeka; George and Mrs. W. D. Philip, Hays; Judge J. C. Ruppenthal, Russell; Mrs. Dale Van Valkenburgh, Manhattan; and Otto Wullschlegler, Frankfort.

MICROFILM DIVISION

The number of photographs made by the microfilm division since its establishment in 1946 now totals nearly three million. During the past year more than 340,000 were made: 277,976 of newspapers and 64,728 of archives, books and manuscripts.

One major project, the filming of the Fort Scott *Monitor* and the *Tribune*, has been completed through 1950. The files included were the *Weekly Monitor*, June 12, 1867-December 8, 1869; the *Daily Monitor*, November 9, 1869-April 12, 1904; the *Daily Tribune*, January 1, 1904-April 13, 1904; and the *Tribune and Monitor*, April 14, 1904-December 30, 1950.

Because of their poor condition the following files of early Sherman county newspapers were microfilmed: *The Adviser*, Voltaire, December 3, 1885-December 2, 1886; *Sherman Center News*, July 22, 1886-October 13, 1887; *Sherman County News*, Voltaire, October 1, 1886-April 27, 1888; *Sherman County Dark Horse*, Goodland, June 10, 1886-December 27, 1894; *Sherman County Republican*, Goodland, August 27, 1886-June 27, 1890; *Goodland Republican*, July 4, 1890-December 25, 1891. Three North Topeka newspapers, *The Kansas Breeze*, April 13, 1894-September 6, 1895; the *Mail*, October 20, 1882-September 6, 1895; and the *Topeka Mail and Kansas Breeze*, September 13, 1895-December 26, 1903, were also filmed because of deterioration of the original files, as were the Kansas City (Mo.) *Commercial Indicator*, March 9, 1882-November 15, 1883, and the *Livestock Indicator*, November 22, 1883-December 29, 1892; and the *Oklahoma Capital* and *Oklahoma State Capital*, Guthrie, March 30, 1889-September 24, 1892.

Microfilming of the *Salina Journal* was completed early in the year, and the following runs of other Salina papers were filmed: the *Semi-Weekly Journal*, April 16, 1912-May 29, 1917; *Kansas Farm Journal*, May 31, 1917-June 27, 1918; *Western Kansas Journal*, July 4, 1918-March 11, 1920; *Salina Daily Journal*, March 31, 1887-May 31, 1888, *Salina Daily Union*, April 9, 1917-December 31, 1918.

J. L. Napier, editor of the *Newton Kansan*, lent the following newspapers for microfilming: *Newton Kansan*, August 22, 1872-August 14, 1873, and August 20, 1874-August 10, 1876; and the first *Harvey County News* of Newton, August 18, 1875-August 16, 1876. Mr. Napier's co-operation was greatly appreciated since the files, for the most part, represented a period not previously covered in the Society's collections for Newton.

The *Topeka Daily Capital* was filmed for the period July 1, 1938-June 30, 1946. Files of the *Arkansas City Traveler* are being collated, and filming has been completed from January 1, 1888, to May 31, 1898.

NEWSPAPER AND CENSUS DIVISIONS

Nearly 13,000 certified copies of census records were issued during the year, an increase of more than 66 percent over the preceding year. In July, 1952,

1,386 records were issued, the largest number in any month in the history of the division. The steady increase in requests for census records is due in part to employment relating to the defense effort, and to the increasingly large number of persons who need proof of age for social security and other retirement programs. The copies are furnished by the Society without charge.

During the year 4,237 patrons called in person at the newspaper and census divisions. In the resulting research 7,056 single issues and 3,520 bound volumes of newspapers, 982 microfilm reels and 16,328 census volumes were examined.

The Society's *List of Kansas Newspapers and Periodicals*, which was issued more than 50 times during the past 75 years, has been discontinued. In 1951 the printing appropriation was insufficient. This year the Kansas Press Service began publication of the *Kansas Newspaper Directory and Advertising Rate Book*, making publication of the Society's list unnecessary. Practically all Kansas newspapers continue to be received for filing, however. These include 59 dailies, one triweekly, 11 semiweeklies, and 317 regular weeklies.

The Society's files of original Kansas newspapers as of January 1, 1952, totaled 54,787 bound volumes, in addition to more than 10,000 bound volumes of out-of-state newspapers dated from 1767 to 1952. The Society's collection of newspapers on microfilm now totals 3,619 reels.

The following publishers are regularly donating microfilm copies of their current issues to the Society: Angelo Scott, *Iola Register*; Dolph Simons, Lawrence *Daily Journal-World*; Dan Anthony, III, Leavenworth *Times*; and Henry Blake, Milton Tabor, and Leland Schenck, Topeka *Daily Capital*.

Among the older newspapers collected this year were five volumes of Iola newspapers from the San Diego Historical Society, a gift of Mrs. Fred Myers, Fallbrook, Cal. Included were issues of the *Allen County Courant* from January 11 to August 1, 1868, and the *Neosho Valley Register* from August 5, 1868, to June 2, 1869, periods for which the Society had no coverage. The late W. W. Graves, St. Paul, donated Vol. 1, No. 1, of the *Osage Mission Daily Transcript*, dated October 2, 1873. Alan W. Farley, Kansas City, Kan., presented *The New South*, Port Royal, S. C., January 3, and June 20, 1863, a Civil War soldier's newspaper, and the *Wyandott City Register*, July 18, 1857. The *Independence Pioneer*, July 2, 1870, was received from C. G. Connelly, Tribune Printing Co., Independence.

Donors of miscellaneous newspapers included: John W. McReynolds, Manhattan; Willard C. Heiss, Indianapolis, Ind.; Mrs. Luella P. Britt, Fort Smith, Ark.; and W. F. Thompson, Walter Saar, J. H. Whipple, and Mrs. Guilford Dudley, Topeka.

ANNALS OF KANSAS

On August 26 a Kansas newspaper began an editorial as follows:

"My eye was attracted yesterday to an article in *The Kansas Historical Quarterly* entitled 'The Annals of Kansas.' It told of the massive volume of *Annals* published in 1875 by Daniel W. Wilder—almost 700 pages of fine print; of the revision in 1886 with 11 years added; and of the 1½ million words since written by Jennie Owen and now being edited and compressed for publication.

"Gosh, I thought, how dull can a subject be? Who could yawn enough times to prepare a day-by-day chronology of state history, let alone read it?"

"But the *Quarterly* went on and printed, for an example, the newly prepared *Annals* of the single year 1886. And I'll be darned if I didn't find it fascinating reading."

Many others felt as this editor did about the sampling of the new *Annals of Kansas*, which appeared in the August number of the *Quarterly*. There is not room, of course, to publish the entire work, covering 1886 through 1925, in the *Quarterly*. This will require two or three full-sized volumes, and publication cannot be undertaken without a special printing appropriation. The problem will be submitted to the legislature this winter. If support is obtained, it is hoped that the *Annals* can be published for release early in the centennial years of territorial Kansas, 1954-1961, as a part of our observance.

During the year the manuscript has been revised, condensed, and copy read to 1904. As already noted, the year 1886 was published in the August *Quarterly*, and 1887 appears in the November issue, which will be in the mail this week. The copy for the years 1888-1895 is ready for the printer. Copy for the years 1896 to 1904 has been read, revised, condensed, and re-checked, and is almost ready for final typing. When completed for printing the entire manuscript will have been cut about 50 percent.

MUSEUM

The attendance in the museum for the year was 41,289. Thirty-one relics were accessioned, including the official state seal used by the governor from the beginning of statehood in 1861 to 1952. A bronze bust of Ed Howe, sculptured by Mrs. Sheila Burlingame of New York City, has been given by Mrs. Clyde Robertson of Boulder, Colo. Mrs. H. G. Beall gave several small medical instruments, once owned by Dr. G. M. Morrow of North Topeka, which were found after the 1951 flood. The Woman's Kansas Day Club and the Daughters of the American Revolution have added several items to their collections.

The appearance of the museum has been improved by painting the floors and replacing some of the old display cards. Many of the oil paintings have been cleaned and restored.

SUBJECTS FOR RESEARCH

Extended research on the following persons and subjects was done during the year: Jedediah Smith; Horace Greeley; Lewis Bodwell; Dr. John Brinkley; William Becknell, father of the Santa Fe trail; contributions of Dr. Johnston Lykins and Robert Simerwell to missions and evangelism; the administration of missions in the Kansas Baptist convention; history of the American Indian Association; Indian enterprises of Isaac McCoy; Osage ceded tracts in Neosho and Labette counties; Delaware Indians; Pottawatomie Indian claims; economic development of southwest Kansas; population movements in southwest Kansas, 1880 to date; economic history of Ness county; southeast Kansas land history; pioneer history along the Santa Fe trail; pioneer days in Kansas; the Boston Syndicate and the development of street railways in Topeka; Chisholm trail; the circuit Chautauqua; Mennonites; physical education curriculum in Kansas colleges; state lands; and histories of Abilene, Monrovia and Atchison county, Blue Rapids, and Enterprise.

ACCESSIONS

October 1, 1951, to September 30, 1952

Library:	
Books	977
Pamphlets	1,587
Magazines (bound volumes).....	229
Archives:	
Separate manuscripts	3,200
Manuscript volumes	3,336
Manuscript maps	None
Reels of microfilm.....	58
Private manuscripts:	
Separate manuscripts	1,200
Volumes	None
Reels of microfilm.....	2
Printed maps, atlases and charts.....	386
Newspapers (bound volumes).....	653
Reels of microfilm.....	427
Pictures	768
Museum objects	31

TOTAL ACCESSIONS, SEPTEMBER 30, 1952

Books, pamphlets, newspapers (bound and microfilm reels) and magazines	451,736
Separate manuscripts (archives).....	1,793,811
Manuscript volumes (archives)	61,653
Manuscript maps (archives)	583
Microfilm reels (archives)	740
Printed maps, atlases and charts.....	12,168
Withdrawn	2,462
 Total	 9,706
Pictures	25,963
Museum objects	33,537

THE QUARTERLY

The Kansas Historical Quarterly is now in its 21st year. Reduction of the Society's binding and printing appropriation for the current biennium made it necessary to postpone some of the routine binding of books, magazines, and newspapers; and the *Quarterly* is being issued with fewer pages. The current volume 20 will consist of the eight numbers of the *Quarterly* appearing in 1952 and 1953.

The lack of sufficient funds will be brought to the attention of the budget director and legislature this winter. Not only should the cut be restored, but enough in addition should be allocated to meet increased costs, and increased printing, if the Society is to publicize adequately Kansas history and historic sites in the centennial years just ahead.

Meanwhile, one of the Society's Chicago members, taking notice of our straitened circumstances, sent five dollars to aid the printing fund.

Among the interesting articles published in 1952 are Dr. Robert Taft's "Pictorial Record of the Old West," No. 15 of the series; "The Great Flood of 1844," by S. D. Flora; "Vincent B. Osborne's Civil War Experiences," edited by Joyce Farlow and Louise Barry; "The Administration of Federal Land Laws in Western Kansas, 1880-1890," by Dr. George L. Anderson; and "The Rev. Louis Dumortier, S. J., Itinerant Missionary to Central Kansas, 1859-1867," by Sister M. Evangeline Thomas.

Special thanks continue to be due Dr. James C. Malin of the University of Kansas who has always given generously of his time and knowledge in the selection of articles for the *Quarterly*.

OLD SHAWNEE MISSION

Hundreds of school children were among the thousands who visited Shawnee Mission the past year. Occasional letters of appreciation are received, such as the following from a Brownie troop: "We enjoyed the trip to the Old Indian Mission. We liked going up the creaky stairs. We liked the school room. We liked the teacher's desk and we liked the loom. We liked the little model house. Thank you for your time."

A miniature covered wagon, hitched to a yoke of white oxen, and two farm wagons, one of which is hitched to ten horses, were interesting accessions. The miniatures were made by H. C. Douglas, an early settler of Shawnee, who carved the animals with a pocket knife. A hand carder was given by Mrs. James Glenn Bell, retiring president of the Shawnee Mission Indian Historical Society.

THE KAW MISSION AT COUNCIL GROVE

Though our wheels seemed to grind as slowly as those of a covered wagon traveling down the Santa Fe trail a century ago, they also turned as surely, and the Old Kaw Mission was finally opened September 18 as a museum.

Following the floods of July, 1951, when water three-feet deep flowed through the building, available funds were sufficient only to give the building and grounds a rough cleaning. Major repairs and redecorating had to await action by the state's emergency fund board, which met March 18, 1952, and allocated \$2,230 for the work. The contractor, who was immediately engaged, finished on September 13. On September 18 his work was inspected, an old display case and several exhibits were moved in, and the Kaw Mission became a state museum. It will feature the histories of the Old Santa Fe trail, Council Grove, and the Kaw Indians for whom Kansas was named.

THE FIRST CAPITOL

There were 3,087 visitors at the First Capitol the past year, which is a slight increase. Although the number is considerably below the totals in prewar years, the new trend upward is encouraging.

THE STAFF OF THE SOCIETY

Having been closely associated with the members of the Society's staff for 21 years, it gives me real pleasure to state publicly that I deeply appreciate the fine co-operation they have always given me. As in the past, many of the accomplishments mentioned in these reports have been due to their efforts.

Recently one of our directors asked if we could help him run down an out-dated rural school geography textbook. We could and did. And he wrote back: "Thanks, thanks and thanks. I had not seen that picture, nor the book, for at least 52 years. When it comes to getting things for a fellow, the Kansas State Historical Society is unbeatable."

Special mention should be made of the heads of the departments: Edgar Langsdorf, assistant secretary and manager of the building; Mrs. Lela Barnes, treasurer; Helen M. McFarland, librarian; the late Edith Smelser, curator of the museum; Kirke Mechem, editor; and Jennie S. Owen, annalist.

Note should also be made of the work of the custodians of the historic sites under the Society's management: Mr. and Mrs. Harry Hardy at Shawnee Mission, John Scott at the First Capitol, and Mr. and Mrs. Elwood Jones at the Kaw Mission. Some of these people have been on the job for years, working virtually seven days a week, and commendation is due them for their loyalty and good managership.

Respectfully submitted,

NYLE H. MILLER, *Secretary.*

At the conclusion of the reading of the secretary's report, T. M. Lillard moved that it be accepted. Motion was seconded by Mrs. W. D. Philip, and the report was accepted.

President Beck then called for the report of the treasurer, Mrs. Lela Barnes:

TREASURER'S REPORT

Based on the audit of the state accountant for the period
August 22, 1951, to July 31, 1952.

MEMBERSHIP FEE FUND

Balance, August 22, 1951:		
Cash	\$4,963.27	
U. S. savings bonds, Series G.....	8,700.00	
		<u>\$13,663.27</u>
Receipts:		
Memberships	\$942.00	
Reimbursement for postage.....	842.67	
Interest on bonds.....	242.50	
		<u>2,027.17</u>
		<u>\$15,690.44</u>
Disbursements		\$1,406.71
Balance, July 31, 1952:		
Cash	\$5,583.73	
U. S. savings bonds, Series G.....	8,700.00	
		<u>14,283.73</u>
		<u>\$15,690.44</u>

JONATHAN PECKER BEQUEST

Balance, August 22, 1951:

Cash	\$122.88
U. S. treasury bonds	950.00

 \$1,072.88

Receipts:

Bond interest	\$27.24
Savings account interest	1.46

 28.70

 \$1,101.58

Disbursements:

Books	\$89.22
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Balance, July 31, 1952:

Cash	\$62.36
U. S. treasury bonds	950.00

 1,012.36

 \$1,101.58

JOHN BOOTH BEQUEST

Balance, August 22, 1951:

Cash	\$81.04
U. S. treasury bonds	500.00

 \$581.04

Receipts:

Bond interest	\$14.42
Saving account interest .....	.73

 15.15

 \$596.19

Balance, July 31, 1952:

Cash	\$96.19
U. S. treasury bonds	500.00

 \$596.19

THOMAS H. BOWLUS DONATION

This donation is substantiated by a U. S. savings bond, Series G, in the amount of \$1,000. The interest is credited to the membership fee fund.

ELIZABETH READER BEQUEST

Balance, August 22, 1951:	
Cash (deposited in membership fee fund)	\$783.69
U. S. savings bonds (shown in total bonds, membership fee fund)	5,200.00
	\$5,983.69
Receipts:	
Interest (deposited in membership fee fund)	130.00
	\$6,113.69
Disbursements:	
Hiram Hill papers, dated mainly 1855-1873, and relating to financial and business matters in early Kansas	\$150.00
Balance, July 31, 1952:	
Cash	\$763.69
U. S. savings bonds, Series G	5,200.00
	5,963.69
	\$6,113.69

STATE APPROPRIATIONS

This report covers only the membership fee fund and other custodial funds. It is not a statement of the appropriations made by the legislature for the maintenance of the Society. These disbursements are not made through the treasurer of the Society but through the state auditor. For the year ending June 30, 1952, these appropriations were: Kansas State Historical Society, \$106,882.00; Memorial building \$28,428.00; Old Shawnee Mission, \$6,724.00; Kaw Mission, \$2,500.00; First Capitol of Kansas, \$2,362.00.

On motion by John S. Dawson, seconded by Joseph C. Shaw, the report of the treasurer was accepted.

The report of the executive committee on the audit by the state accountant of the funds of the Society was called for and read by John S. Dawson:

REPORT OF THE EXECUTIVE COMMITTEE

October 17, 1952.

To the Board of Directors, Kansas State Historical Society:

The executive committee being directed under the bylaws to check the accounts of the treasurer, states that the state accountant has audited the funds of the State Historical Society, the Old Shawnee Mission, the First Capitol of Kansas and the Kaw Mission, from August 22, 1951, to July 31, 1952, and that they are hereby approved.

JOHN S. DAWSON, *Chairman*,
C. M. CORRELL,
WILFORD RIEGLE,
T. M. LILLARD,
ROBERT C. RANKIN.

On motion by John S. Dawson, seconded by C. M. Correll, the report was accepted.

The report of the nominating committee for officers of the Society was read by John S. Dawson:

NOMINATING COMMITTEE'S REPORT

October 17, 1952.

To the Board of Directors, Kansas State Historical Society:

Your committee on nominations submits the following report for officers of the Kansas State Historical Society:

For a one-year term: Robert Taft, Lawrence, president; Angelo Scott, Iola, first vice-president; F. D. Farrell, Manhattan, second vice-president.

For a two-year term: Mrs. Lela Barnes, Topeka, treasurer.

Respectfully submitted,

JOHN S. DAWSON, *Chairman.*

The report was referred to the afternoon meeting of the board. There being no further business, the meeting adjourned.

ANNUAL MEETING OF THE SOCIETY

The annual meeting of the Kansas State Historical Society was called to order at 2 P. M. The address by President William T. Beck follows:

Address of the President

WILLIAM T. BECK

DANIEL WEBSTER WILDER

"HE IMPLANTED ERUDITION AND CULTURE ON KANSAS TERRITORIAL SOIL"

BEING a newspaper publisher, I have been a fairly constant reader of *The Kansas Historical Collections* and *Quarterly* since their publication began in 1881. But only recently, when 28 of the 36 fat volumes were added to my library, did I realize the immensity of the task that had been accomplished in assembling and recording in permanent form such a complete history of Kansas people and events. It constitutes a saga of the state's 91 years of colorful life, and reaches even farther into its early background. I may say the people make the history, the writers record it, and the State Historical Society collects and preserves it for the use of present and future generations. Certainly the people of Kansas can be no less than deeply appreciative of this valuable service that has been done for their state.

In the senate last session, in pleading for an adequate appropriation to finance the publication of the *Quarterly*, I ventured the opinion that the Historical Society was rendering to the state one of the choicest and most worthwhile services, and if in a spasm of economy, commendable most of the time, the body should cripple the publication and preservation of Kansas' history and noble traditions, the state would be poor indeed! I trust and believe future legislatures will offer a generous hand in the support of this Society.

An important segment of the state's recorded history is supplied by Wilder's *Annals of Kansas*. This rare volume (my copy was published in 1875) is a scarce number on library shelves. In categorical form it reviews the life of the commonwealth from the year 1542 down through 1874. Then in 1886, Wilder issued a second edition, a reprint of the first, with 11 years added. Of late years much attention has been focused on this history, which William Allen White pronounced a monumental work.

In the August, 1952, number of the *Quarterly*, former secretary Kirke Mechem writes interestingly of the successful effort to continue the *Annals* from the date Wilder left off and to bring the history more nearly to date. He tells briefly of a legislative appropriation in 1945 for the work, names the committee in charge of the project, and the employment of Miss Jennie Owen, who with assistants has collected material to extend the history through the year 1925. Mr. Mechem's article includes a reprint of the first year of the new section, 1886, and it is noted that the style and diction follow closely that of Mr. Wilder.

Indeed, this resurgence of a literary and historical feat of the long ago suggests the subject of this paper—something of the life, character, and habits of Daniel Webster Wilder, the student, the country editor, the politician and office holder, the historian, the literate, who brought culture, wide knowledge, and a spirit of adventure from his secure Eastern home to the wild uncharted plains of Kansas territory.

The salient points of Web Wilder's life have been beautifully written by the late William E. Connelley and recorded in the archives here—his birth in Blackstone, Mass., July 15, 1832; his marriage to Mary E. Irvin March 3, 1864; his death in Hiawatha, July 15, 1911. He was the seventh son of Dr. Abel Wilder.

Dr. Wilder was able to give his son a thorough course in education; four years in the Boston Latin School, four years at Harvard, and a course in law afterwards. During his Harvard days, he roomed with Artemus Ward, and was a member and orator of the Hasty Pudding Club. In all his years of schooling, he invariably was awarded prizes for superior scholarship. It was during his days in the Boston Latin School that his scholarly traits first revealed themselves. During his school years he kept a diary. These little hand-written notebooks are in possession of a living daughter and will be presented to this Society. Diaries are usually ephemeral things, maintained for short periods, but Wilder's daily notations were kept sedulously throughout his school courses and long afterwards, in fact from 1848 to 1876, exceeding the period covered by the famous Pepys' Diary in London, which was seven years. For a boy in his 'teens, they reflected a serious attitude towards his studies. Each day's entry recorded the weather, then his attendance at classes, his pleasure in attending concerts and lectures. At the end of each day's entry was found this unvarying duty performed: "Have read four chapters in the Old Testament." In the

diary are found lengthy résumés of sermons by his pastor which he had transcribed from notes taken at the church services.

A notation reveals he had gone to church to hear Dr. Lyman Beecher preach, and later he had heard in concert the Swedish nightingale Jenny Lind. Interspersed through his daily entries, increasing as his store of knowledge broadened, can be found quotations from the classics and the Bible. They give first evidence of his thirst for wide reading, a habit that persisted throughout his life.

Born in Hiawatha, Mrs. Beck, my mentor and inexorable critic, was a close friend of the Wilder children, and spent much time in their home. She has a distinct recollection of the pater Wilder. She recalls seeing him sit for hours reading a new dictionary, just to enjoy the new words listed. She appealed to him for help once on an essay in a Shakespeare-Bacon controversy in school. Wilder was an ardent Shakespeare partisan, and wrote a book on Shakespeare, said to be one of the best. She remembers his account of his meeting with Lincoln when the Emancipator made his first incursion into Kansas territory. Wilder said he sat on the bank of the Missouri at St. Joseph with the Illinois rail splitter, waiting for the ferry to take them over to Elwood. He related that Lincoln's long legs, as he sat crouched on the ground, reminded him of a grasshopper. He also had a distinct recollection of Lincoln's falsetto voice.

At this point it is well to note Web Wilder's arrival in Kansas. He came first in 1857. His older brother Carter, also a distinguished Kansan and a congressman, had blazed the trail. Greeley had not yet issued his famous dictum. But Web Wilder felt the urge of the West. It might have been the spirit of the pioneer working in him, for he was only 24 years old; or it might have been the urging of conscience to help make Kansas a free state. Leaving the prospect of a law practice in Boston, he came again in 1858, this time to remain. His first venture was as editor of the Elwood *Free Press*; then in 1860 across the river in St. Joseph he ran a Republican paper, the *Free Democrat*, advocating the freedom of the slaves. For this he was indicted, but escaped back to Kansas, losing his investment in Missouri.

Thereafter newspaper ventures in Kansas included editorship of the Leavenworth *Conservative* in 1861, in conjunction with Col. D. R. Anthony; a short fling with the Rochester, N. Y., *Express*, then back to Kansas with the Fort Scott *Monitor* in 1871. Here he met

and became the intimate friend of Eugene F. Ware. Five years later he made another trial with the *St. Joseph Herald*, but failing in this he landed in Hiawatha and edited the *Hiawatha World*, until Ewing Herbert took over.

Although he was appointed surveyor general for Kansas and Nebraska in 1863, it was in 1872 that Mr. Wilder made his first essay into state politics. The Republicans nominated and elected him to the office of state auditor. He proved himself as capable in the realm of figures and budgets as he had in the field of literature. He held this office four years, being re-elected in 1874, and resigning near the close of his second term. It was during these four years that he found time for the extra-curricular work of writing his *Annals*. The book came off the press in the fall of 1875. I think he must not have realized that he was writing what was later to become the authentic history of Kansas, for by his own admission his object was to collect and write down some facts that would be helpful to his fellow publishers of the state. His innate modesty was further revealed in the dedication of the book, in which he said, "To George W. Martin, a Kansan, of eighteen years' residence, who, with his customary nerve, has assumed the financial risk of becoming the publisher of this book, it is gratefully dedicated."

Wilder's four years' service as state auditor stand out as a shining example of official probity and efficiency. Kansas was plagued with an era of corruption and thievery in the state treasurer's office. As an investigator, the new auditor made the Martin Dies committee, the Truman committee, the King committee, and the Kefauver committee look like mere amateurs. His first report uncovered what, to use a current term, was a sorry mess in the state treasurer's office. His revelation of the crookedness resulted in the impeachment and removal of the then treasurer Col. Josiah E. Hayes, for crimes and misdemeanor in office, in 1874. Only a year later, another state treasurer, Samuel Lappin of Nemaha county was forced to resign because of the purchase and sale of forged school district bonds. Lappin, a thorough scoundrel, made two attempts at jail breaking before his trial.

In discussing his official career, the late W. E. Connelley said this of the state auditor:

Mr. Wilder laid bare the foul ulcer with keen sentences and facts sharper than the surgeon's scalpel. He turned a blaze of light into the caves of official corruption, and the plunderers fled in consternation. They did not return. . . . His reforms extended even to the administrative affairs of counties, and they have been of immeasurable value to the people of Kansas.

Wilder later was induced to become state superintendent of insurance. In this capacity his fidelity to his trust and his intelligent methods of insurance in Kansas have resulted in great good to the people.

To my mind Web Wilder set an example of decency and decorum in politics that might well be followed in this day of campaign strife. When he was elected auditor in 1874, he sent this letter to his vanquished Democratic opponent, Col. G. P. Smith of Lawrence:

DEAR FRIEND: I wish to express to you my sincere appreciation of your course toward me during the recent campaign. It has not only made you friends everywhere by proving, even to strangers, that you were a chivalrous gentleman, but added a new element to a Kansas campaign—that of courtesy and honor. Your speeches are spoken of by Republicans who heard them as the ablest delivered. I remember that you began the fight against a corrupt treasurer, and I am glad to know that we have both outlived the abuse and calumies which such a contest always provokes. Very truly, D. W. WILDER.

Love letters are generally regarded as privileged documents, although sometimes admitted as evidence in the courts. The blue ribbon which binds them as they are stored away in the trunk, along with baby's first shoes, impregnates them with a sentiment of true devotion and an outpouring of the heart that, unhappily, is not fully sustained in after years of connubial association.

D. W. Wilder had reached the age of 31 before he was pierced by Cupid's dart. All evidence shows he had been heart whole and fancy free. But when he fell, he fell hard. The object of his affection was a girl of 17, the daughter of his friend, Dr. J. E. Irvin, who at the time of the courtship held the government job of provost marshal and resided with his family at Kennekuk, in the northwest part of Atchison county. After ten months of urging, Mary Irvin capitulated, and the wedding occurred March 3, 1864. Their first home was in modest rented quarters in Leavenworth where the new husband was editor of the *Leavenworth Conservative*. Subsequently ten children were born.

Many years ago, after she was widowed, Mary Irvin Wilder visited in our home in Holton, a tall, erect, silver-haired woman, of beautiful face and queenly bearing, exuding in her every movement the culture and good breeding that in earlier years had entranced the swain Web Wilder.

The letters Wilder wrote to Mary Irvin covered a period from May 24, 1863, up to the time of their marriage March 3, 1864. These letters have been preserved and will soon be entered in the

manuscript collection of this Society, probably as restricted matter. Intermingled with the protestations of a passionate love for the lass and the yearnings to possess her as his wife, the letters embody many current observations and his acquired philosophy of life, clothed in the faultless rhetoric that characterizes all of the Wilder compositions. For example, this comment was thrown in in an early letter:

There is a collision between Anthony of the city government on one side and Gen. Ewing, Jennison and Hoyt on the other, in which Ewing has declared martial law in the city. I have to take a position and must take it against Ewing (whom I despise) and Jennison and Hoyt (whom I love.)

But you don't want to hear about these affairs. The trouble about conducting a newspaper is this—that you have constantly to take positions and bring yourself into conflict with friends. One cannot desert cherished principles for the sake of an individual friend—but the seeming hostility is extremely unpleasant.

Perhaps, however, a newspaper life is as free from these annoyances as many other spheres of life—for life, after all, to a sincere and earnest man, is a constant battle. Wrong, outrage, crime, slavery, meet us in every pathway. We must stop and give them battle or meanly desert the principles we believe in. We are not placed on earth to be the passive recipients of an empty happiness. God and justice have claims upon us, and the only true happiness is found in an active championship of divine issues.

Another tenet of his philosophy:

I do not believe that heaven is REST as so many stupid and narrow minds represent it. Will there be no chance to do good there? No field for charity, for kindness? Nobody to whom to reach the hand of forgiveness and to help on to a career of nobleness and virtue? If there is no suffering there to relieve, no pains to assuage, no erring brother to help forward, Florence Nightingale would be more happy in the hospital at Scutari than she could possibly be in Heaven. For the truest happiness is always found in acts of unselfish kindness to others, and I have had more sincere pleasure in quietly aiding some obscure person who had no opportunity of returning the favor, than in all the dollars I ever spent for my own personal comforts.

The Wilder love letters are, in my judgment, in the front echelons of Kansas literature, and, I believe, deserve a place alongside the letters of Robert Browning to Elizabeth Barrett.

Here I record some thumb-nail facts about D. W. Wilder:

He conceived the idea, wrote the resolution at an 1875 editorial meeting, establishing the Kansas State Historical Society, and was an incorporator and early president.

He was one of the promoters of the *Kansas Magazine* in 1871.

He was a secretary of the Osawatimie convention in 1859 which gave birth and life to the Republican party in Kansas.

He was familiar with five languages, spoke three fluently.

For 50 years he was one of the associate editors of Bartlett's *Familiar Quotations*.

His passion for the anti-slavery cause was kindled by visitors in his father's home, including William Lloyd Garrison, Wendell Phillips, Theodore Parker, and Horace Mann. Later at Harvard he knew Emerson, Thoreau, Alcott and Frank Sanborn.

Although indicted in St. Joseph for his anti-slavery editorials and forced to flee to Kansas to escape jail and mob violence, he was not embittered. Later in Leavenworth he dissuaded a Free-State mob from attacking an editor of Confederate leanings, urging that their opponents had the right to a free press and free speech.

Dear friends of the Society, why, you may well ask, of all the scores of men and women who have wrought so nobly and so well in bringing our Kansas to its present high rank in the commonwealths of the nation, and whose names are indelibly etched on the scroll of fame, do I select Daniel Webster Wilder as the one I try feebly to exalt today? The obvious answer is:

Because his life's work, and its accomplishments, glorify the value and dignity of the intellect, and its importance to the enlightenment and happiness of our people.

Because he typifies that vanishing breed of country editors, who in their day paid more heed to the editorial columns than to the advertising pages; who scorned anonymity, and were courageous in defending the right as they saw it; self-educated men who wrote of world affairs as glibly as of local happenings; editors who felt the responsibility of molding public opinion, and who faced their tasks, with conscience, the decalogue and the Republican platform as their guides, without fear or trembling, so come what may! Editors who have been succeeded by two generations of fine smart young men, who, perhaps wisely, have shown more concern for the bank account, the advertising revenues and expanding circulations. But, while some of our present day editorial writers, in my book, rank among the best in the field, these modern publishers will go a long way before they excel the newspaper concept, forceful writing, and acknowledged leadership and influence of those early Kansas editors.

He typified the ideal public official and office holder who realized his trust, sought to improve the mechanics as well as the policies of government; who had a contempt for dishonesty and corruption in public office and was vocal in exposing and denouncing it.

He was typical of the true lover, who in pursuit of his quest resorted to logic and persuasion rather than to the bludgeon of the stone age.

He typified a serene home life, a beautiful family relationship, and the while an untiring energy and a prodigious capacity for work.

He typified those hardy voyagers who crossed "the prairies as of old the pilgrims crossed the sea, to make the West, as they the East, the homestead of the free."

Finally, Kansas is forever indebted to his efforts in behalf of the pioneer state, to his diligence and integrity as a public official, and to his foresight in preserving for future generations the history of Kansas. No Kansan has served his state more completely than Daniel Webster Wilder, who gave so lavishly of his talents to mold the thought and guide the destiny of his adopted and beloved state.

At the close of his address, President Beck introduced Mrs. Burns H. Uhrich, Independence, Kan., and Mrs. Jane Wilder Poynter, Oklahoma City, Okla., daughter and granddaughter respectively of Daniel Webster Wilder. Mr. Beck expressed his gratitude to Mrs. Uhrich for the use of Wilder's papers, in her possession, in the preparation of his address.

Dr. Robert Taft, first vice-president of the Kansas State Historical Society and professor of chemistry at the University of Kansas, was introduced and spoke briefly on the J. J. Pennell collection of photographs displayed in the lobby of the Memorial building. The photographs, property of the University, will be exhibited throughout the state.

Following a brief introduction by President Beck, W. L. More, general manager of the eastern lines of the Atchison, Topeka, and Santa Fe Railway Co., presented on behalf of the railroad an oil portrait of its founder, Cyrus Kurtz Holliday. Frank Haucke, former president of the Society, accepted the portrait for the state. Mrs. Helen Hodge, the artist, and Mrs. Frank Haucke, who assisted in obtaining the portrait, were also introduced.

The report of the committee on nominations was called for:

REPORT OF COMMITTEE ON NOMINATIONS FOR DIRECTORS

October 17, 1952.

To the Kansas State Historical Society:

Your committee on nominations submits the following report and recommendations for directors of the Society for the term of three years ending October, 1955:

Barr, Frank, Wichita.	Means, Hugh, Lawrence.
Berryman, Jerome C., Ashland.	Norton, Gus S., Kalvesta.
Brigham, Mrs. Lalla M., Council Grove.	Owen, Arthur K., Topeka.
Brock, R. F., Goodland.	Owen, Mrs. E. M., Lawrence.
Bumgardner, Edward, Lawrence.	Patrick, Mrs. Mae C., Satanta.
Charlson, Sam C., Manhattan.	Payne, Mrs. L. F., Manhattan.
Correll, Charles M., Manhattan.	Richards, Walter M., Emporia.
Davis, W. W., Lawrence.	Riegle, Wilford, Emporia.
Denious, Jess C., Dodge City.	Rupp, Mrs. Jane C., Lincolnville.
Godsey, Mrs. Flora R., Emporia.	Scott, Angelo, Iola.
Hall, Mrs. Carrie A., Leavenworth.	Sloan, E. R., Topeka.
Hall, Standish, Wichita.	Smelser, Mary M., Lawrence.
Hegler, Ben F., Wichita.	Stewart, Mrs. James G., Topeka.
Jones, Horace, Lyons.	Van De Mark, M. V. B., Concordia.
Lillard, T. M., Topeka.	Wark, George H., Caney.
Lindquist, Emory K., Lindsborg.	Williams, Charles A., Bentley.
	Wooster, Lorraine E., Salina.

Respectfully submitted,

JOHN S. DAWSON, *Chairman.*

On motion by John S. Dawson, seconded by James Malone, the report of the committee was accepted unanimously and the members of the board were declared elected for the term ending in October, 1955.

Reports of local and county historical societies were called for. Orville Watson Mosher reported for the Lyon county society; T. M. Lillard for the Shawnee county society; Mrs. James Glenn Bell for the Shawnee Mission Indian Historical Society; Alan W. Farley for the Wyandotte county society; Gus Norton for the Finney county society; O. L. Lennen for the Ness county society; and the Reverend Angelus Lingenfelter for the Kansas Catholic Society.

There being no further business, the annual meeting of the Society adjourned.

MEETING OF THE BOARD OF DIRECTORS

The afternoon meeting of the board of directors was called to order by President Beck. He asked for a rereading of the report of the nominating committee for officers of the Society. The report was read by John S. Dawson, chairman, who moved that it be accepted. Motion was seconded by Robert C. Rankin and the following were unanimously elected:

For a one-year term: Robert Taft, Lawrence, president; Angelo Scott, Iola, first vice-president; F. D. Farrell, Manhattan, second vice-president.

For a two-year term: Mrs. Lela Barnes, Topeka, treasurer.
There being no further business, the meeting adjourned.

DIRECTORS OF THE KANSAS STATE HISTORICAL SOCIETY
AS OF OCTOBER, 1952

DIRECTORS FOR THE YEAR ENDING OCTOBER, 1953

Aitchison, R. T., Wichita.	Mayhew, Mrs. Patricia Solander, Topeka.
Anderson, George L., Lawrence.	Miller, Karl, Dodge City.
Anthony, D. R., Leavenworth.	Montgomery, W. H., Salina.
Baughner, Charles A., Ellis.	Moore, Russell, Wichita.
Beck, Will T., Holton.	Motz, Frank, Hays.
Blake, Henry S., Topeka.	Raynesford, H. C., Ellis.
Chambers, Lloyd, Wichita.	Redmond, John, Burlington.
Chandler, C. J., Wichita.	Rodkey, Clyde K., Manhattan.
Clymer, Rolla, El Dorado.	Russell, W. J., Topeka.
Cotton, Corlett J., Lawrence.	Shaw, Joseph C., Topeka.
Dawson, John S., Hill City.	Somers, John G., Newton.
Euwer, Elmer E., Goodland.	Stewart, Donald, Independence.
Farley, Alan W., Kansas City.	Thomas, E. A., Topeka.
Hunt, Charles L., Concordia.	Thompson, W. F., Topeka.
Knapp, Dallas W., Coffeyville.	von der Heiden, Mrs. W. H., Newton.
Lilleston, W. F., Wichita.	Walker, Mrs. Ida M., Norton.
Malin, James C., Lawrence.	

DIRECTORS FOR THE YEAR ENDING OCTOBER, 1954

Bailey, Roy F., Salina.	McFarland, Helen M., Topeka.
Beezley, George F., Girard.	Malone, James, Topeka.
Bowlus, Thomas H., Iola.	Mechem, Kirke, Lindsborg.
Brinkerhoff, Fred W., Pittsburg.	Mueller, Harrie S., Wichita.
Campbell, Mrs. Spurgeon B., Kansas City.	Murphy, Franklin D., Lawrence.
Cron, F. H., El Dorado.	Philip, Mrs. W. D., Hays.
Ebright, Homer K., Baldwin.	Rankin, Robert C., Lawrence.
Farrell, F. D., Manhattan.	Ruppenthal, J. C., Russell.
Gray, John M., Kirwin.	Sayers, Wm. L., Hill City.
Hamilton, R. L., Beloit.	Simons, Dolph, Lawrence.
Harger, Charles M., Abilene.	Skinner, Alton H., Kansas City.
Harvey, Mrs. A. M., Topeka.	Stanley, W. E., Wichita.
Haucke, Frank, Council Grove.	Stone, Robert, Topeka.
Hodges, Frank, Olathe.	Taft, Robert, Lawrence.
Lingenfelter, Angelus, Atchison.	Templar, George, Arkansas City.
Long, Richard M., Wichita.	Woodring, Harry H., Topeka.
McArthur, Mrs. Vernon E., Hutchinson.	

DIRECTORS FOR THE YEAR ENDING OCTOBER, 1955

Barr, Frank, Wichita.
Berryman, Jerome C., Ashland.
Brigham, Mrs. Lalla M.,
 Council Grove.
Brock, R. F., Goodland.
Bumgardner, Edward, Lawrence.
Charlson, Sam C., Manhattan.
Correll, Charles M., Manhattan.
Davis, W. W., Lawrence.
Denious, Jess C., Dodge City.
Godsey, Mrs. Flora R., Emporia.
Hall, Mrs. Carrie A., Leavenworth.
Hall, Standish, Wichita.
Hegler, Ben F., Wichita.
Jones, Horace, Lyons.
Lillard, T. M., Topeka.
Lindquist, Emory K., Lindsborg.
Means, Hugh, Lawrence.
Norton, Gus S., Kalvesta.
Owen, Arthur K., Topeka.
Owen, Mrs. E. M., Lawrence.
Patrick, Mrs. Mae C., Satanta.
Payne, Mrs. L. F., Manhattan.
Richards, Walter M., Emporia.
Riegle, Wilford, Emporia.
Rupp, Mrs. Jane C., Lincolnville.
Scott, Angelo, Iola.
Sloan, E. R., Topeka.
Smelser, Mary M., Lawrence.
Stewart, Mrs. James G., Topeka.
Van De Mark, M. V. B., Concordia.
Wark, George H., Caney.
Williams, Charles A., Bentley.
Wooster, Lorraine E., Salina.

Bypaths of Kansas History

TURNING THE TABLES

From *The Kansas Tribune*, Lawrence, January 10, 1855.

A shrewd Indian of the Shawnee Nation suggests the establishment of a Mission amongst the white people of Kansas. He says a murder was a thing almost unknown until the white folks came in, and now skulls can be found bleaching along all the roads. The sarcasm is pretty well deserved.

EDITORIALS IN ADVANCE

From the Fort Scott *Democrat*, December 16, 1858.

Since the times are so very close, we have concluded to take a *few more* subscribers to read the editorials for the *Democrat* over the shoulders of the compositor. It is getting to be quite a fashionable practice in our office, and we are unwilling to give news in advance, unless at increased rates. Yearly patrons will be charged twenty-five dollars, with the privilege of questioning the compositor in regard to the propriety of the article, and who was its author.

ADMINISTERING LOYALTY OATHS IN 1861

From the Olathe *Mirror*, June 20, 1861.

We have been informed that when one company of the U. S. troops was passing the Union Hotel in Kansas City, one day last week, a man came out and hurrahed for Jeff Davis. In an instant the company wheeled about and levelled a ten-pounder at the building, giving the women and children five minutes to leave, when it was the intention of the commanding officer to level it to the earth. He did not molest it, however, as all the inmates came out and took the oath to support the constitution and the Union.

DRYING UP SALOONS IN 1874

From the Dodge City *Messenger*, February 26, 1874.

The new method of closing saloons, recently inaugurated in Ohio, is fast spreading all over the country. They are about to try it in Leavenworth and we presume Grasshopper Falls [now Valley Falls] will be the next on the list. The way it is done is as follows: The Christian ladies of the town form themselves into praying bands, and hold prayer meetings in the bar-rooms if allowed to do so, and if not, on the sidewalk outside. One band relieves another and the meeting is kept up until the saloon keeper is converted or his business ruined.—Grasshopper Falls *Kansas New Era*.

Kansas History as Published in the Press

A biographical sketch of B. C. Decker and some of the early history of the Hoxie area were printed in the *Hoxie Sentinel*, July 31, 1952. Decker brought his family to Kansas in 1878 and homesteaded what is now the Mosier ranch near Hoxie.

Ernest Dewey's series of historical articles has continued to appear in the *Hutchinson News-Herald*. Among recent articles were: "Rome [Kan.] Not Built in a Day, But It Didn't Last Much Longer," August 3, 1952; "Range War Days Only a Bitter Memory," September 14; "Satank One of Most Cantankerous Indians," October 9; "Sod Wall Fort [Protection] -to Be Restored as Western Tourist Attraction," October 26; and "Chauncey Dewey Tells Truth About Old Feud," November 2. The *Salina Journal* also printed the Rome article August 24, and the range feud story September 14.

Very brief historical notes on St. John's Lutheran church, Lincolnville, appeared in the *Herington Advertiser-Times*, August 14, 1952. The church was organized August 19, 1877, by the Rev. C. H. Lieker.

Articles of a historical nature appearing recently in the *Coffeyville Daily Journal* included: reminiscences of Mrs. Clara Thixten, August 17, 1952; the story of the Dalton raid in Coffeyville, from V. V. Masterson's *The Katy Railroad and the Last Frontier*, October 5; and reminiscences of Mrs. John Wishall, October 26.

Biographical information on the Dexter brothers, Alonzo, John, and Aaron, founders of Clay Center, appeared in an article in the *Clay Center Dispatch*, August 19, 1952.

On August 26, 1952, the *Garden City Daily Telegram*, printed an article by Ruby Basye, Coats, on the Gray county county-seat fight between Ingalls and Cimarron.

Featured in the 28-page anniversary edition of the *Luray Herald*, August 28, 1952, were local historical highlights for each year beginning with 1902. Among other articles was "A History of the Settlement of Luray," by Capt. John Fritts.

Two articles of a historical nature appeared in the *Hugoton Hermes*, September 4, 1952. One dealt with the establishment of Hugoton in the middle 1880's and the other with the county-seat rivalry between Hugoton and Woodsdale.

The Wichita *Evening Eagle's* "See Kansas" series of articles has continued to appear in recent months. Subjects of a few have been: Fort Scott, September 11, 1952; "Bloody" Benders of Parsons, September 25; Cheney, November 13; and WaKeeney, December 18.

A brief history of the first school in the Chanute area was printed in the Chanute *Tribune*, September 19, 1952. The school was established in 1868 in a log cabin.

Appearing in the Topeka *Daily Capital*, September 21, 1952, were historical articles on the Brookville Hotel, Last Chance store in Council Grove, and a biographical sketch of Elizabeth Simerwell Carter and her family by Peggy Greene.

An Indian peace treaty edition, including 64 tabloid pages of local history, was published by *The Barber County Index*, Medicine Lodge, October 2, 1952, in connection with the Indian peace treaty pageant held in Barber county October 10-12. Featured were stories of the treaty between the government and the Indians made in 1867 near present Medicine Lodge. The event is celebrated every five years by an outdoor pageant.

Two recent articles on the history of the Great Bend area were: a biographical sketch of Frank Marque by Mrs. Abbie L. Darr, in the *Great Bend Press*, October 5, 1952, and a brief, illustrated history of the Great Bend schools in the *Great Bend Daily Tribune*, October 30.

The history of the Henderson Mennonite Brethren church was published in the *Hillsboro Journal*, October 9, 1952. Organization of the church in 1877 was directed by Peter Regier, Cornelius Neufeldt and Gerhard Toews. Regier became the first minister, and the first building was completed in 1880.

The *Clearwater News*, October 9, 1952, published a column-length history of Clearwater. The first settlers in the area arrived in the late 1860's and early 1870's.

An article by Mrs. May Curtis, written for presentation at the Rush county old settlers' reunion at Rush Center, October 16, 1952, recalling Rush county history of the 1880's and 1890's, was published in *The Rush County News*, La Crosse, November 27, 1952.

The Atchison *Daily Globe* published an 80-page, 75th anniversary edition October 19, 1952. Edgar Watson Howe founded the *Globe* in 1877. The edition is dedicated to the Howe family and the city of Atchison. Included are many historical articles on the town's institutions and industries.

An 88-page special edition of the Hays *Daily News* was issued October 30, 1952, commemorating the 50th anniversary of the founding of Fort Hays State College. Much of the history of Fort Hays and the city of Hays is included with numerous articles on the college.

A brief account of the last Indian raid through Kansas, in 1878, by Mrs. Ruby Basye, Coats, was published in the Dodge City *Daily Globe*, November 3, 1952.

Mrs. Bert Hay's history of the vicinity north of Baileyville appeared in the *Courier-Tribune*, Seneca, November 3, 1952. W. P. Sproul, father of Mrs. Hay, brought his family to Haytown, present Baileyville, in 1880.

Sedgwick's early history was published in the Sedgwick *Pantagraph*, November 6, 1952. The town was established in June, 1870, and Harvey county was organized in 1872. Brief historical sketches of Sedgwick churches and lodges were printed in the *Pantagraph*, November 20.

A 50-year history of the Cosmos Club of Russell, by Mrs. H. A. Opdycke, was published in the Russell *Record*, November 13, 1952.

A review of the history of the Four Mile School Thanksgiving Association, Butler county, from the time of its organization, November 28, 1889, to November 30, 1939, by H. A. J. Coppins, association historian, was published in the El Dorado *Times*, November 27, 1952.

An anthology of Kansas poetry published in 1894 was discussed by Norma B. Cunningham in "Human Grief and Hope of Heaven Stirred Kansas Poets of 1890's, Anthology Shows," printed in the Kansas City (Mo.) *Star*, December 6, 1952. Articles of historical interest to Kansans appearing in recent issues of the Kansas City (Mo.) *Times* included: "Texas Cattle Shattered Abilene's Peace, Made Town Famous 85 Years Ago," by Charles M. Harger, August 29; "Last of Big Indian Raids Was Costly to Kansas in Death and Destruction," by Ray Morgan, September 19; "Kansas, Now to Have Archbishop, Saw First Catholic Priest [Father Padilla] 410 Years Ago," by John J. Dooan, December 9; "Faith in West Lured Horace Greeley to Kansas and Fringe of Civilization," by Charles Arthur Hawley, December 11; "Century-Old House in a State Park Is Relic of the Pony Express in Kansas," by E. B. Dykes Beachy, December 30.

Kansas Historical Notes

Dr. Robert Taft, Lawrence, president of the Kansas State Historical Society, is chairman of an advisory committee appointed by Gov. Edward F. Arn to plan for the state's observance of the 100th anniversary of the establishment of the territory of Kansas on May 30, 1854. Prof. Charles M. Correll of Kansas State College, Manhattan, is vice-chairman. Others named to the committee are: Dr. George Anderson, and Robert Vosper, University of Kansas; Kenneth Davis, Manhattan novelist; Jerome Cushman, Salina librarian; Nyle H. Miller, secretary of the Kansas Historical Society; Rolla Clymer, El Dorado editor; J. M. Feller, Leavenworth; Maurice Fager, director of the Kansas Industrial Development Commission; and Harry Woods, Kansas State Chamber of Commerce. Other centennial committees have also been set up by the University of Kansas; by the city of Lawrence, which will observe its centennial in the summer of 1954; and by Topeka, for the purpose of preparing a history of the city, founded on December 5, 1854.

Historic Wichita, Inc., recently announced that the restoration of four key buildings in the "Cow Town" project was in progress. The idea of the project is to build a typical cow town. Buildings now being constructed and restored are the first Wichita jail, parsonage, church, and the Munger house, the first in Wichita. Other buildings are to be added later. Richard M. "Dick" Long is president of Historic Wichita, Inc., and L. W. Roberts is chairman of the building committee.

George Miller, Cottonwood Falls, was re-elected president of the Chase County Historical Society at the annual meeting September 6, 1952, in Cottonwood Falls. Other officers chosen include: Henry Rogler, Matfield Green, vice-president; C. A. Baldwin, Cottonwood Falls, secretary; and Mrs. George Dawson, Elmdale, treasurer. Members of the executive committee are: Mrs. Ida M. Vinson, chairman, C. A. Baldwin, Minnie Norton, T. R. Wells, and Ida Schneider. W. P. Austin was later designated chief historian.

The 20th anniversary of the founding of the Kiowa County Historical Society was celebrated October 2, 1952, by a Pioneer party in Greensburg, attended by 245 persons. Officers chosen for the coming year were: W. A. Sluder, president; Herbert Parkin, first vice-president; Mrs. Emma Meyer, second vice-president; Mrs. Benjamin Weaver, secretary; and Mrs. L. V. Keller, treasurer.

Prof. L. E. Curfman, Pittsburg, was elected president of the Crawford County Historical Society at a meeting in Pittsburg, October 22, 1952. Other officers named were: Oscar Anderson, Farlington, vice-president; Mrs. Mae Stroud, secretary; and William Walker, treasurer. L. H. Dunton, Arcadia; Ralph Shideler, Girard; and Mrs. C. M. Cooper, Pittsburg, were elected to the board of directors. Dr. Theodore Sperry and Dr. Gladys Galligar of Kansas State Teachers College, Pittsburg, gave an illustrated talk on their trip to the Belgian Congo. Dr. Ernest Mahan, Pittsburg, was the retiring president.

Dr. C. W. McCampbell was re-elected president of the Riley County Historical Association at the annual dinner meeting in Manhattan, October 24, 1952. Other officers chosen were: Lee King, vice-president; Mrs. C. W. Emmons, secretary; Joe Haines, treasurer; Ed Amos, historian; and Carl Pfuetze, curator. New directors are: Mrs. Cora Parker, Mrs. Max Wolf, and C. M. Correll. Directors holding over are: Albert Horlings, Bruce Wilson, Mrs. F. A. Marlatt, Richard Rogers, Dr. F. A. Filinger, and Mrs. Eva Knox. Dr. H. E. Socolofsky, featured speaker at the meeting, gave the history of early railroads in Riley county.

The Dickinson County Historical Society held its annual meeting in the New Basel church, October 28, 1952. Talks on the history of the New Basel community were features of the program. Mrs. Ed Rohrer, Elmo, was elected second vice-president, and Mrs. Walter Wilkins, Chapman, treasurer. Other officers remain in office for another year. B. H. Oesterreich, Woodbine, is president.

Pawnee county pioneers of the 1870's were the honored guests of the Pawnee County Historical Society at the annual pioneer reunion in Larned October 30, 1952. This year's reunion celebrated the 80th anniversary of the founding of the county.

The annual meeting and pioneer mixer of the Clark County Historical Society was held in Ashland, November 1, 1952. Among the speakers were Judge Karl Miller and Heinie Schmidt of Dodge City. New officers elected included: Paul F. Randall, president; Mrs. Virgil Broadie, vice-president; Mrs. Sidney Dorsey, first honorary vice-president; and Mrs. Chas. McCasland, second honorary vice-president. Other officers of the society are: Mrs. J. C. Harper, recording secretary; Mrs. W. R. Nunemacher, assistant recording secretary; Rhea Gross, corresponding secretary; William T. Moore,

treasurer; Mrs. H. B. Gabbert, curator; Mrs. R. V. Shrewder, historian; and M. G. Stevenson, auditor.

The annual old settlers' reunion sponsored by the Stevens County Historical Society, held November 2, 1952, in the old Stevens county courthouse in Hugoton, was attended by nearly 200 early residents of the county.

Bill Adams of Pratt was the principal speaker at the annual meeting of the Comanche County Historical Society in Coldwater, November 5, 1952. Brief talks were also made by Judge Karl Miller and Heinie Schmidt of Dodge City. W. P. Morton was re-elected president of the society for the coming year. Other officers elected were: H. B. Cloud, vice-president; Stella York, secretary; and F. H. Moberly, treasurer.

O. W. Mosher was re-elected president of the Lyon County Historical Society at the annual meeting in Emporia, December 4, 1952. Other officers elected included: A. H. Thomas, first vice-president; Claude Arnett, second vice-president; Mrs. C. A. Moore, secretary; Warren Morris, treasurer; Lucina Jones, Mrs. F. L. Gilson, Mabel Edwards, and Charles Caldwell, historians.

L. B. Read, Jr., was elected president of the Lawrence Historical Society at the fall meeting, December 19, 1952. Other officers named were: M. S. Winter, Sr., vice-president; Byron Beery, secretary, and Corlett Cotton, treasurer. Directors elected to serve until December, 1953, were: Mrs. Ivan Rowe, Prof. H. H. Lane, Irma Spangler, Dr. T. A. Kennedy, and Mayor Chris Kraft. Directors elected to serve until December, 1954, were: Mrs. T. D. Prentice, Keith Lawton, Mrs. L. H. Menger, M. N. Penny, and Ida Lyons. Penny was the retiring president.

Officers of the Shawnee Mission Indian Historical Society for 1953 are: Mrs. Homer Bair, president; Mrs. David Huber, first vice-president; Lucile Larson, second vice-president; Mrs. Martin Ziegler, recording secretary; Mrs. Lee J. Smith, corresponding secretary; Mrs. Edith M. Mills, treasurer; Mrs. Harry Meyer, historian; Mrs. Arthur W. Wolf, curator; and Mrs. Carl Harder, member-in-waiting. Mrs. James Glenn Bell was the retiring president.

A 422-page work by W. Turrentine Jackson entitled *Wagon Roads West* was recently published by the University of California Press. It is a study of federal road surveys and construction in the trans-Mississippi West, including Kansas, from 1846 to 1869.

THE
KANSAS HISTORICAL
QUARTERLY

May 1953



Published by
Kansas State Historical Society
Topeka

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the managing editor at the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

A photograph of Fort Riley, looking southwest, in the early 1880's. The fort was started as Camp Center in 1852, but was renamed Fort Riley on June 27, 1853. A centennial celebration will be held at the fort on June 27, 1953.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

May, 1953

Number 6

Aspects of the Nebraska Question, 1852-1854

JAMES C. MALIN

IN a previous article on the motives of Stephen A. Douglas, emphasis was placed upon the fact that the issue of slavery was raised already, prior to the provision relating to the repeal of the Missouri Compromise incorporated into the Douglas bill of January, 1854. The problem is too complex to be handled within the scope of a magazine article, but an important aspect of it is presented here as related to the Nebraska delegate convention held at St. Joseph, Mo., January 9 and 10, 1854.

The interest of northwestern Missouri in the organization of the Indian country to the westward, which Douglas called Nebraska, was of long standing. It came to the point of crisis between 1852 and 1854.

The bill for the organization of Nebraska introduced into the short session of congress of 1852-1853, by Willard P. Hall, of St. Joseph, proposed to organize the territory without mention of the question of slavery. That bill passed the house of representatives but failed in the senate, apparently by a small majority.

But there is more to the question than met the eye. The Compromise of 1850 had been accepted by the majority of the congress and of the federal union as the final settlement of the slavery question, which would remove that "vexed question" from the floor of congress forever. The formula applied to the Mexican session, and to Texas, was the one that came to be called popular sovereignty, which meant, that local institutions were to be decided by the population occupying the territory, and congress would accept that decision without argument. Both political parties, in their platforms of 1852, had made acceptance of the Compromise Measures of 1850

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The material in this article is summarized from some parts of a book by the present author, *The Nebraska Question, 1852-1854*, to be issued in 1954.

a test of party loyalty, and candidates had generally been nominated and elected upon that pledge, or "loyalty oath." Northwestern Missouri, where Hall's bill originated, was so pledged, and proceeded to act upon that new proposition following the campaign. Hall's bill itself becomes intelligible only in that background.

The principles, as just explained, were not restricted to northwestern Missouri. The New York *Express* published an editorial on the subject, reprinted in the St. Joseph (Mo.) *Gazette*, March 9, 1853: "The day has gone by when Congress will look into the proposed institutions of any new State, further than to see if they are incompatible with the Federal Constitution."

This doctrine became the rallying cry for Nebraska during the summer of 1853—to ignore the Missouri Compromise and act upon the new dispensation of the Compromise Measures of 1850. Sen. David R. Atchison, of Missouri, challenged the procedure, not the objective, and insisted that the Missouri Compromise must be repealed outright as a condition of organizing Nebraska.

Northwestern Missouri, Whigs and Democrats, except the strictly Atchison following, rallied largely to the support of the Hall formula. Hall addressed a St. Joseph mass meeting, August 27, 1853, in which he reviewed the Nebraska question in a broad perspective. Resolutions were adopted. The discussion following this event crystallized into a plan for a delegate convention to meet at St. Joseph, on the Battle of New Orleans Day, January 8, 1854. As that date fell on Sunday, the day following was celebrated, with Nebraska participating. Delegates had been selected at mass meetings held in southwestern Iowa counties, and in Nebraska territory, as well as in the northwestern Missouri counties. Among the resolutions adopted by that convention, which apply specifically to this issue, are the following:

6. *Resolved*, That it is the duty of Congress as early as possible at its present session, to organize Nebraska into a territory, and thus give to her residents, travelers, traders and citizens, the protection of law, and the rights and privileges of a free peoples.

7. *Resolved*, That, we are utterly opposed to any re-agitation of that 'vexed question,' now happily at rest—and we 'will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempts may be made. [']

8. *Resolved*, That, we consider the agitation of the slavery question, in connection with the organization of Nebraska territory, dangerous to the peace of the country, fatal to the best interests of Nebraska itself, and even threatening the harmony, if not the perpetuity of the whole Union.

9. *Resolved*, That in organizing Nebraska Territory, all who are now or

who may hereafter settle there should be protected in all their rights, leaving questions of local policy to be settled by the citizens of the Territory, when they form a State Government.

12. *Resolved*, That all the settlers in Nebraska are entitled, of right, and should receive from the general government, *equal* protection, and *equal* pre-emption, graduation, or homestead gratuities as any have received, who have settled or shall hereafter settle, on any other portions belonging to the United States.¹

The Nebraska Convention instructed a committee to arrange for the immediate publication of the proceedings, the resolutions, the letters of distinguished men addressed to the convention, an address to the public, and a memorial to congress. This was to have been done in pamphlet form to be broadcast to the whole Union. For a number of reasons, particularly financial, the plan was not carried out. Except the address to the public, all of the material was printed in the *St. Joseph Gazette* during the early months of 1854, but not soon enough to produce any effective impact upon the public mind. How much influence the proceedings wielded behind the scenes cannot be discussed here.

The first version of the Douglas Nebraska bill, reported January 4, 1854, was virtually the doctrine of the northwestern Missouri agitation, regardless of the influences which may have decided Douglas upon the particular language and theory involved. It was also the view of the *New York Express* already quoted in part. The revision made by Douglas under pressure of Dixon and Atchison, and represented in his revised bill of January 23, was a more explicit announcement that the Compromise Measures of 1850 had superseded the Missouri Compromise. The changes introduced on February 6, 7, 15, repealed the Missouri Compromise explicitly as of 1854 by using the words "inconsistent with" thus cutting through all the previous quibbling about language and procedure, but making no change in the basic assumptions that reach back to the Hall bill of 1852-1853. That many people had not so understood the purpose of the Hall bill, is quite another question.

The episode of the Jeremiah Clemens letter may help to explain other aspects of opinion. Formerly a senator from Alabama, Clemens was not then active politically, but answered on February 4, 1854, a letter from John Van Buren, of New York:

. . . I agree with you in most of its suggestions. The less that is said upon the subject of slavery the better it will be for all parties, and such I am sure is the general sentiment of the South. We want nothing but to be let alone. . . .

1. *St. Joseph (Mo.) Gazette*, January 18, 1854.

All that I consider necessary in the Nebraska bill, was that it should be an exact copy of the New Mexico bill, except, of course, the name and description of boundaries.

Clemens then condemned the Douglas bill which announced that the Missouri Compromise was superseded:

. . . I think I can foresee the consequences. . . . A floodgate will be opened, and a torrent turned loose upon the country which will sweep away in its devastating course every vestige of the Compromise of 1850. I do not speak of its immediate effects—I look beyond. For the present it may be looked upon at the South as a boon, and by a portion of the North as a triumph over fanaticism. The word peace will be upon the lips of its advocates everywhere. . . . —but I greatly fear that they will soon find they have raised a spirit which will wing its way through storm and tempest to the funeral pyre of the Republic.²

Lucian J. Eastin, editor of the *St. Joseph Gazette*, endorsed the Clemens argument. He understood clearly what was being said because it was the standard argument of his area. Eastin had criticized the revised Douglas bill adversely also, but finally accepted it on the basis of the doctrine of the original proposition. In earlier discussions, the point was made repeatedly in northwestern Missouri that the decision of 1820 had been made on the basis of facts as of that year. Although disagreeing with that decision in principle, the Missouri Compromise was accepted in good faith, and no move should be made to repeal it. Nevertheless, if called upon to decide the question of slavery in Nebraska as an original proposition, as of the 1850's, Eastin would vote against the Missouri Compromise. It was on that basis that he had joined the fight against Atchison during 1853, at the same time that he insisted upon the right of the settlers in Nebraska to vote it a slave state and be admitted into the Union as a slave state, regardless of the Missouri Compromise restriction.

The doctrine of the original proposition justified by a new situation was the means of removing the dead hand of the past from decisions of the present, merely by ignoring that past. Now that repeal was actually being agitated, introduced into the scene by others, he regarded the matter of repeal itself as an original proposition to be settled on the basis of a new situation, facts existing in 1854, not facts existing in 1820.

It seems all but impossible for people captive to a century of antislavery-abolition propaganda to distinguish the separate issues as seen by these people of 1853 and 1854. The Missouri Compro-

2. Reprinted in the *St. Joseph Gazette*, March 1, 1854, and reprinted also widely in the Eastern newspapers.

mise of 1820 was itself one entity, decided as an original proposition, to meet a specific situation. It had served its purpose. The incident was closed. The generation of 1853 and 1854 had its own problems, and claimed the right to solve them in its own way, upon the basis of existing facts, and untrammled by the decisions of a past generation in which it had not participated. The claim of the right of settlers to decide their own institutions under the doctrine of the Compromise Measures of 1850 was much more than a controversy over slavery, or over state rights versus centralization; it involved the basic issue of human culture—freedom of men to be let alone and to manage their own affairs, even freedom from the past, from decisions of the past in which they had not participated. The theoretical aspects appear clear and unanswerable. The conflict came in their application. Extreme abolitionists might have argued that humanity is the basic unit of application, and thus have justified interference with slavery in distant states and territories. However that might be, the Nebraska argument was grounded in geographical localism as the unit of decisions in applying the concept of the “consent of the governed,” inherited from the Declaration of Independence.

An unidentified writer, “H,” contributed an article to the *St. Joseph Gazette*, of February 22, 1854, in which he discussed the probabilities involved in the repeal of the Missouri Compromise:

Once it took half an age to settle and bring in a State. Now, a few months or a year or two at most, is the required time. Once, the man of business could give himself a year or two to close his business, select his ‘choice site’ and his new home. But how is it now? The few months delay, the necessary year or two, to wind up business, not only insures the loss of choice locations, but it gives him no voice in the constitutional fabric which is to regulate the future Institutions of the State. It is not necessary to show that Northern men, with small farms, or men engaged in business, which can be closed up in a few days have a decided advantage over a slave holding population. . . . Northern men like the ancient Hordes which overrun Europe, are emphatically the emigrating men of this age.

This writer argued further that the issue was not one of slave-holding men entering Nebraska north of the compromise line of 36° 30’: “North of the compromise line there is but a strip of country that a slave holding population would have. It must and will be settled by northern men.” What “H” was worrying about was that the repeal of the Missouri Compromise would be the signal for a rush of Northern men into Texas and the Southwest:
 . . . is it good policy for southern men to . . . unbar the last door and invite the eager land hunter of the north to plant his light foot there first?

South of 36 and 30 minutes is the territory through which some of our great national highways are to pass to the Pacific. Who are to construct these great thoroughfares? Who are to develop the vast mineral wealth of this region? Foreigners and northern men mainly. And will they not pour in one constant stream along these Rail-ways to find homes and fortunes. If so, it will not be difficult to tell whether the country will be a Pro or Anti-slavery one. What then is to be gained? Some think Kansas. But can we hope to gain Kansas? Where are the facts? If we take those Emigrants who are now lingering (and their name is legion) all along the Missouri River, ready, at a moment to step across, as a basis for calculation, we shall find that more than *two* out of *three* will vote for a free State. If we get the real sentiments of these Emigrants who will soon crowd our Rivers to find homes in Kansas, the same result will be seen. Or if we wait till the Pacific Railroad is located and the ten thousand voices speak from the extended line, no question but they will declare her a free State. What then I ask is to be gained? Absolutely *nothing*. While we lose much. When Missouri came in our wise men made the compromise, not to keep slaveholders from having equal rights with others, but to *point out a necessary terminus of Congressional interference*, on a vexed question.

One of the Whig candidates for congress from northwestern Missouri, John E. Pitt, was even more blunt. As late as May 17, 1854, he opposed, in a public address at St. Joseph, the organization of the Indian country. The newspaper paraphrase credited him with saying: ". . . So soon as that country is opened for settlement, it will be settled mostly by Yankees who will outstrip us in enterprise, and build railroads while we are talking about them." Referring to the Hannibal and St. Joseph railroad, he declared "if Nebraska is now organized we would lose that road, it would go north of us to Council Bluffs."³

Admittedly these are only selected illustrations, but they are of fundamental importance and must serve only as a preview of a re-examination of the problem studied as a whole situation. If there was any reality in the aspirations of northwestern Missouri to make Nebraska a slave state under the Hall bill of 1852-1853, or a similar bill in 1853-1854 under the formula that it was being organized without mention of slavery; then certainly, the Douglas bill, in any of its several successive forms put the free states on notice about what was being undertaken. No clearer case can be found to illustrate how a genuine historical document, when interpreted literally and removed from its context, has been made to say just the opposite of its true intent and purpose. Instead of damning Douglas on the charge of betraying freedom, the free states should have honored him as a hero for putting them on notice about what

3. St. Joseph Gazette, May 24, 1854.

was to be attempted under subterfuge, after which congress was expected to admit Nebraska, the whole of it (prior to the division into Kansas and Nebraska) as a slave state. Of course, there is question whether there was any real possibility of either Nebraska prior to the division, or Kansas, being made a slave state in any case—railroads and “light-footed” men must be reckoned with—mechanical-power versus muscle-power had already tipped the scales in favor of freedom from chattel slavery. But there were other forms of freedom, the shapes of which were not so clear, that were yet to be won.

Capt. L. C. Easton's Report:

Fort Laramie to Fort Leavenworth Via Republican River in 1849

EDITED BY MERRILL J. MATTES

INTRODUCTION

WHO first explored the length of the Republican river? Pike, Fremont, and quite possibly others traveled sections of the stream earlier, but it appears that the first known complete exploration of the main channel of Republican river was undertaken in 1849 by an expedition led by an officer of the Quartermaster Department of the United States Army. After assisting in the establishment of a new military station at Fort Laramie, outpost on the great Platte route to Oregon and California, Capt. L. C. Easton was assigned the task of exploring the Republican river as an alternate supply route between that post and Fort Leavenworth on the Kansas border, then the base for all military operations on the Plains.

The discovery of the Easton journal in the War Department Records of the National Archives was a coincidental by-product of two distinct historical research programs of the National Park Service, an agency of the U. S. Department of the Interior. A national monument since 1938, Fort Laramie has long been the subject of intensive archival study by Service historians. In 1946 the Region Two office of the Service, in Omaha, began a systematic survey of historic sites in proposed Missouri river basin reservoir areas. Many of these water control projects are in the Republican river basin. The two lines of inquiry converged in the documentary records relating to early frontier military posts.

The tongue of land at the junction of the North Platte and Laramie rivers, in Goshen county, Wyoming, has been a concentration point for many significant events in the history of the trans-Mississippi frontier.¹ There has been a "Fort Laramie" here ever since 1834. In that year the fur traders, William Sublette and Robert Campbell, erected a log-stockaded post dubbed by them Fort Wil-

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1. Note the fitting subtitle of the standard reference on the subject: LeRoy R. Hafen and Francis Marion Young, *Fort Laramie and the Pageant of the West, 1834-1890* (Glen-dale, 1938).

liam, more commonly called by trappers, missionaries, and early travelers "the fort on the Laramie." In 1841 this was replaced by an adobe-walled establishment of the American Fur Company christened Fort John, but still "Fort Laramie" to thousands of emigrants to Oregon and Utah, to the Donner party, to Francis Parkman, and finally to worried government officials.

Even before the gold fever, with increasing numbers of its citizens migrating westward across the hostile plains, it was perhaps inevitable that the federal government would set up a chain of military posts along the Great Platte route, and the idea had been broached at various times by such respected authorities as Fremont, Parkman, and Fitzpatrick. It was officially set in motion by President Polk in a message to congress in 1845, which resulted in the enactment, on May 19, 1846, of "an act to provide for raising a regiment of Mounted Riflemen, and for establishing military stations on the route to Oregon."² The Mexican War delayed action until 1848, when Fort Kearny, the first military post on the trail, was established on the Lower Platte. Then destiny pointed its finger at "Fort John on the Laramie."

By order of Gen. D. E. Twiggs, dated April 9, Maj. W. F. Sanderson, mounted riflemen, was instructed to leave Fort Leavenworth by May 10 with Company E "to locate a post in the vicinity of the Laramie." Hard on the heels of an army of covered wagon emigrants, the troops arrived at the scene on June 16. On the 26th of that month Lt. Daniel P. Woodbury successfully completed negotiations with "Bruce Husbands acting as agent and attorney for Pierre Choteau Jr. & Company" for the purchase of the post for \$4,000.³ After a hasty inspection of the dilapidated adobe post and a reconnaissance of the countryside, Major Sanderson set the troop to erecting new quarters.

On July 26 the small garrison of 58 men and 5 officers was augmented by Company C, mounted riflemen, 2 officers and 60 men, under Capt. Benjamin S. Roberts. On August 12 Company G, 6th infantry, composed of 2 officers and 33 men, brought in a train of wagons from Fort Leavenworth. This completed the Fort Laramie garrison of 1849.⁴

Accompanying this last contingent was Col. Aeneas Mackay, sent by headquarters to inspect the new post. In a report of July 31 to

2. J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (1905), v. 4, p. 396.

3. "Fort Laramie Microfilm Document No. 27," War Records Office, National Archives.

4. Merrill J. Mattes, *Fort Laramie and the Forty-Niners* (Rocky Mountain Nature Association, Estes Park, Colo., 1949).

Thomas Jesup, quartermaster general, he describes the deplorable condition of the adobe works and the new building program, praises the hitherto unappreciated "advantages of this station," and then writes:

. . . having arrived at the Termination of our Route, to take all the advantage possible of our retrograde movement, I have ordered Captain Easton with a portion of our party to return to Ft. Leav by the way of the Republican Fork and Kansas River . . . to make a critical examination of it. . . . For myself I prefer to return by the way of Ft. Pierre and the Missouri River to Ft. Leavenworth.⁵

Analysis of the Easton journal, utilizing base maps of the U. S. Geological survey, reveals that the amateur explorer took a rather devious route to reach the headwaters of the Republican. Dropping southward from Fort Laramie to Lodgepole creek, at a point east of present Cheyenne, Wyo., Easton followed this directional stream only briefly before dropping southward again, crossing the South Platte near present Sterling, Colo., and then continuing south-easterly until bumping into the Arickaree fork of the North Republican. During the rest of the journey the party closely followed the main course of the Republican to its junction with the Smoky Hill.

Captain Easton's instructions were to make "an examination of the country with a view of establishing a better route from the Missouri River to Fort Laramie, or a more direct or a better one, for the emigrants to Oregon." He had the honesty to make two unequivocal admissions upon his return—first, he committed errors of judgment which unduly lengthened his journey; second, he discovered that the Republican river route offered no weighty advantages over the Platte route, while it did offer some great disadvantages. Either point was enough to deprive the captain of a reputation as a first-class explorer!

The Great Platte road was the inevitable route to Oregon, California, and Utah for one overwhelming reason. It went in exactly the right direction! Even after Colorado came into the emigrant picture in the late 1850's, and Missouri and Kansas communities were definitely interested in a more direct road westward, the Platte-South Platte remained a heavy favorite over the Republican or the Smoky Hill. These latter streams simply dried up and disappeared long before the traveler reached the mountains which were his destination. The Republican river not only disappeared too soon, requiring a long "dry run" overland to South Platte, it

5. "Fort Laramie Microfilm Document No. 11," War Department Records, National Archives. On his journey to Fort Pierre (opposite present Pierre, S. Dak.) Colonel Mackay was accompanied by an escort of ten riflemen commanded by Capt. Stewart Van Vliet.

was bent like an oxbow, making for a circuitous route.⁶ Although his destination was southeast of Fort Laramie, Captain Easton spent many days traveling in a northeasterly direction. His route, totaling over 800 miles, should not have been more than 700 miles.

A better case for the Republican might have been made if, instead of trying to negotiate its uppermost headwaters, Easton had combined the best directional features of the Republican and Platte, that is, descend the North Platte from Fort Laramie to Fort Kearny, and then cross overland to the Republican in the vicinity of Franklin county, Nebraska, a distance of merely 40 miles. Or an overland crossing could have been made almost anywhere along the stretch of over 100 miles that the two large rivers closely parallel each other. The fact remains, however, that this not unreasonable route was never used by emigrants of record. The strip between the Platte and Republican rivers was traversed frequently by military parties operating between Fort Riley and Fort Kearny during the 1850's, and patrolling out of Fort Kearny and Fort Cottonwood (McPherson) during the Indian wars of the 1860's, but these were local actions.⁷ The crossing between the two rivers as a factor in transcontinental travel never materialized.

Two other exploring expeditions involving the Upper Republican, falling within a seven year radius of 1849, will stand brief comparison.

On his westward journey of 1843 Captain Fremont started to ascend the Republican but became impatient with its northerly course. From "Big Timber," roughly at the bend near present Concordia, he chose to head directly westward, following for a while the Solomon and the North fork of the Solomon. Rather than descend into the valley of the Republican, he kept up the parallel valleys of Prairie Dog, Sappa, and Beaver creeks, then crossed the Republican near present Benkelman, at the junction of the North and South forks. From this point he veered in a west-northwest course to reach the South Platte near present Fort Morgan, proceeding then to Fort St. Vrain, not far from present Greeley, Colo.⁸ Fremont's slower supply train, under the veteran guide Thomas

6. See LeRoy R. Hafen, *Overland Routes to the Gold Fields* . . . (Glendale, 1942). The famed but short-lived Leavenworth and Pikes Peak Express touched the main course of the Republican river only briefly near the forks at Benkelman, Neb. See map with George A. Root and Russell K. Hickman, "Pike's Peak Express Companies," *Kansas Historical Quarterly*, v. 13 (November, 1944), facing p. 240.

7. *War of the Rebellion*, Series 1, v. 48, pt. 1, pp. 279-284, 354-355. See, also, "Outline Map Indicating Line of March of Scouting Parties in the Department of the Platte in 1868 and 1869," War Department Records, National Archives.

8. Bvt. Capt. J. C. Fremont, *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California in the Years 1843-'44* (Washington, 1845), pp. 107-113.

Fitzpatrick, appears to have approximated this same course.⁹ Thus, Fremont, though first to the headwaters, in no way robbed Easton of the hitherto unpublicized distinction of being first to explore the length of the Republican.

In 1856 Lt. Francis T. Bryan, Corps of Topographical Engineers, followed down the course of the Republican practically in Captain Easton's footsteps, except for the approach to the headwaters. Bryan headed an expedition to survey a practical route from "Fort Riley to Bridger's Pass." The party proceeded up the Republican to the bend just across the present Nebraska line, then went overland to Fort Kearny on the Platte, thence up the Platte, the South Platte, Lodgepole creek, and across the Medicine Bow Range to their objective. The return journey was via the Cache la Poudre and the South Platte to a point near present Fort Morgan, thence southwesterly to "Rock Creek, a tributary of the Arickaree fork of the Republican," actually, it seems, the North fork, near Wray, Colo. Bryan followed the south or right bank of the Republican to a point near present McCook, Neb., then crossed over to the left bank, rejoining his outgoing trail near present Superior, Neb. Like Easton, Bryan felt that the valley of the Republican had the advantage of virgin grass and timber, but everything considered, "the route followed on the outward journey was the most advantageous."¹⁰ There is no evidence, however, that Lieutenant Bryan of the Topographical Engineers was in any way acquainted with the earlier expedition of the Quartermaster Department.

There remains a brief biographical examination of our explorer and his associates. Langdon C. Easton, a native Missourian, ranked 22d in the West Point graduating class of 1838. He served in the Florida War of 1838-1842, and was stationed at Fort Towson, Indian territory, until 1846. He was on quartermaster duty at Fort Leavenworth from 1847 to 1849, and became chief quartermaster, Department of New Mexico, in 1850. In 1852 he returned to duty at Fort Leavenworth, becoming a member of the board of officers who selected the site of Fort Riley in 1852. He returned to New Mexico until 1858. During the rebellion of the seceding states, as staff major, he was successively in charge of the quartermaster depot

9. Charles H. Carey, editor, *The Journals of Theodore Talbot, 1843 and 1849-'52* (Metropolitan Press, Portland, Ore., 1931).

10. W. Turrentine Jackson, "The Army Engineers as Road Surveyors and Builders in Kansas and Nebraska, 1854-1858," *Kansas Historical Quarterly*, v. 17 (February, 1949), pp. 44-51; G. K. Warren, "Memoir to Accompany the Map of the Territory of the United States From the Mississippi River to the Pacific Ocean," v. 11, *Reports of Explorations and Surveys . . . for a Railroad From the Mississippi River to the Pacific Ocean* (Washington, 1861), p. 84.

at Fort Leavenworth, chief quartermaster of the Army of the Cumberland in the field, and chief quartermaster of the armies commanded by General Sherman. In September, 1864, he was brevetted brigadier general "for distinguished . . . services in the . . . campaign of Atlanta, Ga."; on March 13, 1865, he became brevet major general "for meritorious services during the rebellion." After many more years of service, during which he attained the rank of full colonel and assistant quartermaster general, Easton retired in 1881. He died in New York City, April 29, 1884, aged 70.¹¹

Lt. N. George Evans, who accompanied Captain Easton on this journey, ranked 36th in the West Point class of 1848. After "frontier duty at Ft. Leavenworth" and an "expedition to the Rocky Mountains" in 1849, Evans campaigned extensively in the Southwest, attaining the rank of captain with the 2d cavalry before resigning, February 27, 1861, to join in the rebellion against the United States.¹²

Col. Aeneas Mackay, who launched Easton on his eastward journey, was not a West Point graduate, but he had a real army career. After valiant service in the War of 1812 as 1st lieutenant of ordnance, he remained with the regular army, rising to the rank of colonel in the quartermaster corps on May 30, 1848, "for meritorious service in performing his duties in prosecuting the war with Mexico." He died May 23, 1850, just a few months after dispatching Easton homeward and himself making a simultaneous journey to Fort Pierre.¹³

CAPTAIN EASTON'S REPORT

ASSISTANT QUARTERMASTER'S OFFICE
FORT LEAVENWORTH
12TH OCTOBER 1849.

SIR:

In obedience to your instructions received at Fort Laramie on the 1st of August last, to proceed from that Post to Fort Leavenworth by way of the Republican Fork¹⁴ and the Kansas Rivers, making an examination of the Country with a view of establishing a better route from the Missouri River to Fort Laramie, or a more direct or a better one, for the Emigrants to Oregon. I have the honor to submit the following report.

11. Bvt. Maj. Gen. George W. Cullum, *Biographical Register of the Officers and Graduates of the U. S. Military Academy, 1802-1890* (Boston, 1891), v. 1, pp. 710, 711.

12. *Ibid.*, v. 2, pp. 365, 366.

13. Francis B. Heitman, *Historical Register and Dictionary of the United States Army, 1789-1903* (Government Printing Office, Washington, 1903), v. 1, p. 670.

14. A satisfying review of "Republican River" etymology and geography is given by George A. Root in "Ferries in Kansas," Part 4, *Kansas Historical Quarterly*, v. 3 (August, 1934), pp. 246, 247.

My party for this expedition consisted of Lieut. N. G. Evans 1st Dragoons¹⁵ and of ten Dragoons, as an Escort, Dr. Parks of Boston (whose curiosity to see the Country induced him to accompany the expedition), your Son Thomas, 13 years of Age (who accompanied me for the benefit of his mind and body), Joseph Hunoit as Guide, ten Teamsters and Extra hands employed in the Quartermaster's Department, and two Servants.

The means of transportation (which was more than the party required, being return teams to Leavenworth, which it was thought necessary for me to conduct back) consisted of four six-mule Teams, and one light Waggon drawn by four Mules— The Dragoons were mounted on indifferent Horses, being the same they had ridden from Fort Leavenworth, and on leaving Laramie they were low in flesh, and in a weak condition— The whole party was well armed. We left Fort Laramie on the 2nd of August 1849, with 45 Days rations—

I shall in making this report copy from my Journal, such portions of it as relate to, or has any bearing on, the object in view; believing that such a course will better enable you to judge of the nature of the Country.

AUGUST 2ND In our first day's march we crossed the Laramie River immediately at Fort Laramie, travelling from it 9 Miles in E. S. E. course, to a grove of Cherry Bushes, on a small spring branch, called by our Guide "Cherry Creek."¹⁶ Our road to day has been a very good one over a rolling Prairie— Grass poor and no Wood until we reached Cherry Creek, where we found a few scattering Trees— On examination I found, that the Rifle Cartridges I had obtained at Laramie were damaged and I sent a man back to the Fort to procure a better supply— These Cartridges were damaged in the manufacture, by having too much oil on the Cloth or Patching which covers the Ball, damaging one-fourth of the Powder of each Cartridge—

AUGUST 3RD Left Camp late this Morning, being detained awaiting the arrival of our Messenger dispatched for Cartridges— Direction to day E. S. E. 15 Miles, to a small spring branch, called by

15. The "United States Regiment of Dragoons" was organized by the act of congress approved March 2, 1833, becoming the "First Regiment of Dragoons" when the Second dragoons were raised in 1836. Its designation was changed to "First Regiment of Cavalry" by the Act of August 3, 1861.—Theo. F. Rodenbough and Wm. L. Haskin, editors, *The Army of the United States, 1789-1896* (New York, 1896), p. 153.

16. This same Cherry creek is identified on a map of Goshen county, Wyoming, issued by the Wyoming State Highway Department, 1940. Easton's given compass courses are frequently inexplicable. In this instance an "ESE" course would have taken him downstream along the North Platte. Actually, he appears to have gone SSE.

our Guide "Box Elder Creek"¹⁷— An abundance of this Wood on the branch and good Grass for our Animals— Two miles from our last Camp we passed over a high ridge, and descended again into a dry sandy valley— This ridge runs off to the right as far as the eye could reach, and connects on the West side of our road with a range of Bluffs, composed of Marl and earthy Limestone— This Bluff continued on our right the balance of our march to day, at a distance of from 3 to 5 Miles from the road— Road good— No Wood and very poor Grass, from Cherry Creek to this encampment—

AUGUST 4TH Course as yesterday E. S. E. marched 33 Miles and encamped at Horse Creek;¹⁸ which at the point we crossed it is a fine little Stream six or seven feet wide, with excellent Grass in its valley and an abundance of Wood— The Bluffs referred to yesterday, continue and run nearly paralld to our road to day for 7 Miles from Camp, when they sweep around and run off to the East, and appear to terminate on Horse Creek— We crossed these Bluffs by a narrow gap near where they change their direction East— The Arc, formed by the ridge and bluffs referred to yesterday and to day, encloses a basin which has received the name of "Godion's Hollow," [?] as our Guide informs us— We found a cool spring branch a few miles before entering the Gap, and another four Miles on this side of it (which runs into Horse Creek)¹⁹— On the latter we found a large Sioux Village, Whirlwind their principal Chief, with a number of his people who came out to meet us, were anxious that we should understand that they were our friends²⁰— Some of the Indians, to impress us more fully with the belief, even assisted our men in getting out of the Creek, a Waggon that had stalled in it. I regretted to learn that the Cholera was raging in this village, and had carried off a large number of the Tribe— Road good Except a steep hill ascending the Bluffs— Wood and Grass, good and plentiful on the Creeks, but not found in the intervals during the days march—

17. The name of this creek appears also on a modern county road map. It effects a junction with Cherry creek before flowing into North Platte river opposite present Torrington, Wyo. This camp would be below the junction, near present Veteran, Wyo.

18. Horse creek is a more sizable tributary of the North Platte. At its mouth in 1851 was held the famous Fort Laramie Treaty Council, engineered by Father DeSmet.

19. This camp and crossing of Horse creek was apparently at present LaGrange, Wyo. The two walls of the gap referred to are identified today as Bear Mountain and 66 Mountain. The enclosed basin and present Goshen county are named for an obscure French trapper named "Goche," a companion of Jacques La Ramie, who was reputedly in this area in the 1820's.—Grant L. Shumway, *The History of Western Nebraska* (Lincoln, 1921).

20. Whirlwind figured in Francis Parkman's wanderings of 1846 in the Fort Laramie neighborhood. See Mason Wade, editor, *The Journals of Francis Parkman* (New York, 1947), v. 2, pp. 397, et. seq.

AUGUST 5TH—Sunday.— In consequence of the fatigued condition of our Animals, from the long march of yesterday, we marched but 3 Miles in a S. W. course, for the purpose of a change of Grass, and encamped on a branch of the same Creek ²¹— Three miles from to day's Camp, East, are several very fine Springs, of which I noticed one particularly of very fine Water— Immediately on these Spring branches is a narrow strip of good Grass but no Wood— Road good— One of the Teamsters to day was thrown from his Saddle Mule and badly hurt— Private Covey [?] of the Dragoons, after cutting a Rattle snake in two pieces with his Sabre, very foolishly picked up the head part about nine inches in length, and while examining it was bitten on the Thumb— Having, unfortunately, no Ammonia among our Medicines, we resorted to our Guide's prescription— Gun powder which was applied in the following manner— The Thumb was scarrified about the wound with a pocket knife, and the wound then covered with as much powder as would lie on it, which was exploded with a coal of fire— Covey [?] was ill for 12 Hours, constantly vomiting, and his Arm had swollen to the Shoulder, after which time, he became better and in 10 days was again on duty.

AUGUST 6TH Marched to day 23 Miles S. S. W. and encamped on Pole Creek ²²— Three Miles from last Camp we found a similar spring to the one we saw yesterday, with good Grass in the little valley through which it runs.— Ascending from this valley we had an elevated road of dry table land, uninterrupted until we reached Pole Creek.— No good Grass to day; on the plain is a growth of indifferent Buffalo grass— Good Grass on this Creek but no Wood seen during the day— Road remarkably good— On this Creek the Water made it's appearance at intervals then sinking and disappearing beneath it's sandy bottom and again becoming visible for a few hundred yards.— While marching on the elevated plain, the Black Hills,²³ white with Snow, could be seen very distinctly in the distance, to our right—

AUGUST 7TH From Fort Laramie to Pole Creek we had travelled on a indistinct Waggon trail, made by some Traders ²⁴— From

21. Bear creek?

22. Lodgepole creek. Like Horse creek, it heads in the Medicine Bow Mountains. Lodgepole parallels U. S. Highway 30 and the Union Pacific railroad. This camp was approximately 20 miles east of present Cheyenne.

23. Frequent reference to the "Black Hills" in Western journals, i. e., Parkman's *Oregon Trail*, confuses those who know only of the Black Hills, in present South Dakota. The term was applied in early days to Laramie Peak, west of Fort Laramie, and apparently also, as in this instance, to the Medicine Bow Mountains.

24. For many years prior to 1849 there was commercial intercourse between Fort Laramie, the several trading posts on the Upper South Platte, and Bent's Fort on the Arkansas.



this point I had determined to take the most direct and shortest route (S. E.) for the Republican Fork, but the Guide insisted that to follow Pole Creek, was the best and nearest route to the South Fork of the Platte, which we, of course, had to cross, and as he also represented that we might suffer for want of Water, by crossing from one Stream to the other, I concluded to follow the Creek to the Platte, provided it should take a course near that I wished to pursue—. Pursuant to this determination, we continued down Pole Creek, 22 Miles due East, again pitching our Tents on it's banks. The Grass on the whole of our march to day has been very fine and the road excellent— Fourteen Miles from our last Camp we came to a high Bluff of soft earthy Limestone, where a fork of the Creek comes in from the S. W.²⁵— At the foot of this Bluff is a good Spring— A great plenty of Wood in the Bluffs but we have seen none other on to day's march.

AUGUST 8TH After travelling down the Creek 10 Miles, finding it's course continued East, I determined to leave it and strike S. E. (pursuing which course for [?] miles we reached the South [?] fork of Platte)²⁶ After leaving Pole Creek we marched 7 Miles and encamped on a small pond of bad water, with but poor grass for our Animals, indeed it has been but indifferent since leaving the superior grass on the stream— Saw to day a small herd of Buffalo, our Guide killed a young Bull, also an Antelope, this is the first Game we have killed since leaving Larmie. Game has hitherto been scarce.

AUGUST 9TH Our direction to day was S. E.— After marching 17 Miles over a high, arid plain, we descended by a long steep hill, into a large valley, the plain from which we had just descended, continuing on our right into a long point which terminates with a high Bluff of Stone— Under this Bluff we were fortunate in finding a Spring, as our Animals were suffering for want of Water— Continuing our March over a level plain for 8 Miles through the Valley, we encamped on a little Creek running East, the water of which had the muddy appearance of the Platte River²⁷— Looking back from our Camp, we could see that the valley we came over to day, was formed by the Hills on the North side of the Creek, taking a

25. This would be the bluffs which gave their name to present Pine Bluffs, Wyo., opposite the mouth of Muddy creek. Just east of here is the present Nebraska boundary.

26. Easton should have followed the advice of his guide, to follow "Pole Creek" to its junction with the Platte. This would have ensured a much more direct route to his destination.

27. Probably Rush creek, a tributary of the South Platte in the northeast corner of Weld county, Colorado.

large circuit from it and returning again some 8 or 10 Miles below— Rising from the plain of this valley, were several hills of an oblong shape, o'er which were tumbled in great confusion, as if by some strange freak of nature, large blocks of Stone of quite regular shape, and which gave the Hills quite a singular and striking appearance— This Evening a party of 18 Cheyennes came to our Camp— As this tribe had annoyed us on our March from Kearny to Laramie, by following and hanging about our Waggons and Tents, seeking an opportunity to steal; we determined not to let more than two of them come into our Camp at one time— The party accordingly was halted 50 yards from our Camp, and the Guide sent to invite two of them in, which invitation they accepted, and remained with us some time— This arrangement, not exactly suiting their views, depriving them as it did of all opportunity of enriching themselves at our expense, (for which purpose they had in all probability paid us a visit from their village about 3 Miles distant,) two of their party attempted to force their way by our Sentinel.— Being prepared for, and anticipating, something of this kind, Lieut Evans very promptly drew our party up in line, and intimated to the Indians the propriety of their immediate absence; adopting the sage suggestion, the whole party (with one exception) mounted their horses and forthwith left us.— One of the Indians who had been frustrated in his attempt to pass the Guard, chose to remain about some fifty yards from our encampment, long after the others had left, I presume as an evidence that he was not alarmed.

We have found patches of good Grass during our march through the valley and have an excellent quality of Grass at this Camp, but there is none fit for grazing on the high plain we passed over— Road fine but no Wood during the whole day's march.

AUGUST 10. We continued our S. E. course to day 25 Miles, over a high and dry plain, at the termination of which distance, we came to the South Fork of Platte, which we crossed; and encamped on the South side of it²⁸— There is no Timber growing on the Platte where we crossed it, but we found an abundance of drift Wood, and superior Grass— We had neither Wood or Water and but miserable Grass from our last encampment to the South Fork.—

AUGUST 11TH Taking an E. S. E course 22 Miles, we encamped to day on a small pond, with wretched Water and bad Grass— For five Miles after leaving our Camp this morning we had a heavy road over hills of deep sand, after which we ascended to an elevated,

28. In the vicinity of present Sterling, Colo.

level, barren plain, which continued until we encamped— With the exception of the 5 miles referred to, our road was most excellent, but no wood, no Grass, and no water on the whole route.

AUGUST 12TH— I had intended to keep an E S. E direction, after leaving the Platte River, until I reached the Republican Fork, but the plain on which we were travelling was a high dry one, and so destitute of everything save miserable Buffalo grass, that I was fearful our Animals might suffer for the want of water and Grass.— I therefore determined on leaving Camp this morning to change our course to S. E. which I believed to be the most direct one to the Republican Fork ²⁹— We marched in this direction 17 Miles over the same barren plain of yesterday, when we were much gratified to reach a very large pond, or lake, of good water, around which our poor Animals, which had had but little to eat the night before, found excellent grazing— To the West of our encampment were several of these ponds, or small lakes, our guide spoke of many of them between the mouth of Pole Creek and the Republican, and Col Fremont mentions several ponds of this description, on his route from the latter stream to the Platte ³⁰— I am induced to believe that there are a number of these lakes of good water between the two Rivers, and that by winding the road from the one to the other, an abundance of Water can be procured at convenient distances.— Around these Lakes is fine Grass— Our road to day was good— No Wood

AUGUST 13TH Course to day 27 Miles S. E.— Encampment on a Pond, in which we found but very little muddy water, remaining in the tracks made by Buffalo in passing through— We were agreeably surprised in discovering fine Grass in some low ground, near the Camp— No water on our March except in one small hole, some 15 Miles from last encampment— Fine road today, but no wood or Grass between our last Camp and this.

AUGUST 14TH Continued our march S. E. 20 Miles over the same dry, barren plain as on the 12th and 13th when we came to a hill overlooking the fine broad valley of the Republican Fork,³¹ with the River meandering through it, near a cluster of Trees, which afforded us the prospect of an abundance of Wood—

We had been four days without seeing a Stream of Water or a

29. Here Easton made another mistake. His original course would have brought him onto the headwaters of Frenchman's fork, or, missing that, the head of the North fork of the Republican near present Wray, Colo. Instead, by dropping south he encountered no sizable stream until he came to the Arickaree fork, which required that he then detour northeastward.

30. In present northern Yuma county, Colorado.

31. Actually, Arickaree fork.

stick of Timber, and suddenly coming on both, put the whole party in good spirits, heightened by a burst of laughter at the irresistible expression of an Irishman, who with evident earnestness and great joy exclaimed "*Be Jesus* we're in sight of land again."— We encamped on excellent grass near the Timber on the Bank of the Stream— From this point to the Platte, the route we travelled is 86 Miles, on which there is no Timber, no running Water, and no Grass except at the Lakes, abefore described— From one bank to the other the Republican at this point is about 50 feet wide, it is very low and but a small stream of water was winding it's way along it's sandy bed—

AUGUST 15 Route down the valley of the Republican Fork E. N. E. 18 Miles, and we encamped on it's Banks— Twelve Miles from our last Camp we crossed a small Creek running into the River, on the North side and which was well timbered so far as we could see up it— Abundance of Wood, fine Grass, and an excellent Road during the whole route.³²

AUGUST 16 Continued down the valley 12 Miles N. E. and 7 Miles East and encamped on the South side of the River— At the point where the River changes it's direction East, on the day's march, it forms a junction with a stream equal in size to itself, coming from the N. W. and which for convenience of reference, I shall call the North Fork of the Republican— If this route should be travelled to the South Pass the road should follow this fork to it's head before crossing to the Platte ³³—

A good supply of drift Wood to day, grass and road remarkably fine— To day we entered the Buffalo range, which extends from the Mouth of the North Fork, 160 Miles down the Republican— The Country on either side of the River was literally covered with these Animals— During our march of Seven days we were never out of sight of them, except when the darkness of Night, veiled them from our view, and even then we were constantly reminded of their close proximity, and vast numbers, by the continued bel-
lowing of the Bulls—

AUGUST 17TH Encamped on the Banks of the stream, having marched 19 Miles down it's valley— No Wood to day, but a fine road, and a super abundance of nutritious grass— On a small tributary Creek from the S. W, which joins the River a short dis-

32. Camp on Arickaree fork near the present Kansas state boundary. En route, Easton passed the site of the future (1868) Beecher Island Battle.

33. This was the true North fork. Easton here recognizes his directional mistake. The camp near present Haigler, Neb., was reached after crossing the extreme northeastern corner of Kansas.

tance below our Camp, is a large quantity of Timber— Our direction to day has been East—

AUGUST 18TH & 19TH Continued our March down the valley, and encamped on the 19th on a small Island in the River, on which was a flourishing growth of large Cotton Wood Timber— On this Island we found a log pen, supposed to have been built by some tribe of Indians for defence ³⁴— On our route 7 Miles below our Camp of the 17th is a small stream of fine, clear water, entering the River from the N. W. on which we found large quantities of delicious plums— The grass during these two days march has been indifferent generally, in consequence of this portion of the valley being much frequented by immense herds of Buffalo, which have eaten it out or trampled it down, from which causes the grazing is not good— Nevertheless there was no difficulty in finding sufficient good grass for our Animals— Wood in abundance these two days— Our direction has been East by North over a good road.

AUGUST 20TH Course E by N, 24 Miles down the valley to day— We pitched our Tents on the River Bank ³⁵— Twelve Miles from our last Camp a little Creek enters the River from the North and near this Camp another small stream joins it from the South side— An abundant supply of Wood and good road and Grass to day

AUGUST 21ST Followed the Stream 18 Miles and encamped on a small Spring branch— Four Miles above this evening's camp, a large tributary flows into the river from the N. W.³⁶— Our Guide informs me that this Stream leads [?] within 45 Miles of the Platte, and that Lakes are to be found between it's source and that River— This would make another good crossing from the Republican to the Platte River— As I shall not probably hereafter mention Wood or Grass, I will here state that there was an abundance of the former, both on this and the Kansas Rivers, without an interval of more than half-a-mile, from hence to the Missouri— And of the latter we found the greatest abundance of an excellent quality, back in the valley of the Republican, and the vallies of all the small tributaries we crossed, during the whole of our march from this point until we arrived at Fort Leavenworth.

The Republican here has grown to be a stream, 30 Yards wide

34. This camp would be just west of present Trenton, Neb., near new Culbertson Dam. At approximately this same site appears "Big Timbers, Site of Military Post," on the General Land Office survey map of 1872, Sec. 4, T 2 N, R 33 W, 6th P. M. This post was related to the Indian wars of the late 1860's. "Big Timbers" here is not to be confused with Fremont's "Big Timber" near present Concordia, Kan., or the "Big Timbers" of the Santa Fe trail.

35. In the neighborhood of present McCook, Neb. Frenchman (earlier "Whiteman") creek comes in from the northwest, Driftwood creek from the south.

36. Red Willow creek.

and four feet deep— Hence to the Mouth of the Republican Fork there are such as large number of small branches emptying into it, I shall mention only the principal ones, referring you to the accompanying Map for information relative to the position of the others— Course to day E by N— Road good.

AUGUST 22ND Continuing our Course in the River valley, E by N, 15 Miles, we halted at a small Creek much swollen by recent heavy rains— As the water was falling rapidly we did not attempt to cross it but encamped on it's banks³⁷— Creeks having now become numerous, and our progress consequently, very slow, I was almost induced to leave the River, and take the ridges some 8 or 10 Miles from it, in order to head many of the Creeks and cross the others near their sources— But as little was known relative to the Republican Fork, and as it is laid down on existing Maps, merely by an imaginary line, I was anxious to examine it practically and fix it's direction—

Our detention in crossing the Small Creeks was caused by the necessity of cutting the Banks down— The bottoms generally are hard and with little labor a fine road can be made.

AUGUST 23RD Marched down the valley of the River 14 Miles, direction E by N— We crossed a stream to day on which there was a number of Elm Trees³⁸— Saw Three Elk to day— Passed a Grove of Plum Trees, from which our party gathered large quantities of the finest wild fruit I ever saw— The only difficulties on the road, were the crossings of some small Streams— the Banks of these streams generally, are not very high and are soon cut down, many of them we crossed without labor except cutting the brush out of the way— With but few exceptions the only difficulties on our road from this point to Fort Leavenworth were these crossings, the road between them being very fine— And I shall not in future be so particular in mentioning the condition of the road each day.

AUGUST 24TH Continued down the River, which runs East 18 Miles and encamped on it— To day the valley was well timbered with very large sized Cotton Wood suitable for Building purposes— The Hills for a short distance contained Stone— The Soil in the vicinity of the heavy timber was very good, and I have little doubt would produce grain very readily— Should there ever be necessity for a Post in this Neighborhood, this will be a suitable point

37. Medicine creek, at present Cambridge, Neb. Although the time and place of crossing is not clear, Easton was obviously now traveling on the north or left bank of the Republican. In recent years the creek was noted for its sudden flash floods, which are now curbed by the new Medicine creek dam.

38. Muddy creek or Elk creek, both debouching near present Arapahoe, Neb.

for it ³⁹— Killed three Grouse this evening, this Bird is found in great numbers from this point to the Missouri River.

AUGUST 25TH In consequence of rain and the detention in crossing streams, we were unable to march over 10 Miles— Our direction was East, down the valley of the River.— Guide killed a large fat Buck Elk— Saw a herd of 32 Elk.

AUGUST 26TH Course to day E. S. E. still down the valley.⁴⁰ Here we leave the Buffalo range, and meet with smaller game, Deer Antelope, Turkeys and Grouse—

Met to day a small party of Pawnees on a Stealing expedition, against the Cheyennes, whom they expected to find near the head waters of the Republican— Besides their Arms each Man carried his Lariette and Whip, without which an outfit is considered incomplete on such a campaign— Our Guide and a Dragoon, who were a Mile behind us, having stopped to butcher a Buffalo, were met by this party, and at their request the Guide dismounted and gave them some meat; for their act of Kindness one of the Indians threw his Arms around and tenderly embraced him— Shortly after, Hunoit wishing to use his knife, found to his mortification, that the affectionate Pawnee had stolen it from his Scabbard (which was on his belt behind him) whilst evincing his gratitude, in the manner above described— Carrying their duplicity yet further, whilst the Knife was changing owners, an Indian feigned to remove the Bridle from the Dragoon's Horse's Head, attracting the Soldier's attention to this act, whilst another Pawnee cut off a choice piece of Buffalo meat, which was tied behind his Saddle— I merely mention this circumstances to give you an idea of the skill and ingenuity of the Pawnees in such matters.

AUGUST 27TH Continued down the Republican 22 Miles, and encamped on it, our course being East ⁴¹— We found great quantities of fine plums and an abundance of good summer grapes, on to day's march— Great care was taken in selecting our Camp, and in picketing our Animals as close as possible, as we expected a visit from the Pawnees we met yesterday— But after a very cold night (all complaining of having slept cold) in the morning we found all our Animals present.

AUGUST 28TH Our course as yesterday East 18 Miles down the River, where we encamped on its banks— Care was again taken

39. Near present Oxford, Neb. Fort Kearny on the Oregon trail was only about 45 miles to the northwest of this point.

40. Past the mouth of Beaver creek to the vicinity of present Alma, Neb.

41. This day's journey was through the present large Harlan county reservoir area. Prairie Dog creek, passed this day, was named in 1843 by Fremont.

in selecting our position, the Sentinels cautioned particularly against Pawnees, and all necessary precautions taken to provide against our Animals being stolen, as we still expected a visit from the Indians, presuming that they would follow us for several days— Notwithstanding all our precautions to provide against such an event, Lieut Evans' favorite Poney which was picketed within 20 Yards of the Sentinel's Post, was stolen during the night—

Plums and Grape particularly the latter we found in fine perfection on nearly all the Creeks we crossed— We passed to day through the remains of a large Pawnee Village, and we were glad to find that they had left it a few days before, for their permanent village on the Platte, otherwise we might have lost a few more Animals. Before leaving Camp this morning Lieut Evans caught a good horse branded "US"— It was wounded in the neck with an Arrow, but soon recovered from it— This Animal probably had strayed from Fort Kearny.

AUGUST 29TH Marched down the River E by N. 13 Miles, where our Guide having killed three fat Buffalo Cows, and as we were leaving the range of these Animals, and desirous of laying in a supply of Meat, I concluded to stop and give the Men an opportunity of jerking the meat from these Cows— The Buffalo were killed near the River and each within 10 Steps of the others— We pitched our Tents within 50 Yards of them a few hours afterwards both sides of each Waggon was covered with slices of Meat, strung on Cords for the purpose of drying.

AUGUST 30TH Still on the Banks of the Republican, having to day marched down the valley 16 Miles, East by N.⁴²— One of the Dragoon Horses gave out to day and we were compelled to abandon him— Grouse in great numbers—

AUGUST 31ST Marched 14 Miles in an Easterly direction and encamped on the river— Our march was short to day, in consequence of our having been detained in crossing a number of Streams— Our Mules commenced giving out, for which we could not account, they having had fine grass, short marches and ample time and opportunity to graze— We reduced our teams to five mules each and turned loose the sixth to follow the Waggon and rest— When a Mule gave out in a Team, one of the loose ones supplied it's place, and the tired Animal was released to follow and rest. By this means I returned to this Post with every Animal I took from it, (except one that was left on the road out, with the glanders) after a journey of over 1400 Miles—

42. Today's camp was near present Red Cloud, Neb.

Dr. Park's servant whilst bringing wood into Camp this Evening trod on a Rattlesnake which bit him on the side of his leg above the Boot— The same remedies (Knife & gunpowder) resorted to as in the case of Private Covey, and with equal success— The patient was similarly affected and recovered in about the same length of time—

SEPTEMBER 1ST Marched E. S. E. 7 Miles and encamped on the River— A well beaten trail crossed our road to day, leading in the direction of the Platte (N. N. E.) it crosses the Republican and is I presume used by the Pawnees in travelling from the Platte to Smoky Hill Fork, and the Arkansas Rivers⁴³— While Oak made it's appearance to day on the Creeks, which is the first Oak we have seen since we left Laramie—

SEPTEMBER 2D SUNDAY In consequence of the fatigued condition of our Animals and in order that the Men might have an opportunity to wash their Clothes, I did not march to day.

SEPTEMBER 3RD Before starting this morning a small party of Pawnees came into our Camp, they informed us that they were returning from the Arkansas to their village on the Plattes— Marched down the River 22 Miles and encamped on it.⁴⁴ Saw a drove of Turkeys to day, on a small Creek; from this Creek to the Missouri River we found this game in great abundance, particularly on all the small Streams that we crossed until we reached Union Town.

SEPTEMBER 4TH We followed the River to day by travelling 9 Miles South and 10 Miles South East, when we encamped.⁴⁵— Two well beaten trails cross the River on our route to day in a direction N. N. E. they had recently been travelled over by large numbers of Indians, probably Pawnees returning to the Platte.

SEPTEMBER 5TH By following the River to day our course has been 7 Miles N. E. and 10 Miles E— We made preparation last night and the night before for a visit from the Pawnees, whom we saw on the 3rd Inst.; but they either did not follow us or had no opportunity of stealing any of our Animals, as we lost none— Saw a large herd of 80 or 90 Elk to day on the South side of the River.⁴⁶

43. The Pawnee road between the Platte and the Arkansas rivers is mentioned also by Fremont, p. 109, and is indicated on Lieutenant Warren's map. The crossing would be in the vicinity of "the true location of the Republican Pawnee Indian Village where on September 29, 1806, Lieut. Z. M. Pike ordered down the Spanish flag and saw the Stars and Stripes rise in its stead. . . . in Nebraska, between the towns of Guide Rock and Red Cloud, on the south side of the Republican river."—A. E. Sheldon, editor, *Nebraska History Magazine*, Lincoln, v. 10 (July-September, 1927), pp. 159-258. Kansas has officially taken the view that the "true site" is near Republic, Kan., about eight miles southeast of Hardy, Neb.

44. This camp may have been just inside the state of Kansas, below present Superior, Neb.

45. Near present Republic, Kan.

46. Here is the first clear-cut evidence in the text that the expedition followed the left or north side of the Republican. The given directions here, however, are obviously in error.

SEPTEMBER 6TH & 7TH By reason of the difficulty of crossing two Creeks, at one of which we were compelled to unload our Waggon and draw them over by hand, we have been unable to march over 18 Miles these two days ⁴⁷— Our course has been 8 Miles E. and 10 Miles S. E.— The Streams now tributary to the Republican are well timbered with Oak, Walnut and Elm, and they continue to be so the balance of our march, with the addition of Hickory as we get a little further down the River.

The difficulty of crossing the two Streams to day was owing to the necessity of making a bridge over one of them that had a very miry bottom, the steep banks of the other were composed of Stone which we could not cut down with our Pick-Axe and Spades.

SEPTEMBER 8TH Our course to day was S. E. down the River— Owing to the River running close to the Bluffs on the North side we were compelled to take to Hills, which gave us a road over long hills and deep ravines for about 6 Miles— The balance of our day's march was in the valley over a good road. Distance travelled to day was 17 Miles.—

SEPTEMBER 9TH Owing to the fatigued condition of our Animals, we made a late start this morning, and only marched 8 Miles in a S. E. direction— We were again compelled to take to the Hills, having the River in sight, when we found a good road, and encamped in the evening on a Creek, with good Grass ⁴⁸— Saw to day a large number of Deer, Turkeys and Antelope—

SEPTEMBER 10TH We continued our march over the Hills to day in a S. E. direction 18 Miles where we turned into the River and encamped— We found the River at this point double the size and differing in some other respects from the River where we encamped on it last— This fact convinced me that the Smoky Hill Fork, had joined the Republican, between these two points, but we did not see the Junction, having deviated our road some two Miles from the River— Several Mules gave out to day and would not move, until taken out of Harness.— We found a large quantity of Sea Vines on the River at our present encampment, and our Animals appeared to enjoy them exceedingly. This Vine is plentiful on all the Creeks, from this point to Fort Leavenworth— It is a fine food for Horses & Mules—

SEPTEMBER 11TH I determined to return up the River this morning, and look for the junction of the Smoky Hill and Republican Forks; in order to do this I directed the Train to proceed down the

47. Camp near present Concordia.

48. Below present Clay Center.

River, and encamp on the first Stream, that required any work on it to enable us to cross— And accompanied by Lieut Evans and one Dragoon, I started up the River in search of the Forks, and to make any examination of the Country in the vicinity of them— We rode only 3 Miles up the River, when we discovered from a high Hill, the junction of the two Forks, these join in a beautiful valley, from 3 to 4 Miles broad, and which is composed of a very fine rich soil & well timbered, with almost all the varieties, of fine timber that is found in the Western States— The hills which bound the vallies were very high and rolling, from the summits of which is a fine view both up and down the vallies of the rivers, and the scenery from where we stood was beautiful⁴⁹— After spending some time in examining the Country, I returned to the Train, which had made but little progress, in consequence of the Difficulty in crossing a Creek— And we encamped at a Creek which it was necessary to bridge, and which was only 4 Miles from our last Camp⁵⁰— Our direction with the Waggons was E. N. E.—

SEPTEMBER 12TH Marched to day E. N. E., 11 Miles, where we came to a high ridge, a spur making out to the South from the main Bluffs and terminated to all appearance, abruptly on the Kansas River— In ascending this spur the hill was very long and steep, and we found it necessary to double our Teams, to enable us to get our Waggons over. When we arrived at the top of this Spur, we were much gratified to find, that it terminated on the Blue River (instead of the Kansas) which with its blue water and Sandy bed passed immediately under us, and then winding it's way to the Kansas, about one and a half miles distant, which winds off to the South side of the valley, before the Blue enters it.— We descended the Spur on the East side and then entered the valley of the Blue.— We continued up the River about one and a half Miles, when we found a ford, than [*sic*] enabled us to cross, and encamped on the West bank of the River

SEPTEMBER 13TH Crossed the Blue this morning, which had a hard sandy bottom; the depth of the Water was such that it required our smallest Mules to swim about 10 Paces; not withstanding we crossed without the slightest accident. The timber just below the Mouth of the Blue, extends out from the Kansas on the Hills for some distance, to avoid this and to obtain a better road, we took a N. E. direction, and after marching 10 Miles crossed the Big

49. This would soon become the site of Fort Riley, actually established in 1853. In 1852 Easton was one of a group of officers designated to select the site.

50. Wildcat creek, at present Manhattan.

Vermillion, a stream which flows where we crossed it, rapidly over a rocky bottom— Continued our march 4 Miles and encamped on a branch of the Big Vermillion ⁵¹

SEPTEMBER 14TH Left Camp this morning taking E. N. E. course; one and a half miles from Camp, we were highly gratified to find ourselves once more in a Wagon road which was the broad road leading from Independence Mo. to the South Pass ⁵²— Our Animals appeared to cheer up at such a prospect and travelled much freer and faster than they did when they had to break a road for themselves— We followed this road 23 Miles and encamped on the head of a little Creek that enters into the Kansas

SEPTEMBER 15TH Continued our March on the road until within 3 Miles of the Ferry at Uniontown, ⁵³ when I directed the Waggons to turn off, and take an East direction, until they came into the Wagon road leading from Uniontown to St Joseph Mo, and to encamp at the first point where there was water and good grass— On leaving the Waggons I proceeded to Uniontown, with a few men to obtain provisions, as our rations were out tonight. Uniontown is situated a mile from the Kansas on the South side, there are a few dwellings and four or five Stores, which contain Indian Goods and a variety of such Articles an Emigrants would probably require at that point— I obtained without difficulty such articles as I wanted, and at a very reasonable price, and recrossed the River and took the St Joseph road to Camp, which I found about 5 Miles from the Ferry, on a Slough of the Kansas, and near the Farm of a Pottowatomie, who furnished us with almost every variety of farm produce Butter, Eggs, Potatoes, Corn, Milk, Chickens &c in exchange for Mess Pork, which he preferred to Silver or Gold— Our Mess owing to bad management had been out of everything for some time past, save miserable bread and meat and Coffee once a day, and we had quite an appetite for the fine supper of vegetables &c that was set before us this Evening— Total distance travelled by the Train 14 Miles—

SEPTEMBER 16TH Followed the St. Joseph road to day, which runs East 8 Miles and then crosses Soldier Creek where we obtained some Corn for our Animals, from a Frenchman who lives on that Creek— After crossing the Creek the road runs N. E. and we

51. At present Belvue.

52. Over this road (the Oregon trail or the California road) some 25,000 souls (including Captain Easton and the dragoons) had passed westward the preceding season. The best current description of the route is to be found in Irene D. Paden's *The Wake of the Prairie Schooner* (New York, 1943).

53. Uniontown, Union Village, or Unionville was opposite present Rossville.

travelled on it 18 Miles more and encamped on the Grasshopper Creek which is a fine Stream of clear water, with a rocky bottom, an abundance of Pea Vines on it, and the valley well timbered— Soldier Creek is also well timbered, and near its banks was fine Grass.

SEPTEMBER 17TH Followed the Saint Joseph road 7 Miles travelling N. E. where we left it and travelled an indistinct Waggon trail, which turns off to Fort Leavenworth,⁵⁴ marched 15 Miles farther and pitched our Tents on the Stranger, the Mules being too much fatigued to go into Leavenworth to day— Our direction since we left the St Joseph Trace has been E. N. E.— After resting my riding Mule I mounted and Started for Leavenworth, rode E. N. E. 2 Miles and came into the road leading to Fort Kearny, when I followed that road into this Post a distance of 9 Miles—

The distance from Fort Leavenworth to Union Town by the road I travelled is 64 Miles over a fine road, with abundance of Grass, Wood and Water; and from Uniontown to Council Grove is 45 Miles, which I am told is an equally good road— The distance from this Post to Council Grove by the road that our trains now travel is 160 Miles, making a difference in the distance of the two routes of 51 Miles in favor of the Uniontown route— All that is necessary to make the route from here to Uniontown a fine road for our heavy trains is to cut timber out sufficiently wide for Wag-gons, on the Stranger, Grasshopper and Soldier Creeks, and to dig the Banks down on the Stranger and Grasshopper, the former requires but little work— I have not travelled on the road from Uniontown to Council Grove, but I am informed on good authority that very little labor will make it an excellent road— I respectfully recommend that this route be opened and used hereafter by our trains intended for Santa Fe!— I have drawn a rough Map which accompanies this report, and which will give you a more correct idea of the new route I propose, and also of the route and country I have travelled over.

With regard to obtaining a better route from Fort Leavenworth to Fort Laramie, by way of the Republican Fork of the Kansas, than the one now travelled, I have to report that I have been particular in examining and comparing the two routes, and decidedly recommend that the Department use the one now in use for all purposes— Independent of the great distance in favor of the Platte

54. This route is roughly indicated in "Map of Eastern Kansas in 1854," p. 67, A. T. Andreas and W. G. Cutler, *History of the State of Kansas* (Chicago, 1883).

you will see from the foregoing journal that the nature of the Country from the Republican Fork to Fort Laramie forbids the idea of changing the present route.

The Republican Fork differs very materially in character from the Platte River— It is a deeper stream, in proportion to it's size the water not spreading over so great a surface— It is much better timbered, there being a continuous strip of timber along it's banks, without any interval of consequence, as far West as 100° of longitude, and from that degree as far West as it would be necessary to travel on it, there is Wood at convenient distances— All the little Streams emptying into it on the N and S sides, are well timbered— The Platte has but a few Creeks, flowing into it, while the Republican has an almost innumerable number— The soil for purposes of cultivation in the Valley of the Republican is far superior to that on the Platte— The Grass along it's valley and also on its innumerable small tributaries, is far superior to that found on the Platte— It has also a greater variety of Game and a greater quantity of it— Buffalo on this River between the points indicated on the Map literally cover the Country, Elk, Antelope, Turkeys and Grouse are in great numbers— Nearly all the little tributaries are well shaded, and the water in them is cool and pleasant to drink— A good road can be made with little labor on either side of this River, either in the valley or farther back from it over the Hills—

As to whether or not this is a better route for Emigrants to take from Independence to the South Pass, is a question which I cannot, of course, fully answer, as I have never been West either of Fort Laramie or St Vrain's Fort, and consequently cannot compare the routes, leading from those two places to the South Pass which is a very important consideration—

I can only then compare the route up the Platte as far as Fort Laramie with the route up the Republican Fork as far as St Vrain's Fort— So far as Wood Water and Grass are concerned, I give the latter route a decided preference— With regard to the road, I doubt if as good an one could be obtained, as the one leading up the Platte, that road being almost unexceptionable— Yet a fine road can be made on the Republican route.

Should the Republican route be taken by Emigrants, from Independence to the South Pass, I would recommend that the Santa Fe road be followed from the former place for about 70 Miles, when the route should turn off from that road and cross the Smoky Hill Fork near its Mouth; from this point it should take a course NW.

10° West, until it strikes the Republican, in order to avoid the circuitous route of that River— By taking this course the tributaries of the Republican or Solomons Fork, which are at short intervals, will furnish Wood Water and Grass— On reaching the Republican Fork, the road should follow up the River to the North Fork, and then up that Fork to it's head— The only possible difficulty than [*sic*] can exist will be the want of Water in crossing from the head waters of this Fork, to the Platte, which I do not think can be over 50 Miles— And I also feel confident that large ponds or lakes can be found that will furnish an abundant supply of Water— After leaving the head of the North Fork of the Republican, a W. N. W course should be taken, until reaching the Waggon road leading up the South Fork of the Platte, and thence up that road to the mouth of the Cache a la Poudre [?], and from this point it would be necessary to take Col Fremont's route in 1843 up the Cache a la Poudre, on to the Laramie Plains (if that road be practicable for Waggon). I have traced the route I propose on the enclosed Map which will give you a better idea of it than my description— The route up the South Fork of the Platte, from the point at which this proposed route will strike it, to the Mouth of the Cache a la Poudre is represented as very good, with fine Grass and a sufficiency of Wood.

The source of the North Fork of the Republican was not ascertained definitely by me— But the size of the Stream, the direction it takes as far as I could see from the Mouth the nature of the Country, and the fact that I did not strike it coming down from the Platte to the Republican, convinces me that it must bend near where it is represented on the enclosed Map.

With a hope that this Report will give you some idea of the Country passed over by me, and that my exertions to give you satisfaction on my late expedition may meet with your approbation, I have the honor to be, Sir,

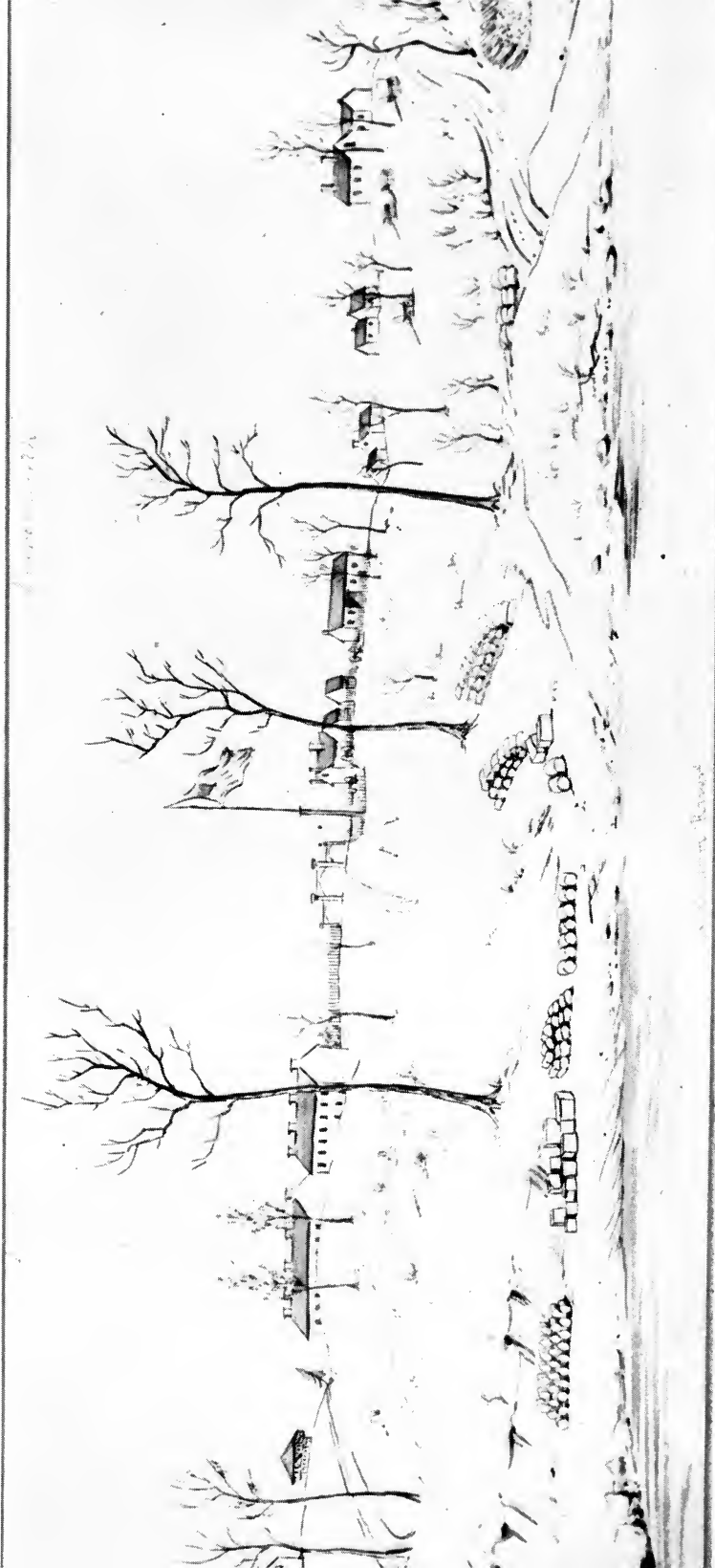
Very respectfully,
Your Obedient Servant,
L. C. EASTON
Capt. A. Q. M.

To

COL. A. MACKAY
Dy. Qr Master Genl US Army
Saint Louis. Mo

TABLE OF DISTANCES FROM FORT LARAMIE TO FORT LEAVENWORTH, VIA
REPUBLICAN FORK OF THE KANZAS

Date 1849	Distance travelled each day	Distance from Ft. Laramie	Localities
August	2nd	9	
"	3th	15	
"	4th	33	Horse Creek
"	5th	3	
"	6th	23	Pole Creek
"	7th	22	
"	8th	17	
"	9th	25	
"	10th	25	S. Fork of Platte
"	11th	22	
"	12th	17	Large Pond
"	13th	27	
"	14th	20	Republican Fork
"	15th	18	
"	16th	19	7 Miles below N. Fork
"	17th	19	
"	18th	25	
"	19th	10	
"	20th	24	
"	21th	18	
"	22th	15	
"	23th	14	
"	24th	18	
August	25th	10	
	26th	19	
	27th	22	
	28th	18	
	29th	13	
	30th	16	
	31st	14	Pawnee Trail
September	1st	17	
	3rd	22	Pawnee Trails
	4th	19	
	5th	17	
	6th	8	
	7th	10	
	8th	17	
	9th	8	
	10th	18	3 Miles below mouth of Smoky Hill Fork
	11th	4	
	12th	11	Blue River
	13th	14	Big Vermillion
	14th	23	
	15th	14	Near Uniontown
	16th	26	Grasshopper Creek
	17th	33	Ft. Leavenworth



FORT LEAVENWORTH IN 1849
From an original drawing in the State Historical Society of Wisconsin



FORT LARAMIE (WYOMING) IN 1849

From Howard Stansbury's *An Expedition to the Valley of the Great Salt Lake of Utah*
(Philadelphia, 1852)

Kansas Negro Regiments in the Civil War

DUDLEY TAYLOR CORNISH

NEGRO soldiers made a substantial contribution to the victory of Union arms in the Civil War.¹ Two Kansas Negro regiments² played an active role in the war on the border, from Fort Scott south along the Arkansas frontier to Fort Smith and Camden and Pine Bluff. Although the history of these regiments is fundamentally military, it has important social and political overtones.

The records are not easily found, for they are scattered through the 130 volumes of the *Official Records*. The story is treated sympathetically but partially in Britton's *Civil War on the Border*. The full history must be dug out of contemporary newspapers, adjutant generals' reports, the correspondence and memoirs of some of the main characters in the drama, much of it in the Kansas State Historical Society's excellent collections in Topeka. Important and illuminating details can be found only in the regimental and company records on file (in part only) in the National Archives, Washington, D. C. The story of these two Kansas Negro regiments is a fascinating one; often thrilling, sometimes pathetic, and now and then horrifying or heroic.

Abraham Lincoln's administration refused offers of Negro military assistance in the first 15 months of the Civil War because of ill-founded hopes that the Southern insurrection might be quickly put down, that the Confederacy might become reconciled to a return to the Union, and that in any case white volunteer armies would be able to defeat the opposing armies of the South. President Lincoln feared that the use of Negroes would turn loyal men of the Border states away from the Union cause and stir the South to more determined efforts. Feeling against Negroes was strong among labor groups and some foreign elements in the North, and there was a substantial body of opinion which held that the acceptance of

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1. Although the raw material for work on the Negro soldier in the Civil War is extremely plentiful, only three book-length studies have appeared since Appomattox; the most recent was published in 1891. For the slow development of top Union policy and procedure in the use of Negro troops, see Dudley Taylor Cornish, "Negro Troops in the Union Army, 1861-1865," an unpublished doctoral dissertation (University of Colorado, Boulder, 1949).

2. There were four Kansas Negro military organizations during the Civil War: the First Kansas Colored Volunteers, later officially designated by the War Department as the 79th U. S. Colored troops (new); the Second Kansas Colored volunteers, later designated the 83rd U. S. Colored troops (new); the Leavenworth Colored militia (infantry) called into service in October, 1864, on the occasion of the great Price raid; and the Independent Colored Kansas battery (light artillery), unique in that it was officered entirely by Negroes. For a good discussion of Kansas Negro soldiers, see Thomas James Boyd, "The Use of Negro Troops by Kansas During the Civil War," an unpublished master's thesis (Kansas State Teachers College, Pittsburg, 1950).

Negro soldiers would be an admission of white failure and therefore an insult to white soldiers.

Favoring the use of colored soldiers were Abolitionists and Radicals who maintained that slavery was the primary cause of the war and that the war, accordingly, ought to be considered and conducted as a crusade against the institution of slavery. Radicals in congress and in the army forced the issue of Negro troops on the Union by providing legislation permitting their enrollment³ and by organizing colored units before public opinion had expressed itself in favor of their enrollment and organization.⁴ Not until the war had dragged well into the second year without substantial Union gains did hope for reconciliation with the South die, and not until Negro soldiers had demonstrated in combat what they could do for the Union did feeling against them begin to subside.⁵

Although the movement to use Negroes made slow progress in the North and East during the first year and a half of war, matters moved more rapidly in the trans-Mississippi West. More than three months before Secretary of War Simon Cameron was dropped from Lincoln's cabinet, for, among other reasons, urging too forcefully the value of Negro soldiers,⁶ the Leavenworth *Daily Conservative* discussed without adverse comment the plans of Col. Charles R. Jennison for organizing Negroes into Home Guard units, and one of the paper's correspondents described a colored soldier he had seen among Sen. James H. Lane's cavalry troops.⁷

3. The Second Confiscation Act of July 17, 1862, authorized the President "to employ as many persons of African descent as he may deem necessary and proper for the suppression of this rebellion," and to that end to "organize and use them in such manner as he may judge best for the public welfare." Another act passed the same day went further and specifically authorized the employment of Negro soldiers. In both instances, the authority was vested in the President, and actual enrollment of Negro soldiers was left to his discretion.—*U. S. Statutes at Large*, v. 12, pp. 592, 599.

4. Maj. Gen. David Hunter, commanding the Department of the South, began to recruit the famous First South Carolina volunteers on May 9, 1862.—*The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Series 3, v. 2, p. 31. (Hereafter cited *Official Records*.) On August 22, 1862, Maj. Gen. Benjamin F. Butler, commanding the Department of the Gulf, published his General Order No. 63, calling on the free colored militia of Louisiana to enroll in volunteer forces serving the Union. *Ibid.*, pp. 436-438. Neither Hunter nor Butler had presidential permission for this activity; Hunter's experiment failed through lack of War Department support, but Butler was permitted to continue without let or hindrance and by November, 1862, had mustered three infantry regiments into federal service.—*Official Army Register of the Volunteer Force of the United States Army for the Years 1861, '62, '63, '64, '65*, Pt. 8 (Washington, 1867), pp. 246, 248, 250. (Hereafter cited *Official Army Register*.)

5. Wrote Joseph Holt, the Judge Advocate General, to Secretary of War E. M. Stanton in August, 1863, "The tenacious and brilliant valor displayed by [Negro] troops . . . at Fort Hudson, Milliken's Bend, and Fort Wagner has sufficiently demonstrated to the President and to the country the character of service of which they are capable."—*Official Records*, Series 3, v. 3, p. 696. Holt's judgment was widely shared by the Northern press.

6. For a complete discussion of the circumstances surrounding Cameron's dismissal, see A. Howard Meneely, "Three Manuscripts of Gideon Welles," *American Historical Review*, Lancaster, Pa., v. 31 (April, 1925), pp. 486-494.

7. The Leavenworth *Daily Conservative*, September 24 and October 8, 1861. Jennison, an old friend and associate of John Brown, was of the Radical Abolitionist school and enjoyed a reputation for border ruffianism. James H. Lane, the Great Jayhawker and stormy petrel of the Border and Kansas politics, had been made a brigadier by Cameron on Lincoln's recommendation in June, 1861, with authority to raise two regiments of volun-
teers.—*Official Records*, Series 3, v. 1, pp. 280, 281.

This Kansas activity was completely without the authority and contrary to the policy of the Lincoln administration. It continued even against express instructions from Washington. The reason can be found in part in Wiley Britton's study of border warfare.⁸ So tenuous was the military situation and so explosive the political situation in the region, so difficult was the task of containing the surging Confederates and curbing the guerrilla warfare which made life precarious in Arkansas and Missouri, not to say eastern Kansas, that the supply of white troops was seldom if ever adequate to the requirements of Union commanders in the field. The demands were so great that practicality ruled out prejudice, slowly at first, and then with gathering speed. The *Emporia News* toward the close of 1861, argued that if the South insisted on using Negroes "to shoot down our brave sons, ought we not to retaliate by using them to subdue the enemies of the Government?"⁹ And Senator Lane maintained in early 1862 that a Negro might "just as well become food for powder" as his son.¹⁰

In the senate,¹¹ Lane was characteristically outspoken in urging the use of Negroes. "Give them a fair chance," he argued, "put arms in their hands and they will do the balance of the fighting in this war." To Jim Lane it was a matter of large indifference whether traitors were punished "on the battle-field, on the gallows or from the brush by a negro."¹²

Since color was not specifically mentioned in Lane's authority to raise Union troops, the senator's loose-constructionist conscience suffered no qualms. Aided by such old John Brown supporters as Charles Jennison and James Montgomery, the Great Jayhawker went to work.¹³ Lane wanted men; he asked no questions about

8. *The Civil War on the Border* (2 vols., New York, 1899), *passim*. Further light is thrown on the nature of the border conflict and on the manpower difficulties characteristic of it by the recently published Trego letters; see especially "The Letters of Joseph H. Trego, 1857-1864, Linn County Pioneer," Pt. 2, 1861-1862 (Edgar Langsdorf, ed.), *The Kansas Historical Quarterly*, v. 19 (August, 1951), pp. 287-309.

9. The *Emporia News*, December 21, 1861.

10. The *Leavenworth Daily Conservative*, January 29, 1862.

11. On January 15, 1862, Lane introduced a resolution to authorize field commanders of Kansas units to muster all persons who presented themselves for that purpose. Although in debate on the resolution Lane maintained that it would not give commanders power to arm Negroes, he drew gallery cheers with his assertion that he would say to Negroes, "I have not arms for you, but if it is in your power to obtain arms from rebels, take them, and I will use you as soldiers against traitors."—*Cong. Globe*, 37 Cong., 2 Sess., pp. 334, 335.

12. *Leavenworth Daily Conservative*, January 29, 1862. The quotations are from a speech Lane made to the Leavenworth Mercantile Library Association on January 27.

13. Neither Jennison nor Montgomery seems to have given Lane more personal loyalty than momentary expediency required; behind each others backs they plotted for personal advancement. On August 3, 1862, Montgomery blasted Jennison in a letter to Governor Robinson as "an unmitigated liar black-leg and Robber; . . ." Montgomery was urging his own candidacy as colonel of the colored troops being raised. On August 12, George H. Hoyt, a friend of Jennison's, wrote Robinson that while Jennison was working with Lane (no friend to Robinson) he "takes hold of this work, not as a Lane man, but altogether on the Jennison basis. . . ." Jennison wanted to be colonel, too. On August 22, Jennison himself wrote Governor Robinson to report that he had discovered "at all

race, color, or previous condition of servitude. For a time, Jennison led what was called the "Tri-color Brigade," composed of white, Indian, and Negro units.¹⁴ In early August, Lane casually disclosed to the War Department what kind of recruits he was rounding up: "Recruiting opens up beautifully," he wired, "Good for four regiments of whites and two of blacks. . . ." ¹⁵ He claimed the Second Confiscation Act of July 17, 1862, as his authority for enrolling Negroes and on August 6 asked if the War Department had any objection.¹⁶ The department did, as anyone who read the newspapers carefully should have known,¹⁷ but not until the end of August did Secretary of War Stanton tell Lane that Negro regiments could not be accepted into service.¹⁸

Meanwhile, Negro recruiting in and around Kansas proceeded. If Jim Lane ever received Stanton's message, his conduct betrayed no sign of it. Early in August he opened a recruiting office in Leavenworth for the enlistment of both white and colored men, although the latter were technically enrolled as laborers.¹⁹ To recruit Negroes north of the Kansas river, Lane appointed Capt. James M. Williams, and he named Capt. H. C. Seaman to enroll colored volunteers south of the river.²⁰

By the end of September, 1862, a New York *Times* correspondent was able to write at length from the "Headquarters First Regiment, Kansas Colored Volunteers, Camp 'Jim Lane' Near Wyandot." The new organization, he reported, was "progressing finely." This *Times* correspondent was one of the first of his contemporaries to comment with obvious surprise on "the aptitude of the men for acquiring the drill" and the neatness and order of their camp. He

points in Southern Kansas a general feeling that Lane is a great humbug." Although Jennison did become a colonel, he never commanded either Kansas Negro regiment. In disgust, Montgomery went to Washington in December, 1862, and eventually became colonel of the Second South Carolina Colored volunteers, afterward the 34th U. S. Colored troops.—"Robinson Papers," Ms. division, Kansas State Historical Society, Topeka.

14. The *Emporia News*, August 9, 1862. "Col. Jennison is placed in charge of the African department of the recruiting service here, by Gen. Lane," reported the Kansas correspondent of the New York *Times*, August 17, 1862.

15. *Official Records*, Series 3, v. 2, pp. 294, 295, Lane to Stanton, August 5, 1862.

16. *Ibid.*, p. 311, Lane to Stanton, August 6, 1862.

17. Lincoln had that morning declined the offer of an Indiana deputation to raise two regiments of Negro troops with the explanation that "he was not prepared to go the length of enlisting negroes as soldiers. He would employ all colored men offered as laborers, but would not promise to make soldiers of them."—The New York *Times*, August 6, 1862. On the same day the War Department informed the governor of Wisconsin: "The President declines to receive Indians or negroes as troops."—*Official Records*, Series 3, v. 2, p. 314, Buckingham to Salomon, August 6, 1862.

18. *Ibid.*, p. 445, Stanton to Lane, August 23, 1862.

19. Daniel W. Wilder, *The Annals of Kansas* (Topeka, 1886), p. 350.

20. *Military History of Kansas Regiments During the War for the Suppression of the Great Rebellion* (Leavenworth, 1870), p. 407. (Hereafter cited *Kansas Regiments*). The *Leavenworth Daily Conservative*, August 6, 1862, asserted that both Williams and Seaman were generally known as Abolitionists.

found them easily managed, accustomed to discipline and well suited to soldiering.²¹

These colored troops soon became more than recruits sweating at drill and endlessly policing their company streets. Late in October, 1862, they engaged a large force of guerrillas near Butler, Bates county, Mo., in what "is supposed to have been the first engagement in the war in which colored troops were engaged."²² A Leavenworth *Conservative* correspondent waxed eloquent on the military prowess of these new additions to the Union forces: "It is useless to talk anymore about negro courage—the men fought like tigers . . . and the main difficulty was to hold them well in hand."²³ Five companies later returned to Bates county and engaged a large force of rebels near Island Mound, November 25 to 29, 1862. After capturing a large amount of stock and routing their enemies, the Negro soldiers continued on to Fort Scott.²⁴

This actual employment as combat troops, if only against rebel irregulars and bushwackers, was good publicity and seems to have helped reduce resistance to Negro recruiting. On January 13, 1863, six companies were mustered into federal service as the First regiment, Kansas Colored Volunteers, Lt. Col. James Williams commanding.²⁵ Four more companies were added to complete the regiment during the spring of 1863.²⁶ On the basis of dates of muster-in, the First Kansas Colored was the fourth Negro regiment to enter the Union army. Ben Butler had enrolled three regiments in Louisiana in the fall of 1862, and Thomas Wentworth Higginson's First South Carolina Volunteers was mustered in on January 31, 1863.²⁷ On the basis of newspaper accounts and military reports, however, Kansas appears to have been the first Union state to begin enrolling Negro soldiers; small units and companies of Kansas colored soldiers fought in the first engagements of the war in which Negro soldiers as such were used.

21. The *New York Times*, October 12, 1862: "The very first idea of a soldier's life, subordination, to learn which our white citizens have to unlearn nearly all their past experience has taught them, the negroes, by the circumstances of their lives, have certainly to a degree as great as the most strenuous martinet would insist upon. An army is essentially a despotism; the only point is to intelligently accept it, and, using the power thus acquired, our army will be invincible."

22. *Kansas Regiments*, pp. 408, 409. The boast is an accurate one: The First South Carolina Colored Volunteers (afterward the 33rd U. S. Colored troops) saw its first active service in the week of November 3 to 10, 1862, and then only one company participated.—*Official Records*, Series 1, v. 14, pp. 191, 192, Beard to Saxton, November 10, 1862.

23. The *Chicago Tribune*, November 10, 1862, dispatch by *Conservative* correspondent.

24. Muster rolls, Companies A, B, C, D, E, G, 79th (New) U. S. Colored infantry [later official designation of the First Kansas Colored], "Record of Events Sections, Returns for November, December, 1862."—Microfilm from War Records Division, National Archives, Washington. Company G arrived at Island Mound too late to participate in the fighting.

25. *Official Army Register*, Pt. 8, p. 256.

26. *Kansas Regiments*, p. 409.

27. *Official Army Register*, Pt. 8, pp. 204, 246, 248, 250.

This radical step was not taken without opposition. Many people in Kansas and Missouri opposed the movement out of prejudice against Negroes; some had honest doubts of the military value of colored soldiers; others, like the loyal slaveholders of parts of Missouri, feared the loss of valuable property in slaves as a result of the impetuous activities of recruiting officers; still others were frankly in sympathy with the Confederate cause.²⁸

Some Negroes offered themselves quickly and eagerly for service, others were reluctant to come forward for fear they would be badly used by the white troops around them and by the Union government.²⁹ Lane's recruiters found all sorts of obstacles placed in their paths by civil authorities; some of his officers were even charged with "unlawfully restraining persons of their liberty."³⁰ Perhaps these charges were not so unfounded as they may at first appear; perhaps the word "Volunteers" in the name of the Negro regiment was somewhat inaccurate. Jim Lane was primarily interested in getting troops; they did not *have* to be volunteers. At one Leavenworth mass meeting Lane asserted that "the negroes are mistaken if they think white men can fight for them while they stay at home." To the Negroes Lane said, "we have been saying that you would fight, and if you won't fight we will make you."³¹

The men who filled the companies of the First Kansas Colored seem to have been largely recruited from among fugitive slaves out of Arkansas and Missouri. Some of them were fugitives in a technical sense only; the former owners of many complained bitterly to government officials that Lane's forces had stolen them out of hand, which was probably true.³²

One whole company of the First was raised by one man, Benjamin F. Van Horn. Learning that a large number of Negroes had taken refuge among the Sac and Fox Indians, Van Horn carried the news to Gen. James G. Blunt and Jim Lane. Those enthusiasts at once commissioned Van Horn as a lieutenant and sent him out to get a company, after thoughtfully providing him with several wagons of supplies and even a drill master. In a few weeks, Van Horn returned with a full-strength company of 80 men, and he was named its commander.³³ That Van Horn was not overcareful in selecting

28. *Kansas Regiments*, pp. 407, 408.

29. *Ibid.*, p. 407; Leavenworth *Daily Conservative*, August 27, 1862; some Negroes were concerned for the care of their families left at home.

30. *Kansas Regiments*, p. 408.

31. Leavenworth *Daily Conservative*, August 6, 1862.

32. *Official Records*, Series 1, v. 13, pp. 618, 619, Jackson and Clay counties, Missouri, citizens to Lincoln, September 8, 1862, and Edward M. Samuel to Lincoln, same date.

33. "Van Horn Manuscript" Ms. division, Kansas State Historical Society, Topeka, p. 21. This manuscript is a 30-page autobiographical statement dictated by Benjamin F. Van Horn in 1909. Events disclosed in it are well supported by military reports and records.

his men is indicated in Special Order 33, Headquarters Army of the Frontier, August 22, 1863:

IV. Privates Nero Hardridge and Elias Hardridge, Co. I, 1st Kansas Colored Vols, having been illegally recruited and mustered into the Service of the U. S., being minors and under eighteen years of age, and the consent of their parents not having been obtained, will be dropped from the Company rolls and allowed to return to their parents.

Capt. Van Horn commanding Co. I . . . will see this order carried into execution at once.

By Command of Major General Blunt:³⁴

During the months at Fort Scott, before marching south through the rolling hill-country of southeast Kansas to duty at Baxter Springs, Fort Gibson, and along the Arkansas river, the First Kansas Colored was plagued by desertions.³⁵ Some were undoubtedly the result of recruiting tactics verging on impressment. But more important in creating a sense of injustice and a feeling of dissatisfaction among the colored soldiers were circumstances like the following, reported to the post commander by Colonel Williams: "my men have never yet received one cent of bounty or of pay although they have now been in the Service nearly 10 months."³⁶ Williams wrote General Blunt, commanding the Army of the Frontier, that his men felt "sorely troubled and grieved about the pay"³⁷ as well they might, since the white troops about them were regularly paid. In July, 1863, by which time some of the men in the regiment had been in uniform a little short of a year, this injustice was finally rectified. From that time on, the problem of desertions in the First Kansas Colored seems to have become a relatively small one.

Although these Kansas Negro soldiers did finally receive their pay, they did not get the same pay as that drawn by their white comrades in arms; far from it. An editorial appearing in the *Chicago Tribune* in May, 1864, tells the story:

READ AND BLUSH.—The colored volunteer is as good a soldier as any, with as lofty motives for serving his country. He is oftener oppressed with duties than lightened by them—he faces greater dangers than does the white—and yet, as a prisoner of war, gets no protection from his uniform, his flag, or the

34. Regimental Letter and Order Book, 79th (New) U. S. Colored troops.—Microfilm from War Records Division, National Archives.

35. See *ibid.*, Colonel Williams to Capt. S. A. Thrasher, January 29, 1863, ordering Thrasher to Neosho to return absentees reported there, and Williams to Col. William A. Phillips, same date, asking cooperation in returning deserters in his district.—See, also, circular published January 17, 1863, by General Blunt, on subject of Negro desertions, in *ibid.*

36. *Ibid.*, Williams to Col. C. W. Blair, undated, probably about April 21, 1863.

37. *Ibid.*, Williams to Capt. H. G. Loring, Blunt's acting assistant adjutant general, April 21, 1863. Williams reported "a restlessness and insubordination" among his soldiers which he thought "the natural results of these long trials and sufferings." To counteract what he called a "mutinous" spirit, Williams withdrew his men from their work on the fortifications at Fort Scott in order to give his "whole time to the discipline of the Regiment."

Union which these represent. He deserves equal pay with the best, and has been promised it. What he receives is this:

	<i>White</i>	<i>Colored</i>
Sergeant Major	\$21	\$7
Quartermaster Sergeant	21	7
First Sergeant	20	7
Sergeant	17	7
Hospital Steward	30	7
Corporal	13	7
Private	13	7
Chaplain	100	7

The white soldier is permitted to purchase his clothing himself, but from the ten dollars of the colored, three are reserved for this purpose. The white chaplain has besides a perquisite of eighteen dollars.³⁸

Not until 1864, and then only after furious debate in the army, in the press and in congress, did Negro soldiers finally get what amounted to equal pay for equal work.³⁹

Fear that Negro soldiers would not know how to handle money was fairly general. Accordingly, Colonel Williams prepared an unusual general order on the occasion of the First Kansas Colored's first pay day:

The Colonel commanding desires to offer a few suggestions to the enlisted men of the command upon the importance of husbanding the proceeds of your labor, which you are about to receive from the Government. You are just relieved from servile bondage, and have had but few opportunities for learning the importance of saving carefully the proceeds of your toil.

Heretofore that has all gone to an unscrupulous Master who has with it fastened still more strongly the Irons with which he held you; every dollar gained by your labor was but another link in the iron chain.

Now the whole condition of your existence is changed.

A wise and just government has decreed that hereafter you shall be free, and shall yourselves enjoy the fruit of your labor.

This boon which is freely given must not be allowed to forge your ruin. You have been brought up to habits of industry and frugality, and if you depart in the least from either of these habits, it sooner or later will have the effect to destroy your whole prosperity as individuals and measurably effect your condition as a people. I therefore urgently advise you to carefully save the money, which is about to be paid you, for the support of your families; and, as a foundation upon which to build a home for your wives and children, your families and friends.

To this end, I advise you, to make a deposit of such funds as you do not need, in some safe hands for transmission to your families, or safekeeping for yourselves.⁴⁰

38. *The Chicago Tribune*, May 1, 1864.

39. See Cornish, "Negro Troops in the Union Army, 1861-1865" (unpublished doctoral dissertation, University of Colorado, Boulder, 1949), pp. 361-374, *passim*, for a survey of the Negro pay problem.

40. "Regimental Letter and Order Book," 79th (New) U. S. Colored troops, General Order No. 5, July 12, 1863, paragraph 1.

That the colonel's advice was followed is indicated by this newspaper comment of a few weeks later: "The soldiers of the First Colored send up with the Paymaster about \$12,000 of their pay for their families at Lawrence and Leavenworth. Bully for the First Nigger. That regiment cannot be beat."⁴¹

The first important field duty for the First Kansas Colored came when the regiment moved south from Fort Scott to the Baxter Springs outpost guarding the military road to Fort Gibson in Indian territory. While stationed at Baxter Springs, Colonel Williams' men began to build up their battle record—and their casualty list. On May 18, 1863, a foraging party of 40 or 50 white and colored troops suffered a surprise attack from guerrillas under the notorious Maj. T. R. Livingston.⁴² The Negro regiment lost 20 men killed in action, and several were taken prisoner. One of these prisoners was afterwards murdered by Livingston's men.⁴³ In retaliation, Williams ordered one of his Confederate prisoners shot.⁴⁴

Toward the end of June the regiment moved farther south as part of the escort of a wagon train for Fort Blunt, Cherokee Nation.⁴⁵ This expedition provided further opportunity for the Negro soldiers to show their fighting ability. At Cabin Creek the train was attacked by a large force of Texans and Indians, and after skirmishing, the rebels took up strong positions on the south bank of the creek. The next morning the Union forces attacked and in two hours' fighting drove the enemy with substantial losses from his position.⁴⁶ This engagement seems to have been the first in the Civil War in which white and colored Union soldiers fought side by side, and it is recorded that the white officers and men "allowed no prejudice on account of color to interfere in the discharge of their duty in the face of an enemy alike to both races."⁴⁷

41. Leavenworth *Daily Conservative*, September 1, 1863.

42. Wiley Britton, *The Civil War on the Border*, v. 2, p. 78. *Official Records*, Series 1, v. 22, Pt. 1, p. 322. The action took place near Sherwood, Mo.

43. See "Regimental Letter and Order Book," 79th (New) U. S. Colored troops, for correspondence between Williams and Livingston, May 20-23, 1863. Williams made his position clear on the matter of the treatment of any of his men taken prisoner: ". . . it rests with you [he wrote Livingston] to treat them as prisoners of war or not, but be assured that I will keep a like number of your men as prisoners until [sic] these colored men are accounted for. And you can safely trust that I shall visit a retributive justice upon them for any injury done them at the hands of confederate forces. . . ."—Williams to Livingston, May 21, 1863.

44. *Kansas Regiments*, p. 410.

45. *Official Records*, Series 1, v. 22, Pt. 1, pp. 379, 380. Lt. Col. Theodore H. Dodd, 2d Colorado infantry, commanded the escort which included, besides the Negro regiment, six companies of the 2d Colorado, cavalry companies from the 9th and 14th Kansas regiments, a section of the 2d Kansas battery, and 600 members of the 3d Indian Home Guards sent up from Fort Gibson to meet the train.

46. *Ibid.*, pp. 380, 381. The battle plan followed was drawn up by Colonel Williams as senior officer in the escort. The engagement took place on July 2, 1863.

47. *Kansas Regiments*, pp. 411, 412.

It was at Honey Springs, slightly over two weeks later, that the First Kansas Colored established its military reputation. After an all-night march, Union troops under command of Maj. Gen. James G. Blunt came upon a strong rebel force under Gen. Douglas Cooper and after a "sharp and bloody engagement of two hours' duration" forced Cooper's command to flee the field.⁴⁸ During the fight the Negro regiment, which held the Union center, moved up under fire to within 50 paces of the Confederate line and there, still under fire, halted and exchanged volley fire for some 20 minutes before the rebels broke and ran.⁴⁹ The Kansas Negroes captured the colors of a Texas regiment, but the Second Indian regiment seems to have taken possession of the trophy after the shooting was ended.⁵⁰

This was the most important battle in the regiment's entire history: it set to rest a great deal of criticism of the use of Negroes as soldiers. Wrote General Blunt of Honey Springs:

. . . I never saw such fighting done as was done by the negro regiment. They fought like veterans, with a coolness and valor that is unsurpassed. They preserved their line perfect throughout the whole engagement and, although in the hottest of the fight, they never once faltered. Too much praise can not be awarded them for their gallantry.

The question that negroes will fight is settled; besides they make better soldiers in every respect than any troops I have ever had under my command.⁵¹

An officer of the Third Wisconsin cavalry at Honey Springs, an Irish Democrat, had this to say after the fight: "I never believed in niggers before, but by Jasus, they are hell for fighting."⁵²

Recruiting for the Second Kansas Colored Volunteers began under good auspices in June, 1863, and by the middle of October ten companies were full, officered by battle-hardened enlisted men from various white regiments.⁵³ Samuel J. Crawford, afterward governor of Kansas, was appointed colonel of this new regiment, and he played a vital role in making it what the Kansas historian William

48. *Ibid.*, p. 412. For detailed reports of this action, see *Official Records*, Series 1, v. 22, Pt. 1, pp. 447-462. Some light is thrown on the reasons for Confederate defeat by Charles R. Freeman, "The Battle of Honey Springs," *Chronicles of Oklahoma*, Oklahoma City, v. 13 (June, 1935), pp. 154-168.

49. *Official Records*, Series 1, v. 22, Pt. 1, pp. 449, 450. Williams was severely wounded just as his regiment moved into close action, and Lt. Col. John Bowles assumed command. For an eye-witness account of the action, see the Van Horn Ms., Kansas State Historical Society, Topeka; Van Horn commanded Company I of the 1st Colored at Honey Springs.

50. *Ibid.*, p. 450. Losses were reported as follows: Confederate—150 killed, 400 wounded, 77 prisoners; Union—13 killed, 62 wounded. The 1st Colored suffered two men killed in action and 30 wounded.—*Ibid.*, pp. 448-450.

51. *Cincinnati Daily Commercial*, August 12, 1863, quoting letter from Blunt, dated July 25, 1863.

52. *Leavenworth Daily Conservative*, July 17, 1863.

53. *Kansas Regiments*, pp. 424-426.

E. Connelley has called "a famous regiment."⁵⁴ Crawford was not the Abolitionist Colonel Williams was; he accepted the colonelcy of this Negro infantry regiment with great reluctance,⁵⁵ but he brought to his new command a wealth of intelligence and practical military experience.

Under Crawford the Second Kansas Colored was molded into an efficient fighting unit. He insisted on competent, hard-working officers and required that they "make good in drill, discipline, and military appearance, or hand in their resignations."⁵⁶ After assembling by companies at Fort Scott, the regiment began its military career as part of the escort for a supply train to Fort Smith, Ark. Near Fort Smith the men completed their training under the demanding Crawford.⁵⁷ Colonel Williams' First Colored was stationed at Fort Smith during part of October and November of 1863;⁵⁸ this regiment moved in December to Roseville, Ark., about 50 miles east of Fort Smith, and there went into winter quarters.⁵⁹

In the spring of 1864, both Negro regiments moved south as part of the Frontier division under Brig. Gen. John M. Thayer in the Camden (or Steele) expedition designed to cooperate with the ill-starred Banks expedition up the Red river in Louisiana.⁶⁰ This Camden expedition, under command of General Frederick Steele, provided both Kansas Negro regiments with heavy field duty. The First Kansas Colored suffered its greatest losses of the war in the engagement at Poison Springs near Camden on April 18, 1864—117 dead and 65 wounded—when a large foraging party of white and colored troops under Colonel Williams was cut off and cut up by Confederates of Cabell's, Maxey's, and Marmaduke's commands.⁶¹

54. *A Standard History of Kansas and Kansans*, 4 vols. (New York, 1918), v. 2, p. 898.

55. Samuel J. Crawford, *Kansas in the Sixties* (Chicago, 1911), p. 102. Crawford had served in the 2d Kansas cavalry and was not enthusiastic at the thought of leading infantry; further, he preferred a white organization and did not desire the "months of tedious, hard work, drilling and preparing the regiment for field service."

56. *Ibid.*, p. 107. "As a result . . ." Crawford recorded, "we soon had a number of vacancies."

57. *Kansas Regiments*, pp. 426, 427. ". . ." the regiment attained a degree of proficiency second to none in the Army of the Frontier."

58. "Regimental Letter and Order Book," 79th (New) U. S. Colored troops; the regiment was ordered to Fort Smith on September 14, 1863. While at Fort Smith, Williams used a period of relative freedom from field duty to rebuild his campaign-worn organization; see drill schedule instituted October 25, 1863.

59. *Ibid.*, December 11, 12, 1863. The regiment was ordered to seize and occupy Roseville, collect cotton and other stores in the vicinity, and wage constant war against guerrilla bands in the neighborhood.

60. For reports covering the Camden Expedition, see *Official Records*, Series 1, v. 34, Pt. 1, pp. 653-850, *passim*.

61. *Ibid.*, pp. 743-757. Williams' force of 875 infantry and 285 cavalry included some 500 members of the 1st Kansas Colored; total white Union losses were reported as 87 killed, 32 wounded, *ibid.*, p. 746. Brig. Gen. W. L. Cabell, C. S. A., estimated the Union forces at 1,500 Negroes and 1,000 whites and reported 450 Negroes and 30 whites killed in action with four Negro and 58 white prisoners taken, *ibid.*, p. 792. Cabell's figures for Negro dead and prisoners seem utterly disproportionate to white Union losses.

The engagement was referred to by contemporaries as a massacre, and there is considerable evidence that on this occasion Confederates did murder many Negro soldiers.⁶² Crawford's Second Kansas Colored reacted to the Poison Springs affair by resolving to take no rebel prisoners in the future.⁶³

Since General Steele's supplies were practically exhausted and his forces inadequate for the task of holding off the combined Confederate armies of Sterling Price and Kirby Smith, Steele decided "to fall back at once."⁶⁴ Meanwhile, Gen. Nathaniel Banks had met with disaster on the Red river near Shreveport, and on April 26 the Steele expedition began its withdrawal from Camden.⁶⁵

On April 30, Crawford's command found occasion at Jenkins Ferry on the Sabine river to fight their most distinguished action. The Second Kansas Colored relieved the 50th Indiana which had expended most of its ammunition in a hotly contested rear-guard action. After fighting for two hours without gaining any advantage, the Kansas Negroes found themselves under fire from a rebel battery of three guns. Crawford asked for and got permission to charge this battery with the result that it was quickly overrun by his troops shouting "Remember Poison Spring!" Rebel casualties were high—about 150 killed or mortally wounded; the Second Kansas Colored lost 15 men killed, and 55 were wounded.⁶⁶

The Camden expedition was a costly Union failure, and the Kansas Negro regiments suffered heavily as a result of their heroic part in it; the First was greatly reduced by casualties, and the Second brought back only its weapons and what the men wore on their backs. But the war went on, and there was no rest for either the First or Second. Early in May, 1864, Colonel Williams assumed command of the Second brigade, Frontier division, a brigade made up entirely of Negro regiments.⁶⁷ Besides the Kansas regi-

62. Williams flatly stated that "Many wounded men belonging to the 1st Kansas Colored Volunteers fell into the hands of the enemy, and I have the most positive assurances from eye-witnesses that they were murdered on the spot."—*Kansas Regiments*, p. 420. Crawford, too, was convinced that many Negro soldiers were "murdered on the field."—*Kansas in the Sixties*, p. 117. Wiley Britton has left a gory picture of Confederates stalking Negro wounded.—*The Civil War on the Border*, v. 2, pp. 290, 291. A clue to the attitude of some trans-Mississippi Confederates toward Negro soldiers is provided by John N. Edwards, a member of Shelby's division, in his description of an engagement at Mark's Mill, Ark., on April 25, 1864: "The battle-field was sickening to behold. No orders, threats, or commands could restrain the men from vengeance on the negroes, and they were piled in great heaps about the wagons, in the tangled brushwood, and upon the muddy and trampled road."—*Shelby and His Men; or, The War in the West* (Cincinnati, 1867), pp. 279, 280. No Kansas Negro troops were engaged at Mark's Mill.

63. *Kansas in the Sixties*, p. 117.

64. *Official Records*, Series 1, v. 34, Pt. 1, p. 668.

65. *Ibid.*, p. 669.

66. *Ibid.*, pp. 697-699. See also, Crawford, *Kansas in the Sixties*, pp. 119-124, and *Kansas Regiments*, pp. 428-430.

67. "Regimental Letter and Order Book," 79th (New) U. S. Colored troops, May 7, 1864.

ments, Williams' colored brigade included the 11th U. S. Colored troops, commanded by Lt. Col. James M. Steele, formerly of the 12th Kansas infantry, and the 54th U. S. Colored troops.⁶⁸ As members of this brigade and as individual organizations, the two Kansas Negro regiments saw their full share of onerous duty from the spring of 1864 until their final muster-out in October, 1865. They moved from Little Rock to Fort Smith and back, escorting supply and refugee trains; they pursued guerrilla bands and occasionally had the pleasure of hitting them hard and effectively; they went out on foraging and other fatigue parties; they did garrison duty at Fort Smith and Pine Bluff. They were worn down by constant work, by occasional battle casualties, and by disease.⁶⁹

The record of these Negro regiments is a commendable one. They overcame initial prejudice and strong opposition to their military employment. Their soldierly performance of difficult and dangerous duty won the respect and even the admiration of their white comrades in arms. Their losses were high: 177 men were killed in action, 26 died of wounds, disease took over 350 more. The First Kansas Colored lost 156 men killed in action, the highest number of battle casualties of any Kansas regiment, white or colored.⁷⁰ The desertion rate for Kansas Negro soldiers was a comparatively good one: 62.201 per thousand. The rate for all Kansas troops was an unusually high 117.54 per thousand, while that for all loyal states was 62.51 per thousand.⁷¹

Col. C. K. Holliday, Kansas adjutant general, expressed an accurate judgment of the performance of these Negro soldiers in December, 1864, when he wrote:

Though suffering severe losses, and fighting at great disadvantage, owing to the merciless treatment they were sure to receive if taken as prisoners of war, yet they faltered not, but with a steadiness and a gallantry worth[y] of themselves and the cause, have earned an honorable reputation among the defenders of the Union.⁷²

68. *Kansas Regiments*, p. 431.

69. *Ibid.*, pp. 422, 423, 432-435.

70. *Report of the Adjutant General of the State of Kansas . . . 1861-1865*, 2 vols. (Leavenworth, 1867), v. 1, table facing p. XLVIII.

71. *Official Records*, Series 3, v. 5, pp. 668, 669.

72. *Report of the Adjutant General of the State of Kansas, for the Year 1864* (Leavenworth, 1865), p. 696.

Recent Additions to the Library

Compiled by HELEN M. MCFARLAND, Librarian

IN ORDER that members of the Kansas State Historical Society and others interested in historical study may know the class of books we are receiving, a list is printed annually of the books accessioned in our specialized fields.

These books come to us from three sources, purchase, gift and exchange, and fall into the following classes: Books by Kansans and about Kansas; books on the West, including explorations, overland journeys and personal narratives; genealogy and local history; and books on the Indians of North America, United States history, biography and allied subjects which are classified as general. The out-of-state city directories received by the Historical Society are not included in this compilation.

We also receive regularly the publications of many historical societies by exchange, and subscribe to other historical and genealogical publications which are needed in reference work.

The following is a partial list of books which were added to the library from October 1, 1951, to September 30, 1952. Federal and state official publications and some books of a general nature are not included. The total number of books accessioned appears in the report of the secretary in the February issue of the *Quarterly*.

KANSAS

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Bypaths of Kansas History

THIS NAME "KANSAS"

The state and river of Kansas were named for the Kansa or Kaw Indians, a southwestern Siouan tribe, whose home for centuries was in present northeast Kansas. A map by Marquette, about 1673-1674, is one of the earliest to show a village of Kansa Indians in what is now Kansas. John Senex's map of Louisiana territory in 1721 shows the "Great River of Cansez."

The word "Kansas" has been given various meanings, including: South wind people, fire people, swift wind, smoky, swift, or "a troublesome people . . . who continually disturb or harass others"!

Through the years writers have spelled Kansas more than eighty different ways. Among these are: Acansis, Akansa, Akansea, Canceas, Cancez, Canceze, Cancezs, Canchez, Canips, Cans, Cansa, Canses, Cansez, Canzan, Canzas, Canze, Canzes, Canzez, Canzon, Caugh, Cauzes, Caw, Chanzas, Ercansagues, Escanjaques, Escansagues, Escanxaques, Esquansagues, Estanxaques, Excanjaque, Excausaquex, Kah, Kamse, Kancas, Kances, Kanees, Kans, Kansa, Kansæ, Kansas, Kansaws, Kanse, Kansea, Kances, Kansez, Kansies, Kansus, Kantha, Kants, Kanzan, Kanzans, Kanzas, Kanze, Kanzeis, Kanzes, Kanzon, Karsa, Karsea, Kasas, Kathagi, Kau, Kaus, Kausas, Kausau, Kauzau, Kaw, Kaws, Kawsa, Kawse, Kawza, Konaz, Konsa, Konses, Konza, Konzas, Konzo, Kunza, Okames, Okams, Okanis, Quans, Quaus, Ukasa, and Ukasak.

One of the earliest mentions in the newspapers of this area of a proposed Kansas territory was in the St. Joseph (Mo.) *Gazette*, January 18, 1854 (no Kansas newspapers were published this early), when it was reported that congress was considering the organization of the large Nebraska territory into three territories, to be named: Cherokee, Kansas, and Nebraska. On February 8, the *Gazette* mentioned Sen. Stephen A. Douglas' substitute bill to divide Nebraska into two territories, Kansas and Nebraska. And this became the Kansas-Nebraska act under which Kansas and Nebraska were organized into separate territories upon the signing of the bill by President Pierce on May 30, 1854.

Kansas City, Mo., when started in 1838, was named Kansas. It officially became the "Town of Kansas" in 1850, the "City of Kansas"

in 1853, and "Kansas City" in 1889. The following reference to the name appeared in the Kansas City (Mo.) *Enterprise*, December 13, 1856:

A MISTAKE.—We are often asked, "Why do you call your city *Kansas*?—it is stealing a name which does not properly belong to you but to the Territory." Such is not the fact. When this city was laid off and named, it was called after the river at whose mouth it is situated, and the immense trade of whose valley it controls. Kansas Territory was then called *Nebraska*, and when it was divided by act of Congress, they stole *our* name. We trust the public will hereafter stand corrected. We are the original and genuine *Kansas*, and intend so to continue.

The Kansas City (Kan.) Town Co. was formed in 1868. The townsite was surveyed in 1869 and Kansas City, Kan., became a city of the third class in 1872. It and the adjoining old town of Wyandotte and Armourdale were consolidated under the name Kansas City, Kan., in 1886.

IT WAS ALSO A COW THAT STARTED THE CHICAGO FIRE

From the Georgetown (Ky.) *Herald*, August 10, 1854.

"HOW TO CATCH A YANKEE.—A letter from Whitehead, in [Doniphan county] Kansas Territory dated 1st inst., to the New York *Herald*, says:

"The amount of immigration in the way of men and cattle is surprising. Thousands and thousands are pouring in from all portions of the Union, but more especially from Missouri, Kentucky, and Tennessee. It seems to be a purpose *preperence* to have it a slave State. There is a story abroad, that at all the ferries over the Missouri River they have a cow tied and a committee to watch all immigrants. The committee ask of each immigrant what animal that is. *If he says 'A Cow' all well—he goes over. But if he answers, 'A keow,' they turn him back.*"

A REAL DIGGER

From the Fort Scott *Democrat*, September 22, 1860.

WHAT INDUSTRY AND PERSEVERANCE CAN ACCOMPLISH.—Mr. John McDonald, living about two miles South-east of town, has just finished the digging of a well on his claim. The well is thirty-two feet deep, mostly through solid rock. Mr. McDonald dug the well himself, and Mrs. McDonald hoisted the stone out of the well with a common pail. It is very tastefully walled up, with a mound of black slate-stone three feet in height around the mouth of the Well which prevents any dirt or surface water from getting into it. Mr. McDonald is fifty-six years of age and his lady is not far short of fifty. We wish them health to enjoy the fruits of their toil.

FREIGHTING ON THE FRONTIER

From the Newton *Kansan*, February 4, 1875.

IN THE SNOWS NEAR DODGE CITY.—From Mr. J. C. Brooks, of this township, who in company with several others returned home last week Tuesday, we gather a history of how they passed the notorious cold Friday of some three weeks ago. Their company consisted of Mr. Brooks, Ed C. Munger, R. Cook, Chas. Cuthbert, John Long and F. M. Moore, of this county, two men from Cowley county, two from Colorado, one from Fort Dodge, and the balance from Sedgwick county—twenty three in all—who were engaged in hauling Government freight from Dodge City to Camp Supply, about one hundred miles south:

“We left Dodge City on the 7th of January, going via Ft. Dodge, and aiming to drive to a little stream called Hackberry, 12 miles from the Fort Dodge. Having some trouble in crossing the river, we failed to reach Hackberry, and therefore we camped in Seven Mile Hollow. We got our suppers and all prepared beds on the ground except the two Colorado men, who slept in their wagon. About the time we were going to bed it commenced to snow and blow; the storm increased till it was fearful. During the latter part of the night the drifts of snow got so heavy and packed so tight on our heads that some of us began to smother and some to freeze.

Things began to look dangerous. Three or four men from Sedgwick county getting so cold that they could not stand it any longer in their beds, crawled out and climbed into a wagon, with a blanket apiece, leaving their boots and coats fast under the snow, which was so hard that a horse could walk over it without sinking, and the drifts appearing to be from three to seven feet deep. The men that got into the wagon before daylight began to beg for help, but the other men all being fast under the snow could not help them, so they begged in vain. Early in the morning of the 8th, one of the men from Colorado got out of his wagon and helped one of the Cowley county men out from under the snow, and the two went to work in the storm, digging with a spade to get some of us out from under the snow. Finding it so cold that they could not stand it they tried to build a fire, but failed. I told them to dig the snow off my bed, so that I could get out and help them. They then dug me out, finding one of my boots on the bed. I then got out, and said to them, ‘a fire we must have or we will all perish.’

By this time nearly all of the men were begging for help; crying that they were freezing to death. We rolled a bale of hay off a wagon, and got some matches by digging a mess box out from under the snow. We then tried to set it afire, but failed, wasting the matches by letting them get wet. I called to the men for more matches, but they could not find any. After a few minutes I happened to think that I had a box of matches in my wagon. I got in and found them all dry; got some hay and an old coat; pulled some cotton baten from it, and then tried to set it, hay, wagon, corn, and all afire. The snow was blowing so bad that it was impossible to set anything afire. I could light the matches, but could not set anything afire, so I gave it up.

I then took a lantern and matches to where I got out of bed, and handed it into the bed to Mr. Corey and the mail carrier from Fort Dodge; they succeeded in lighting it, and the lantern having a piece of the globe broken out, they wrapped a sack around it and handed it to me. I then tried to set the bale of hay afire, and the lantern went out. I threw it down and said to the other two men, that it was the last chance, and that I was freezing. They

stood by the side of a wagon, stamping, with apparently but little strength; I proposed to them to go with me and get into our beds, taking some corn to eat, and save ourselves as long as possible, but they thought they might as well freeze standing as laying, so I went to the bed, crawled in with Long, Mr. Corey and the mail carrier.

We took some barrel staves, set them on end to our backs to hold up the sheet as we set in the huddle together. The wagon sheet over our bed was froze fast under the edges of the wagon sheet, with at least five feet of snow on the edges. I pulled my boots, and had one foot nearly frozen; they sat on my feet and warmed them. I then suggested that if we had something to eat, we could fight one another and live till night, so we called Mr. Corey telling him to bring a bucket of corn for us to eat and get in with us. He brought the corn, but would not get in with us; I asked him if he could go to town; he said he was very cold, and left us, the other men all crying for help, but he said he could not help them. I then said to the mail carrier, 'what can we do?' He said, 'if I had my overcoat I would try to go to town,' but it was froze fast under the edge of the bed where our heads laid. He and I done our best to get it, but failed.

After studying about half an hour we fell on another plan to build a fire—we called the Colorado man to bring a skillet and a piece of pine wood, but finding no skillet he said he could not hunt any longer. I called to him for a bucket, which he brought, and some pine; we whittled some pine kindlings, filling the bucket and then set it afire. By the time it was afire sufficient to start out in the storm we were nearly smothered by the smoke. We crowded it out at a hole just as big as the bucket; Corey and Colorado stuck it to the bale of hay and set it afire. Corey, (the other man's brother) who was still in with us, asked for my boots telling me to warm my feet while he went out and helped them, for fear they would let the fire go out. He put on my boots, and I waited till I got my feet thawed out, and he not coming I asked the mail carrier for his overshoes while I could go and knock a wagon to pieces and build a good fire, and try to save the balance of the men. I put on the shoes and went out and mounted the nearest wagon, which was Mr. Long's, put it on the fire; then we carried Government corn and piled on top.

After this we went to pulling and digging out the men from their beds and taking them to the fire. It being 2 o'clock we had to hurry in order to get through by night. Getting them all out but Charley Cuthbert, some one said that he must be dead, for he had not been heard for two or three hours. Two of us then started out to look for him but could not find him. We came back and all concluded he was dead. In a little while the horses all crowded up between two wagons. Some of the men said that the horses were standing on him, whereupon I went out drove the horses off and took a barrel stave and began digging around for him. Finally finding him I called for help, and Colorado came and we after hard work got him out. Being like the most of us he was unable to walk much.

He being the last, we built another fire, drank a little whisky, eat a little corn, and our conversation turned upon the subject as to who would go to town for help; Mr. Cook and Jesse Corey offered to try providing we would let them have some overcoats. We tied some gunney sacks over their boots and bundled them up the best we could, put them on two good horses, they saying if they could not get help they would come back that night. Colorado, one of the Corey boys, one man from Wichita, who was nearly played out, and I agreed

to fire till morning, the rest of the men not being able to help us. The night thus passed away, and a dreary one it was, too.

In the morning, as the Morning Star made its appearance, we discovered a bright light in the east. Some one said there they come, while some said that's the wrong course, others that they were lost, but everybody said that it was undoubtedly a headlight. I picked up a torch, got up on a drift, and with tears running down my face for joy, waved my light and everybody tried to hallow, but could not, being so hoarse. After watching the light appear and disappear for a long time our hopes were terribly blasted when we discovered it was only the Morning Star shining through the storm. Between that and daylight the wind fell and then we had a fine fire. By this time I had about played out and sat down with the understanding with Colorado that he would keep a fire a while and rouse me to take his place.

The next thing I remember hearing was a sergeant, who rode up and hollowed "How many of you are dead?" Some half a dozen or more answered "not any!" Four or five wagons then made their appearance loaded with wood, etc., for our benefit; a lieutenant then ordered the soldiers to throw a half a cord or more of wood on the fire, after which a surgeon ordered coffee made; about the same time the sergeant ordered the men to dig out our beds, but finding it almost impossible the lieutenant countermanded the order, and instead ordered us placed in the wagons as soon as possible, after which we were wrapped up in almost innumerable blankets, given a drink of hot coffee, and then driven to the Fort on double quick, leaving our camp at about 9 o'clock. The soldiers drove our horses in. We burned two wagons, one wagon bed, all the meat we could get hold of, all the feed troughs, spring seats and several loads of corn.

After getting us to the Fort the officers and soldiers treated us with great kindness, and I can say for one that I shall never forget them for it; also Messrs. Rath and Wright, and in fact all at the Fort. Nearly all of our men were frozen some, but the chill and smoke hurt us more than the freezing. I don't think any will lose limbs from freezing. All from this county are now at home but three. Mr. Munger is still at the hospital but was able to sit up when I last saw him, which was on the 17th of this month. Messrs. Cook and Cuthbert loaded again for Supply. We laid at the Fort nine days, being doctored up so we thought we was able we started for home, arriving at Newton on the 26th ult., poorer than when we left.

So much for freighting on the frontier. My advice to farmers is to attend their farms and let freighting alone. In conclusion we will say that we are very thankful to be at home with our friends once more, even without wagons.

SPRING IN KANSAS, ISN'T IT WONDERFUL?

From the Hugo (Hugoton) *Herald*, February 20, 1886.

Spring has come, gentle Annie, and don't you forget it! The time for spring to come on the calendar has not quite arrived, but in this Italian climate the season of spring kind of forces itself and puts on its linen duster earlier than it did back where the men lived who located the seasons. We know spring has arrived for the housewives are out looking after their lettuce seed planted before the last blizzard, old maids are out looking after their claims and pre-

paring to go barefooted as they did back east, the prairie dogs are out gossiping, and the rattlesnakes and centipedes are bathing themselves in the warm sunshine, preparatory to tickling the legs of the tenderfoot. The old bachelors who went into winter quarters last fall are seen scratching their backs against a friendly wagon wheel or house corner, and from various other signs including the breaking of prairie, the cackling of hens, the lasciviousness of roosters, the energy of homesteaders who have been off their claims for six months or more, and from various other signs, tokens and indications we know that spring is here.

Spring is here and here to stay. Let her stay! We would much rather take a nap in the lap of an early spring than to rustle our neighbor's coal pile to entertain another end of such a winter as we have just passed through. Soon you will see the granger out stabbing his corn into the sod and he will confidently tell you that he expects to gather sixty bushels to the acre (This is a low estimate). He will tell you that this [is] the finest soil he ever stuck a plow into and the easiest cultivated; that this climate is the most delightful he ever lived in; that his wife has her health better out here than she had back east and he expects to send back for his father and his mother-in-law and have them take up claims adjoining his own; that he likes the society better here than he did back in Missouri and that people mind their own business and are not stuck up nor selfish out here. He will tell you that the water is better, the air purer and that sow-belly fried over a buffalo-chip fire tastes better than brandy pudding or peach cobbler did back where he came from. A variety of things he will tell you and if you are a stranger you may be inclined to doubt his statements, but they are truths—gospel truths.

COSTLY HUGGING

From the *Minneapolis Messenger*, December 12, 1895.

The case of a Leavenworth young woman is worthy of serious consideration. During the apple carnival in that city, it appears that hugging was a very pleasant and frequent feature of the affair. A young man named Willie hugged a young woman named Morley, but the report does not say whether he did it as a carnival duty or simply for the fun of the thing. At any rate the embrace resulted in a severe nervous attack for the girl, and she has sued Willie for five thousand dollars damages. He explained to the girl that he hugged several other girls during the carnival without any serious results to their nerves, and that they were able to subdue their nervous attacks, but she was remorseless, and placed the matter into the cold and chilly hands of the law, which is notoriously indifferent to the squeezeful impulses of warm-hearted youth. We have not heard whether the case has been settled or not, but if a girl can obtain five thousand dollars for just one little squeeze, the fortune of a Vanderbilt would not put some men on a sound financial basis. It would be dribbled out in little five thousand dollar dabs. The writer is not personally interested in the matter, but as sure as you live five thousand dollars is too much.

Kansas History as Published in the Press

Brief biographical sketches of Nelson Case and W. W. Graves appeared in an article by Wayne O'Connell in the *Oswego Democrat*, November 28, 1952. Case came to Oswego in 1869, became a community leader and practiced law for over 50 years. Graves was editor of the *St. Paul Journal* for more than 50 years. Both men made a hobby of local history.

Articles in the December, 1952, number of the *Bulletin of the Shawnee County Historical Society* included: a biographical sketch of James White Frierson Hughes, by William Macferran, Jr., a continuation of Russell K. Hickman's "First Congregational Church of Topeka"; "Joab Mulvane House," by Lois Johnson Cone; "Washburn and the Lakin Tract"; "Topeka House Numbers—Old Style"; "Col. [J. W. F.] Hughes and the Legislative War," by William Macferran, Jr.; and another installment of George A. Root's "Chronology of Shawnee County."

The Tiller and Toiler, Larned, on December 11, 1952, published a 154-page supplement entitled *Progress in Pawnee County*, commemorating the 80th anniversary of the organization of the county. The magazine-size, plastic-bound, enameled-paper volume contains five sections of information on Larned and Pawnee county: historical, agricultural, business and industry, church-school-club, and the veterans' section.

A history of the Daniel A. Bright family, by Mrs. Jessie Bright Grove, a daughter, was published in *The Tiller and Toiler*, Larned, December 19, 1952. Bright arrived in Pawnee county in April, 1872. The biography of this family and the history of Larned and Pawnee county are presented by Mrs. Grove as one story.

The *Dighton Herald* published a history of the Dighton Christian church, December 31, 1952, and notes on the history of Ravanna, February 18, 1953.

"The Shawnee Trail," by Wayne Gard, the story of a cattle trail from Texas to Kansas usually overlooked by historians, was published in *The Southwestern Historical Quarterly*, Austin, Tex., January, 1953. From 1850 until the Chisholm trail opened in 1867, the Shawnee trail was the chief route used by the Texas cattlemen to bring their herds north.

Subjects of articles by James A. Clay in recent issues of the *Douglass Tribune* were: Christmas in Douglass in 1879, January 1, 1953, and early baseball activities in Douglass, March 12.

Included in Lillian K. Farrar's column in the *Axtell Standard* recently was "a Doniphan County version" of the pony express by Mrs. Margaret Larzelere Rice, Troy, published January 8, 15, and 22, 1953.

The early history of Belleville, by Virginia Watson, was printed in the *Belleville Telescope*, January 8, 1953. The town was incorporated January 10, 1878, about eight years after the first resident arrived. The *Telescope*, March 5, published a brief history of Fort Lookout.

Historical articles of interest to Kansans appearing in recent issues of the *Kansas City (Mo.) Star* included: "Abilene's Heroes of Cowtown Days Give Place to Outstanding Sons of This Era," by Vivian Aten Long, January 15, 1953; "Frances Willard Changed Ed Howe's Mind When She Spoke for Temperance," by Charles Arthur Hawley, February 26; "Tornado Hits With Mighty Blow but Usually You Get a Warning," a review of Snowden D. Flora's *Tornadoes of the United States*, by Paul V. Miner, March 15; "Indians of Kansas Along With Others Hope for Riches From Old Land Claims," by H. E. Bruce, March 17; and "'Big Charlie' Crocker Learned to Be a Leader in His Trip Across Plains," by John Edward Hicks, March 19. Among historical articles in the *Kansas City (Mo.) Times* were: "Adventurer and Pioneer, George Park Led in the Founding of Two Colleges [Kansas State and Park]," by W. F. Sanders, February 23, 1953; "Gold of Forty-Niners and Silver From Santa Fe Buried on the Kansas Plains," by E. B. Dykes Beachy, March 9; and "Taub Jones, Benefactor of Indians, Recalled in Claim Filed by Ottawas," by Charles Arthur Hawley, March 31.

Relics in the museum of A. H. Shutte, Ellis, were described in an article in the *Hays Daily News*, January 18, 1953. Mr. Shutte came to Ellis county 72 years ago and has collected many objects illustrative of Kansas history.

Recent historical articles in the *Dodge City Daily Globe* included: "Inaugural Recalls Satin-Lined 'Twenty-Million-Dollar' Chapter in Dodge City History," a brief story of the Dodge City Cowboy Band, by Hoover Cott, January 19, 1953; the history of the Dodge City Atheneum Club organized 50 years ago, January 31; and the

reminiscences of the late Mrs. Sallie DeArmond Sweet who came to western Kansas in 1885, March 5.

Publication by installments of John Luke Gehman's autobiographical sketch began in the January 22, 1953, issue of *The Modern Light*, Columbus. Also the *Light* has continued regular publication of the historical column "Do You Remember When?"

John Watson's "See Kansas" series in the *Wichita Evening Eagle* has continued to appear in recent months. Among the articles were: "Man-Made Cement 'Garden of Eden [at Lucas],' Startles Imagination With Life-Like Figure Displays," January 22, 1953; "St. Fidelis, 'Cathedral of the Plains [at Victoria],' Stands as Monument to Enduring Faith of a Kansas People," February 5; "Two Quaint Dutch Windmills in Kansas [Wamego and Smith Center] Monuments to Pioneer Industry," February 12; "'Home on the Range' Stands Near Smith Center," February 26; and "Geographic Center of United States Located Near Lebanon," March 12.

On January 26, 1953, the first weekly installment of the diary of John S. Gilmore, Sr., was published in the *Wilson County Citizen*, Fredonia. The diary begins in July, 1867, when the writer was 19 years old and working in a newspaper office in Burlington. Gilmore established the *Citizen* in 1870.

The question of who was Marshall county's first settler, A. G. Woodward or F. J. Marshall, was discussed in Marysville newspapers in recent months. George Hamburg's talk before the Rotary club of Marysville on the subject was printed in the *Marshall County News*, Marysville, January 29, 1953. Letters were published in the *Marysville Advocate*, from W. E. Stewart, Vermillion, March 5, and from Otto J. Wullschleger, Frankfort, March 12.

Settlers began arriving in Jewell county in the early 1870's, according to a history of the Jewell area written by Mrs. H. E. Hutchcraft in 1927 and published in the *Jewell County Republican*, Jewell, January 29, 1953. The town of Jewell was first Fort Jewell, the fortifications having been built by a home guard organization, with W. D. Street as captain, in 1870.

A brief article about the admission of Kansas into the Union, by Ruby Basye, appeared in the *Pratt Daily Tribune*, January 29, 1953.

A history of the events preceding the erection in 1901 of the old Lyon county courthouse, now being razed, was published in the

Emporia *Gazette*, February 4, 1953. It was prepared by the late Harry E. Peach, then county clerk, and was found in the cornerstone of the building.

The first of a series of articles on the history of Natoma, by the Rev. George Lee, appeared in the *Natoma Independent*, February 5, 1953. Natoma was established as a railroad town in 1888.

Two series of historical features have recently appeared in the *Cunningham Clipper*. One is "Cunningham's Family Album," consisting of pictures of early Cunningham and residents of the area. The other is entitled "Echoes of the Past." One of the articles in that group was on the tornado which struck Cunningham in May, 1898, appearing in the issues of February 13, 20, 27, and March 6, 1953. The story of the celebration in 1888 of the coming of the railroad to Cunningham was printed March 13.

Six eight-page sections made up the Kansas State College anniversary edition of the *Manhattan Mercury-Chronicle*, February 15, 1953. Established in 1863, Kansas State was the first land grant college in the United States.

A column-length article on the cholera epidemic in the Ellsworth area in 1867 was printed in the *Junction City Union*, February 17, 1953.

The Coffeyville *Daily Journal* published its second annual progress edition February 22, 1953. The largest edition ever published in Coffeyville, 140 pages, it was devoted to the history, building progress, schools, churches, agriculture, and sports of the community. Also included was a biography of Walter Perry Johnson, by many considered the greatest baseball pitcher, whose home was in Coffeyville.

On February 23 the Winfield *Daily Courier* published its 1953 achievement edition. This year, which marks the 80th anniversary of the incorporation of Winfield and the 80th year of the *Courier*, 148 pages of city and county history and progress were published.

The Beloit *Daily Call*, February 26, 1953, published a three-column history of Waconda, "dead" town of Mitchell county. Apparently established in 1871, Waconda was abandoned early in the 1880's.

A brief history of Doniphan, by T. E. Garvey, appeared in the Atchison *Daily Globe*, March 5, 1953. James F. Forman, who owned the townsite, is considered the father of the town. The town company was organized November 11, 1854.

On March 12, 1953, *The Leader-Courier*, Kingman, printed a short history of the Waterloo Presbyterian church, Kingman, county. The first meeting for organization of the church was on February 25, 1878, at the home of J. C. Endicott. It is believed to be the first church organized in Kingman county.

Kansas Historical Notes

All officers of the Northeast Kansas Historical Society were re-elected at a recent meeting at the C. C. Webb home in Highland. They are: Mrs. C. C. Webb, president; Fenn Ward, vice-president; Mrs. Fenn Ward, secretary; and C. C. Webb, finance director. The society operates the Sac and Fox Indian mission which was visited by over 2,400 persons during the past year.

The annual meeting of the Augusta Historical Society was held January 12, 1953, with the president, Stella B. Haines, presiding. Other officers of the society are: Mrs. J. E. Mahannah, vice-president; Florence Hudson, secretary; and Mrs. Henry Bornholdt, treasurer. The secretary reported that 800 visitors had registered during the past year at the museum maintained by the society.

Maurice E. Fager, Topeka, and Mrs. David McCreath, Lawrence, were elected presidents of the Native Sons and Daughters of Kansas at the organization's 35th annual meeting in Topeka, January 28, 1953. Other officers elected by the Native Sons were: Rolla A. Clymer, El Dorado, vice-president; G. Clay Baker, Topeka, secretary; and John W. Brookens, Westmoreland, treasurer. The Native Daughters named Mrs. Ethel Godin, Wamego, vice-president; Mrs. Ivan Dayton Jones, Lyons, secretary; and Mrs. James B. McKay, El Dorado, treasurer. W. S. Rupe, Ames, Iowa, publisher, was the principal speaker at the evening meeting. The Capper award for the winner of the collegiate speech contest went to F. L. Baird, Newton, and was presented by Henry S. Blake. Retiring presidents were: C. W. Porterfield, Holton, and Mrs. Ray Pierson, Burlington.

The 46th annual meeting of the Woman's Kansas Day Club was held in Topeka, January 29, 1953, with the president, Mrs. W. M. Ehrsam, Wichita, presiding. At the business session Mrs. Douglas McCrum, Fort Scott, was elected president. Other officers elected include: Mrs. Earl C. Moses, Great Bend, first vice-president; Mrs. E. Claude Smith, Topeka, second vice-president; Mrs. J. L. Jenson, Colby, recording secretary; Mrs. Jessie Clyde Fisher, Wichita, treasurer; Mrs. C. W. Spencer, Sedan, historian; Mrs. J. U. Massey, Pittsburg, auditor; and Mrs. F. J. Rost, Topeka, registrar. Directors elected were: Mrs. George Rathbun, Manhattan, first district; Mrs. Clyde Swender, Blue Mound, second district; Mrs. William Groundwater, Longton, third district; Mrs. Paul H. Wedin, Wichita, fourth

district; Mrs. Will Townsley, Jr., Great Bend, fifth district; and Dr. Mary Glasson, Phillipsburg, sixth district. This year's theme was "Early Day Transportation in Kansas." Interesting reports, given by the district directors and historians, were presented to the Kansas State Historical Society. Pictures, museum articles, and books were also given.

Dr. Elizabeth Cochran, Kansas State Teachers College, Pittsburg, told of her recent trip through Europe at a meeting of the Crawford County Historical Society in Pittsburg, February 5, 1953. Another feature of the meeting was a quiz on the history of Crawford county and Kansas. Prof. L. E. Curfman is president of the society.

Guy Norris, long-time resident of Garden City, was the principal speaker at the annual meeting of the Finney County Historical Society, February 10, 1953, in Garden City. Directors chosen at the business session were: Gus Norton, J. E. Greathouse, William Fant, Albert Drussel, Mrs. Charles Brown, Mrs. Kate Smith, Mrs. Ella Condra, Chet Reeve, Mrs. Louis Kampschroeder, Frederick Finnup, Guy Norris, and Mrs. C. C. Wristen. Norton is president of the society.

Gov. Edward F. Arn's advisory committee for the observance of Kansas' territorial centennial in 1954, noted in the February, 1953, *Quarterly*, reported their recommendations to the governor on February 18, 1953. The plans were approved by Governor Arn, an appropriation of \$10,000 was granted and all the members of the committee were reappointed to the Kansas Territorial Centennial committee and instructed to put the plans into operation. Additional members on this committee are: Mrs. Orvill Burtis, Manhattan; Everett E. Erhart, Stafford; Mrs. Frank Haucke, Florence; Bliss Isley, Wichita; Tom Lillard, Topeka; Father Cuthbert McDonald, Atchison; Larry Miller, Topeka; Mrs. H. N. Moses, Salina; Dolph Simons, Lawrence; Fred Stein, Atchison; the Rev. Milton Vogel, Topeka; Vivian Woody, Douglass; C. O. Wright, Topeka; L. D. Wooster, Hays; Ted L. Sexton, Leavenworth, and Don McNeal, Council Grove. Dr. Robert Taft, Lawrence, is committee chairman.

A bronze plaque has been placed on the California camp site where the 20th Kansas regiment of Volunteer infantry stayed when en route to Manila in 1898. The project was sponsored by the California Historical Society but the plaque was provided by members of the regiment now living in California. Unveiling ceremonies

were held February 27, 1953, with Col. Clay Anderson, Burlingame, Cal., in charge of arrangements.

Ralph B. Harrison was named president of the Bourbon County Historical Society at a meeting in Fort Scott, March 3, 1953. Other officers elected were: Mrs. J. R. Prichard, vice-president; Mrs. G. D. Cleland, secretary; and D. V. Swartz, treasurer. Mrs. Effie Peete, custodian, reported that more than 6,000 people had visited the museum during 1952.

Owen McEwen was elected president of the Wichita Historical Museum Association at the annual meeting March 19, 1953. Other officers chosen were: Eugene Coombs, first vice-president; Carl Bitting, second vice-president; John Coultis, secretary; and C. K. Foote, treasurer. Elected to the board of directors of the association were: Coombs, Bitting, R. T. Aitchison, Mrs. C. H. Armstrong, Omrah Aley, John P. Davidson, Mrs. W. C. Coleman, Bertha V. Gardner, and M. C. Naftzer. Allen W. Hinkel was the featured speaker at the meeting. Hugh D. Lester was the retiring president.

Alden O. Weber was re-elected president of the Osawatomie Historical Society at a meeting March 27, 1953. Other officers re-elected were: Pauline Gudger, vice-president; and Ruby McIntosh, secretary-treasurer. The society is working on the restoration of the Old Stone church in Osawatomie, which dates back to 1859, and was first served by the Rev. Samuel L. Adair, John Brown's brother-in-law.

A historical marker commemorating the arrival of the Mennonite pioneers in the vicinity of Great Bend in 1874 has been erected one mile east of Dundee on Highway 50N. An exact model of the original church building is on top of the marker. An inscription on the bronze plate dedicates the marker to the memory of the Mennonite forefathers who migrated from Karlsualda, Russia.

The journal and diaries of George C. Sibley and others, pertaining to the surveying and marking of a road from the Missouri frontier to New Mexico, 1825-1827, have been edited by Kate L. Gregg and recently published in a 280-page volume by the University of New Mexico Press under the title *The Road to Santa Fe*.

On Freedom's Altar is the title of a 195-page book by Hazel Catherine Wolf on the Abolition movement of pre-Civil War days, published recently by the University of Wisconsin Press.

Dr. Robert Taft's series, "The Pictorial Record of the Old West," which began appearing in the *Quarterly* in 1946, has been revised and recently published in a 400-page volume entitled *Artists and Illustrators of the Old West: 1850-1900* (New York, 1953). "In this book there have been retold the actual experiences of a number of artists and illustrators, most of whom personally witnessed some part of the marvelous transformation of the region beyond the Mississippi. . . ." A 72-page picture section includes examples from the work of many of the artists. Dr. Taft is a member of the faculty of Kansas University and president of the Kansas State Historical Society.

Broadax and Bayonet, the story of the part played by the United States army in the development of the Northwest, 1815 to 1860, a 263-page book by Francis Paul Prucha, was recently published by the State Historical Society of Wisconsin. This volume deals with the army's non-military role on the frontier, such as law enforcement, the building of roads and forts, its contributions in the fields of science and social development, and the economic effect of its presence.

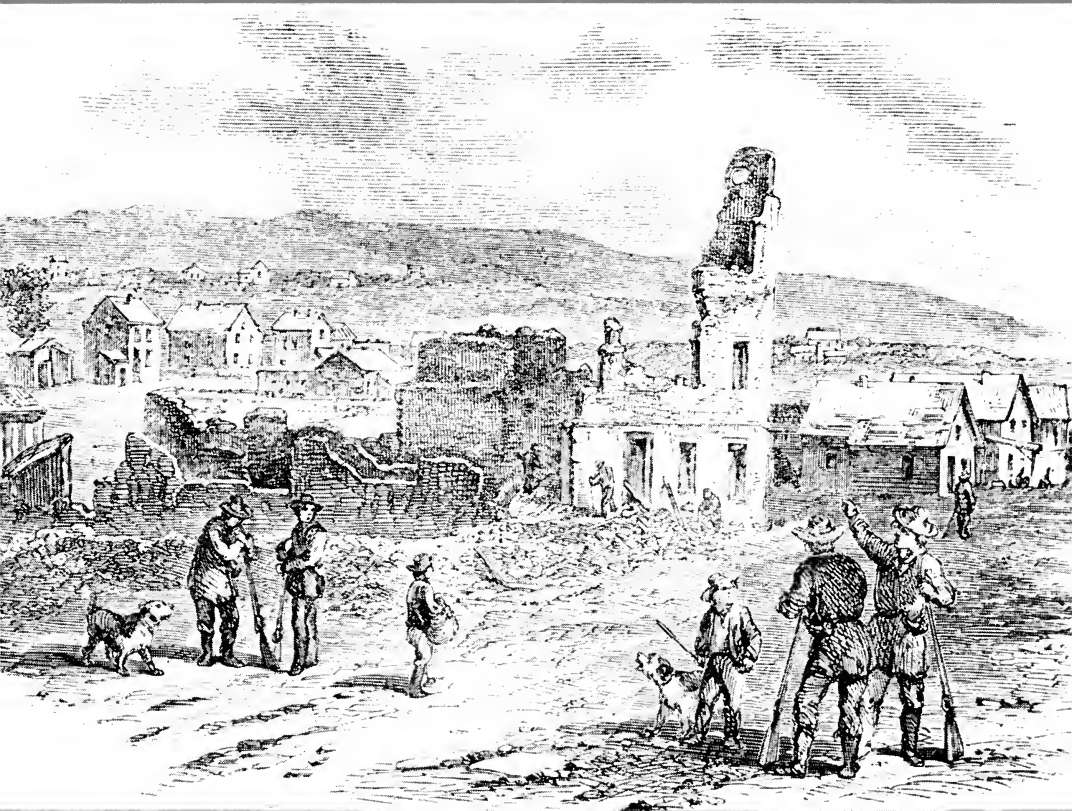
The reminiscences of Oliver Nelson, freighter and cowboy in Kansas, the Indian territory, and Texas, 1878 to 1893, have been edited by Dr. Angie Debo and recently published in a 343-page volume entitled *The Cowman's Southwest* (Glendale, Cal., 1953).

Tornadoes of the United States (University of Oklahoma Press, Norman, 1953), by Snowden D. Flora, is a 194-page book designed to provide information on the frequency, damage, causes, and methods of forecasting tornadoes, and ways of saving human lives when the storms strike. The author was head of the United States Weather Bureau at Topeka from 1917 to 1949.



THE
KANSAS HISTORICAL
QUARTERLY

August 1953



Published by
Kansas State Historical Society
Topeka

KIRKE MECHEM
Editor

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the managing editor at the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

Ruins of the Free-State Hotel, Lawrence, after the city's sacking by a Proslavery mob on May 21, 1856. (See pp. 482-484.) The sketch, from a daguerreotype taken for Mrs. Charles (Sara T. L.) Robinson, is reproduced from her book, *Kansas: Its Interior and Exterior Life* (Boston, 1857).

THE KANSAS HISTORICAL QUARTERLY

Volume XX

August, 1953

Number 7

Judge Lecompte and the "Sack of Lawrence," May 21, 1856

JAMES C. MALIN

PART ONE: THE CONTEMPORARY PHASE

THE so-called "sack of Lawrence" of May 21, 1856, according to Kansas traditions, was perpetrated by Sheriff Samuel Jones, under orders of the United States District Court, presided over by Chief Justice Samuel D. Lecompte (1814-1888). Only occasionally has anything like a correct version of that day's events been told.

On May 21, 1856, a posse of supporters of the territorial government, many of whom were from Missouri, assembled on the ridge west of Lawrence, at the call of United States Marshal Israel B. Donaldson. His purpose was to have aid at hand to support him in the service of official papers pertaining to his duties as officer of the United States District Court. Leaving the main posse behind, Deputy Marshal W. P. Fain served his papers in Lawrence, withdrew, and, official duties being completed, the posse was disbanded. At that time Sheriff Samuel J. Jones, of Douglas county, called the men into his service, alleging the need of aid in making arrests and abating nuisances under authority of the grand jury, the objectives being the New England Emigrant Aid Company hotel, and the two Lawrence newspapers, the *Herald of Freedom*, and the *Kansas Free State*. The presses and office equipment of these newspapers were destroyed, and the type thrown into the river. And before Jones' mob departed, the house of Gov. Charles Robinson, southwest of town, was burned, and an undetermined amount of damage in the nature of looting and vandalism occurred. No Lawrence people were killed, or seriously injured. This was the "sack of Lawrence."

In order to justify the action of Jones, the Proslavery newspapers alleged that Jones was executing the orders of the grand jury or of

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the United States District Court, Judge Lecompte's division. This claim of right under law, played directly into the hands of the Free-State party, in Kansas, and the newly organized Republican party in federal politics, which were engaged, for political purposes in the midst of the presidential campaign, in pinning all Kansas troubles upon the federal government, as represented by the Democratic party and the Pierce administration. In fact, the excesses of the presidential campaign are the major explanation of the so-called Kansas Civil War of 1856, with Bleeding Kansas as the principal stock in trade of the newly launched Republican party, composed of discordant elements whose only point of coherence was this one issue of opposition to the extension of slavery into the territories, epitomized by Kansas.

THE IMMEDIATE SETTING,
THE PRESIDENTIAL CAMPAIGN OF 1856

On March 30, 1855, the election of the first territorial legislature was held and Proslavery men won. According to the census taken preceding the election, settlers of slave state origin were present in a clear majority. Although facts are not available to provide proof one way or another, the reasonable presumption is that the so-called Proslavery party could have carried the election decisively. Upon that basis, the action of Missourians in invading Kansas and voting illegally, was an inexcusable blunder. The Free-State men repudiated the legislature as "Bogus," and capitalized upon the situation politically in the states. For that development the Proslavery party had only itself to blame.

The next step in Kansas local developments is a different matter. Free-State men called two conventions; at Big Springs, September 5, and at Topeka, September 19, 1855. The Big Springs convention organized the Free-State party as a political weapon to unite Free-State sympathizers of all shades of opinion upon the single issue. Another element controlled the Topeka convention, which decided to launch a state government movement, some going so far as to advocate setting it in operation in defiance of the territorial government, even if such action led to a test of force. More moderate counsels prevailed for the most part, however, in March, 1856, stopping with the overt act of installing the officers under the Topeka constitution and standing in readiness to take further action.¹ A bill was introduced into the house of representatives to admit

1. James C. Malin, *John Brown and the Legend of Fifty-six* (Philadelphia, The American Philosophical Society, 1942), ch. 25, "The Single Issue"

Kansas into the Union under this constitution and government, headed by Charles Robinson, the political agent of the New England Emigrant Aid Company in Kansas.

While these events were maturing during the early months of 1856, the presidential campaign was moving rapidly into the nominating convention stage. The American party met at Philadelphia, February 22, and split on the slavery issue. This party was the political aspect of a violent nativist movement—100 percent Americans—hostile to foreign immigrants, especially to the Catholic population. Antiforeign and anti-Catholic riots had occurred in several places during the years immediately preceding this election of 1856. The American party had minimized the slavery question, as a secondary issue, but when the Philadelphia convention split, it meant that the sectional controversy based upon slavery gained the ascendancy even in the ranks of the political nativists, depriving the American party of its primary reason for existence.

The process of welding together all opponents of the Democratic party supporting the administration was well under way with the opening of the year 1856; Northern Whigs, anti-Nebraska Democrats, Freesoilers, and in some respects most important, Americans. Nathaniel P. Banks, an American, had been elected speaker of the house of representatives by the anti-administration coalition. The Republican party elements held a preliminary national convention at Pittsburgh, February 22. John C. Frémont, a Republican aspirant for the nomination, and Banks, were collaborating in the task of capitalizing upon the Kansas situation.

In relation to the nativist sentiment it is important to call attention to the manner in which the issue crossed party lines. Amos Lawrence, treasurer of the New England Emigrant Aid Company, was a major force in the American party in Massachusetts, and Robinson was the company's political agent in the Territory of Kansas. In the Democratic party, Senator Atchison of Missouri was a nativist in sentiment and agreed with the Know-Nothings in his attitude toward foreigners, while opposing them as a political party, because the American party would divide and weaken the Democratic party. He co-operated in attempting to add the anti-foreign Clayton amendment to the Kansas-Nebraska bill, and was even accused of being the author of it. Thus Amos Lawrence and Atchison were in agreement on nativism as an attitude, but opposed in their views on how to implement it partywise, and were opposed also in attitude toward slavery. Confusion and contradiction in

ideas and emotions was the most characteristic feature of this decade of the 1850's. Unless that fact is understood and fully appreciated, the history of the decade is quite incomprehensible.

Frémont and Charles Robinson had been associated briefly in California politics at an earlier time, and Frémont used this as an excuse for writing to Robinson, agent of the New England Emigrant Aid Company, about the current situation and the advantages of co-operation. That letter was published, but Frémont had not sent it direct to Robinson. Banks acted as intermediary, writing to Robinson a covering letter, dated March 19, which was not printed.² Banks urged the Frémont candidacy. "We are in expectation of being able to do something in Congress," he wrote, "that will [be] an effectual aid to Kansas. . . . The Kansas question will meet its first decision in the House this week, and I think it will not be against us." Upon two matters in particular Kansas did expect favorable house action, the admission of Kansas under the Topeka constitution, and, in the meantime, the seating of Andrew H. Reeder in the house as delegate from the territory of Kansas.

The house did act on March 19, the day Banks dated his letter to Robinson, in authorizing a special committee on the Kansas troubles generally, and in reference to elections particularly. The committee, composed of William A. Howard of Michigan, as chairman, John Sherman of Ohio, and Mordicai Oliver of Missouri, opened its first session in Lecompton, April 18, and its second on April 23, expecting hearings to begin at Lawrence the next day.

In the senate, Douglas had made a report on Kansas, March 12, denouncing the New England Emigrant Aid Company, and the Topeka state movement. Collamer of Vermont, presented a minority report upholding the Free-State cause and suggesting repeal of the Kansas-Nebraska act or admission of Kansas. On March 17, Douglas introduced his Kansas bill to enable Kansas to form a state government and apply for admission upon attaining the minimum population necessary for a congressman, and specifying six months' residence as the minimum qualification for voting.

In his correspondence from Washington, dated March 12, Horace Greeley wrote of the Douglas report on Kansas: "No man could have made his Report who did not mean to earn the gratitude of the Slave Power. . . . I shall consider Mr. Douglas henceforth

2. James C. Malin, "Speaker Banks Courts the Free-Soilers: The Frémont-Robinson Letter of 1856," *New England Quarterly*, Orono, Maine, v. 12 (1939), pp. 103-112. In this article, the Banks letter was printed and used for historical purposes for the first time. The inaccurate and misleading title for the article as it appears, was the work of the editor of the *New England Quarterly*.

an aspirant for the Cincinnati nomination. . . ." Two days later, Greeley repeated that the Douglas report was "his bold bid for Southern favor."³

In connection with Douglas' speech, upon his Kansas-Nebraska report and bill, the New York *Tribune* accused him of making a threat against the antislavery men: "We will subdue you!" The use of this phrase or anything of similar meaning was denied by Douglas, but to no avail. The New York *Tribune* printed a lead editorial, March 24, under that phrase as a text:

When the arch-traitor from Illinois recently vomited his rage upon the Senate in his declaration, "We intend to subdue you," he only reechoed the war-whoop which, from the beginning of things, the principle of Evil in the world has forever shouted its warfare upon the Good.

The editor cited the Asiatic religions as recognizing that principle of the warfare of Good and Evil. Also: "To 'subdue' the race of man, Satan crawled on his belly and ate dirt in Eden." Then, as examples of the conflict of evil against good, reference was made to the Prometheus theme, the Pharaohs against Moses, and Judas against Christ, with application to the contemporary scene: "The Douglasses and Pierces of that day declared that, by the united instrumentality of Judas and the Doctors, they would 'subdue' the Godlike on the Cross of Calvary."

Reverting to Xerxes against the Greeks, the editor continued his alleged parallels with the Medieval church against Luther, the Stuart kings against Parliament, and King George against his American colonies, with victory in each case for "Good":

The godless crowd who resist man's emancipation and enlightenment, who oppose every step of progress and cry out, "We will subdue you!" to the agents and agencies of social regeneration, diminish in numbers and force with the lapse of every century. . . .

Very early in the year, and prior to the actual organization of the Republican party nationally, Horace Greeley had written frankly from Washington to his managing editor, Dana, February 16, 1856: "We cannot (I fear) admit Reeder; we cannot admit Kansas as a State; we can only make issues on which to go to the people at the Presidential election."⁴

On May 19 and 20, Sen. Charles Sumner delivered a prepared speech, "The Crime Against Kansas," including an indecent personal attack upon Senator Butler of South Carolina. On May 22, Representative Brooks, of South Carolina, a relative of the elderly Sena-

3. New York *Tribune*, March 14, 15, 1856.

4. Printed in the New York *Sun*, May 19, 1889, and cited by J. F. Rhodes, *History of the United States From the Compromise of 1850* (New York, 1893), v. 2, p. 126.

tor Butler, attacked Sumner, beating him with a cane. Although Sumner's conduct was inexcusable according to any code of common decency, two wrongs did not make a right. Besides, Brooks' assault made an antislavery hero of Sumner, diverting attention from the gravity of his offense. The dating of this excitement is critical to the Kansas story, because the Jones "sack of Lawrence" occurred May 21, the news reaching the East in the midst of the furor over Sumner, and with the Democratic and Republican national conventions coming up June 2 and 17, respectively.

The Pottawatomie massacre of five Proslavery men on the night of May 24-25, by John Brown, would appear to have been something that Proslavery men could have used to offset the Sumner and Lawrence excitement. It did not work out in that manner, however. The Proslavery men did not appear to have understood the possibilities of the art of propaganda, and the Free-State men suppressed and falsified the facts.⁵

On June 1, in the Plymouth Congregational church in Chicago, the Rev. J. E. Roy preached a sermon in which he attacked Douglas personally, charging him again, among other things, with the threat "We will subdue you!" On July 4, Douglas addressed a letter to Roy calling attention to the error of his charges:

I send this letter to you, instead of to the newspapers, for the purpose of giving you an opportunity of doing justice to me and to the cause of truth, which I trust you will regard a Christian duty, in the same pulpit where the injury was committed.

At first a private letter, it was soon released to the press, but the falsehood "We will subdue you!" once at large, could not be overtaken, and throughout the campaign the Republican press rang all the changes on the theme.⁶

THE JUDICIARY IN KANSAS

The Kansas-Nebraska act of May 30, 1854, had authorized territorial governments of the traditional type in the two territories, based upon the theory of three independent and equal departments, legislative, executive, and judicial. The judiciary, in turn, was created with powers identical with that branch in other territories. The jurisdiction was of a dual character, or mixed type, which was in itself in no respect different from former delegations of power.

5. Malin, *John Brown and the Legend of Fifty-six*. As the title of this book indicates, the central themes, the facts and the legend about the facts, are contrasted. As background for this treatment, much of the territorial history of Kansas was rewritten in the perspective of new manuscript materials.

6. "Webb Scrapbooks," in library of Kansas State Historical Society, v. 15, p. 58. A clipping from the Cincinnati *Daily Enquirer*, July 19, 1856, which printed the text of the Douglas letter.

It was the duty of the United States District Court for the territory to apply two bodies of legislation; the acts of congress applicable in the territory, and the acts of the territorial legislature. In Kansas this traditional arrangement afforded the basis of difficulties, because the Free-State party, challenging the legality of the election of the legislature of 1855, repudiated that body and all legislation enacted by it as illegal—bogus—and refused to obey the territorial laws, or recognize as legal the county governments and their officers, created by authority of the territorial legislature. Thus, a situation was created in which the Free-State people accepted the authority of the United States District Court and its acts when functioning under federal law, but questioned the right to enforce territorial "Bogus" law. By so doing, the Free-State men imposed upon themselves a dangerous course, and one that was pursued with only a limited success.⁷

At this point, it is in order to insert a word about the structure of the judiciary. The judge presided over the court. The attorney for the territory, and the district attorneys, were the law officers charged with the prosecution of violators of the law. The clerk of the court kept the records of judicial proceedings. The grand jury carried out investigations of law violation, with a certain co-operation of the judge and prosecuting attorney, but the action of the grand jury in voting indictments was an independent function, under the foreman as presiding officer, both the judge and the prosecuting attorney being excluded. Indictments must be prepared and signed, however, by the district attorney. Upon the voting of an indictment, it must be endorsed by the foreman as a "True Bill," and presented in open court, when it became a part of the record of the court in the "Journal." The prosecution before the court then became the responsibility of the district attorney. The marshal served processes, subpoenas, warrants, and made arrests. The sheriff was a county officer, having no connection with the United States District Court, unless, perchance, he might be deputized as a marshal, but if so, his duties would be performed as a deputy marshal, not as a sheriff. In the following discussion all these individual aspects of judicial structure, jurisdiction, and procedure, must be carefully differentiated by the reader, regardless of the confusion introduced by contemporary controversy.

In the case of the Wakarusa War of November, 1855, Governor

7. Malin, *John Brown and the Legend of Fifty-six*, Part Three, reviewed for the first time in Kansas history the problem of the judiciary, although primarily for its bearing on the Brown problem.

Shannon had called out the militia. The disorders flowing from that procedure brought instructions to the governor from Washington that in case military force was required in the future he should not call the militia, but was authorized to call upon the commandant at Fort Leavenworth for a detail from the regular armed forces stationed there.

In the incidents of April, 1856, when Sheriff Jones was engaged in serving warrants, April 19, particularly for S. N. Wood on account of the Branson rescue, as Wood had just returned to Kansas, some of the citizens of Lawrence interfered with him. He called upon the governor for aid, received a detail of regular troops, and made his arrests April 23. Upon the latter occasion Jones was acting as Deputy United States Marshal as well as sheriff. After nightfall of the same day Jones was shot by a Free-State man, but survived. The presence of Lieutenant McIntosh and his federal troops had not afforded protection.

The Howard committee, investigating Kansas troubles, had set April 24, and the Free-State Hotel in Lawrence, as the time and place for the contestants for the seat of territorial delegate to congress to present evidence. J. W. Whitfield sent a note, instead of putting in an appearance, saying "One of my chief witnesses (Sheriff Jones) has already been shot; on that account, others who are here have determined to leave. . . ." He stated also "I am and shall be unable to get my witnesses to attend the sitting of the committee at this place; they refusing, and with good reason, to expose themselves and run the risk of being assassinated whenever night shuts in, by a lawless band of conspirators." Committee hearings were continued at the Free-State Hotel through May 12, except at Tecumseh, May 5-7, moving to Leavenworth for the May 14 session. Thus Reeder's witnesses were heard at Lawrence, and Whitfield's witnesses could be heard at Leavenworth or elsewhere.⁸ This congressional committee episode crystallized further among Proslavery men and Democrats, the idea of the Emigrant Aid Company Free-State Hotel as the symbol of Free-State and Republican party tyranny during the presidential campaign.

During these proceedings, the spring term of Judge Lecompte's division of the United States District Court convened at Lecompton, May 5. Conflict of jurisdiction between the court and the congressional committee precipitated a crisis. A. H. Reeder was summoned to testify before the grand jury, defied the marshal, and was sup-

8. *Report of the Special Committee Appointed to Investigate the Troubles in Kansas* (Washington, 1856), pp. 114-121.

ported by a majority of the Howard congressional committee, before whom he was prosecuting his contest for the seat of delegate. In the perspective of hindsight, no insuperable obstacle appears in the scene that should have prevented a conference between the principals, to provide a schedule by which Reeder could have given the grand jury a few hours of his time to testify, without disrupting the proceedings of the congressional investigation. But such quiet and reasonable conduct would not have made political capital. On account of the prominence of the personalities involved in this particular incident, the whole situation deteriorated rapidly. It was during this period that Lecompte was accused of charging the grand jury on constructive treason. The treason indictments were voted, but not upon the doctrine of constructive treason, warrants were issued, and arrests were made.

Even though somewhat a diversion from the central issue of this study, certain facts must be placed in the record concerning the accusation against Lecompte about the treason charge to the grand jury. The matter was reported to the New York *Tribune* by "Bostwick" and printed, May 19, 1856, under a Lawrence, May 9, dateline. After reporting what purported to be the text of Lecompte's charge, Bostwick admitted: "Incredible as the above may seem it is nevertheless, as exact as I can from memory make it, and I assure you it made a deep *impression* on my *memory*." For almost a century Bostwick's version, admittedly written out from memory, was accepted and reprinted again and again, and Lecompte denounced upon the assumption that the language was Lecompte's; that it was an authentic document, free from any taint of error, misrepresentation, or fraud. Lecompte's actual charge to the grand jury is not incredible, but the use that was made of Bostwick's version would seem incredible, but for the record of it in books over nearly a century beginning with William A. Phillips' *Conquest of Kansas* (1856), and Mrs. Sara T. L. Robinson's *Kansas: Its Interior and Exterior Life* (1856).

United States Marshal Donaldson became convinced that force was necessary for the service of papers in Lawrence, and called a posse. Note should be made at this point that he did not apply to the governor for aid, but acted under the authority vested directly in him by act of congress to call upon citizens to act as a posse. It is this situation that provided the setting for the events of May 21 at Lawrence.

As of 1856, the business district, or principal part of the town

of Lawrence, did not extend south of Eighth street (Henry street), less than three blocks on Massachusetts street, and the intersection of Eighth and Massachusetts streets became the defense line in September, 1856, difficulties. Marshal Donaldson's posse assembled and established a camp ground, May 20, 21, on the ridge, possibly two miles west of the town, or where the ridge broadens west of the present university campus, and where a water supply from springs was available. Later the activities of the day moved toward the point of the hill overlooking the town. This was near Charles Robinson's house, which occupied a site on what is now the eleven-hundred block on Louisiana street. The posse was later disbanded, probably in the vicinity of the main camp. To that point in the day's events, there appears to be no important disagreements in the verifiable record.

REPORTS BY KANSAS PROSLAVERY NEWSPAPERS

The next, or the Jones phase of the Lawrence episode, occupied a separate and distinct status. The Proslavery accounts related that Jones called the marshal's disbanded posse into his service as a sheriff's posse to execute processes, including orders from the grand jury to abate nuisances—the hotel, and the two presses. Some variants in the language and the significance thereof will be discussed later.

The reports of three papers are selected as examples, the Leavenworth *Herald*, the Atchison *Squatter Sovereign*, and the Lecompton *Union*. The regular *Herald* editor was Lucien J. Eastin, certainly one of the ablest men in territorial Kansas journalism, but when he was elected to the legislature he secured the services of H. Rives Pollard, a young Virginian, as associate editor. Pollard turned out to be a fire-eater, and was with the paper from April 13, 1855, to October 4, 1856. Thus the *Herald* for this critical period was not as conservatively and as ably edited as Eastin himself would have made it. The *Squatter Sovereign* was also largely in the hands of its junior editor, Robert S. Kelley, an extremist. The Lecompton *Union*, edited by A. W. Jones, would be found in a moderate position in relation to the *Sovereign*. In general the so-called Proslavery papers were as reliable as Free-State papers in handling the news, and in some cases more so.⁹

9. Malin, *John Brown and the Legend of Fifty-six*, chs. 3, 4, 7, 8; *Grassland Historical Studies* . . . (Lawrence, The author, 1950), v. 1, chs. 6, 21; "The Nebraska Question, 1852-1854" (unpublished). In the course of these books, attention has been given to the question of reliability of these papers, and particularly to the journalistic careers of Eastin, Kelley, Robert H. Miller, of the *Liberty* (Mo.) *Tribune*, and R. T. Van Horn, of the *Kansas City* (Mo.) *Enterprise*.

The *Herald* of May 24, 1856, devoted its leading editorial to the "News From Lawrence. Rumor with her ten thousand tongues has various reports from Lawrence, many of which are untrue, and others exaggerated. We shall aim to give the most reliable news, and such as we believe to be true." The resistance given to Sheriff Jones, and Reeder's defiance of the marshal, was represented as a declaration that Lawrence "would resist the laws unto death." And then followed a narrative of the marshal's and Jones' action. The next week, the leading editorial was again "Lawrence subdued . . .," but other news competed for attention, especially the first report, by way of the Westport (Mo.) *Border Times* of the Pottawatomie massacre.

Some commentary upon these editorials is in order. Although unequivocal in their Proslavery position, they were moderate in tone, and recognized the editorial responsibility for sifting the rumors from "ten thousand tongues." The two editorials differ in their attribution of motive. In the first the move into town to destroy the hotel and printing presses was assigned to the men; but in the second, the responsibility was placed upon Jones, who was said to have called the men as a sheriff's posse. Two points were not made clear. Jones was represented as having gone into town with about 20 men, but there is no accounting for the manner in which the larger body became involved. The second difficulty lies in alleging that Jones' objective was disarming Lawrence, but later, the explanation was made that in destroying the hotel and presses, he was doing so because they "had been declared nuisances by the Grand Jury of the County, and their destruction was in obedience to law." It is important to note that the court and Judge Lecompte were not implicated by this language. Such a wording may or may not be significant, but it is a fact nevertheless. Some later controversies were to turn upon the charge that Lecompte was personally and officially responsible. An incidental difference lies also in the accurate statement in the second editorial, that only the printing materials were thrown into the river, after the presses were broken up.

Both editorials are in agreement, however, on points that are significant to any interpretation of, not only this episode, but this period of the Kansas troubles. The focus of Proslavery animosity was the Emigrant Aid Company, and upon arms which were supposedly supplied by that organization or its associates. Both editorials emphasized the contention that private, as distinguished

from corporate, property was supposed to have been untouched, including Robinson's house. In this view of things, however, the fact was overlooked that the *Kansas Free State* was strictly private.

Still another error was in evidence in the first editorial, which designated the owner of the hotel as a "society." In fact, the New England Emigrant Aid Company was an incorporated business enterprise, promoted as such, whose shares of stock were sold to the public with the assurance that they would pay handsome dividends upon the investment, while aiding in making Kansas a free state. Amos Lawrence, the treasurer of the company, was more realistic, rebuked his associates for misrepresentations, and himself advised investors that they should look upon their purchases of shares as contributions to the cause. But Amos Lawrence did not get a hearing for his realism and sense of honorable business ethics. After the failure of the company as a business enterprise became evident, the fashionable method was to refer to it as a "society," in a philanthropic sense. The *Herald* editorial reflects that confusion which had already become widespread.

The *Squatter Sovereign*, May 27, 1856, published its story, both editors apparently having been present, Col. (Dr.) J. H. Stringfellow, the senior editor, in command of infantry. Three points are important to this story, as related to the purpose alleged: 1. the surrender of arms; 2. the destruction of nuisances, the hotel and the printing presses, "they having been declared nuisances by the grand jury and ordered by the court to be abated, which was done"; 3. the disarming of citizens found with arms in their hands. The article closed with a unique glow of sanctity attributable only to the unpredictable fertility of Kelley's mind. One must know the boy intimately to appreciate him to the full, but the following must suffice:

During the stay in the town some cowardly assassins were discovered in the act of firing on the posse from concealed places, and as may be imagined, they met the fate they so richly merited. Except in these instances, there was no act of violence, and neither persons—though unarmed and at our mercy—nor property was molested, thus giving the lie to the charge "that our cowardice alone prevented our destroying the town of Lawrence at any time." With a force of seven hundred and fifty men, the town disarmed and at our mercy, we simply executed to the letter what the law decreed, and left as though we had been to church—by the way, there is *no church* in Lawrence, but several *free love associations*.

Note should be made of the fact that in Kelley's language, both the grand jury and the court, not Lecompte, were specified as responsible for the abatement of nuisances.

The Lecompton *Union*, edited by A. W. Jones, and published at the territorial capital, was aggressively Proslavery, but not as extreme as the *Squatter Sovereign*. Editor Jones accompanied the marshal's posse, assembling first near Lecompton, May 20, and moving to the hill overlooking Lawrence late that afternoon. Additional forces arrived early Wednesday morning, May 21, altogether estimated at 800 men. Except for some difference in the hour of the day, the sequence of events was similar to other accounts. The remark was made in connection with the report of Fain's arrest of three men, that "the town seemed almost forsaken." Editor Jones then continued with a description of the Sheriff Jones role in the afternoon's proceedings. Jones was represented as emaciated, as a result of his recent wound, scarcely able to sit upon his horse, but the hero of the men:

Jones had a great many writs in his hands, but could find no one against whom he held them. He also had an order from the Court to demand the surrender of their arms, field and side, and the demolition of the two presses and the Free State hotel as *nuisances*.

For emphasis, one other point should be quoted:

Before entering town, our commanders instructed each member of his company of the consequences befalling the violation of any private property. As far as we can learn, they attended strictly to these instructions. One act we regret to mention—the firing of Robinson's house. Although there is but little doubt as to the real owners of this property, yet it was a private residence, and should have remained untouched. During the excitement, the Commissary, Col. Abel, of Atchison City, learned that it was on fire, and immediately detailed a company to suppress the flames, which was done. Once afterwards, we understand, Sheriff Jones had the flames suppressed, and the boys guilty of the act sent immediately to camp; but with regret we saw the building on fire that night about 10 o'clock. This we saw from camp, and cannot tell who set it on fire the third time.

The political narrative continued in highly partisan style, relating the dismissal of Governor Reeder on charges of speculation, his alleged bargain with the Free-State interest, his appearance in Washington claiming a seat in congress as delegate from Kansas, the congressional investigating committee sent out to test "the truth of these allegations," with the result that "the first day of this session [of the investigation] witnessed the assassination of an officer of the law. . . ." In the conflict over Reeder, the congressional committee gave protection to him in defiance of territorial authority. The people then decided, according to Editor Jones, to teach the "Aid Society" better use of their means, than building forts and arming and equipping men to shed the blood of their fellow beings and involve the country in civil war.

We have done what we have done, and would not have anything undone that was done and shall do no more if let alone—so let our doings go forth for the inspection and criticism of the nation.

At the close, Editor Jones recalled that he had forgotten to mention in its proper place—possibly this was a device of emphasis—“that the long conjecture of the Free-State Hotel being a fortress, was found to be true.” And then followed a description of the roof, walls, and four port holes on each side, similar to descriptions printed earlier in the Free-State journals.¹⁰

FREE-STATE HOTEL

In view of the fact that the Free-State Hotel, built by the New England Emigrant Aid Company, became so conspicuously the focus of Proslavery hostility, it is important to introduce into the record some of the evidence about the manner in which Free-State people publicized that building. On January 25, 1856, a Kansas letter writer, “W,” for the Boston *Traveller*, dated his communication from the Free State Hotel:

As I write, the heavy and measured tread of the sentinel, as he paces his beat on the roof above my head in the midst of a blinding snow storm, reminds me that I am at the very focus towards which all eyes are now turned. And well that may be. This nation, at least the northern portion of it, are not aware that they are standing on the very brink of a volcano, just ready to belch forth its destructive torrents. . . .

The correspondent “W” represented Lawrence as being liable to a surprise attack at any moment:

Gen. Robinson does not sleep at his own house, but takes his quarters here in this fort[r]ess, and sleeps sometimes in my room, while a company of soldiers are quartered in another near by. The roof of the building, three stories in height, has a parapet running all around it, pierced with loop holes, from which in a street fight there could be poured a most destructive volley of rifle balls.—The thorough look-out which is being kept, will, we think, prevent us being taken by surprise and so long as we are supposed to be well and completely armed and determined to die rather than be taken, to be hacked to pieces by demons with wood hatchets, they will not meddle with us.— But we need arms. *We must have them. Ammunition; men; all the needs of war.* To be prepared for war is the best guarantee of peace. . . .”¹¹

Why the “cloak and dagger” melodrama? Was there any real danger? Did the Free-State men actually keep up such a vigil? This is not the place to undertake a full examination of the evidence. Suffice it to say that little factual evidence is available to support

10. The Lecompton *Union* story of May 24, 1856, was reprinted in the New York *Daily Tribune*, June 7, 1856, and in William A. Phillips' *The Conquest of Kansas* (Boston, 1856), pp. 304-309.

11. “Webb Scrapbooks,” v. 9, p. 115, clipping from Boston *Daily Evening Traveller*, February 13, 1856.

"W's" crisis picture. Between the "peace treaty" closing the Wakarusa War and the April-May troubles, Kansas was remarkably quiet.¹²

On April 12, 1856, the *Herald of Freedom*, financed in part at least by the New England Emigrant Aid Company, and edited by G. W. Brown, printed an article, "The 'Free State Hotel' Finished." The construction work had started in April, 1855. In November when the Wakarusa War began it was unfinished, but, the article went on to explain, it benefited "our cause, even in its unfinished condition. . . . It was into this structure the people intended to retreat, if driven from every other position, gather around them their household treasures, and make a last desperate effort in the defence of their lives and liberties. But fate ordered otherwise."

The article did not explain, but there had been no armed attack upon Lawrence as the difficulties had been compromised. In the spring, work on the building was pushed to a conclusion, "and on this, the Twelfth of April, one year from the day the first spadeful of dirt was thrown up, the FREE STATE HOTEL is finished." Then followed the detailed specifications of the basement and three stories; "stairs leading to roof, which is flat, and affords a fine promenade and a splendid view of the surrounding scenery. There are thirty or forty port-holes in the walls, which rise above the roof, plugged up now with stones, which can be knocked out with a blow of the butt of a Sharp's rifle."

Of course, these two independent statements by Free-State writers do not prove that the hotel was a fortress; but they do, in an absolute sense, prove that that assertion was not a Proslavery lie. If it was not true, then it was a Free-State lie, invented by men closely identified with the most influential people then directing Free-State strategy at Lawrence. The publication of such statements to the world was rash, and a serious error of tactics, even if true, and if not true, a more severe censure is in order. This was not a melodrama played by a group of exuberant children in the barn loft on a summer afternoon. These were adults, supposedly responsible for their acts, and they were playing this tragic drama, not from the stage of a theater, but in real life and to a national audience. Only a few more days were to pass when, as in a Greek tragedy, once the participants had made their choices, events moved with a seemingly fatal precision to the inevitable culminating catastrophe, and the Proslavery men were to use Free-State boasts in their own defense as justification for destroying this alleged hotel-fortress.

12. Malin, *John Brown and the Legend of Fifty-six*.

NEW YORK TRIBUNE REPORTS

With the destruction of the Free-State presses in Lawrence, the Free-State cause in the territory was temporarily without a newspaper, except the Topeka *Tribune*. The cause was not without newspaper publicity, however, because there were a substantial number of letter writers for Eastern newspapers in the territory. Particularly important were those writing for the New York *Tribune*, among whom William A. Phillips, "Our Own Correspondent," was pre-eminent, and they injected reality into Greeley's briefing of the situation to his editor, Dana, already quoted at greater length: ". . . we can only make issues on which to go to the people at the Presidential election."

Three editorials in the New York *Daily Tribune*, May 26, 1856, dealt with the news from Lawrence, and Kansas. The first announced that:

"The King is dead—Live the King!" Lawrence, the heroic focus and citadel of Free-State principles and efforts in Kansas, has been devastated and burned to ashes by the Border Ruffians; but most of its inhabitants still live. . . . A few bare and tottering chimneys, a charred and blackened waste, now mark the site. . . .

This editorial closed with the assertion:

All this devastation and butchery, be it remembered, have been performed in the name and by the authority of the Federal Union. . . . But it is the United States Marshal who directs and impels the operations by which Lawrence has been destroyed and Kansas subdued. . . .

The second editorial went further in developing the theme:

The responsibility of arson and murder which last winter Gov. Shannon declined to take, has been assumed this Spring by the United States officials, Judge Lecompte and Marshal Donaldson . . . with the full concurrence of President Pierce. . . .

. . . With two such learned and scrupulous lawyers at the head of the movement as Judge Lecompte and President Pierce, to say nothing of the occasional advice of Cushing and Marcy, there cannot be a doubt that the town of Lawrence has been burned down, and more or less of the inhabitants butchered, all strictly according to law—at least Border Ruffian law. . . .

Mr. Pierce will thus present himself to the Cincinnati Convention as a candidate for reelection, sprinkled from head to foot with the blood of the Free-State men of Kansas, and his whole person illuminated and lighted up with the blaze of their burning houses.

The following day came another editorial in the New York *Tribune*, based upon a Chicago *Tribune* story as a text, the latter being reprinted in the news columns. Emphasis should be focused upon the differences between this editorial and those of the day before.

The process of retreat, if not retraction, from the assertions of total destruction was begun. Furthermore, the Kansas fugitives who reported the Chicago *Tribune* story had not actually seen what had occurred at Lawrence.

On May 30 the first mail correspondence, direct from Kansas, was published in the New York *Tribune*, under a date line of Leavenworth, May 22:

The war has at last begun. The *legal* bands of men, empowered by Presidential and Territorial authority to "subdue" the settlers of Kansas because they dared to interfere with the policy of making it a Slave State, have inaugurated their work by an act of reckless and merciless wickedness. A citizen of Lawrence, Mr. Wm. Hutchinson, has just come in this morning. He saw the scene of violence from the opposite side of the river, and learned the particulars from some men who had been in the posse, and who crossed the Kaw and left the scene of horror in disgust.

The report continued by speculating upon the extent of the destruction by explaining that as the hotel and presses were in the closest built part of the town, the whole of the town would have been burned. Again, none of these informants had actually seen the town in ashes. Furthermore, the internal evidence suggests that Hutchinson was one of the fugitives whose story provided the basis for the Chicago *Tribune* article printed two days earlier.

The *Missouri Democrat's* (St. Louis) story, "An eye-witness" account, was printed in the New York *Tribune*, May 30. The description of the events of May 21 to the point of Jones' afternoon visit followed approximately the standard sequence, and at that point "commenced the scenes disgraceful to humanity, destructive to Kansas, and the end of which God only knows." Demanding the surrender of cannon and Sharps rifles: "Jones stated he had several times been resisted in that place—attempts had been made to assassinate him—and he now declared that he was 'determined to execute the law if he lost his life.'" Pomeroy insisted that the Sharps rifles were private property, but delivered the cannon. Jones then notified Colonel Eldridge, the operating proprietor of the hotel, to remove his furniture by five o'clock because the building was to be destroyed, "that he was acting strictly under orders. The Grand Jury at Lecompton had declared the hotel and presses at Lawrence a nuisance, and ordered him to destroy them." While the furniture was being removed Jones disposed of the presses, the main body of the posse having entered the town: "Jones promised in the commencement that no private property should be destroyed. But

houses were broken open and rifled of whatever suited the fancy of the mob. . . .”

The destruction of the hotel was then described, but the letter writer brought into the narrative other activities, among which, the role of Former Sen. David R. Atchison and Colonel Jackson deserves special attention.

G. W. Brown's house was twice set on fire, but the blaze was extinguished:

If his house had burned, several others must certainly have been destroyed, and there would have been danger of burning nearly half the town. Many of the mob were bent on destroying every house in the place. . . . Atchison, it is said, advised moderation. Col. Jackson, of Georgia, with many others, were opposed to the burning of the hotel. . . .¹³

Later in this article an important admission of error was made: “The report that a Free-State man was killed at Lawrence, on the 21st, I think a mistake.”

On Saturday, May 31, the *Tribune* editorialized upon the Kansas letters printed the previous day, which, it alleged “supplied at length a connected and authentic account of affairs in Kansas down to the sack of Lawrence. . . .” After recounting the treason indictments and the gathering of the posse, reference to “occasional murders” along with accusations against Governor Shannon, the events of the day, May 21, were recounted, and in relation to the hotel concluded:

. . . as Judge Lecompte's Grand Jury, the same that found indictments for high treason, had declared it as well as the printing-offices a nuisance, and on that ground he was determined to destroy it and them. . . . The printing-offices were also destroyed, the types being thrown into the river, and the house of the editor of one of the papers set on fire, as also the house of Governor Robinson. . . . All the houses in the town were entered and plundered, and it was with great difficulty that some of the more discreet among the leaders of the mob prevented the destruction of every house.

In the nine days' operations of this law-and-order posse, exclusive of the outrages at Lawrence, fourteen men have been shot at, two killed, and two desperately wounded, . . . and women treated with shocking barbarity.

The New York *Tribune* did not print a Sunday paper, so Monday, June 2, brought a Lawrence story with a May 21 date line—“the partial destruction of Lawrence by an armed Ruffian mob,” the letter being signed “Potter.” Also there was a story, under a St. Louis, May 26, date line—“Lawrence is destroyed, at least a great part of it. . . .” But there was no editorial upon these week-end news

13. Another study needs to be made of the role of Atchison, along with an examination into the origin and the authenticity of the reports of his speech or speeches.

arrivals. That came Tuesday, June 3, in a nine-point summary of the Lawrence episode:

Our accounts by mail from devastated Lawrence, down to the day after the descent upon it of the Pro-Slavery army under Sheriff Jones and Marshal Donaldson, are now complete. . . . [Proslavery and antislavery material has been printed.] And now we desire to call attention to the leading features of the whole transaction, as established by the concurrent testimony of the witnesses and narrators from all sides—namely,

1. The question which has distracted and devastated Kansas is purely one of Slavery or Freedom. Remove this bone of contention, and there would be no shadow of contest, and no motive for any. . . .

2. The Free-State party are not struggling for equality and fraternity between Whites and Negroes. A minority of them would prefer that the Law should know nothing of a man's color in connection with political rights; but the majority, who are mainly from the Western States, have decided not to expose themselves to the false accusation of being "negro-thieves" or "negro-worshippers," and have enacted that the Free State of Kansas shall be open to settlement by Whites only.

3. The attack upon Lawrence was purely wanton and malicious. There were no persons in it that the Territorial authorities really wanted to arrest. . . .

4. No shadow of resistance was offered to this array from first to last. . . . Most of the furniture [of the hotel] appears in the interim to have been removed. . . . The offices of the two Free-State newspapers were sacked and their printing materials thrown into the river. Governor Robinson's house was fired and burned, "but not by authority," says a Pro-Slavery bulletin.

5. There being absolutely no resistance to any of these outrages, only two persons were killed. One was a man who was in Gov. Robinson's house when it was fired, and who thereupon ran out, and, not halting when required to do so, was shot by the incendiaries. The other was a member of the *posse*, who fired a rifle-ball at the chimney of said house, and thereby dislodged a stone, which fell on his head, and finished him.

6. The value of the property destroyed by the *posse* in Lawrence is vaguely estimated at \$100,000. The principal sufferers are the owners of the Free State Hotel. . . . Gov. Robinson's loss is heavy: that of the newspaper offices is total.

7. The *posse* was made up in good part of the seven or eight hundred Southerners, collected from South Carolina, Alabama and Georgia, and led into Kansas two months since by Major Buford . . . but not many residents of Missouri, so far as has yet been ascertained. Thus Missouri has been relieved by her Southern sisters in the work of subduing Kansas. . . .

8. All this has been done in the name of Law, and under the authority of the United States. . . . [Chain of command allegedly responsible: Pierce, Douglas, Shannon.]

9. The leading object of the Ruffians clearly is the expulsion from Kansas, by violence and terror, of the bolder and more outspoken portion of the Free-State settlers, the complete subjugation of the residue. . . .

People of the Free States! will you consider?

The instance of charges that women were treated with "shocking barbarity," made in the May 31 editorial, is one of the rare instances of that kind. The nature of the offences were not specified. In that connection, one commentary is in order. Throughout the whole of the Kansas-Missouri border troubles, crimes against women, or even charges of such, by either side were virtually nonexistent. In a region disorganized by bitter controversy as this area was, and over so long a period of time, such an undisputable fact becomes one of the remarkable aspects of border troubles, and should give partisan controversialists pause. Just how much "disorder" did actually occur, and to what extent did it endanger the rank and file of citizens intent upon establishing a farm or business in Kansas?

By the June 7 issue, the editorial retreat of the *Tribune* was virtually completed, and to divert attention and save face a new rationalization was advanced. The occasion was the printing of the Lecompton *Union* story of the Lawrence affair printed by that paper May 24, and summarized earlier in this article. After urging *Tribune* readers to read the *Union* account, the editor continued:

When the news first came by Telegraph that Lawrence had been attacked and burned, we thought the outrage must arouse the country; but, now that we have learned that there was no shadow of resistance to the Ruffians, and that their destruction of the great Hotel and the two printing offices were judicial acts, based upon the finding of a Grand Jury, it seems to us that the outrage was graver and the iniquity more heinous than if the whole town had been burned in or after a fray, as at first reported. We dare the journals which favor the Border-Ruffian interest to copy this bulletin of their Kansas ally [The Lecompton *Union*]. . . .

Having been obliged to admit that Lawrence had not been burned, and that influential men, called Border Ruffians, had used their influence to restrain the mob and to save not only the town, but even the printing equipment and the hotel, a number of embarrassing questions were raised. If armed resistance was not a part of the program, why had the Free-State men carried on a campaign for approximately a year to collect money for cannon, Sharps rifles, ammunition, to organize and drill military companies, and, as their own writers claimed, construct the hotel in such a manner as to serve as a fortress in which they could make a last desperate stand? How could nonresistance now be made a major virtue? Furthermore, now that the first sensational charges had broken down, why were the Free-State men singling out the judiciary and Judge Lecompte as a particular scapegoat, along with pinning the responsibility for Kansas troubles upon the federal government at

Washington for presidential campaign purposes? Was it that the writers were ignorant of law, of judicial organization, of judicial procedure, as well as careless of facts?

The technique employed by the *Tribune* editorials has been given a name in the mid-twentieth century—the Big Lie technique. The form is always the same, a simple, blanket accusation, total in its coverage: "Lawrence . . . burned to ashes. . . ." Step by step that was narrowed down to the point where only two buildings were identified as destroyed, the hotel, and Robinson's house. At first, a large number of the inhabitants were reported killed, but finally the admission was made that not one Free-State man in Lawrence lost his life. But the first startling accusation, not the corrections, lodged in the public mind. Various contradictory news stories followed, and after the facts became available, the *Tribune* continued to publish sensational falsehoods. Its correspondent in Kansas wrote, May 31, printed June 11:

Lawrence wore a changed aspect when I entered it yesterday, to what it used to wear as the citadel of Freedom in Kansas. It was not only in the blackened ruins of the buildings that had been burned or in the destruction and loss that had been sustained by the inhabitants, but it no longer wore the look of security and energetic prosperity.

PRESIDENTIAL CAMPAIGN POLITICS AGAIN

In June, 1856, the national nominating conventions met. The Democrats met at Cincinnati, June 2, and nominated James Buchanan, of Pennsylvania. The Republicans met, June 17, at Philadelphia and there completed the coalition with antislavery Americans (Know-Nothings), nominating Frémont, according to the plans outlined in the Banks and Frémont letters to Charles Robinson. Kansas had nine delegates seated in the convention, and they were conspicuous, though not influential in the convention scene. But the Kansas issue as personifying the antislavery impulse was the only major one upon which the otherwise incongruous antiadministration factions could unite. Kansas was essential to the campaign until November.

The bill to admit Kansas as a state under the Topeka constitution was immediately brought forward, and under the Banks speakership, passed the house, July 3. In the Democratic-controlled senate, Robert Toombs, of Georgia, proposed an amendment to the Douglas bill of March 17, which was so framed as to "save faces" all around, and to concede the essential points to the Free-State contention. It proposed a fair settlement, which would have removed the Kansas

issue from the presidential campaign. That was the purpose of the Pierce administration. The senate debate focus on this issue came June 25 to July 2. Northern men brought about its defeat, and "Bleeding Kansas" continued as the campaign issue. The tactical weakness in the case for the administration lies in the fact that the Toombs compromise, or something equivalent, was not proposed in December, 1855, after the Wakarusa War, and immediately upon the convening of congress. But that had not happened, and therefore is not history.

COLFAX CHARGES AND LECOMPTE DEFENSE

On June 21, 1856, in the United States House of Representatives, Schuyler Colfax, of Indiana, delivered a one-hour speech, his point of departure being an amendment he offered to the army appropriation bill, the house being in committee of the whole. The amendment proposed that congress disapprove the code of laws adopted by the legislature of the territory of Kansas; disapprove also the manner in which they had been administered, and declared that until affirmed by the congress, no part of the military force of the United States be employed in aid of their enforcement and that no citizen be required, under their provisions, to act as a part of a *posse comitatus* under any officer acting as a marshal or sheriff in the territory of Kansas. Although his speech was directed primarily at the code of laws, Colfax turned first to attack the manner in which they were administered and enforced. Murder after murder had been committed, he charged, "but you have not heard of one single attempt by any court in that Territory to indict any one of those murderers . . . neither the territorial nor the General Government inquire into the crimes they have committed. . . ." Phelps, of Missouri, interrupted to inquire whether or not the Free-State men refused to obey the courts—"Those very witnesses, who are in opposition to those laws, refuse to go before the [grand] jury and testify as to those offenses of which they are cognizant." Colfax replied that "The Free-State people of Kansas recognize *all the United States courts in that Territory*, and they render full allegiance to the United States authorities." He charged that the chief justice, Lecompte, in his charges to the grand juries, had not, so far as he had heard, ever called attention to the murders, and to the fact that the murderers were at large and honored by the territorial authorities. Phelps pressed his point against Colfax's evasion but the latter pleaded encroachment upon his limited time and proceeded with his attack upon Lecompte.

Colfax adopted the technique first of enumerating things he did not impute to Lecompte; lack of moral character, or lack of judicial ability, or willful and corrupt violation of his oath—those points, he asserted would be answered authoritatively by a vote for Lecompte's impeachment. Colfax declined to comment upon Lecompte's Draconian severity "against all who advocated freedom for Kansas." By this negative technique, Colfax accomplished his intended smear, without leaving any opening for a reply. He then turned to positive charges, pointing to self-interest on the part of territorial officers, including Lecompte, in charters granted by the territorial legislature. Colfax then quoted from the *National Intelligencer*, Washington, June 5, the report of Lecompte's alleged charge to the grand jury on constructive treason. In criticism of such a concept of constructive treason, Colfax quoted the provisions of the United States constitution on treason, thus setting up a straw man and knocking him down.

Colfax then reviewed his version of the indictment and arrest of Charles Robinson and others for treason, their confinement, denial of bail, etc.:

When the defenders of these proceedings ask us to trust to the impartiality of courts, I answer them by pointing to this charge, and also to the judicial decrees of the Territory, by authority of which numbers of faithful citizens of the United States have been indicted, imprisoned, and harassed—by authority of which the town of Lawrence was sacked and bombarded—by authority of which printing presses were destroyed, without legal notice to their owners, and costly buildings cannonaded and consumed without giving the slightest opportunity to their proprietors to be heard in opposition to these decrees; all part and parcel of the plot to drive out the friends of freedom from the Territory, so that slavery might take unresisted possession of its villages and plains.

Colfax then attacked the jury system, charging the packing of juries by the sheriffs and marshals—again ignoring Phelps' challenge to show to what extent Free-State men refused to recognize the courts or to serve on juries or to testify before grand juries or in open court. Colfax later took up separate sections of the territorial code. On freedom of the press, he declared:

Probably under this provision, as well as the charge of high treason, George W. Brown, editor of the *Herald of Freedom*, at Lawrence, has, after his printing press has been destroyed by the order of Judge Lecompte's court, been himself indicted, and is now imprisoned, awaiting trial. . . .

Note that this charge was introduced by the word "probably."

Then, calling attention to the section of the territorial code authorizing the hiring of convicts, Colfax predicted that, unless executed for treason, Charles Robinson, with ball and chain, could be hired

out to Governor Shannon, to perform menial labor; "And Judge Lecompte, would have the privilege, too, and would, doubtless, exercise it, of having Judge Wakefield as his hired serf. . . ." ¹⁴

On July 23, 1856, toward the end of a long speech on "The Slavery Question," Rep. James A. Stewart, of Maryland, came to the defense of Judge Lecompte:

If the President or Chief Justice Lecompte has transcended the limits of his official duties, with criminal intent to oppress the most obscure citizen, why not boldly, and as true patriots, bring up your impeachments? Why snarl at them, when you have the right to make out your bills of indictment? I submit, if it is right, fair, or manly, to assault official authority, and attempt to bring it into disrepute, when you have ample remedy, by putting them on their trial, giving them the power of vindication; and this you decline?

I have said that I believe the President has fearlessly discharged his duty, and the country will so esteem it. I happen to know Judge Lecompte. He is, I doubt not, a fearless, firm, and impartial officer, and I am sure will discharge his high duties faithfully and promptly. I am satisfied, in his responsible station, he will meet all its requirements as the exigencies of the occasion may deserve. He is not a man to be badgered or browbeaten. He is a sound lawyer, and I take it, will so carry himself in his honorable position, as to defy any well-grounded charge of breach of duty. It is abominable to endeavor to tarnish his official standing by mere partisan allegation. I dare say similar testimonials may be borne as to all the territorial judges and officers.

Stewart took the ground that the controversy was a "tempest in a teapot," and continued: "Where has there been intolerable oppression in Kansas, and where have all the remedies been resorted to?" His point was that for such wrongs as were alleged there were legal remedies:

Congress has not been petitioned for redress by these Topeka constitution and revolution mongers. The legality of the proceedings of the Kansas Legislature may be tried before the courts. The much-abused Kansas-Nebraska act, in the twenty-seventh section, provides an appeal from the court in Kansas, from Judge Lecompte's, if you please, to the Supreme Court. You can test the frauds that you say have disturbed you, by bringing the whole subject before the Supreme Court of the United States. This you can do, even under the *habeas corpus* proceedings, recognized by the said section. If, then, there has been fraud, outrage, violence, and if the Legislature itself is unauthorized, and its whole proceedings void, why is not the legal and orderly method, and the only satisfactory one, except the ballot-box, resorted to, in place of revolution, anarchy, and bloodshed? By pursuing this mode, order and regularity in all our proceedings are observed. Because this has not been done, I am right in assuming that the founders of the Topeka constitution are clearly in the wrong, and upon their own heads, with their coadjutors, does all the responsibility rest. . . . ¹⁵

14. *Congressional Globe, Appendix*, 34 Cong., 1 Sess., pp. 641-647, at 641-645.

15. *Ibid.*, pp. 982-993, at 989.

The amazing thing is that the responsibility was fastened upon Judge Lecompte, and that no one in the territory, not even the Proslavery men, came to his defense in the newspapers, during the summer of 1856, to explain the errors, and set the record straight in such a manner as to exonerate Lecompte. Certainly, no lawyer, Proslavery or Free-State, practicing in the district court of Kansas, or acquainted with judicial procedures, but knew the major facts and was quite aware that they did not support the charges. The Free-State men referred to Lecompte as the American Jeffries. On the contrary, he had been reluctant to exceed the legal authority delegated to a judge, but upon occasion had done so in order to protect Free-State men. Had Lecompte done the things in his official capacity, which Free-State men insisted he should have done, he would indeed have qualified as an American Jeffries tyrannizing over Proslavery men. The only thing antislavery and Proslavery men would have been satisfied with in Kansas during this period would have been aggressive partisanship in promoting their respective causes. In relation to most of their charges against Lecompte, from both sides, the focus of the grievance against him was that he refused to adopt that abuse of the judicial function. In other of the differences between them the issue turned upon principles of policy that were legitimately subject to honest difference of opinion. Upon occasion, all men are liable to errors of judgment, and Lecompte was no exception, but even in that area caution needs to be exercised in rendering verdicts, because such historical verdicts may in fact only convict the historian of an unconscious captivity to prejudice, and at the same time vindicate Lecompte.

In 1856 Samuel D. Lecompte was 41 years of age, with well-established political and professional connections in his native Maryland. The Colfax attack upon him in the congress, and Stewart's defense, afforded him an opportunity to make a public explanation of his official acts in Kansas. This defense took the form of a letter to Stewart, dated August 1, 1856, which was released to the press. Among the several contemporary printings, it appeared in the *St. Louis Republican*, September 13, and in the *Kansas Weekly Herald*, Leavenworth, September 27, 1856. It was never made available generally to students of Kansas history, however, because it was omitted from the documents printed by the Kansas State Historical Society in its *Collections*, v. 4, although a copy was an integral part of the archives of the office of the territorial governor.¹⁶

16. See the explanation of this omission, *Kansas Historical Collections*, v. 4, p. 603. Contrary to the statement in that note that it was a private letter, the fact should be

The letter is too long to summarize here, and furthermore, it dealt with the whole of Lecompte's judicial career to that date. Some of the setting must be presented, however, although the focus of this discussion is the single episode of the "sack of Lawrence." In review of his tenure of judicial office, Lecompte recited that he had arrived in Kansas early in December, 1854, with his wife, five children, and two Negro women, and he had not been out of the territory or out of his district, except as specified in detail. He recognized different categories of charges against him and gave brief attention first to the indefinite and anonymous ones:

That there is not a solitary specific charge by any individual of character, or, indeed, by any individual of name, might be relied upon as sufficient reply to these questions.

I think I could safely rest upon the mere absurdity and palpable falsity of some of those anonymously made, to discredit all, at least until, in a tangible form, they shall have been presented by some responsible person.

Surely to every one who knows me, the report that I was seen in a wagon with a cannon and a barrel of whiskey, heading a company of the Marshal's posse, carries its own refutation.

Other similar instances reported in the New York *Tribune* or like places, such as the packing of the McCrae jury and the constructive treason charge to the grand jury, he would pass over. Of a different category, however, were the charges made by Colfax in his speech in congress and the report of the Howard committee on Kansas troubles, appointed by the house of representatives. Only recently had he seen a copy of the Colfax speech, and he had seen only what purported to be the conclusions of the committee. The third of these Howard committee conclusions was quoted: "That these alleged laws have not, as a general thing, been used to protect persons and property, and to punish wrong, but for unlawful purposes."

In the course of his denial Lecompte said "I put against it an unequivocal and contemptuous denial, and denounce it as a wanton and gross slander. . . ." Then in addition to the general denial, Lecompte reviewed one by one the more prominent cases in his court by name, describing the circumstances and disposition of each. He described how he had taken the initiative in action on more than one occasion to keep the peace and to insure justice regardless of party. Also, he reminded the public of how he and General Richardson had slept in the passage in front of Charles Robinson's door in Leavenworth to protect him from violence.

pointed out that Lecompte's letter of October 6, 1856, was an official reply to Governor Geary's official inquiry, and the Lecompte letter to Stewart was an enclosure incorporated into that reply to Geary, and thus, regardless of its original purpose, it became an integral part of Lecompte's official letter of October 6, which should have been printed in the "Executive Minutes of Governor Geary."

A challenge was made to the Howard committee, and to Colfax:

Let the records of the Courts of my District be examined, let my judgment be re-opened and canvassed, let every judicial act be tried. Let every criminal trial be reheard, and let every individual sentiment be spread out, and I am content to abide the result.

There is a mode of trial, and they know it. Mr. Colfax alluded to it in his speech in Congress. Let them impeach me. The committee threatened it when here, and on account of the process from my Court against Ex-Governor A. H. Reeder. I could not, indeed, but feel dishonored by it—its expense might, indeed, be ruinous . . . but . . . I feel that its result would repay in infinite satisfaction. It is very true that I might anticipate perjury to be added to the turpitude of deliberate falsehood, but I must abjure a long fixed faith in God and truth before I could fear any combination of such atrocities before an honorable and enlightened tribunal.

In this part of the letter, Lecompte made an extended analysis of the issue of treason and his charge to the grand jury, showing how the idea of constructive treason was illegal. In this Lecompte was in full agreement with his detractors, only Lecompte insisted that the charge of constructive treason was purely a Free-State invention. Lecompte had made the mistake of giving the charge to the grand jury orally, but he insisted that "The indictments as found will show that both the District Attorney of the United States, who prepared, and the grand jury, who found them, understood me as I have stated. . . . For their soundness I shall cheerfully submit them to be tested by the highest authorities."

Then turning to the Colfax charge relative to the "sack of Lawrence," Lecompte quoted him in full and pointed out that the laws of the United States defined the authority of the courts in Kansas and "It was under the authority of the Marshal thus rightfully exercised, and not of the Court, that his posse went to Lawrence."

As to the rest of the charges, this is all that occurred. The Grand Jury sitting at the time made presentment of the presses and of the hotel in Lawrence, as nuisances, and that presentment still lies in Court. No time for action on it existed—none has been had—no order passed—no decree made—nothing done, and nothing even dreamed of being done, because nothing could be rightly done but upon the finding of a petit jury.

At two points in particular in his letter Lecompte undertook to be facetious, but succeeded only in showing bad taste. These deviations were only minor, but regrettable from the standpoint of what otherwise was a rather able defense. In the final paragraphs, Lecompte challenged Colfax to specify cases, give the names of persons unjustly treated. In the course of his castigation of Colfax for his irresponsible charges and unethical tactics on the floor of congress, Lecompte asked:

But why not, Mr. Colfax, manfully and directly charge moral depravity and adduce the facts to sustain it? Why disclaim, but by inuendo and directly make deadly thrusts? The facts do not exist.

In closing, Lecompte called attention to the unfavorable conditions under which a judge found it necessary to work in Kansas: novel cases, unsettled conditions, travel in circuit, little access to law books, and little aid from the bar:

The mixed system provided by Territorial and Federal legislation—a jurisdiction like that of County and Circuit Courts of the States, with the addition of that conferred upon the Circuit and District Courts of the United States—will not fail to impress with awe and apprehension of inadequacy any one not vain to rashness.

CONCLUSIONS

Later in the year, when Geary became governor, he addressed letters of inquiry to the judges in Kansas asking for an accounting of their stewardship. As a matter of legal principle, Lecompte questioned the right of the executive branch to treat the judiciary as "his subordinates in office," but, out of "high respect," and a desire for the "restoration of order," Lecompte, in a letter dated October 6, 1856, reviewed the judicial record of Leavenworth county, the records for the other counties not being available at that place. A postscript related to the disposition of the treason cases in Douglas county, and the reasons for releasing the prisoners on bail. It was upon this occasion that a copy of his letter to Stewart was made a part of his report.

Lecompte was not a man to be intimidated, and besides challenging Geary's right to interrogate the independent judiciary, he defined and defended his rights on other counts:

As to the charge of "party bias," if it means simply the fact of such bias, I regard it as ridiculous; because I suppose every man in this country, with very few exceptions, indeed, entitled to respect either for his abilities, his intelligence, or his virtue, has a "party bias." I am proud of mine. . . .

If it be intended to reach beyond that general application, and to charge a proslavery bias, I am proud, too, of this. . . . I love the institution as entwining around all my early and late associations; . . .

If it means more than the fact, and to intimate that this "party bias" has affected the integrity of my official action, in any solitary case, I have but to say that it is false—basely false.¹⁷

As an outgrowth of the Geary-Lecompte quarrel later in the year, which centered upon the Hayes-Buffum murder case, Lecompte composed two letters of defense, one to Sen. James A. Pearce of Maryland, dated December 23, 1856, and one to Caleb Cushing,

17. *Kansas Historical Collections*, v. 4, pp. 602-607.

attorney general of the United States, dated January 9, 1857, but neither reviewed the issues of the "sack of Lawrence." The Pearce letter did, however, challenge indirectly, the President's constitutional power to remove him. As in challenging Geary, the issue raised was the independence of the judiciary.¹⁸ In the letter to Cushing, Lecompte challenged Pierce's attempt to remove him without preferring charges, or holding hearings to determine facts. The defeat in the senate of the confirmation of his successor left Lecompte in office, but without the opportunity of vindication.

Kansas territorial history has been written upon a premise that vitiates most conclusions about it—the overriding assumption that Kansas would have been made a slave state but for the antislavery crusade. Those acquainted with the theater of the 19th century will recognize the stereotype melodrama routine—the rescue by the hero of the heroine from ruin at the hands of the villain by a tense split-second margin. When Kansas became a free territory and later a free state, that outcome was taken as proof positive of the validity of the premise, and of the cause-effect sequence. The whole procedure is unsound as scientific method, and a travesty on procedural logic. No conclusive evidence has ever been brought forward to prove that Kansas would or would not have been a slave state in any case; or even if it had been nominally a slave state, to demonstrate what the nature of the slave society would have been in this geographical setting of space and time. Excluding for the moment the moral issue, what conditions, if any, were there in the situation, as of the 1850's, that would have made slavery a desirable or undesirable institution in Kansas? What changes were taking place in the structure of society, independently of slavery—mechanical versus muscle power? What was the status of slavery and trends in the United States and elsewhere in the world? Once such questions are raised, the whole structure of Kansas history, or United States history centering on the Kansas question of the 1850's, collapses like a house of cards.

As a matter of historical method, the historian has no right to enter upon the investigation of any historical subject except as an object of study in its own right. Every presumption he encounters in the search for fact, relationship, and interpretation must be subjected to rigorous analysis to test its validity. Only when he has canvassed the whole situation, to the extent of his available resources, is he ready to draw conclusions from his study, subject to

18. *Ibid.*, pp. 726-729; *Senate Ex. Doc. No. 60* (serial no. 881), 34 Cong. 3 Sess. (1856-1857).

rigorous tests for flaws in every aspect of his plans for organization, of facts, and of his reasoning from them. Above all, he must be ever willing to admit that, upon the basis of the evidence available, there are many questions to which he does not know the answer. To some of these questions, an answer is impossible. He must be willing to join with Lecompte in admitting a feeling of "awe and apprehension of inadequacy [on the part of] anyone not vain to rashness."

[Part Two, "The Historical Phase," Will Appear in the
November, 1953, Issue.]

Midwestern Attitudes on the "Kansas Fever"

Edited by PHILIP D. UZEE

INTRODUCTION

IN 1879-1880 many Negroes and some whites in Louisiana and other cotton growing Southern states were afflicted with "Kansas Fever." Due to the crop lien system which kept many in a state of peonage and because they were being intimidated out of their political rights by "bulldozing," thousands of Negroes emigrated to Kansas and its neighboring states and territories.¹ They desired to move to these areas because they believed they could improve their economic and political status. Many were lured to the Midwest by unscrupulous opportunists who spread glowing stories, false promises, circulars, and chromos depicting opportunities and life in Kansas in order to fleece them out of what little money they had through dues-paying emigrant societies or by other schemes.²

The southern white leaders and the intelligent Negro leaders opposed the moving of the labor force out of the region.³ Many of the immigrants were unskilled laborers and poverty stricken and had to be taken care of by private individuals or public agencies in Kansas. The people of Kansas began to oppose the immigration of destitute and unskilled Negroes.⁴ The following letters from Kansas and Nebraska reflect this attitude.

These letters were published in *The Weekly Louisianian*, a New Orleans newspaper published by Pinckney Benton Stewart Pinchback, a Negro Republican leader and former acting governor of Louisiana during the days of Radical rule. The only file of the newspaper is in the Library of Congress, but the Hill Memorial Library of the Louisiana State University has microfilm copies. The newspaper was opposed to the exodus movement.

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1. Earl Howard Aiken, "Kansas Fever," unpublished master's thesis (Louisiana State University, Baton Rouge, 1939), pp. 3-11; Morgan Dewey Peoples, "Negro Migration From the Lower Mississippi Valley to Kansas," unpublished master's thesis (Louisiana State University, Baton Rouge, 1950), pp. 2, 10-15, 19-32.

EDITOR'S NOTE: Movement of the colored people out of Louisiana and other parts of the South was not directed at Kansas alone, although this state, because of the publicity, received a large number. The Negro exodus, so far as it was a movement of Negroes out of the South, was directed at practically all of the Northern states. Indiana, Pennsylvania and New York received many. In fact several large Northern cities were a promised land to these wanderers. In absolute numbers, however, Arkansas received the largest increase of Negroes from other states during the 1870's as shown by the U. S. census reports of 1870 and 1880.

2. Aiken, *op. cit.*, pp. 16-18; Peoples, *op. cit.*, pp. 16-19.

3. *Ibid.*, pp. 16, 42-47.

4. *Ibid.*, pp. 54-60.

The sole identification of "H. O. B.," the author of the first letter, that was given by the editor of the *Louisianian* is: "The following letter comes from a well known colored citizen of Kansas, whose honor and integrity are unquestionable."⁵

THE LETTERS

ATCHISON, MAY 18TH. 1879

EDITOR OF LOUISIANIAN:

Having been a constant reader of your valuable paper, we heartily approve the manly course it has pursued, especially upon the emigration question. Kansas has enough and to spare of unskilled labor. We want mechanics, we want tradesmen, we want men of means to come into our State and take up lands and become tax payers and help to build up the State.

Kansas is adapted to stock raising and to the production of grain. It is a grain country. Cotton will not grow here, so that emigrants coming here from the South skilled only in the production of cotton and sugar cane, will be a failure. They know nothing of our system of farming.

Kansas farmers are men of moderate means, and generally do their own work, so that labor is never in great demand. The government lands are out on the frontier counties generally, and from fifty to one hundred miles from timber. Parties settling [*sic*] upon these lands must have money to buy wood and other necessaries for the sustenance of life. They must have a good two horse team or an ox team to break up the land preparatory for using; unless they have these necessaries they will suffer. It is nonsense to believe that the government is going to give a mule or anything of the kind. Any person circulating such a report among the colored people of the South, ought to be hung to the nearest tree.

Of the 8,000 colored people who have come into the State during the last four months, a very few have been able to settle upon government lands. The balance have been distributed among the several counties. They are in some instances scattered hundreds of miles apart, and as they are very ignorant it is fair to presume that they will never be able to find their friends and relatives again. We have had landed at our wharf 300 of these poor, ignorant, penniless and dejected people. They were very dirty and ragged and in a destitute condition. They were cared for by our people irrespective of party, creed, or nationality. Of this number 75 remain in the city,

5. *The Weekly Louisianian*, New Orleans, May 24, 1879.

the balance have been sent to other counties and cities where their labor is in a great demand.

During the last 18 months we have had squads of Kentuckians coming into our city. They seem to be a better set, more intelligent, more industrious than those coming from the South. These Kentuckians do not come among us as beggars and paupers, so that upon the whole they are more a blessing than a curse.

I see that Mr. Ruple of your city is here and is registered at the Otis house. He comes for the purpose of carrying back such as are willing to go—he paying their fare. I presume that there are several who have been convinced ere this, that Kansas is not the promised land they are looking for. I am very sorry for these poor deluded people. The sole cause is the kind of religion they practice, and the only remedy is education.

H. O. B.

N. P. N. D.

HON. ALEXANDRE NOGUEZ; LOUISIANA STATE CONSTITUTIONAL CONVENTION NEW ORLEANS, LA.⁶

I was agreeably surprised on the morning of the 7th. inst. by being made the recipient of a letter from you, asking what the future prospects of this State [Nebraska] as well as the adjoining State of Kansas, and the Indian, Arizonian and New Mexican Territories—may be; and what opportunities they may afford for many of your (colored) people who are looking hopefully toward them as places of refuge, peace and future prosperity.

Your reliance on me for an unvarnished statement of the facts relative to which you ask information is duly appreciated and in a spirit void of partiality or prejudice.

The news-papers have contained almost daily accounts of the migratory spirit which seems to have seized so strongly upon the colored population of the South, and I well know the cause of it; and that neither the whites or blacks are free from blame, for having each been, more or less, party to the cause.

You also say that some whites are emigrating. I imagine certain of them cannot leave too soon for their advantage.

6. "Hon. Alex. Noguez of Avoyelles [Parish, La.] having received numerous letters from his constituents in regard to Kansas, and being desirous of advising them wisely upon this as upon every subject affecting their welfare, wrote to Mr. E. D. McLaughlin, at one time a resident of Marksville [parish seat of Avoyelles] and connected with one of the oldest and most respectable Creole families of the State—a gentleman of character and integrity, and now engaged in the practice of law at Omaha, Nebraska—to send him such information as might be of service to colored people disposed to migrate to that section of the country." *Weekly Louisianian*, July 26, 1879. Alexandre Noguez was a Negro delegate to the Louisiana State Constitutional Convention in 1879 then in session in New Orleans.

But the cause has transpired, and is thought by many good men to be irremediable. It has at least had the effect of producing the *exodus excitement*; and here let us drop it to consider what may be done with the people now residing in the South—of whatever caste, class, color, condition, or nativity—who consider it unprofitable and unconducive to longevity to remain in Dixie.

You say that three hundred colored people leave the City of New Orleans, alone, every week; or some twelve hundred per month. Add to that number one hundred and fifty persons per week from other parts of Louisiana, and we have eighteen hundred per month, or twenty-one thousand six hundred per year, from that State alone. Then add for the States of Alabama, Florida, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, each a like number, and we find that nearly two hundred thousand persons will have left the South—principally from the cotton and grain fields, during an excitement of only a twelve month duration.

Now this State and Kansas are large in territory, fertile in soil, healthful in climate, and cannot be surpassed in general natural resources by any states of the American Union. They are in great part thinly populated.

Much the same might be said of the State of Colorado, and the Territories of Arizona, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming. The Indian Territory has not been opened to settlement by other than Indian tribes, and I hope never will be while there are such to occupy it; for I am one of those who believe the Government of this Country should keep its pledges inviolate, though made to persons unable to enforce them.

The other States and Territories I have mentioned can easily absorb as many of the *right kind* of persons, coming in the *right spirit*, and *duly prepared*, as would leave the whole South during a year; even if they equalled the grand aggregate we have computed; without their numbers being noticed, or anyone's elbow-room being interfered with.

By right kind, I mean *honest* men and women. By right spirit, those who are *willing* and *determined* to *gain* the necessaries of life, and to that end will begin work with the rising, and end it with the setting sun, doing a fair day's labor every working day of the year, *no half Saturday's excepted*. By *duly prepared*, I mean having at least sufficient means to support themselves while they are looking for permanent homes, or employment.

The regular vocations are open to all those who wish—and are

able—to avail themselves of the opportunities, they afford; but farm labor is what is especially in demand.

There is a class of colored people with which the North (and I may also say the South) is over-stocked. I allude to, what, in southern parlance would be styled the "city nigger"; who is generally speaking, a barber, hotel porter, waiter or cook, or swaggering beer guzzling gambler, or impudent bawdy house pimp.

Of course there are very worthy and honorable exceptions, but so many of the worst element among the colored people have flocked to the Cities and Towns, that here in the north-west they are exciting even republicans to say "if there be the characteristics of the descendents of Ham, we don't want any more of them amongst us." Such had better stay where they are; for this busy north-western hive sometimes gives its drones short shrift.

Lands can be had, (where they are in the market,) at all prices from \$1.25 to \$50.00 per acre, in tracts of any regular sub-division of a section from ten acres to six hundred and forty, by pre-emption, homestead, or purchase at private sale.

There are certain things no colored man need expect who flees from a southern state, and I will enumerate a few of them.

There will *not* be given him 160 acres of land and the teams and implements for culture. Nor will he be *given* food and clothing. Neither will the people rush with open arms to receive and embrace him.—They don't do after that fashion with the *whites* who come among them—And they must not expect so much personal social intimacy with the white people, as they may have been used to in their southern homes.

They will also find that their chances for *official* distinctions are exceedingly rare, and are like to remain so for many generations.

But as a compensation for these things of which they may be deprived, they may be sure that if they prove themselves worthy in their various callings they will command and receive fair wages, which are (in this State at least) secured to them by laws which exclude *all property* from exemption against claims for wages for labor. They will also be treated justly, and above all things, be allowed to entertain, declare and practice any political faith, and freely do all things not in violation of the laws concerning the peace and good order of these States and Territories, or contrary to good morals. They may be sure that, so long as they do as others are required to do they may remain daily and nightly in enjoyment of the utmost personal security possible to be attained and may safely

hold all property their industry and economy may enable them to accumulate.

The whites who come to this section will be treated according to their merit, and will have opportunity for demonstrating whether they have much or little of it.

None need expect to find this northwest settled by ignorant semi-barbarous people. They will be met with as active intelligence, as great general culture, and studied accomplishment, as can be found among the same number of individuals anywhere on God's footstool.

I have written in this plain manner, because, knowing me as you do, you will not misunderstand me. You are well aware that I am not given to exaggeration or flattery, but am rather in the habit of saying plain things. I have always respected you as one of the earnest, honest leaders of your race; in fact as a representative man among them; and I am pleased that you so far retain the respect and confidence of all classes, as to have been sent to represent your parish in the Convention.

You may publish this letter, if you desire to do so as a whole, and think it worthy and conducive of good.

I am your friend,

E. D. McLAUGHLIN

Early Years at St. Mary's Pottawatomie Mission

FROM THE DIARY OF FATHER MAURICE GAILLAND, S. J.

Edited by THE REV. JAMES M. BURKE, S. J.

INTRODUCTION

DURING a cold, bleak winter, 105 years ago, on the prairies of what later became Kansas, Father Maurice Gaillard, S. J., began his apostolic labors among the Pottawatomie Indians. The portion of his diary presented in the following pages records some of the joys and sufferings that fill part of the first two years, 1848 to 1850. The interweaving of these lights and shadows helped fashion this intrepid missionary. The diary was not written, however, as a personal account, but rather as a mission record. The impersonal aspect, therefore, makes it less entertaining, but perhaps all the more valuable from a historical point of view.

The translator in an attempt to render a precise but idiomatic translation from the Latin language, was confronted with some inconsistencies of Latin construction, ambiguous phrases, and misspellings in the diary. Such defects are very understandable when one recalls that Father Gaillard was pressed for time frequently, and hence, hurriedly jotted down the affairs of the day. No doubt many of these entries were made after a strenuous day of traveling on horseback to his flock scattered in two or three directions from the mission. In order to clarify or correct some of these inconsistencies, the translator has checked other sources pertinent to this period, and as far as possible tried to convey the exact meaning of each entry.

Fortunately many of the details of the life of Father Maurice Gaillard have been recorded. He was born in the Canton of Valais, Switzerland, on October 27, 1815, and entered the Society of Jesus on his 19th birthday, October 27, 1834. He made his novitiate at Brieg, in the diocese of Sion, Switzerland, and completed his usual course of studies in the Jesuit seminary of his homeland. On April 11, 1846, the Rt. Rev. Stephen Marilley, bishop of Lausanne and Geneva, conferred upon him the sacred orders of the priesthood.

Shortly after his ordination, Father Gaillard and his Jesuit companions were exiled from Switzerland. In the spring of 1848 many Swiss Jesuits left for Turin and Chambéry. Father Gaillard was

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among the number to come to the new world. Providentially the exile from his homeland was to fulfill one of his most cherished hopes—to be an Indian missionary. Father Gailland went first to St. Charles, Mo., a little village a short distance from St. Louis, Mo., to await his call to the Indian territory. With realistic touches, he describes his joy in being summoned to Kansas:

Shortly after his [Verreydt's] arrival, whilst in St. Charles, I received the news that I was appointed by my superiors as missionary among the Pottawatomies and would soon leave for the Indian territory. Need I tell you, Dear Father, [De Smet] that my heart leaped with joy at these glad tidings, and that I longed with impatience for the hour of departure? It came at last. One morning whilst I was walking in the garden, musing with delight on the condition of the far-off flock that was committed to my care, the steamboat arrived and rang the signal for us to come on board. Bidding a hasty farewell to the good Fathers at St. Charles, . . . I embarked.¹

Upon arriving at the mission on Sugar creek in present Linn county, Kansas, Father Gailland was overcome with fever. For a few days he was confined to bed. During these days of sickness he felt the full weight of loneliness, recalling the majestic mountains of Switzerland, from the rocky heights of which wild mountain torrents rushed to the lakes below. In a semidelirious state he imagined partaking of this cold water to satisfy the maddening thirst that consumed him.

After his recovery, Father Gailland accompanied the Jesuits and the Ladies of the Sacred Heart to Wakarusa, the mission station of Father Christian Hoecken, S. J. While visiting at Wakarusa, Father Gailland employed his time profitably, learning the basic rudiments of the Pottawatomie language. He attended Father Hoecken's instruction classes for the Pottawatomies, and according to his own testimony he improved daily.

At first the sounds of the words appeared to me very strange and difficult, but by degrees, and as I commenced understanding it a little, it became daily easier and smoother to my mind, and I found it to my great astonishment a rich and expressive though an uncultivated language.²

On September 7, Father Verreydt, the superior, Father Gailland, the Ladies of the Sacred Heart, Brother George Miles, Joseph Bertrand, a guide, and Charlot, an Indian boy, set out for their final destination. Some weeks preceding the arrival of this group, Father Verreydt had definitely decided on a location on the north side of the Kansas river, at the present site of St. Mary's College, St. Marys, Kan. They arrived at their new home on September 9, 1848. Two log cabins had been erected, but as yet no doors, windows or floor

1. *Catholic Mirror*, Baltimore, Md., November 16, 1850.—Gilbert J. Garraghan, S. J., *The Jesuits of the Middle United States* (New York, 1938), v. 2, p. 602.

2. *Ibid.*, p. 604.

had been built in these houses. The Fathers and the Indian helpers had to begin immediately to make them habitable for winter.

The Fathers' house was one story high, covered with boards, the crevices between the logs being filled with sticks and clay. The house for the Ladies and the Indian girls was of better finish, being two stories high and having the rooms rudely plastered.³

From the date of his arrival at St. Mary's, September 9, 1848, to his death nearly 30 years later, Father Gailland dedicated himself completely to the spiritual and temporal welfare of the Pottawatomie Indians of Kansas. Fortunately, he has recorded faithfully in his writings the important happenings of these 30 years. These events are highly significant in one's understanding of the character of Father Gailland, although kaleidoscopic as they may be when passed in review.

He saw Kansas first as an Indian territory with warfare going on between the Pottawatomie and Pawnee. He saw the gold seekers in 1849 passing through Kansas on their quest for hurried wealth; he saw the little log chapel of St. Mary's mission become the first cathedral for the vicariate of Kansas, and Father J. B. Miede, S. J., become the first Vicar-Apostolic of Kansas. He saw the advent of the white settlers who were covetous of the land of the Indians, gaining it frequently by devious means. He endured civil war, droughts, and pestilences. He beheld many Indians fall victim to whisky, and, finally, he witnessed what he called "the gloomiest page of the Pottawatomie mission"—the Indians selling their land to the whites and leaving for new homes. These are the deep and the fine lines that sketch the background against which Father Gailland lived his life of love for God and man.

For some months Father Gailland labored assiduously learning the Pottawatomie language. He became in time not only adept in speaking the language, but composed a large dictionary and grammar of this tongue.⁴ Besides this work, he compiled and published a prayerbook containing hymns, meditations, psalms and prayers in Pottawatomie. The title of this work was: *Potewatomi Nemenigamowinen*. This prayerbook is used even to this day by the Pottawatomies. Besides Pottawatomie, he mastered, also, some dialects of the Algonquin family. To add to his knowledge of these languages, he had a skillful command of two or three Romance languages, as well as an easy familiarity with Latin.

3. Walter J. Hill, S. J., "Father Maurice Gailland, S. J.," *Woodstock Letters*, v. 7 (April, 1878), p. 14.

4. This dictionary was never published. It comprises 130 pages, written in long hand on ledger paper 7½ by 15 inches. The dictionary can be found in the archives of St. Mary's College, St. Marys, Kan.

This scholarly aptitude of Father Gaillard, however, was not his most striking characteristic. For the human touches, as well as the profoundly spiritual depths of his character we can best turn to the writings of Brother Louis deVriendt, S. J., a contemporary of Father Gaillard, who wrote a little biography of his Spiritual Father and friend. The charming simplicity, naivete, and the graphic details of Brother deVriendt's account makes it invaluable for a closer study of this remarkable missionary. According to Brother deVriendt, Father Gaillard had his ear cocked always to "someone sick," or "some Indian across the river wants you." After a weary day of traveling, Father Gaillard would first ask if any sick calls came for him. If such were the case, he would mount his horse without stopping to rest and gallop off to the one summoning him.

Sometimes, it was recorded by Brother deVriendt that the cook would forget to keep Father Gaillard's supper warm. Such thoughtlessness did not disturb him, but rather he seemed to delight in such treatment. Father Gaillard spent many evenings after supper visiting with the Brothers, recounting the experiences he had that day with the Indians. Like a true Boswell, Brother deVriendt jotted them down, leaving a wealth of stories that lend vivid insight into Father Gaillard's love and solicitude for the Indians, the tremendous power he exercised over them, as well as some of the bitter disappointments that came in his ministry.⁵

Two extracts from Brother deVriendt's "Biography of Father Gaillard" may help us understand more intimately this blackrobe among the Pottawatomies. The following account reveals the respect and veneration some of the Indians held for Father Gaillard:

Father Gaillard told an Indian to give his wife some beef soup. Father came back next day and the Indian was bloody and had a knife. He said that he had killed his cow because you [Father Gaillard] have told me to make some soup. "How many cows do you have?" [Father Gaillard asked.] "Only one cow," he said. Father Gaillard: "That will be hard on you. You will have no more milk." But the Indian said, "My wife will have beef soup anyway, and I will have done what you told me to do."⁶

The second account tells us of the intense sorrow that weighed on his soul in later years when he saw his flock scattered, and corrupted by the white men.

Almighty God has certainly blessed these Indians with many graces, but I fear for some because they are beginning to be molested by the whites, and

5. Brother deVriendt's "Biography of Father Gaillard" was never published. The grammar is frequently awkward and faulty, as well as the spelling, but for vivid and dramatic touches of the personality of Father Gaillard, it is unsurpassed. This work can also be found in the archives of St. Mary's College.

6. *Ibid.*, p. 175.

that is very dangerous for them—that is what makes my heart bleed when I think on it. And the time is not far off that those good people will get corrupted by coming in contact with the whites—. . . . O Lord, spare my Indians from those evil days which I now already foresee. Yes, that there [*sic*] morals will be spoiled, even that they will swindel them out of their property and cast them forth as dogs not worthy to be among them, and that they will be obliged to leave their reserve where now are settled on.⁷

These scattered sketches of Father Gaillard from the pen of Brother deVriendt clearly testify that Gaillard was a man of no ordinary virtue. For the spiritual welfare of the savages he would endure any pain and privation. The inclemency of the weather, the distance of the place, nor the hardship of travel did not deter him from administering to the cares and needs of his flock. For 30 years he deprived himself of even meager comforts that he could have enjoyed at the mission. He was faithful to his flock though some remained indifferent and obstinate to his Christ-like charity. The cause of his disease that eventually proved fatal was the result of his devotion to the Indians.

Twelve years before his death he was called to a dying pagan Indian who lived in the present village of Silver Lake. When Father Gaillard reached Cross creek, the stream was high, full of floating ice. The companion of Father Gaillard warned him of the danger of crossing at that time. "I must," he replied, "if I die another will take my place." Then he urged his horse into the rushing torrents and succeeded in reaching the other bank safely. This plunge into the icy water and the long ride of 11 hours with his clothes frozen to his person proved too much, however, for even such a robust man as Father Gaillard. The next day the first symptoms of paralysis appeared, and became progressively worse each year until his death on August 12, 1877. He trembled constantly, finding relief only in sleep. When he sat down his head was bent nearly to his knees.

There are still to this day a few Pottawatomie Indians living on their reserve northeast of St. Marys who remember him in that forlorn condition. Someone asked him if he felt any pain. His reply was that he felt as if someone were continually pounding his fingers with a mallet. Despite his constant pain, the only complaint heard from his lips was his inability to care for his spiritual charges. After the paralysis had gained hold on him, he was unable to ride horseback, but for some years he went long distances by means of horse and buggy to carry out his ministry.

7. *Ibid.*, p. 185.

Father Gaillard's last summons to the sick came in June, 1877. He was called to a sick woman near Topeka. This journey proved too much for his already exhausted strength. The Brother Infirmarian, notified that Father Gaillard was very ill, set out for Topeka immediately to bring him home. The month of July passed, and the valiant missionary's health revived, but only temporarily, for during the first week of August he suffered a relapse from which he never recovered. God summoned him to Himself on August 12, 1877. "With him the Jesuit attempt, lasting through four decades, to christianize and civilize the Potawatomi of Kansas passed into history."⁸

Father Walter Hill, S. J., summed up Father Gaillard's remarkable life in this manner:

Few missionaries of recent times among the aborigines of America have accomplished greater and more solid good than did the saintly, noble-hearted, long-suffering, and most charitable Father Gaillard. His life was a model of every high christian virtue, and his death was the befitting close to such a career; for it was peaceful and happy in that hope that confoundeth not. Up to his dying day he never missed a community exercise to which he was physically able to attend; and in order to spare others trouble, he would permit no one to serve him in anything which he was at all able to do for himself.⁹

THE DIARY, 1848-1850

1848

September 7: We set out on our journey to the place of the new mission, that is, Father Superior, Father Gaillard, the lay brother Patrick Regan and one boarder named Charlot.¹⁰

September 8: At the trading post we were delayed a whole day owing to a rise in the river.¹¹

September 9: We forded the Kansas River, some in wagons, others on horseback, Mr. Joseph Bertrand with the Ladies of the Sacred Heart accompanied us all the way.¹² At noon we stopped

8. Garraghan, *op. cit.*, v. 3, p. 65.

9. Walter Hill, S. J., "Maurice Gaillard, S. J.," *loc. cit.*, p. 19.

10. Father Superior at the date of this entry was the Rev. Felix L. Verreydt. He was born in Diest, Belgium, and entered the Society of Jesus at White March, Md., on October 6, 1821. He was ordained to the priesthood on September 24, 1827. His work as an Indian missionary began in 1837. At first he was stationed with the Kickapoo Indians, but later was assigned to the Pottawatomies. His counsel was sought by the Pottawatomies in accepting the terms of the treaty covering the reserve on the Kaw river.

Patrick Regan, the lay brother, spent only a year at St. Mary's mission.

Charlot, an Indian boy, was probably of mixed blood. He was the first boarder to be educated by the Jesuits at St. Mary's mission.

11. Uniontown, a trading post on the California trail, was located on the Kansas river about 14 miles west of present Topeka.

12. The Madames of the Sacred Heart were Mother Lucille Mathevon, superioress of the nuns, Mother Mary Anne O'Connor, Mother Basile O'Connor and Sister Louise Amyot.—Garraghan, *op. cit.*, v. 2, p. 602, citing *Catholic Mirror*, Baltimore, November 16, 1850.

Joseph Bertrand was a Pottawatomie of mixed blood. He married a Pottawatomie woman by the name of Madeline. The children were Joseph, Jr., Benjamin, Laurent, Theresa, and Amable.—See *Collections and Researches Made by the Michigan Pioneer and Historical Society*, Lansing, v. 28, pp. 129, 130.

to take dinner at a stream; and about four o'clock A. M. we were gladdened by the sight of the new houses at our future home.

The country presents a cheerful view on every side. But not so the log-houses, which are only half-finished and allow free scope to the winds. And the only workman we depend on to remedy this inconvenience is missing; that is the Brother whom we call the Doctor, and who being taken with fever was forced to prolong his stay at Sugar Creek.¹³

September 17: We erected a cross on the hill of our residence.¹⁴ Meanwhile both the Fathers were attacked with fever, from the effects of which one of them was troubled for nearly two months.

We live in anxiety about the success of the new mission; for our Indian people continue in the settlements on the other side of the river. This anxiety is increased by the rumors of a war that is imminent between the Potawatomes and the Pawnees. For not so long ago the Kansas Indians, while out hunting with the Potawatomes, met the Pawnees and fired upon them, and the Potawatomes seeing themselves involved in the common danger rushed into battle for their own safety and killed many Pawnee warriors and ponies.¹⁵ Burning with revenge for this, the Pawnees have fore-sworn their old friendship for the Potawatomes. They are raiding on the ponies, and are threatening a war of extermination on the Potawatomes. And this rumor has so frightened our Indians, who had camped in remote parts of the reserve near the Pawnees, that in one day they all pulled their tents and fled panic-stricken. In consequence we are placed in the front exposed to the fury of the Pawnees. And there is not an Indian who is willing or who dares to share our danger.

Add to this the lies and manifold arts of Satan who neglects no means to alienate from us the hearts of the natives; so that the best disposed are kept from settling around this new mission.¹⁶

13. Sugar Creek is one of the first mission stations of the Potawatomes, and is located near present Centerville in Linn county, Kansas. The exact location is: sec. 7, T. 21 S., R. 23 E.

14. Description of reservation from treaty of 1846: ". . . a tract or parcel of land containing five hundred and seventy-six thousand acres, being thirty miles square, and being the eastern part of the lands ceded to the United States by the Kansas tribe of Indians, by treaty concluded on the 14th day of January, and ratified on the 15th of April of the present year, lying adjoining the Shawnees on the south, and the Delawares and Shawnees on the east, on both sides of the Kansas river." "Treaty with the Potawatomi Nation, 1846," Art. 4, taken from Charles J. Kappler (ed.), *Indian Affairs, Laws and Treaties* (Washington, 1904), v. 2, p. 558.

15. A few of the Potawatomes had joined some Kansas and Kickapoo and Sao Indians in a buffalo hunt just west of the reserve. This group met with a band of Pawnees camped at Rocky Ford on the Big Blue river. A messenger from the Pawnees was sent to offer tokens of peace. The messenger was received amicably, but on his departure a Kansas Indian remembering some ancient grudge he held against the Pawnees fired upon and killed the Pawnee messenger. Warfare ensued as we read in the diary.—See John O'Connor, S. J., "The Jesuits of the Kaw Valley" (Ms., archives of St. Mary's College), p. 87.

16. The Rev. J. J. O'Meara, S. J., former archivist of St. Mary's College, completed the translation of the diary to this point. The translator has used Father O'Meara's translation.

We are receiving frequent greetings from the head-chief of those Indians who had formerly been at home on the banks of the Missouri. He is proving himself our true friend and appears to express the sentiments of all his subjects.

September 26: The Doctor finally arrived whom every one has been so eagerly expecting, and although not completely cured of the fever, he went to work at once and finished the interior part of the house.¹⁷ A few Indians came at the same time to look over the surroundings for a future home.

October 12: Today, Father Hoecken crossed the river and joined us.¹⁸ His arrival at the new mission opened the entrance of many Indians who followed their Father and leader.¹⁹ Meantime, until the big chapel is erected, we are building a chapel on the side of the house where the Holy Sacrifice will be celebrated. For a long time, however, we have been solicitous about the large chapel; even though, for sure, workmen from the tenth of September, have been working hard preparing the material for the roof.

Today we are about to enter upon the heavenly work of building the new chapel.²⁰ Father Hoecken preached in the Indian language both in the morning and in the evening.

November 20: Father Hoecken, both for the sake of health and recreation, accompanied the Indians on their hunt. While he is gone, on Sunday, Father Superior preached in the morning in English, and by the aid of an interpreter, the sermon was translated into Potawatomie.²¹ In the Evening, Father Gaillard preached a sermon in French. At this same time a stable was put up for the horses.

December 15-18: Father Gaillard is called to care for two sick youths. He hears their confession. But at home, because we didn't

17. The doctor mentioned in this entry was Brother Andrew Mazzella. Brother administered not only to the sick of the Jesuit community, but also to the Pottawatomes. He was born on November 30, 1802, in Procida, a little island in the Mediterranean. He entered the society in 1823, and was assigned to the Maryland province of the United States in 1833. In 1836 he commenced his labors among the Indians, and continued to give his talents and service to them until his death in May, 1867.—See M. Gaillard, "Historia Domus" (unpublished document, St. Mary's archives, 1851).

18. Father Christian Hoecken was born on February 28, 1808, at Talburg, Holland. He entered the Society of Jesus on November 5, 1832. In 1838, shortly after his ordination, he became an Indian missionary. The scene of his labors was Council Bluffs, Sugar Creek, and St. Mary's. He acquired a great facility in speaking the Pottawatomie and Kickapoo languages. His death occurred on June 19, 1851, while he was on a journey to the great Indian council, being held at Fort Laramie, Wyo.—See Garraghan, *op. cit.*, v. 1, p. 346; and v. 2, pp. 611, 612, 614, 615, 627-629.

19. Many of the Pottawatomes stayed on the south side of the Kansas river because they feared an attack by the Pawnees who resided on the north side. Father Gaillard sincerely hoped that Father Hoecken's arrival at the mission would convince the Indians to take up their abode on the north side close to the mission station.

20. This chapel was finished the following spring. "In the meantime a chapel was built adjoining the missionaries house."—O'Connor, *loc. cit.*, p. 61.

21. The interpreter mentioned in the diary was probably John Tipton, a mixed-blood Pottawatomie. Tipton's name occurs in two or three places in the writings of the early missionaries. He taught Father Gaillard how to speak and write Pottawatomie.—*Ibid.*, p. 64.

understand the language of the natives, we were unable to hear any confessions.

At the beginning of December a worker came with the intention of putting up stakes for the buildings of the students.²² Meanwhile we have admitted five youths to live with us. On November 25, Bernard Bertrand registered, Ezechiel Pelletier, William and Francis Darling, November 30, and Francis La Fromboise, December 11.²³ At this time the Madames of the Sacred Heart received five girls.

December 5: The ice on the Kansas River is so thick that horses with a wagon loaded with supplies may safely cross it, just as if it were a paved road.

December 21: There was a fresh snowfall of about three feet over the old snow. The cold is extremely intense and bothersome. We administered to a dying youth.

December 22: The weather is fair, but intensely cold; the ink freezes in the pen while writing. An Indian youth, Pemowetuk, died.

December 23: The cold this morning is more intense. In the evening Father Gailland heard eleven confessions; of that number five were Indians.

December 24: Sunday. Mass without singing. There was no sermon because of the cold. In the evening there was benediction. Father Gailland preached the sermon in French. Because of the approach of the great Solemnity, a large number of confessions were heard, many of whom were Indians. The weather is serene. It is moderately cold. We had the burial of Pemowetuk without any religious songs. Many Indians came from the other side of the river in order that they may spend a devout Christmas day with us. Our longing for Father Hoecken is great.

December 25: Christmas Day. Each priest said only one Mass. There was no mid-night Mass on account of the severity of the winter. In the morning there was Mass with singing and a sermon in English by Father Superior, with someone to interpret it in the

22. The only buildings that existed at that time were two log cabins; one inhabited by the sisters and the other cabin sheltered the Fathers and Brothers. A description of these cabins is recorded in Father O'Connor's "Jesuits of the Kaw Valley," p. 60: "They had two stories with four rooms, each twenty-five by twenty-feet—on the ground floor, and a smaller room above the stairway. The nuns occupied the western log house near a creek, and the Fathers and Brothers took possession of the other, about one hundred and ten yards to the east."

23. The family name Bertrand and La Fromboise have been perpetuated among the annals of early frontier history. The name Bertrand, mixed French and Indian blood, is perpetuated by the town of Bertrand on the Michigan-Indiana line, and by Bertrand avenue in St. Marys, Kan. La Fromboise was a prominent name among the "Chicago" Pottawatomes. One of their most illustrious chiefs was Joseph La Fromboise.—See Garraghan, *op. cit.*, v. 2, pp. 697-699.

Potawatomie language. In the evening there was benediction and a sermon in French by Father Gailland. The sky is bright. Some snow has melted.

December 26: St. Stephen's. Somewhat less cold. Weather is cloudy. A messenger sent to Tremble for the mail was forced to turn back from the trip on account of so much heavy snow.

December 27: Feast of St. John. The sky is clear. The cold has let up a bit.

N. B. During the last few days it was so cold that some of the skinnier dogs and horses perished.

December 28: The weather has become mild. Mr. Darling came and promised by contract that he would begin shortly to enclose the fields, and in order that he might plough it first, he took his two sons for a few days.

December 29: Father Gailland took care of Bergeron who was gravely ill with the fever.²⁴ We joyfully welcomed Mr. Darvau who brought us wine for the Holy Sacrifice of the Mass; for the last two days we have sorrowfully abstained from the Holy Sacrifice because of the lack of the precious liquor.²⁵ Bernard Bertrand, because of a secret illness, was sent to his family. Father Gailland, who intended to go to Mr. Tremble, returned, unable to see him because of so much snow. The sky is mild.

December 30: The weather is serene, the snow is melting. The son of Mr. Pelletier went home so that he might celebrate the new year with his parents. In the evening both Fathers heard confessions.

N. B. We are in need of a teacher for the boys; meanwhile Father Superior himself does the teaching. He has a class in the morning and the evening.

December 31: Sunday. In the morning the Holy Sacrifice of the Mass was offered at ten-thirty o'clock; there was no singing. Afterwards there was a sermon in English, interpreted in Potawatomie. In the evening there was benediction.

1849

January 1: The last Mass was at seven-thirty A. M. A large concourse of Indians, who were not hindered by the difficulty of the journey, came from the other bank of the river; as was the custom, they greeted the Fathers with customary handshakes. Extraordinary

24. Most likely the Bergeron mentioned in this entry is Francis Bergeron.

25. Louis Darveau was married to Oheta Bourbonnais. His daughter Eleonor was baptized in 1858.—"Records of First Communion and Confirmation at St. Mary's of the Lake, 1851-1887" (Ms. in archives of St. Mary's College), p. 8.

joy and love for us shone in everyone's face despite the long series of hardships. They gave us some venison; the great amount that they gave us put us to shame. In the evening there was benediction with the usual sermon. Both Fathers afterwards went to offer the New Year's greetings to the Madames.

January 2: The weather, again, is very cold. We see, with indescribable grief, certain Indians without even the bare necessities of livelihood.²⁶ A sick woman visits us.

January 3: The sky is very cloudy and depressive; Charlot returns from the hunt carrying two prairie chickens. John Tipton taught Father Gailland the Indian language.

January 4: The sky is serene, and a little snow has melted.

January 5: The weather is gloomy and piercingly cold. The sons of Mr. Darling returned to our home. Finally Father Hoecken arrived, so long desired by all; he suffered greatly from cold and hunger.²⁷

January 6: Weather is very cloudy. In the evening we had a large snowfall mixed with hail and rain. The last Mass was at eight o'clock. The son of Mr. La Fromboise came. We visited a sick woman.

January 7: Sunday. In the morning the last Mass was at ten-thirty o'clock, without any hymns. Father Hoecken preached in Pottawatomie. In the afternoon at about three there was benediction with a sermon in French, preached by Father Gailland. The cold is quite intense. A furnace was placed in the chapel last night.

January 8: The sky is exceedingly gloomy; the cold is severe. In the evening it snowed. An Indian, while trying to cross the river on the ice, lost his horse which broke through the ice and drowned. The happy news of the beatification of Peter Claver made us exceedingly joyful.²⁸ The students have started back to school again. Reverend Father Superior conducts the class.

26. This destitution is all the more pitiful when we consider how severely cold was the winter of 1849.

27. On November 12, Father Hoecken set out with a party of Indians who were going to the Miami country to make sugar and hunt. The Indians remained in the Miami country. Rumors reached the mission that those Indians were leading very disorderly and scandalous lives. Father Hoecken arrived home after two months of cold and privation.—See O'Connor, *loc. cit.*, p. 65.

28. Peter Claver's feast day is September 9. The date of his beatification was July 16, 1850. Father Gailland must have reference to the report that is sent out before the beatification of a person, otherwise there is no way to explain the conflict in dates.

Peter Claver was born at Verda in Catalonia in 1581. He entered the society at the age of 20. He was sent to Cartagena in South America in 1615. For many years he cared for the slaves who were shipped into the port of Cartagena. He is credited with baptizing over 300,000 slaves. He was beatified by Pope Pius IX, and canonized in 1888 by Pope Leo XIII.—See Francis Corley and Robert Willmes, *Wings of Eagles* (Milwaukee, Bruce Publishing Co., 1941), pp. 159-163.

January 9: Sky is clear, but is very cold. Yesterday and today Father Hoecken heard some confessions.

January 10: More very biting weather. Father Hoecken cared for a sick person on the other side of the river.²⁹ An old Indian, Pohimak by name, came to us, in order to go to confession in preparation for Baptism which he sought so ardently. Reverend Father Superior received a letter from Father Trudens pertaining to some money matters—both are in friendly disagreement.³⁰ Father Gailland starts his triduum preparatory for the renovation of his vows.³¹

January 11: The wind blew so violently, whirling through the air, that it threatens to destroy the house and to uproot trees. Early in the day the wind was from the east, and then it changed to the south. The snow is melting as a result of this change.

January 12: The south wind blew all night up until noon, and a great amount of snow melted. At noon, however, the wind changed and the weather became very cold. Father Hoecken has not yet arrived; for this reason the catechism of Pohimak must be dropped again.

January 13: The cold is extremely intense. The snow is so hard that a man can easily walk over it.

January 14: Sunday. The feast of the Holy Name of Jesus. Mass at ten o'clock. There was no singing because of the very intense cold; afterwards there was a sermon in English by Father Superior with someone to interpret it into Potawatomie. In the afternoon at three o'clock there was benediction with a sermon in French preached by Father Gailland. Father Hoecken arrived about noon. Father Gailland renewed his vows.

January 15: The sky is serene but cold. We had Mass and class as usual.

29. A large number of the Indians settled on the south side of the river and scattered in villages up and down the reserve. Father Hoecken spent a week in each village baptizing, catechizing and arranging marriages, etc. The large portion of the ministerial work of the Indians on the south side or bank was done by Father Hoecken.

30. Trudens seems to be a misspelling for Truyens. In 1848 Father Verreydt, the superior of Sugar Creek mission, and later St. Mary's mission, returned from St. Louis, and brought with him Father Charles Truyens. Strangely enough, Father Truyens' name passes into oblivion until it appears again in *Sadler's Catholic Directory* for the year 1867. He is listed in this directory as residing at Bardstown, Ky. Though there is no written record of Father Truyens leaving the Sugar Creek mission in 1848, all evidence would seem to point that way because he is not listed by Father Gailland as one of the early settlers of St. Marys.

The precise nature of this "money matters" is unknown. The only clue that we have is that Fathers Verreydt and Truyens brought supplies and a donation of money to be spent for the mission. Perhaps the discussion is over the expenditure of this money.

31. The word "triduum" means a three-day retreat. The vows that are renewed are poverty, chastity, and obedience. A Jesuit at the completion of his two years of novitiate pronounces these three vows. At this time the vows are called "simple" or "first" vows. After 16 or 17 years, at the recommendation of his superiors, a Jesuit may pronounce his final vows. In the period between the first and final vows, he renews his simple vows every six months.



CHAPEL OF THE POTTAWATOMIE INDIAN MISSION AT ST. MARYS

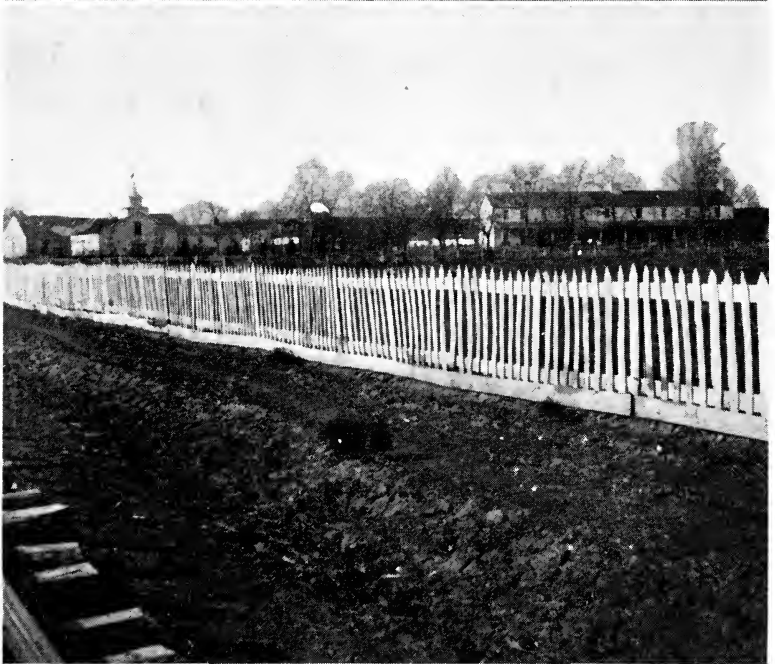
The building was erected in 1849, was used as the first Catholic cathedral in Kansas, 1851-1855, and was dismantled in 1886.



THE REV. MAURICE GAILLAND, S. J. (1815-1877)

Missionary among the Pottawatomie Indians at St. Marys, 1848-1877. He compiled a dictionary and wrote catechisms, prayer and hymn books in the Pottawatomie language.

Photos courtesy of the Rev. Augustin C. Wand, S. J., archivist of St. Mary's College.



(Upper) POTTAWATOMIE INDIANS AT ST. MARY'S MISSION IN 1867

(Lower) ST. MARY'S MISSION AT ST. MARYS, 1867

Photos by Alexander Gardner of Washington, D. C.—From the Kansas State Historical Society collection. The pictures are Nos. 91 and 92 of Gardner's, "Across the Continent on the Union Pacific Railway, Eastern Division."

January 16: In the morning it was intensely cold; in the evening the weather was rather mild. Mass and class as usual.

January 17: There was Mass and class. The sky is clear.

January 18: We had Mass, also class today. The weather is very cold, but the sky is clear. For third time the stove-pipe was burning.

January 19: We had Mass and class. The cold is moderated by the wind from the south. A new catechumen joined us. There was fire in the top of the chimney. Father Hoecken heard confessions.

January 20: There was Mass, but no class today. The weather is again very cold. Father Hoecken and Verreydt heard confessions. Mrs. Darling and La Fromboise came to visit us.

January 21: Sunday. There was Mass, followed by a holy hour. No classes today. In the morning there was a sermon in Potawatomie. In the evening there was benediction with a sermon in French and Potawatomie. The sky is clear.

January 22: As usual, Mass and class. Father Hoecken is called to care for a sick man across the river. Ezechielel Pelletier returned after a long stay at home because of sickness. The weather is the same as yesterday.

January 23: As usual, Mass and class. Joseph Darling arrived unexpectedly. Father Hoecken returned. We received a friendly greeting from Mr. McDonald. Weather is mild.

January 24: As usual, Mass and class. The weather is most mild. The south wind blew all day. A good amount of snow melted.

January 25: As usual we had Mass and class. Very early in the morning the wind changed and it became very cold. A little four year old boy died. The funeral will be held tomorrow.

January 26: Mass was celebrated this morning. There was no school because of some urgent work. Weather is somewhat colder but serene.

January 27: Mass this morning, but no school. Some confessions were heard. Weather much milder with a south wind.

January 28: We had Mass with singing at ten-thirty this morning.³² There was a sermon in Potawatomie; in the evening there was both a sermon in Potawatomie and French. The weather is very mild. Two non-Catholics were added to our list as catechumens; they had professed the Mormon religion.

32. These hymns were sung in Potawatomie. Some years later Father Gailland compiled a prayerbook comprising prayers, meditations, little accounts of church history, and many hymns. This little prayerbook consists of 119 pages and was printed under the title, *Potewatem Nemevinin Nemenigamovinin*. A copy of this prayerbook can be found in the archives of St. Mary's College at St. Marys.

The daughter of Claude La Fromboise suddenly ran away from the home of the Madames of the Sacred Heart. The younger daughter of Mr. Bourbonnais immediately asked to take the place of the run-away; she obtained the request.³³

January 29: We had Mass and class today. The sky is very cloudy and it is cold.

January 30: There was Mass and class as usual. It snowed.

January 31: Mass this morning, but no class. The students came back from the hunt with three rabbits. The weather is mild. We heard confessions.

February 1-2: There was Mass and class. The weather is mild. There was Mass and class on the second also. In the morning there was a sermon in Potawatomie. The sky is serene, but it is cold. Father Hoecken visits a sick person. A whole family is registered among our catechumens.³⁴

February 3: Mass this morning, but no class.

February 4: Sunday. Mass this morning with a sermon in Potawatomie. In the evening there was benediction with a sermon in French. Father Hoecken set out to visit the sick. The sky is clear, but it is rather cold.

February 5: We had Mass and class as usual. Father Hoecken returned.

February 6: We had Mass and class as usual. Weather is calm but not very mild. On the fifth of this month we received the calamitous news telling of the exile of our most beloved and Holy Pontiff Pius IX.³⁵

February 7: As usual, there was Mass and class. The weather is sufficiently cold. We received a letter from Reverend Father Provincial concerning the elevation to the Episcopate of Father .³⁶

February 8: There was Mass and class. It is cold. Father Hoecken left to care for the sick. Father Gaillard was called to look after a sick woman.

33. Bourbonnais is a common name in this locale. The Bourbonnais were mixed-blood. In the register of male students kept from 1865 to 1873, the name appears frequently.

34. A catechumen, as the term is used by Father Gaillard, means one who is taking instructions to become a Catholic.

35. Pope Pius IX elevated to the Holy See in 1846, immediately met with insuperable difficulties. The liberal movement that had swept Switzerland in 1846-1847 and resulted in revolution and expulsion of the Jesuits in 1847 had its repercussions in Italy. In 1846 Mazzini living in Paris was planning a detailed revolution in Italy. Quite cleverly he approved of all the measures of Pope Pius IX during the first year. During the next year, under his archconspirator, Angelo Brunetti, he sought every measure he could to ridicule the Pope. By 1848 the liberals were powerful enough to storm the Vatican and demand under dire threats a republic. On November 24, 1848, the Pope escaped to Gaeta, just across the Neapolitan border.—See Lillian Browne-Olf, *Their Name is Pius* (Milwaukee, Bruce Publishing Co., 1941), pp. 220-230.

36. Father Gaillard, the diarist, does not give the name but uses only the sign of the cross. The new bishop's name was Miega.

February 9: There was Mass and class. It is a clear day. The report has circulated that an extremely virulent form of cholera is nearing our place.³⁷

February 10: There was Mass this morning. Father Hoecken returned. We obtained an abundant supply of Indian corn. The sky is mild and serene. We welcome Mr. McDonald as our guest.

February 11: Sunday. Mass this morning as usual. There was a sermon in Potawatomie. Two infants were baptized. In the evening there was benediction and a sermon in French. One of the Fathers went to care for the sick. The weather is cloudy.

February 12: There was Mass and class today. The weather is not very cold. An aged sick woman asks for Baptism.

February 13: As usual, there was Mass and class. The weather is cold. We received a workman whom we hired to build a bake oven.

February 14-15-16: There was Mass and class. The cold is most intense. A herd of thirty pigs arrived today; of this number half were bought for the Madames of the Sacred Heart. The cold, although it has let up a bit, is as firm as a rock.

February 17: There was Mass and confessions. The cold is most severe. The natives asked us that on Sundays a priest might say Mass for them; as yet they have not received a favorable reply.³⁸ Three of the students went home for vacations.

February 18: Sunday. In the morning there was Mass with a sermon in Potawatomie. In the evening there was benediction with a sermon in Potawatomie. Because of the intense cold, Father Hoecken is called to administer to a sick woman.

February 19: Mass this morning, but no class. The weather is mild. We killed the pigs. A goodly number of Kansas Indians linger about our house.³⁹

February 20: There was Mass, but no class this morning. Brother La Frombloise returned and is building a smoke house. Many of the Indians are helping him. It is a calm day; much of the snow has melted.

37. This Asiatic plague reached the mission in early June. "Its [cholera] advent was hastened by the parties of California emigrants passing in continual procession in wagons and on horseback along the western trail."—Garraghan, *op. cit.*, v. 2, p. 613.

38. The "natives" referred to in this entry were probably the Kaw or Kansas Indians. Father Hoecken visited these Indians in August, 1850. He was beseeched by them to have a blackrobe come to them. Father Hoecken in a letter of August, 1850, written to his vice provincial, asked that their request be granted. Due to the lack of missionaries, the vice provincial was unable to grant his request.

39. The Kansas Indians were notorious beggars. "One of the last acts that Father Hoecken performed at Mission Creek had been to distribute potatoes and lard to some chiefs of the Kansas tribe as they had nothing to eat."—O'Connor, *loc. cit.*, p. 63.

February 21: Ash Wednesday. There was Mass. Many people received ashes; there was a large attendance. The sons of Mrs. Nadau sought admission to our school, and obtained it. The weather is most mild. A little rain fell. Father Hoecken is attending to a sick man. Brother Regan went to the trading post that he might get some flour.⁴⁰

February 22: Mass this morning. A large amount of snow has melted.

February 23: There was Mass. The son of Calude La Fromboise arrived. Father Hoecken brought Peter Le Clerc to our home. He is critically ill.⁴¹

February 24: There was Mass this morning, also we heard confessions. A woman, Josephine by name, died and was buried. Ezechiel Pelletier, Francis and William Darling, who for some days had gone home for a vacation, arrived here. The weather is very mild. The ice that has held the river in check has broken.

February 25: Sunday. Mass and sermon in Potawatomie this morning. In the evening there was a sermon in Potawatomie and French. A woman died who was recently baptized. The weather is cloudy and below zero.

February 26-27: There was Mass and class. The weather is fine.

February 28: There was Mass and class. There was a catechism class for the boys and girls in the chapel. The weather is cold.

March 1: There was Mass and class. Catechism class was held in the chapel. We heard confessions. We had a large snowfall accompanied by rolling thunder.

March 2: Mass and class, as usual. The weather is cold. Charlot and the Doctor are fever victims.⁴²

March 3: There was Mass. In the morning a large amount of snow fell. Father Superior, both brothers and Charlot are sick.

March 4: Sunday. We had Mass with a sermon in Potawatomie. In the evening we had the Way of the Cross and Rosary, followed by benediction.

March 5: There was Mass and class. Dusky weather.

March 6: There was Mass, but no class on account of the sickness of Father Superior. A good bit of snow has melted.

40. The trading post mentioned in this entry was Uniontown, in the northwestern part of present Shawnee county.

41. Peter Le Clerc (Pierre or Perish) was one of the famous chiefs of the "Chicago" Pottawatomies.—See Garraghan, *op. cit.*, v. 2, p. 698.

42. "The Doctor" has reference to Brother Mazzella. There is no record of the nature of their sickness or fever.

March 7: There was Mass and class. The agreement pertaining to the fencing of the fields was made. The weather is serene.

March 8-9: There was Mass and class. We had a heavy rain. There is a big rise in the river.

March 10: There was Mass but no class today. The chief, Patikochek by name, came to our house and promised that he would embrace the doctrine of Christ.

March 11: Sunday. Mass this morning without hymns. There was a sermon in Potawatomie. In the evening we made the Way of the Cross and had benediction.

March 12-13: There was Mass and class. The weather is pleasant. We built a kitchen.

March 14: There was only one Mass on account of the shortage of wine. There was class. We have two new boarders, the son of Mrs. Nadau and the son of Mr. Alcot. The weather is serene.

March 15-16: Only one Mass. There was class. A sermon in Potawatomie is preached each day during Lent. The weather is clear.

March 17: Only one Mass; no class today. Today marked the arrival of some Indians from Sugar Creek.⁴³ An infirmary to care for the sick is put up. The weather is nice.

March 18: Sunday. There were two Masses with a sermon in Potawatomie. In the evening we made the Way of the Cross and a sermon in Potawatomie. Peter La Clerc was moved today to a neighbor's house.

March 19: The Feast of St. Joseph. There was one Mass with a sermon in Potawatomie.

March 20-21: There was one Mass; there was no class. The north wind blew. The weather is clear.

March 22: Only one Mass and no class this morning. Michael La Fromboise arrived.

March 23: There was one Mass; no class. The weather is peaceful.

March 24: There was Mass but no class. The same kind of weather.

March 25: Passion Sunday. There were two Masses and three sermons in Potawatomie. The weather is fine.

March 26: The Feast of the Annunciation; there was one Mass. There were two sermons in Potawatomie.

March 27: There was Mass and class.

43. Though the majority of the Pottawatomies moved to the new reserve on the Kaw river in 1848, there were still some who lingered at Sugar Creek.

March 28: As usual, there was Mass and class. Mr. Le Clerc died, one of the bravest generals in battle. The day before he died, he received Baptism, made his confession, and received Extreme Unction, with great sorrow for his sins and fervor of spirit.

March 29: One Mass was celebrated this morning with a sermon in Potawatomie. Class was held. We had the burial of Mr. Le Clerc. The weather is cold. The students Osskom and Kiutukiyani arrived. The new kitchen is being occupied.

March 30-31: There was Mass and class. The weather is fine. One of the Fathers is called to a small Indian village across from Soldier creek.⁴⁴

April 1: Sunday. There were three Masses. Beautiful weather. In the morning there was a sermon in Potawatomie. In the evening we made the Way of the Cross and there was benediction and a sermon in Potawatomie.

April 3-4: There was one Mass this morning. There was no class. Both in the morning and evening there were sermons in Potawatomie.

April 5: Our Lord's Last Supper: One Mass was celebrated this morning. All the students except three went to visit their parents. The agents arrived with the ploughs and the mills. Father Superior intends to see him about obtaining money for the board of the boys and the construction of the buildings.⁴⁵ There was a sermon in Potawatomie both in the morning and the evening, which was followed by benediction.

April 6: Good Friday. In the morning there was the office of the day. There was a sermon in Potawatomie and the adoration of the cross. In the evening, again, there was a sermon in Potawatomie. Twelve beds and one table have been finished for the boys. The weather has become mild. Only three of our students help us; the rest have not yet returned. Father Superior is still absent.

April 7: Holy Saturday. We said the office as usual; there were many confessions. Three new students, Alex Toutran, Bernard and Richard Bertrand, arrived today.

April 8: Easter Sunday. There were three Masses. In the morning there was a sermon in Potawatomie. In the evening there was benediction with a sermon in Potawatomie.

April 9: There was one Mass with a sermon in Potawatomie.

44. Soldier creek flows through Nemaha, Jackson, and Shawnee counties.

45. The agent referred to in this entry was Major Cummins.

The weather is pleasant. Two workmen are added to the one to prepare posts.

April 10-11-12: There was one Mass. Class was held as usual. There was a sermon in Potawatomie this morning. In the evening there was catechism for the boys.

April 13: There was one Mass. Class was held as usual. In the morning there was a sermon in Potawatomie.

April 14: There was one Mass this morning with a sermon in Potawatomie. There was class. In the evening Father Gailland set out to the trading post in order that he might hear confessions there.

April 15: Sunday. There were two Masses with a sermon; in the evening, as usual, there was benediction with a sermon. The Father on supply celebrated Mass in the previously mentioned trading post.⁴⁶ Then he set out to those Indians most removed from the Mission and living close to the Protestant Mission.⁴⁷ He heard their confessions in the evening, and the following morning he gave them Holy Communion during the Sacrifice of the Mass. Great was their joy and consolation.

April 16: There was one Mass this morning. Father Hoecken left for St. Joseph's in order to purchase provisions for our house. The infant daughter of Mr. Darling, baptized on the fourth, was buried today. The son of Mr. Jackson (an Indian) arrived. The Father mentioned before went to those Indians not far from Mr. Toutran's place to hear confessions and give them Holy Communion.

April 17: There was Mass and class as usual. Father and the workers returned.

N. B. At this date the number of baptisms of the infidels has increased to around forty. The Indians still remain scattered to their great detriment. Those who went to collect sugar or to hunt at the beginning of winter in the territory of the Miami have not yet returned. The report is that among them a great decline of morals is prevailing.

April 18-19: There was Mass and class. A new student arrived, T. B. (Blackfoot).

April 20: There was Mass and class.

April 21: There was Mass, but no class. There were confessions.

46. The term "on supply" is still used by the Catholic clergy. The term means simply that a priest is not stationed at a certain parish but is invited to come and help the pastor in his ministerial work for a brief period of time.

47. This is the first time Father Gailland mentions the Protestant mission in his diary. This account has reference to the Baptist Pottawatomie school that was located some miles below St. Mary's on the south side of the Kaw river, about six miles west of Topeka. The Rev. Johnston Lykins, pastor and supervisor of the school in 1849, gives the following description of the location of the school: "[It is] half a mile south of the Kansas [river], nine miles below Uniontown, the trading post of the nation, and a half mile west of the great California road from Kansas, Westport and Independence."—Garraghan, *op. cit.*, v. 2, p. 622.

April 22: There were two Masses without hymns. Holy Communion was distributed. In the evening there was benediction. A large number of the Indians returned from Sugar Creek.⁴⁸ We heard the unfortunate news about the giving up of the mission among the Miami.⁴⁹

May 8: There were three Masses and a sermon in Potawatomie. Mr. Laurence Bertrand was buried today.

May 9: There were three Masses with a sermon in Potawatomie. There was class. From the beginning of this month innumerable wagons, horses, and men have passed by on their way, intent upon going into New California. They are lavishly squandering their counterfeit money and stealing horses.⁵⁰

June 1: A funeral was held today for one of the Indians, Jussius Knowassen, by name.

June 2: Father Hoecken is called to Uniontown in order to care for four persons sick of the cholera, but his efforts were all in vain, because the same day that they contracted the disease they died. Two others far away died of the same ailment on the same day. They also were without help of the priest.⁵¹

June 3: Sunday. In the morning we had services as usual. After dinner Father Gailland crossed the river and went to Uniontown in order that immediately he might be with the dying. There were four new victims of the cholera. One of the cholera victims confessed.

June 4: We visited the Indians at Wakarusa, but frightened by two successive funerals, they have all fled except one family. The wife of the doctor was sick and died. Maria Akwona, very sick, went to confession. We heard the confession of and administered Extreme Unction to a sick Indian woman, Wawiga. She died. Mr. Stinson is sick.

June 5: The burial of Wawiga and the wife of the doctor, a non-Catholic, was held today. The doctor is gravely ill himself. Angelica Akwona and her daughter are ill also. William Brown, the

48. The Pottawatomies were still drifting in from the old mission site abandoned by the missionaries in 1848. Sugar creek is in Linn county, sections 7 and 8, T. 21 S., R. 23 E.

49. This mission had to be given up because of the unstable character of the Indians.

50. All the romantic and adventurous experiences surrounding the gold rush to California in 1849 have been depicted by other writers. Father Gailland sees the other side of the picture. The gold searchers frequently were thieves and counterfeiters.

In the course of his Western excursions in 1842, John Fremont, the pathfinder, made, perhaps, the first road. It was this road that the gold searchers followed. The road crossed the Kaw near Uniontown and passed up the north bank to the mouth of the Vermillion. "Fremont's road formed part of the Oregon Trail and when California travel started over it in 1849 it became known also as the California Trail."—Garraghan, *op. cit.*, v. 2, p. 692.

51. The Asiatic cholera reported in February as spreading toward St. Mary's, struck in June. The Fathers traveled day and night to be near the dying. The victims of the disease did not linger long; in fact, some died within two hours after contracting this fatal disease.

eleven year old son of William Brown and Wawiyatinokwe was baptized. Also Pelagia, the two year old daughter of Mr. Smith and Catherina Tremble was baptized. Theresa, ten month old daughter of Ambrose Le Fromboise and Maria Richissan, was also baptized. Also, Elizabeth was baptized. The sons of a negro woman, Maria Fichyion, a Mormon, and a negro lady were added to our list of catechumens. Kinowe, who also fell victim to the disease, was given the Sacraments of the Church.

June 6: The wife of Nicholas Janveau, who is sick, made her confession and received baptism. The fear of her death is great in the village. Almost all have fled. Anthony, the son of Wanuki and Pachnokine, was baptized. He is one year old.

June 7: The wife of Mr. Kakison, and Mr. Lazely, fell ill. Father Gailland came home as the country was almost deserted.

June 8: There is no school at this time because of the danger of contagion. Mr. Darling plans to embrace the Catholic faith.

June 9: Father Gailland again took care of the Indians across the river. The doctor is afflicted more and more by the power of the disease.⁵²

June 10: Sunday after the feast of Corpus Christi. Everything is as usual. A young man, Kithekuuy by name, died. He had received baptism. He fell ill of the cholera during the night and died early in the morning at Uniontown. On the same day a woman at the La Fromboise home died of the same disease. She contracted this disease during a one day visit at Uniontown.

June 11: Maria Richysen is baptized.⁵³

June 12-13: Everything is as usual. The doctor died.

June 14-15: Nothing new.

June 16: Saturday. We received a letter from St. Louis.

June 17: The third Sunday after Pentecost. In the morning there was Mass with a sermon in Potawatomie. There was no singing. In the evening we had benediction and a sermon in French.

June 18-19-20: Everything is as usual. There was class. We began the building of a house for our classes.

June 21-22: Everything is as usual. An infant died and was buried today.

June 23: The wife of Dufour, and two Indians died.

June 24-25-26: Everything is as usual. On the twenty-ninth, Father Hoecken and Father Gailland will renew their vows.

52. The doctor in this entry is not Brother Mazzella, but evidently a white doctor sent to help the plague-stricken.

53. Maria Richysen is a misspelling for Richardson. She was the wife of Ambrose La Fromboise.

June 27-28-29: We are engaged in making the triduum.

June 30: Saturday. Everything as usual.

July 1: The fifth Sunday after Pentecost. In the morning there was Mass with hymns and a sermon in Potawatomie. In the evening there was benediction and a sermon in French.

July 2: One of the Fathers went to the Indians across the river. He heard their confessions and on the following day he celebrated Mass there. Many approached the sacraments.

July 3-4: Everything is as usual.

July 5: There was Mass and class. We received Hunter Kinsy amongst our students.

August 25: Father Gailland heard confessions, because Father Hoecken had gone the day before to visit the Indians across the river. We had Mass as usual.

August 26: Sunday. There was Mass without hymns this morning. There was a sermon in English by Father Superior interpreted in Potawatomie by John Tipton.

August 27-28: Everything is as usual. Joseph Darling left for a while. The unfortunate news concerning the renewed wars in Europe reached us.⁵⁴ Hunter left.

August 29: There was Mass and class. An Indian, by the name of Tchikwe is admitted to our school. Mr. Darveau begins to work for us again.

August 30: There was Mass and class. Hilary Nadeau left. An Indian, Kiya by name, is admitted. The weather is cold. A good quantity of grapes is maturing.

August 31: There was one Mass, and class as usual. Father Superior is sick. Father Hoecken returned from the other side of the river.

September 1: Saturday. There was Mass, but no class.

September 2: Sunday. There were three Masses, with singing at the last Mass, at which time there was a sermon in Potawatomie by Father Hoecken. In the evening there was benediction and a sermon in French. Francis Bourbonnais is admitted among the students, Wagansi, Francis La Fromboise, and Ossakon went home. Two workmen arrived to put up chimneys. We received letters from Father de Smet.⁵⁵ The planks for doors are brought from Westport.⁵⁶ Catherine Bergeron was baptized.

54. The renewed war mentioned in this entry has reference to the revolution of 1848 that swept Metternick into exile, and also the revolt in Paris. The workers and liberals of Paris united to drive the Orleanists into exile.

55. Father de Smet, the world famous Indian missionary, was in St. Louis at this time.

56. The old town of Westport is now a part of Kansas City, Mo.

September 3: There was Mass and class. The workmen began to construct ovens.

September 4: There was Mass and class. We received a letter from Father de Smet telling us of the expected arrival of Reverend Father Provincial and of himself, Father de Smet, a new superior, Father Duerinck, and one Brother.⁵⁷ Father Maes returned from the mission to the Winabagoes, and at the same time the mission to the Osage.⁵⁸ The catechist, Francis Bourbonnais went to his people.

September 5: There was Mass, class, and catechism class. An Indian, by the name of Joseph, an orphan, was admitted to our school.

September 6: There was Mass and class as usual. We received a letter from Father de Smet giving us the bill for those things which have been bought for the mission.

September 7: There was Mass and class. Brother Regan left for Port of Kansas in order to bring supplies.⁵⁹

September 8: There was Mass but no class was held. Jakson, an Indian, arrived today.

September 9: Sunday. In the morning everything went as usual. In the evening there was solemn supplication in honor of the Blessed Virgin Mary. There was a great crowd. The students, Francis La Fromboise, Hilary Nadeau, Wabansi, and Osskom, returned after being away for a while.⁶⁰

September 10: There was Mass. There was school only in the morning. In the evening we gathered grapes. Mr. Blanchet arrived. Joseph Darling returned.

September 11: There was Mass and class. Mr. Bergeron arrived. The twelfth of September was the same as yesterday.

September 13: There was Mass and class. Brother Regan arrived. Everything is as usual on the fourteenth.

57. Reverend Father Provincial at this time was Father Klet, and Father DeSmet was his assistant. The Brother that was expected to accompany them did not arrive, as we shall learn from a later entry.

58. "On April 18, 1849, Father Ignatius Maes accompanied by Father John Baptist Miede, left St. Louis for the Winnebago country, which lay north of St. Paul."—Garraghan, *op. cit.*, v. 2, pp. 470, 471.

The purpose of this journey was to locate a favorable site for a mission and manual labor school among the Winnebagoes. About 77 miles above St. Paul, Father Maes met the government agent, General Fletcher, and some Winnebago chiefs. These chiefs who invited the Fathers a short time before to establish a school were now ill-disposed to the plan; the reason they gave for their change of heart was the failure to receive from the government a certain tract of land a few miles distant from the Sauk rapids. Fathers Maes and Miede had to give up the plan of establishing a mission, therefore, because of the instability of these Indians. In 1863 the Winnebagoes were removed from Minnesota and finally settled in northeastern Nebraska.—*Ibid.*, pp. 470-473.

59. "Port of Kansas" means Kansas City, Mo.

60. It is interesting to note that one of the counties in Kansas is called Wabaunsee and named after Wabansi.

September 15: Saturday. There was no school.

September 16: Sunday. There was Mass with hymns and a sermon in Potawatomie. There was also benediction and a sermon in French.

September 17-18: There was Mass, class, and catechism class. William and Francis Darling went to their home.

September 19-20: Everything is as usual.

September 21-22: Same as yesterday. Father Hoecken went across the river.

September 23: Sunday. There was Mass without singing. In the evening there was benediction. There was a sermon in French.

September 24: There was Mass, class, and catechism class.

September 25-26: There was Mass and class.

September 27: Today marks the arrival of Father Provincial with Father de Smet. They are solemnly received.⁶¹ The Indians went out to meet them with drums, guns, and horses.

September 28: The visitation begins today. For the "Memoriale" see the following page (Father Duerinck, Superior).

September 29: Reverend Father Provincial, Father de Smet and Father Verreydt left today.⁶² It was decided that the Indians across the river should build themselves two churches.⁶³

September 30: Sunday. There was Mass without singing. There was a sermon in Potawatomie. It was announced that a public and solemn dinner would be given to the Indians by Father Provincial.⁶⁴ In the evening there was benediction and a sermon in French.

October 1: There was Mass. Almost all the students are absent because of the payment.⁶⁵ A student, Sem Ale, the son of a woman by the name of Sasape, is received.

61. "The Indians, many of whom had crossed from the north side of the river for the occasion, formed an escort to conduct the three Fathers, the march being enlivened by beating of drums and volleys of musketry in honor of the distinguished visitors."—Garraghan, *op. cit.*, v. 2, p. 614.

62. Father Verreydt was relieved of his onerous task as superior of the missions. For the next ten years he was pastor of St. Thomas church in St. Louis. In 1859 he was transferred to Cincinnati, and lived there for the remaining years of his life. He died on March 1, 1883, at the advanced age of 86, and in the 62d of his religious life. "He was the last survivor of the founders of the Missouri Province, as he was the last of those men who were present with him at the beginning of St. Mary's Mission."—O'Connor, *loc. cit.*, p. 67.

63. The two chapels were built under the direction of Thomas MacDonnell. One church was built at Mechgamunag, "located in what is now Mission Township, Shawnee County, about twenty miles from St. Mary's in the southeastern corner of the reserve, and just a little south of Shunganunga Creek." This chapel was called St. Joseph's. The other chapel was erected at Mission Creek. "Mission Creek was a settlement on the creek of the same name and was located about where stands today the town of Dover in Shawnee County, seventeen miles southeast of St. Marys. The Chapel built here received the title of St. Mary's of the Valley and later Our Lady of Sorrows."—*Ibid.*, p. 67.

64. Father Elet, the provincial, ordered a barbecue to be held for all the Indians, the school boys included, for October 10.

65. This payment refers to the annuities given to the Indians by the government. Father Gailland in 1850 described the acceptance of the treaty concerning the reserve at

October 2: There was Mass. Catechism class was held in the morning and evening. The Indians threatened to destroy the schools of Mr. Lykins. For this purpose⁶⁶ we all prayed in unison to the Blessed Virgin.

October 3-4-5: There was Mass and catechism class. A woman, Opuko by name, died.

October 6: There was Mass.

October 7: Sunday. There was Mass with hymns and a sermon in Potawatomie. In the evening there was benediction with a sermon in French. The great feast is announced.

October 8-9: There was Mass and class. A woman was hired to look after the cleaning of the house. Horses are stolen at St. Marys. The house for the school is pushed forward. The great feast for the Indians and the students was held today.

October 11-12-13: There was Mass. Class was held on the eleventh. Mr. Darveau and Mr. Tremble arrived. Yesterday and today we heard the confessions of the boys and girls. Mr. Blanchard left.

October 14: Sunday. Father Gailland said two Masses. There was a sermon in Potawatomie. In the evening there was benediction and a sermon in French.

October 15-16-17: There was Mass, class and a catechism class. (On the thirteenth, the uncle of Ocorruss arrived to work for us.)

October 18-19: Everything is as usual. On the twentieth, Saturday, there was no class. Two students, David and Alexander Rodd arrived. Scandal is given by one of ours.

October 21: Sunday. There was Mass with singing and a sermon in Potawatomie in the morning. There was no singing at Mass. There was a sermon in Potawatomie again in the evening. Brother Regan left.

October 22-23: There was Mass and class.

October 24-25-26: There was Mass and class. In the evening the students read from the Bible history for about half an hour.

October 27: There was Mass this morning. Class was not held.

October 28: Sunday. There was Mass this morning with a ser-

St. Mary's. In this respect he cites Father Verreydt as saying to the Indians: "The annuities which you have been receiving are almost at an end, and in a short time you will be unable to purchase the first necessities, as food and blankets."—M. Gailland, *Catholic Mirror*, November 9, 1850, cited in Garraghan, *op. cit.*, v. 2, p. 598.

66. The exact threat that the Indians made to the Baptist school supervised by Dr. Johnston Lykins is unknown. It is clear that Lykins looked upon the Jesuits as "foreigners" and a threat to his mission. In a school report dated September 30, 1849, Lykins says: "It is a leading motive with us to Americanize the Indians and attach them to our country and institutions, as, in our estimation, upon success in this depends much in regard to their future well being. A foreign influence must ever engender prejudice and produce a want of confidence in our government and people."—*The Report of the Commissioner of Indian Affairs*, 1849, p. 151, cited by Garraghan, *op. cit.*, v. 2, p. 623.

mon in Potawatomie. In the evening there was benediction and a sermon in French.

October 29-30-31: There was Mass and class. Mr. Darveau and Bergeron left.

November 1: This is the Feast of all the Saints. Services were the same as Sunday.

November 2: There was Mass but no class because we were lacking a place. The Fathers change their residence.⁶⁷

November 3: Saturday. Everything is as usual. Reverend Father Superior, two brothers, and a teacher arrived.⁶⁸

November 4: All is as usual.

November 5-6-7: Everything is as usual. On the seventh an exhortation was given to the Madames of the Sacred Heart.

November 8: The murmuring stopped.

A Memorial left by Father Provincial after his visitation on the twenty-eighth day of September, 1849:

The Provincial is persuaded that nowhere is greater regularity required in the performance of those exercises prescribed by the Institute than in missions amongst the aborigines, where, if the soul grows tepid, courage will be lacking to surmount the immense and endless difficulties, and a lapse into evil will not be far away. He judged it well, therefore, to set down the following:

1. The hour of rising in the morning shall be 4:30 o'clock, and one of the Fathers shall make his meditation with the brothers from five to six o'clock.
2. Father Gailland shall be the Spiritual Father, and the confessor of Ours and of the nuns. He shall give an exhortation to both communities in the chapel twice a month, and he shall make note in a book what is done in the consultations.
3. Immediately after the arrival of Father Duerinck with the two Brothers, all who are in this house will at the same time go through the eight day retreat, and Father Gailland will give or direct the exercises.
4. Hereafter the triduum shall take place at stated intervals, and the renovation of vows shall be made in the usual manner of the Society.
5. After the completion of the (new) house, Ours shall have their own refectory. Let a chapter of Scripture be read at the beginning of the meal, and the Martyrology at the end, and let there be the usual penances.
6. The Brothers shall read Rodriguez every day in the afternoon from six till six-thirty o'clock; the Fathers shall make their reading from the Epitome of the Institute in accordance with the wishes of our very Reverend Father General.
7. The bell shall be rung twice before dinner for the first and second examen.
8. Girls shall not be admitted to the kitchen and all externs, as far as it is possible, shall be kept out.

67. When the Fathers moved into the new building, their old living quarters were used as a dormitory, dining hall, schoolhouse and study hall. The new Jesuit residence was east of the other buildings.—O'Connor, *loc. cit.*, p. 64.

68. The Father Superior was Father Duerinck; the two brothers were Daniel Doneen and Sebastian Schlienger. The lay teacher was a Mr. Ryan.

9. Father Hoecken shall be the admonitor of Father Duerinck and consultor of the house. At least once a month the consultors shall meet with the Superior of the house. He shall also be a confessor of Ours and the Pastor for the surrounding aborigines. During the first and fourth weeks of each month he shall exercise his ministry amongst the congregation of the Blessed Virgin Immaculate. In his absence, Father Gailland shall take his place.
10. The fourth Father, who will come, shall, together with Father Duerinck, exercise chief control of the school and he shall act as minister.
11. Ours shall dwell in a house separate from the school building, and the natives shall be very rarely admitted to the private rooms of ours. The Fathers should have, each one, his own room.
12. Father Gailland shall collect the points for the annual letters.
13. Let the work of the house be so distributed among the Brothers that each will have time for his spiritual exercises.
14. Greater cleanliness should be observed in the house, yard, etc. Pigs and cows should be kept out of the yard.
15. Our yard should be entirely separated from the nuns' yard, and no one shall visit the nuns without the permission of the Superior.
16. Father Hoecken shall visit the Kansas tribe and arrange with them for the sending of their boys for instruction and for the building of a chapel.
17. The consultors shall write to the Reverend Father General and to the Provincial at the appointed time, and they shall state whether these prescriptions are being observed.
18. The summary of the Constitutions, the common rules, the rules of modesty and the letter of obedience shall be read publicly at table every month.

These are the points which, at present, I think should be observed.⁶⁹

This 28th day of September, 1849

J. A. ELET, *Vice-Provincial*
of the Vice Province of Missouri

November 9-10: Everything as usual.

November 11: Sunday. We had Mass with singing and a sermon in Potawatomie. In the evening we had benediction with a sermon in French.

November 12: There was class. A student by the name of Joseph arrived (he is an Indian of great stature. He is called Micabo.).

November 13: There was Mass, class, and catechism class. A student arrived, the son of Mrs. Frappe.

November 14-15-16: There was Mass, class, and catechism class. Two marriages were revalidated.

November 17: Saturday. There was Mass but no class. An Indian student by the name of Nisswakwat arrived.

November 18: Sunday. There was Mass and a sermon in Potawatomie, but there was no singing. After dinner there was bene-

⁶⁹. This translation was rendered by Father John O'Connor, S. J., in his "Jesuits of the Kaw Valley," *loc. cit.*, pp. 68-70.

diction and a sermon in French. Two students, sons of Mr. Perigora, arrived. Samuel Allen returned.

November 19-20: There was class and catechism instruction; there was also Mass. Everything is as usual. All workmen are dismissed. During these next few days all students will husk corn in the fields.⁷⁰

November 21: The Feast of the Presentation of the Blessed Virgin Mary. There was Mass and benediction. There was class and catechism instruction.

November 22-23: Everything is as usual.

November 24: Saturday. There is Mass and class. The two sons of Mr. Papin arrived with two girls.⁷¹

November 25: Sunday. At home everything is as usual.

November 26-27-28-29: There was Mass, class, and catechism instruction. We had a slight snowfall. The next day it melted.

November 30: There was Mass and class. We received Mr. Lee, agent of the American government. (He was the government agent for our Indians and made an inspection of our two schools.)

December 1: Everything is as usual. A new student, the son of Mr. Peter Bourbonnais, arrived.

December 2: The feast of Saint Francis Xavier. There was Mass with benediction. There was class.

December 3-4-5-6-7: Everything is as usual. On the seventh it snowed. Father Gailland began his eight-day retreat.

December 8: The Feast of the Immaculate Conception of the Blessed Virgin Mary. There was Mass and benediction.

December 9: Sunday. There was Mass without hymns. There was no sermon on account of the cold. In the evening there was benediction.

December 10-11-12-13-14-15: Everything is as usual. The Kansas River is frozen over. This week the students, Wabausi and Joseph Brouvert, were sent home on account of sickness.

December 16: Sunday. There was Mass with hymns. There was a brief talk in Potawatomie. In the evening there was benediction.

December 17: There was Mass and class. The first consultation was held about obtaining the gifts of medicines given so far and to

70. During the busy period school was dispensed with and the students worked in the fields.

71. It is interesting to note that Helen Papin was the mother of the former Vice-President of the United States, Charles Curtis. She was a Kansa mixed-blood belonging to the tribe that settled near Soldier creek. Charles Curtis was baptized on April 15, 1860, by Father Dumortier of St. Mary's mission.—See Garraghan, *op. cit.*, v. 2, p. 618.

be given henceforth, and about the division of the field between ourselves and the Madames of the Sacred Heart.

December 18-19: Everything is as usual. The snow has wholly melted. Father Superior set for Kansas City. (He went to visit Colonel Lee, the agent at Westport.)

December 20: A student, S. B. Gouville arrived.

December 21-22-23-24: Everything is as usual.

December 25: Christmas Day. There was no midnight Mass. In the morning at six o'clock there was Mass, singing and a sermon in Potawatomie. At the 10:30 o'clock Mass there were hymns and a second sermon in Potawatomie. In the evening there was benediction and a sermon in French. Hilary Nadau, a student, arrived.

December 26: Everything is as usual.

December 27: Father During returned from Kansas.⁷²

December 28: The Feast of the Holy Innocents. Ten girls fervently received their first Holy Communion.

December 29-30-31: Everything is as usual.

1850

January 1: The feast of the Circumcision. We received the usual greetings.

January 2-3-4-5: There is nothing new. Father Hoecken has been absent for four days. We heard the confessions of the girls.

January 6: The Feast of the Epiphany. There was Mass without singing, and a sermon in Potawatomie. In the evening there was benediction with a sermon in French.

January 7: There was Mass, class, and catechism class. There was a heavy snow. An Indian by the name of Natchinnene left our school.

January 8-9-10-11: Everything is as usual.

January 12-13-14-15: Everything is as usual.

January 16-17-18-19: Everything is as usual. On the seventeenth, eighteenth, and nineteenth, we made the triduum for the renovation of vows.

January 20: The feast of the Holy Name of Jesus. We renewed our vows. Everything else is as ordinary.

January 22: The first Holy Communion for the Indian children was held today.

January 23-26: Nothing unusual.

⁷². Kansas City. "During" is a misspelling for Duerinck. Father Gailland made some of the entries in the diary hurriedly; hence, the explanation for the abbreviations or misspelled names.

Bypaths of Kansas History

THE PERILS OF HAULING A CANNON

From the "Thomas H. Webb Scrapbooks," v. 7, p. 256 (in Library division of the Kansas State Historical Society), apparently a clipping from the St. Louis (Mo.) *Daily Democrat* of December 31, 1855.

An amusing anecdote is related by a Kansas correspondent of the *Carlisle Democrat*, about the company from Kickapoo, a little town near Leavenworth. A notoriously eccentric character named Wash Hays, living in Kickapoo, was hired with his ox team to draw a cannon for the Missouri invaders. (Queer light artillery, wasn't it?) He started and got fairly on the road, appearing as if he was oppressed by some mighty thought—when all at once, he sang out, "Whoa Buck!" stopped his team, and addressed the "captain:" "Look you, mister, s'pose you git whipt, how's my oxen to retreat? S'pose they take the gun and shoot the oxen, who's gwine to pay, eh?" and having delivered himself thus, he sat down on the muzzle of the gun and paused for a reply. "Oh, pooh!" says the Captain, "drive on, drive on! I'll be accountable." "Oh, yes, you *will* be accountable, if you get whipt; but who's gwine to pay?" At this juncture, a friend of the driver rode up, and said, "Drive on, Wash! go 'long, old fellow!" Wash turned around with "Look here, mister, none of yer friendly digs. I ain't such a fool as you think I am," and he very complacently unyoked his team, left the cannon in the road and retreated to Kickapoo, no doubt rejoicing over his sober second thought.

WHEN ABRAHAM LINCOLN SPOKE IN LEAVENWORTH IN 1859

As described in the *Leavenworth Weekly Herald*, a Democratic newspaper, December 10, 1859.

OLD ABE LINCOLN.—According to announcement this venerable champion of Republicanism arrived Saturday afternoon about 5 o'clock, and was immediately surrounded by a respectable crowd of the "faithful," who bore him to the Mansion House, where the ceremonies of introduction and reception were gone through with. Col. J. C. Vaughan introduced him to the crowd, when he responded in a short speech—the pith of which was "he could not speak long, as he was to address them at night." He was probably afraid he would explore his 'one idea' and leave no capital for the evening.

AT NIGHT.

Stockton's Hall was filled to overflowing at an early hour—many Democrats being present. At half past seven, the hero of the occasion arrived, and after being greeted with a cheer, was introduced by Chief Engineer Delahay.—After elevating his nose, as if to scent the strength of the crowd in which he found himself, and taking a view all round, "Old Abe" took out his notes, and squared himself like a man who had work before him and felt equal to the occasion.

The personal appearance of the individual is altogether different from any idea which a stranger would form. So far from appearing 'old' he bears the appearance of a man well in his prime, but without dignity or grace; he has the lank, loose stamp of a six foot Egyptian "sucker," who has had his supply of whiskey cut off in his growing days, and therefore suddenly "ran to seed." His style of delivery, though concise, and striking plainly on the hearer, bears the impress of labored efforts to collect a smooth and easy flow; while his ideas are put forth in language totally at variance with all rules of grammar.

HIS SPEECH.

We cannot review it in all its particulars; but we have seldom heard one where more spurious argument, cunning sophistry, and flimsy evasions, were mingled together, and made to work out all right—no doubt to the satisfaction of his audience. He seized the slavery hobby in the beginning and rode it out to the end; starting out with presumed facts, which the man could not but know were points in dispute in the war of parties, and by the surreptitious adoption of which he cunningly evaded any charge of inconsistency in his erratic and blundering harangue. His remarks throughout were but the reproduction of the same old Illinois stump speeches with which he bored his audiences in that campaign which made him famous, and gave him the notoriety which he is not entitled to, owing to the position of his opponent. He certainly has the same old arguments stereotyped, which, if reports be true, he treats his audiences to on each and every occasion. The most noticeable point was his appeal to the Republican in Kansas, "to let the slaves in Missouri alone; no doubt he thought they needed some advice on this subject. His last remarks were confined to a vindication of the policy and doctrines of modern republicanism, and here is where the weakness of the man was apparent. His reply to the charge of sectionalism was flimsy, and weak in the extreme, accompanied with the hesitating delivery and excruciating gesture of a man who finds himself upon ground with which he is unacquainted, and accordingly "old Abe" beat a hasty retreat, and wound up with the apology that "as he had to speak again on Monday, he could not say more"; afraid of taxing that *one idea* too heavily.

Quantum sufficit. "Honest Abraham" will not make one more Republican voter in this Territory. Bring on another importation of "blooded stock," gentlemen.

ABRAM LINCOLN AGAIN.—This last importation of the Blacks again addressed a shivering squad of his admirers at Stockton's Hall yesterday.

An effort was made beforehand to persuade him to touch more directly upon our political history, and serve up "bleeding Kansas" in his peculiar and forcible style, but he preferred to stick to his "nigger," and twang upon the old and worn out arguments, which by some inexplicable operation have been stereotyped upon his brain.

Again he seized upon the subject of slavery at the outset, and after borrowing largely from his harangue on Saturday evening, went into a long strain of villification, invective and abuse against all who opposed him and his party. His audience cheered and clapped him on, in his miserable attempt to make capital out of the occasion, by prostituting his ability to pander to an animosity which delights itself in slurring personalities, and filthy expletives against the opposition.

It is a wonder to many how such a man as Abram Lincoln, can so prostitute himself. Is there no other issue in this wide country, but that of "nigger"? Has he forever and firmly wedded his talents and ability in the fanatical crusade of Abolitionism, and sees nothing upon the political horizon but the African? Where, we ask, are those issues, in which he once battled with a worthiness which won him renown? Are they dead? No, but he has forgotten their importance, and has allowed himself to be irrevocably drawn into the whirlpool of fanaticism.

"He had a word to say of Old John Brown." (Cheers for Brown.) "So far as Brown's sentiments for the negro were concerned, he sympathized with him; (cheers) but he condemned his lawlessness and bloodshed; (a faint cheer;) and he had yet to hear the first Republican say, he supported him in it." (Old Abe paused in expectation of applause, but it didn't come; his hearers were not with him there.)

In reply to this balderdash, we would ask him if Conway, Thatcher, Lane & Co., of this Territory, are not Republicans? and if they did not support Brown, why did they hold sympathy meetings at Lawrence, on the day of his execution? Why did the prominent Republican leaders in the States do the same thing, and raise money for him and his? "Honest Abram" don't read the papers, or if he does, he's blinded by the "negro."

His whole speech was but just such trumpery as the above, and every position had about as much foundation. We don't wonder that Douglas rakes the man "fore and aft," for he is "open" enough, and shows a good target between "wind and water." To sum up the whole, we characterize his efforts as weak in the extreme, and himself an imbecile old fogey of one idea; and that is—nigger, nigger, nigger.

As seen by the Republican Leavenworth *Daily Times*, December 5, 1859.

ENTHUSIASTIC RECEPTION OF HON. ABE LINCOLN.—Saturday was a wintry day. The sky was clear and a northern wind whistled over plain and street alike. But warm hearts and willing hands laughed the wintry elements to scorn. The coming of an honored man—crowned with Nature's patent of nobility—touched the hearts of our people, and they paid him such loving tribute as to make the day seem one of sunshine, joy and peace. No conqueror, with trophies and hostages, circled by martial pomp, was he who came amongst us, and yet no laureled chief—with all the honors of bloody victories—was ever welcomed with more cordial cheer than honest Abe Lincoln by the Republicans of Leavenworth.

It having been previously announced that Hon. Abram Lincoln, of Illinois, was to visit Leavenworth at an early hour, preparations were made to give him a reception befitting the man, and the cause of which he is such an able and fearless champion. It was understood he would arrive on the outskirts of the city at 12 o'clock, and that the reception would take place at the Mansion House at 1 o'clock.

A large number of citizens in carriages, on horseback and on foot, accompanied by the band, all under the direction of Capt. Dickson, the Marshal of the day, proceeded about a mile on the Government Lane, and there met our city's honored guest, greeting him with a rousing round of cheers—such as Republicans only can give.

The procession then turned and proceeded to the city in the following order:

1. Band.
2. Citizens on foot.
3. Carriages.
4. Horsemen.

Arriving at Turner's Hall the procession halted, and the large crowd then gave our guest three times three, while "the Kickapoo" [a cannon] was uttering a loud-mouthed welcome in thunder tones.

The procession then moved on through Delaware street, up Main, and Shawnee to the Mansion House. There the crowd was so dense that it was difficult for the carriages to get through. Mr. Lincoln was received on the balcony of the Mansion by Col. J. C. Vaughan, who welcomed him in behalf of the Republicans of Leavenworth in a brief but appropriate speech.

Mr. Lincoln was called for with loud cheers and made a few remarks, alluding briefly to political matters, giving a short sketch of the progress of the Republican party; of the trials of the Free State men in making this beautiful country the home of the free. He said their battles would never have to be fought over again. (Loud cries of "that's so," and "no! no!") and after returning his sincere thanks for so flattering a reception, and remarking that he should address them in the evening, he retired amid the cheers of the crowd.

Long before the time appointed for the speech, the Hall was filled to overflowing. Many ladies were present. Mr. Lincoln was introduced to the audience by Col. Delahay, amid enthusiastic cheering. He spoke for about an hour and a half, and every few minutes was interrupted by the applause given. We have not room to give even an outline of his speech. He showed up popular sovereignty in its true light; showed conclusively that the Democratic party of to-day was not the Democratic party of a few years ago; that the Democratic party was not a conservative party; that the Republican party was the only party in the Union that attempted to carry out the principles of Washington, Madison, Jefferson, and the founders of this Government.

After he concluded, many were eager to take by the hand one of whom they had heard so much.

Of the many receptions that Mr. Lincoln has received, we venture to assert that he never had a warmer one than that extended to him by the Republicans of Leavenworth on Saturday last.

MR. LINCOLN'S SPEECH.—We desire to dwell briefly upon the speech made by Mr. Lincoln, and, as our brother methodists so often say, to make an exhortation after it.

The first characteristic of Mr. Lincoln is *truthfulness*.

He has no clap trap in or about him. He is simple and downright. No matter how he deals with parties, or the measures of parties, he deals with them plainly and justly. No speaker, in our belief, is freer from prejudice, or those passions which cloud intellect or narrow it. He sees what he believes to be truth and he presents it as he sees it. Men of heart and of truth, consequently, consider what he urges, whether they agree with him or not.

The second characteristic of Mr. Lincoln is *common sense*.

Oratory is an art. The mellow voice falls sweetly on the ear, and the rounded period dies away as a musical note. Yet there may be—often there is—no grit, no marrow, no food for reflection or thought—on the part of those

thus gifted. It is all manner—passionate, persuasive, vehement—but it is the passion, the persuasion, the vehemence, generally of shallow feeling or animal impulse, and nothing more. Mr. Lincoln, on the contrary, taking a broad common sense view of principles and measures, presents and argues them with a broad common sense strength. He is clear and solid. His clearness and solidity, too, are felt, must be felt by bitterest opponents, save those among them who live upon the stimulus of party, or who seek to lead party.

Mr. Lincoln, consequently, is true to principle without being ultra.

He plays no part, and he would have no political organization play a part, in State or national affairs. There is the Constitution of the Union. He stands by it and will do so while he lives. There is its great principle of freedom. He will compromise that for no triumph—yield it up for no defeat. Either the slaveholder has the right under the Constitution to bring his human chattels into the Territories of the Union, or he has not. If he has, we must submit. If he has *not*, we must restrain him. Hence he repudiates Squatter Sovereignty, and all and every clap trap which conceals or seeks to conceal the true issue, and he does it, too, with a force of logic which cannot be successfully resisted—with a power of reasoning which no mind or party can overthrow.

But better yet, Mr. Lincoln is full of hope and of faith.

The impatient sink down after defeat, and the impulsive grow weary after victory. He avoids both errors, and the people must avoid them, if they would defend their own rights or secure their own progress. It is the iron will—it is the steady and oft repeated blow—it is the energy which never flags after victory or pales before defeat—which conquers.—All history establishes this truth. All human experience proves it. Looking, then, to the progress of the cause of constitutional liberty, in the near past, and to the certainty of its success in the near future, Mr. Lincoln earnestly advocates the use of those means essential to win it. What is worth having, is worth working for. Let us be hopeful and active—let us have faith, and never tire whether defeat or victory crown our efforts.

Mr. Lincoln's visit will do good to the Territory. No man can speak as he speaks or work as he works, without sowing seed which will bear rich fruits.

From the *Daily Times* of December 6, 1859.

SECOND SPEECH OF HON. ABE LINCOLN.—Pursuant to notice, Hon. Abe Lincoln addressed the citizens of Leavenworth, yesterday, at Stockton's Hall. The day was fearfully unpleasant, but the Hall was filled to overflowing—even ladies being present.

Mr. Lincoln opened by reviewing the Territorial policy of our Government at the start, proving conclusively that it was in favor of liberty and was ever so exerted except in some of the Southern States where slavery existed by municipal law or was made a distinctive feature of the articles of cession. But where these causes were not there was freedom proclaimed.

The Fathers did not seek to interfere with slavery where it existed but to prevent its extension. This was the policy of the Republican party of to-day.

The divisions of sentiment in the Democratic party in regard to slavery were flimsy and immaterial. The most advanced element could boast of no higher sentiment than an indifference to the peculiar institution. No part of the Democracy ever declared slavery wrong in itself; and they reached a sublime height when they said they didn't care whether it was voted up or voted down.

This indifference was all the slave-power could ask. It was a virtual recognition of the right of slavery to universal extension.

If a house was on fire there could be but two parties. One in favor of putting out the fire. Another in favor of the house burning. But these popular sovereignty fellows would stand aloof and argue against interfering.—The house must take care of itself subject only to the constitution and the conditions of fire and wood.

The speaker alluded, with much force and wit, to the great line (which we are assured by Senator Douglas was ordained of God) on one side of which slave-labor alone could be employed—on the other free-labor. Thought the Missouri River might be the line referred to. If the line was ordained of God it ought to be plain and palpable, but he had never been able to put his finger upon it.

The attempt to identify the Republican party with the John Brown business was an electioneering dodge. Was glad to know that the Democracy underrated the good sense of the people as the great Republican victories in New York, New Jersey, Minnesota and Iowa—where the argument was brought out with extraordinary emphasis—clearly demonstrated. In Brown's hatred of slavery the speaker sympathized with him. But Brown's insurrectionary attempt he emphatically denounced. He believed the old man insane, and had yet to find the first Republican who endorsed the proposed insurrection. If there was one he would advise him to step out of the ranks and correct his politics. But slavery was responsible for their uprisings. They were fostered by the institution. In 1830-31, the slaves themselves arose and killed fifty-eight whites in a single night. These servile upheavings must be continually occurring where slavery exists.

The democracy was constituted of two great elements. First. The original and unadulterated Democrats. Second. The Old line and *eminently* conservative Whigs. This incongruous party was ever charging the Republicans with favoring negro suffrage, sustaining this charge by instancing the two Republican States of Massachusetts and New Hampshire where negroes are allowed to vote. But it so happens that the law conferring this franchise was enacted by the Old Whigs in Massachusetts and the Democrats in New Hampshire. Kansas was the only State where the Republicans had the framing of the organic law and here they confined the elective franchise to the white man alone.

Mr. Lincoln said that, *in political arguments*, the Democracy turned up their noses at "amalgamation." But while there were only one hundred and seventy-nine mulattoes in the Republican State of New Hampshire, there were *seventy-nine thousand* in the good old Democratic State of Virginia—and the only notable instance of amalgamation that occurred to him was in the case of a Democratic Vice President.

Mr. Lincoln wanted the races kept distinct. Because he did not wish to hold a negro woman as a slave it did not follow that he wanted her for a wife. Such flimsy diatribes were perpetrated by the Democracy to divert the public mind from the real issue—the extension or the non-extension of slavery—its localization or nationalization.

Mr. Lincoln closed by a clear and forcible definition of the aims and the principles of the Republican party. He showed how they harmonized with the teachings of those by whom the Government was founded and how their

predominance was essential to the proper development of our country—its progress and its glory—to the salvation of the Union and the perpetuity of Free Institutions.

We have given but the merest outline of Mr. Lincoln's speech, which we count among his ablest and happiest efforts. He sought to make no display, but gave home-bred truths in a home-bred style that touched the hearts of his hearers and went home to all. The noble sentiments he uttered and the force of his logic carried conviction with them and aroused an earnest enthusiasm. At the close of his speech he was greeted with a cordial round of cheers which made the old hall ring.

REMEMBER THE DAY—

From the *Olathe Mirror*, July 11, 1863.

Kansas city is a large town, but it can't support a theater. Takes Leavenworth to do that.

BUFFALO HUNTING ALONG THE SANTA FE RAILROAD IN 1874

From the *Newton Kansan*, October 29, 1874.

Immense herds of buffalo are now coming into the Arkansas valley along the line of the A. T. & S. F. Road; they are moving north along the line of the railroad from Kinsley to some miles west of Dodge City. This will prove of immense benefit to the settlers along the line as it will give them profitable employment as well as furnish them with excellent meat at a cheap rate. This will also afford another opportunity for amateur sportsmen to have an exciting hunt. The trains on the Santa Fe Road were stopped four times in one day to let the buffalo pass. One passenger shot three from a car window.

THE DEATH OF A COLBY LITERARY SOCIETY

From the *Thomas County Cat*, Colby, February 18, 1886.

THE TRIAL CLUB GONE.—After much trial and great tribulation the "Colby Trial Club," alias, the Colby literary society, has followed the way of all good things, and gone up. It departed this life on Friday eve. Feb. 12th, amidst the deep and cheerful silence of many friends and neighbors. The solemn stillness of its closing hours was only broken by the dulcet tones of acting ex-President Willcox as he occasionally arose to pitch into something said by acting ex-Secretary Hall. Only these two unregenerates out of that vast congregation of mourners, were not awed and shut up by the agony of the dying struggle. As usual in cases of demise in this region, it died for want of breath. It was a sad and solemn time. All was quiet. Anon the gentle soothing voice of Bro. Bullers, rising to object, would steal in upon the deathly stillness and then died away like a hot biscuit in the hands of the hired man. Only once it rallied a little, when Bro. Sager arose and set his teeth into the language of sixty millions of people and scattered the ripped out, gory and bleeding fragments over the surrounding gloom.

Though dead, there is still hope, for the spring time is coming, by jerks, Gentle Annie, and bye and bye, when the roses bloom again, the now tired and anxious friends of this dead "gone before," may be able to pull the little-old-dried-up society out of the hole it has been put into, and breath into it a new lease of existence. The writer of this, was made a special "committee of one," to "rustle" for the society and report. We have rustled, and this is our report.

The thing is dead. Over the cause of its premature departure, we draw the kind mantle of silence, and speak in hushed and reverent tones of postponement, no coal, no janitor, a non est programme and repudiation. The Colby Trial Club is like bread cast upon the waters, but we have got a string to it, and may be able to pull it in again sometime. The last society editor is hereby notified that he can come in out of the woods, as the danger is over. Dear friends, farewell. In the name of the Colby Trial Club good bye.

Be virtuous and you will be happy, but you will be lonesome sometimes. Think of this lesson of tribulation, and govern yourselves accordingly. We will not murmur about this dispensation of providence, but in the spring try and "get there" again. We may not get there, but we will try. It will not do to gamble on. In the spring will be time enough to gambol. In the spring, when the railroads, the street cars and the water works come, we will buy us a new plug hat. If the weather is severe, we will have two of them. Kind friends, farewell. We are done. We have spoken. We have no more to say. Sic semper domino. Plumbago erysipelas in hock eureka sciatica usufruct limburger go braugh. Pull down the window shades. So mote it be.

BY ORDER OF COMMITTEE.

Kansas History as Published in the Press

Articles in the *Bulletin of the Shawnee County Historical Society*, March, 1953, were: "Fire! Fire! Fire!," an account of the burning of the Crawford Opera House; "Local History in the Making," by Earl Ives; "The Valentine House and the People Who Lived There," by Lois Johnson Cone; "Topeka Once Had Operas," by Euphemia Page; "Nautilus [Club] Memories," by Margaret Sawyer Lovewell; and "Burnett's Mound," by R. C. Obrecht.

Brief historical notes on Lyndon appeared in *The Peoples Herald*, Lyndon, March 26, 1953. The Lyndon Town Company was organized March 7, 1870, and on May 1, 1871, Lyndon became a city of the third class.

The Cunningham *Clipper's* feature, "Echoes of the Past," has continued to appear regularly in recent issues. From March 20 to May 1, 1953, a "diary" of Cunningham, July 1, 1888, through July, 1889, was published. On May 8, 15, 22 and 28, a short story, "The Indians Are Coming," based on an incident in the pioneer life of Kingman county, appeared. Another *Clipper* feature, "Cunningham's Family Album," a series of historical pictures, also has been published regularly the past several months.

Articles in recent issues of the *Pittsburg Sun* and *Headlight* included: a history of the Farlington town hall, built in 1873, by Harold O. Taylor, *Sun*, March 22, 1953, and *Headlight*, March 23; "Lecompte's Old Town," *Headlight*, March 27, and *Sun*, March 28; and a short history of Pittsburg, *Headlight*, May 20, and *Sun*, May 21.

A biographical sketch of Vincent B. Osborne, for whom Osborne county was named, was published in the *Ellsworth Reporter*, March 26, 1953. Born in Massachusetts, Osborne served with Kansas units during the Civil War and later settled at Ellsworth.

Recent articles in the *Hutchinson News-Herald* included: a history of the Hutchinson fire department, organized 63 years ago, by Jim Skinner, March 29, 1953, and a short history of Windthorst, now celebrating its 75th anniversary, April 23. Another article on Windthorst appeared in the *Dodge City Daily Globe*, April 23.

Articles in recent issues of the *Kansas City (Mo.) Star* included: "Faith of God-Fearing Pioneers Brings Blessings to Lindsborg," by Howard Turtle, March 29, 1953; and "Ft. Riley History in

Pageantry for Centennial Celebration," by John Alexander, May 31. An article in the *Kansas City (Mo.) Times*, entitled "Stories of Adventure in Early West Had Beginnings on Missouri's Frontier," a review of the diary of Osborne Russell who in 1834 traveled from Independence, Mo., to the Rocky Mountains, by Robert G. Beason, was published April 28.

Two articles in the *Emporia Daily Gazette* recently were the story of the Reeble food stores in Emporia, April 1, 1953, and a history of Emporia's hotels, June 8. The Reeble grocery business began 70 years ago when Rudolph Reeble opened the first store. The Emporia House, first hotel in Emporia, opened for business in April, 1857.

Titles of articles included recently in John Watson's "See Kansas" series in the *Wichita Evening Eagle* are: "Lindsborg's 'Messiah' in 72nd Year," April 2; "Lucas, Kansas, Couple's [Mr. & Mrs. Roy E. Miller] Free Rock Museum Plays Host to 5,000 Annually," April 9; "[Indian] Massacres Once Terrorized Lincoln County," April 16; "West Kansas Store [Robidoux Store at Wallace] Carves Niche in History," April 30; "Pueblo Indians Lived in State," May 14; "Colby, Kansas, Woman [Mrs. Joe Kuska] Owns Unique Collection of 20,000 Items," May 21; "Kansas Often Described as Flat, Holds Canyons, Buttes, Bad Lands, Rock Cities," May 28; "Historic Old Fort Wallace Once Guarded Western Trails," June 4; "Only Sod House in State Stands at Morland," June 11; and "Cimarron Crossing Once Point of Decision for Travelers Goading Oxen on Road From Westport to Ancient Santa Fe," June 18.

A historical sketch of the 19th Kansas cavalry, by Lot Ravenscraft, was published in the *Minneola Record*, April 16 and 23, 1953. The unit, commanded by Samuel J. Crawford, was recruited in the autumn of 1868 for a campaign against the Indians who had been attacking settlers and travelers.

Recent stories by Margaret Whittemore in the *Topeka Daily Capital* were: "Erosion Made Natural Bridge in Barber Co.," April 19, 1953; "Coronado Heights Honors Spanish Explorers," May 3; "Post Office Oak [Council Grove] Helped Make Pioneer History," May 17; and "'Beecher's Bibles' and Wabaunsee Church," May 31.

Publication by installments of the history of Harmony Ridge school, District 104, Butler county, by Zella Lamb Wolff, began in

the *Butler Free-Lance*, El Dorado, April 23, 1953. The district was organized in August, 1873.

Judge A. J. Myers of Lane county recalled the history of Ravanna, "dead" Finney county town, in a column-length article in the *Dighton Herald*, April 29, 1953. Myers came to the Ravanna area in 1880.

Two letters of historical interest appeared recently in the *Ellinwood Leader*: one, by Mrs. Annie Scheufler, printed April 30, 1953, reviewed life in Ellinwood around 1875; the other, by Mrs. Anna Ernsting, appeared May 14. Mrs. Ernsting's family, the Christoph Bock's, came to Ellinwood in the middle 1870's. Also on May 14 the *Leader* printed notes from the record book of Silas N. West, early Ellinwood coffin maker and notary public.

The early Garden City schools were discussed briefly by Marilyn Hatfield in the *Garden City Daily Telegram*, April 30, 1953. Sam Krotzer was the first teacher, holding classes in the John Stevens home in 1879 for 15 pupils.

Based on his visits to Concordia, Lebanon, Smith Center, Oberlin, Dighton, and Great Bend, Clyde Hostetter comes to the conclusion in an article, "Would Your Town Stop Anybody?" in *Pathfinder* magazine, Philadelphia, May, 1953, that something to be proud of in the way of history and progress can be found in almost every town. Hostetter thinks that small-town residents are far too modest about their communities.

Some of the history of Elkhart appeared in the *Elkhart Tri-State News*, May 1, 1953. Elkhart recently observed its 40th anniversary, having been established in April, 1913.

Several church histories have appeared in the past few months in the *Hays Daily News*. An article on the Hays Baptist church, established in 1883, was printed May 3, 1953. The history of the Presbyterian church of Hays, founded in 1873, appeared May 21. The Congregational church of Ellis, now observing its 80th anniversary, was featured May 24. Biographical sketches of two of Hays' prominent early businessmen, Andrew S. Hall and Morgan G. Huntington, were published in the *News*, June 7.

The *Wellington Daily News*, May 6, 1953, published a history of Wellington by May Myers Garland. In 1871 Mrs. Garland's father, L. K. Myers, joined with others in founding Wellington. It was incorporated in November, 1872.

A history of the early Grinnell grade schools appeared in the *Grinnell Record-Leader*, May 14, 1953. The first school in Grinnell apparently began in the fall of 1885, with Narra Jones as teacher. The first schoolhouse was erected that same autumn.

Anthony's 75th anniversary was celebrated May 27 and 28, 1953, with a Diamond Jubilee program designed to revive the pioneer spirit. The townsite of Anthony was selected April 6, 1878, by the town company. Anthony was incorporated in 1879. The *Anthony Republican* published a special 42-page edition, May 21, 1953, in which articles on the history of Anthony and Harper county appeared.

Some of the history of the First Presbyterian church of Dodge City was printed by the *Dodge City Daily Globe*, May 23, 1953. The church was formally organized as a Presbyterian church on May 26, 1878, but had been in existence on a non-denominational basis for some time before that. The leader in the organization was the Rev. O. W. Wright, who arrived in Dodge City in 1876.

A history of the first bridge over the Republican river at Clay Center, by L. F. Valentine, was published in the *Clay Center Dispatch*, May 26, 1953. The bridge, completed in 1875, was recently torn down. In the same issue of the *Dispatch* was a brief article by the Rev. F. E. Shivers, Miltonvale, on the Bateham post office in Clay county. Another article by Valentine, in the *Clay Center Times*, June 4, discussed the fees charged by ferries on the Republican river in the 1870's.

Girard had its beginning February 28, 1868, when Dr. C. H. Strong erected a stick on the site and attached the name Girard, according to a short article in the *Girard Press*, May 28, 1953. A town company was organized and in that same year lots were sold, buildings erected, and a post office established.

On May 30, 1953, the first weekly installment of Charles W. Goodlander's memoirs and recollections of early Fort Scott appeared in the *Fort Scott Tribune-Monitor*. Goodlander came to Fort Scott in 1858 and was active in the development of the town. In 1899 his memoirs were published in a book entitled *Memoirs and Recollections of C. W. Goodlander of the Early Days of Fort Scott*.

Included in the June, 1953, number of the *Transactions of the Kansas Academy of Science*, Lawrence, were "The Geography of Kansas," part 3—concluded, by Walter H. Schowe; and another editorial on favorite views in Kansas.

A history of the Orcutt community, Neosho county, by Grace Moody Reed, was printed in the *Erie Record*, June 5, 1953. The school district of Orcutt was organized and a schoolhouse built in 1873.

Featured in a 50-page special edition of *The Phillips County Review*, Phillipsburg, June 11, 1953, was the recently modernized and expanded Co-operative refinery.

A 92-page Fort Riley centennial edition was published by the Junction City *Union*, June 24, 1953. Included were articles on various phases of Fort Riley, Junction City, and Geary county history. Other newspapers observing Fort Riley's 100th birthday with special editions were the Manhattan *Mercury-Chronicle*, June 24, and the Junction City *Republic*, June 25.

Kansas Historical Notes

The Wichita Historical Museum Association will present the "Cavalcade of Kansas," a pageant which will factually depict the history of the state from Coronado's visitation to the settlement of the state, on October 9, 10, and 11, 1953, at 2801 South Hillside in Wichita. Some 400 Kansans will take part in the historical event as cast members. The program is being written, directed, and produced entirely by the Wichita museum association under the direction of Owen C. McEwen, president, and chairman of the event.

The 78th annual meeting of the Kansas State Historical Society will be held in the rooms of the Society in the Memorial building at Topeka on October 20, 1953.

An essay contest for eighth grade students was recently sponsored by the Augusta Historical Society. The students were to write about the item they found most interesting in the society's museum. The winner was Sandra Criss whose essay on the museum building, including its history, was published in the *Augusta Daily Gazette*, April 16, 1953. Stella B. Haines is president of the society.

The bell from the frigate *Emporia* has been mounted on a red granite pedestal in the Lyon County Historical Museum. It was presented to the city of Emporia several years ago by the late James Forrestal. Named for the city, the *Emporia* was a Coast Guard vessel in service during World War II.

The 27th annual meeting of the Kansas Association of Teachers of History and Related Fields was held at Washburn University, Topeka, April 17 and 18, 1953. Speakers and their subjects were: Oswald P. Backus, III, University of Kansas, "The Philosophy of History of Karl Jaspers as Presented in *Concerning the Origin and the Goal of History*"; Albert R. Parker, Wichita University, "Russo-American Relations Since the Stresa Conference"; Harley J. Stucky, Bethel College, "Russia's Attitude on Disarmament"; Katherine F. Nutt, Fort Hays Kansas State College, "The Political Implications of Mexican Education Since the Revolution"; and Linwood L. Hogdon, Kansas State College, "Sociological Analysis of the 1951 Flood in Kansas." Nyle H. Miller, Kansas State Historical Society, addressed the group at the luncheon session on "Kansas." Officers elected at the meeting were: Charles Onion, Fort Hays Kansas State College, president; Verlin R. Easterling, Kansas State College, Manhattan, vice-president; and Miss Nutt, secretary-treasurer.

Elizabeth Cochran, Kansas State Teachers College, Pittsburg, was the retiring president.

C. M. Cooper, Pittsburg city engineer, spoke to the Crawford County Historical Society at a meeting in Pittsburg, April 29, 1953, on the surveys of the southeast Kansas boundaries. The southeast corner of the state was originally marked in 1857, according to Cooper. In 1915 Cooper was in charge of relocating the marker. L. E. Curfman is president of the historical society.

A marker has been placed by the Riley County Historical Association near the point where the old Fort Leavenworth-Fort Riley post road crossed the Blue river. On May 6, 1953, dedication ceremonies were held by the association, Dr. C. W. McCampbell, president.

A history of the Lindsborg community, by Emory K. Lindquist, until recently president of Bethany College, from the immigration of the Swedish pioneers to the Smoky valley in the middle and late 1860's, through the development of the community to the present day, has been published in a 269-page book entitled *Smoky Valley People* (Rock Island, Ill., 1953).

Information on the route of the Santa Fe trail through the Kansas City area, with particular emphasis on its location in relation to present-day places, has been assembled by Dean Earl Wood and published in a 272-page book under the title *The Old Santa Fe Trail From the Missouri River*. Mr. Wood illustrated his work with several maps.

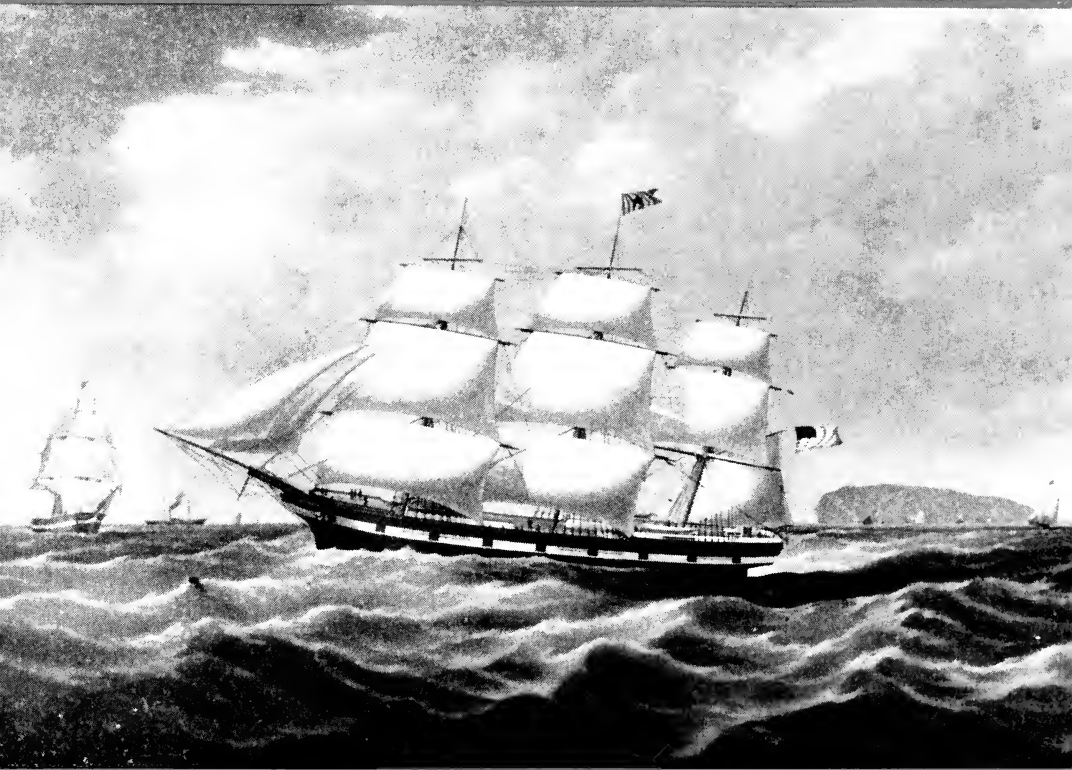
A description of school days in Kansas during the 1870's and 1880's is given in the reminiscences of the late Marshall A. Barber, internationally known scientist, published in an 84-page volume entitled *The Schoolhouse at Prairie View* (University of Kansas Press, 1953).

Two interesting pocket-size travel guides for Kansas were published recently. The first, *Travel Kansas*, No. 14 in a series of "Tripguides," lists 51 Kansas cities of especial interest to tourists, and gives historical information on each. The booklet was issued by the Helbert Travel Service. The second publication, *See Kansas—Remember Kansas*, features 24 Kansas views and paintings in color, with a descriptive sketch of each. This beautiful booklet, prepared by Milton A. Holmes, was sponsored by the Junior Chamber of Commerce of Kansas. Copies of both booklets are available throughout the state.



THE
KANSAS HISTORICAL
QUARTERLY

November 1953



Published by
Kansas State Historical Society
Topeka

KIRKE MECHEM
Editor

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Associate Editor

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The Kansas Historical Quarterly is published in February, May, August and November by the Kansas State Historical Society, Topeka, Kan., and is distributed free to members. Correspondence concerning contributions may be sent to the managing editor at the Historical Society. The Society assumes no responsibility for statements made by contributors.

Entered as second-class matter October 22, 1931, at the post office at Topeka, Kan., under the act of August 24, 1912.

THE COVER

You may be wondering what this sailing scene has to do with the prairie state of Kansas, so we hasten to write that the foreground shows the American packet *Roger Stewart*, which brought Peter Gfeller and his family to the United States in 1853. Many of his descendants now live in Dickinson and Geary counties, Kansas (*see* pp. 598, 599). Photo courtesy of Stephen E. Merrill, Brunswick, Maine.

THE KANSAS HISTORICAL QUARTERLY

Volume XX

November, 1953

Number 8

State Administration of the Land Grant to Kansas for Internal Improvements

THOMAS LEDUC

IN the days of the Grangers and Populists it was popular to condemn the federal government for its program of land subsidies to Western railroads and to other beneficiaries such as the agricultural colleges of the Eastern states. Little was said about the management by the Plains states of the immense grants of land made to them by congress.

Scholars, too, have failed to examine the record of the Western states in the administration of the school lands and other grants over which they had complete control. About seven per cent of the whole area of Kansas was donated by congress to the state. Nebraska, Iowa, and the Dakotas were given about the same relative amounts. How well did democracy work in the husbanding of these vast resources in the public interest?

The management by the state of Kansas of the internal improvements grant is an instructive chapter. From an early day congress granted to new states formed from the public domain grants of land in aid of transportation. Under the act of September 4, 1841, this practice was standardized by providing a donation of 500,000 acres of public lands to each state subsequently created from the federal domain.¹ The title of Kansas to this grant was activated by the federal statute admitting Kansas to the Union in 1861.

Under the terms of this act Kansas was entitled to select from the public lands within its borders, not reserved or already taken up by individual entrymen, parcels of not less than 320 acres in the aggregate amount of 500,000 acres. To select attractive lands, the legislature in 1861 appointed a committee of three senators, S. E. Hoffman of Neosho Falls, H. B. Denman of Leavenworth, and E. P. Bancroft of Emporia. For their services these agents were paid

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1. *U. S. Statutes at Large*, v. 5, p. 455.

at the rate of three dollars a day; they devoted altogether some 300 days to the work.² Their announced criteria for selecting tracts shed some light on contemporary principles of value. Soil fertility was put first, supply of wood and water next, and proximity to settlements last.³

The quest for good land that had not already been taken up by settlers or investors soon proved that little remained in eastern and northeastern Kansas. By the summer of 1861, when the committee made its search, the public lands of eastern Kansas had been open to pre-emptors for seven years and they had alienated most of the tillable land outside the Indian reservations. Good land could be had only at a distance of 100 miles from Kansas City. About 300,000 acres were found in scattered parcels in the Junction City land district and the other 200,000 acres in the Humboldt land district.⁴

Kansas seems to have appropriated these lands to the purposes intended by congress unwillingly, and only on advice of the attorney general of the state. The Wyandotte constitution, under which Kansas was admitted to the Union, had conveyed the internal improvements grant to the school fund.⁵ To this proposed diversion from the purpose asserted in the act of 1841, congress never assented.⁶ It appears, however, that until 1866 it was assumed that the state could effect such a diversion. That expectation was challenged by J. D. Brumbaugh, attorney general, who ruled on February 16, 1866, that the state could not repudiate the conditions imposed by congress in making the grant.⁷ It is difficult to escape the logic of Brumbaugh's ruling, which was confirmed by another attorney general a decade later.⁸ But it is perhaps worth noting that Brumbaugh, within a few months, was appearing as counsel for the Northern Kansas railroad, one of the beneficiaries of the grant.⁹

2. The report of the committee, dated January 14, 1862, will be found in the published state documents for that year. The committee may have selected other minor grants as well. Hoffman with 167 days to his credit, appears to have performed a majority of the work.

3. *Ibid.*

4. In the office of the state auditor, Topeka, will be found 14 selection lists, together with two "clear lists." Clear list No. 1, conveying 495,552.20 acres, was approved by the Secretary of the Interior on March 19, 1864, and Clear list No. 2, conveying 4,438.68 acres, was approved on April 19, 1870.

5. Art. 6, par. 3, constitution of Kansas.

6. Congress did approve such diversions in the cases of Wisconsin, Iowa, and some other states.—Benjamin H. Hibbard, *A History of the Public Land Policies* (New York, 1924), pp. 344, 345.

7. *Kansas House Journal*, 1866, pp. 494-498.

8. *Opinion of the Attorney-General Concerning 500,000 Acres of Internal Improvement Lands*, pamphlet dated Topeka, February 2, 1876.

9. See the resolution of the board of directors of the Northern Kansas Railroad Co., June 18, 1866.—"Correspondence of Agent to Sell Railroad Lands," 1866-1869, Archives division, Kansas State Historical Society.

In conformity with the opinion of the state's chief law officer, the legislature of 1866 finally appropriated the lands to the aid of transportation and established procedures for the administration of the grant.

The legislative background of this law, as reported by a contemporary state senator, is not without interest. In January, 1866, Sen. J. F. Legate of Leavenworth introduced a bill appropriating the proceeds of the sale of the lands to the construction of highway bridges across the Missouri river at Leavenworth and across the Kaw at Wyandotte, DeSoto, Lawrence, and Topeka. A few days later Sen. E. C. Manning introduced a bill providing for the donation of the proceeds in equitable shares to three railroad companies, the Kansas & Neosho Valley, the Northern Kansas, and the Union Pacific, Southern branch.¹⁰ At that date none of these companies had secured land grants from congress.

It is said that the Manning bill was passed by the efforts of a combination of senators from the Neosho valley and the northern tier of counties. When the bill reached the house it was defeated by opposition generated from Lawrence. The Leavenworth, Lawrence, and Galveston Railroad,¹¹ unbuilt, but chartered to run due south from Lawrence, had secured a federal land grant in 1863, but by 1866 it was apparent that most of the grant would fail because of prior private entry and prior railroad grants. Actually, the L. L. & G. was ultimately to realize only 11.6% of its grant from Lawrence to the northern border of the Osage lands, and none in the Osage lands.¹²

Sen. Oliver Barber introduced a substitute bill which added the L. L. & G. to the three beneficiaries named in the Manning bill, and the Barber bill became law on February 23, 1866.¹³ Twenty-three members of the house registered a protest against the act, alleging that four state senators, four representatives, and two state officials had a pecuniary interest in the outcome of the law.¹⁴

10. The Kansas & Neosho Valley was later known as the Missouri River, Fort Scott & Gulf and is now part of the Frisco system. The Northern Kansas was later known as the St. Joseph & Grand Island and extended from Elwood to Marysville; it is now part of the Union Pacific. The Union Pacific, Southern branch, is the line from Junction City down the Neosho valley to Chetopa; it is now part of the Katy system and was never affiliated with the Union Pacific.

11. The L. L. & G. never extended north of Lawrence. It is now part of the Santa Fe.

12. The L. L. & G. received a patent on grant lands within the Osage Ceded Lands, but the patent was voided after long and bitter litigation instigated by squatters and financed in part by a contribution from the state of Kansas.—L. L. & G. vs. U. S., *U. S. Reports*, v. 92, p. 733. See, also, the informative note in *L. L. & G. vs. Coffin*, *Kansas Reports*, v. 16, p. 510.

13. *Laws of Kansas, 1866*, ch. 61. This account is based on the article by Sen. Edwin C. Manning, "The Kansas State Senate of 1865 and 1866," *Kansas State Historical Society Collections*, v. 9, pp. 359-375.

14. *Kansas House Journal, 1866*, pp. 483, 484.

Under the act of 1866 the state undertook to apportion the 500,000 acres equitably among the four named corporations, to sell the land, and to pay over the proceeds to the beneficiaries. To qualify for the proceeds of the allotted land, each company was required to complete ten miles of construction within five years.

The act thus permitted the prompt sale of the lands and retention of the proceeds in the state treasury until they were earned. This arrangement made the lands immediately available to settlers and investors.

Sale of the lands was put in the hands of an agent to be appointed by the governor, but removable at the request of the beneficiary companies. That the state agent was intended to be wholly a servant of the railroads was made clear in one section of the statute that asserted:

The sale and management of said lands and proceeds, the duties and conduct of the different officers connected therewith, and all matters and things pertaining thereto, not specifically set forth in this act, shall be conducted by and be subject to the instructions and rules made by the directors of said corporations.

In agreement with federal mandate, a minimum price of \$1.25 an acre was fixed, but in 1869 the legislature provided that any of the beneficiaries might appraise the lands and set higher minima on individual tracts. It appears that only the Union Pacific, Southern branch, made such an appraisal.

In evaluating the act of 1866 one is struck with its generosity. The four beneficiaries were each granted land at the rate of 12,500 acres per mile of line. Nebraska, in disposing of her internal improvements grant, donated only 2,000 acres per mile.¹⁵ On grants made by congress to the railroads directly the prevailing rate in Kansas was only 6,400 acres per mile, and few railroads ever realized their full entitlement. Furthermore, the internal improvements lands were probably more valuable, acre for acre, than the federal grants. The location of the federal grants was determined by the line of route and the railroads had to take the land as it came in the usual checkerboard pattern of alternate sections. In eastern Kansas and Nebraska, as in most of Iowa, the available land usually represented the residue after pre-emptors had filed on the best lands. The state lands, on the other hand, had been conscientiously selected in choice parcels without restriction as to location.

Appointed by the governor to serve as state agent to sell the internal improvements lands was George W. Veale of Topeka.

15. *Laws of Nebraska, 1869*, p. 154.

Veale's qualifications for managing the sale of property worth upwards of two million dollars are not entirely clear.¹⁶ At the then not inconsiderable salary of \$1,500 a year, he held the position until he was succeeded by Richard D. Mobley of Ottawa on February 6, 1869.¹⁷ It appears that Veale, and perhaps Mobley, were unbusinesslike in their methods. The records they left are confused and far from systematic. In 1874 Frank H. Drenning was appointed to the agency and instructed to straighten out the accounts. A year later he reported:

I found that no person had held the office or performed any services since 1871, and that the books and papers belonging to it were scattered around promiscuously. . . . I found the records of the office in a worse shape than anything of the kind that I have ever met with in the course of business. There has been no system of accounts kept, and I have been compelled to get such information as I could from the various State officers and the parties who have purchased land.¹⁸

Veale began to sell the lands in 1866. He appears to have made no effort to secure the best possible prices. To large-scale investors he sold some 45,000 acres at or near the minimum price of \$1.25. His readiness to sell the land at low prices was obviously adverse to the long-term interests of the railroads. Two of the companies protested and asked that sales be deferred. In June, 1866, and again in July, 1867, the Northern Kansas railroad expressed its disappointment.¹⁹ In September, 1866, and several times in the first half of 1867 the Union Pacific, Southern branch (M. K. T. railroad), took similar action.²⁰ It appears that Veale had sold none of the lands earmarked for the account of the Leavenworth, Lawrence & Galveston, and no protest from that road seems to have been filed. The fourth beneficiary, the Kansas & Neosho Valley, on the other hand, was anxious to have its lands put on sale "as soon as possible."²¹ This was not a strong company, and it was soon to be

16. Veale was born in 1833 and came to Kansas from Indiana in 1857. He represented Topeka in the state senate in 1867 and 1868, and was later several times elected to the state house of representatives. He was president of the Kansas State Historical Society in 1908.—See his reminiscences in *Kansas State Historical Society Collections*, v. 11, pp. 5-12.

17. Mobley was a member of the state house of representatives in 1867, 1868, and 1875.

18. Drenning's summary report, February 13, 1875, will be found in the *Kansas Senate Journal, 1875*, pp. 305, 306. Drenning's home was in Wathena; he represented Doniphan county in the state legislature several times and was chairman of the state Republican committee in 1867. He was proprietor of the *Wathena Reporter* at one time and had some interest in the Northern Kansas railroad.

19. By authority and direction of the board of directors of the Northern Kansas, June 18, 1866, J. D. Brumbaugh attempted to arrange with Veale for deferment. See, also, the letter of Samuel Lappin to Veale, July 18, 1867.—"Correspondence of Agent to Sell Railroad Lands," 1866-1869, *loc. cit.*

20. Letter of P. B. Maxson, secretary, Union Pacific, S. B., to Veale, Emporia, September 30, 1866; Maxson to Veale, Emporia, March 13 and May 18, 1867.—*Ibid.*

21. A. S. Johnson to Veale, Shawnee Mission, January 2, 1868; A. S. Johnson to Gov. S. J. Crawford, July 12, 1867.—*Ibid.*

captured by James F. Joy who planned to make it a link in his Gulf-to-Lakes route. The desire of the K. & N. V. to secure an advance payment on account suggests that its finances were desperate, and that its owners were trying to liquidate either to fend off the threatened absorption by Joy or for their own profit.

Although Governor Crawford "directed" Veale to suspend sales of the land allotted to the protesting railroads, he admitted that he was doubtful of his right to do so.²² In the end, to protect their interests, all four companies, or affiliated interests, purchased from the state the unsold lands. Only in that way could they derive a fair value from the lands.

Completion of the required construction on the L. L. & G. was certified on January 10, 1868. Three weeks later substantially all of the lands credited to that road were sold at the minimum price of \$1.25 an acre to P. F. W. Peck.²³ Peck had advanced money for construction and held a lien on the assets of the company. When the lien was discharged he conveyed the lands to the L. L. & G. without consideration.²⁴

About 80% of the lands allotted to the Northern Kansas railroad passed in the same way by sale to interests that controlled the road. On December 4, 1868, construction was approved and on the same date title to 104,632.64 acres was conveyed by the state to Dudley M. Steele, president of the company, for a consideration of \$1.25 an acre.²⁵

After Joy got control of the Kansas & Neosho Valley, he purchased from the state the unsold lands apportioned to his company. On December 13, 1868, construction was certified and on December 26 he bought 89,690.83 acres at \$1.25 an acre.²⁶

Lands allotted to the Union Pacific, Southern branch, the fourth beneficiary, likewise passed largely to interests close to the management of the line and were eventually conveyed to the railroad itself. This was the last of the four roads to complete construction of the required ten miles of line. Certification was entered on October 1, 1869, and on December 16 the state sold 89,095.85 acres to the Land Grant Railway & Trust Co.²⁷ These lands were later conveyed, without substantial consideration, to the Missouri, Kansas

22. S. J. Crawford to P. B. Maxson, May 25, 1867.—"Governor Crawford's Letter Copy Book," p. 50, Archives division, Kansas State Historical Society.

23. State to Peck, patent deed.—"Allen County Deed Record," v. F, pp. 354, 362.

24. Peck to L. L. & G. R. R.—*Ibid.*, p. 367.

25. "Patent Book, Internal Improvements Lands."—Office of state auditor, Topeka.

26. *Ibid.*

27. *Ibid.*

& Texas railroad, successor to the Union Pacific, Southern branch.²⁸ The Land Grant Co. held the contract for the construction of the M. K. T. Both the Land Grant Co. and the railroad were controlled by Levi Parsons.²⁹

Alone among the sales to the beneficiary railroads of the land apportioned to them, the M. K. T. transaction was made at prices above the minimum. It will be recalled that only this road had made an appraisal of its allotment, and it was at the appraised value that the land was sold. Prices ranged from \$2.25 to \$6.50 an acre, with a mean of \$4.50. This transaction represents about 17.5% of all the internal improvements lands. It thus affords some clue to the extent of the state's bounty and some index of fair prices for land in comparison with the federal government's politically-determined price of \$1.25 for its public lands. If all of the internal improvements land was equally valuable, the total value of the 500,000 acres was \$2,250,000. It is possible, however, that the lands of the Union Pacific, Southern branch, that had already been sold were less valuable than those bought in by the Land Grant Railway & Trust Co. Assuming that this was the case and that the average value of all the 500,000 acres was only \$4.00 per acre, it follows that each of the four railroads was given by the state a bounty of half a million dollars, or fifty thousand dollars for each mile of construction. The approximate cost of good construction at this time was about \$25,000 per mile. The original 241 miles of the Burlington system in Nebraska cost \$27,291 per mile, including interest payments during construction.³⁰ The original estimate for construction of the Santa Fe from Atchison to Topeka was \$13,690 a mile.³¹

The purchases by which the four beneficiary railroads acquired the unsold lands allotted to them exhausted the supply of internal improvements land. A small balance of the whole grant of 500,000 acres had not then been received. On April 19, 1870, the federal government conveyed to the state the 4,600 acres still due.³² Mobley, the state agent who had succeeded Veale, did not at once commence sale of these lands. When, on February 13, 1872, he assembled state officials and representatives of the beneficiary railroads to apportion the supplementary grant, the state attorney general, A. L. Williams, petitioned the district court of Shawnee county for an injunction restraining sale or payment of the proceeds to the rail-

28. Interstate Commerce Commission, "Valuation Docket No. 828," pt. 1, p. 9.

29. Missouri, Kansas & Texas R. R., *First Annual Report*, p. 13.

30. Richard C. Overton, *Burlington West* (Cambridge, 1941), p. 282.

31. L. L. Waters, *Steel Trails to Santa Fe* (Lawrence, 1950), p. 33.

32. These lands all lay in Ranges 8 and 10, West, and had been selected by Mobley.—Supplementary list 14, approved and certified by the U. S. General Land Office, 1870, in office of the state auditor, Topeka.

roads. Mobley did not appear in court to oppose the application and the four railroads filed disclaimers to any interest in the land or in the proceeds of its sale. The injunction was therefore issued and on August 9, 1873, was made perpetual.³³

The injunction outlawed any disposal of the lands by prohibiting sale for the only purpose provided by state law. Until the legislature made some new provision the remaining lands would be available only to trespassers. In 1876 Governor Osborn stated that he had been contemplating a recommendation that the legislature authorize sale of the lands and diversion of the proceeds to the state university, but that he had been dissuaded by uncertainties arising from confusion in the sales records.³⁴ It was at this stage that Atty. Gen. A. M. F. Randolph issued a ruling confirming that issued in 1866 by his predecessor, Brumbaugh. Randolph reiterated that congress had never accepted the provision of the Wyandotte constitution diverting the lands to the benefit of education from the purpose prescribed by the federal law of 1841.³⁵

It appears that no effort was made until 1885 to provide by law for the disposal of the lands conveyed to the state in 1870. The state meanwhile collected small balances due on sales made earlier on the original conveyance of 495,000 acres. By 1885 there was a little over \$8,000 cash and the 4,600 acres still in the state's railroad account. In that year the legislature, uninhibited by the rulings of two attorneys general, passed a law authorizing sale of the land for the benefit of the permanent school fund and transfer of the cash balance to the same account.³⁶

In retrospect it would seem that the state legislative policy was unwise and that the state administration was irresponsible and inefficient in the disposal of the internal improvements grant. The legislature offered unusually generous bounties for the construction of as little as ten miles of trunk line. If trunk lines were wanted, greater mileage should have been required. If the legislative policy of having the state sell the lands was intended to prevent withholding of the lands from settlement, it failed. The railroads bought in 80% of the land and then were free to withhold it for optimum market conditions. As to the act of 1885 diverting the small final balances of land and cash to the school fund, it was clearly a violation of the mandate of congress.

33. Letter from the attorney general to the legislature, January 26, 1874.—*Kansas Senate Journal*, 1874, pp. 127-129.

34. Message of the governor, *Kansas House Journal*, 1876, p. 40.

35. *Opinion of the Attorney-General Concerning the 500,000 Acres of Internal Improvement Lands*, dated Topeka, February 2, 1876.

36. *Laws of Kansas*, 1885, ch. 182. This statute listed the unsold parcels. The statutory listing was repealed by ch. 220 of the *Laws of 1887*, which gave a slightly different list.

Judge Lecompte and the "Sack of Lawrence," May 21, 1856

JAMES C. MALIN

PART TWO: THE HISTORICAL PHASE

IN part one, "The Contemporary Phase," of this study, Judge Samuel D. Lecompte's defense of his judicial career rested primarily upon his four letters—to Rep. James A. Stewart, to Sen. James A. Pearce, to Gov. John W. Geary, and to Caleb Cushing. He was not permitted a hearing upon any of the charges where prime documentary records could be presented or witnesses introduced and cross-examined.

Thus matters were left, so far as Lecompte was concerned, until 1873, when old wounds were reopened. This seems all the more remarkable, because Lecompte had maintained his residence in or near Leavenworth, had remained loyal to the Union, and after the Civil War had served as a Democrat in the state legislature in 1867 and 1868, after which he became a Republican during the campaign of 1868, and in 1874 was chosen chairman of the Republican congressional committee.

Upon the last mentioned occasion, and without any reference to the impending explosion, Sol Miller, editor of the *Troy Kansas Chief*, June 25, 1874, printed this paragraph:

If there still be persons who think that the world does not move, we refer them to the name of S. D. Lecompte, attached to the call for a Republican District Convention to nominate a Congressman for this District, and remind them that this is the same Judge Lecompte for whom Lecompton was named, and the very mention of whose name, less than twenty years ago, caused a shudder everywhere in the Free States. He is one of the pleasantest looking old gentlemen imaginable. It may serve to strengthen their faith in progress, to know that Gen. Stringfellow is a member in good standing of the Republican party.

One of the remarkable aspects of the post-Civil War period—remarkable if one takes seriously the "depravity" charged against the Proslavery "villains" of the territorial melodrama—is that once the slavery question was eliminated, former Proslavery people, including the more prominent leaders, lived as integral components of their communities, commanding the respect each deserved as an individual, unless, perchance, old controversies were revived. In

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that case Free-State people, with few exceptions, demanded a complete monopoly upon interpretation of the past.

The answer to the question of the reopening of the old wounds in the case of Lecompte is to be found in a complex situation, climaxing in 1873-1874, in a criminal libel suit, *State of Kansas vs. Daniel R. Anthony*, with Lecompte as the complaining witness.

The situation providing the immediate setting for the libel suit involved four episodes, more or less related: a controversy over enforcement of internal revenue laws; Cole McCrea's charges against Lecompte arising out of the territorial troubles; Lecompte's article on the advisability of limiting the President to one term; and Lecompte's relations with the Grange and farmers' discontent of 1873.

THE DIETRICH CASE

The tax on liquor was inaugurated during the Civil War as an internal revenue tax to aid in financing the war. It was one of the few internal taxes retained by the national government after the war, and was the object of a bitter and relentless campaign for repeal. In fact, there were many resemblances between this campaign and the antiprohibition campaign of the 1920's against the Eighteenth amendment. Corruption in administration led to the Whisky Ring scandals in 1875, which compromised even President Grant. The federal enforcement in Kansas was in the hands of George T. Anthony, a cousin of D. R. Anthony, and a political opponent within the Republican party. Lecompte was United States commissioner in Kansas and preliminary hearings for offenders prosecuted under federal law came before him to determine whether evidence seemed to justify binding them over for action by the grand jury at the next term of the United States court.

The case of Charles Dietrich, for rectifying liquor without a license, was heard in August, 1873, and he was bound over on \$2,000 bond for trial at the next term of the circuit court. In the *Leavenworth Daily Times*, August 8, 1873, Col. D. R. Anthony denounced the prosecution of Dietrich on the ground that there was no desire to enforce the law, only to harass small offenders while the big violators, under a system of protection, became rich. Furthermore, in attacking the commissioner personally, Anthony charged that: "Lecompte true to his instincts and the tyrannical reputation he bears for crimes committed in the dark days of 1854 '56 and '57, bound his victim over in accordance with the instructions he received, from the man he now acknowledges his master." Instead of being re-

quired to appear in the United States district court in Leavenworth, Dietrich was required to appear before the United States circuit court in Topeka.¹ Neither the guilt of Dietrich's action nor the correctness of Lecompte's official action are critical to the present story, but the language quoted above in characterization of Lecompte, became one of the counts in the libel action. The Dietrich case provided only the occasion for its use.

THE MCCREA CASE

The revival of the controversy over Lecompte and the murder of Malcolm Clark by Cole McCrea, April 30, 1855, came about through a series of "Early Kansas" articles prepared by H. Miles Moore and published over a period of approximately a year, February, 1873, to January, 1874, in the Leavenworth *Daily Commercial*. Moore was a New Yorker, living in Weston, Mo., 1851-1855, a Whig in politics, and a member of the Leavenworth town company. He had acted with the Proslavery element, voting in Kansas on election days prior to his definite residence in Leavenworth which began in September, 1855. He had joined the Free-State party soon thereafter and was nominated attorney general, December 22, and elected January 15, 1856, under the Topeka constitution. Thus, at the time of the Clark-McCrea affair he was still a Weston resident, although a member of the Delaware Trust Land Squatters' Association because of a claim held in Kansas.

The murder of Clark had occurred during a Delaware Trust Land Squatters' meeting. As Moore related the incident, McCrea was not eligible to participate because he was settled on Kickapoo lands. Clark had served as marshal in the Delaware association and when McCrea interrupted after warning that he was not eligible to participate, an altercation ensued in which Clark was in the act of attacking McCrea when the latter shot and killed him. McCrea attempted to escape, was seized by the crowd and with difficulty taken to the guardhouse at Fort Leavenworth to save him from mob violence. After several months, McCrea escaped, but after a few years returned and was then living at Leavenworth.²

In the "Early Kansas" article of the week following the printing of the above account, Moore added further comments including the Leavenworth *Herald* May 11, 1855, account of an indignation meeting and incendiary resolutions of May 3, 1855, of sympathy for Clark and denunciatory of McCrea. In reprinting this material,

1. Leavenworth *Daily Commercial*, August 8, 1873; Leavenworth *Daily Times*, August 8, 1873. Another "vinegar works" liquor case was reported in the *Times*, August 26.

2. Leavenworth *Daily Commercial*, July 13, 1873.

however, Moore omitted names of living persons, particularly the references to Lecompte. The latter wrote Moore a letter, dated July 21, thanking him for his kindness, but taking the occasion to explain the errors in the old *Herald* story. This was substantially a restatement of his Stewart letter on the same points, relating how his role in that meeting had been misrepresented, and that, in fact, he had intervened to save McCrea, and he still thought he had done so. That story may be summarized, briefly. Judge Lecompte, who was then living at Shawnee Mission, was notified of a meeting to be held in Leavenworth the next day to decide upon action. On a half-hour's notice, Lecompte insisted, he caught the stage to the fort, and in the city intervened to persuade leaders to submit to legal processes. To that end, he thought that he had succeeded. He addressed the meeting and left thinking the crisis was over. Only afterward had he discovered what the meeting had done following his departure in adopting the resolutions in question, and the *Herald's* misrepresentation of his address to the meeting as an endorsement.³

Too late, Lecompte realized the mistake he had made in not entering into the contemporary record an immediate denial of the *Herald* story, his letter to Moore stating the circumstances—at any rate the circumstances as he saw them in 1873:

I intended to write the proper explanation for the next issue, but unhappily for a proper vindication of myself, I failed to think of the future and considering that the knowledge of those present would correct the falsity of the position assigned me, let pass the opportunity of correction, and they [thus] left, [as] a permanent record, a report of the proceedings, such as it is.

McCrea took strong exceptions to Moore's version of the affair and prepared an extended reply, published in the *Leavenworth Daily Times*, August 5, 10, 19, 24, 31, 1873. In printing McCrea's "Card," D. R. Anthony stated, August 5, that "We have no interest in the controversy, but, as Mr. McCrea thinks he has been grossly wronged and outraged by Mr. Moore, we give admission to his card of defense." McCrea referred to Moore as "a paid wretch in the employ of a newspaper claiming to be Republican," and to his history as "vulgar twaddle." In the second article McCrea compared Moore to a "snarling cur," and made even a more offensive comparison, but as the article deals primarily with Lecompte, the details of the Moore controversy are omitted here.⁴

McCrea pled self defense in justification of his shooting of Clark,

3. *Ibid.*, July 20, 27, 1873.

4. *Leavenworth Daily Times*, August 5, 10, 1873. The story of Moore and McCrea has been told elsewhere by the present author, under the title "From Missouri to Kansas; The Case of H. Miles Moore, 1852-1855."

and in defending his claim of right to participate in the squatters' meeting of April 30, 1855, enumerated five points: the exercise of jurisdiction by the Delaware association in Kickapoo country; the resurvey of the Delaware-Kickapoo boundary which placed McCrea's claim on Delaware land; retainer by William Braham, as his legal counsel; engagement by the real settlers, regardless of Proslavery or Free-State sentiment as their agent; election as Sachem of a secret Free-State society. McCrea's narrative was so confused in places as to render much of it incoherent, and therefore it is impossible to be certain upon what ground McCrea claimed his right to participate in the squatters' meeting as of April 30 in contrast with his claim of right as of August, 1873. In his "Early Kansas" articles, Moore had not recognized any aspect of such a claim of right by McCrea. On McCrea's side, he accused Moore of heading a mob to deliver McCrea from the guardhouse at Fort Leavenworth into the hands of the mob to hang him. Moore's "Journal," however, proves McCrea's accusation false.⁵

McCrea's grievance against Lecompté is the major focus of the present story. In connection with the charge against Moore of heading a mob to hang him, McCrea charged that Moore and Dr. Bailis appeared at the Fort with a writ of habeas corpus, purportedly sued out by McCrea, before Judge Lecompté—"the affidavit bearing the certificate of that most servile of ruffian tools. . . ." He accused Lecompté further of trying to force an indictment of McCrea from the grand jury in September, 1855, which was refused. Again in an adjourned session of the court, McCrea asserted that Lecompté secured a more pliable grand jury. Furthermore, he told a confused story of securing a change of venue under threats against Judge Lecompté.

Another offensive reference to Lecompté was made by McCrea in connection with his charge about Lecompté's relation to the Howard committee which investigated the Kansas troubles in 1856: Now one more incident in the judicial life of this unjust and imbecile Judge, . . . the office-seeking Republican, and I have done with him. I now refer to his raising his hand against the very government of the nation when the wretch undertook to keep our country from knowing our wrongs.⁶

McCrea was not "done with him," however, but, in the next installment of his reply to Moore, discussed the murder of William

5. Leavenworth *Daily Times*, August 10, 24, 1873; H. Miles Moore "Journal," entries for April 29, 30, May 1, 2, 3, 1855, account for Moore's activities. He was ill May 1, 2, 3, and confined to his bed, or to his room, most of the time. The Moore "Journal" is in the Coe collection, Yale University Library, and is used here with the written permission of the Yale University Library, dated February 26, 1953.

6. Leavenworth *Daily Times*, August 24, 1873.

Phillips, by a mob, and the murder of Hoppe by Fugit, charging that the latter was acquitted by Lecompte:

The judge is living in well-merited contempt about a mile south of the city. . . . Not one of the mob [that killed Phillips] was ever brought before a grand jury by that most infamous of judges—S. D. Lecompte. But the strangest part is, that this judge, the most foul of proslavery lickspittles, expects to receive a reward from the Republicans. . . . He [Phillips] was finally murdered on the 1st of September, 1856, while his gentle wife was an inmate of a lunatic asylum from the effects of frights received in Kansas from ruffians under the encouragement and approval of Judge Lecompte. Is it not cruel to keep that devil in expectancy of office so long? Oh, God! did ever the judicial ermine rest on so foul a back! ⁷

The only reaction of Moore to the McCrea articles was an entry in his journal, August 31, 1873: "McCrea has one in the *Times* a rich batch of lies and nonsense." It would seem that, on the basis of the articles, Moore had as good a case as Lecompte against McCrea and Anthony for libel.

"PRESIDENTIAL TERMS OF OFFICE"

The third episode that contributed to the Lecompte-Anthony libel suit arose out of an article written by Lecompte and printed in *The Kansas Magazine*, September, 1873, "Presidential Terms of Office." Lecompte argued for the right of the people to elect a man for as many terms as they thought fit. The judge pointed out that the issue was usually raised in the midst of a campaign by the adherents of the candidate to be benefited. But he insisted that there was a principle involved that should be considered independently of any particular candidate or party. The constitution placed no limits, and from patriotic motives Washington had set a precedent of two terms, but nearly a century had passed during which the republican principle of government had become well established in the United States, and had become widely recognized in the Old World. All arguments against re-election without limits he reduced to two: "The first, that of an adherence to an old practice because it was so; the second, that of a doubt of our capacity to maintain the great fundamental principle, popular sovereignty."

Lecompte's argument for a change in the custom of the two-term rule affords an admirable glimpse into the quality of the judge's mind and personality: "The general adoption of this sentiment [the two-term rule] would be the most complete quietus to progress that could be conceived. It is utterly inconsistent with the idea of human advancement, and can find no advocates amongst the be-

7. *Ibid.*, August 31, 1873.

lievers in the yet untold wonders of human capability." Of course, there was a fly in the ointment. The New York *Herald*, a Democratic organ, had already come out against a third term for Grant. Although Lecompte denied any interest in Grant for a third term, yet he suggested that if Grant's future conduct did not forfeit public confidence, and on the contrary, further enhanced it by 1876, the two objections named should not stand in the way of a third term.

The Topeka *Telegraph* commented favorably on Lecompte's article, but in his *Times*, August 29, 1873, D. R. Anthony used this notice as the text for a scathing editorial:

During the old border ruffian troubles Judge Lecompte was the most obsequious of all the federal appointees in Kansas. He prostituted the judicial ermine to do the dirtiest work of the slave power. He went to such extremes that his name became infamous and is to-day execrated by the friends of humanity throughout the country. In later years the Democracy failed to recognize his claims for office, he therefore deserts his old party associations and for the past few years has called himself a Republican. We do not object to his voting the Republican ticket, but we do object to his proclaiming himself the oracle of the party.

Judge Lecompte now prostitutes himself to do the work which no honorable Republican will do.

We have no unkind feelings towards the Judge, but we must beg him to keep quiet and not make the Republican party responsible for his wild subservient nonsense. Who is running the *Kansas Magazine*?

LECOMPTE'S "CARD" OF WARNING

For Lecompte, this seemed to be the last straw. He issued a "Card" of warning "To D. R. Anthony and Cole McCrea," published in the *Commercial*, September 3, 1873, referring to the "grossly defamatory articles," which had appeared in the *Times*. He pointed out four possible courses of action: to take redress into his own hands; to reply in kind; to submit without protest; and to institute libel proceedings. Although disagreeable, only the fourth course could he consider adopting:

But before doing so I prefer to give you both this open warning. I therefore do now advise you that I shall adopt the course indicated if there shall be any repetition of such use of my name.

I need simply add that the law gives you the privilege of showing the truth of the matters alleged in justification.

If you are satisfied that you can maintain the truth of such charges then this warning need not deter you.

I will scarcely say that I am not to be understood as intimating any suit for damages. I want none. I propose to treat it as the law treats it—as a crime against order and society to be punished.

The *Times* did not subside immediately and reprinted, September 7, from the Paola *Spirit* a commentary on Anthony's editorial on the

judge's presidential terms article under the headline, "An old Shyster." What the *Spirit* said was that "It [the editorial] very properly deals out a few hard knocks to one old shyster in the following language"—and then quoted Anthony on Lecompte.

LECOMPTÉ'S RELATIONS WITH THE GRANGE

The *Times* of September 10, went a step further, providing the fourth episode in the background of the libel suit:

The Grangers of the county, we are informed, met in council at High Prairie, on Saturday last. Judge S. D. Lecompte, the U. S. Judge who declared the Lawrence Hotel a nuisance, and the Judge who tried and cleared Fugitt, was in attendance. There was a large representation. Lecompte moved, as the sense of the meeting that it was inexpedient to make county nominations, which was carried. A delegate, however, pitched into the Judge and exposed his subserviency. The Council reconsidered the resolution and by an almost unanimous vote resolved to co-operate with the farmers' movement.

If they nominate an independent ticket we hope they will nominate their best men.

After this eruption, Anthony became quiet until December 23. The defalcation by the Leavenworth county treasurer had created a crisis. The Council of the Patrons of Husbandry had met December 20 to consider action, and authorized Lecompte to present their program to the meeting of the board of county commissioners, December 22. Anthony took exceptions to this choice and announced his opinion in an editorial December 23:

It was extremely unfortunate for the Grangers that they selected a tool of the old Border Ruffians to speak for them. Judge Lecompte is naturally a subservient, lazy man, the very last one that ought to have been selected to act as the exponent of the farming element. The Judge is by training and instinct opposed to the Granger policy, and had he not failed in his profession he would scorn to stand by the sons of toil. He never paid any tax himself, and is therefore the last man that should speak for taxpayers. . . .

THE LIBEL SUIT FILED

Anthony's newspaper rival, the *Commercial*, December 25, reviewed the background of the libel case, the McCrea articles, Lecompte's warning, the silence of the *Times*, then Lecompte's appearance on behalf of the county Grange, December 22, and the Anthony editorial the following day, concluding that there was little in the editorial itself that should have precipitated a libel suit, but it was the cumulative effect that "so exasperated the Judge that he, on yesterday [December 24], filed a bill of complaint. . . ." The *Commercial* revealed where its heart lay by the concluding sentence: "Judge Lecompte is an excellent citizen and an estimable

gentleman, and the whole course of D. R. Anthony towards him has been malicious and unjustifiable."

The *Times* editorialized, December 27: "A libel suit is an unique Christmas gift, but nevertheless we accept it in the same kindly spirit that it is tendered, and shall endeavor to use it for the benefit of truth and justice." Erroneously, Anthony attributed to Lecompte the authorship of the Lecompton constitution of 1857. The particular articles in the *Times* specified in the bill of complaint were editorials of August 8, September 7, 10, and December 23, and the McCrea articles of August 24, and 31, as well as other articles, not specified, between August 1 and December 23. Anthony closed his comment by saying:

To us it seems, although we are neither his physician or legal counsellor, that a libel suit which must necessarily recall to public notice much of the history of his past life, would be very distasteful to him. Personally our relations with Judge Lecompte have been pleasant. We have never exchanged hostile words with him, and at this time wish him all the happiness usually accorded to complainants in all cases of a similar character.

On August 5, 1873, in the same issue of the *Times* in which McCrea began his attack upon H. Miles Moore, Anthony also denounced him on another score. Moore had been elected to the school board the night before to fill a vacancy, "but as H. M. M. has always done the bidding of the 'ring' he is just the man they need." Since territorial days Moore had become a Democrat, and had risen in party ranks to the position of secretary of the Democratic State Central Committee. It is evident that, in addition to personal animosities, political considerations were involved. Anthony and Lecompte were rivals within the Republican party. The Dietrich case suggested a bid for the German and the liquor vote for the Republican party. Moore's "Early Kansas" articles suggested a Democratic bid for the same vote along with the Catholic vote. The appeal by both sides to the Free-State traditions of territorial days suggested a bid for the Negro vote. But in view of the manner in which the case had developed over "Early Kansas" history between Anthony and Lecompte, who was better equipped to defend Anthony than H. Miles Moore? In his "Journal," December 27, Moore wrote: ". . . Anthony employed me to defend him rather rich. . . ." Associated with Moore was another lawyer, E. N. O. Clough. Law as well as politics makes strange bedfellows. However bitter the feeling may have been between Moore, McCrea, and Anthony, having accepted the case Moore was compelled to conduct the defense on the terms Anthony and

McCrea had already set by the articles of the preceding August and September, which largely repudiated Moore's own writing on "Early Kansas" printed during the summer. Moore himself appears to have undergone at least a partial transformation. During the preceding summer, Moore had been generous toward Lecompte and the friendly exchange of courtesies had ensued in Moore's "Early Kansas" articles. But on December 28, the day after Moore had accepted the defense of Anthony, the *Commercial* printed his installment of "Early Kansas" dealing with the "Sack of Lawrence." In that article, Moore depended upon second hand reports from Lawrence that he had recorded in his "Journal" in May, 1856, attributing the destruction of the hotel and presses to "orders from the First District Court." He then reprinted the text of the notorious "indictment or information against the news papers and free state hotel," and then added this comment:

I wish I had the names of all the members of that grand jury who made the above recommendations, that I might give the people of Kansas as well as themselves if alive the benefit of this advertisement, they should be preserved, that they might be execrated by the present generation. The chances are that some of them at least if now residing in this State, are holding Federal or State appointments. I regret to say that the judge of that court approved the recommendation of that infamous grand jury, and issued the order for the abatement of those nuisances, so-called. . . .

One might ask whether fulfillment of Moore's professional obligations to his new client required such a change of front in his responsibilities to his readers for truth in history?

Anthony began pleading his case through the *Times* by printing documents on the William Phillips case taken from the archives of the district court of territorial vintage:

The papers published, it seems to us, prove conclusively that Lecompte was the Jeffries of those dark days of blood. Can anyone knowing the facts of the brutal treatment inflicted upon Phillips and of Lecompte's judicial action in the premises doubt that the latter was the "tool of the Border Ruffians?"

The original papers in the above case are now on file in the Clerks' office in this city. The indictment of the Grand Jury, declaring the Free State Hotel and the two Free State papers in Lawrence nuisances, cannot be found. They have probably been abstracted from the records of the court. In these later days, there are obvious reasons why many officials would very naturally desire their destruction. The old guard of Free State men will appreciate the reading of the documents.⁸

The preliminary hearings on the Anthony case began in police court, before Judge Samuel B. Williams, January 5 (Monday), and

8. *Ibid.*, January 4, 1874. The particular documents printed were not returned to the clerk's office, and are now in the "H. Miles Moore Papers," Manuscript division, Kansas State Historical Society.

continued through January 10, 1874. The prosecution placed in evidence copies of the *Times* containing the articles named in the complaint and rested its case. The defense occupied the remainder of the time. The *Times* ridiculed the prosecution:

Lecompte dilated on his numerous greivences; told what a perfect burden his life had been, pictured his deep misery to the Court, till his knees began to weaken and great crocodile tears chased each other down on either side of his blushing nose.

Referring to the arguments of the counsel on both sides, the account continued: "When these buncombe speeches had rippled away into complete nothingness, the witnesses were called."

Space does not permit a full report of the evidence and commentary from both the *Times* and the *Commercial* during the week of these hearings. The points that appear most pertinent to the main theme of this paper must be selected for brief review. On the second day, when the parade of defense witnesses began, Lecompte challenged the procedure proposed by the defense. The defense held that all that was necessary to prove was that prevailing public opinion held that Lecompte was guilty as charged by Free-State men. Lecompte insisted that the defense must be limited to the specific charges and establish them by positive proof. As the *Commercial* reported it:

The Court held that the acts of injustice, oppression and tyranny alleged to have been committed by Judge Lecompte must be supported by specific proof of each allegation; and remarked that the public opinion formed at that time was most likely colored by the partnership [partisanship?] of the actors.

Straightened by this ruling, the amount of evidence adduced bore somewhat the same proportion to the number of witnesses examined, and the time consumed, that the bread should in the Falstafian view, to the amount of sack with which it is to be consumed.

Little factual evidence indeed was offered, but in spite of the ruling much was said of Lecompte's bad reputation. In the cross examination of Anthony, he fell back upon such phrases as "best information," "general sentiment," "do not know," "comparatively," and "universal opinion." James Legate's testimony, as a witness called by the defense, proved of particular interest, and was reported in contradictory fashion by the *Times* and *Commercial*. He had been a member of the Douglas county grand jury in May, 1856. The *Times* interpreted him as saying that the grand jury did bring in a bill, by a vote of 13 to 4, declaring the hotel a nuisance, and also found bills against the newspapers, and that Sheriff Jones "publicly proclaimed that he did it [abated them] under the authority of the Court."

The *Commercial* reported Legate as saying "that the general talk at Lecompton was that Judge Lecompte would not make the order—and that the Deputy Sheriff that headed the mob at the time of the destruction, declared that it was done by order of the grand jury." Because of differences about what Legate had said, he was recalled the next day and repeated his statement as reported by the *Commercial*—the deputy sheriff asserted that the destruction was carried out by order of the grand jury. Lecompte testified that he had not issued an order to abate nuisances, and reviewed his other judicial acts in denial of the charges made against him during territorial days, and repeated in the hearings.

McCrea was recognized as the star witness, but when called to the stand proved a nonconformist. The *Commercial* described the scene:

Cole McCrea knew of no good in or about Judge Lecompte, and appeared to enjoy saying so. As it was found impossible to get catechetical answers to the questions put to this witness, he was finally left in possession of the floor, and told a good deal of what he knew about Kansas.

Col. Anthony listened with exemplary patience, and was able to suggest one or two immaterial items. . . .

When McCrea abandoned the floor, the court was compelled to adjourn on account of the lateness of the hour.

Twice during the hearings the question arose about the records of the territorial judiciary. On the second day, the *Times* reported: The records of the court while under Lecompte's management were sent for and found to be either missing or mutilated to such an extent that nothing could be gleaned from them. Lecompte wanted the records to be used as testimony, and the defense pleaded their insufficiency and asked to prove the imbecility and corruption of Lecompte's court by parole testimony.

The *Times* report of Legate's testimony had him say that:

All the records of this court were burned [probably meaning Douglas county records] at the time of Quantrell's raid on Lawrence, and a law had to be passed by the Legislature for the benefit of attorneys practicing in this court. . . .

These allegations are entered into the narrative at this point, but come up for verification later.⁹

Judge Williams' opinion stated that the defendant admitted publication, but defended it on the ground of truth, and denied malice. Williams held, however, that the truth was not proven, and the malice was not conclusively proven. There was a strong presumption therefore of guilt, and the defendant was bound over for trial, on \$500 bail.

9. The reports of the preliminary hearings appear in the *Times*, January 6, 7, 8, 9, 11, 1874; and in the *Commercial*, January 6, 7, 8, 9, 11, 1874.

THE LIBEL TRIAL

After a series of continuances, the libel suit came to trial December 8-12, 1874 (Tuesday through Saturday), with a verdict of guilty, the sentence being pronounced December 18. Anthony's appeal to the Kansas supreme court was denied and the mandate of that court was filed in the Leavenworth criminal court, March 4, 1875. Furthermore, on December 8, 1875, a resolution of the board of county commissioners remitted all costs against Anthony.¹⁰

The *Times* summary of the testimony was extensive.¹¹ Again the prosecution presented only the evidence as contained in the publications complained of, and Lecompte's personal statement in his own behalf. No witnesses were called. Of the long list of defense witnesses the *Times* insisted "not one of them failed to answer yes when questioned in regard to his [Lecompte's] former name, as being infamous, and that of a tyrant . . .; and at one instance in the trial he became excited, and jumped up and exclaimed, 'I *did* try to make Kansas a slave State!'" That summary appears to be an accurate indication of the basis upon which the defense rested. The *Times* insisted that it had only published the truth about his reputation and had done it without malice. Two months later, Anthony stated again his difference with the ruling of the court:

. . . Lecompte's deeds in the early days of Kansas have passed into history. Nothing can now be said that will change that history. . . . No one could, to-day, prove by living witnesses, that which occurred twenty years ago. It is an absolute impossibility. Most of the witnesses are dead. Yet, in the late trial for libel, the court ruled that we must prove every fact the same as we would in case of a transaction of the past month. . . .¹²

The testimony of two of the most prominent of the witnesses for the defense from Lawrence further emphasizes the issue of the nature of legal proof in relation to libel. James Blood testified, as summarized by the *Times*, that "the character of Lecompte in the early days of Kansas was very bad; that he had not personally seen anything out of the way in Lecompte's doings, but it was common talk that he was not doing his duty as United States Judge." And Charles Robinson "had heard in the East that Lecompte was a tyrannical man, but had not seen any of it since he came to Kansas."

The *Commercial* reported the libel trial only briefly. Concerning the first day's proceedings it stated that Lecompte "made a plain and

10. "Appearance Docket No. 4," Leavenworth county criminal court, Case No. 1506; Archives of the district court, Leavenworth county.

11. Leavenworth *Daily Times*, December 9-13, 1874. The case file for this case has not been found in the archives of the district court in Leavenworth county.

12. Leavenworth *Daily Times*, February 14, 1875.

comprehensive statement of his judicial action during the early days of Kansas, and devoted his statement to showing that he was not an imperious or subservient man, and that his character at that time was not such as represented by Anthony in his paper." On the other side, the *Commercial* characterized the defense testimony as of "a rambling character, and more important as a review of the history of the pro-slavery days in Kansas than a means of conveying any material intelligence or information to the jury. The whole testimony has once appeared in print [in connection with the preliminary hearings], and it is unnecessary to reproduce it again."¹³ The next reference to the trial in that paper was on Saturday, December 12, after the case had gone to the jury, but prior to the verdict:

Several attorneys spoke in the case, but the forensic efforts were confined to the remarks of H. Miles Moore and the prosecuting witness. The speech of H. M. M. lasted nearly two hours, and exhausted both the speaker and jury. As to the summing up of the argument and testimony of the case by Judge Lecompte in his own behalf, it was considered by all hearers to be the most eloquent and impressive speech ever delivered in that court room.

Lest some might argue that the *Commercial* was prejudiced in its estimate of Lecompte's efforts, Moore's "Journal" entry for the night of December 11, without punctuation, is also eloquent and is invaluable:

I made my speech in the Anthony case about 1½ hours I thought I made a good speech & all said so Judge Lecompte followed in one of the ablest & most eloquent appeals I ever listened to I think we are beat the only hope is a hung jury waited a half hour & court adj. till 10 to night I broke my sleeve button I am very tired.

On Saturday, and after the verdict of guilty was rendered, Moore's "Journal" entry reported: "Saw Anthony he thinks I did all that could be done as I broke my sleeve buttons he presented me a nice solid gold Pr Masonic emblems." But by December 18, when Judge Byron Sherry pronounced the sentence of \$500 fine and costs, Moore had recovered his fighting spirit: "Anthony was red hot. It was a terrible blow, & I think unjust judgement. The idea of a white man being fined for libel on old Lecompte for his misdeeds of 54, 55, 56, & 7. Oh Gods such an outrage on humanity."

Colonel Anthony was totally unrepentant. The *Sunday Times*, December 13, contained a leading editorial on "The Verdict," with the assertion that popular reaction was almost unanimous that the verdict of the jury was "unwarranted by the facts." He argued that: These well-known facts have passed into history and were so indelibly impressed upon the minds of the people that all the juries and verdicts in the land could not change the record. . . .

13. Leavenworth *Daily Commercial*, December 9, 1874.

We are proud of the fact that an enlightened, intelligent and truthful people condemn the verdict as unjust. They need, however, have no fears that it will deter THE TIMES from the advocacy of the principles of freedom, or prevent THE TIMES from exposing fraud and corruption as fearlessly in the future as it has in the past. If the verdict has had any effect upon us it is to impress upon us the necessity of making THE TIMES more outspoken and independent for the right.

Also, with the Sunday *Times*, December 13, Anthony began publishing a column under the title "A Chapter of Kansas History," each issue devoted to reprinting an account of Lecompte's conduct during territorial days. In that issue the "chapter" was taken from the Howard committee testimony (p. 963) on the Phillips and McCrea episode. In those days, when a Sunday paper was published, it was not usually customary to print one on Monday, so the next issue was Tuesday, December 15, when the portion was taken from A. D. Richardson, *Beyond the Mississippi* (p. 64). On December 16, an extract from John H. Gihon, *Geary and Kansas* (Philadelphia, 1857), told of the Buffum-Hayes case; on December 17, from the same book, the Douglas county session of Lecompte's court in May, 1856. As an introduction to the last named item, December 17, Anthony stated:

The jury, under this charge [of constructive treason], indicted the "Free State Hotel," at Lawrence, as a nuisance. The "sacking of Lawrence" was done under the authority of law, and "the approbation of the Chief Justice. . . . The Grand Jury, at Lecompton, had indicted them as nuisances, and the *Court had ordered them to be destroyed.*

Lecompte was the then Judge of the First District Court. To all those who heard Lecompte's evidence in the court room last week this article will be interesting testimony. . . . The actors in those days of crime must stand or fall by the record which they then made.

On December 18, Anthony continued his chapters in Kansas history, reprinting the conclusions of the majority from the Howard committee report. On the same day the *Times* was gratified to be able to reprint a long article from the Chicago *Tribune* on the libel suit, which took the ground that the case was "invested with much more than local importance." The *Tribune's* setting for the case was as follows:

For years past, however, Judge Lecompte has been a Republican, and the recognized leader of one of the factions of the Republican party. As Mr. Anthony the editor of the Leavenworth TIMES, has been for a long time the leader of another faction, a bitter personal enmity has existed between the two, which has been manifested on every opportune occasion during the past three years. . . . Anthony had the advantage in controlling a newspaper, and at last provoked the suit. . . .

The *Tribune* concluded that the verdict was guilty "notwithstanding the fact that the witnesses for the defense sustained all the charges made by Mr. Anthony." Although the sentence had not yet been pronounced, the *Tribune* commented on Anthony's defiance, that the *Times* printed:

articles even more savage than those which produced the suit for libel. Mr. Anthony has one advantage upon his side, namely, the sympathy of the community, and also of a majority of the people of the State, who have not forgotten the position Judge Lecompte occupied towards free Kansas in the years of her history from 1854 to 1857. His Republicanism is hardly of sufficient age to wipe out those memories.

Although gratified by the *Tribune's* view of the case on most points, Anthony objected sharply to the allegation of personal enmity between himself and Lecompte and about the latter being the leader of a Republican party faction:

We simply took exceptions to a man of Lecompte's record thrusting unpopular ideas upon the Republican party, and also thought that he was too ready to bind over for trial parties charged only with the trivial, technical violation of the Revenue laws, . . . and where it is evident that arrests were made to *give officials their fees*.

The *Times* claimed credit for breaking up that sort of persecution, and for contributing to the breakup of the bankrupt court ring. To illustrate the contention that there was no personal ill-feeling, Anthony reminded his readers that he had employed Lecompte in the Haldeman case, and paid him \$150 although he had contributed nothing to the case.

All this had transpired prior to the session of the criminal court at which Judge Sherry, on December 18, pronounced sentence. The following day, still unrepentant, Anthony declared: "The English language cannot describe a more infamous character than that which reputation, history, and public opinion accord Lecompte. THE TIMES will continue to be the advocate of right and justice. . . ."

By that time the state was being heard from, and on the same day, the *Times* began publishing a column of commentary from Kansas newspapers, all favorable to Anthony. The *Olathe News Letter* reported rumor that Lecompte's "speech and not the evidence secured the verdict." The *Louisville Reporter* concluded: "It would tax our ingenuity too much to guess what the TIMES could have said about the old border ruffian to libel him, unless it accused him of having been a decent and honest man in those times." Sol Miller's *Kansas Chief* attributed the verdict to bitter enemies and the sheriff

stacking the cards. The Oskaloosa *Independent* likewise presumed that the verdict reflected "the outgrowth of ill-will toward Anthony rather than a vindication of Lecompte, and in any event is a huge burlesque upon justice and the facts of history." The Leavenworth *Herald*, after expressing itself rather freely, pretended fear of a libel suit, and so closed its comments. The *Times*, December 20, published a second series of comments, these from the *Ottawa Journal*, the *Solomon Gazette*, the *Garnett Plaindealer*, the *Iola Register*, and the *Wyandotte Gazette*. The *Gazette* was sure the verdict was "all wrong, and the jury must have been idiots." Along with this installment was another chapter of Kansas history chosen from W. O. Blake's, *The History of Slavery and the Slave Trade* (Columbus, Ohio, 1863), pp. 752-754. On December 22, the special year's-end edition, came still another chapter in Kansas history, this time from Gihon's *Geary and Kansas*, including the alleged Lecompte charge of the grand jury on constructive treason. Along with it was reprinted the first and second series of Kansas press notices.

Over Christmas, Lecompte was given a short rest, but December 27 brought a third series of press notices, with an introduction asserting that "every paper, Democratic and Republican, which has thus far expressed an opinion, is on the side of the liberty of the press, and most emphatically against Lecompte, the jury and the judge"—only persons exposed for shortcomings, or corruption, or with guilty consciences sustained Lecompte. Several opinions of unusual violence appeared in this column: the *Doniphan County Republican*, Troy: "decided by a jury of nincompoops or partisans in favor of Lecompte"; the *Holton Express*: "The mystery to us is how a jury outside the infernal regions, . . . could bring in a verdict against the Colonel . . ."; the *Howard County Ledger*, Elk Falls, declared that Lecompte "was an old political harlot"; and the *Woodson County Post*, Neosho Falls: "We should judge from the published evidence that it would be hard to tell a lie on old Lecompte without accusing him of possessing some of the attributes of a gentleman of honor."

Not all, however, were so violent. The *Topeka Times* thought that "Judge Lecompte will in the end lose more than he will gain. . . ." The *Manhattan Nationalist* conceded that "Lecompte may be a good man *now*, but he was unquestionably an infernal scoundrel in the old days that tried men's souls." After its first sharp reaction, the *Oskaloosa Independent* reported "There is quite a general sentiment in Leavenworth city that the verdict . . . was

just," but the editor differentiated, that if considered a vindication of Lecompte, that opinion was wrong, although if considered as an expression that Anthony's attack was uncalled for and out of place, on that point there was room for honest difference of opinion. Another *Independent* (n. p.) asserted categorically that: "We think the editor of the *Times* ought to let Lecompte alone. If he has repented of his wrong doing, let him die in peace and obscurity." To this Anthony replied: "The joke is, the old Border Ruffian judge now claims to have done more than any other man towards making Kansas a free State."

When the Leavenworth *Times* came out in a new format in January, 1875, the Solomon City *Gazette* congratulated Anthony on his achievement, in spite of the libel suit brought "by the notorious Lecompte, of border ruffian fame. . . ." The Ellsworth *Reporter* also extended its congratulations, and suggested that if such a new dress was in consequence of being convicted of libel, there were other Kansas newspapers that ought to be convicted. But Anthony was particularly pleased by the editorial of the Hiawatha *Advocate*, "an out and out partisan sheet, that honestly endorses every act of the White Leaguers," and one which should be read "by Lecompte, judge and jury." Extracts from this editorial follow:

the verdict is one which is calculated to act as an injunction on the liberties of the press, everywhere, we are provoked to say that, in our estimation, a more flagrant, unjust and heinous verdict has never been returned to any court in Kansas. . . . If Anthony was guilty in this case, then the whole editorial fraternity, from California to Maine, is guilty, and may be successfully prosecuted. It has ever been a wonderment to us that a man whose history is black with all manner of crimes, who, in the darkest days of Border Ruffianism, was the cheapest deputy of the hell-born embassy that sought to establish human slavery on our free soil, should be made the Chairman of the Congressional Committee of the State.¹⁴

Soon the *Commercial* found itself the defendant in a libel suit. Anthony had no love for D. W. Houston, and recalled that the *Commercial* had "gloried in the fact that old Lecompte sued and got a verdict," yet he believed that the case "ought to be unceremoniously kicked out of court. . . ." ¹⁵ In the legislature a bill was pending to abolish the criminal court in Leavenworth county and merge it with the district court as in Atchison, Douglas, Shawnee, and other counties. Anthony joined in the campaign. But the *Commercial* pointed out that in the legislature of 1874, as a member of that body, Anthony had opposed such a bill. Why had he changed sides?—

14. Leavenworth *Daily Times*, January 17, 21, 1875.

15. *Ibid.*, February 7, 1875.

"It is to gratify his vengeance on some one he hates; and to pander to his inordinate selfishness . . . because Col. Anthony has been tried and found guilty in Judge Sherry's Court . . . this court must be abolished."¹⁶

But it is time to get back to first principles. Because of the importance of the parties and issues in the Lecompte-Anthony libel suit, Judge Sherry had prepared, and the *Commercial* published in full, the judge's charge to the jury and the instructions—nearly three columns in six-point type. There seem to be two good reasons for quoting at some length Judge Sherry's exposition of the nature of proof: 1. because of the importance of the principles stated there as bearing upon the whole controversy that has been reviewed; 2. because of the legend that has been built up by subjective-relativists in the 20th century about the rigidity and absolutism of the law as administered in 19th century jurisprudence.

Judge Sherry explained the difference between criminal and civil law with respect to proof. In criminal cases the accused was assumed to be innocent until proved guilty:

In civil cases the rule is different, for there the jury weighs the evidence and when it is sufficient they decide according to the weight or preponderance, though a reasonable doubt may exist as to the correctness of the decision; but in criminal cases the jury must be satisfied beyond a reasonable doubt. A reasonable doubt, then, is one which in the mind of a reasonable man, after giving a due consideration to all the evidence, and such as leaves the mind to a condition in which it is not honestly satisfied, and not convinced to a certainty, of the guilt of the accused. A reasonable doubt is an honest uncertainty existing in the mind of an honest, impartial, reasonable man, after a full and careful consideration of all the facts, with a desire to ascertain the truth, regardless of consequences, and it is to be distinguished from a captious or capricious doubt, or a mere possible or arbitrary doubt.

If a jury should be fully and clearly convinced of the guilt of the defendant in a case where the evidence established it beyond a reasonable doubt, and then acquit a defendant upon an imaginary or speculative doubt, they would be guilty of perjury for an imaginary or speculative doubt, as contemplated by law, is not to be considered by the jury, for the law does not require that the proof should satisfy the jury beyond all possible doubt, but only beyond a reasonable doubt, and while it is true that the law deems it better that many guilty persons should escape and go unpunished for the want of adequate proof of guilt, rather than that an innocent person should suffer and be convicted upon insufficient evidence, yet absolute and positive certainty is not required in any cases. Possible and contingent doubt hangs over all human affairs, while absolute, unqualified certainty is rarely obtained. I therefore admonish you to give the defendant the benefit of every reasonable doubt, and would further say that if any juror should entertain this reasonable doubt as already explained, it would be the duty of such juror to withhold his assent to the rendition of a verdict of guilty.

16. *Ibid.*, February 11, 1875; *Commercial*, February 13, 1875.

Before proceeding to the next step to be considered in the instructions, attention is called to the dictionary distinction between the words "character" and "reputation." The character of a person refers to the combination of qualities that are inherent in him, and in his conduct, while his reputation is opinion about him held by others regardless of whether or not it is true, or accords with his character. Thus when the issue was joined on the question of the truth of the charges as published, these differences in the meaning of words were critical. Judge Sherry's language was not happily chosen, but his meaning is not to be mistaken:

That evidence of reputation admitted by the Court to go to the jury, is to be considered by them only in reference to such of the libelous matters in the information as alleged by reputation, and is not to be considered by them as any evidence in support of direct charges against the said Samuel D. Lecompte.

That the proof having been made by the State of the publication of the libelous matter and the defendant setting up truth thereof, in justification [.] the burden of proving the truth is on the defendant, and also that it was published with good motives and justifiable ends.

Anthony was in error when he contended that nothing could change the verdict of history. He was confusing historical actuality with written history. True, nothing could change events that had already transpired—historical actuality—but written history was subject to error, and in this case the error could be demonstrated, and the record corrected. He was confused also on the usage and meaning of the words character and reputation. Thus, the character of a historical person is historical actuality, a past fact that cannot be changed, while reputation is a judgment of others about character (actuality) and reputation may be modified. When extensive written records of the transactions of history are available, historians can usually reconstruct historical actuality with such a degree of certainty and fidelity as to revise substantially the errors of first versions of written history, or in the case in point, the reputations attributed by contemporaries to the characters of historic persons.

This difference between character and reputation was far more important to Anthony himself than he appears to have realized. Anthony himself was a positive personality, who had made many bitter enemies. If his contention was correct about reputation and written history, then he himself would suffer at their hands, because his own reputation was not above reproach. Thus fortunately for both Anthony and Lecompte, the historical actuality as represented in their characters was not as bad as contemporary written

history and reputations would have posterity believe. Indeed, seldom are the facts as bad as the evil report spread about them.

SOL MILLER, ANTHONY, AND LECOMPTE'S DEFENSE

Sol Miller was one of the outstanding men of Kansas journalism. He founded the *White Cloud Kansas Chief* in 1857, moved it to Troy, July 4, 1872, and published it until his death. A loyal Republican always, yet Miller was independent, fearless, and blunt, wielding power because he was respected even by those who opposed and hated him. He played the game of politics and of journalism according to the prevailing rules, and with ability. Sometimes Miller wrote significantly and at a high ethical level; at other times he wrote in bad taste; and sometimes he was obscene. Without regard to the prestige and power of any man, if Miller disagreed, he spoke his piece and to the point. Certainly he did not stand in awe of Anthony. His relations with Anthony may be documented by two illustrative paragraphs in the *Chief* for June 26, 1873:

D. R. Anthony was thrashed, last week, in the streets of Leavenworth, by a book agent. As there is no ordinance in Leavenworth against kicking a dirty dog in the streets, even though he be Mayor of the city, the man was not arrested.

And again:

One thing that we admire in D. R. Anthony is, that he never goes back on a friend. His best friend is the Devil, the father of lies; and Anthony never goes back on a lie.

With that gentle prelude, as the stage setting, Miller's reactions to the Lecompte-Anthony libel suit may be reviewed without any illusions:

Our love for Anthony is not like unto the love of Jonathan for David; but these libel suits against newspapers are hard tuggings at a teat, and precious little milk. We thought Judge Lecompte was too smart for that.¹⁷

When the verdict was returned in December, 1874, Miller observed that:

Considering that Anthony has many bitter enemies, and that the Sheriff who had the picking up of jurymen hates him as hard as Lecompte does, the cards were decidedly against him. We sympathize with him—the County does not pay the costs of the trial.¹⁸

The following week, however, Miller had pondered the issues involved and delivered a challenging sermon on public ethics under the text: "Shall a Man Never be Forgiven?"

17. *The Weekly Kansas Chief*, Troy, January 1, 1874.

18. *Ibid.*, December 17, 1874.

Perhaps in strict justice, D. R. Anthony should not have been convicted of libel for saying what he did about Judge Lecompte; but in reading his denunciations of the Judge, and his copious extracts from history to back them, the question arises, shall a man never be forgiven, if he once takes a wrong position, and does bad acts?

Nobody presumes to say that Judge Lecompte dealt out justice as he should, when he ran that department of the Territory of Kansas, and his name was by no means savory among Free State people; even the Judge himself is aware of this fact, and has remarked to that effect, when conversing upon the subject. But are there not excuses sufficient to palliate his conduct in some degree? Judge Lecompte was born, reared and educated in the South. He spent all his days amidst the institution of Slavery, and was taught to believe it a Divine institution, and as sacred in law as the Constitution of the United States itself. He was appointed at a period of intense bitterness on the Slavery question, and came here with all his prejudices on the question. He was appointed for the purpose of carrying out a certain line of action, and no doubt fulfilled his mission more faithfully than was pleasant or wholesome for Northern men. But if Lecompte did this, we must remember that he was backed by both Presidents Pierce and Buchanan, Northern men, and by Gov. Shannon, also a Northern man. Why shall the past be raked up against Lecompte, who *believed* in the cause in which he was engaged, and forget the part taken by those Northern men, who directed Lecompte's actions, but who were not actuated by sincere motives? Although Lecompte's acts may have encouraged outrages, and prevented the punishment of those who committed them, yet we have never heard that he engaged in any of them himself—indeed, we have always taken him for a man whose disposition was averse to ruffianism.

When Slavery was defeated, and Kansas admitted as a Free State, Lecompte quietly accepted the situation, remained in the State, and yielded obedience to the laws. When his Southern friends rebelled, he did not go with them, but remained loyal, and if he was even suspected of disloyal sentiments, we have never heard of it. Rebels, both Northern and Southern, have been forgiven [Amnesty Act, 1872], and are again beginning to crowd the Halls of Congress. We cannot see the justice of continuing to throw stones at Lecompte, for acts committed before the rebellion—especially by men who have so many sins of their own for which they need forgiveness and forgetfulness. We do not pretend to justify or apologize for the acts of Judge Lecompte in the early history of Kansas; but if he has been convinced of his error, and is endeavoring to atone for it, we say, let him alone.¹⁹

Miller's editorial drew an appreciative note from Lecompte, and an arrangement by which he prepared a defense of his career as territorial judge in Kansas under the title, "The Truth of History," which was printed in the *Kansas Chief*, February 4, 1875. After reading what Lecompte had to say, Miller introduced the communication with the following editorial, which went rather further in concessions to the writer than the earlier editorial:

Most of our inside reading space, this week, is occupied by Judge Lecompte's review and defence of his official life, as Judge of Kansas Territory. Several

19. *Ibid.*, January 7, 1875.

weeks since, we published an article, in which we contended that, however censurable some of the Judge's acts may have been, we did not regard him as so bad a man as he had been represented to be, and that in consideration of his subsequent good behavior, he was entitled to forgiveness. This prompted the Judge to ask if we would grant space in our columns for a review and defence of his official conduct, and if so, what space would be allowed. We replied that it was a rule with us to give every man who desired it a fair showing in this paper, and that he might occupy as much space as he deemed necessary to do himself justice. What he has to say on the question is before the reader.

Judge Lecompté's statements are most complete and clear upon every point, embracing, we believe, all the acts or alleged acts for which he has been so bitterly denounced for almost twenty years. He does not shirk any question, nor beat about the bush, but defies proof, either by living witnesses or authentic records, to prove that any of the charges were true or just. If there be any who have evidence to the contrary, now is the time to produce it.

We are among those who once believed, that if Judge Lecompté did not directly countenance and encourage Pro-Slavery outrages, his leaning was so strong on that side of the question, that advantage was taken of it by those who did commit the outrages. This was the impression we received before coming to Kansas; and after coming here, we heard nothing to correct the impression. Reports of committees, and the tone of what purported to be true histories, all pointed in the same direction. The Judge's political friends did not seem to make an effort to refute the charges, which was regarded as admitting their truth. Having since met him upon several occasions, his appearance, bearing and style did not seem to us to be those of a man who had a taste for ruffianism; and his after conduct has been that of a peace-loving and law-abiding man. We therefore thought, that if he had been open to censure for past acts, it was time they were forgiven, if not forgotten.

But, according to his own story, the Judge is himself responsible for having so long rested under the odium of those charges. He tells us, in this article, that when investigating committees, officials and reporters were charging him with gross crimes, he took no measures to vindicate himself; that only once, before this time, has he ever offered, in print, to defend himself—and the first time, we presume, he did not enter into a thorough review. So that, we may say, now is the first time that he undertakes a full defence of himself. He ought not, then, think so badly of the press. We are honest in our belief that he was open to censure; and other editors, from the same sources of information, doubtless honestly believed the same thing. One generation that held him guilty is rapidly passing away, and their children have been brought up in the same belief. It may be, that if the Judge had undertaken his vindication while the bitterness of the strife still existed, it would have been looked upon as simply intended for effect, and have failed of its object. Perhaps now is a more appropriate time to speak out; but still, as all statements heretofore made have been on the opposite side, it is not at all strange that public sentiment was against him.

We are glad that Judge Lecompté was induced to place a review of his official acts upon record, by seeing a desire on our part to be fair and just, and that he chose our columns for his purpose; for it is the other side of a question of Kansas and national history, which should be made correct and perfect

while there are living witnesses of the facts. The statements seem to be fair, and must be regarded as true, until the contrary is proven.

Except for four paragraphs, Lecompte's "The Truth of History" letter has been reprinted in the *Collections of the Kansas State Historical Society, 1903-1904*, v. 8, pp. 389-405, which makes it generally accessible. With the details of the occasion for the defense before the reader, he may read and judge for himself the reasonableness of Lecompte's presentation of his case as it applies to the many episodes in controversy. The present consideration must be restricted to the paragraphs omitted in the reprint, without the customary signs of omission, or explanations, and to the Sheriff Jones episode.

The two opening paragraphs of "The Truth of History" were deleted in the reprint. The first was not important, except as explaining something of the occasion for the original publication in the *Chief*—an acknowledgment of courtesy for kindness received. The second paragraph must explain itself:

There has been so much comment of an opposite kind in the papers of the State, upon the course of the *Leavenworth Times* toward me, that the slightest indication of fair dealing on the part of an editor awakens warm gratitude, and arouses the almost latent hope that the Press has yet left a dormant magnanimity that will not suffer injustice and outrage always to triumph. While your article falls much short of rendering me justice, it evinces a spirit from which I may well expect justice, upon a full understanding of the facts. These have been so shamefully perverted, and so studiously substituted by mischievous misrepresentation, that I should be over-fastidious in complaining of mere lack of rightful appreciation of myself. I think I entertain too correct an estimate of the allowances to be made for impressions deeply formed, to fall into so grave an error as to wage a controversy against decently expressed opinions, however erroneously I know them to be.

Two of the three closing paragraphs of the letter were omitted in the reprint, the third from the last and the final paragraph, giving the next to the last paragraph the closing position in the reprint. These omitted paragraphs follow:

I can not, of course, carry on with any combination of the press of the State a controversy in this matter. I could not if I would, and I would not if I could, carry on such a controversy even with the editor of the *Leavenworth Times*. How can I with a combination, great or small? If it give them pleasure to continue upon me, and through me, upon truth, and upon the Court, the jury, the creatures of the law, a course of aggression, of insult, and of wrong, I see no alternative but submission, just as the individual can but submit to the mob, from mere physical inability to resist its outrages. Only when, as in the instance which forced me to self-vindication, can I, should it be persisted in, undertake again to invoke farther redress. I have bourned with much of it from the same source, since the trial by which I have been vindi-

cated. I have done so, because I felt disposed to allow something to a feeling of exasperation, and am extremely reluctant again to invoke legal protection. But I think now, that I have bourne as much as may be excused on that score, and I take occasion to say, in conclusion, that, claiming no exemption from just criticism of my opinions, of my acts, of my qualifications, for any trust to which I may aspire, or to which it may legitimately be supposed that I do aspire, I do not propose to submit to continued calumny. That a horse has been stolen from me, and the thief prosecuted to conviction, is no reason why I should submit to be robbed of all the horses I might own. The same law that subjected the thief to the penitentiary, subjects the libeler to a fine not exceeding one thousand dollars, or imprisonment not exceeding one year.

If I may be pardoned the abuse, of a partial paraphrase, of one of the grandest utterances of New England's chiefest orator, God grant that when my eyes shall be turned to behold, for the last time, the sun in Heaven, I may not see him shining on the broken and scattered remains of homes made desolate by any act of mine, whether in the tyrannical exercise of an accidental power; by the indulgence of an ill-regulated and unbridled lust; by tainting the air at large or of the home circle by false and calumnious aspersions; by casting over the hearth or heart of mother, wife or child the dark gloom of provoked or unprovoked homicide of father, husband, brother or friend.

Because the four paragraphs dealing with Lecompte's review of the Sheriff Jones episode are pertinent to the present study, they are also reprinted here:

Another accusation against me has been to the effect that the destruction of the Lawrence hotel and press was made under my authority. To this I can but offer unqualified denial, and an absolute defiance of any particle of proof from living witnesses or of record. Not until long after did it ever reach my ear that my name was in any manner connected with it, except that a newspaper article was sent to me describing my courts as scenes of drunken debauch, and myself as having been seen riding down to Lawrence astride of a whisky barrel, and directing operations. To such things I could scarcely have been expected to give denials. It did, however, in more serious forms, get into print, and even into so-called histories, as that of "Geary and Kansas," by Gihon (the only man whom I have ever known who struck me as coming up to the full significance of lickspittle), that Sheriff Jones proclaimed in the streets of Lawrence, at the time, that the destruction of the property mentioned had been ordered *by the court*.

On the preliminary examination of the case against Anthony, James F. Legate distinctly disproved any such declaration by Jones. I know of nobody who will say that Jones ever made any such declaration. I have no idea that he ever did. All I can say is that, if he did, he stated what is unqualifiedly false. If he or any other living man should say that, by any order, oral or written, I directed such destruction, he would say what is unqualifiedly false. If he or any other living man should say that, by act or word, I had ever intimated any such thing, he would say what is unqualifiedly false. If he or any other living man should say that, by act or word, I had ever given an expression to a sentiment of approval of the destruction of this or any other property, he

would say what is unqualifiedly false. If he or any other living man should say that he ever heard me express any other sentiment regarding it than unqualified condemnation, he would say what is unqualifiedly false.

What more can I say? If it be true that I did, directly or indirectly, by word, by intimation, by order, by connivance, by innuendo, advise, counsel, direct or approve of all or any of the wrongs then perpetrated, I trust that God almighty shall paralyze my arm as I write, so that this disavowal shall never meet the public eye. What more can I say? Where is the order? where was the trial, where the conviction upon which such an order could have been based? Do the records show it? Does anybody remember it? Has anybody ever seen it? How heartless, how base such aspersions!

There were presentments by the grand jury of the hotel, and, I believe, of the press that denounced the laws and defied and counseled resistance to them. There may have been issued by the clerk of the court citations to the owners to appear in court and show cause why they should not be abated as nuisances. I know not that there were. It was not my duty to know, but that of the district attorney. If he ordered them, they would have been issued by the clerk. There may have been many writs in the hands of the marshal for service, and I presume there were; for I do know that it was to aid him in the service of the writs, which he stated his inability to serve without aid, that he made the foundation for his proclamation ordering a posse. It was his duty to serve the process of the courts. If he could not without aid, it was his duty to summon aid. This he did, and with this I had nothing to do. The public meetings assembled in Lawrence so understood; else wherefore is it that all their correspondence and resolutions and conferences through committees were addressed to and carried on with the governor and with the marshal? Why was not I ever addressed? Was it that they lacked confidence in me? Why, then, was not this somewhere disclosed in the course of the various movements to which the events gave rise? Nowhere in all the publications of the time will it be seen that my name was mentioned, except in the purely gratuitous and, as I have shown, absolutely groundless and false assertion that my authority justified the subsequent wrongs.²⁰

In this defense, more clearly than in the Stewart letter of 1856, Lecompte differentiated himself as judge, and the district court, from the grand jury, and from other officers, each acting within legally defined jurisdictions. Two important points he did not clarify; his use of the phrase "presentments by the grand jury," and the actual status of Sheriff Jones in the whole proceeding. Lecompte's defense was strictly legalistic and negative. By that is meant, that he imposed upon himself the limitation of showing that as judge, he was not responsible and was not even consulted. On the positive side, he refrained carefully from accusations against others. As a legalist, his rights and duty in his own defense ended in his own vindication. The task of proving who was guilty, he left to others.

In the course of Lecompte's *Kansas Chief* letter, as in some other

20. *Kansas Historical Collections*, v. 8, pp. 394, 395.

of his writings, he revealed his knowledge of literature. In this case, he quoted aptly from Shakespeare, and in such a manner as to demonstrate his intimate familiarity with the great plays.²¹ Surely, those who visualize Judge Lecompte as a Border Ruffian astride a whisky barrel are obliged to revise substantially their picture. In December, 1873, when he filed the libel suit, Lecompte was 59 years of age, and on December 12, 1874, when the verdict against Anthony was delivered by the jury, he could look upon it as a birthday anniversary gift to be celebrated the next day, Sunday, December 13. He was commonly referred to as an old man, "Old Lecompte," and for that time, 60 was relatively a more advanced age than in the mid-20th century. Denied by public prejudice and intolerance many of the satisfactions which otherwise might have been his lot, he found companionship with greater minds through the medium of literature.

The reaction to Sol Miller's act of giving aid and comfort to Lecompte in his *Kansas Chief* was swift and direct. As the reader may have noticed already, editors of the 1870's were quite uninhibited in the language employed in controversy, and Anthony was among the freest and most fertile in his usage of words and devices intended to convey a certain disapprobation of a victim. On February 6, Anthony's *Times* observed:

The Sainly Lecompte, Deacon Houston [*The Commercial*], and Sol Miller, have signed a tripartite agreement, in which they promise to stand by one another in every difficulty. Lecompte will sling Shakespeare at the enemy, Houston will pray for him, and Miller will "cuss" him. We are afraid the good and pious Deacon is in bad company.

Three days later Anthony related that:

The Sainly Lecompte bought one hundred copies of the *Troy Chief* containing his article on "The Truth of History." He presented them to a newsstand in this city. Two copies have been sold, and those to a blind man, who asked for "something religious like, you know for my wife." He has not been heard from yet.

Miller's retort courteous came in the very next issue of the *Chief*, February 11, 1875.

The Leavenworth *Times*, instead of pitching into editors who are disposed to give Judge Lecompte a fair hearing, had better devote itself to the main question. The Judge has warped it to Anthony right lively. It is nice and pretty, as long as the papers throughout the State denounce the verdict in the libel case, and Lecompte for bringing the suit, giving the *Times* occasion to

21. Two quotations were from *Macbeth*. One from Act III, scene 1, line 91, began "Ay, in the catalogue ye go for men. . . ." Another was from Act IV, scene 2, line 51, Son: "What is a traitor?" Lady MacDuff: "Why one who swears and lies." The third quotation was from *Cymbeline*, Act III, scene 4, line 35, beginning: "Slander, whose edge is sharper than the sword. . . ."

copy all these opinions; but those who presume to give the other side an opportunity to be heard, are very naughty.

The idea of Sol being called "naughty"! He had been called so many more virile names! What a masterpiece of understatement to put Anthony in his place! But Anthony gave Lecompte attention in three places in his issue of February 14. He advised the "saintly Lecompte to keep cool," but pointed out what the Garnett *Plain-dealer* had said:

He makes, of course, a fair showing for himself, but it seems strange that a man has to go into print to explain his conduct of twenty years ago, to a people among whom he has lived all these years. As he threatens more libel suits, it is not a safe subject to comment upon.

The second mention was a reprint of an article from the Oskaloosa *Independent* suggesting to Sol Miller that he get Jeff Davis to write a vindication of himself as a patriot, and Lincoln as a tryant; and when that was done, and

all of which he can as readily do as Lecompte can blot out the history of Kansas in the past or the terpidude of his record then made, the thing will be complete. . . . It will be vastly more pungent and entertaining than the story of this one-horse border-ruffian judge. . . .

We wish Lecompte no harm, but all the good possible. We have never yet seen him to know him, and can consequently have no kind of personal feeling against him. We think he ought to be encouraged and aided in every "good word and work," and in the road to reformation, and not be badgered and abused. But his record as judge of the territory of Kansas was simply infamous.

The *Independent* placed upon Lecompte the major role in Kansas border ruffianism, recounting count by count against him:

These are facts as notorious as any in history, and no man can disprove them. Judge Lecompte was not only a party to these judicial outrages and neglects, but was the head and front of the whole thing.

We would respect the Judge very much more if he would honestly confess that he was led away by the excitement of the times, and permitted himself to become a partisan and a party to these things, and after confession ask clemency of the public. Such a course would be honorable, dignified and truthful. But an attempt at "vindication" only leads us to fear his reformation is not real, but a sham to gain some selfish end. Truth is the first requisite of true reform, as it is of real nobility and genuine manhood.

This afforded the occasion noted earlier when Anthony declared that "Nothing can now be said that will change history," and then concluded:

Our minds may be prejudiced, and that is perhaps the reason why we think old Lecompte may have been a purer and better judge than the one who now fills that position in our Criminal Court.

We want one thing distinctly understood, and that is, that all we have said about Lecompte was that history and his general reputation proved him guilty of the crimes named.

JAMES CHRISTIAN'S STORY

The silence of Proslavery men is one of the most remarkable aspects of all these controversies. One of the few to break the silence, and fortunately for history, was James Christian. A lifelong Democrat, he did not change sides as so many did, out of either convenience or conviction, after the Civil War. Christian compelled the genuine respect of Republican Kansas of the 1870's. Only occasionally did he make excursions into the explosive area of territorial history, but when he did, he spoke in no uncertain terms and the enemy listened, although subsequently, his testimony was almost uniformly ignored by writers on Kansas history. As a law partner with James H. Lane during the later part of the territorial period, the firm handled legal business for both sides in the same manner as ambidextrous law firms do in the mid-20th century.²² His acquaintance was first hand with both men and measures. As a result of the agitation growing out of the Lecompte-Anthony libel suit, he prepared an article which was published in the *Western Home Journal*, Lawrence, May 27, 1875, under the title, "The First Sacking of Lawrence." The part of the Christian account bearing on the Jones phase recounted that Jones

entered the town with fire, torch and cannon, commenced to plunder houses, destroy printing presses, beat down the old Free State Hotel in defiance of all law, ending the day by burning Gov. Robinson's dwelling with its contents, just for amusement. Those who were not here upon that day can form no conception of what transpired, and even those that were here had little knowledge of what was in contemplation. . . .

Almost every man, woman and child ran and left their houses open completely panic stricken. I believe there was but two women who remained in town during the day, my wife and Mrs. Fry.

According to Christian, Jones ordered Eldridge to remove his furniture, he refused, but the crowd carried out the most valuable part, piling it in the street somewhat damaged in the haste. Then Christian turned to vindication of Lecompte:

Right here I want to correct a false impression that was started upon that day, that has done gross injustice to a good man. I mean Judge Lecompte. Jones informed several of our citizens that he had a writ from the District Court to destroy the hotel as a nuisance, and he held in his hand a paper that he pretended to be the writ, but did not show it. I asked him to let me see it. He laughed and said: "Don't be too inquisitive." I said: "You know very well you have got no writ, and you ought not to place the court in a false position.["] He remarked: "They don't know any better." It was heralded all through the East that the Jefferys of Kansas had issued a writ to destroy the hotel and printing offices as nuisances. There never was anything farther from the truth. I was present in court at Lecompton, some time previous, when the grand jury

22. Lawrence *Republican*, May 27, 1858.

brought in a report concerning the hotel, and recommending its abatement as a nuisance, when a lawyer by the name of Reid, I think, asked the Judge for an order for its destruction. Lecompte looked at the fellow with astonishment, and remarked to him: "Mr. R., do you seriously make that motion as a lawyer?" The fellow answered, "I do." Lecompt[e] told him he should do no such thing, that the thing was unheard of as a legal proposition, that he had no more authority to issue such an order than he had to order a man taken out and shot. The ruffian made some insulting remark to the Judge, when his friends took him by the arm and led him out of the court room, the fellow still cursing and calling the Judge an Abolitionist in disguise. I was in the party, and intimately acquainted with the leading officials, and I know that there never was a man more basely lied upon than Judge Lecompt[e], except it be Gov. Shannon. The genuine pro-slavery leaders looked upon both these men as being a little tender-footed on the question of the day, because they put Democracy before pro-slaveryism, and the opposition party had an interest and purpose in slandering these men, owing to their conspicuity, the one being Governor and the other Chief Justice of the Territory. Many other little incidences . . . have passed out of remembrance. . . .

LECTURE OF 1879

In 1875 the Kansas Editorial Association launched the Kansas State Historical Society. In 1876 F. G. Adams became its secretary and executive officer, and among the activities that he promoted were lectures on Kansas history delivered by the actors in that history. On January 4, 1878, Lecompte accepted an invitation to speak at some future time, but on January 12 he advised Adams that, because of engagements it would be better to delay the fixing of the time and place. Lecompte confessed "that I feel a natural and I am sure pardonable wish to do something in the way of disabusing the public mind, and the truth of history, of some misapprehension of the early politicians of Kansas and of myself as the most conspicuous object of those misapprehensions." As the Society had no funds Adams reminded Lecompte, February 12, 1879, that the arrangements must be carried out without expense to the Society, but suggested he apply to the railroad for passes in order to reduce his personal outlay. Lecompte reported that, although he would appreciate a pass, he would not make it a condition.²³ Charles Robinson was president of the Society and the lecture was held in Topeka, at the Baptist church, near the State House, on February 24, 1879. The *Topeka Daily Blade* of that date called attention to the event in the following paragraph:

Judge Lecompte is the oldest Kansas Judge. He was the most conspicuous of the members of the Judiciary during the Territorial period. He it was who, as a United States Judge, had the duty of expounding the odious laws passed

²³. Correspondence of the Kansas State Historical Society "Incoming," v. 2, pp. 166, 197; v. 4, p. 131-133; "Outgoing," v. 3, p. 329.

by the pro-slavery legislature of 1855. In this way he became very obnoxious to many Kansas people. He has lived long enough to have outlived the interests of those times, and he has accepted the invitation of the State Historical society to lecture this evening upon the subject of "The Territorial Judiciary"; a subject which he is better able to handle than anybody else. He should have a full house. . . .

The following day the session was reported briefly in the same paper:

The lecture of Judge Lecompte last night before the State Historical society, was attended by a fair sized audience, and was well received. The Judge is one of the oldest citizens in Kansas, a consummate lawyer, a fair speaker and a pleasant gentleman. He was introduced last night, in a few well chosen remarks, by Ex-Governor Robinson, who also made a short talk at the close of the Judge's lecture.

The *Topeka Commonwealth*, February 25, reported the Lecompte lecture at greater length. In introducing the judge, the reporter said that Robinson

gave a brief account of the manner in which Judge Lecompte with others, in the spring of 1856, stood guard for the protection of the Governor while a prisoner at Leavenworth, and saved him from the hands of a mob of pro-slavery men who had determined to take Governor Robinson's life.

In his lecture, Judge Lecompte gave a forcible description of the condition of the population coming first into Kansas from all parts of the country, all becoming at once partisan in the slavery question, a partisanship which very soon became intensified into acts of violence on both sides.

Lecompte referred to the Missouri advantage of distance which enabled them to carry the election of the legislature in 1855, but the reporter represented him as saying:

The judiciary were in duty bound to carry out the laws enacted by the Legislature, without questioning the fairness of the election. . . . the Free State men . . . looked upon him as a monster, and ascribed to him acts which he never did, and charged him with judicial decisions, which he never rendered. He gave an account of his effort to save Cole McCrea from mob violence at Leavenworth, in 1855, when at the same time he was charged by the Free State Press with having endeavored to incite the mob to the very act which he persuaded them not to committ. Even the Congressional Committees' report, in 1856, placed him in the same false position.

Then turning from the content of the lecture, the *Commonwealth* observed that "Judge Lecompte is a clear and forcible speaker, and he was listened to with attention, the audience evidently being convinced of the sincerity of the view taken by him now, in looking back upon the trials of the early Territorial times." One more incident must be mentioned: "At the close of the lecture, Colonel Ritchie asked a question or two, which indicated that he and the lecturer are not now much nearer alike in opinion than twenty-two

years ago." Except for this element of discord injected by Ritchie, the evening appears to have been passed in "sweetness and light." Robinson's closing remarks held that the election of the first legislature was an invasion, not an election, that Free-State men were in the majority, and that they justly refused to recognize the laws, and naturally looked with disfavor upon the judicial officers who came to enforce them:

He said he was glad that it was permitted to so many of the actors in those early times of excitement and trouble to come forward and explain to each other the positions they occupied, and to have the errors that had gone upon the record corrected. He thanked Judge Lecompte for having accepted the invitation of the society to deliver a lecture under its auspices.

Thus the experiment in giving Lecompte his opportunity to be heard passed off without any serious untoward incident. Both Adams and Robinson, although not compromising their own point of view, were endeavoring sincerely to keep the scales balanced evenly and in good taste.

THE QUARTER-CENTENNIAL CELEBRATION, 1879

At Lawrence, local annual old settler meetings were inaugurated in September, 1870, continuing without interruption until 1878. At the meeting of 1877, a decision was reached to skip one year and make the meeting of 1879 a quarter-centennial celebration on a state-wide scale. In this manner Lawrence took the lead away from other centers of old settler organization. The Osawatomie area had organized in 1872, and Franklin county in 1875.²⁴ The Leavenworth Old Settler Association had been organized August 8, 1874, H. Miles Moore, secretary.²⁵ Kansas had been busy making history. Now, in the 1870's, the older generation under the name of "Old Settlers," began the "Battle of Kansas History." In the making of Kansas territorial and Civil War history, the participants operated under the Free-State or Antislavery as against the Proslavery banners. In the later warfare, they fought each other, another Kansas Civil War, over credits and interpretation.

The quarter-centennial celebration of the organization of the territory of Kansas was a two-day event held at Bismarck Grove, along the Union Pacific railroad, near Lawrence, September 15, 16, 1879. Charles Robinson was president, and among the vice-presidents announced was Samuel D. Lecompte. He was present, his name appearing among the registrants, but he did not speak, and

24. Malin, *John Brown and the Legend of Fifty-six*, ch. 14.

25. "H. Miles Moore Papers," Coe collection, Yale University Library. Microfilm, Kansas State Historical Society.

apparently made no appearance before the public. Obviously the occasion was a celebration of the defeat of the cause for which he had stood. Gen. Benjamin F. Stringfellow, of Atchison, was invited but did not attend. His letter explained that he was prevented by circumstances over which he had no control, and which made him a "slave."

Col. D. R. Anthony was present, and delivered an address, which included the following compliments to his fellow citizens of Leavenworth:

I hope we will remember the "lesson" that was read to us yesterday, the "LESSON OF KANSAS." Let us not forget it. Let us see to it that history records the truth. Do not allow history to record a lie. Let it not be forgotten, that twenty-five years ago the army, the navy, the courts, and the whole power of the national government and its appointees were invoked to make Kansas a slave State. No federal judge or other official dared disobey the commands of the slave power. When the Hon. Samuel D. Lecompte, Judge of the United States District Court at Leecompton, delivered his famous charge, defining "constructive treason" to the United States grand jury then in session, and when the grand jury indicted the Free State Hotel at Lawrence as a nuisance, and then under command of a United States Marshal proceeded with a posse comitatus to batter down that hotel with cannon, sacking and then firing it, the court remained silent as the grave while this outrage was perpetrated, and not till long years afterward did he even attempt to explain his then apparent silent approval of the vandalism of his marshal, grand jury and court officials. President, Congress, Territorial Governor, Judges, Courts and Federal officials dared not lift a hand to prevent the destruction of that Free State Hotel. Let these facts go down into history, and don't let us attempt to wipe them out. We could not if we would; we ought not if we could.

Anthony hated with the same vigor he put into his other activities, which made him so potent a force in Leavenworth history. The last sentence in the above quotation was a paraphrase of Lecompte's own language from the second paragraph of his *Kansas Chief* letter, which Anthony was throwing back at him. As president of the old settler association, and official host, Robinson undertook again, but not so successfully, to keep the proceedings on a high level of mutual courtesy, an aspect of charity in his character that has usually been overlooked, obscured possibly by the bitter controversies of succeeding years to which he became a party.²⁶

HISTORIES

At the hands of several people who have written general histories of Kansas, Lecompte has not received fair treatment. Only Leverett W. Spring, professor of English at the University of Kansas, in his

26. The proceedings of the quarter-centennial celebration were edited by C. S. Glead, and published under the title, *The Kansas Memorial* (Kansas City, Mo., 1880). See pp. 10, 95, 102-106, and 234.

Kansas, The Prelude to the War for the Union, published in 1885, extended to him even partial justice. Spring's blunders were difficult to explain. He was a friend of Charles and Sara Robinson, who knew better. In relation to the notorious accusation about the charge to the grand jury on constructive treason, Spring did Lecompte the justice to quote from a letter of December 31, 1884, in which Lecompte explained his position, and again denounced the alleged charge to the grand jury as an invention of the imagination of the Free-State reporters. But on the subject of the "sack of Lawrence" no new statement of facts was introduced. Spring wrote that the Douglas county grand jury "found bills of indictment against two newspapers . . . and against the principal hotel of that town, which some extraordinary obliquity of vision transformed into a military fortress, 'regularly parapeted and port-holed for the use of cannon and small arms'" (p. 118).

Later he erroneously involved Marshal Donaldson (the name should have been Sheriff Jones) by saying:

Marshall Donaldson and his advisers, though some of them belonged to the legal fraternity, reposed an astonishing confidence in the virtues and prerogatives of the famous grand jury of Douglas County. Scorning such intermediate steps as citations, hearings, opportunities for explanation or defense, and the like, they wrecked a hotel and threw two printing-presses into the river, upon the authority of a bare grand jury presentation.

He then quoted from Lecompte's letter to Stewart of August 1, 1856:

That presentment still lies in court. No time for action on it existed—none has been had—no order passed—nothing done, and nothing ever dreamed of being done, because nothing could rightly be done but upon the finding of a petit jury.

But the whole story was told in a satirical vein, holding up the whole proceeding to ridicule. Even the gestures of justice to Lecompte, Atchison, Buford, and Jackson, were lost, except upon the most discerning readers, in the facetious context of the whole treatment. The story of May 21 required some explicit pointing up to guide the unwary reader through the complexities of the highly controversial material. Spring himself was confused, apparently, by legal terminology, and used the words indictment and presentment. Under some circumstances they are used interchangeably. Probably Lecompte had erred in using the word presentment in his Stewart letter, but that must be discussed later. But with all these strictures on Spring's handling of the "Sack of Lawrence," his treatment is less objectionable than any others in the general histories.

By the time this book was published, in 1885, the controversy (or controversies) over Kansas history was burning with the fury of a prairie fire before a northwest gale. On one side were Robinson, Thayer, and others of the Emigrant Aid Company group, and on the other the admirers of John Brown and Jim Lane.²⁷ These unfortunate animosities gave point to that masterpiece of understatement by the Topeka *Daily Capital* on the occasion of Professor Spring's resignation to accept a professorship at Williams College in Massachusetts: "The loss of the professor would be more generally mourned if he had not attempted to write a history of Kansas."²⁸

THE PORTRAIT

In 1887 F. G. Adams, secretary of the Kansas State Historical Society, asked Lecompte for a portrait for the files of the Society. Lecompte declined, writing a long letter reviewing his point of view in the territorial troubles. He differentiated between Adams and the Society, acknowledging Adams' "generous disposition" in all their personal relations.

Thanking you again, most profoundly, for your individual consideration, I close with the assurance that I have no desire that my photograph or picture should grace, as perhaps a score of personal friends might deem, or disgrace, as the hosts who have confederated to my destruction would adjudge, the halls of the Historical Society of the state.²⁹

Adams was much disturbed by Lecompte's reply and wrote immediately suggesting his willingness to have the letter published in a Topeka newspaper:

It has never been my privilege to have much personal intercourse with you, but I have long known of the great respect, and kind interest with which all who have known you best have regarded you; and I know that such, even though they may have differed from you have been pained to observe the harsh criticism of which you complain.³⁰

Immediately Lecompte gave his consent to publication but warned that "I should expect to have it made the occasion of reopening controversy and strife. . . ." Adams reconsidered, and offered instead of publication, to locate the *Kansas Chief* letter published in 1875 and enter a reference to it in the index of Kansas material kept by the Society: "This will subserve your main desire,—that you shall not, through the records of the Kansas Historical

27. Malin, *John Brown and the Legend of Fifty-six*, chs. 17-21.

28. "The Annals of Kansas: 1886," *Kansas Historical Quarterly*, v. 20, p. 167.

29. Extracts printed in the *Collections*, of the K. S. H. S., v. 8, pp. 389, 390, footnote. The original is in the "Correspondence" of the K. S. H. S., Topeka.

30. Adams to Lecompte, March 11, 1887, "Correspondence" of the K. S. H. S., "Outgoing," v. 16, pp. 126, 127.

Society—go down to history with but a one-sided showing of your career as the first Kansas Chief Justice. . . .”³¹ Thus ended the episode, but no portrait of Lecompte was forthcoming, and none is now in the possession of the Historical Society, except as he appears in the group picture of the legislature of 1868.

REPRINTING THE *Kansas Chief* LETTER

Historical research has sometimes been referred to cynically as digging up bones out of one graveyard and reburying them in another graveyard. That metaphor seemed peculiarly applicable to the several Lecompte defenses. His Stewart and Pearce letters of 1856 were forgotten completely by the 1870's. Thus his *Kansas Chief* letter published in 1875 appeared to be new. But that statement of the case was not generally accessible even to contemporaries. Even though F. G. Adams was as well informed as anyone on Kansas history, in 1887, he was not aware of Lecompte's Stewart, Pearce, or *Kansas Chief* letters. In 1902 G. W. Martin, secretary of the Kansas State Historical Society, wrote to Mrs. Charles Robinson:

An unfortunate thing in recording history is that those who get whipped never write history. Since I have been here I have begged and begged John Martin to write a paper on the personal characteristics of the proslavery leaders. Only last week in looking through a newspaper file of 1875, I came across a half column extract from an article published in the *Troy Chief* from Judge Lecompte. I made a minute of it, and put it away saying that I was going to have some proslavery matter in the next volume [of the *Collections*].³²

True to his word, Martin did exactly that, and reprinted Lecompte's "The Truth of History," from the *Kansas Chief*, under the title "A Defense by Samuel D. Lecompte," and with an explanatory note: "as an act of historic justice."³³ In a footnote was printed also a biographical sketch and a summary of the Adams-Lecompte correspondence concerning the portrait. Omitted, however, was any reference to the exchange over publication of Lecompte's letter of March 7, 1887. Omitted also, as explained earlier in the present article, were four paragraphs of the letter. But at any rate, for the first time the major portion of the Lecompte defense became available in a form suitable for general reference. Without a substantial historical background for Lecompte's statement, however, the full force and substantial accuracy of his version were not generally appreciated. Captivity to a firmly established tradition was too strong.

31. Adams to Lecompte, March 11, 22, 1887, "Correspondence," K. S. H. S., "Outgoing," v. 16, pp. 126, 127, 147, 148; Lecompte to Adams, March 7, 16, 1887, "Miscellaneous Mss."

32. Martin to Mrs. Robinson, July 28, 1902, "Charles Robinson Papers," Ms. division, K. S. H. S.

33. *Collections* of the K. S. H. S., 1904, v. 8, pp. 389-405.

THE RECORDS OF THE UNITED STATES DISTRICT COURT FOR THE
TERRITORY OF KANSAS

Why has the history of the United States district court for the territory of Kansas remained in such a state of controversy as has been detailed in the course of this article? One important reason was that the records were thought to have been lost. In the course of the Anthony libel proceedings, the *Times*, January 4, 1874, reported that:

The original papers in the . . . [Phillips] case are now on file in the Clerks' office in this city. The indictment of the Grand Jury, declaring the Free State Hotel and the two Free State newspapers in Lawrence, nuisances, cannot be found. They have probably been abstracted from the records of the court. In these later days, there are obvious reasons why many officials would very naturally desire their destruction.

The *Times*, January 4, 1874, proceeded to publish documents relating to the Phillips case. Later, during the preliminary hearings in the Anthony case, the *Times*, January 7, reported that "The records of the court while under Lecompte's management were sent for and found to be either missing or mutilated to such an extent that nothing could be gleaned from them." A suggestion was made that interested parties had removed papers for self-protection, the innuendo being that Lecompte was guilty. But the same report also stated that "Lecompte wanted these records to be used as testimony, and the defense pleaded their insufficiency and asked to prove the imbecility and corruption of Lecompte's court by parole testimony." In the same connection Legate testified that "all the records of this court were burned at the time of Quantrell's raid on Lawrence. . . ." In 1911, when the Leavenworth county courthouse burned, all records were again reported destroyed.

Truth is often stranger than fiction, and in spite of all the reports to the contrary, the records of the United States district court for the territory of Kansas are substantially complete. It is possible that the largest loss occurred in the Leavenworth courthouse fire of 1911, but most, if not all of the book records were saved.³⁴ The documents which the Leavenworth *Times*, January 4, 1874, published were not returned to the clerk, but were retained by H. Miles Moore, and are now to be found in his papers acquired by the Kansas State Historical Society in 1908. Some of the territorial records are in the archives of the United States district court and of the state supreme

34. The present author made a general survey of the records in the storage vault of the district court at Leavenworth. An inventory of all the records in the courthouse would be necessary to be sure about details. The case files for Leavenworth county cases were not located.

court at Topeka. As the court traveled from county to county in circuit during most of the territorial period, exercising jurisdiction equivalent to the state district courts after 1861, some such records may have been turned over to clerks of these district courts, in the respective counties, after 1861. Apparently that is what happened in Leavenworth county, except that more than the records of that county accumulated there because Chief Justice Lecompte resided there rather than at the territorial capital, Lecompton.

The largest single body of records of the court, however, have a different history. During the winter of 1932-1933, when preparations were being made for razing the old federal building at Topeka, the accumulation of federal records of all kinds stored in the upper story were about to be sold for waste paper, when the State Historical Society intervened and secured their transfer to its custody—seven truck loads of paper. A sorting of that material revealed, among other things, the existence of most of the judicial archives of the United States district court for the Territory of Kansas. From another source, at about the same time, "Record A, 1855-1858" (the journal of the court), for the first division of the first district, that of Judge Lecompte, earlier deposited at Leavenworth, came to the State Historical Society.³⁵ This court material was sorted and given its preliminary organization for research purposes by the present author. Only the John Brown study has been published from this material. The record of the court as bearing upon the Lawrence episode is presented here for the first time.

Before taking up this particular case, however, the points of the criminal code essential to legal procedure in the case must be summarized. In the "Bogus" Laws of 1855, chapter 129, article III, "Of Grand Juries and Their Proceedings—Practice and Proceeding in Criminal Cases," it was provided that grand juries should consist of not more than 18 summoned, nor less than 15 sworn. The prosecuting attorney was to attend, when required by the grand jury, and might attend on his own motion to present information, and in either case would examine witnesses, and give legal advice, but he and all others should not be present when the grand jury voted upon any matter before them. A concurrence of at least 12 grand jurors was necessary for voting an indictment, upon which the foreman must make the endorsement, "A true bill"; and when less than 12 concurred, the foreman must make the endorsement "Not a true bill." Indictments voted must then be presented in open court, and in

35. Report of the annual meeting of the K. S. H. S., 1932-1933, *Kansas Historical Quarterly*, v. 3, p. 93. For a more complete description, see Malin, *John Brown and the Legend of Fifty-six*, bibliographical note, pp. 765-767.

the presence of the grand jury be filed there, and remain as records of the court—the journal of the court.

In article IV of the same chapter, 129, it was provided that indictments were not invalid merely because of certain omissions or defects in the form. Warrants for the arrest of a person indicted might be issued by the court, or the judge of the court in which the indictment occurred, or by any judge of the supreme court, but "by no other officers, . . ."

Quite properly, the first step in considering the particular case is to examine "Record A," the minutes of the proceedings of the court itself. Each and every item of business presented to the court, or action taken by the court, was entered in this manuscript book. For the month of May, 1856, no entry whatever appeared relating to the Free-State Hotel, or to the printing offices at Lawrence. Of course, Lecompte had said that in his Stewart letter of August 1, 1856, but he was not believed.

The second step is to examine in detail every sheet of paper identifiable as having to do with the grand jury of Douglas county for May, 1856. Three pieces of paper are on file that refer to the objects in question—A complete manuscript copy of the document so notoriously exploited in history as the indictment or presentment of the hotel and the printing offices, with the name of Owen C. Stewart, foreman of the grand jury, at the end. But the document and the signature are in the handwriting of a clerk. A second copy of the document, also in the handwriting of a clerk, lacks the last sentence and the name of the foreman. A third document, a fragment of a sheet of paper, contains the final sentence, missing in the above, and the signature, both in the handwriting of Owen C. Stewart. The second version mentioned, and the genuine Stewart signature are reproduced in the accompanying photographs.

Note should be made of the fact that this document was not in the form of an indictment; no persons were cited as owners or operators of the premises complained of; the document had been signed by the foreman of the grand jury, not by the district attorney. It had not been endorsed by the foreman, "A true bill," as required by law; and there was no endorsement indicating that it had been presented in open court. These were not merely technical defects; taken together, they were fundamental defects which rule it out as even approximating an indictment, or even a binding legal document emanating from a grand jury. Inanimate objects cannot be indicted in any case, only legal persons responsible for a nuisance. With these facts in evidence, it is astounding that Lecompte,

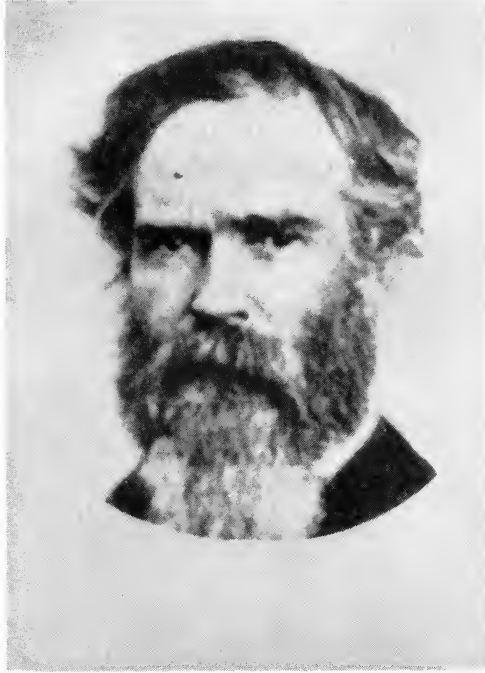
in his letter to Stewart, August 1, 1856, used the word "presentment." On the other points in his explanation he was correct so far as he went, but evidently he had not refreshed his memory by an examination of the records of his court as a basis for writing the Stewart letter. He could have made so much a better case.

It was the function of the prosecuting attorney to prepare and sign an indictment ready for action by the grand jury. The presence of the signature of Owen C. Stewart, the foreman of the grand jury in the place where the signature of the district attorney should have appeared branded this document on its face as anything but an indictment, or "a true bill." No legal persons having been specified in the alleged indictment, no warrants could have been issued, and none could have been issued on a legal indictment except by a judge. To go any further would seem to be engaging in the proverbially useless pastime of flogging a dead horse. Yet for nearly a century, Kansas, and professional historians, and the legal fraternity have taken seriously the legend about this document. How long can people remain captive to so obvious a hoax? Even in its printed version, before the public for almost a century, the substantial defects of the document were plainly apparent.

Upon several occasions, and upon a number of subjects, grand juries had made recommendations for the good of the community as they saw it. That was all that was done on this occasion; a recommendation prepared and signed by the foreman, and probably voted by the grand jury, although there is no record on that point. That, and nothing more, is what the document purports to be. Of the several of such recommendations found in the records of the court, this is the only one that was not accepted and treated at its face value. In both parts of the second paragraph, the language is explicit—"we respectfully recommend . . ."

In the second district, Judge Cato presiding, the district court met in Anderson county, April 28 to May 1, 1856, and after completing the other business before them, the grand jury expressed their sentiments in the form of two recommendations; the increasing political tension, and abuse of the land laws. On the former subject: "we . . . recommend to that portion of our fellow citizens . . . that do not believe the laws of the Territory are legal to at least abide them until a respectable majority of them see proper through their legislature to have them altered."³⁶ The recommendation of the Douglas county grand jury is in the same category, and possessed no more force than those of Anderson county.

36. "Papers" of the United States district court, K. S. H. S., Topeka; Malin, *John Brown and the Legend of Fifty-six*, pp. 553, 559.



JUDGE SAMUEL DEXTER LECOMPTE
(1814-1888)

This photograph is an enlargement of a postage-size picture of Judge Lecompte. It appeared on a panel of legislative photographs in the collections of the Kansas State Historical Society showing members of the Kansas House of Representatives of 1868. Although a search was made, no individual portrait of Judge Lecompte has been found.

The Grand jury, sitting for the 20th term of the 1st District Court, in and for the county of Douglas, in the Territory of Kansas, do hereby report to the Honorable Court, that from evidence laid before them, showing that the newspaper known as the "Herald of Freedom" published at the town of Lawrence, has from time to time issued publications of a most inflammatory and exultant character, denying the loyalty of the territorial authorities, and advising and commending forcible resistance to the same, demoralizing the popular mind and rendering life and property unsafe, even to the extent of advising assassination, as a last resort.

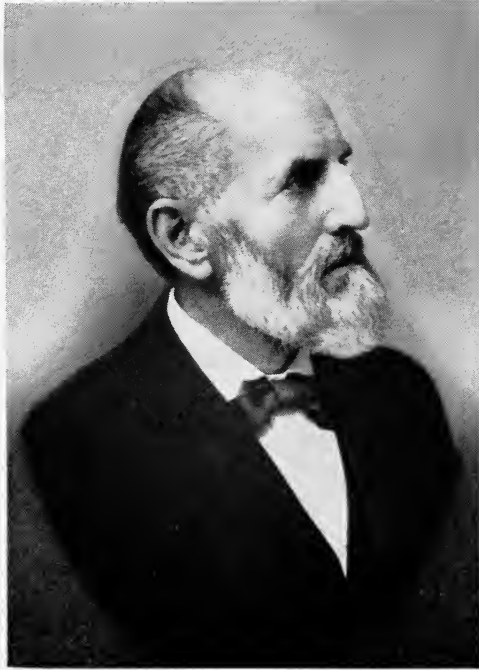
Also that the paper known as the "Free State" had been similarly engaged and had recently reported, the resolutions of a public meeting, in Johnson County, in this Territory, in which resistance to territorial law "even to blood" had been agreed upon: and respectfully recommend their statement as true and correct. Also that we are satisfied that the building known as the "Free State" Hotel" in Lawrence, had

been constructed with a view to military
occupation and defence, regularly
parapetted and port holed, for the use
of cannon and small arms, and
could only be assigned as a stronghold
of resistance to law, thereby endangering
the public safety, and encouraging rebel-
lion and sedition in the county, and
respectfully recommend ~~its destruction~~

That steps be taken whereby said
Museum may be removed
O. C. Stewart Foreman

THE DOUGLAS COUNTY GRAND JURY RECOMMENDATION, MAY, 1856

The two pages reproduced here represent two fragments of manuscripts which, when pieced together, provide a complete text of the controversial recommendation of the Douglas county grand jury of May, 1856, relative to the Emigrant Aid Company hotel and the two newspapers at Lawrence. In the first fragment the final words "its destruction" were crossed out. Evidently, composition, or copying was interrupted at this point, reflecting divided counsels. The amended wording was less extreme than that deleted. Of special interest is the fact that the language of the substitute is in the handwriting of O. C. Stewart, the foreman, and over his signature. The conclusion seems warranted that Stewart sided with the advocates of moderation.



DANIEL READ ANTHONY, I
(1824-1904)

Col. Daniel Read Anthony, native of Massachusetts, arrived in Kansas in July, 1854, with the first official party sponsored by the Emigrant Aid Company. He left Kansas in August, but returned in 1857 to settle permanently in Leavenworth. His was a colorful life in politics, military service and journalism. His family, now in the third and fourth generations, continue to publish the Leavenworth *Times* which Colonel Anthony bought in 1871.

CONCLUSION

What was the status of Sheriff Jones on May 21, 1856? That of mob leader, nothing more, nor less. True, he held legally the office of sheriff of Douglas county, but he had no authority in the premises upon which he was alleged to have acted; either in relation to the United States district court, to Lecompte as presiding judge, or to the grand jury. The United States marshal and his deputies were the only officers who could have acted even if the allegations relative to the court and to the nuisances had been true. They had completed their legal duties and had dismissed the posse. That terminated any proceedings emanating from the court. Jones, as sheriff of Douglas county, had no legal status whatsoever in relation to matters alleged. As an irresponsible mob leader, Jones disgraced his office as sheriff.

Of all the statements in print about the incidents associated with May 21, 1856, the story related by James Christian is the only one that strikes bluntly at the truth of the matter. Of course, Christian was writing from memory, 19 years after the event, but the core of what he wrote rings true. Furthermore, it squares substantially with the law, and with the documents so far as they go. Furthermore, absence of documentary proof of Lecompte's innocence cannot be held as suspicion of guilt. Of course, documentary evidence does not exist to disprove a thing that never happened. The burden of proof is on the accuser, not the defendant. Anthony's charge of mutilation of records and destruction of incriminating evidence must be dismissed upon this ground as well as upon the fact that essential records of positive action by the United States district court, in spite of the hazards of neglect over a century, prove remarkably complete.

A large part of the difficulties of territorial Kansas, conflicts of authority, were inherent in the situation. In accordance with American tradition, territorial government had been designed to protect the citizen, through a system of checks and balances, against arbitrary authority. The governor, the legislature, and the judiciary were predominantly equal and independent departments. Within the judiciary, the judges, the prosecuting attorneys, the grand jury, and the marshal were delegated independent action, each in its own jurisdiction. President Pierce's orders to Governor Stanton not to call out militia, did not apply to the marshal, who did so legally although inadvisedly. As Lecompte pointed out in his *Kansas Chief*

letter, he was not consulted during the preliminaries leading to the "sack of Lawrence"; the negotiations being carried on between the citizens of Lawrence and the marshal and the governor. Yet when the situation had deteriorated to a state of civil disorder, Lecompte, the man who had not even been consulted, and who was without authority to intervene, was held responsible for the action of a mob. Acting under instructions from Pierce, Governor Geary, in September, 1856, assumed virtually the powers of a dictator, leading to conflict with the independent judiciary. And Washington was too far away to understand. Pierce's attempt to remove Lecompte, and thus make him the scapegoat, put the issue more directly.

The history of territorial government as an object of study has never received the serious attention of historians. Until that task is adequately executed, from the Ordinance of 1787 to the controversies over the admission of Alaska, Hawaii, and Puerto Rico, the Kansas episode cannot be placed in its proper perspective. For example, in many respects, the territorial legislature of Nebraska was more disorderly than that of Kansas. There, in 1857, a member of the legislature with a revolver, and the encouragement of the galleries, held the speaker and the sergeant at arms at bay, until someone had the presence of mind to move an adjournment.³⁷ The issue at stake was the location of the capital.

Or the Mormon question in Utah presented more prolonged difficulties, including the Mormon war, than did slavery in Kansas. The safeguards against the abuse of power repeatedly led to the breakdown of territorial government under stress of crisis, yet the question of remodeling the system was never squarely faced, not even when the temporary new departure of government by commission was applied to Puerto Rico and to the Philippine Islands after 1900.

As the territorial judiciary in applying local law operated under the codes of legal procedure, civil and criminal, enacted by the territorial legislature, and based upon Missouri's system, they became the focus of intense hostility, especially the code of criminal procedure. Yet it is important to point out that when the Free-State men gained control of the territorial legislature of 1858, pledged to repeal the whole of the "Bogus Laws," the legislators failed to do so. New codes of legal procedure were adopted, that of civil procedure being based upon Ohio's code, and that of criminal procedure being based upon Missouri's code. The Free-State legislature of 1859 made further modifications of the code of crimi-

37. *New York Tribune*, January 28, 1857.

nal procedure but the Missouri code still remained the basis, and continued so under statehood.

In this context, the repeal of the "Bogus Laws" needs a fuller explanation. The Free-State legislature of 1858 drew down upon itself the furious denunciation of the more radical wing of the party, who charged, among other things that: "They occupied three-fourths of their session in granting special privileges to speculators."³⁸ Of course, that was just the charge that Free-State men had made against the "Bogus Legislature" of 1855, and that of 1857. Colfax had given particular emphasis to this point in his attack in congress upon Lecompte, in 1856. There is reason to believe that resentment against monopoly over private legislation was originally the major basis for Free-State denunciation of the Proslavery capture of the legislature of 1855. The Free-State aspect of the slavery issue was so largely organized afterward as to suggest that in part at least it was really a rationalization of that disappointment, and then came the presidential campaign of 1856.

The Free-State legislature of 1859 set out to redeem, in part, the reputation of the party, chapter 89, section 1, asserting boldly: "All laws of the Territorial Legislature, passed previous to the first day of January, A. D. 1857, are hereby repealed." Section 2, declared: "All laws of a general nature, passed at the regular session of the Territorial Legislature, in the year A. D. 1857, except . . . [those defining county boundaries] are hereby repealed." But section 6 must not be overlooked: "This act shall not be construed to affect or interfere with vested rights, but such rights shall be and remain as secure as if this act had never been passed." And section 7 emphasized the issue of private in contrast with public laws by providing: "This act, except section six, shall take effect and be in force from and after the first day of June next; section six shall take effect immediately." Thus the assertion of the protection of vested rights became operative prior to any part of the act relating to repeal, and asserted a continuity that overrode expressly the sections on repeal. The Free-State party held its book-burning celebration on the basis of section 1, with a bonfire of the *Statutes of 1855*. But the vested rights were protected from the flames by section 6; Free-State men having bought out control of such "Bogus" enterprises as the Atchison Town Company, and the Leavenworth, Pawnee, and Western Railroad Company, etc. Furthermore, as the old codes of public laws were repealed, and new

38. *Kansas Crusader of Freedom*, Doniphan City, March 6, 1858, from *The Kansas News*, Emporia.

ones enacted, without any proviso for transfer of cases from one regime to another, the Free-State legislature had, in effect, voted a general amnesty for all crimes committed prior to June 1, 1859.³⁹ Among other things, if there was any possible manner in which criminal or other responsibility could be attached to the act of destruction of the Free-State Hotel and the printing presses, the amnesty enacted by the Free-State legislature covered that also.

The setting is now prepared to bring the discussion back to the New England Emigrant Aid Company and its hotel which was not a vested right within the meaning of the repeal statute of 1859. The problem is an aspect of that of "foreign" and domestic corporations and conflict of legal jurisdictions, a preview of the issues being presented more and more insistently by a corporate business world. The New England group interested in carrying on business in the territory of Kansas had first applied for a charter in Massachusetts prior to the enactment of the Kansas-Nebraska act. So far as Kansas was concerned, it was a "foreign" corporation being operated not only for profit, but also expressly for the purpose of contributing to the determination of Kansas institutions—in their more boastful moments, the incorporators expressed the purpose of controlling Kansas institutions and molding Kansas into the image of Massachusetts. What means of control did the legislature of Kansas possess over a corporation chartered in another state? There were others that occupied a less conspicuous position, but which were more flagrant swindles. The Proslavery monopoly on domestic corporations was one answer. In later years, the Kansas legislature was aggressive in its efforts to apply controls over "foreign" corporations: railroads, farm equipment, oil, and insurance companies, and enacted a blue sky law. Even mob action, threatened or executed, was not unknown in the later battles against out-of-state corporations.

The major purpose of these concluding paragraphs is to afford historical perspective that may place the particular events upon which this study centers into a more comprehensive structure of relationships. In this manner, possibly, the traditional mode of reacting emotionally to the mention of the slavery controversy may be challenged effectively. Only upon release from captivity to such emotion-conditioned traditions can people reason from facts at an intellectual level.

In a way, Lecompte was his own worst enemy, and certainly he

39. Malin, *John Brown and the Legend of Fifty-six*, p. 712, 713.

was not given any effective aid by his friends when it might have been decisive. James Christian's analysis was remarkably accurate in picturing Lecompte as caught between two fanatical and unscrupulous extremes, one as vindictive as the other. But Christian did not come to his defense in 1856, although 1875 was better than never. By saying that Lecompte was his own worst enemy is meant that he seemed to have been so constructed as to be quite unable to defend himself effectively even when the evidence on his side was clear and unequivocal. Possibly, because the truth was all so obvious, and the charges so outrageously unreasonable, both in fact and in interpretation, Lecompte could not understand how other people's minds could fail to see truth. In his letter to H. Miles Moore during the summer of 1873, he took substantially this ground in explaining why he had defaulted in his correction of the *Herald* article on the McCrea case, and admitted his error. But still in 1873 and later in the *Kansas Chief* letter of 1875, he did not explain himself adequately. He still failed totally to understand how captivity to an idea, no matter how absurd, can paralyze all critical faculties and make unreason appear reasonable—especially, when identified, at least nominally, with a moral issue as a desired end.

Well may the historians of Kansas recall Madame Roland's exclamation of disillusionment called out by the excesses of the French Revolution: "Oh Liberty, what crimes are committed in thy name!" The celebrations of the quarter, the semi, and the three-quarter centennial anniversaries of the organization of Kansas partook so conspicuously of slanderfests. May the centennial anniversary be different? To be sure, the historical story must be told in full, in perspective, and without malice, but "Judge not, that ye be not judged." Rather, it were better, in true humility, to recognize as did Lecompte in his letter to Stewart, in 1856, as relates to the judicial function, a feeling of "awe and apprehension of inadequacy [on the part of] anyone not vain to rashness."

The Missing Immigrant Ship

GLADWIN A. READ

THIS year we celebrated one hundred years in America. Our Swiss forebears sailed from Antwerp on the American ship *Roger Stewart*, and landed at New York in 1853. They headed straight for Illinois, beat the panic of 1857 by moving on to Iowa, and in 1873 bought cheap railroad land from the Kansas Pacific (now the Union Pacific) and took root in Dickinson county, Kansas. On May 10, 1953, about 350 attended a reunion held in Junction City.¹

Not being a particularly mobile family, many of those who attended the reunion had never seen the ocean—much less a square-rigger. Perhaps that was why they were so anxious to locate a picture of the *Roger Stewart*. Anyhow, they definitely wanted a king-size reminder of that historic crossing—to which they owed so much and about which they knew so little.

It was like looking for that proverbial needle; only this one antedated the Civil War. Neither the Essex Institute nor the Peabody Museum at Salem, Mass., could furnish any clues. A search was made among the records of the former Bureau of Marine Inspection & Navigation, now in the custody of the National Archives. There was no mention of a vessel by the name of *Roger Stewart* being documented, either in New York or Philadelphia, between the years 1852-1854. And the U. S. Immigration Service reported no records for arrivals at New York prior to 1897. All their papers had been destroyed by fire.

The New York "Marine Register" for 1857 did carry this helpful notation: "Roger Stewart—Capt. Scolfield. Class A 1 ½, 1066 tons, draft 20, 2 checks, wood-oak & hackmatack, fastenings iron & copper, built 1852 in Brunswick, metalled Jan. 1856. Owner, the captain, full model." We seemed to be on the right trail as the ship's manifest, on file in the National Archives, listed our *Roger Stewart* at "1066 48/95 tons burthen."

Then in the Library of Congress this little item was discovered, tucked away on the back page of the New York *Daily Times* for

GLADWIN A. READ, was born in Upland, Dickinson county, and was educated in the Junction City schools and at Kansas State College, Manhattan. He is now a sales executive with the International Minerals and Chemical Corporation, Chicago.

1. The Junction City *Republic* of May 14, 1953, began its story of the reunion as follows:

"The largest crowd ever to attend the annual Gfeller reunion, assembled in the Junction City Municipal Auditorium Sunday, May 10, when approximately 350 members and friends of the family gathered to celebrate the 100th anniversary of the beginning of the Gfeller family in the United States.

"Peter Gfeller and his wife, Anna Marie, and their 11 children, ages ranging from 17 years to six months, came to this country on the ship 'Roger Stewart,' landing at the Port of New York on Sunday, May 29, having sailed from Antwerp 38 days before. Peter Gfeller and his wife had come from Switzerland, and first settled in the State of Illinois, just west of Chicago. . . ."

May 30, 1853: "Arrived Sunday, May 27 [May 29?] . . . Ship Roger Stewart (of Brunswick) Skolfield, Antwerp, 38 ds., mdse. and 41 passengers to Perkins & Delano."

Brunswick seemed to indicate the state of Maine, rather than Georgia, and the search turned toward the customs house in Portland. Here again the desired records had been destroyed by fire. They had no data on vessels built within that area prior to 1869. But a near-by "marine detective," whose hobby included the examination of old registers compiled by Lloyds of London, established the fact that the Skolfield yard in Brunswick had produced the "*Mayflower*" we were trying to locate. Though this hobbyist also had an album of sailing ship pictures, not one of his 800 captions made any reference to the *Roger Stewart*.

We couldn't understand why the name of our ship failed to appear in the records of the Union navy—along with the *Ino*, *Pampero*, *Morning Light*, *Nightingale*, and all the other vessels that had been rushed into the blockading squadrons, to bottle up the South. That is, until a yellowed clipping from the Brunswick *Telegraph* came to light. It was printed on May 11, 1860. It seems that the *Roger Stewart* had sailed from Mobile, with a load of cotton, bound for Liverpool. All went well until she was a little south of Cape Hatteras. A severe gale was encountered, a leak was discovered and the ship went down, head foremost—never to be recovered.

A final letter of inquiry, this time to the Pejepscot Historical Society at Brunswick, brought a beautifully written letter in longhand from its treasurer, to prove how friendly those Easterners can really be. In part she said:

The old Skolfield shipyard is in North Harpswell, about five miles from here. Nothing is left of it but the old blacksmith shop. Mr. George Skolfield, a great grandson of Master George Skolfield lives on the old farm, across the road from the shipyard. His wife tells me that Master George was the builder of ships and not a sea captain. She said that they had papers telling about the building of the ROGER STEWART and the material that went into the building of it. She said Master George owned $\frac{2}{3}$ of the ship and his son Alfred made early voyages in it as Captain. So he was Captain probably when your ancestors came to this country. *In his home here in town is an oil painting of the ship ROGER STEWART.* Our photographer Mr. Stephen Merrill, in 1949 made a photographic copy of this ship ROGER STEWART, the old shipyard, and of Master George and of Captain Alfred. He says he has the plates and could furnish you with copies 6 x 10 at \$1.00 each.

And that was how we cracked the case of the missing immigrant ship, measuring 180 by 36 by 18, that housed 421 passengers for 38 days, including the family of 13 Gfellers, their two maid servants, and a man—back in 1853.

Bypaths of Kansas History

A LIFE INSURANCE AD OF 1854

The following is an advertisement which appeared in the *Daily Commonwealth*, Boston, Mass., August 16, 1854:

Emigrants

TO KANSAS AND NEBRASKA
CAN EFFECT LIFE INSURANCE IN THE
HARTFORD LIFE INSURANCE CO.

WITHOUT EXTRA CHARGE

Especially if they go for Freedom.

Apply at Boston Agency,

HARRIS, COWLES & CO.,

9 and 1 Kilby Street.

WHEN HIGHWAY BUILDING BEGAN AT HOME

From the *Newton Kansan*, October 28, 1875.

OUR ROADS—The finest natural roads in the world are to be found on the prairies of Southern and Western Kansas. No stumps, no great rocks, no swamps, and no tolls to pay. Only at the creek and river crossings is there ever any work to be done, and all of these will eventually be bridged. Notwithstanding this almost absolute immunity from labor and expense, it is not appreciated, and from the most gross carelessness, our creek and river crossings are neglected year after year, until they become little more than treacherous holes, whose function is only to break wagons and harness, and are made the fruitful source of more profanity than a hornet up a man's trousers leg. That there should be any cause for complaint in this direction is a disgrace to the country, and particularly to every man who travels over our roads in his own wagon. How simple the remedy for all the evils complained of? How easily our crossings could always be kept in perfect order, if every man when he started from home would put a shovel or spade into his wagon, and when he reaches a spot that looks as if a moments work would fix it, let him stop, get out and do it. We hope this practice is not ignored here because people are afraid of doing their neighbors some benefit. In the Eastern States this method is the rule invariably, we know of farmers who would no more have thought of neglecting their shovel when they started for town, than they would of forgetting their hat. Now we contend that it is clearly the duty of those who use the roads most to keep them in order, and no one will deny it is the farmers who should do it.

Kansas History as Published in the Press

A brief history of the Evangelical and Reformed church of Ellinwood was printed in the *Ellinwood Leader*, June 11, 1953. The church was started in the fall of 1892 when the Reverend Kottich of Hudson, began to hold services. It was organized April 9, 1893, and the first church building was dedicated in December, 1893.

On June 13, 1953, the *Hutchinson News-Herald* printed a history of the First Baptist church of Lorraine. The church was organized in June, 1878, as the First German Baptist church. The first pastor was the Rev. David Zwink.

An article on the history of Mullinville newspapers appeared in the *Mullinville News*, June 18, 1953. The first paper was the *Mullinville Mallet*, started on April 9, 1886, with J. M. Diven as editor. John G. Connor founded the *News*—called the *Tribune* then—in 1904, the first issue appearing August 4, according to the article.

A brief biographical sketch of James B. "Wild Bill" Hickok appeared in the editorial column of the *Hays Daily News*, June 24, 1953. Other articles appearing lately in the *Daily News* included one on the disastrous fires of early Hays and the city fire department, July 5, and another on the entertainment and social life of early Hays by Catherine K. Cavender, July 26. The *Ellis County News*, Hays, printed a story on the cholera epidemic of 1867, June 25, and Mrs. Cavender's article on July 30.

Don Smith's recent talk before the Kiwanis and Lions clubs of Dodge City on Dodge City in 1878 was published in the *Dodge City Daily Globe*, June 27, 1953. Smith said that in 1878 the town probably reached its zenith as the cowboy capital of the world.

An article by Molly Ferguson, describing the log-cabin museum in the Manhattan city park, appeared in the *Manhattan Mercury-Chronicle*, June 28, 1953. The Riley County Historical Association built the cabin in 1915 and has stocked it with more than 600 relics. Over 6,000 persons visited the cabin in 1952. Carl Pfuetze is the curator.

Kit Carson's experience fighting Indians at Pawnee Rock, as related by Paul I. Wellman, was printed in the *Lincoln Sentinel-Republican*, July 2, 1953. Carson, only 17 years of age, was with a party headed by Col. Ceran St. Vrain.

Historical articles in the Marysville *Advocate* recently included a history of Life school, District 10, Marshall county, July 2, 1953; and a history of Bremen by Fred Prell, July 9. A plaque has been placed at the Bremen town well and dedicated July 5, 1953. It reads: "Henry Brenneke founded Bremen 1886. Donors of well: Fred J. Prell, Frank W. Maxwell, Joseph A. Sedlacek."

Indians at war and a flood on the Neosho river in the summer of 1836 were subjects of a brief article in the Emporia *Times*, July 2, 1953. A letter by Susie O. Higbee, Emporia, written in response to the article, was printed July 9. An article on past fourth of July celebrations in Emporia appeared in the "When Emporia Was Young" column of the Emporia *Gazette*, July 2. This column appears regularly in the *Gazette*.

A history of Achilles, Rawlins county, compiled by Lois Erickson, was published in the Atwood *Citizen-Patriot* and the McDonald *Standard*, July 2, 1953. The first post office in the Achilles area was established in 1880, and a schoolhouse was built in 1881. The town was surveyed in 1887.

Titles of articles included lately in John Watson's "See Kansas" series in the Wichita *Evening Eagle* are: "Giant Reptiles Once Swam in Waters Covering Western Kansas," the story of the fossil exhibit in the Oakley high school building, July 2, 1953; "First Building Erected in Augusta Houses Historic Museum," July 16; "Wellington Banker [George Harbaugh] Builds Museum to House Collection," July 30; "Soldiers at Historic Fort Larned Once Guarded Santa Fe Trail," August 6; "Early Day Swedish Lutheran Church Stands at Mariadahl," August 13; and "Historic St. Mary's College Started as Indian Mission," September 17.

An article on the great buffalo herd in the Barton and Pawnee county area in 1871, by Dan L. Thrapp, was published in the Great Bend *Daily Tribune*, July 3, 1953. The herd was estimated at more than 4,000,000. The Great Bend *Herald-Press* began a history of Great Bend and the surrounding area by Mrs. C. W. Hiatt, July 23, 1953. The last of the seven installments appeared August 16.

Articles of historical interest to Kansans published recently in the Kansas City (Mo.) *Star* included: "[Alexander Ramsey] Died Taming the West," July 5, 1953; "Kansas Has a Folk-Speech Matching the Picturesque Language of the Ozarks," by Nora B. Cunningham, July 8; "Ezra Meeker's Fight for Marking Oregon Trail Led Him to Kansas City," by Mildred Miles Main, July 31; and "Olathe

Became Wartime Ghost Town After Quantrill's Raid 91 Years Ago," by Stan Chapman, September 10. Articles in the Kansas City (Mo.) *Times* were: "The Pioneers of 1850 Met Stark Tragedy on the Carson Desert Route," by Vaun Arnold, September 2; and "Cherokee Strip Run 60 Years Ago Is a Vivid Memory to Kansas Residents," by Della Mavity McDonnell, September 16.

"The Early History of Macksville," by Bill Nesbit, appeared in the Macksville *Enterprise*, July 9 and 16, 1953. The town was established in 1885.

Several articles of historical interest by L. F. Valentine, have been published in recent numbers of the Clay Center *Dispatch* and *Times*. Included in the *Dispatch* were: "Washouts, Misnames Mark Pete's Creek," July 25, 1953; "Rose Merom Cemetery Took Name From Bible," August 11; and "Clay County Once Had Narrow Gauge Railroad," September 5. "Riverview Section [of Clay Center] Had River View Until 1915," appeared in the *Times* August 27.

An article entitled "Pioneer Stock," by D. J. Nelson, San Diego, Cal., began to run serially in the *Kansas Optimist*, Jamestown, July 30, 1953. The author was born in a sod house in Mitchell county in 1875.

The story of Sumner, "dead" town near Atchison, by Arthur Howe, was published in the Atchison *Daily Globe*, August 2, 1953. Founded in 1856, the town survived until 1860 when a tornado damaged virtually every home.

An article discussing the fate of the infamous Bender family was published in the Coffeyville *Daily Journal*, August 2, 1953. That the Benders were tracked down and killed by a posse is maintained by C. A. Axton whose father was a member of the posse. A biographical sketch of Mrs. Artie Case who came to Coffeyville 71 years ago with her family, the Daniel B. Detres, by Oren "Bud" Wright, was printed in the *Journal*, August 23.

The story of Studley, a small community on the boundary of Graham and Sheridan counties, as told by Helen D. Francis, appeared in the Hays *Daily News*, August 2, 1953; in the Hill City *Times*, August 6; and in the Hoxie *Sentinel*, August 13. The first settler in the area was Abraham Pratt who homesteaded in the late 1870's. The community was settled largely by middle-class Englishmen.

Some of the history of the Argonia area, compiled by Frank Beals, has appeared in recent issues of the Argonia *Argosy*. Included were articles on the tornado which damaged the town in 1888, August 27, 1953; and on the settlers from Kentucky in the early 1880's, September 3.

Arkansas City's first governmental body, which met in 1872, was the subject of Walter Hutchison's column, "Folks Hereabouts," in the Arkansas City *Daily Traveler*, August 29, 1953.

The Kansas Teacher's new historical columnist is Dr. Robert Taft of the University of Kansas, chairman of the Kansas Territorial Centennial Committee, and the immediate past president of the Kansas State Historical Society. In keeping with the times, the column this year is called "A Century of Kansas History," and Dr. Taft's first article is "The West of a Century Ago," appearing in the September, 1953, issue.

In celebration of the 60th anniversary of the opening of the Cherokee strip to settlers on September 16, 1893, the Caldwell *Messenger*, September 3, 1953, published a special 22-page edition containing articles on the race to get land in the strip and on the history of the Caldwell community.

A 100-page special edition of the Russell *Daily News*, September 8, 1953, marked the sixth anniversary of the daily newspaper and honored the Russell oil show, "Three Decades of Derricks." The Russell *Record*, September 10, also observed the oil celebration with special articles on the oil industry and the history of the area. The *News* presented a cross section of the central Kansas oil industry, and both newspapers printed several articles by J. C. Ruppenthal on attempts to find water, coal, oil, stone, and other products in the county.

"Wings Over Wichita" is the title of a series of articles by Bliss Isely, beginning in the *Wichita Magazine*, September 17, 1953. Isely devoted his first story to the building of Wichita's first three airports, Jones Field, selected and marked early in 1919; Stratford Field, later called Swallow Field; and early in 1926 the Wichita Airport.

The Kinsley *Mercury* published a 42-page 80th anniversary edition September 24, 1953. Kinsley was organized in 1873, and was first called Peters City. Robert McCause is said to have been the first settler and F. H. Hall was the first mayor.

Kansas Historical Notes

Under the auspices of the Kiowa County Historical Society the Kiowa County Pioneer Museum has been organized and has been granted a state charter as a nonprofit corporation. The directors of the new organization met April 30, 1953, and elected officers as follows: J. H. Olinger, president; Herbert Parkin, vice-president; Mrs. Benjamin Weaver, secretary; and Mrs. Bruno Meyer, treasurer. The purpose of the museum is to acquire and preserve records and relics pertaining to Kiowa county history, and to provide for housing and displaying these items.

Officers elected by the board of directors of the Finney County Historical Society at a meeting July 14, 1953, were: Gus Norton, president; Mrs. Kate Smith, first vice-president; C. L. Reeve, second vice-president; Mrs. Josephine Cowgill, third vice-president; Mrs. Ella Condra, secretary; Mrs. Eva B. Sharer, treasurer; Ralph T. Kersy, historian; Mrs. Cecil Wristen, custodian; and P. A. Burtis, business manager.

Claude L. Peterson was elected president of the Wyandotte County Historical Society at a meeting in the old Grinter House, rural Wyandotte county, July 23, 1953. Other officers chosen included: Alan W. Farley, vice-president; Sixten Shogran, secretary; and Harry Hanson, treasurer. Farley was the retiring president.

Guest of honor and one of the speakers at the annual picnic of the Shawnee Mission Indian Historical Society on the grounds of Old Shawnee Mission in Johnson county, August 23, 1953, was Frank C. Wornall who was born 98 years ago in one of the mission buildings. Mrs. Homer Bair is president of the society.

Tom Van Bebber was elected president of the Doniphan County Historical Society at a meeting in Troy to reorganize and reactivate the society, September 2, 1953. Senter Brazelton was chosen vice-president, and Mrs. Margaret Rice, secretary-treasurer.

Mrs. Alma Piper, Parsons, was elected president of the Labette County Old Settlers Association at a meeting in Oswego, September 7, 1953. Other officers elected included: W. A. Blair vice-president; and R. H. Montgomery, secretary-treasurer. The principal speaker was Mrs. Laura Plumb, Wellington. E. E. Woods, Independence, was the retiring president.

The towns of Great Bend, Hays, and Russell joined with many private firms and companies in presenting a three-day oil show in Russell, September 10-12, 1953. One of the features of the program was the dedication of a monument at the site of the Carrie Oswald No. 1 discovery well near Fairport. The dedicatory address was by Gov. Edward F. Arn and the monument was accepted as an official historic site of Kansas by Nyle H. Miller, secretary of the Kansas State Historical Society. The marker was inscribed as follows: "Site of Carrie Oswald No. 1, discovery well of the Fairport oil field. Drilled November 23, 1923. Dedicated September 12, 1953. Russell county, Kansas."

Lloyd R. Hershey, Olathe, was chosen president of the Johnson County Old Settlers Association at the business meeting during the 55th annual reunion in Olathe, September 12, 1953. Other officers elected were: Jess L. Hall, vice-president; Mrs. Dale Dorst, secretary; and Herbert E. Julien, treasurer.

Fresh off the presses of the state printing plant in Topeka, is a 216-page, beautifully-illustrated volume by Bliss Isely and W. M. Richards entitled *The Story of Kansas*. Published for use in the Kansas schools, the book is a survey of Kansas geography and history from prehistoric times to the present. It takes the place of the authors' previous state history, *Four Centuries in Kansas*, which has been used as a schoolroom text for several years.

A Century of Congregationalism in Kansas is the title of a new 207-page book by Charles M. Correll, published by the Kansas Congregational and Christian Conference. The author, a former president of the Kansas State Historical Society, is professor emeritus of history and college historian at Kansas State College, Manhattan. He has traced the progress of the Congregational church in Kansas from its beginning on October 15, 1854, when the first church was organized in Lawrence under the leadership of the Rev. S. Y. Lum, through the difficult early period, and the years of growth, to the present church of over 90 congregations in Kansas.

Errata and Addenda, Volume XX

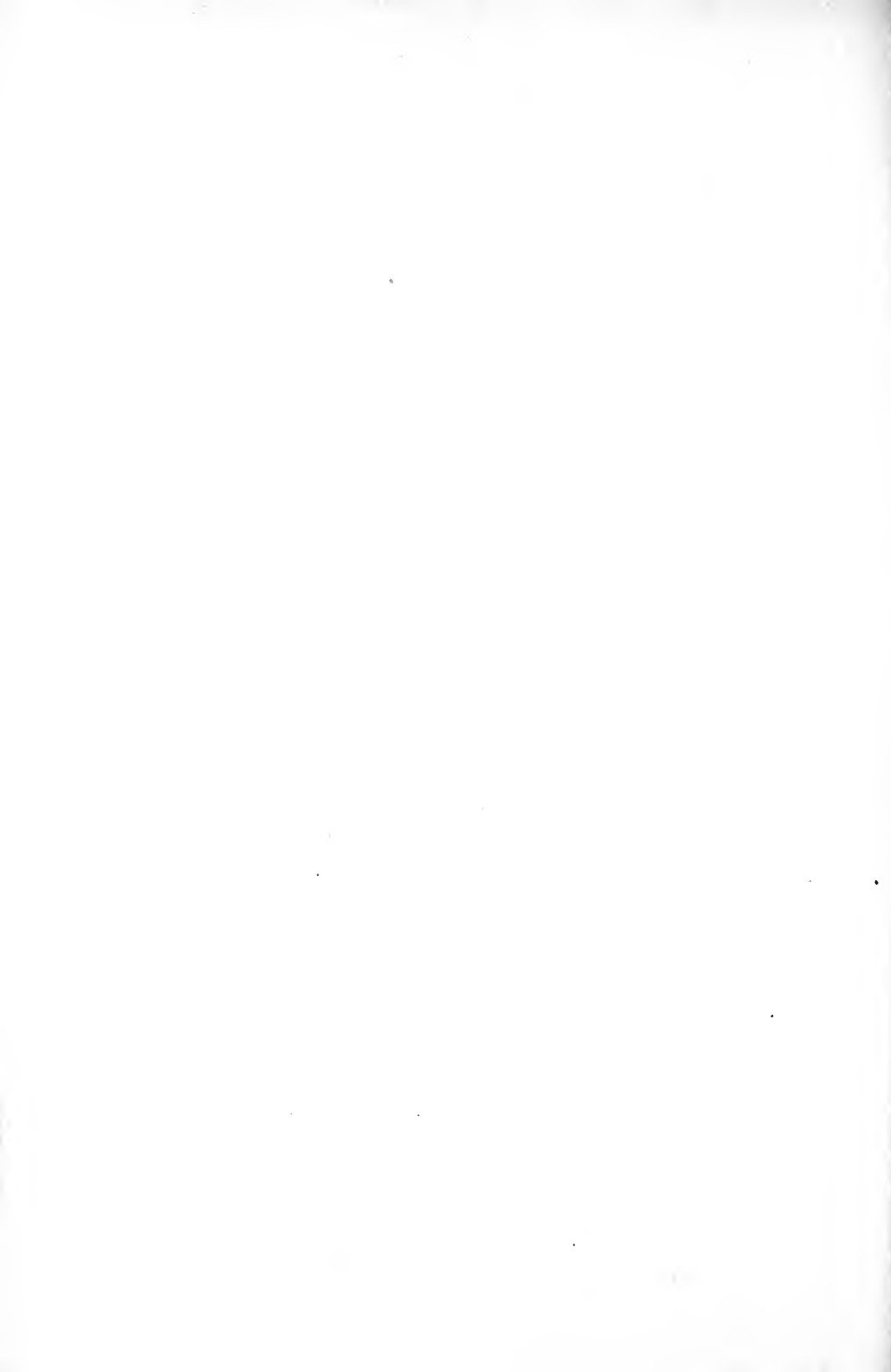
Facing page 16, H. K. Bush-Brown should read H. K. Brown.

Page 68, line 10, Walter M. Koolmorgen should read Walter M. Kollmorgen.

Page 74, table of crests of the 1844 flood, height at Kansas City, Mo., of 1844 flood over 1951 flood should be 1.8 instead of 2.0, and crest in 1951 should be 36.2 instead of 36.0.

Page 81, line 2, should read 36.2 instead of 36.0.

Page 173, line 27, John L. Schaffer should read John J. Schaffer.



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PRINTED BY
FERD VOILAND, JR., STATE PRINTER
TOPEKA, KANSAS
1953



25-312

