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OF THE

KANSAS

STATE HISTORICAL SOCIETY,

1913-1914

TOGETHER WITH

ADDRESSES AT ANNUAL MEETINGS, MEMORIALS, AND
MISCELLANEOUS PAPERS

Edited by WILLIAM E. CONNELLEY, *Secretary*

VOL. XIII

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ERRATA.

- Page 1.—Line 13 from bottom of text, read "Juniata" instead of "Juanita."
- Page 15.—Line 3 from bottom of page, read "contact" instead of "contract."
- Page 25.—Line 20 from top of page, read "One" instead of "On a."
- Page 30.—Line 22 from top of page, read "Artemus Ward" instead of "Artemus War."
- Page 101.—Line 3 from top of page, read "Hon. W. A. Johnson" instead of "Hon. W. A. Johnston."
- Page 132.—Line 2 from bottom of page, insert "Ela," before "Josiah Miller."
- Page 132.—Line at bottom of page, insert "Foster," before "J. P. Fox."
- Page 253.—Line 1 at bottom of page, read "A. Larzelere" instead of "A. Larselere."
- Page 261.—Line 9 from top of page, read "Charlestown" instead of "Charleston."
- Page 298.—Line 11 from bottom of text, read "Anderson" instead of "Aderson."
- Page 300.—Line 11 from bottom of page, read "Linn" instead of "Lynn."
- Page 320.—Line 22 from bottom of page, read "St. Matthias" instead of "St. Matthis."
- Page 355.—Line 20 from top of page, read "Marais des Cygnes" instead of "Marias des Cygnes."
- Page 363.—Line 18 from bottom of text, read "1857" instead of "1856."
- Page 466.—Line 18 from bottom of page, read "Vandegrift" instead of "Vandergrift."
- Page 491.—Line 3 from bottom of page, read "Agnes" instead of "Anges."

GEORGE WASHINGTON MARTIN.

Born June 30, 1841.

Died March 27, 1914.

PERL WILBUR MORGAN.¹

THE family Martin from which came our George W. Martin of Kansas was Scotch by blood and Irish by association and environment. On his mother's side he also came in for a share of the Welsh. So we may behold what manner of a man was he who, born and reared in our own United States and as true American as ever lived, yet possessed many of those qualities that have distinguished three of Great Britain's great and noble races.

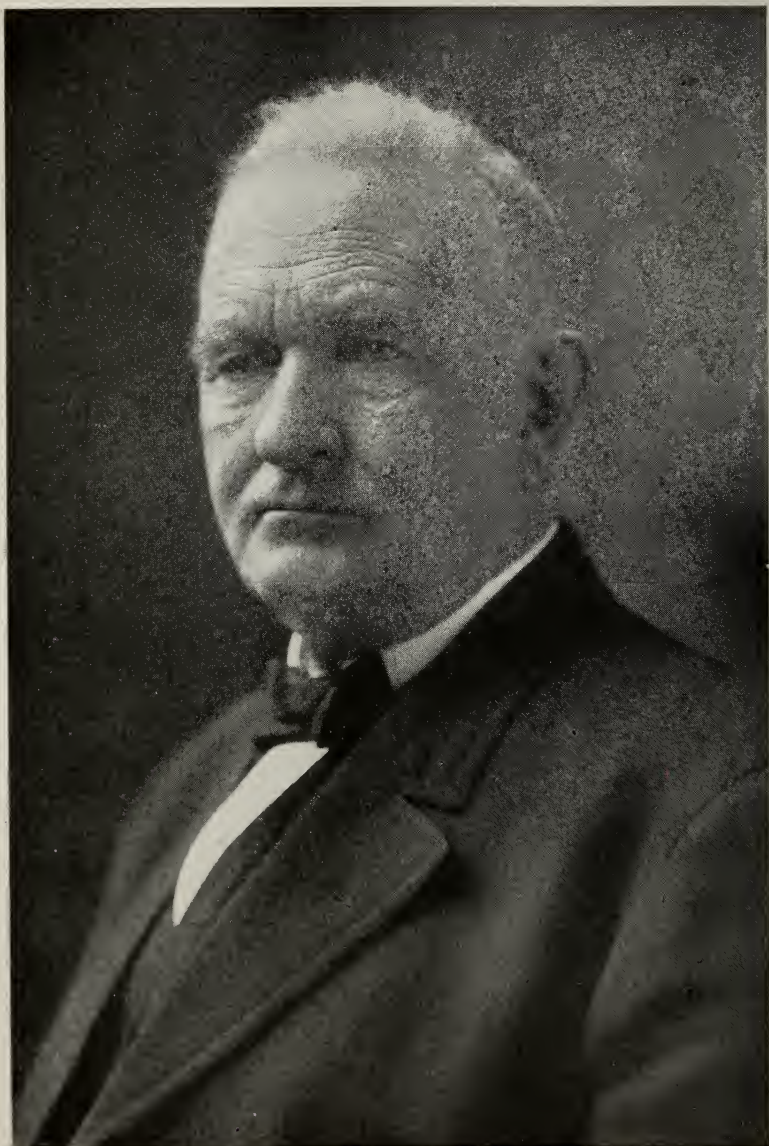
There were in this family William Martin, the great grandfather; John Martin, the grandfather; David Martin, the father; and George W. Martin, the son.

To begin with, William Martin emigrated from Scotland to Ireland near the close of the eighteenth century. He had a son, John Martin, who married Elizabeth Martin, of another family but also emigrated from Scotland to Ireland. To this pair was born a son, David Martin, on December 1, 1814, in County Antrim, near Belfast. They came to America in the year 1819, landing at Baltimore and going from there to Indiana county, Pennsylvania, to set up a home for the Martins in the New World.

In Pennsylvania, therefore, David Martin grew to manhood. In 1834, when he was twenty years old, he went forth from the parental home to work on the construction of the Allegheny Portage railroad, which the state of Pennsylvania then was building to connect the waters of the Cone-maugh with those of the Juanita. At Summitville, near Cresson, in Cambria county, David met, wooed and won Mary Howell, whose parents had come over from Wales and settled in Pittsburg, Pa., in 1820, in which city Mary was born in 1822. The young couple were married September 16, 1840, and went to Hollidaysburg, Pa., to found a home for themselves. And it was in this home, on June 30, 1841, George W. Martin, who was destined to fill a big place in the activities of Kansas, was born.

The call to "Bleeding Kansas" came to David Martin, father of George, at a time when men of blood and iron and force and energy were most needed. He joined the westward-bound throng in 1855 and made tracks for Kansas. He took a claim in Douglas county, near Lecompton, put in nearly two years improving it, and then went back to Pennsylvania for his family. This was the beginning of the Martin family in Kansas.

NOTE 1.—PERL WILBUR MORGAN was born December 4, 1860, in Monrovia, Ind. He was the third child of William Hoard Morgan, born in Harrodsburg, Ky., in 1824, and Maria (Marvin) Morgan, born in Zanesville, Ohio, in 1836. In the year 1864 the Morgan family moved to Plainfield, Ind., and here young Morgan received his education. At fifteen years of age he began his newspaper career as "printer's devil" on the *Plainfield Citizen*. In 1879 he left Plainfield and went to Indianapolis, where he was connected with different papers. About 1887 he came west and was associated with the *Kansas City Times*, having charge of the news department for Kansas City, Kan. In 1890 he left this position and went to George W. Martin, who was then editor of the *Kansas City Gazette*. With him he remained three years, leaving to become head of the news staff in Kansas City, Kan., for the *Kansas City Star*. He did this work until 1911, when he was made secretary of the Mercantile Club of Kansas City, Kan. Mr. Morgan is now living in Topeka and doing general newspaper correspondence.



GEORGE W. MARTIN.

David and Mary Martin were quiet, home-loving, Christian people, of the old Scotch Presbyterian faith. He was a Mason and an Odd Fellow. They lived in their Kansas home to a ripe old age, celebrating their golden wedding anniversary September 16, 1890. It was an occasion of statewide rejoicing and congratulations, for the Kansas people were proud to honor these pioneers.

Mary Martin passed away at 4:30 o'clock in the afternoon of Friday, July 29, 1892. David Martin joined her at 1:30 o'clock the next day, Saturday, July 30, 1892; and on the third day, Sunday, July 31, 1892, they were buried in one grave. They had been united in life for nearly fifty-two years, and they were united in death.

David and Mary Martin were the parents of ten children, of whom they reared seven: George W. Martin, in whose memory this sketch is written; Edmund McKinney Martin, of Enid, Okla.; Mrs. Annie L. Williams, of Rawlins county, Kansas; Mrs. Lillie Lowe, of Nebraska City, Neb.; David Martin, of Douglas county, Kansas; John Martin, of Colorado, and Stephen D. Martin, of Kansas City. Of these seven but two are now alive—Stephen, the youngest son, and Mrs. Lillie Lowe.

George W. Martin passed his boyhood days in Hollidaysburg, Pa., the place of his birth. He had about the same round of experience and adventure that were the lot of the other town boys of that period—a little schooling, some fun, and a good deal of work. The latter, no doubt, was more to his liking, for—boy or man—George W. Martin was industrious. He found it a joy to be doing something that was worth doing.

One of his pleasant pastimes was to go down to the railroad and wait for the little locomotive to come in. He would do chores for the engineer, and in return was rewarded by being permitted to sit on the engineer's seat and "run" the engine a few rods. It was great fun for the town boys, running that little old wood-burning engine, and there was little danger in it—it couldn't run fast enough to do much harm should it jump the track. But in after years that little old railroad, owned by the state of Pennsylvania, and the way it was mismanaged and permitted to go to rack and ruin through neglect, decided Martin forever to oppose government ownership of railroads or any other utility of any kind.

A little further on and Martin was carrying newspapers. This developed in him an ambition to be a maker of newspapers. His schooling, what little he'd had, soaked in; but it wasn't enough. He read newspapers and he read books; he even read poetry. Then he entered the Hollidaysburg *Register* to learn the printing trade, and that was self-educating. He found an odd fascination about everything connected with the work of making a newspaper. It was broadening, uplifting. He knew about everything that was going on. He came in contact with men, leaders in public affairs, shapers of the destinies of the state and the nation. And bigger to Martin than all of these was the editor, John Penn Jones by name. The printer boy had a decided advantage over other boys.

Martin was always making friends, and the friendships of his youth he cherished to the end of his life. There was that locomotive engineer, the boys of the town, some of the men, and his preacher friend, the Rev. David Junkin, D. D., in whose church (Presbyterian) Martin was brought up. It was Doctor Junkin who took an interest in the boy and helped to shape his

career. The preacher wrote a New Year's address on January 1, 1857, with which Martin, as a carrier for the *Register*, gathered in \$47.50, and that was a big pile of money for a boy of fifteen to have.

Not long after this incident David Martin came back from his prospecting trip to the Territory of Kansas. We can see the family gathered around the fireplace in the Pennsylvania home that cool evening in the early spring of 1857. As the blazing coals cast a flickering light about the big room the father tells of his wonderful experiences of travel, of the big river steamboats, and of the beautiful land that is to be their future dwelling place. How the eldest boy, George, lingers with wide-open eyes after the other children have been sent off yawning and sleepy-eyed to bed, and at last goes quietly to his own room to dream about it all the rest of the night. The morning after, the preparations for the long journey began, and slow indeed they were for that restless boy George. Then came that eventful last day, the family astir long before the rest of the town is awake, and good Doctor Junkin coming around at the hour of four o'clock to have prayers with the family before the departure on that long journey toward the setting sun.

The Martin family departed from Hollidaysburg on St. Patrick's day, 1857, going down the Ohio river on the steamboat *Cambridge*. At St. Louis they found that a small stern-wheel boat, the *Violet*, was advertised for all points up the Kansas river "to the head of navigation." The father, who had spent nearly two years in Kansas within sight of that beautiful stream, somehow had got the notion that it was navigable. So, to avoid a transfer at Kansas City, they took the *Violet*—or the *Violet* took them. The Missouri river was on its hind legs and it was with difficulty the little steamboat stemmed the swift current. Two weeks were required to ascend the river to Kansas City.

At every place where the boat touched land crowds of Missourians were down at the landing. The insults that were hurled at the "damned Yankees" on board were enough to tax the patience of even so mild a man as David Martin. What then must have been the effect on the fiery red-haired George? How many "niggers" had they stolen? How many Sharps' rifles were on board?

The *Violet* put into port at Kansas City the morning of April 7, 1857. It was a rugged, uninviting place; but then, as always, it was full of life and bustle. Young George, with his acute newspaper instinct, nosed around town to see what was to be seen. He dropped into the office of the *Kansas City Enterprise*, which afterward became the *Kansas City Journal*, and there he met R. T. Van Horn. Van Horn had come out from Indiana county, Pennsylvania. It was a lasting friendship that sprang up between these two.

The family was told it would be several days before the boat could take them up the Kansas river. It was a disappointment, but there was only one thing to do—wait. George became impatient to be moving on. With his uncle, William Martin, who had come with the party, and two other boys, he started out on foot for the land of promise—Kansas. As they walked down the old road toward Westport—now one of the great thoroughfares of that wonderful western metropolis—skirted on either side by heavy timber, they saw the campfires of hundreds of Kansas-bound emigrants encamped there for the night. It was a scene, that camp in the woods by the roadside, such as the hero of this sketch could never forget.

A night of rest in a hotel at Westport, and the party was up at daylight striking out over the California road. Soon they crossed over into the promised land. It was a slow and tiresome journey, for the road was rough and soft from the melting snows and the early spring rains. The first day they covered about thirty miles by the time darkness overtook them, and they rested at night at Fish's hotel. They were up again and on the road at sunrise the next morning, reaching the village of Lawrence near the hour of noon. Martin's feet were blistered and sore, but with a stout heart he tramped on and on.

About four o'clock in the afternoon of April 9, 1857, George W. Martin walked into Lecompton, then a proslavery town and the territorial capital of Kansas. He found lodging at the Locknane boarding house, cooled his burning feet and rested his weary limbs, and then before sundown he started out to take in the town. He stopped at the postoffice to inquire for any mail that might have come for the family in the three weeks they were on the way, and was surprised to recognize in the postmaster, Andrew Rodrigue, a former citizen of Hollidaysburg. The recognition was mutual. The postmaster, a proslavery man, seeing a copy of the *Hollidaysburg Standard* in Martin's mail, at once began a tirade against Martin's preacher friend, the good Doctor Junkin. The memory of that farewell-to-the-old-home scene, with Doctor Junkin's prayer, rose up in the mind of Martin. He was only a boy, not quite sixteen years old, but his manner of resenting the insult showed that he was able to take care of himself. His red hair and Irish-Scotch temper were not given him in vain. The postmaster threatened to throw him out, but there is no recorded history that tells of anything of this kind happening. Martin got into the game of history making quite early. This may be said to have been the first religious war in Kansas.

George W. Martin went to work on the *Lecompton Union*, an intensely pro-slavery newspaper, but sadly misnamed. It was edited by L. A. MacLean, whose love for the free-state abolitionists who were coming in hordes to Kansas was expressed several times each day in language unprintable, though some of it crept into the columns of the paper. The *Union* was issued regularly under that name until July 1, 1857. Then it gave way to the *National Democrat*, a title that was somewhat more in keeping with its political tone, which was more moderate than that of most of the pro-slavery organs along the border. The paper was owned by Seth W. Driggs. The editors were William Brindle and Hugh S. Walsh, though Governor Robert J. Walker, Secretary Fred P. Stanton and Governor Samuel Medary were editorial contributors.

As a printer and chore boy for that newspaper Martin came in contact with the leaders of the cause which was soon to be lost. He found these leaders to be clever and hospitable gentlemen, violent only in their attitude toward and their language concerning the abolitionists. It was the low-down, ignorant bushwhackers and border ruffians and the hordes of adventurers and hangers-on who were responsible for most of the devilment and were to be feared. Martin had an excellent opportunity to get an insight into the personality and character of these men about the proslavery capital of Kansas. He was in position to know something of their program—but there's a sort of freemasonry about the print shop (or was in those times), and George W. Martin was a printer.

At all times on the alert and with an investigating turn of mind, Martin was to be found in the center of the crowd. He was a witness to many of the exciting scenes of the territorial struggles. He was at the special session of the territorial legislature in December, 1857, called by Fred P. Stanton as acting governor, to provide for the submission of the Lecompton constitution to a full and impartial vote of the people. He was at the great mass meeting of free-state sympathizers which gathered at Lecompton at the time of the special session, and he heard the speeches of Jim Lane, Charles Robinson and Champion Vaughan.

Martin believed that it was only by a miracle that Lecompton was saved from destruction by the indignant free-state men who were assembled in the town on that occasion. A large poster had been circulated among the free-state sympathizers throughout the territory, calling on them "to assemble at Lecompton and witness the inauguration of the first legal legislature ever assembled on the soil of Kansas." The free-state men flocked to the town by hundreds, and concealed in wagons under the bags of feed and piles of hay were Sharps' rifles, revolvers and pistols, polished and ready for use. The speeches were full of fire, calculated to rouse men to action. Lane spoke from the back of a wagon, Robinson addressed the men from the steps in front of the land office, and Vaughan stood on a box looking out over the crowd and shrieked: "We have chased them into their very holes; we are now crowing on their own dunghills; let them come forth!"

All that was needed to start something was the report of a pistol, a fist fight or the rash act of some one. Sheriff Jones, whose sympathies were with the proslaveryites, came very near supplying the torch. Rankling still over his failure in May, 1856, to put George W. Brown, of the *Herald of Freedom*, at Lawrence, out of the newspaper business, Jones slunk through the crowd hunting for Brown. William Leamer, a cool-headed proslavery man of Lecompton, by a piece of strategic work, got Sheriff Jones out of the way. Martin always gave Leamer credit for saving Lecompton from ashes. Had Sheriff Jones carried out his threat against Brown the torch would have been applied.

Martin continued his newspaper work at Lecompton until October, 1859. Then he took a stage coach and started for the East. In the night the news came that John Brown had captured Harper's Ferry, and the proslavery people everywhere along the border were thrown into a state of excitement bordering on pandemonium. Martin went to Philadelphia, where he entered a book-publishing house to complete his five-years apprenticeship. He remained in Philadelphia until the spring of 1861. Then he returned to Kansas.

George W. Martin was in high spirits when he again set foot on Kansas soil. Statehood without slavery had come, but there was work yet to be done. He was well equipped for the business of newspaper making, and he felt that the dreams of his youth and the ambitions of his young manhood were about to be realized. He pushed on up the Kansas river valley to Junction City, which then offered the most inviting field in the new state for a budding newspaper genius. He arrived there August 1, 1861. The Democrats had made three attempts to maintain a newspaper, and each had failed. They were willing to give it up and let the Republicans try it. There was no such a thing as failure in Martin's scheme. He started the Junction

City *Union*, and it was a success from the beginning. The material used for the printing of the *Union*, or a part of it, had been shipped from Edensburg, Pa., by Doctor Rodrigue. It was detained for some time in Kansas City in storage, and under the impression that it was to be used for printing an abolition paper, the slave sympathizers of that place dumped the boxes of type into the Missouri river. It was finally fished out and taken to Leecompton, where it was used for printing the proslavery *Democrat*, on which Martin was employed. A young son of Sam Medary bought it and took it to Junction City to start the Democratic paper which failed. When Martin started the *Union* he had this water-soaked material on hand. But somehow his editorials stood out with wonderful distinctness when set up in that long-primer type.

The *Union* was the only newspaper published between Manhattan and Denver until 1867, five years afterward, when B. J. F. Hanna started the *Salina Herald*. The *Union* was a Republican paper, and for many years it exercised a greater influence in the politics and the affairs of Kansas than any other weekly paper published in the state. The young editor—he was but little over twenty—went into the business of booming Kansas, and the valleys of the Kansas, the Smoky Hill and the Blue in particular. He wrote about the agricultural possibilities of western Kansas, and the wise ones spoke of his editorials as “marvels of nerve and ignorance.” But time demonstrated that he was more nearly right than he had dreamed when writing those boom editorials. This land has since been selling at as high as \$200 an acre. He printed a boom edition in 1869, the first to be printed in the state, and it was the means of bringing hundreds of good farmers and their families to Kansas.

Laying aside its politics the Democrats of Junction City, like the Republicans, swore by the *Union*. One of the finest things that could have been said about the *Union* and its editor was printed in the *Leavenworth Conservative* in 1864, when Daniel Webster Wilder was editor:

“The editor of the Junction City *Union* believes that when God made things he put one point of the compass where Junction City now stands and gave it a twirl.”

This was literally true, for the Junction City *Union* was for years the nearest newspaper to the geographical center of the United States, and well worthy it was of the honor. Noble Prentiss classed the *Union* as in a group of a half dozen very handsome weeklies of Kansas which may be styled “the belles of the newspaper ball.” James Humphrey, in an address before the Historical Society, June 15, 1889, on “The Country West of Topeka Prior to 1865,” referred to the *Union*:

“The history of Junction City is recorded in twenty-odd volumes of the Junction City *Union*, and can not be compressed within the limits of a few pages. No history of the town can be written without making distinguishing note of the *Union*. Its tone was vigorous and aggressive; it possessed the most marked individuality of, perhaps, any paper in the state. Many able pens wrote for it at different times, but they all caught its gait and tone. For years it was Junction City’s chief evangel. It castigated the vicious, rebuked the sinner, raised its voice like one crying in the wilderness against ‘Owl’ clubs and other midnight carousals. It was a potent factor in local affairs, and its influence extended to every quarter of the state.”

Martin's "Kansas Catacombs," printed in the *Union* in the '70s, attracted wide attention and were republished everywhere. He referred to the place that once was the proud proslavery capital of Kansas as "The beautiful spot upon the Kansas river where Lecompton sits a lonely widow." He always claimed that the historians of Kansas did injustice to Lecompton. But the town was on the "wrong side." No other place gave the nation so much concern. It was the rock on which the Democratic party spilt.

Martin's loyalty to Junction City was something sublime. He stood up for the town and everything in it that was right. The *Union* made a great fight to have Junction City sawed stone used in the construction of the Capitol building, but a Topeka crowd was in control of the situation and a red sandstone from the neighborhood of Vinewood was used. The foundation was laid in the Fall of 1866. By January following the frost was making havoc with it, and when spring came it had thoroughly thawed and was a mass of mud. It cost the state \$40,000. Then Martin turned loose again, and Junction City stone was used for the foundations. The Stanta Fe had two commissioners and the Union Pacific only one, so the remainder of the material for the building was brought from Cottonwood. For years afterward Martin was called "J. C. Sawed Stone."

For saying things and stirring up the animals Martin had no equal among the newspaper men of Kansas. From August, 1868, to August, 1870, he carried his life in his own hands because he had exposed a gang of horse thieves in the vicinity of Junction City. The headquarters of the gang, it appears, was a saloon called the "Unknown," and its operations extended over a route from the south side of Butler county to Nebraska City. On August 22, 1868, a citizen was hanged by unknown parties. Then it was noised about that the hanging was done by a Republican vigilance committee, and because of certain expressions in the *Union* Martin was held responsible for manufacturing this sentiment. For a year the friends of the dead man hounded Martin, and many nights special police officers were sent to guard his house. At last the friends of the dead man concluded they were on the wrong scent. They employed two detectives from St. Louis and Martin turned in and helped to ferret out the real murderers. The leader of the gang, a notorious outlaw, was run down and killed. Eight men were sent to the penitentiary through the federal court, several others were run out of the country, while at the south end of the route seven members of the gang were hanged by the citizens. That put a stop to horse stealing and many forms of outlawry, and Martin and his paper were the means of doing it.

Martin saved the day for the Kansas State Agricultural College at Manhattan in 1874. The management of the college for years seemingly had ignored the purpose of the act of Congress creating the institution, and the *Union* was severe in its criticism. A bill had been drawn to consolidate the Agricultural College, with its large grant of land from the government, with the State University at Lawrence. Chancellor John Fraser of the University opposed the bill. So did Martin, and he fought it through his paper and by his personal influence, because he did not want to see one of the two great institutions become a sideshow, as would have resulted from the consolidation into one school. The bill, of course, did not get very far.

One day John A. Anderson entered the office of the *Union* and told Martin that N. A. Adams, of Manhattan, wanted him (Anderson) to be

president of the Agricultural College. He wanted Martin's opinion, which was delivered off hand in the editor's blunt way of saying a thing.

"There's your chance to make or break," Martin said. "Tell him you'll investigate it."

Anderson was hoping Martin would advise him to turn down the proposition, as Benjamin Harrison had secured for him the pastorate of a church in Indianapolis, and he wanted to go there. But he could not go against the advice of his friend Martin. He accepted the presidency of the Agricultural College. Then he began a fight for that institution which has brought it up to its present magnificent proportion and made it one of the great schools of its kind.

Martin's newspaper, together with his personality and his honesty, brought him power and prestige and public preferment. For many years he was kept busy accepting public offices and public honors. It may be said truthfully that no Kansas man ever has had so wide and varied experience in holding public office and discharging official duties well and faithfully as George W. Martin. He was at all times clean and on the square. No graft or hoodie ever attached to his name. He could not be brought under control of cliques or combines or corruptionists. Men trusted him.

His first appointment was as postmaster of Junction City, in which office he served from January 1, 1865, until October of that year. It was a little job and there was little in it except to accommodate the public, and always he was willing to do that. He was appointed register of the Junction City land office April 1, 1865, and served until November, 1866, when his was the first removal made by President Andrew Johnson. He was first to be reinstated by President Grant. During his incumbency, from 1865 up to 1870, came the settlement of Kansas after the close of the war, and the Junction City land office did the largest business of any land office in the state. More than half of the time the applicants for land waiting at the office numbered from 50 to 125 a day. The first settlement of the Republican, Smoky Hill and Solomon valleys was at that time, and many thousands of titles to land in Kansas are based on Martin's certificate.

During the interim between the time of his removal by Johnson and his reappointment by Grant (1867-'68) Martin served as assessor of internal revenue for all of the region between Manhattan and the west line of the state. That was when he had the time of his life. The federal government was then taxing every man \$10 for the privilege of living under the flag. Generally the men seemed to think it worth the money, and while he had many odd experiences, he usually got the money. His duty was to go every month along the Union Pacific to look after Uncle Sam's income. "Here comes that — revenue man again," they'd say, and then they would pay whatever was right. It was in times when everybody was flush, and before the days of prohibition. Martin used to tell that men paid \$100 for a wholesaler's liquor license when \$25 would have purchased the retailer's license necessary for their business. They did that as a matter of principle and pride.

Martin's experience in handling land matters for the government brought him in contact with many interesting characters and conditions. An Irishman fresh from the old sod filed on a piece of land, and two smart Americans "jumped" his claim. They got out contest papers, and had the advantage

of him only through his ignorance. Martin told them that they could not steal the man's land right before his eyes. They might have succeeded in their contest by taking an appeal to Washington, but they were told that they had better secure other land, and if they did not he would give them all the trouble he could. After a whispered consultation they took other land, and the Irishman told Martin years afterwards that he had a half section of fine land for which he was indebted to him.

When General Nelson A. Miles was a colonel in the regular army, and in command at Fort Harker, some boomers at Brookville and Ellsworth discovered coal on government land across the Smoky Hill from Ellsworth. They got up a stock company, took in General Miles as a stockholder, and after a time quarreled, and all rushed to the land office to file on the land. A contest resulted, and it came before Martin, as register. The civilians had an all-round lawyer as their attorney, and Miles managed his own case. Half an hour after the hearing began, Miles raised a point which Martin sustained. The lawyer, as is the custom with that tribe, told Martin what an ignoramus he was, but the case went on. In a short time Miles raised another point which Martin sustained, and that knocked the case out of court. The lawyer ripped and snorted, but Miles walked out with a smile on his face. An appeal was taken, and the Commissioner of the General Land Office sustained the rulings of Martin. Then the case went up to the Secretary of the Interior, who also sustained Martin, which convinced him that there was a chance occasionally for the application of ordinary common-sense in a law suit, even by a layman.

Mr. Martin had a supreme contempt for the small technicalities in certain procedures which harassed a witness and often prevented the telling of the truth. In one instance he was a witness against a joint keeper who was charged with selling a jug of whisky to an Indian. In the testifying he said he knew the jug contained whisky.

"How did you know its contents were whisky," said the brow-beating lawyer.

Mr. Martin smiled and said, "You do not expect a joint keeper to be putting a jug full of water into an Indian's wagon."

George W. Martin was elected state printer by the legislature in January, 1873, one week before the York-Pomeroy exposure. It was one of the most bitter fights ever waged in the legislature over an appointment, and it required a decision of the supreme court to settle it. The *Topeka Commonwealth* was then the Republican organ of the state. The State printing was run in a loose manner and Martin was selected by those who desired a change for the better. He was elected state printer four times, and came within a scratch of being chosen for a fifth time. A host of grafters were cut out by Martin's election, and they pursued him forever afterward, but with no success. They even offered him a bonus after he was first elected not to qualify for the office, but the men who voted for Martin meant something, and he would not sell them out.

The reorganization of the state's printing on a business basis attracted wide attention. Prior to 1873 the state had been paying unheard of prices for its printing. Martin put it on a parity with the best commercial printing. The first job turned out was 12,000 copies of the Kansas school laws. Under the same fee bill, with the secretary of state to measure the work, the same

copy to the letter, he made the 12,000 copies cost \$1,370 less than 10,000 had cost the year before. Martin was the only man who reformed a job at the expense of his own pocket. Noble Prentiss wrote:

"The dingy old 'pub. doc.' of the eastern states were as tattered rags beside a silk gown, when compared with the books which came from the state printing house in Martin's time. He it was who (outside of these) published Wilder's 'Annals of Kansas,' the handsomest, most useful and worst-paying book ever printed in this western country."

James F. Legate, who always opposed Martin, introduced the following resolution, which was adopted by the joint convention which elected his successor, January 18, 1881:

"Resolved, That Geo. W. Martin, the retiring state printer, is entitled to, and we tender him the warmest commendations of the legislature of the state of Kansas in joint convention assembled, for the high standard to which he has raised the state printing; for his integrity of character as state printer, being ever watchful of the rights of the people, even to his own expense. He commenced his career eight years ago with an untarnished character, and leaves it to-day with a character unblemished, even by the severest critic."

That was the only time a joint convention of the legislature ever did such a thing.

In the spring of 1888 some of the citizens of Kansas City, Kan., persuaded George W. Martin to move from Junction City to their city and publish a daily newspaper. Martin complied with their wish, and, purchasing the old Wyandotte *Gazette*, then owned by Armstrong and Moyer, proceeded to issue six days of the week the best newspaper that ever has been printed in that city. During the early part of that venture P. W. Morgan was news editor. On the reportorial force were such men as James E. Keeley, now editor and owner of the *Chicago Record-Herald and Inter-Ocean*; the late Fred Howells, the best city-hall man the *Kansas City Star* ever had; Edward Kundegraber, the most accurate live-stock reporter at the yards, now with the *Drovers' Telegram*; Prof. John J. Maxwell, and others that might be named. F. D. Coburn, now about to retire from the secretaryship of the State Board of Agriculture, was for a short time an editorial writer. The Witmers, W. L. and D. W., were business partners with Martin.

The *Gazette* under the Martin regime became a power for boosting Kansas City, Kan. There was a tendency throughout the entire state to ignore that important city, the largest in the state, because the old name of Wyandotte had been dropped when the new name was adopted. Martin had nothing to do with that, but he broke down that prejudice. He forced the newspapers and politicians to recognize the city, and they have been recognizing it ever since. The people of Kansas City, Kan., seemingly did not appreciate what Martin did for them in putting their city on the map.

While the *Gazette* may have been styled a financial failure, so far as money matters go, it was a big success in the influence it wielded for Kansas. Some of Martin's greatest editorial victories were won with that paper. In 1888 he took up the fight for the rebuilding of the post at Fort Riley, which had become simply a "local affair," as his Junction City friend, Bertrand Rockwell, described the condition. A column in the *Gazette*, written as only Martin could write, found its way into nearly every newspaper in Kansas; and when copies of all those Kansas papers reached Wash-

ington, Senator Plumb, who was in on the scheme, had something to work on, something with which to overcome the opposition of the army people, who were rather anxious to see Fort Riley abandoned. Those who knew the Fort Riley of 1888, were they to revisit it now, would not recognize it. Fort Riley was General Sheridan's pet. The old general once was fined in Leavenworth for fast driving. Had he lived, Fort Riley by this time would have outstripped Fort Leveanworth.

One of the things that pleased George W. Martin more than anything else that could be mentioned was changing the name of Davis county to Geary county. He took up the fight in the *Gazette*, after it had been going on for ten years in the *Union*. He never was reconciled to the idea of a proslavery legislature applying the name Davis to any county in Kansas, much less the county which was his home for so many years. Finally, in 1889, the pressure became so strong that the question of a name was submitted to the people of the county, and of course it was named for John W. Geary.

Mr. Martin made the best possible use of the power of a newspaper for the accomplishment of great things that I can recall from any newspaper. He used that influence rightly at all times, and it would be a fine lesson for students of journalism to study the editorial pages Mr. Martin has printed.

It was the panic of 1893 that brought disaster to the *Gazette*. The paper did not suspend; it is issued daily at this writing—but most of the life was gone out of the business of the town for the time being, and there wasn't enough left to support a daily newspaper that employed competent help and paid telegraph tolls. Martin often laughed over his rich and varied experiences in Kansas City, Kan. He said the friends who never tired, and the new friends he made, in that struggle, more than outweighed all disappointed ambition.

When John A. Anderson died, Martin's grief was inconsolable. He had lost his best friend, a friend closer than any brother could have been. He felt much the same when Senator Plumb passed away. His editorials in the *Gazette* were the most remarkable in feeling expressed and in portrayal of character of these two men that I have ever read.

During the administration of Grover Cleveland as President and the reign of the "tariff for revenue only" idea, Mr. Martin, as a true protectionist, made a fight to have certain fluxing ores, found only in Mexico, brought into this country free of duty. At that time we had a great smelter at Argentine, Kan., said to be the largest gold and silver smelter in the world, and the use of great quantities of this fluxing ore was absolutely necessary to the life of the institution. The administration at Washington failed to take Mr. Martin's suggestion, and the result was that eventually the smelter was forced to move from Argentine, which is now a part of Kansas City, Kan. Mr. Martin was always a protectionist, and he felt that in making this fight he sacrificed none of the principles of protection to American industries that were the fundamentalisms of the Republican party.

Martin was one of those sturdy Americans of whom it may be said they had bred in them those eternal principles of liberty and right and justice which make a nation great and grand. He was just at the age which represents the fingerboard that points the way from boyhood to young manhood when the country was plunged into a sea of political turmoil. The old Whig

party was dead and the Democratic party was rent by contending elements over slavery's extension into northern territory. Times were ripe for a new party, and the Republican party sprang into being full armed for the fray. Martin was a Republican before he was old enough to cast his first vote. He remained a Republican to the day of his death, though he had so sacred a regard for the principles and purposes of the party of his first choice, he would sooner see it suffer defeat than win through corrupt methods and at a sacrifice of those time-honored principles and purposes.

A friend found him in his office up near the roof of the Capitol the day Colonel Roosevelt's delegates walked out of the National convention in Chicago, in 1912. He was in great sorrow, and in a voice which told how deep was his feeling he said:

"What do they mean? The party is in for a good licking on account of its sins and follies. Why can't they stand together this year and take their medicine and then come back at another time?"

And there was sound logic in that remark. He was a close observer, and had a wonderful judgment respecting results. He was the squarest man in politics I ever knew. He believed in the square deal, and he had no use for political shysters and party pluguglies. He helped to keep them out of party leadership, and many were the men of this caliber who were put down and out by Martin's determined purpose that only men of decency and respectability had any business in the management of the party.

Martin bolted when the Republicans put prohibition into their platform. Not that he wasn't an ardent temperance man and a prohibitionist at heart, but that he foresaw the shystering and double dealing that surely would come with prohibition, at least until men could be elevated to public office who would have the courage to enforce the law. So he supported George W. Glick for governor in 1882. He had little respect for the idea of reform within a party, but always believed the surest way to reform was to vote the other ticket once in a while.

John A. Anderson and Martin were the warmest of friends—spiritually, socially, politically. The editor had helped Anderson start a church in Junction City in the early days. He stood by the preacher in everything. When, in 1886, a lot of political rounders, through the local-candidate dodge, defeated Anderson for the nomination, Martin bolted and threw his support to Anderson, who was elected over both Republican and Democratic candidates. In Wyandotte county he did the same thing when questionable methods were employed to nominate a Republican candidate, and Mason S. Peters, a Democrat, was elected to Congress from the second district. Martin did not believe that bolting a corrupt or unworthy candidate for office would hurt a man in Kansas. At least he himself seems not to have suffered from his bolting.

In his state printer fights Martin passed through the Pomeroy and anti-Pomeroy fights and the Horton-Ingalls fights and had the support of both factions. He always "toted fair."

In the Republican convention of 1894 Martin received 122 votes for the nomination for governor. Many of his friends thought he should receive such honor, but Martin never was seriously a candidate for governor. It was one of the political jobs he didn't want.

In 1873 D. W. Wilder, as state auditor, uncovered a shortage of some \$35,000 in the state treasury, and the treasurer was impeached. In his report, in 1874, Wilder charged the state officers with being in sympathy with and attempting to shield the treasurer in his crime, closing with this statement:

“The officers who did not connive at fraud, but who wanted the truth told and disobedience of the law to stop, were Samuel A. Kingman, George W. Martin and David Dickinson.”

Martin was not that sort of a man. On his retirement from politics he was profoundly grateful for the fact that after all the years of political and editorial scrapping, in which he no doubt did and said many unreasonable things, there seemed to be only good feeling toward him on the part of all.

He was grand master of the Odd Fellows in 1872 and 1873, and was likewise strenuous in this position. He suspended a grand treasurer and took the money from him just in time to save loss; and he had the entire grand lodge involved in a libel suit, in approving a certain action of a local lodge, in which the supreme court of the state finally sustained him. He was made an Odd Fellow in Frontier lodge No. 25, at Junction City, where his membership remained for forty-seven years.

He was mayor of Junction City in 1883 and 1884. He also represented Geary county in the legislature in these two years.

George W. Martin came into his own when he was appointed secretary of the Kansas State Historical Society to succeed Franklin G. Adams, the first secretary, and one of the founders of the society, who died December 2, 1899. Martin's association with the people of the state from its earliest pioneers, his knowledge of the events of history and of the affairs of the state, gained by his personal experience and observation, made him the most valuable man in all the state for such a position. To gather the records of lives and events and preserve them for posterity was a joy to him, and he knew the historical value of things better than any other man.

Entering upon his great work, he put life and energy into it, and the collections of the Society increased wonderfully. He added many new features, and strove to bring the Society and its remarkable collections into closer touch with the people of the state. His newspaper experience had served him well in this work, while his contact and dealings with legislators and state officials enabled him to bring the Historical Society's work into closer harmony with the administrative plans. Instead of being looked upon as a junk heap, the Society's collections of relics, newspaper files, books, etc., became recognized as of value.

In many respects the Kansas State Historical Society became the foremost institution of the kind in the United States. Taken as a whole, few states are in advance of Kansas. It is the pioneer in the collection and preservation of newspaper literature, and its collection of newspapers published within the state is the most remarkable in the world. With men like Franklin G. Adams and George W. Martin entrusted with this great work, Kansas must necessarily be first and foremost in its historical department—and Kansas has been in the forefront of our American history ever since Stephen A. Douglas put over the Kansas-Nebraska act, now sixty years ago.

One of the proudest days of Martin's life was September 27, 1911, when President William H. Taft laid the corner stone of Memorial Hall; not that

he cared for the glory that might come to him—he was too modest for that—but that it was great joy to him to know that, after years of untiring effort and patient waiting, the Society was to have a home in keeping with its dignity and importance, and one of which every citizen of the state could be proud. He said:

“I have always regarded the erection of the Memorial and Historical Building as the proudest effort the state ever engaged in. It overshadows schools, charities and penitentiaries, because it recognizes the military spirit which risked all to save all, and it proudly and most beautifully preserves all in the word ‘History’.”

He watched the progress of the work as block upon block the marble was laid and the walls reached upward. It was his one great desire that he might see the building dedicated. For months he had planned all about moving in. He had it all pictured out in his mind. But it was not to be.

Martin kept up his work until early in the year 1914, even when his health was fast giving way. It was only when he found that no longer could he perform his duties, or direct them as he believed they should be directed, that he surrendered. His resignation, presented to the Society on February 16, 1914, was accepted, with deepest regret, and William E. Connelley was appointed secretary.

George W. Martin was married to Lydia Coulson on December 20, 1863, at the home of her parents, near St. George, Pottawatomie county. She was born in Minerva, Columbiana county, Ohio, March 16, 1845. Her parents were Allen and Catherine Coulson, the father a Pennsylvania Quaker and the mother a Methodist from Virginia. The Martins and the Coulsons were passengers on the same boat bound for Kansas when George and Lydia first met.

Back in their Ohio home the Coulsons had something to do with the “Underground Railroad.” Lydia’s early recollections were of the arrival of negroes at their barn in the morning and their disappearance in the evening. In Pottawatomie county, where the family settled, they were among the honored citizens.

George W. Martin and Lydia Martin were parents of five children: Lincoln Martin, born in Junction City, November 6, 1864, married June 22, 1904, to Mary C. Ferguson, daughter of James Ferguson, of Kansas City, Kan.; Amelia, born in Junction City, June 10, 1867, married October 7, 1903, to Napoleon Bonaparte Burge, of Topeka; Charles Coulson Martin, born in Topeka October 7, 1876, married September 22, 1904, to Marguerite Haskell, daughter of W. W. Haskell, of Kansas City, Kan. Two daughters, Elizabeth and Ruth, died in infancy.

In Junction City, their home for the greater part of their married life, the Martins were leaders in about everything that had to do with the social, political and religious life of the town. On the occasion of the celebration of their twentieth wedding anniversary, the top of the first column on the editorial page of the *Union* carried a dainty editorial announcement of the event, signed by Martin’s associate, William S. Blakely, in which appeared these lines:

“Smoothing by mutual sympathy the rough edge of contract with the world of care and adversity, may their pathway through life be bright with happiness, and they know only joy, is the wish of his coworker, William S. Blakely.”

Lydia Martin died in Kansas City, Kan., June 7, 1900, after almost thirty-seven years of married life. She was a tender, loving, devoted wife and mother. Always a help and a solace to her husband, sharing alike his joys and successes and his sorrows and failures, she possessed that inspiring personality, that quality of grace and loveliness that made her an American queen—a true and noble woman.

On the 10th day of October, 1901, George W. Martin married Mrs. Josephine Blakely, who was the first girl he met when he went to Junction City in 1861. Her husband, William S. Blakely, was Martin's business partner in the publication of the *Union* for three years, and in Junction City the two families were close friends. Mr. Blakely was one of the pillars of the town, honored by all men. He died June 11, 1885.

The completion of George W. Martin's fifty years in Kansas was made the occasion of a celebration at the home of Mr. and Mrs. Martin, 823 Topeka avenue, Topeka, on April 8, 1911. It was a notable gathering of friends who were assembled there to do honor to the man who had spent a half century in helping to make Kansas.

Again, on his seventy-second birthday, June 30, 1913, he was honored by the gift of a birthday book in which were autograph letters written by many of the men and women of Kansas, friends who had known him and loved him, and whose friendships he cherished. The birthday book came to him as a surprise, at a time when he was confined to his home by illness, and the joy it gave him he was not able to express in words.

In the autumn of 1913 Mr. Martin's health began rapidly to fail. He attempted some work at his home, but at best it was fragmentary, as he wrote in his report to the Historical Society dated October 21, 1913. Many public men interested in the work of the Society sent him the greatest encouragement. William E. Connelley devoted much time to Martin's work for the Society, with no thought of compensation from any source. The working force in the office was most thoughtful and considerate of their chief. Directors and members sent words of friendship, bidding him "brace up," and expressing a desire that he might go into the new building upon its completion. Friends everywhere in Kansas sent him messages of hope and cheer.

No one knew better than George W. Martin himself that his days were numbered. He clung to life only that he might do something more for Kansas, his beloved Kansas. He had been doing things for Kansas more than fifty years, and he was not quite through. He wanted to keep on. But he was ready for the summons.

Friday, March 27, 1914, at 10 o'clock p. m., with Mrs. Martin and his children at his bedside, the summons came to George W. Martin, at the age of 72 years, 8 months, 27 days.

The Rev. S. S. Estey, D. D., pastor of the First Presbyterian Church of Topeka, in his funeral discourse in that church, March 30, 1914, at 10:30 a. m., said: "It is men like him who build empires, and build them on the eternal principles of right and justice, although all the world opposes." And the closing words of the minister: "To have lived and lived nobly is sublime. To have died and died bravely is grand. We are here to-day to pay the last tribute of love and respect to one who thus lived and died."

To Junction City, the scene of his earlier triumphs, the city he loved best of all, his body was taken for interment. There a beautiful tribute was

paid to his memory by the people. During the funeral service in the Presbyterian church at three o'clock in the afternoon of March 30, 1914, all of the flags were at half mast and there was an entire suspension of business. The services at the church were conducted by the Rev. A. H. Harshaw and the Rev. J. W. Hart. At the grave in Highland cemetery, where they buried him, the Odd Fellows of Frontier lodge, No. 25, of which Mr. Martin had been a member just forty-seven years to a day, performed the last rites.

On that funeral day the Junction City *Union*, Mr. Martin's newspaper child of 1861, voiced the feelings of the sorrowing people of that city, saying:

"The memory of Mr. Martin will remain in the minds of the citizens of Junction City for all time, and Junction City is justly proud to have owned a citizen like George W. Martin."

The tribute of William Allen White, in the *Emporia Gazette* of that day, was expressive of the Kansas estimate of Mr. Martin's life and services:

"To-day is the day of his funeral—the last day in which the name of George W. Martin will figure as news in the Kansas papers. For sixty years—nearly—George W. Martin had been an active figure in Kansas. He has played his part, and done such service as he could. He has been one of the strong, clean men who have contributed their lives to the civilization we enjoy. He wrought that we might have. It was a good life—and worth living."

Out there in God's Acre we left George W. Martin, one of the noblest and grandest of men. He had fought a good fight, had finished his course, and had kept the faith. His record is imperishable. No state ever had a more loyal son or devoted citizen.



BRONZE BUST EUGENE F. WARE.
Presented to the Historical Society.

EUGENE FITCH WARE.

Delivered by CHARLES SUMNER GLEED, before the thirty-ninth annual meeting of the State Historical Society, at Topeka, October 20, 1914, on presentation of the bust of Mr. Ware to the Society.

EVERY man is, in countless ways, like every other man—and yet every man has a certain character all his own. Every well-defined community—city, state or nation—is, in countless ways, like every other community, and yet every one has a character peculiar to itself.

As with individuals so with communities—each is composite, each is the resultant of many forces, many lines of influence, many rills, rivers and gulf streams of creative element.

The state of Kansas is no exception to this rule. In a general way it is like all the other states of the Union, but, examined closely, it is found to have a character all its own which distinguishes it from its sister states. This individuality may be accounted for more or less fully by a study of the greater influences which combined to create it.

Not least among these influences has been the large number of war-trained people who have participated in its development. At the beginning Kansas was itself a battle field. Then came men from all the modern battle-fields of the world. Englishmen who fought in the Crimea; Germans who helped make the German empire; Frenchmen who defended France so bravely that Germany only carried away Alsace and Lorraine and some tons of money; Americans from the war in Mexico; Americans from the war with Indians; and chiefly Americans who fought Americans in the War of the Rebellion—all these and many more came to the virgin fields of Kansas to construct a state, and they did not fail. Failure was foreign to their habits and instincts. Their help in making a vigorous, aggressive, progressive and militant state was enormous. To them we owe thanks for many things of which we readily boast.

In the world's history, when great armies have disbanded the fighting men have, for the most part, melted away into the slums and morasses of civilization, adding to the sum total of moral degradation all they have learned that was bad and forgetting all they ever knew that was good. But when the war to suppress the rebellion of certain southern states in the American Union was ended the fighters went their several ways, not into the slums and morasses but into the most vivid activity of our most vivid civilization. The honorable work of the land was taken over by the soldiers. It mattered little on which side one fought, he was welcome to any task which required courage, fidelity and intelligence. The making of the Great West was one of the pending tasks. The soldiers from both sides and all the states entered into this work with magnificent fury.

Probably no better example of the soldier state-maker can be named than the late Eugene Fitch Ware—soldier, lawyer, statesman, poet, author, and leading citizen. He was born in Connecticut, of Puritan stock. His forebears were fighters and thinkers and workers. He grew from childhood to manhood in Iowa, and became, at nineteen years of age, a soldier contending for the preservation of the Union. After the war he came to Kansas, in which state, as an active citizen for more than forty years, he won the

description I have applied to him. He practiced law, promoted industries, wrote for and edited newspapers, helped build railroads, participated in the making of and adjudication of many laws, encouraged libraries, wrote books, and took a conspicuous part in politics. Few lives were ever more active in a greater variety of lines.

Let us look close to see the education which this man brought to the task of helping build a state for us and our descendants.

Ware was fond of the fact, if I may so phrase it, that all the examples of ancient armor which have come down to us show that the "giants of those days" were physically inferior to our own people. In other words, he enjoyed feeling that he could have bested the Roman fighting man of two or three thousand years ago in a fair fight. He was six feet in height, was perfectly proportioned, and a man of tremendous strength and endurance. That his life must be an active one was foreordained. His mental and physical vigor gave ample assurance that he would be found in the thick of the fight—every fight which was free to all comers. And there we find him in all the years after his boyhood.

Almost every page of recorded history tells of the titanic struggles of the human race. To smite or be smitten has been the grim alternative out of which the bloody flowers of history have grown. To be or not to be has been the question of nations. The determination to be has always been a declaration of war. Strong men striving for supremacy have inspired the poets and the story-tellers of the ages. Polybius, Plutarch, Cæsar, Livy, Homer, Virgil—all have recited the wrangling of the giants in the arenas of the world. So true is this, so impressive is this aspect of history, that no man can read it deeply, or even superficially, without feelings, first, of horror at the endless procession of savage wars, and, second, regret if his life has been uneventful, that some share of such strenuous life has not fallen to his own lot. To have been denied the riot of battle, the nights of terror, the days of anxiety, the hours of anguish, the chaos of disaster and the frenzy of victory, which pertain to the only life which historians, for the most part, consider it worth while to notice, is to have lost that which almost seems to be the chief end of man.

Eugene Ware did not suffer this loss. Of splendid stature, a warrior in disposition, courageous, restless, ingenuous, resourceful and patriotic, he could not have avoided war if war existed. He could not possibly have kept away from the fighting in 1861. His first great anxiety was due to the danger that he might not be included as a member of the first company—company E, First Iowa infantry—which was accepted from his home town. His story of how he came to be accepted in spite of the fact that he was under age is amusing and instructive. He had been drilling in an amateur company of zouaves. When the call came this company was accepted, but not so many men were wanted as were in the company. One night young Ware went in search of the captain to plead his cause. The captain was in a saloon. Ware went in to find him, and while searching he ran across a Kentucky man who was loudly proclaiming that the Yankees could not fight and that one southern man could whip five northern men. Ware took issue with this talk, and a fight followed in which Ware put the Kentuckian to sleep in two or three rounds. The captain of the company appeared in time to see the fight, and rewarded Ware by including him in the company.

A neighbor carried to the elder Ware an account of the battle, and Ware says: "My pious old father with great anguish recited the story to me, and gave me much advice about visiting such places and being engaged in bar-room brawls. He called up our old Puritanic ancestry, and he seemed to feel remarkably bad; but the occurrence fixed me up all right for the zouave company."

After much drill at home, with many amateur devices for securing the experiences of the field within easy reach of the family dinner bell, the day came when the young soldiers marched away or steamed away to war. The first important stopping place was Hannibal. Early in the history of the regiment the worthlessness of most officers who secured official position by political pull began to appear. Of what happened in Hannibal Ware writes:

"On arrival at Hannibal we were marched up into the town and halted on the street in the black night. We stood there about an hour waiting for orders. 'What are we doing here?' asked every one; nobody knew. The officers were all gone. In fact, they were up at the hotel, sound asleep, and had left us to take care of ourselves. Bad officers sometimes are a benefit to their men; the men learn to take care of themselves, are put on their own resources, and do not rely upon any one to look after or provide for them. It gives the men initiative, and puts them on the lookout. This night in Hannibal I will never forget. We had no supper; after waiting a while we went to the curbstone of the pavement and sat down. We stacked our arms in the middle of the street, put two guards to watch, then lying down on the brick pavement we curled up and went to sleep. We were awakened at sunrise by a bugle call. We 'took' arms and formed in line, but it was a false alarm. The call was from a group of tents on a hill near town where two companies of Illinois infantry (I think the Sixteenth) had camped the day before. I may say here that one of the private soldiers in the Illinois tents afterwards became, and remained through life, one of my best and warmest friends—Noble L. Prentis."

Down through Missouri went the boy soldiers from Iowa. They were shot at as they went by on the cars. Ware was put on top of a freight train loaded with soldiers. He found it necessary to lie flat on the tops of the cars to diminish himself as a target. This was humiliating, and the only way out was to return the shots, which he did—with interest. The regiment lingered awhile. Ware says:

"At Macon City, when we arrived there, I was detailed on guard, and was stationed the furthest out on the dump, and was ordered to keep my gun loaded and *cocked*, so that if I was picked off I might at least have strength enough left to fire an alarm. This was comforting. I had just passed a hard day and night before I went on guard, and on the next morning I came in pretty well used up. I was asked to go into town and find a grindstone and sharpen the mess cutlery preparatory to a campaign. I did so, and also ground my bayonet down to a fine, sharp, triangular point. When I came back I heard that the captain had ordered all guns cleaned and an inspection for noon. I went to the captain and asked permission to fire off the load in my musket, because it would take too long to draw the load with a ball-screw. He said, 'Yes.' Thereupon I fired the gun into the bank, and had hardly begun to clean it when a squad came and arrested

me, by order of the colonel, for firing the gun. I claimed the permission of the captain, and they took me before him, and *he denied it*. Thereupon a colloquy arose, and I called the captain something, and then I called him something else. I remember the idea, but not the exact language. Thereupon I was gently conveyed to the guardhouse, which was the freight house of the railroad—not a large building—standing upon stilts. I never felt so bad in my life. I wanted to shoot the captain and burn the depot. . . . There were a couple of cars of freight in the depot and it was piled up against the end wall, and on the top about eight feet up was a layer of lightning rods. I got up on the lightning rods and went to sleep. After a while I woke up, and the more rested the more mutinous I became. The officer of the guard drew a line on the floor with chalk, beyond which I must not go; it gave me about eight feet of the end of the room. I occupied it and planned devilment. . . . In a lonesome and degraded mood, and wanting something to do, I proceeded to pull down the lightning rods onto the floor so as to make a better place to sleep, and lo and behold, I discovered a half-barrel labeled “Golden Grape Cognac.” Now here was a place to do some thinking. . . . I took my bayonet, which was naturally crooked and artificially sharp, and using it like a brace and bit, I began to bore into the head of the cognac barrel.”

By a clever device he ran the cognac down through the floor of the freight house to his fellow soldiers. The result may better be imagined than described. It was worse than mere war.

Soon enough the young fighters were out of the cars and on foot. Here is Ware's allusion to the wind-up of one day's march early in the campaign:

“There never was a more exhausted mudsill than I was. The day had been hot, and seventeen miles in the sun carrying my accouterments, and, above all, the old ‘smoke-pole,’ which by evening weighed a ton, about used me up. I did not get into camp until 9 p. m. I sat down on a wagon tongue; the boys were lying all around, sleeping every which way. Old Mace [the cook] brought me a tin cup of coffee. It was too hot. I was too tired to eat. I set the coffee down on the ground to cool; I then slid over backwards on the ground, my legs over the wagon tongue, and I slept until dawn. I then freed myself of the tongue, drank the cold coffee, and crawled under the wagon and went to sleep again. We were in the middle of a road, but it was a good enough place to sleep.”

One of the most deadly foes met by the boys in their journey south is thus described:

“There was a house near our camp that had outdoors a large soap kettle. I was with Corporal Churubusco. We figured up how many different insects we were harboring; it was seven. ‘Yes,’ said the corporal, ‘and mosquitoes will be eight.’ We got a fire under the soap kettle and got some water boiling, and then put in our clothes, while we took scissors and trimmed each other's hair down to the cuticle. While our clothes were boiling we went down to the river in ‘undress uniform’ and with a bar of acrid, illnated soap we did our best; then we returned, wrung out our boiling clothes, put them on, and dried them *in situ* as rapidly as possible. The insect pests of Missouri never let up during the campaign; the chiggers and the ticks were always with us; they burrowed in and made angry, venomous

sores. These eight varieties of insects kept each of us busy during the balance of the campaign. The flies afterwards made it nine."

Ware describes the attempt of the southern statesmen to secure the help of the Indians in the war. In this attempt they were partly successful. Ware describes the fate of some of the Indian soldiers:

"At the battle of Pea Ridge, which was fought on the 6th, 7th and 8th days of March, 1862, a large number of these Indians were found among the rebel forces. This battle, fought with grim determination on both sides, ended in crushing defeat for the Confederate general, his death, and the retreat and scatterment of the Confederate army there engaged. It so happened that eleven Indians were captured upon that field by persons so mild tempered that they spared the lives of the captives. All the other Indians were killed outright. When these eleven Indians were got together it was determined to send them North, for the purpose of (to use an expression of the day) 'firing the Northern heart.' It was believed that if these Indians could be exhibited as being captured with arms in their hands there would be an immediate outpouring of sentiment which would bring to the aid of the army money and volunteers in increased ratio; although even at that time sentiment was strong, because McClellan had gathered together and organized a fine army on the Potomac, which he was shortly to move, as was believed, to quash the Confederacy at Richmond. . . .

"The route from Pea Ridge to Springfield was the most dangerous part of the route. . . . The orders were to keep the strictest guard upon these Indians, and not let any of them escape. It was desired that all should be taken safely and surely to the North, so that they might be exhibited as a show in the northern cities, in a group. The indignation of the soldiers of our command towards the Indians was very great.

"The line of march from Springfield to Rolla lay through a timber country all of the distance. The prisoners were marched compactly in the road. In the front was a slight cavalry advance guard; along each side marched some of the infantry and some of the cavalry. The cavalry rode one behind the other, with their revolvers in their hands. In front of the prisoners was a little squad of infantry, to keep the prisoners from running forward, and back of the prisoners another squad of infantry, to make them keep up. Behind came the wagons. When we camped at night these prisoners were herded together and compelled to build a stake-and-rider fence around themselves every night. They all knew how to build such fences, and they were hurried up in doing it. It was not possible, as the march was arranged, for any one to attempt to escape without being shot. The Indians somehow began to feel that they had no sympathy, not even from their coprisoners, and seemed determined to take every opportunity to escape. In marching on the line they would always manage to occupy the positions in the line from which escape was easiest and least hazardous. One after another of these Indians made efforts to escape, but the eyes of guards and of the whole escort were upon the Indians, and every time that one of them made an attempt he lost his life. The result was that when we got to Waynesville, Mo., which was about twenty-eight miles from Rolla, there was only one Indian left, and during that night one of the guards killed him."

The fighting in Missouri and Arkansas was at times severe, and when there was no actual fighting against the southern soldiers there was fighting

of another sort—insufficient food, poor clothing, poor shelter, no medical or hospital care—in short the regiment suffered all that neglected soldiers ever suffered. The undying wonder will always be that they held together and that they reenlisted at the end of their first period of service.

After Gettysburg, in 1863, certain companies of the Seventh Iowa cavalry, which was now Ware's regiment, were ordered west to fight the Indians between Omaha and the mountains. In this service he continued until the close of the war. His story of the Indian war is a wonderful reel of wonderful pictures. Any picture show which will faithfully present all the pictures made by Ware's pen in his Indian war book will make an unqualified success. I can only quote a few vivid paragraphs. The first days in Omaha were bad enough. He says:

"That night there was some kind of a show in Omaha, theatrical or otherwise—I do not remember. It just happened, as the regiment was then organized, and at that particular time situated, that I, being a second lieutenant, was the youngest officer in rank immediately with the regiment. So the colonel after supper turned over the command of the regiment to the major, who was next; and the major turned it over to the senior captain, and the senior captain turned it over to some one else, and all started for town on horseback. Finally it got down to the lieutenants, and by eight o'clock my immediate superior had turned the regiment over to me. There was no commissioned officer to whom I could turn; they all outranked me, and I had to stay up and take care of the regiment while all of my seniors went into the city. By nine o'clock the regiment was boisterous. Reveille was sounded, then tattoo, and afterwards 'taps.' By the time taps were sounded I found a large part of the regiment drunk, and once in a while some soldier with a shriek of ecstasy would fire his revolver at the moon. Then I would take the corporal and guard and put the man under arrest. In a little while I had the guard tent full, and still things were as lively as ever. I finally got a crowd of about twenty-five sober men and went around and gathered up the noisiest and set a sergeant drilling them. But they soon ran, helter-skelter, and the camp guards could not stop them. My escort and I smashed up all the whisky we could find, and finally got to tying the loudest ones up to the wagons with lariats, and by about eleven o'clock there was some semblance of order. Finally the officers began to string in, but I had a bad three hours."

On the plains the regiment met a windstorm. I do not doubt it was the one which later suggested the poem entitled "Zephyr," in which the zephyr . . . "calmly journeyed thence, With a barn and string of fence."

"I will recur to a windstorm that came on October 17th. The air was dry and arid, and a sudden wind came up in the forenoon from the north, unaccompanied by dampness or snow. The wind just blew, and kept increasing in force and momentum. All of our tents were blown down during the afternoon, and during the gale it was impossible to raise them. Our stuff was blown off from the flat ground and rolled and tumbled over until it struck the depression of the arroyo of Cottonwood canyon. It was a straight, even wind. We soon found out what it was necessary for us to build in order to resist the climate. The pilgrim quarters at McDonald's ranch was soon stored with what were obliged to save. Incredible as it may seem,

the wind blew down the stovepipe into the stove, so that it turned one of the covers to get exit. This heavy iron cover was about seven inches in diameter. When we put it back the stove rattled until again the cover turned over. Jimmy O'Brien said it was an 'Irish tornado'—that the wind blew 'straight up and down.' Along in the afternoon our horses, that were tied up with picket rope, became frantic and began breaking away. A two-inch rope was torn from its moorings and the horses started up Cottonwood canyon. There were less than half a dozen horses that were left securely tied. These were immediately saddled, and soldiers detailed to corral the stampeded horses and to keep them together in the canyon. By using iron picket pins and lariat ropes some few of the tents were got up again, toward night, and held in place. The wind blew a gale all night, and got somewhat chilly. Boxes of clothing and hard bread were rolling over the prairie, bound for the arroyo. We all of us slept where we best could, but most upon the lee bank of the canyon bed. The wind immediately subsided as the sun rose in the morning, and we had no more trouble with it except to gather up the things. The difficulty with the wind was that it carried the sand and gravel in the air, and made it painful and almost dangerous at times to be where the full effect of the current came, which was mixed with the sand and gravel."

One day Ware went out to kill a buffalo:

" . . . The time that I had with that buffalo in the canyon I shall not soon forget. He chased me a great deal more than I chased him. The matted hair upon his forehead was filled with mud, and he faced me at all times. My revolver bullets glanced off from his forehead apparently as if it were a piece of granite, and they only seemed to irritate him. It was fully two hours before I laid him out, and I had fired thirty-one shots."

It is difficult to imagine a more vivid picture than that of Ware in pursuit of buffalo or Indians on the horse he loved best. He says:

" . . . I had two horses, one a good, average cavalry horse, but I managed to become the owner of a large, raw-boned iron-gray horse. . . . I got him before coming to Nebraska, and paid \$135 for him. The horse formerly belonged to Colonel Baker of the Second Iowa Infantry, who was killed in the battle of Pittsburg Landing. The horse was not afraid of fire-arms nor musketry. He had a mouth that was as tough as the forks of a cottonwood log, and I had to use a large curb bit on him, with an iron bar under the jaw, made by our company blacksmith. Without this terrible curb I could do nothing with him. He was afraid of nothing but a buffalo, and as a wild buffalo is more dangerous than a bear, I was always afraid that some time he would act bad and get me hurt. He was also very much frightened at even the smell of a buffalo robe. This large iron-gray horse would start out on a dead run for Gilman's ranch, and keep it up for fifteen miles without halting. I never saw a horse with more endurance or more of a desire to go, and he kept himself lean by his efforts and ene gy. I knew that when I was on his back no Indian pony nor band of Indians could overtake me, and hence I scouted the country without apprehension."

As illustrating Ware's remarkable talent for understanding and remembering mechanical details, I quote his account of gun practice written nearly half a century after the occurrence:

"Along on the side of the hill west of our post, and about five hundred yards from it, we put up a palisade of logs sunk in the ground, and forming

an eight-foot square target. I practiced with our howitzers upon this target until I got the exact range and capacity of the two guns. They varied but little. We had to know how far the guns would shoot, and the number of seconds on which to cut our shell fuses. . . . Our powder was separate, in red flannel-bag cartridges, so made as to fit the rear chamber of the gun, which was smaller than the caliber. Attached to the schrapnel shell was a wooden block made accurately to fit the bore of the piece. The powder was first rammed down, and then the shell rammed down on the wooden block, which was called a 'sabot.' The sabot was merely a wad. The fuse of the shell was toward the muzzle of the gun. The explosion of the powder went around the shell and ignited the fuse in front of it. The gun was fired with what were called 'friction primers,' which, being inserted in the touch-hole and connected with the lanyard, were pulled off, and threw the fire down into the cartridge. But before the friction primer was put in a 'priming-wire' was thrust down to punch a hole through the flannel bag of the cartridge. The process of loading was somewhat complicated for so simple a gun. One man brought the powder cartridge and inserted it, and it was rammed home by another man with a wooden rammer. Then another brought the shell with sabot attachment, and that was immediately rammed down, sabot first. Another man used the priming-wire and inserted the friction primer. The chief of the piece then sighted the gun and gave the signal to the man who held the lanyard. The schrapnel was made as an iron shell about five-eighths of an inch thick, with an orifice of about an inch and a half, on which the thread of a screw was cut. Then the shell was filled with round leaden balls, and in the interstices melted sulphur was poured. Then a hole was bored down an inch and a half in diameter through the bullets behind the open part, and this was filled with powder, leaving the sulphur and lead arranged around the powder; then the fuse was screwed in. The utmost angle of safety in firing the howitzer was fifteen degrees. Anything more than that was liable to spring or break the axle on the recoil. At an angle of fifteen degrees, unless the trail was fixed properly, the piece was liable to turn a summerset. After a great deal of experiment of the two pieces I prepared a little schedule of distances and seconds, which I furnished to my sergeants. All of the sergeants were instructed in sighting the piece and in cutting the fuse. The fuse was a tin disc, and was cut with a three-cornered little hand chisel. My experiments differed somewhat in result from the artillery manual, but was accurate in regard to the two particular pieces. . . . "

Additional gun practice is described as follows:

"Well, Corporal Churubusco said that what made a gun kick was—what every old Mexican soldier knew—there was space in the barrel behind the touchhole; that the fire from the cap went into the barrel too far forward. We then proceeded to fill in the barrel at the bottom, according to his suggestions. A silver dime just fitted the barrel, but silver dimes had disappeared from circulation. Nevertheless I managed to get one, and then another and then another, until I had rammed down six of them. But the gun kicked apparently as hard as ever; and then I wanted the silver out—that is, I wanted my money back—but that was an impossibility; the discharge had swaged the silver down and brazed it to the barrel. The gun continued to kick like 'sixty' (the number of cents which I had rammed

down). We all named our guns; the boys generally named them after their pet girls—it was ‘Hannah,’ or ‘Mary Jane,’ or something else. I named mine ‘Silver Sue.’ ”

Here is a striking paragraph showing the nature of some of the duties that fell to patriotic officers on duty in the field:

“ . . . Captain O’Brien got the company together [at the mouth of Cottonwood canon, Nebraska] at noon on election day, and made them a speech. So did I. It wasn’t very much of a speech, only I told them we couldn’t afford the let Iowa get into the hands of the Copperheads, because then they would stop recruiting and try to bring the war to a close. We made the speeches a little bit bitter, and got the men worked up pretty thoroughly. I was the election officer who was to receive and count and forward the ballots. The captain was as ardent as I was, and a better talker. I was pleasantly surprised that the men stayed with us; only eight voted the opposite ticket. Captain O’Brien was much delighted. I made every effort to find out from among the boys who it was that voted those eight votes. It was, of course, somewhat difficult to find out, but I think five of the eight became deserters, and of the other three one was killed by whisky, and two had poor military records. Assisted by the soldier vote, the state of Iowa was saved and retained in the ranks of loyal states. On looking back it seems to me strange how hard we had to fight, and yet how much exertion we had to put forth to control those in the rear so that we could be permitted to put down the rebellion. As I look back on it I don’t see how it was that the Union was saved; and I can not comprehend, although I was in the middle of it, how it was that we managed to keep things going until the end came, in a satisfactory manner.”

Here is a touch of romance such as came to many soldiers:

“Turning from the subject of Indians to another far more interesting, I will relate an occurrence that happened early in March; but I must go back into the past. I had been with the first army of General Curtis that marched down through Arkansas from Pea Ridge to Helena in 1862. We arrived at Helena, on the Mississippi river, shortly after the river was opened up by the gunboats at Memphis, the bombardment of which we heard over in Arkansas. As the rebel gunboats were chased down the river the transports came from the North, and, as we were quite ragged, clothing was issued to us, and I drew a government blouse. In the pocket of this blouse, August, 1862, at Helena, Ark., I found a letter substantially in these words: ‘I would like to know where this blouse is going to. If the brave soldier who gets it will let me know I will be very much obliged to him.’ It was signed Louisa J. B——. The letter was from a town that was one of the suburbs of New York City, in New Jersey. I immediately answered it, although the blouse had been some time coming, and a correspondence grew up which had run considerably more than a year. The correspondence consisted of my detailing matters concerning the campaigns that I was in, and the military duties which I was performing. The answers from New Jersey consisted in telling briefly what the newspapers said about the progress of the war and the actions of the President. About the first of March, 1864, I received a very nice letter, in which the writer said that she was the mother of the young lady who had written me. . . . It was one of the nicest letters ever written; it produced a very great impression on me. I

had a sister of my own whom I thought a great deal of, and I couldn't help thinking that I would feel the same way if she were writing to some one under the same circumstances. After cogitating over the letter I returned it to her, telling her that all correspondence so far had been destroyed, which was the fact; that I had only the last letter, which I returned herewith; that I appreciated her feelings exactly, because I had relatives of my own; and that I would assure her that the correspondence was ended. About a month or more after that I received all my letters back from the young lady, and they were fragrant with roses, and had pencil marks, underscored sentences, and query marks on the edges, and all that sort of thing. After reading them consecutively through from one end to the other, I placed them gently upon the cedar coals while the aroma floated out upon the thirsty air. And that was the last of the episode, for I have never heard of any of the persons since; and as nearly fifty years have now elapsed I probably never will. I never interested myself further in the matter. There was another girl."

Many people have wondered how a telegraph line could stay in order a day in the Indian country. Ware explains:

" . . . It may be thought strange that the Indians did not secretly destroy the telegraph line. There were a number of strange stories connected with it, and with Indian experience. In order to give the Indians a profound respect for the wire, chiefs had formerly been called in and had been told to make up a story and then separate. When afterwards the story was told to one operator where one chief was present, it was told at another station to the other chief in such a way as to produce the most stupendous dread. No effort was made to explain it to the Indians upon any scientific principle, but it was given the appearance of a black and diabolical art. The Indians were given some electric shocks, and every conceivable plan to make them afraid of the wire was indulged in by the officers and employees of the company, it being much to their financial advantage to make the Indian dread the wire.

"About a year before we were there a party of Indian braves crossed the line up by O'Fallon's Bluffs, and one Indian who had been down in 'The States,' as it was called, and thought he understood it, volunteered to show his gang that they must not be afraid of it, and that it was a good thing to have the wire up in their village to lariat poines to. So he chopped down a pole, severed the wire, and began ripping it off the poles. They concluded to take it north with them, up to their village on the Blue Water river, about as much as they could easily drag. It was during the hot summer weather. They cut off nearly a half-mile of wire, and all of the Indians, in single file on horseback, catching hold of the wire, proceeded to ride and pull the wire across the prairie towards their village. After they had gone several miles and were going over the ridge they were overtaken by an electric storm, and as they were rapidly traveling, dragging the wire, by some means or other a bolt of lightning, so the story goes, knocked almost all of them off their horses and hurt some of them considerably. Thereupon they dropped the wire, and coming to the conclusion that it was punishment for their acts and that it was 'bad medicine,' they afterwards let it alone. The story of it, being quite wonderful, circulated with great rapidity among the Indians, and none of them could ever afterwards be found who would tamper with the

wire. They would cut down a pole and use the wood for cooking, but they stayed clear of the wire, and the operation of the telegraph was thus very rarely obstructed."

A tear and a smile follow this story of the homesick soldier:

"There is in all military bodies a feeling of homesickness, much more aggravated in some than in others, but which once in a while breaks out and becomes contagious. We had several spells in our company in which the men became homesick. In fact, almost as soon as we reached Cottonwood Springs, in October, 1863, and camped upon the bleak and desolate land, some of the boys nearly broke down. One of them I remember particularly, and I felt very sorry for him. He was a German named Hakel, over twenty-one years of age. He had a sweetheart in Dubuque, Iowa. Something must have gone wrong, because he got a case called in military medicine 'nostalgia,' and he drooped around and seemed to take no interest in much of anything. He wouldn't even interest himself in the taste of the fine old whisky which I got from Fort Kearney. One day he said that he believed he would go down to the bank of the river and clean his revolver. There was no need of his going to that place; but he did go to the place, and shortly after we heard the sound of a firing, and on investigation he had killed himself. It was impossible to tell whether he had done it accidentally or not. But I made up my mind that the proper thing to do was to give him the benefit of the doubt, and it being my duty to report the fact to headquarters, I did so, and the way I reported it was quite brief. I gave his name and full description, and I stated the cause of death to be 'accidental suicide.' I thought the term 'accidental suicide' was about as brief as I could make it. The colonel of our regiment was an aged lawyer from an Iowa village. He immediately directed the regimental adjutant to return the report to me for correction, saying there was no such thing as 'accidental suicide.' This illustrates the littleness of so many officers. The great affairs of the regiment, their supplies, drill and efficiency, were taken little or no notice of. Except for the meddling at long intervals, we hardly knew we had a colonel. In this case this was the first time I had heard from the colonel for a long while. But he claimed to be a lawyer, and he claimed that there was no such thing as 'accidental suicide.' So in my second report I described the death with a circumlocution that I think must have given him a pain. I described the death in about the words of a legal indictment, and stated that Hakel had come to his death from the impact of a leaden bullet, calibre 44, propelled by a charge of powder contained in the chamber of a Colt's revolver, caliber 44, number 602,890, which pistol was held, at 3:45 p. m. of said day, in the right hand of the said Hakel. I also set forth that the discharge of the said revolver was not intentional, but was an involuntary action on the part of the said Hakel, etc., etc. I managed to describe accurately and with considerable minuteness the portions of his shape through which the bullet went, and the result. The colonel down at Fort Kearney, where he was then located, had made considerable fun of my statement of 'accidental suicide,' and I had received privately some letters containing his wise and oracular disquisitions upon the English language. So, when I afterwards sent a copy of my second report to some of the officers, it tickled them very much, but it produced a bad feeling between the colonel and me; I had more friends in the regiment than he had.

Some time afterwards, the strength of the regiment having been reduced by casualties to a number slightly below the minimum, concerning which no notice would have been taken except for the general opinion in which the colonel was held, he was mustered out. We shed no tears."

While in the Indian country Ware saw numerous celebrities; among them Artemus Ward:

"In March, 1864, while we were at the post, Artemus Ward, the great humorist, came through on a coach; and hearing that he was coming, Captain O'Brien and I went to the coach to greet him. It was late in the afternoon. The first thing he did was to ask us to go and take a drink with him, and Boyer's was the saloon. Artemus Ward went in, with us following him, and said, 'What have you got to drink here?' Boyer said, 'Nothing but bitters.' Ward said, 'What kind of bitters?' Boyer said, 'I have got nothing but Hostetter; some trains went by here and they cleaned me out of everything but Hostetter.' So Ward said, 'Give us some Hostetter,' and the bottle was shoved out on the cedar counter. We took a drink with Ward, who told us about some Salt Lake experience he had recently had. In a little while the driver shouted for him to get aboard. Ward turned to Boyer, and he says, 'How much Hostetter have you got?' Boyer looked under his counter and said, 'I had a case of two dozen bottles, which I opened this afternoon, and that is all I have got, and I have used up five of them.' Said Artemus War, 'I have got to have eighteen of those bottles.' Boyer said, 'That only leaves me one bottle.' Ward said, 'It don't make any difference; your mathematics are all right, but I want eighteen of those bottles.' The bottles sold for \$1.50. Ward said, 'I will give you \$2 a bottle.' In a short time the money had been paid. Ward went to the coach with the box of eighteen bottles under his arm, and we bade him an affectionate adieu. The crowded coach greeted him with cheers, and I have no doubt that they finished the whole business before morning, on the coach."

Another man who afterwards became famous in the business world was one of Ware's closest friends:

"During April a vacancy as second lieutenant took place at Fort Kearney, in company A. The first sergeant, Tom Potter, and I had been friends, and I had been working to help him get into the vacancy, and during April I was very much grieved to hear that he had failed in being commissioned. This Tom Potter finally became an officer of the company. Our relations were exceedingly friendly, but at this time he had no money, few friends, and no relatives. There was nobody to help him. He was alone in the world, and promotions did not always go upon their merits. Our friendship lasted for many years, until his death. He afterwards became president of the Union Pacific Railroad at fifty thousand dollars a year, and worked himself to death. But in the very height of his powers in the army he was unable to become second lieutenant, owing to the petty little rivalries and dishonest instincts of his superiors, until long afterwards."

In these times millions of passengers crossed the plains annually. In the old days a heavy business meant only a few people:

"One day a discussion grew up as to the amount of travel on the plains. Those who had lived on the plains for some time said that the travel from January 1st to April 1st, 1864, had been the heaviest ever on the plains, for that season of the year, and that the probability was that the year 1864 would

show more travel by far than ever before. Various persons began to tell about the trains which they had seen. Many persons told of trains that were from ten to fifteen miles long, being aggregations of several independent trains. They told of eight hundred ox teams passing their ranches in a single day. Mrs. MacDonald, the wife of the ranchman at our post, said she had many times kept account of the number of wagons which went by, and that one day they went up to nine hundred, counting those going both ways. That may sound like a very large story, and it is a large one, but is entirely credible. These ox teams would pass a store in their slow gait about one in a minute and a half or two minutes, after they had begun to start by. But that would only make three to four hundred in ten hours; but when trains were going both ways, as they were, it is not incredible by any means that nine hundred wagons passed a ranch in one day. I have stood on the 'Sioux Lookout' with my field glass, and have seen a train as long as I could definitely distinguish it with my glass, and it would stretch out until it would become so fine that it was impossible to fairly scan it. As the wind was generally blowing either from the north or the south, the teams had a vast prism of dust rising either to the north or south, and the dust would be in the air mile after mile until the dust and teams both reached the vanishing-point on the horizon."

Here is a compact statement of the case of the government in its capacity as guardian for the Indians:

"The Indian policy of the government was necessarily crude. The Indians were powerful, quite free, and fond of devilment; yet between them there was not much coherence, owing to rivalries and feuds. They were divided into bands under the control and leadership of favorite chiefs, who often envied and hated each other. Hence it was that we would not mistreat any Indian without taking the chances of making trouble; thus, if an Indian would suddenly appear at our post we could not kill him or imprison him or treat him as an enemy, because the particular Indian had done nothing that we could prove as an overt act. As far as the Sioux were concerned we had to keep on the defensive, because some of the Sioux chiefs were trying their best to keep their bands and young men from acts of war. It was cheaper to feed the Indians than to fight them, and the constant efforts of the commanding officers were to make treaties of peace; which resulted practically in our buying privileges and immunities from them. The demands of the Civil War, which was straining the nation's resources, added much to the difficulties of the occasion. So we were in an attitude all the time of about half war and half peace with the Indian tribes. We could not punish them adequately for what they did, nor could they drive us off from the Platte valley. We let them alone if they kept out of our way, and they let us alone when the danger seemed too great. Of all the Indians in our territory the Cheyennes seemed to have the least sense; they lacked judgment, and were entirely unreliable. The pioneers placed the Arapahoes next. For respecting treaty obligations, the pioneers placed the Brule Sioux at the head of all the northwestern Indians."

This little chapter illustrates well the power of one mind over many when one has nerve:

"A man had come in, about a mile below Julesburg, which itself was a mile below our post, had repaired up and rebuilt and put in shape a two-

room sod house, and he had been running a whisky establishment, patronized by pilgrims, in the first room, and a poker establishment in the rear room. He had been afraid to sell any whisky to the soldiers, and he had not been discovered. But shortly before Christmas he had been joined by another bandit, and they had begun selling whisky to the soldiers and cheating them out of their money playing poker in the back room. This went on for two or three days, until the first thing I knew there had been a lot of my men down there having a row with a lot of pilgrims, and having a shooting-match with these two proprietors, who needed killing as badly as any two men on the Platte river.

"The next thing that I heard was that these two bandits had attempted to kill and rob one of my men, had cheated a lot of them out of their money, and that there was a posse of my company going down to kill them both. I could hardly believe the stories that were told me privately by the non-commissioned officers and by some of the men who knew all about the proposed plan. It was given to me one afternoon between Christmas and New Year's that some of the boys in the company were going to go down and lynch these two ranchmen (as they called themselves). Finally I heard that it was to be the night of the 29th. Captain O'Brien and First Lieutenant Brewer, the quartermaster, had both gone to Cottonwood Springs, as stated, to make requisition and receipt for horses, and I was left all alone, and I was told that night they were going to lynch those two men sure, and that both of them were rebel deserters.

"Nobody seemed to understand the extent of the plot, nor how many there were in it, but from what I could learn, all the toughest characters in my company had, by a sort of Masonic secrecy, planned to work together. That evening at roll-call, while the men were all drawn up in line, I told them that there had been rumors that some of them were going out of the camp that night and were going to commit some depredations. I told them that if that should take place, and any citizen would be killed, that it would result in my being dismissed from the service as being unable to command my company; that I did not intend to be dismissed from the service; that I did not intend to let anybody go down the road and commit any impropriety. And I told them that, in view of the fact, I would change the guard somewhat to-night, and there would be a little stronger detail than before.

"After the company disbanded the orderly sergeant came to me and told me that he believed the whole matter had been abandoned and that there would be no trouble. But I was fearful of it, and while I did not think that there should be any real reason why I should prevent the two bandits being lynched, I knew that I could never explain it, and that it was my military duty to see that it did not happen.

"I selected particular camp guards for that night, and put them outside of the post, one on each of the four sides. Before the guards were set I called them into my headquarters and told them that I expected that there would be some men start out to commit some devilment that night below the station. I told them that I wanted them to keep close guard that the men did not run past in bulk or did not slip out one by one and join themselves together down the road. I also told the corporal of the guard that I wanted him to report to me every thirty minutes. Along about eleven o'clock the corporal of the guard came to me and told me that two men

certainly had slipped out during the night, and had been seen. I immediately called my orderly and had him saddle up my black pony, of which I will speak more hereafter. I immediately went into the barracks to see how many of the men were on hand, and I found ten of them gone. I had the pony tied up in front of the office while I got my carbine and revolver loaded with some cartridges, and a pocketful of crackers to eat.

"Just as I had got about ready to start the corporal of the guard came in and said that there was about a dozen more of the boys that had run the guards. So I got onto my pony, and not desiring to give them any clue to my coming, I rode out in a big circle on the prairie as fast as I could go, so as to get ahead of them. It was a long ride. Coming down to about a hundred yards of Julesburg station, I got down to the ground, and in the darkness I heard and dimly saw a large squad of the men walking on down at a route step towards me. I had got in ahead of them in the dark.

"I rode up towards them until I got within about two hundred feet of them, and I cried 'Halt!' and dismounted from my pony and raised my carbine. They huddled together, and came more slowly. Finally I again ordered them to halt, and told them that I wanted them to stay halted until they heard what I had to say. They halted in silence. I told them that I knew what they were after; that it was a crime which they proposed to commit; that they had no right to kill rebels that way; that if I permitted it I would be unfit to command the company; that I didn't propose to let them go any farther; that I would shoot the first man that got up near enough for me to draw a bead on him; that if they started to run around me I would get as many of them as I could with my carbine; that I wanted them to stay together; that I wanted them to turn about face and march back to the post. They remained still, and commenced whispering to each other. I then threw the bridle rein around my pony's neck, gave him a kick, and off he started back to the post. I heard a revolver click, and then I clicked my carbine, brought it up to my eye, pointed it in the midst; they were about forty feet from me. I said, 'You can not shoot so quickly that I can not get one of you. Now make up your minds to go back, because there is where you are going. There is no hurry about it; take plenty of time, but decide it right. You are not going a foot farther down the river to-night.' I held the carbine up to my eye; I pointed at the group, and I kept holding it. It seemed a long while. I knew the men could make a rush, but they could not keep me from shooting at least one of them, and as I had two revolvers in my belt, both of them cocked, I knew that I was as safe as any of them. I knew that if they had time they would come to the right conclusion. They did not want to hurt me. Finally, after a very long pause, I heard one of them say, 'Well, let's go back,' and they began turning around and starting back. I followed them, and I said, 'Quick time—march,' and the speed became more rapid. Finally I said, after we had gone a while, 'Double—quick—march,' and they all started off on the run. And they ran away from me for the reason, which I did not think of, that they wanted to get up into the post, and perhaps far enough ahead of me to evade identification. I was weighted down so with lunch, overcoat, revolvers, carbine and ammunition that I could not keep up, and they got ahead of me. The sentinel ordered them to stop, but they ran right over him, and he, disinclined to kill any of his comrades, let them go. My pony had come back to the post."

Indian cleverness and soldierly courage are well illustrated in the following:

"A little while before sundown I noticed a motionless Indian on horse-back over in the bottom across the river from the fort, and I thought I would go and see what effect I could make on him with my target rifle. I started to walk from the post down towards the river, the boys of the post being out, ready to furnish me any protection I might need. The Indian on the other bank of the river dismounted and left his horse and started walking toward me. He finally stooped down in the grass, which was quite heavy, but I could plainly see him. By throwing up the sights of my target, I pulled on him, but the bullet fell short, as I could see by the dust which rose where it struck. I had scarcely fired my gun when the Indian fired, and a bullet went whizzing over my head in a way so familiar that I knew it to be a Belgian riflemusket. I had heard them often down south. I then made three quick shots, to see if I could reach the Indian, but my rifle would not carry to him. I began to march obliquely back to the post, going somewhat to the left, so as to change the Indian's line of fire, but he got in two shots on me before I got back to the post, to which I went in a leisurely but somewhat interested way. The Indian had a better gun than I had—that is to say, one that would shoot farther—and I knew that the gun was one which had been furnished from some military command. The Indians did not buy Belgian muskets. This man had been standing out there making a target of himself so as to get somebody to come out and fire at him, and I had done exactly what he wanted me to do, and he had got three good shots at me before I was through with him. And I had to thank my stars that it was no worse."

Few more touching stories have ever been told than Ware's account of Ah-ho-appa, the daughter of Shan-tag-a-lisk, the Sioux chief:

"It is the object of this brief article to tell the true story of an Indian girl and what happened to her. But in order that a comprehension may be had, by the reader, of the girl and her situation, it is necessary to go into some detail as to Sioux Indian life and history. It is also necessary to give some details of the Sioux nation as to its customs and geographical location, past and present; for without these facts the life and character of the Indian girl referred to can not be understood.

"Her name was Ah-ho-appa, the Sioux name for wheaten flour. It was the whitest thing they knew. She had other names, as Indian women often have, but when the writer first saw her she was called Ah-ho-appa. How she got the name is forgotten.

"Her father's name, Shan-tag-a-lisk, meant 'Spotted Tail'; some of the Indians pronounced it 'Than-tag-a-liska.' He was one of the greatest chiefs the Sioux nation ever had. In order to explain him and what follows, it is best to give a brief description of the Indian question as relates to the Sioux nation at the time of the Civil War. . . .

"At Laramie half-breed runners were sent out to bring in the Sioux and have an adjustment of pending difficulties, but the raid upon the line west of Laramie and the warlike feeling of the young men of the Sioux made it a failure. Nevertheless, some of the Indians came in, and Shan-tag-a-lisk was said to be within a hundred miles of the post with many lodges of his band. On consultation at the sutler's store it was considered best to issue provisions to all the Indians who came in, especially as Shan-tag-a-lisk was

keeping his band and his young Indians out of the war. It was thought best to make some presents to the Indian women who came in, and the post commander was instructed to do so from the post fund. The Indian women were presented with red blankets, bright calicoes, looking-glasses, etc., etc. The writer, as adjutant of the post, superintended, by order of the post commander, a distribution of provisions. All of the Indian women and children sat down in a circle on the parade ground, into the middle of which were rolled barrels and boxes of flour, crackers, bacon and coffee. Then from the few Indian men two or three were selected who entered the ring and made the division with great solemnity, going around the ring repeatedly with small quantities of the several articles that were being divided. My instructions were to see that everything was fairly done and all the supplies equally divided.

"As I came up to the ring, on the day of the first division, an Indian girl was standing outside of the ring, looking on. She was tall and well dressed, and about eighteen years of age, or perhaps twenty. As the distribution was about to begin I went to her and told her to get into the ring, and motioned to her where to go. She gave no sign of heed, looked at me as impassively as if she were a statue, and never moved a muscle. A few teamsters, soldiers and idlers were standing around and looking on from a respectful distance. I shouted to Smith, the interpreter, to come. He came, and I said to him, 'Tell this squaw to get into the ring or she will lose her share.' Smith addressed her, and she replied. Smith looked puzzled, sort of smiled, and spoke to her again; again she replied as before. 'What does she say?' I asked of Smith. Smith replied, 'Oh, she says she is the daughter of Shan-tag-a-lisk.' 'I don't care,' said I, 'whose daughter she is; tell her to get into the ring and get in quick.' Again Smith talked to her, and impatiently gestured. She made a reply. 'What did she say?' I asked. 'Oh, she says that she don't go into the ring,' said Smith. 'Then tell her,' I said, 'that if she doesn't go into the ring she won't get anything to eat.' Back from her, through Smith, came the answer: 'I have plenty to eat; I am the daughter of Shan-tag-a-lisk.' So I left her alone, and she stood and saw the division, and then went off to the Indian camp. Several times rations were distributed during the week, and she always came and stood outside of the ring alone. During the daytime she came to the sutler's store and sat on a bench outside, near the door, watching as if she were living on the sights she saw. She was particularly fond of witnessing guard mount in the morning and dress parade in the evening. Whoever officiated principally on these occasions put on a few extra touches for her special benefit, at the suggestion of Major Wood, the post commander. The officer of the guard always appeared in an eighteen-dollar red silk sash, ostrich plume, shoulder straps, and about two hundred dollars' worth of astonishing raiment, such as, in the field, we boys used to look upon with loathing and contempt. We all knew her by sight, but she never spoke to any of us. Among ourselves we called her 'the princess.' She was looking, always looking, as if she were feeding upon what she saw. It was a week or ten days that Ah-ho-appa was around Fort Laramie. At last she went away with her band up to Powder river. Her manner of action was known to all, and she was frequently referred to as an Indian girl of great dignity. Some thought she was acting vain, and some thought that she did not know or comprehend her own

manner. There was no silly curiosity in her demeanor. She saw everything, but asked no questions. She expressed no surprise, and exhibited not a particle of emotion. She only gazed intently.

"One evening in the sutler's store the officers of parts of three regiments were lounging, when Elston was asked if he knew Ah-ho-appa. 'Very well indeed,' he said; and then he proceeded to say:

" 'I knew her when she was a baby. She was here in the squaw camp eight or nine years ago, and must have stayed with her relatives here two or three years. She is very much stuck up, especially in the last four or five years. She won't marry an Indian; she always said that. Her father has been offered two hundred ponies for her, but won't sell her. She says she won't marry anybody but a "capitan," and that idea sort of pleases her father, for more reasons than one. Among the Indians every officer, big or little, with shoulder straps on, is a "capitan." That's a Spanish word the Indians have adopted. Every white man that wears shoulder straps is a capitan. With her it's a capitan or nobody. She always carries a knife, and is as strong as a mule. One day a Blackfoot soldier running with her father's band tried to carry her off, but she fought and cut him almost to pieces—like to have killed him; tickled her father nearly to death. The young bucks seem to think a good deal of her, but are all afraid to tackle her. The squaws all know about her idea of marrying a capitan; they think her head is level, but don't believe she will ever make it. She tried to learn to read and speak English once of a captured boy, but the boy escaped before she got it. She carries around with her a little bit of a red book, with a gold cross printed on it, that General Harney gave her mother many years ago. She's got it wrapped up in a parfleche [piece of dressed rawhide]. You ought to hear her talk when she is mad. She is a holy terror. She tells the Indians they are all fools for not living in houses and making peace with the whites. One time she and her father went in to Jack Morrow's ranch and made a visit. She was treated in fine style, and ate a bushel of candy and sardines, but her father was insulted by some drunken fellow and went away boiling mad. When he got home to his tepee he said he never would go around any more where there were white men, except to kill them. She and her father got into a regular quarrel over it, and she pulled out her knife and began cutting herself across the arms and ribs, and in a minute she was bleeding in about forty places, and said that if he didn't say different she was going to kill herself. He knocked her down as cold as a wedge, and had her cuts fixed up by the squaws with pine pitch; and when she came to he promised her that she could go, whenever he did, to see the whites. And she went; you bet she went. She would dress just like a buck and carry a gun. White men would not know the difference. They can't get her to tan buckskin or gather buffalo fuel. No sir. There was a teamster down at Bardeaux ranch that wanted to talk marry to her, but his moustache was too white.' (In the old folklore of the plains a man's liver was supposed to be of the color of his mustache. So the speaker meant that the teamster was white-livered, hence cowardly.) . . .

"Let us now visit Powder river, far north of Laramie. It was a cold and dismal day in February, about the 23d, 1866. Ah-ho-appa was stricken with consumption, and she was living in a chilly and lonesome tepee among the pines on the west bank of the river. She had not seen a white person

since her visit to Laramie in August, 1864. During this time there had been a continuous state of war along the routes. Most of the Indians were involved in hostilities that seemed unlikely to ever end, except with the extermination of one party or the other. But Shan-tag-a-lisk kept out of it as much as he could. His camp had been moved backwards and forwards all over the Big Horn, Rosebud and Tongue river country, and was again on the Powder river, not far from where the three hundred horses of the Seventh Iowa cavalry perished in a September snowstorm. Ah-ho-appa's heart was broken. She could not stand up against her surroundings. In vain her father had urged her to accept the conditions as they were, to be happy and contented and not to worry about things out of her reach. But she could not. The object of her life was beyond her reach. She had an ambition—a vague one; but her hopes were gone. Shortly before her death a runner from Laramie announced to the Indians on Powder river that commissioners would come with the grass, who would bring the words of the Great Father to his Indian children. Shan-tag-a-lisk was urged to send runners to all the bands south and west of the Missouri river, and to meet at Laramie as soon as their ponies could live on the grass. Ah-ho-appa heard the news, but it came too late. It did not revive her. She told her father that she wanted to go, but she would be dead; that it was her wish to be buried in the cemetery at Fort Laramie, where the soldiers were buried, up on the hill, near the grave of Old Smoke, a distant relative and a great chief among the Sioux in former years. This her relatives promised her.

"When her death took place, after great lamentations among the band, the skin of a deer freshly killed was held over the fire and thoroughly permeated and creosoted with smoke. Ah-ho-appa was wrapped in it, and it was tightly bound around her with thongs, so that she was temporarily embalmed. Shan-tag-a-lisk sent a runner to announce that he was coming, in advance of the commissioners, to bury his daughter at Laramie. *It was a distance of 260 miles.*

"The landscape was bleak and frozenly arid, the streams were covered with ice, and the hills speckled with snow. The trail was rough and mountainous. The two white ponies of Ah-ho-appa were tied together, side by side, and the body placed upon them. Shan-tag-a-lisk, with a party of his principal warriors and a number of the women, started off on the sad journey. When they camped at night the cottonwood and willow trees were cut down and the ponies browsed on the tops of the trees and gnawed the wood and bark. For nearly a week of the trip there was a continual sleet. The journey lasted for fifteen days, and was monotonous with lamentation.

"When within fifteen miles of Fort Laramie at camp, a runner announced to Colonel Maynadier the approach of the procession. Colonel Maynadier was a natural prince, a good soldier, and a judge of Indian character. He was colonel of the First U. S. volunteers. The post commander was Major George M. O'Brien, a graduate of Dublin University, afterwards brevetted to the rank of General. His honored grave is now in the beautiful cemetery at Omaha.

"A consultation was held among the officers, and an ambulance dispatched, guarded by a company of cavalry in full uniform, followed by two twelve-pound mountain howitzers, with postilions in red chevrons. The body was placed in the ambulance, and behind it were led the girl's two white ponies.

"When the cavalcade had reached the river, a couple of miles from the post, the garrison turned out, and, with Colonel Maynadier at the head, met and escorted them into the post, and the party were assigned quarters. The next day a scaffold was erected near the grave of Old Smoke. It was made of tent poles twelve feet long, imbedded in the ground and fastened with thongs, over which a buffalo robe was laid, and on which the coffin was to be placed. To the poles of the scaffold were nailed the heads and tails of the two white ponies, so that Ah-ho-appa could ride through the fair hunting-grounds of the skies. A coffin was made and lavishly decorated. The body was not unbound from its deer-skin shroud, but was wrapped in a bright red blanket and placed in the coffin, mounted on the wheels of an artillery caisson. After the coffin came a twelve-pound howitzer, and the whole was followed to the cemetery by the entire garrison in full uniform. The tempestuous and chilling weather moderated somewhat. The Rev. Mr. Wright, who was the post chaplain, suggested an elaborate burial service. Shan-tag-a-lisk was consulted. He wanted his daughter buried Indian fashion, so that she would go not where the white people went, but where the red people went. Every request of Shan-tag-a-lisk was met by Colonel Maynadier with a hearty and satisfactory 'Yes.' Shan-tag-a-lisk was silent for a long time; then he gave to the chaplain, Mr. Wright, the 'parfleche' which contained the little book that General Harney had given to her mother many years before. It was a small Episcopal prayer book, such as was used in the regular army. The mother could not read it, but considered it a talisman. Mr. Wright then deposited it in the coffin. Then Colonel Maynadier stepped forward and deposited a pair of white kid gauntlet cavalry gloves to keep her hands warm while she was making the journey. The soldiers formed a large hollow square, within which the Indians formed a large ring around the coffin. Within the Indian ring, and on the four sides of the coffin, stood Colonel Maynadier, Major O'Brien, Shan-tag-a-lisk, and the chaplain. The chaplain was at the foot, and read the burial service, while, on either side, Colonel Maynadier and Major O'Brien made responses. Shan-tag-a-lisk stood at the head, looking into the coffin, the personification of blank grief. When the reading service closed Major O'Brien placed in the coffin a new, crisp one-dollar bill, so that Ah-ho-appa might buy what she wanted on the journey. Then each of the Indian women came up, one at a time, and talked to Ah-ho-appa; some of them whispered to her long and earnestly, as if they were by her sending some hopeful message to a lost child. Each one put some little remembrance in the coffin; one put a little looking-glass, another a string of colored beads, another a pine cone with some sort of an embroidery of sinew in it. Then the lid was fastened on and the women took the coffin and raised it and placed it on the scaffold. The Indian men stood mutely and stolidly around looking on, and none of them moved a muscle or tendered any help. A fresh buffalo skin was laid over the coffin and bound down to the sides of the scaffold with thongs. The scaffold was within the military square, as was also the twelve-pound howitzer. The sky was leaden and stormy, and it began to sleet and grow dark. At the word of command the soldiers faced outward and discharged three volleys in rapid succession. They and their visitors then marched back to the post. The howitzer squad remained and built a large fire of pine wood, and fired the gun every half-hour all night, through the sleet, until daybreak. . . .

"The daughter of Shan-tag-a-lisk was an individual of a type found in all lands, at all times, and among all peoples; she was misplaced.

"Her story is the story of the persistent melancholy of the human race; of kings born in hovels, and dying there; of geniuses born where genius is a crime; of heroes born before their age, and dying unsung; of beauty born where its gift was fatal; of mercy born among wolves, and fighting for life; of statesmen born to find society not yet ripe for their labors to begin, and bidding the world adieu from the scaffold.

"We all of us know what it is to feel that at times we are out of tune with the world, but ever and anon we strike a note and come back into temporary harmony; but there are those who are never in tune. They are not alone the weak; they are the strong and the weak; they are the ambitious, and as well also the loving, the tender, the true, and the merciful.

"The daughter of Shan-tag-a-lisk wanted to find somebody to love worth loving. Her soul bled to death. Like an epidendrum, she was feeding upon the air.

"When wealth and civilization shall have brought to the Rocky Mountains the culture and population which in time shall come, the daughter of Shan-tag-a-lisk should not be forgotten. It may be said of her, in the words of Budha:

"Amid the brambles and rubbish thrown over into the road, a lily may grow'."

These flashlight views of the life Ware led during the years of the war and after will convey some faint notion of what it was in those days to be a frontier soldier for a nonmilitary country. It was his lot to experience, on the one hand, almost hourly contact with disease, death, violence, brutality, and utter barbarism, disloyalty, dishonesty and compound villainy. On the other hand, he saw Spartan courage, splendid devotion to duty and the most exalted patriotism. In these piping times of peace in our country we sometimes wonder if there is such a thing as unselfishness as between the country and its citizens, but to Ware and those who had his experience it became a matter of certainty that there was such a glorious thing as love of country superior to love of self.

Mr. Ware's war experience greatly intensified his natural ingenuity. The soldier learns to make short cuts, to jump the fences, to blaze new trails, to resort to wholly unprecedented means to accomplish an end. This was Ware's characteristic as a lawyer. He was a fine lawyer, a wonderful lawyer, but a wholly unconventional lawyer. His methods in any given case were more apt to be unprecedented than otherwise. Lawyers prefer beaten tracks. The train of precedent is very alluring—particularly to judges. Ware was very likley in any case to think out a new way. There was danger in this, because courts do not take kindly to novelty of theory and argument. Sometimes Ware's new ways would not work, but they were never without striking features which demanded the most respectful consideration.

Mr. Ware was popular and he was not. Few men in the state were better known. Few were better liked. Few were more heartily disliked. The men who disliked Ware were those who felt the sting of his criticism directed either at them personally, or, as was usually the case, at some favorite idea or hobby or institution. No man who thinks with absolute independence and expresses his convictions with soldierly emphasis can be popular with

everybody. Ware had bitter enemies, some of whom, most of whom, were greatly to his credit. But enemies with him were taken as of course and did not seriously arrest his attention. He laughed about them and at them and forgot them.

Mr. Ware was what we are in the habit of calling a self-made man. We have seen what his schooling was. But yet he was an ardent believer in education as we ordinarily understand it. On one point, however, he was strikingly at variance with the too common practice of the day. He believed that the great object of the schools was, or should be, to train the observation and the memory. He believed, therefore, in a simple curriculum which should be followed thoroughly and accurately instead of an elaborate curriculum so voluminous and so scattered that only superficial work could be done. He believed a strong man or woman with a powerful memory and a disposition to read and listen and observe could go on accumulating a college education to the end of life. He was intensely fond of the study of words and their uses. His universal language is quite as likely to be accepted as the volapuk or any other similar device.

Of the arts he was an ardent if not a profound student. Pictures and statuary were his constant delight, and of music his love was infinite. Of the famous pictures and sculptures of the world he always seemed to know something strange or curious or strikingly out of line with ordinary knowledge of such subjects. In music he wanted the very best, from Beethoven down. The music that appealed to him most was undoubtedly the compositions revealing and arousing the finer feelings and the deeper emotions rather than the compositions of mere technical complexity.

Ware's humor was of every known variety—at least every known good variety. It bubbled up from the deep wells of his understanding. There can be no humor without understanding, for humor is a keen appreciation of the unusual, the illogical and the incongruous in any association of ideas. In the greater part of what he wrote and said the humorous strain was interwoven. One instance: He had in a Topeka bank in 1893 twenty thousand dollars. The banks of the Middle West began to break. One after another closed its doors. Careful bankers began to surmise as to whom among their depositors, for one reason or another, might be expected to reduce their balances. The bankers having Mr. Ware's money decided that his money would likely be first to disappear. Next morning, sure enough, the top letter on the cashier's desk was from Ware. It read: "I see that the banks all over the country are closing their doors. You have twenty thousand dollars of my money. I want you to keep it. I make it a practice to deposit my money, but I never deposit my nerve."

Every man is religious; there are no exceptions. There are vast differences in the degrees of religious feeling, and there are still greater degrees of difference in the methods of religious expression—or expression of religious feeling. The form of expression depends largely on the temperament. It is impossible to think of the backward man of peace and the robust man of blood and iron holding exactly the same relation to any given religious opinion. A Cromwell may profess Christianity, but in shaping his conduct he will put his own construction on the teachings of the Master. So Ware could not subscribe to hundreds of popular dogmas, and he was skeptical

as to most of the theological schemes evolved by clever thinkers. But the great foundation truths of all religions were his. Here is one confession of his hope and his expectation:

“The soul doth sometimes seem to be
In *sunshine* which it can not see;
At times the spirit seems to roam
Beyond the land, above the foam,
Back to some half-forgotten home.
Perhaps—this immortality
May be indeed reality.”

The time is at hand when there will be no Kansas pioneers of the first half century. In a little while all who care to know of our pioneer days will have recourse only to the books. In these books the name of Eugene Fitch Ware will be found so long as the books survive. In the long bright list of early activities his name will command the admiration and the envy of those who follow.

All men covet immortality. They desire to remain. They recoil from the idea of eternal banishment from all they have loved and enjoyed—from their very selves. They cling to life and the things of life as if they were pledges of the life to come. And so men build for futurity—the days after death—striving to perpetuate themselves and their friends. They build that they may not be forgotten—that they may live and live on in the minds and hearts of the millions yet unborn. And this is well, for it is the best we can do. The printed page, the stately monument, the record of the painter's brush and the sculptor's chisel all come to our aid. And I am sure that to-night you will all join me in my feeling of great thankfulness that our beloved Society has become the owner of a splendid bronze bust of the friend to whose life and work we have devoted the evening.

I have the honor to present to the Kansas Historical Society, on behalf of the family of the late Eugene Fitch Ware, a bronze bust of Mr. Ware by the well-known sculptor, Robert P. Bringhurst.

ACCEPTANCE ON BEHALF OF THE HISTORICAL SOCIETY.

By WILLIAM E. CONNELLEY, Secretary.

MR. GLEED: On behalf of the Kansas State Historical Society, I accept this magnificent figure in bronze. It gives me much pleasure to do so. It represents him who is of earth no more—who was one of a group of Kansans of whom few are left. They wrought mightily here, and a great state rose from the American Desert. They built it. They fashioned it. As they made it, so it stands to-day—so must it ever stand, with only such modifications as future development and changing conditions shall show to be wise.

They are immortal. Monuments will be raised to commemorate their deeds. When wealth has accumulated and time for reflection has come—when private quarrels and foolish contentions shall sink into insignificance before the rising grandeur of imperishable names—then their stories shall be blazoned upon granite, marble and bronze, reared, chiseled, sculptured on rolling prairies and bold headlands o'erlooking Kansas Nyanzas.

These illustrious Kansans wrought each into the Kansas temple of state his own individuality. The structure standing in the subdued sheen begotten of the Great Plains by translucent skies looms in immeasurable symmetry. Critically examined it reveals the sturdy conservatism of Robinson, the daring leadership and constructive statesmanship of Lane, the mills of the gods grinding slowly but surely, vengeance, wrath, and eternal justice through the soul of John Brown. And the principles—stones and timbers of the temple—are bolted and bound, finished and burnished by that sapient capacity and inspiration of the Wilders and Plumbs, the Ingalls and Wares, working down into your days and mine.

And of all these we come to-day to render some meed of commendation and justice to one of these builders—your friend and mine—a distinguished coworker here in the field so assiduously cultivated by this Society. You have spoken of his splendid personality. Another friend—Mr. Cory—will tell us of his literary genius. Let me recount briefly some reminiscences springing from hours spent happily and profitably in companionship with him. In this I hope to emphasize traits and characteristics which made him the charming host, the fascinating guest, the agreeable associate, and the true and loyal friend.

Mr. Ware spent many evenings in my home, and I spent many in his home. So far as I was able to observe, he never wasted time in meaningless conversation and drivelling *tete-a-tete*. He had something worth hearing to say all the time. Two of his books—and most valuable ones they are—resulted from his conversation at my fireside. I refer to the "Lyon Campaign" and "The Indian War of 1864." And strange enough, he told me the stories composing the last-named book long before he mentioned the incidents making the first one. Yet he published "The Lyon Campaign" first. The first of these stories I heard him tell was that entitled "You will never see Omaha," and which may be found beginning at page 440, "The Indian War of 1864." All the other stories of that book followed as we met

during the year. I say "stories." They were his experiences in a wild and stirring Indian campaign in the Platte valley under General Robert B. Mitchell. And but for my insistence they would never have been written, and this valuable contribution to the history of the Civil War would have been lost. On the 18th of March, 1911, he wrote me:

"My book is all in print and Harris [proofreader for Crane & Co.], who has to read it anyhow, whether he wants to or not, says that it is a very interesting book. I hope it is, and if the world enjoys it they will have you to thank, for I never should have written the book unless you had cudged me for about five years doing it."

It was his final work. The last line I ever had from him was a card dated at Cherokee, June 22, 1911. It said:

"DEAR CONNELLEY: Please go to Crane & Co. and get one of my Indian books and have them charge it up to me. I also send my best regards.
E. F. WARE."

In his letter of the 18th of March is this paragraph:

"When I get business off from my mind, which I will this spring and summer, then I am going to take up, as I told you, "The Invasion of Arkansas."

This "Invasion of Arkansas" was another series of war incidents from his long service in the army. They described the invasion of Arkansas from the north and the capture of Helena. It was an interesting and stirring campaign, and the reports and records tell very little about it. So it is now lost to us by his death. I have preserved some of the incidents which he told me of it, but nothing like all of them, for I had insisted that he write the book until he agreed to do so. It was on this campaign that he received the wound in his arm which never healed and which troubled him the remainder of his life.

"The Lyon Campaign" was published in 1907. Every story in it was told by my fireside long before it was written. I drew the maps for the book and reviewed the manuscript before it went to press. I urged him to eliminate what it contained about John Brown, but there were times when he could not be moved. However, the last time he ever visited me he assured me that he regretted that he had not taken my advice, saying that I had been right and he had been wrong in the matter. He had gone back to his first convictions concerning the character of John Brown—those expressed in his immortal poem. He was then very anxious that the statue of John Brown should be placed in the Hall of Fame at Washington.

I have preserved the conversation which caused Ware to quit the regular army and resign his commission as captain. He was on the staff of General Washington L. Elliott, then stationed at Fort Leavenworth. General Elliott was ordered to St. Louis for some consultation. Mrs. Elliott and Ware went along. From Kansas City they went on the Missouri Pacific railroad. The cars were small and dingy. They were lighted by candles in sockets having springs to push them up as they burned. There were also common lanterns; of these one was hung above the door at each end of the car. Mrs. Elliott and Ware sat in a seat opposite the general, who dozed while they talked. She told him to quit the army if he intended to marry; that the life of an army officer's wife was most miserable. No home could be established. It was almost impossible to endure the jealousies and bickerings of the wives

of the officers at forts and stations. No man had any right to drag his wife into barrack life. And so on. Such an impression did the truthful portrayal by this gray-haired old lady of army life for women make on Ware that he soon gave up his commission. For he intended to have a home some day. He saw he would never have one if he remained in the army.

How Ware came to settle in Kansas is a very interesting story. It resulted from his work on the Burlington (Iowa) *Hawkeye*. Here is what he says of the work:

"I used to be a newspaper man. I was on the Burlington *Hawkeye* away back in '66-'67. That was my first job after leaving the army. I enlisted the day we got news of Fort Sumter, in the First Iowa regiment. I was just nineteen then. I belonged to a zouave drill company that was famous throughout the West for fancy drilling—all boys. Minute war broke out, nothing would do us but we must go. And such pulling and using of influence! Every one was afraid he'd be left out on that first roll and that the war'd be over in sixty days and he wouldn't get to go. I was delighted when I was taken. Well, I served out that stretch, and then I did three years in the Fourth Iowa cavalry. And still the war wasn't over. I went out again as a volunteer cavalry officer, and after peace was declared with the South we were sent north to fight Sioux Indians. Then we were mustered out and I went back to Burlington—twenty-four years old and looking for a job.

"I contributed an editorial or so to the *Hawkeye*, which then was edited by a Mr. Beardsley. After him came Frank Hatton, and then Bob Burdette, you know. But they were after my time. Mr. Beardsley liked my stuff and offered me \$75 a month to go on the paper regularly, and after consideration I took him up. I liked the work too. Pretty soon I evolved an idea. Mr. Beardsley liked to make running comments on the telegrams we got; for instance, "How does this strike you?" New York, such a date, and then the story. I was given charge of the telegraphic news and wrote my other stuff beside. I used to show up at one p. m. and work till four a. m. After about seven or eight months I began to feel sick. I didn't know what I had. I went to Doctor Nassau—he'd been surgeon of the Ninth Iowa—and told him I wanted access to his medical library. Then I began to read up. I found I had a fearful complication—heart trouble, consumption, liver complaint, sciatica, diabetès and incipient paraplegia. I was alarmed. I went to the doctor and asked advice. He took note of my symptoms and told me I was simply over-worked. He said all there was about it—I must leave the paper or collapse. He said, 'get in the open air.' I came to Kansas. Been here ever since, lawing. But that's how I started in the newspaper business."

Ware had seen much of southeastern Kansas during his service in the army. He believed it one of the best sections to be found anywhere for raising cattle. An old gentleman named Campbell, of Burlington, had noticed the unusual ability and good judgment of Ware. He had almost twenty thousand dollars in the bank, and wished to go to southwest Missouri to engage in the cattle business. He proposed that Ware take the management of the business, the firm to be composed of his two sons (then grown) and Ware. The twenty thousand dollars was to be invested in cattle, and each was to be a partner with a one-fourth interest. The boys and Ware were to do the work and furnish the salt for the cattle. They were to cut the hay for winter feed.

A wagon and outfit for camping were furnished by Campbell, also a team of horses. The baggage was loaded onto the wagon, that of Ware consisting of a trunk filled with clothing, etc. Ware rode his own horse, a good one. The road lay southwest through Missouri. When they had traveled a day or two people began to be inquisitive and meddlesome. Bushwackers—men

who had fought the Union from the brush, stealing, murdering citizens—these gathered about the evening camp fire of the party from loyal Iowa and blustered and threatened. The matter became intensified as they advanced further into the state. Bearded Missourians would stand about the camp fire and point their guns at the members of the party and say, "O, how easy I could kill the Yanks," but would not fire. Ware at such moments kept his heavy revolver cocked with the handle in his hand, sure that he could draw and kill his antagonist before he would fire. But the others were not so confident, not having been in the army. After some days there was a rumor that grasshoppers had eaten all the grass in southwestern Missouri, and there were grasshoppers in Missouri and Kansas in 1867. The day after the party heard this intelligence they drove forward as usual. For some time not a word was spoken. The elder Campbell had threatened to turn back several times. Coming this morning to a point where the road forked, one going on south and two going to the north, he directed his son who was driving to turn into the northern road east of the one they had come down, and said he had fully made up his mind to return to Iowa—that he was afraid to go on. Ware persuaded and protested against such action, but to no purpose. When he found the party bent on return he told them to put out his baggage. Says he: "I will not turn back. I have started to Kansas and intend to go there; and I will get to the front there."

They dumped out his trunk and drove back to Iowa. Ware watched them out of sight. Then a man drove up with a team hitched to a wagon without a bed. Ware requested him to take his trunk to the next house, where he was received with none too warm a welcome. He had a considerable sum of money with him, but looked about for work—something useful to do. Some one had made brick and built them into a kiln ready to burn. Ware had a chum in his boyhood days whose father made brick, and many an evening had he spent there watching the men poke the fire and cast in the cordwood. He believed he could burn a kiln of brick from this experience, so applied for the job of burning, which he obtained, to begin "next Monday morning."

But before "next Monday morning" came he saw one day a train of emigrants descend a low hill in that country. Three men were walking in front of the teams—some half a mile in advance. As they passed the house where Ware was he gave the hailing sign of the Grand Army of the Republic, which was immediately answered by one of the three.

The Grand Army has had two organizations. The purpose of the first was to crush the South should she attempt an uprising after the war. It was organized in the days of uncertainty and anxiety of the early part of Johnson's administration. The ritual was impressive, and members were initiated with cocked guns presented at their breasts, and sworn to go to the assistance of their country under penalty of death. When this danger of a new southern uprising had passed the Grand Army fell to pieces, but was later organized with an entirely different purpose—that of preserving the memory of the glorious deeds of the comrades who fell, and perpetuating patriotic sentiment.

The ties of brotherhood were naturally stronger in the first and fiercer organization. Ware was asked as to his regiment and service. When he had given satisfactory responses he inquired the names of the men and the des-

mination of the party. One was Captain Warren of Burdge's regiment of sharpshooters—and Ware had known the regiment well. It was soon agreed that he should go on with the party. One of the horses was about exhausted, and Ware's was put in to take its place. In this manner the party proceeded on the journey to the south.

While the party did not doubt what Ware said in giving an account of himself and explaining how he came to be where he was found, still he needed some incident to make the party enthusiastically warm up to him. He had a sister, a bright girl, always well informed, a great reader, and he had told her what towns to direct her letters to him, that he might get them on his journey. Coming to one of these towns he found a letter, and in it were many clippings from Iowa papers expressing regret at his leaving the state. One was from the *Des Moines Register*, giving him particularly warm praise, and condemning the *Hawkeye* for allowing him to leave the state. He glanced over these clippings and handed them to Captain Warren, who read them and passed them to his companions. This made him a hero, and the party were confirmed in their good opinion of him, and this friendship existed until years after, when one by one the party drifted away and dropped out of sight. The party stopped in that part of Kansas about Cherokee, where they settled and made homes.

How he homesteaded the land upon which his son now lives is most interesting, but this paper is too long already to permit my telling it here. But I will set down how he came into the practice of the law:

His life in the open in southern Kansas restored his health, and with his health returned his cheerful, hopeful, sanguine, aggressive disposition. He was intensely practical. He made friends—many friends. And here is where he first took up the law. He was recognized by his neighbors as far above the ordinary man in ability. His army work (as adjutant) had made him systematic and methodical, and he was a fine clerk. In the petty lawsuits of the neighborhood he often took part at the solicitation of some friend who needed a lawyer. He bought a *Kansas Statutes* (edition of 1868) and read it carefully by the window in his cabin. He was soon too much for any lawyer in the country. Finally he got a hard case. He sued a man for a client for thirty dollars—value of some corn. The defendant said he did not owe anything, as the plaintiff had thrashed him in a fight they had had, and had injured him to the amount of fifty dollars. Ware thought this offset was not just as it should be. He did not think such damages a legal offset. But he knew little law and was at a loss as to the proper course. Finally he went to Fort Scott and laid his case before a lawyer there. The lawyer agreed with him that such damage could not serve as an offset to plaintiff's claim. "Have you any lawbook which says so in so many words?" says Ware. "I must see the law." "Yes I have," said the lawyer, taking down "Walker's American Law." "Here it is," turning to the proper place. "How much is this book worth," asked Ware. "Six dollars," said the lawyer. "Here is your money," said Ware. He won his lawsuit.

Ware read the book very carefully. He would examine himself daily, using the index as a list of questions. He would take the first subject in the index and see what he could state of the subject referred to. If he had not as clear a conception as he supposed he needed of any subject, he turned back and read the article carefully, then went on with his self-examination.

In this way he learned all the book contained. Then he borrowed "Kent's Commentaries" and read them carefully. He was all this time "wolopping" every lawyer who came into his neighborhood. He finally thought of applying for admission to the bar at Fort Scott. It was necessary for him to have been reading in the office of a lawyer two years or have a diploma from a law school. He had, in fact, neither qualification, but he had a fair knowledge of law and an immense fund of experience and good, hard common sense. The lawyer of whom he had borrowed books arranged for the appointment of a committee of examination, which spent a whole afternoon questioning him. The report was favorable and he was admitted to the bar.

But now came on the Greeley campaign. Mr. Greeley was a man whom Ware admired. He believed he should be elected. He edited the *Fort Scott Monitor* in Greeley's interest. He did more. He had made some money farming—\$1400 one year. By the way, he had moved from his first claim where he built his cabin. He sought a fine section of land and built a house in the center—of four rooms—a room on each quarter section. He claimed one quarter for himself, one for his father, and one each for his two brothers. He had some trouble to hold them all, but he finally did it, and owns the whole section to-day. But to return to the campaign. Ware never did anything in a half-hearted way; he did anything he went at with his whole soul and all his force and energy. He believed Greeley should win—believed, too, that he ought to win. He bet his money on Greeley's success, and lost—lost almost all he had.

He then went into the office of McKeighan & Co., lawyers, at a salary; but he was somewhat downcast, and the future looked gloomy. He had some offers to enter newspaper work permanently. He liked the work, and was almost persuaded to accept a place on a paper. Still he was not sure he ought to give up the law. While in this uncertain frame of mind, Prof. O. C. Fowler, the great phrenologist, came to Fort Scott. One day McKeighan said: "Ware, did you ever have your head examined by a phrenologist? I have just come from Professor Fowler. You ought to go over and have him examine your head."

Ware did not take much stock in what he said, but McKeighan insisted. The fee was five dollars. Ware had about eighty-five dollars. Finally he determined to visit the phrenologist, but that he would be very discreet. He marched in, did not speak, put five dollars on the table, drew his coat close about him and pointed to his head, without saying a word. Fowler understood him, and began the examination by a careful feeling of all the bumps on his head and studying the shape of the skull. The first thing he said was: "Young man, if you have not already commenced the study and practice of law, you should begin at once."

That was enough. He opened an office. It was well along in the month (February), and before the end of the month he had taken in fifty dollars. He advanced steadily, and has made his way to a high place in the profession in the state.

Among his first cases was a foreclosure of mortgage for an eastern client. About three thousand dollars was turned over to him on the day of the sale. This he would be required to retain until the case was finally settled and the costs paid. He had never had a bank account. With the three thousand dollars in his pocket he started to his office. On the way he passed a bank which was operated by Wiley Britton, who later wrote a splendid book en-

titled "The Civil War on the Border," and who lives now in Kansas City, Kan. Ware had known Britton in the army. It occurred to him that he had better put his money in the bank until he should need to remit it. So he went into the bank. He noticed that all the bank force had congregated away back by the rear door and were in earnest conversation. But Britton and his associates came forward and greeted him warmly. He deposited the money and said he should have to send it away in about three weeks. The bank began to send him business, and he was well pleased with this new connection. He sent the money to his client through the bank when the matter was finally closed up.

In about six months the bank failed. Ware congratulated himself upon not being caught, and one day spoke to Britton about his good luck.

Britton replied to him:

"Ware, do you remember that we were all back at the rear door when you came in to make that deposit of three thousand dollars?"

"Yes," replied Ware, "I remember that very well."

"Well," said Britton, "we were back there consulting as to whether we should try to remain open the remaining hour until closing time, then close and never open again, or go out and close the door and announce our failure at that moment. You came along with your three thousand dollars and saved us. We ran six months after that new lease of life."

"Well, I'll be d——d," said Ware. And he walked off in a cold sweat and weak as a cat.

Here is another incident. I copy it verbatim from my diary:

"June 11, 1901. I went to the home of E. F. Ware to get the manuscript of 'The Founding of Harman's Station.' While there a rain came on and Mr. Ware and I sat on the porch and had a pleasant hour. He related an incident as follows:

"In 1893 it was dry; no rain came until late in June, that is, none of consequence. One day a heavy rain began falling. I wanted to express my excessive satisfaction, and so telegraphed the official state chemist at the University, Lawrence, as follows: 'Strange substance falling from the sky.' This was a joke, or intended as such by me. But the chemist failed to see the humorous side of it; perhaps it was not raining at Lawrence. He wired me: 'Will take first train to Topeka.' By jingo, it was now losing its humorous side to me, too. I rushed down and sent this telegram: 'Investigation reveals the fact that the strange substance is water.' But in a few minutes the telegraph company reported the telegram could not be delivered as the chemist had taken the train for Topeka a few minutes before its reception. Now I was in a pickle. The chemist was an intimate friend, but slow to see a joke. I took refuge in flight. I sent my stenographer to the station to meet the chemist and inform him that I had been suddenly called from the city on important business, and I was always afraid to inquire the full extent of his wrath and indignation. Although formerly intimate friends, we are now upon only very formal civilities. We have often met since the strange substance fell, but neither of us ever referred to the incident in the presence of the other. It is funny to me yet, but I presume it never was funny to the chemist."

One day as we rode about Washington, Mr. Ware told me about his trip to Boston. He went there to attend some gathering of celebrities, but whom

or what they were doing I have forgotten. The exercises terminated in a ride in automobiles from Boston to Concord and return. There were nearly a hundred cars. Mr. Ware was in the last car to start.

Though the last to leave, he did not lag behind. His driver made a most amazing run. He missed speeding street cars by inches. He headed off vans and heavily loaded trucks. He wound and wriggled through the line of cars which had gone out first until he headed the procession. Mr. Ware and his fellow-riders often held their breath until difficult turns and twists were made. But they arrived at Concord safe and sound, and several minutes ahead of the procession.

There are many interesting things to be seen at Concord. Ware found these. He lingered at Emerson's grave a long time. When his car came around to the old tavern it was again at the rear. And again did the driver begin his hair-raising and thrilling tactics; for the car was soon ahead and the others distanced. It crashed up to the hotel curb, almost upsetting a cab, but no damage was done. As he left the car Mr. Ware complimented the driver. Slipping a dollar tip into his hand, he said to him:

"Young man, you are certainly a splendid driver. Sometimes I thought you were up against catastrophies, but you managed to get out."

"Yes," replied the driver, "I do pretty well for the experience I have had. I never saw an automobile until last Thursday."

"By George, Connelley," Mr. Ware said, "we had been riding on a volcano all the way to Concord and back and supposed we had the most expert driver in New England. And maybe we did have, but I walked weak in the knees every time I thought of that ride the remainder of the summer."

My most happy recollections of Mr. Ware are of those hours when we could talk without interruption. When we were in the Pension Bureau he would send a note to my division every day when he had time to ride after the day's work. These notes were always sent by Jackson, his doorkeeper—a colored man and a character. Some of these notes I preserved. The one received on July 4, 1902, is as follows:

"*Mr. Connelley:* Can you call at 4 p. m.—office? WARE."

The government furnished him a carriage and driver. That summer we drove almost every day after work. It was during these drives that he told me so much of his life, though he had recounted his war experiences before this, in Topeka. Our drives usually ended at some famous eating-place, where he had dinner. Sometimes it was at Harvey's, often at the Raleigh Hotel, where he lived, and sometimes at Fritz Reuter's, at the corner of Four-and-a-half street and Pennsylvania avenue. At the latter place he would order for us what he termed a "Dutch lunch for two," the principal dishes of which were Frankfurters, sauer kraut and steins of beer, all imported, and of the first quality. The cookery and service there were fine. After I left Washington his letters to me often had a closing sentence in reference to these lunches.

Sometimes we went down the Potomac by steamer, returning at midnight, and these were delightful rides, especially if it were moonlight. He was familiar with the local history of everything. Where or when he had learned it he hardly knew himself, but he rarely forgot anything.

Next to these hours with Mr. Ware I delighted to receive his letters. They were brilliant, sparkling, full of apt humor and unexpected applications

that struck the spot. This was so even when he wrote in a serious vein or wished to make an important announcement. An example of this is his verse to Roosevelt when starting on a vacation, and which ran:

"I take this piece of plumbago
To tell you I have the lumbago.
I shall hie me away
For a week and a day,
For I feel like a very bum Dago."

On May 6, 1905, he wrote me the following:

"*My dear Connelley:* Just got a good, nice letter from Dr. Feathers-tonhaugh. He writes me about things in the Bureau and he inquires about you. He recalls some very pleasant trips we had, and really I think he was one of the best men I met in Washington—he and John Hay.

"By the way, I have just returned from southern Kansas, where I have been on business. I stopped over in Peru. Everything there has gone to pieces—dead in the shell—all knocked out. There I saw the first crude petroleum that I ever had seen direct from the well. They were bailing out a well and had about a barrel of it. I got a stick and paddled around in it. When I got out of the cars a man told me about the wonderful number of things which are made of it. Among others one man told me that they were making saccharin out of it—a substance five hundred times as condensed as sugar. All these things are very wonderful. If they are going to make every thing out of petroleum it must indicate that petroleum is a solution of everything and is a sort of an essence of everything. I guess that we will have to suppose that petroleum oil is the blood of this great big earth that we are living on, and that this blood circulates around in veins and contains a solution of all that is necessary for the support of animal, vegetable and mineral life. I say mineral because I have come to the conclusion that crystals have got intelligence as well as trees and dogs and horses and men. We skirmish around on the surface of mother earth and you people down there are engaged like a lot of mosquitoes in going down and trying to get blood. If that is the correct theory, John D. Rockefeller is the worst gallinipper in the swarm; a vein of anthracite coal is nothing but a lot of dried blood, and the poor little earth is nothing but a nomad swimming around in space like motes in a sunbeam, and we are the worst lot of parasites in the business. Outside of the foregoing philosophy I am entirely rational, and would like to have you up here to-day to visit with Web Wilder, who is here from Hiawatha with his friend Mr. Aten. Come up here as soon as you can and we will figure this whole business out.

Yours truly, E. F. WARE."

From Denver he wrote me September 14, 1909, a charming letter, from which I take the following:

"I'm also begrudging the time I am staying on the earth. You and I are just wasting our time staying here. The old earth is only a penal colony, a sort of a county jail for the universe. You and I have been sentenced to hard labor and have been honestly working it out. We must have been pretty bad to have had such long terms imposed. When we get out we will change our names and begin over again. Hence I say we are wasting our time staying here; but, then, as there is plenty of time left, we won't miss it much, in the long run. As I am nearly 70 and my hair is dead white, I have a way when I go into a car, a meeting, or a restaurant, of looking around and seeing if I am not the oldest man present, and I generally am—men of my age are few, and most of them are not able to leave home or travel around, so I seldom meet "my kind of fellows." I am quite thankful that I possess power of thought and locomotion, and can enjoy the society of my fellow convicts and write them letters, *to you especially*, although I prefer talking to you in *preference to writing*."

Once he sent me a poem which I set out here. I am sure it was never published:

"*My dear Connelley:* Napoleon said that the world was ruled by 'sentiment.' I believe it is so. The following is my view upon that question:

" 'SENTIMENT.

" 'Little Benny lost a penny;
It was all he had.
Sister Jenny said to Benny;
"Do not feel so bad."

" 'One ain't many," then said Benny,
"But it's all I got."
"Busted Benny," then said Jenny;
Benny said, "That's what."

" 'Benny then described the penny—
Flat and round and hard.
Sister Jenny found a penny
Rolling round the yard.

" 'Unto Benny then said Jenny,
"Is this thing your cent?"
"Yes," said Benny, "that's my penny;
"That's the cent-I-ment."

Yours very truly, E. F. WARE."

Here is a delightful letter I received from him only a few months before his death:

APRIL 10, 1911.

"*My dear Connelley:* I was down on the farm when I received your letter. As I told you before, I have built a library building down there, with a large fireplace. I have a good large *law* library and a good large *private* library there. I have a lot of law books there that I do not particularly want, but they have been my friends and have stayed with me many years, and I am using the building as a sort of hospital or morgue for those old books. Occasionally a friend has dropped in to see them, and when one comes I make a fire in the fireplace and burn a law book. When I got your very interesting letter I assumed you to be present, at least in spirit, and made a fire for you, invoked your presence and burned a law book. The grave incense rose like myrrh. It was 'Dassler's Kansas Digest' that I offered up as an invocation to your memory.

"Some of these days I shall expect to have you down there, and then I will burn 'Clemens on Corporate Security.' You remember our old friend Clem—a sociable Socialist. Some of these days I will be up to see you; until then good-bye.

Yours very sincerely, WARE."

The best tribute produced by his death was written by my old time friend, Hubert M. Skinner, of Chicago. I close this paper with it:

"IRONQUILL.

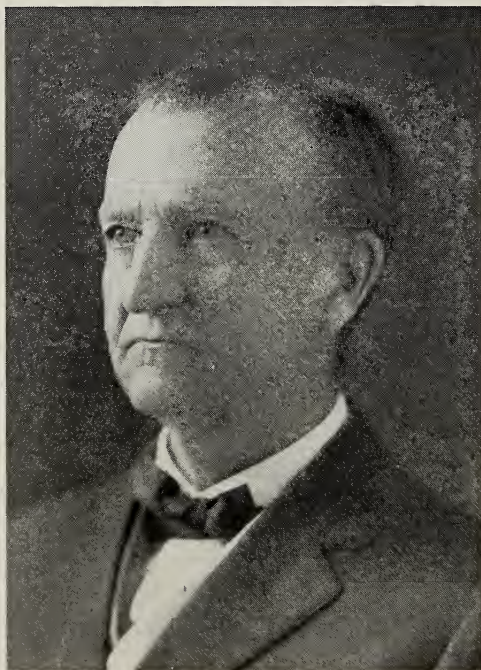
"The hand of death is laid on Ironquill,
And myriads are sad on either shore,
To whom, as seasons pass, shall float no more,
With freshness of the meadow and the hill,
The music of his measures. Yet we still
Shall count him as among us, as of yore,
And echo back his laughter, and encore
His ringing words of faith and hope and will;
His 'Washerwoman's Song' shall cheer the heart,
Of the sad toiler, and his 'Violet Star'
Shall lure the dreamer; while the fruitful plains
Of old Quivera shall preserve his art.
And 'Both Nyanzas' crown his fame afar,
And Europe, many voiced, take up his strains."

EUGENE FITCH WARE AS A LITERARY MAN.

Address by CHARLES ESTABROOK CORY, read before the thirty-ninth annual meeting of the Kansas State Historical Society, October 20, 1914.

Mr. President, Ladies and Gentlemen of the Kansas Historical Society:

I AM asked to deliver an address on Eugene Fitch Ware. I can not speak in this presence about Ware as a Soldier, or Ware as a Lawyer, or Ware as a Man. I knew him too well for that. The warning example of "Boswell's Life of Samuel Johnson," and "Meneval's Memoirs of Napoleon," fresh in memory, forbid that I should attempt it. No hero worshiper must attempt to paint his hero. But I will talk to you a few minutes about him as a Literary Man.



C. E. CORY.

Considering its youth, Kansas is remarkably rich in literary genius. Think of Richard Realf, and Ellen P. Allerton, and John J. Ingalls, and Albert D. Richardson, and Albert Bigelow Paine, and Noble Prentis, and Daniel Webster Wilder, and Captain Joseph G. Waters, and Esther M. Clark, and Richard Hinton, and William Allen White, and Margaret Hill McCarter, and E. W. Howe. All in a half century.

Considering its age, Kansas easily outstrips all other states in the wealth of its literary products. The old, settled and sedate East could easily pro-

duce Thoreau, and Hawthorne, and Poe, and Longfellow, and Lanier, and Bryant, and Prescott, and Saxe, and Lowell, and Irving, and Emerson.

But here in Kansas was a raw community, fresh in the making. Every one busy in home building. Every one poor. Every one struggling for a start.

Those old states had the advantage of generations of training and leisure and scholarship. They had the wealth of the Old World literary influence. They had brought with them the influence and the inspiration of Oxford, and Cambridge, and Edinburgh, and Dublin, and Heidelberg. Kansas had no such advantages. Ware had not. His genius was born of the Kansas spirit. It was virile. It was fresh. It was strong. It had the perfume of the prairies upon it.

There is an aphorism, which has been used so often that it is worn and hackneyed—"Poets are born, not made." That saying is old and trite; but no wise saying ever contained more concentrated truth in so few words. Real poetic genius may be helped by learning, as it is in some cases. It has been injured by learning—but it surely is never created by it.

Can you imagine the "Cotter's Saturday Night" being written by a college professor?

It is a matter of record, and not of legend, that when Robert Burns submitted his "Bruce's Address to His Army" to the learned men of Edinburgh they revised it for him and changed the meter—learnedly revised it. The rough young farmer rejected their work, and published it as he wrote it. Had he allowed the scholars to eviscerate it, Thomas Carlyle, Burn's masterful and not partial critic, never could have been able to refer to it as "this war-ode" that "should be sung with the throat of the whirlwind."

But there is something in the genius of poetry that makes it revolt at the meddling of enervating learning. For instance, a man whose mind was clogged with a knowledge of dactyls, and trochees, and spondees, and pentameters, never could have written the songs of Ophelia in Hamlet—the daintiest, sweetest songs that Shakespeare ever wrote. He would have made them *proper*, but he would have left out the real music, the poetry.

The young struggling farmer student who, at eighteen, wrote "Thanatopsis," was discovered by the scholars afterward. He then became famous. He then became popular and did splendid service for his country as a diplomat. He did many worthy works. He wrote other poems which must live. But a century from now all his later, classical, good work will be forgotten. The world will remember him only by that immortal poem, written while he was not yet handicapped by the conventionalities of verse making.

When his splendid services as a public servant in his home country and in foreign lands shall be forgotten, when his later, much more polished verse shall be faded, then, at that long future time, the name of William Cullen Bryant will suggest "Thanatopsis," and no more.

The distinction between a scholar and an educated man is not a broad one, but well defined. Ware was not a scholar. Just at the time when boys of wealthy parents, as he was, are getting well started in school work, his father, a splendid old Puritan, and a very wealthy man for those days, was caught in the business crash just preceding the Civil War and reduced to comparative indigence. Young Ware's school life suddenly stopped. His five years in the army was an education in itself, but not of the scholarly

kind. He worked on a farm. He hauled coal with an ox team. He learned the harness maker's trade. In his busiest years as a lawyer I have seen him leave the office, and a few minutes after have seen him crowd Jim Cuthbertson off his "horse" in the harness shop, just across the areaway, and stitch a tug, "to rest up," as he said it.

He saw a short service as editor of the *Old Fort Scott Monitor*.

His voracious reading and his tireless energy enabled him later on to read Heroditus and Cæsar in the original; but a demand for the declension of a Greek noun or the conjugation of a Latin verb would have stunned him. Indeed it is not at all certain but that the same thing might be said about his technical knowledge of English grammar. His masterful use of words and language was acquired as the boys in Dickens' picture of Dotheboys Hall studied botany:

"When he has learned that bottinney means a knowledge of plants," said Mr. Squeers, "he goes and knows 'em. That's our system, Nickleby; what do you think of it?"

Like Nicholas Nickleby, Ware found out surely that the system was a very useful one, at any rate.

When he wrote this stanza in his "Washerwoman's Song," he was not using his imagination. He had actually seen the humble cot and the baby, and the "scissors stuck in spools." They caught his quick, human sympathy:

"I have seen her rub and scrub,
On the washboard in the tub,
While the baby, sopped in suds,
Rolled and tumbled in the duds;
Or was paddling in the pools,
With old scissors stuck in spools;
She still humming of her friend
Who would keep her to the end."

When he wrote about the "twelve one-gallows men" who made up the jury in his "Hic Jones," or when he said:

"And the shingle nail was bust,
Where the juror's jeans were trussed."

He was not depending on his imagination or his reading. He knew those "twelve one-gallows men," every one of them. He had tried lawsuits before them. He had eaten with them, and slept in their cabins. He needed only fancy and recollection to mention the shingle nail; for he had himself used that very excellent substitute for a suspender button many a time.

When he spoke of ". . . 'boots and saddles' sounding in the midnight chill" he had no need for depending on campfire talk or reading, for he had heard and rushingly obeyed that stirring cavalry call himself.

The learned D. W. Wilder gave it as his judgment that as a collection of apt fancies, daintily handled, this little verse which our poet called "Type" has never been equaled by any one, anywhere:

"All night the sky was draped in darkness thick;
From rumbling clouds imprisoned lightnings swept;
Into the printer's stick,
With energetic click,
The ranks of type into battalions crept,
Which formed brigades while dreaming labor slept;
And ere dawn's crimson pennons were unfurled,
The night-formed columns charged the waking world."

Observe the quick succession of imagery—the “draped in darkness,” the “imprisoned lightnings,” the “energetic click,” the “ranks of type,” the “charged the waking world.” Notice the easy skill with which he handles them, even as a trained swordsman handles his familiar blade. Ware had seen and heard and been a part of all of them; but only the real artist—the poet—could have picked them up and set them to music.

It is not every one—it is not any one—who can imitate Shakespeare, and touch every spot in the field of human passions, impulses, thoughts, feelings, hopes. No one ever has, and no one ever can, cover the whole ground of human thoughts, hopes, wishes, imagination and fancy as he did. All verse writers, except Shakespeare, the master, had their own personal fields. Every other one has his one or two strong points.

In spite of the attention that has been paid to Ware’s pathos, as in “The Washerwoman’s Song;” and his fancy, as in the “Violet Star,” and “Princess Karmyl;” and his jollity, as in “The Admission of Hic Jones to the Paint Creek Bar”; and his philosophy, as in his “Fables”; he was more of an artist when he touched things connected with soldiers and war than anywhere else.

Different artists, whether with brush or with words, will handle the same subject in a different way.

For instance, with Milton, in war and soldier life, there were “horrid battalions” and “serried ranks”; with Byron it was “battle’s magnificently stern array.” That is, these writers saw and pictured the coarser, rougher, crueller side of soldier life. Other artists have pictured the other side—the gay, flaunting “Soldiers Three” or “Three Musketeers” side of it. With Macaulay, for instance, war was a sort of picnic jaunt. Here is a good example:

“Press where you see my white plume shine amidst the ranks of war,
And be your oriflamme to-day the helmet of Navarre.”

But Ware caught the plain, human side of it.

Now, Ware was a soldier as well as a poet. He had to be coaxed, almost forced, to talk about his army experience, although his record as a soldier would be something for any man or any man’s family to be boastful about. Under the law he was entitled to a pension from the day he left the army, but he never applied for it until he could sign his own certificate as United States Commissioner of Pensions—and then he assigned it to a struggling girl student, who needed it more than he did.

With a man of his mental make-up, the odd, grotesque and unusual thing could not escape his notice. Did you ever observe that when he touches anything in his writings connected with the army or with war there is an element of deep feeling, mixed with a galloping recklessness and forceful abandon in his way of handling it? His use of descriptive epithets drawn from military sources is well-nigh perfect. He handled them easily and aptly as one familiar with them.

For instance, what could be finer than his apostrophe to his beloved “Sunset Marmaton,” with the military fancy well used?

"O Marmaton! O Marmaton!
 Be patient, for the day will come
 And bring the bugle and the drum.
 Thy fame shall like thy ripples run;
 Thou shalt be storied yet.
 Within this great
 And central state,
 The destiny of some proud day
 Upon thy banks is set.

"Artillery will sweep away
 The orchard and the prairie home,
 And while the wheat stacks redly burn,
 Armies of infantry will charge
 The lines of works along thy marge,
 While cavalry brigades will churn
 Thy frightened waters into foam."

Some years ago there was sitting by my fireside an old army captain who had taken many a furious ride with the smell of burning saltpeter in his nose. He had earned his straps in service in eastern Virginia in the early sixties. He knew something about war. Some way, in our talk, Ware's "Organ Grinder" was mentioned. I read it aloud. At the concluding passage the Old man sprang up and said "My God, Cory! There is one sound that nobody has ever had sense enough to speak about before—the *rattle of the canteen*. It is like the sound of the rattlesnake. When you hear it once you never can forget it. Nobody else ever mentioned that rattle of the canteen in a battle charge before."

In line with the captain's comment, notice the vigor and the vividness and force of this rapid-fire passage in the "Organ Grinder":

"Some sneer thy ragged music, because to them there comes
 No bawling of the bugles, no raving of the drums.
 They hear no 'boots and saddles' sounding in the midnight chill;
 They hear no angry cannon thunder up the rocky hill;
 They hear no canteens rattle; they see no muskets shine,
 As ranks sweep by in double quick to brace the skirmish line."

What can you imagine, in all your reading, daintier and at the same time stronger than his description of the conquest of the wild prairie by the sturdy Kansas pioneer farmer, in his "Quivera"? Notice the imagery borrowed from his soldier experience:

"Sturdy are the Saxon faces,
 As they move along the line;
 Bright the rolling cutters shine,
 Charging up the state's incline,
 As an army storms a glacis."

Who ever read anything more inspiring, concerning patriotism or war, than these lines in his "Neutrality"?

"There is something in a flag, and a little burnished eagle,
 That is more than emblematic—it is glorious, it's regal,
 You may never live to feel it, you may never be in danger,
 You may never visit foreign lands and play the *role of stranger*;
 You may never in the army check the march of an invader,
 You may never on the ocean cheer the swarthy cannonader;
 But if these should happen to you, then, when age is on you pressing,
 And your great big, booby boy comes to ask your final blessing,

You will tell him: Son of mine, be your station proud or frugal,
When your country calls her children, and you hear the blare of bugle,
Don't you stop to think of Kansas, or the quota of your county,
Don't you go to asking questions, don't you stop for pay or bounty,
But you volunteer at once; and you go where orders take you,
And obey them to the letter if they make you or they break you;
Hunt that flag, and then stay with it, be you wealthy or plebian;
Let the women sing the dirges, scrape the lint, and chant the pæan.

If that flag goes down to ruin, time will then, without a warning,
Turn the dial back to midnight, and the world must wait till morning."

This language may be faulty so far as mere rhetoric is concerned; but what scholar could amend it, and improve it?

A well-near universal conception of the ways of thought and the ways of working of a poet is an erroneous one. The common conception is that a literary person, or a poet—they are really the same—is a dreamer—a man or woman with "The eye in fine frenzy rolling," absent-mindedness, purposeless fancies, odd conceits, long hair.

The opposite is the fact. Any one who writes or says things worth saying or writing must be strong. He must be vigorous. He must have ideas all his own. He must have the force to announce them without caring whether they meet with favor or not. All mankind despises a weakling.

Leave our reading of the past out of the estimate, though it teaches the same thing. Forget the people who have lived whose work we like to remember. Every one of them spoke or wrote or sang in disregard of the popular favor. Those whose records live and are fit to live, every one of them was strong.

Forgetting them, think of the men and women here in Kansas who have said and done things worth remembering—those close enough to us so that we can speak with knowledge. You can not find one of them who was not or is not now a worker—what we call a hustler. The group of bright people who are now contributing to the honor of Kansas in a literary way are, every one of them, busy, working people.

To be specific, but mentioning only those who are gone—Hinton, Phillips, Realf, Prentis, Ingalls Allerton, Wilder—where can you find a little list of people who have added more luster to a young state in so short a time? Where can you find a list of harder, businesslike workers?

To do anything in literature a man must have iron in the blood. Ware was in that class. He was first of all a lawyer. He was devoted to his profession and chivalrously proud of it. Physically strong, he was able to work ten or fifteen hours every day. In the days of his middle life he put in several hours each day, morning and evening, at home in his "den" as he called it, where he had a little well-selected reference library—always appearing fresh and new at the office for a full day's work. His verse making or his other literary work never interfered with his duty to his law office. That was his business. When he did anything else it was his play, just as most lawyers go fishing or go to the ball game.

I beg you not to think me too complaisant about myself when I say that for many years I was closer to Ware's inner self than any one else now living, excepting only his wife. He gave me his inside confidence to such an extent that the memory is now very precious to me. Yet in all our talk I never heard him quote a single line of poetry, save once. One afternoon I came back to the office to report after getting beautifully flailed in a law-

suit. I was glum, of course. After my down-hearted recital he repeated, slowly, from Longfellow:

"Into each life, some rain must fall;
Some days must be dark and dreary."

That was his only comment, and the only time I ever heard him quote poetry.

In the old days of the bloody-shirt waving following the Civil War, Daniel W. Voorhees of Indiana, a really brilliant man, was a Democratic leader in the United States senate. John J. Ingalls of Kansas was making a speech. Voorhees persistently interrupted him. Ingalls was very properly known as the "Vitriolic Statesman." He viciously excoriated Voorhees in a speech—a kind of running colloquy, which is a classic. The next morning a report of it appeared in the dispatches. About nine o'clock that morning Ware called me to his room in the office and laid out a scrap of paper, and laid a silver dollar on it and told me to take it to the Western Union office and send it. Noticing that the message had neither signature nor date line I asked him if he didn't want to sign it. He only said, "No; he'll know where it comes from. If he don't, I don't care." This is what was written on the ragged scrap of paper:

"John J. Ingalls, Washington, D. C.:

"Cyclone dense,
Lurid air,
Wabash hair,
Hide on fence."

Within the week that playful quip was reproduced in hundreds of papers.

On May day morning in 1898 Captain George Dewey sailed into Manila bay in obedience to President William McKinley's laconic telegram, "Proceed to Manila and destroy or capture the Spanish fleet." Dewey did it. That evening the newspaper disptaches with scare headlines, twenty times as big as themselves, told of the destruction of he fleet. The next morning I vividly recall that about three hundred men were at Ottawa, Kan., trying to nominate a congressman for the second district. Pleased excitement ran high. This man, Captain Dewey, whom nearly everybody had to inquire about, as a mere breakfast spell had practically won the little scrap we dignify by calling it the Spanish-American War, before the world, or even the Spaniards themselves, knew there was a war. Captain Tim Stover, of Iola, as a happy and facetious thought, bought a few feet of Manila rope, cut it into six-inch bits, unstranded it and tied it into lapel buttonholes as the decoration of "The Loyal Order of Manila," which order was founded then and there. Within an hour half the men and women in Ottawa were bearing the decoration. You may recall or imagine the excitement there and all over America caused by Dewey's work.

When the morning Topeka *Daily Capital* came in it carried this bit of verse:

"O Dewey was the morning
Upon the first of May,
And Dewey was the Admiral
Down in Manila bay;
And Dewey were the Regent's eyes,
'Them' orbs of royal blue.
And Dewey we feel discouraged?
I Dew not think we Dew."

In a few minutes everybody was repeating it. Within a week it had been published in every corner of the United States, and foreign papers copied it. It is quite safe to say that within ten days it had been printed ten million times.

Of course it was doggerel, but it was good doggerel. It hit the point, and it well illustrates Ware's snap-shot way of writing, his happy ability to focus in a few lines of verse more sentiment, more patriotism than could be expressed in a page of prose. That was his art.

Of course every lawyer has read Ware's versified report of the case of *Lewis vs. The State*, which was honored by being printed in the nineteenth volume of the reports of our supreme court. Hundreds of versified reports of lawsuits have been written, but good lawyers will tell you that this is the most perfect one ever written. Others merely hint at what the court decided, but in *Lewis vs. State*, Ware's report is as perfect and exact as that of the official reporter. That is a strong statement, for the official reporter was one of the best lawyers in Kansas, Hon. W. C. Webb. The syllabus of this strange case states the decision thus:

"Law—Paw; Guilt—Wilt. When upon thy frame the law—places its majestic paw—though in innocence, or guilt—thou art then required to wilt."

The whole report is worth the reading.

Here are two stories for which I am indebted to Mr. Theodore E. Griffith, of Kansas City, Mo., an intimate and long time friend of Ware:

Thomas E. Dewey, of Abilene, was the editor and publisher of the short-lived but brilliant magazine, *The Agora*. He had published a regret that Kansas poets had confined themselves to long, elaborate types of verse instead of producing triolets or sonnets.

Ware had written as a postscript to a business letter to a friend at Topeka: "I see Dewey grieves because Kansas poets have produced no triolets or sonnets. This is sad." The friend at Topeka (Mr. Charles S. Glead) tore off the postscript and sent it to Dewey. Dewey wrote Ware urging that he send him a triolet or a sonnet for the forthcoming edition of the magazine.

While in the office one afternoon in Fort Scott, Ware was opening his mail, and found a letter from Dewey with some clippings.

"Mr. Ware said," relates Mr. Griffith, "'I wrote Dewey that I didn't know a triolet from a violet, or a sonnet from a four-flush, but that if he'd send me some I'd make him one, and this is his response, and he's evidently called my bluff and expects me to make good.' He turned over the envelope in which the letter and clippings had been received and wrote eight lines in probably half as many minutes, and handed it to me. The lines had the simple caption, 'A Triolet,' and were as follows:

"Each second a sucker is born,
In the world outside of Kansas;
We've got to acknowledge the corn,
Each second a sucker is born;
But we laugh the fact to scorn,
And we don't care where it lands us—
Each second a sucker is born,
But he is not born in Kansas."

The lines appeared in *The Agora*, and were copied extensively. They briskly went the rounds of the press, as did all his other Kansas things.

The other story from Mr. Griffith goes to the same point—Ware's off-hand writing.

The two were at dinner. "During the dinner hour," says Griffith, "the conversation drifted to the subject of the religious beliefs of men, and in his rapid-fire delivery he analyzed the dominant idea of the various faiths of religious beliefs from the beginning of written record, enlarging especially upon the quality of faith, and from faith to what he regarded as superstition enlarging upon the theme with a wealth of detail and originality of ideas, in which sincerity was blended with a degree of respect for every religious belief which helped to make the world better, amounting almost to a reverence.

"After dinner he turned to me and remarked: 'We didn't have much trouble in grinding out a triolet for Dewey; let's write a sonnet for Gleed.' I suggested his dinner-table theme, 'Superstition.'

"He pulled a tablet of paper toward him and wrote. The time consumed in the writing appeared less than would be required by the average penman to produce an equal amount of ordinary composition. The lines he had written were:

"Amid the verdure, on the prairies wide,
There stretches o'er the undulating floor,
As on the edges of an ocean-shore,
From east to west, half buried, side by side,
A chain of boulders, which the icy tide
Of glacial epochs centuries before
From arctic hills superfluously bore,
And left in Southern summers to abide.

"So on the landscape of our times is seen
The rough debris of error's old moraines.
The superstition of a thousand creeds,
Half buried, peer above the waving green;
But kindly time will cover their remains
Beneath the sod of noble thoughts and deeds."

The sonnet was mailed to Mr. Gleed, who forwarded it without signature to the *Cosmopolitan*, who acknowledged it by a draft to Gleed's order, which he endorsed and forwarded to Ware.

Ware sent it back to Gleed with the suggestion that the man who could get money out of that sort of stuff had more genius than the man who wrote it. Gleed sent it back. That check, uncashed, is now pasted in the Ware scrap book, in the keeping of the family.

The sonnet has been translated into half a dozen languages, and naturally, is more honored elsewhere than along the banks of the Marmaton.

One of the remarkable features of Ware's character is shown in the fact that he never commercialized his genius. It was not because he was improvident, for he was a careful business man and a money-maker. In his work as a lawyer he insisted on ample retainers and full compensation—and got them. He was not careless of money matters; but he had the same lofty contempt for any one who prostituted his literary genius for money that Lord Byron had. It is a noticeable fact that he never received one cent for any of his verses. Even the different editions of his poems which were authorized by him were published without a cent of profit to him. For at least thirty years of his life he would have been welcomed a contributor by

the highest class of magazines, at good prices. Other and smaller men have hurried to take advantage of much narrower openings; but he did not.

No book or print of any kind touching his verses ever bore his name, with his consent. He always modestly contented himself with his *nom de plume* "Ironquill." Nothing he ever wrote was copyrighted in his own name; always in the name of the publisher.

On the later editions of his work in book form he did receive royalties, but they were religiously kept apart in a separate account and used to send copies of his books to his personal friends who would appreciate them. This rather odd account is preserved, and may be seen now.

This peculiarity of his, as I have just said, was not because of his contempt for the grossness of money consideration. His law briefs and opinions (and they were good literature, too) were all well paid for; but he chose to regard his verse-making as his diversion—his play-spell work. He regarded it as cheap and petty to ask or take money for it. There was no suspicion of the penny-a-liner in his make-up.

Until this time I realize that I have discussed Ware mostly as a wit rather than as a poet. On the matter of his real poetry, as distinguished from his mere verse-making, tastes must differ. His verse most often referred to as his masterpiece, "The Washer-woman's Song," is strong and good. It is strong and good because it is so very human. No one but a manly man could have written it; no one without the delicate feeling of a poet would appreciate the spirit of the theme:

- "In a very humble cot
 In a rather quiet spot,
 In the suds and in the soap,
 Worked a woman full of hope;
 Working, singing, all alone,
 In a sort of undertone:
 'With a Savior for a friend,
 He will keep me to the end.'
- "Sometimes happening along,
 I have heard the semi-song,
 And I often used to smile,
 More in sympathy than guile;
 But I never said a word
 In regard to what I heard,
 As she sang about her friend
 Who would keep her to the end.
- "Not in sorrow nor in glee
 Working all day long was she,
 As her children, three or four,
 Played around her on the floor;
 But in monotones the song
 She was humming all day long:
 'With the Savior for a friend,
 He will keep me to the end.'
- "It's a song I do not sing,
 For I scarce believe a thing
 Of the stories that are told
 Of the miracles of old;
 But I know that her belief
 Is the anodyne of grief,
 And will always be a friend
 That will keep her to the end.

"Just a trifle lonesome she,
 Just as poor as poor could be;
 But her spirits always rose,
 Like the bubbles in the clothes,
 And though widowed and alone,
 Cheered her with the monotone,
 Of a Savior and a friend
 Who would keep her to the end.

"I have seen her rub and scrub,
 On the washboard in the tub,
 While the baby, sopped in suds,
 Rolled and tumbled in the duds;
 Or was paddling in the pools,
 With old scissors stuck in spools;
 She still humming of her friend
 Who would keep her to the end.

"Human hopes and human creeds
 Have their root in human needs:
 And I would not wish to strip
 From that washerwoman's lip
 Any song that she can sing,
 Any hope that songs can bring;
 For the woman has a friend
 Who will keep her to the end."

Flying in the face of general opinion, I think "The Washerwoman's Song" is not his best. He was criticized in a widely printed letter by a really good friend of his, for writing it. The ground of criticism was that it was irreligious, though why that criticism it would be hard to tell, for "The Washerwoman's Song" is essentially reverential. In answer to the criticism he wrote "Kriterion," which is, in my opinion, his best work. The musical rythm—the music of it—the clear conciseness of thought, the dignified movement, mark it as his best piece of finished poetry:

 "I see the spire,
 I see the throng,
 I hear the choir,
 I hear the song;
 I listen to the anthem, while
 It pours its volume down the aisle;
 I listen to the splendid rhyme
 That, with a melody sublime,
 Tells of some far-off, fadeless clime—
 Of man and his finality,
 Of hope, and immortality.

 "Oh, theme of themes!
 Are men mistaught?
 Are hopes like dreams,
 To come to naught?
 Is all the beautiful and good
 Delusive and misunderstood?
 And has the soul no forward reach?
 And do indeed the facts impeach
 The theories the teachers teach?
 And is this immortality
 Delusion, or reality?

"What hope reveals
 Mind tries to clasp,
 But soon it reels
 With broken grasp.
 No chain yet forged on anvil's brink
 Was stronger than its weakest link;
 And are there not along this chain
 Imperfect links that snap in twain
 When caught in logic's tensile strain?
 And is not immortality
 The child of ideality?

"And yet—at times—
 We get advice
 That seems like chimes
 From paradise;
 The soul doth sometimes seem to be
 In *sunshine* which it can not see;
 At times the spirit seems to roam
 Beyond the land, above the foam,
 Back to some half-forgotten home.
 Perhaps—this immortality
 May be indeed reality."

As a piece of pure poetic fancy, his "Violet Star" has never been excelled.
 No mere dreamer could have written it:

" 'I have always lived, and I always must,'
 The sergeant said, when the fever came;
 From his burning brow we washed the dust,
 And we held his hand, and we spoke his name.

" 'Millions of ages have come and gone,'
 The sergeant said as we held his hand;—
 'They have passed like the mist of the morning dawn
 Since I left my home in that far-off land.'

" 'We bade him hush, but he gave no heed—
 'Millions of orbits I crossed from far—
 Drifted as drifts the cottonwood seed;
 I came,' said he, 'from the Violet Star.

" 'Drifting in cycles from place to place—
 I'm tired,' said he, 'and I'm going home
 To the Violet Star, in the realms of space,
 Where I loved to live, and I will not roam.

" 'For I've always lived, and I always must,
 And the soul in roaming may roam too far;
 I have reached the verge that I dare not trust,
 And I'm going back to the Violet Star.'

"The sergeant hushed, and we fanned his cheek;
 There came no word from that soul so tired;
 And the bugle rang from the distant peak,
 As the morning dawned and the pickets fired.

"The sergeant was buried as soldiers are;
 And we thought all day, as we marched through the dust;
 His spirit has gone to the Violet Star—
 He always has lived, and he always must."

The spirit of his verse is elemental. He stayed on earth. He took no flights. He was not afraid to write as he thought. He thought as ordinary everyday men and women think. His charm lies in the fact that he put into his verse the very human thoughts and suggestions that come to ordinary people—the very same intangible, undescribable quality that makes Longfellow and Tennyson to be appreciated by us common folks. He was like the people described by Burns in his letter to William Simpson, who

“Spak their thoughts in plain braid lallans,
Like you and me.”

In his “American Notes,” Rudyard Kipling tells of being interviewed by a newspaper reporter in San Francisco, after a long residence in India—his first day in America. Kipling said to the reporter, “This is hallowed ground, because of Bret Harte.” The reporter answered with a yawn: “Well, Bret Harte claims California, but California don’t claim him. Have you seen our cracker factory and the new offices of the *Examiner*?” And Kipling soliloquizes: “He could not understand that to the outside world the city was worth a great deal less than the man.”

The time is not now, but it will come, when in this city, and in Fort Scott, the people showing their visiting friends about town will point out a house and proudly say, “Ironquill lived there.” At that day they will drive their visiting friends at Fort Scott out to the National Cemetery and point to a great, rough, unchiseled granite boulder, and say, “There is the grave of Eugene Ware.”

Shrines in a new state are slow in coming. They are coming; and Ware’s house and tomb will head the list.

I can not close more properly than by repeating to you his “Adieu,” at the end of his first volume. It contains a tender reminder of his love for his Kansas home:

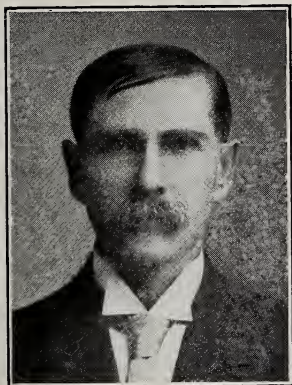
“Oft the resonance of rhymes
Future hearts and distant times
May impress;
Shall humanity to me,
Like my Kansas prairies, be
Echoless?”

EUGENE WARE.

Read before the Saturday Night Club, Topeka, March 9, 1912, by JUDGE J. S. WEST.¹

WHAT may be said here arises out of personal recollection and not from consultation of books or poems, and is intended merely as an attempt to give the impression left on my mind by Mr. Ware.

About the summer of 1871 a number of us were one day at Jimmy Jones' store on Cow creek, in Crawford county. Jimmy was a character. He had been a forty-niner and had seen Lola Montez dance before excited crowds of miners who threw valuable specimens on the stage in token of their appreciation of her peculiar interpretation of the terpsichorean art. He ate



JUDSON S. WEST.

and slept in the little back room of the store and in the front room kept the usual small line of groceries, including "Red Jacket Bitters." He was everybody's friend, and to him from up and down the creek and over the prairies came the young fellows to discuss the gossip of the day and tell Jimmy how it all happened. Whether or not he died I do not know. I think he just evaporated as quietly and sadly as he lived and joked. The store was on the road leading south into the new country, and Jimmy knew everybody who had been in the region any length of time. On the day in question I noticed a man camped with a wagon on the prairie a few rods from the store. He was tall and slender and wore a soft felt hat, woolen shirt, trousers in boots, and when I asked who that man

was, Jimmy said, "That's Captain Ware." Pretty soon Captain Ware came in to chat with his friend, and he used words of such syllabic proportions that to my boyish mind he seemed a man of wonderful erudition. He had the same peculiar voice, graceful swing and manner so familiar in later years. Jimmy had a stack of knives and forks piled up on the shelf, and as Captain Ware was a well known and welcome guest, he went behind the counter and leaned on the shelf to talk. Some way in moving he knocked the stack of cutlery to the floor with a crash that was enough to startle the sphinx. With his inimitable grace and peculiar humor he simply said in a half-solemn tone, "James, those knives fell."

On July 4th, 1876, at the centennial celebration in Farnsworth's Grove at Fort Scott, I next remember seeing Mr. Ware when he read his famous corn poem. He was still slender, and with his piratical moustache and black

NOTE 1.—JUDSON S. WEST, associate member of the supreme court of Kansas, was born in Allegan county, Michigan, June 28, 1855. He was educated in the common schools of his native state and the Kansas University. He studied law and was admitted to the bar. He practiced in Bourbon county, Kansas, and was judge of the sixth judicial district for five years. He was assistant attorney-general nearly six years and was assistant United States attorney for Kansas for more than five years. He was elected associate justice of the supreme court in 1910. Judge West is a Republican in politics and is a member of the Baptist Church. He is a man of fine legal attainments and is popular in Kansas.

Prince Albert suit he presented a picture which has never faded. The poem was published in the Fort Scott *Monitor*, and I committed a good portion of it to memory. It was entirely Waresque. No one else could have written it, and no other man could have read it in that queer voice running from falsetto to guttural bass. I have not read the poem for perhaps thirty years, but I recall certain lines which I used to declaim to the prairie chickens and autumn breezes in my lonely rides across the prairies. It began:

“Our president and governor have said,
In proclamations which you all have read,
That we the record of a hundred years,
Its hopes, its histories, its pioneers,
Should hear in public; wishing to obey,
We meet together on the present day.”

Then to show that the poem must be taken straight he said:

“Nate Price of Troy, at Leavenworth last June,
Told of a backwoods Arkansaw saloon:
Two gay ‘commercial tourists,’ somewhat dry,
Stopped in for drinks as they were passing by.
Says one: ‘Some lemon in my tumbler squeeze.’
The other says: ‘Some sugar, if you please.’
Each got a pistol pointed at his head—
‘You’ll take her straight,’ the bar-keep gravely said.”

Later on came this sentence:

“We all believe in Kansas; she’s our state,
With all the elements to make her great—
Young men, high hopes, proud dreams—’tis ours to see
The state attain to what a state should be.”

The close was in these hopeful words:

“And when a hundred years have drifted by,
And comes the next Centennial July;
When other orators, in other verse,
Far better days in better ways rehearse;
When other crowds, composed of other men,
Shall re-enact the present scene again;
May they be able then to say that she
Is all that we have wished the state to be.”

In March, 1880, I entered the law office of Hill & Sallee, at Fort Scott, as a student, and soon met Mr. Ware, who had a flourishing office and business a little farther up the street. He and Mr. Sallee were firm friends, and as my preceptors were both Democrats Mr. Ware was surprised to find me at a Republican meeting at Centerville, where he and Elder Campbell were to speak and let the party determine which one should succeed Senator Griffin, who had just passed away. Mr. Ware was chosen, and early in the session of 1881 he wrote me to come up and be clerk to his committee on corporations. I replied in his own well-known phrase that I would come if I could “raise the fare;” whereupon he sent me a check and I came up. My duties were not onerous, and I saw much of the senate and its workings, and remember well how he and Noble Prentiss, who was a free lance for the *Atchison Champion*, would fall on each others’ necks when they met. He did not believe in prohibition, but he voted for the statute because he had promised his constituents to do so. One day W. A. Cormany, of Fort Scott, called on him at his room, and, being as cheerful and full of life as ever, Mr. Ware

said: "Corm, if you'll come up and stay with me I'll give you two dollars a day. Corm, if you'll come I'll give you two and a half a day!"

He and his brother Charlie, Ware & Ware, had an increasing law business and were incessant and merciless workers. In fact, Charlie, strong and stalwart as he was, literally worked himself to death. If Eugene happened to get hold of a new law book he was likely to sit up three-fourths of the night and read it through. Once he had a big case involving the guarantee of a note, and had shipped down from the state library a wagonload of books and read from them a couple of days to the court. One day a client deceived him, and he had painted in big black letters and hung up in his office this legend: "The Lord hates a liar"—a sentence somewhat akin to his paraphrased expression that the King of Shadows "loves a mining shark." His recreation was poetry. No one could tell where or how it would break out, but probably when he was tired or out of sorts. He seemed to hate the idea of being known for his poetry; but his "Rhymes of Ironquill," his "Fables," his "Admission of Hic Jones," "The Washerwoman's Song," and the like, kept coming and his fame kept increasing. No one but Eugene Ware could have thought of: "Once a Kansas Zephyr strayed where a brass-eyed bird pup played," or of a cyclone that "calmly journeyed thence, with a barn and string of fence." When Ingalls performed his heroic surgery upon the cuticle of Senator Voorhees there was only one man in the United States who could have conceived and sent this message:

"Cyclone dense,
Lurid air,
Wabash hair,
Hide on fence."

When Dewey blew up the Spanish fleet it was he who exclaimed:

"O Dewey was the morning
Upon the first of May,
And Dewey was the Admiral
Down in Manila bay;
And Dewey were the Regent's eyes,
'Them' orbs of royal blue:
And Dewey feel discouraged?
I Dew not think we Dew."

One evening I was in the *Monitor* office, and there sat Mr. Ware, correcting with the utmost precision the proof of that sonorous euphony about the Marmaton river where "The murmuring Marmaton murmurs." "Still murmur on, O Marmaton." Long years before he had made famous one of its tributaries, the "Yellow Paint":

"From the shores of Yellow Paint,
Where the billows loudly roar,
And the women loudly snore,
Whether they're asleep or aint."

It is no treason to my home county to say that the Marmaton is as muddy and vile and uninteresting a stream as ever wound toward the sea, and the Yellow Paint is as beautiful as yellow mud would naturally be, but these two poems have cast a glamour over the two streams that time or fact or prose or reality can never dispel.

Recently in Colorado Springs a minister recited as part of his sermon almost the whole of "The Washerwoman's Song," and it was as apt and effective as any quotation could have possibly been. I lived for some time within two blocks of Mr. Ware. and doubtless equally near the site of this famous woman, but I never asked him her name or the number of her house. It seemed better to let it all rest as a picture and a song, unsobered by geography and undisturbed by location. His fable about the woman who soaped the railroad track so that the train could not kill her stock was said to be a puzzle to his English readers, who knew of no stock except corporation shares, but it was Kansas language which we all knew well enough.

Some years ago at a banquet at the Goodlander he was prevailed upon to recite the "Admission of Hic Jones," and when he came to the passage about "Thomas, of the 'Wilder,' chief nose-artist of the town," he paused and called attention to the fact that "Tommy" was present in his own proper person, being then the steward of the hotel. "Tommy" had gone out of the nose-painting business owing to the prohibitory law enacted in part by the vote of Mr. Ware.

One time he and I were billed for a schoolhouse meeting to discuss the tariff. The farmers listened in blank obfuscation as he discussed learnedly about the exports of certain far-away islands, and he did not make a vote. But one night in the courthouse square he made a tariff speech in which he said in substance that he was for protection; for protecting the United States against every other country; he was for protecting the continent of North America against all the other continents; the western hemisphere against all the other hemispheres; and the world itself against the moon and all the other planets. This speech made votes.

He was a hale fellow well met, always social and genial and full of jokes and puns, and would swing along the street and greet a friend with a gusto as refreshing as a summer breeze; but he could not make the farmers and workingmen understand him. He had what they called a toplofty air, and he could not impress them that he felt himself one of them. Once while a convention in which he was interested was gathering, he talked with some farmers who were standing delegates, and tried to entertain them, but I could see that to them, as Frank Ryan said about the short hand man, he was talking in an unknown tongue. This and his utter fearlessness and entire lack of policy made it impossible to secure the congressional nomination which once or twice escaped him by two or three votes in his own county convention. Yet all felt and believed that he would make his mark in Congress and be a unique and decided advertisement for the district.

He never did anything like anybody else. He once advertised for a hired girl and held out the inducement that every girl who took employment at his house soon got married. When all the local sentiment was growing and sensitive in favor of prohibition he put a piece in the paper about how prohibition made him tired; and afterward, when an aspirant for Congress, this was copied in dodger form and thrown into all the farm wagons on the public square.

In one brief in supreme court which discussed the practice of taking the other party's deposition and fishing out in advance what he would swear to, he remarked: "Judicial piscary is not yet established in this state." Another time, in replying to a brief which alleged that some one had died of

chronic peritonitis, he said he supposed that must be a good deal like a chronic stroke of lightning. Once, when chosen judge *pro tem.*, he mounted the bench and said: "Mr. Sheriff, you will please see that we have considerable style around here now." His wife and daughters are Vassar graduates, and not long ago he sought in federal court an injunction against the use of the word "Vassar" for certain chocolate candy, and advised the court that he thought there ought to be some rule of law or equity somewhere which would fit the case. But he was a strong lawyer, and when he left Fort Scott years ago to join the Glead firm he was the leader of the bar there, which was no mean thing, for Fort Scott has for forty years had a bar of high caliber. He was much gratified at being able to settle in supreme court several questions of practice. Like Ben Butler, he gloried in a knotty case, and hating fraud as he did, he loved a creditor's bill in which he could make life miserable for some miscreant who had tried to beat his just debts. His experience and practice were wide and his emoluments were large. He was for a time attorney for the Kansas, Nebraska & Dakota Railroad. We had a small damage suit pending against his client, and one evening he sent for me, and I found him out in his front yard telling his children the names of the various planets in the bright summer sky. He said he was on the verge of a collapse and wanted to settle the case with me or arrange for it. But he was all right the next day and had no collapse, though he was overworking himself, as he often did. When he returned from his European tour he gave a talk concerning the same at the Baptist church, and upon introducing him I was struck by his request to leave a chair where he could drop into it as he might need it; but he went through with the address without difficulty. Aside from these indications, and the fact that he carried an unhealed scar from a serious army wound on his arm, he seemed in robust health always until near the end. About twelve years ago he told me that some one said he ought to get a pension, but that he replied that a client did not want a lawyer who drew a pension to thrash out his law suits, but a big healthy fellow who could stand the strain. When later on he did apply for and receive a pension he devoted it to the benefit of a young student in whom he was interested. The last time I saw him at his office in Kansas City, Kan., he said: "I am three times a grandfather, and have not a thing to worry me but the conduct of the Republican party."

He was a harness maker by trade, and that may explain his once driving a mule car down town, to his great delight. Doubtless the leather and the lines brought back memories of many days of leather and clamp and wax and twine. He had a long and fine record as a soldier and always kept in his office the old iron box used for a safe on his campaign. His work on the Fort Scott *Monitor* made him known, and there his reputation as a writer, a poet and a wit began. Had he remained a newspaper man I have no doubt he would have been famous and successful, but he loved the law and desired most of all to be known as a lawyer. No one was ever quicker to appreciate and consider ability in his opponent, and no one more loved the legal fray. But he was a born literatus. His gift of the Ware library was the nucleus of the Fort Scott library, and for a long time was all the city had. I am sorry he left Topeka, he liked the place, and here he felt at home. At the Cr  merie at noon he ordered his pumpkin pie, glass of milk and "fragment of cheese," and made it a place almost as sweet to the memory of its frequenters as

Will's Coffee House was to its London patrons in its palmy days. His big meal must have been at evening, for he told me once that for breakfast he usually had a glass of water and the Topeka *Capital*, and there are those who would consider this a very mild form of breakfast food. As age came on he increased in girth, and his physique and iron-gray hair and moustache would attract attention anywhere. He was abundantly able to quit work, and gradually did retire from the practice, never losing his love for the profession or his interest in his brother lawyers. He had some enemies, and was by no means a bad hater himself, possessing a vocabulary which could express as many different kinds of aversion as ever became necessary. He was erratic, he was different; but the only real description or definition possible to give is that he was Eugene Ware. To us who knew him that is ample and clear, and most clear to those who knew him best. His only public position, save that of state senator, was Commissioner of Pensions. There he showed more courage, made more enemies and was more talked about than any predecessor or successor. It did not fit his nature to be the head of a bureau whose rulings could be reversed and whose policy could be questioned by various tribunals and authorities, and most distasteful of all was the notion that any official act should have any consideration from a political standpoint. After several years of efficient management he left the position with an expressed desire once more to eat pumpkin pie at the Cr  merie, and with a letter of highest commendation from President Roosevelt.

Many thought and think that Mr. Ware was an infidel, but I do not believe it. His mother was a typical, frail, devout New England Congregationalist. His father was also a devoted member of the same church, and having been a sailor for years and an insatiable reader, was one of the most lovable and entertaining old men I ever knew. That Mr. Ware's faith was not fixed there can be but little doubt, but flashing from various poems were expressions that lead one to think that he wanted to believe, and did believe in his own way. When Loren Farnsworth went to him for a subscription towards the expense of getting a Unitarian to come and preach, he replied that his wife and daughters belonged to the Baptist church and he was helping foot the bills where they believed in the Trinity, and he did not see why he should put in money to help tear down two-thirds of that Trinity, and he did not give a cent. I believe he had a greater mind and nature, a bigger heart and brain than many of his acquaintances realized. With all his faults, I am glad he was my friend for more than thirty years and that I can not live long enough to forget his kindnesses, his inimitable voice and manner, his whole-souled hospitality, his love for old-time scenes and friends, and his unique personality. His ambition was to return to the old farm in Cherokee county where he first settled and built a cabin, and write a book. He did return and began writing, and during his usual vacation at Cascade the great heart suddenly ceased to beat, and Eugene Ware was no more to be our neighbor, our friend and our entertainer.

The National Cemetery at Fort Scott is on a western slope crowned by a prominence where the pavilion and superintendent's office are. It looks towards the city, so much a part of which Eugene Ware was for a quarter of a century. Entering the double iron gate the drive leads up the center between rows of headstones, then divides and circles to the right and left, leaving the bare slope of blue grass untouched. Right inside the divide,

fronting the field of graves below, by special dispensation of the War Department, lies the body of Eugene Ware. As I rode out to see the new-made mound it seemed as if by calling he could be induced to rise and greet me with his old-time warmth and vehemence. Forty years ago on the green prairie by Jimmy Jones' store I first saw him. Life was then before him and its promises were sweet. After four decades he was laid to rest in the blue grass only a few miles from these same prairies, life ended, its promises variously broken and kept. But a name and fame gained, and that crown of crowns, the respect and almost idolizing love of his family, and love and gratitude from his country sufficient to break the rule and permit him to rest a little up the hill from his fallen comrades, where one can see a little farther over the old town, a little higher up, a little nearer heaven, where the washerwoman had a Friend who would keep her to the end, and whose faith he said he would not destroy.

EDWARD WANSHEAR WYNKOOP.

Written for the Kansas State Historical Society by EDWARD E. WYNKOOP,¹ of Stockton, Cal.

MY FATHER, Edward Wanshear Wynkoop, well known to the pioneers of Kansas territory, was born at Philadelphia, Pa., on June 19, 1836, and was the youngest child of a family of eight brothers and sisters.

He passed his boyhood days in the anthracite coal regions of his native state, and when about twenty years of age, journeyed to Lecompton, Kansas territory, to enter service in the United States land office there, then under the charge of his sister Emily's husband, General William Brindle.²

Shortly afterwards the trouble between the free-state and pro-slavery factions became acute, and he espoused the cause of the free-soilers, seeing much dangerous service during the troublous period that earned for the now great state her title of "Bleeding Kansas." During the year 1858 General James W. Denver, then governor of Kansas territory, formed a party of provisional officers to administer the civil affairs of a community of goldseekers who had settled at the junction of Cherry creek and the South Platte river, where now is Denver city. At that time the state of Colorado had not been created, and its present boundaries were embraced by Kansas territory, so it was properly under control of Governor Denver. Edward W. Wynkoop, of this party, had been named as sheriff in the little group of officials, therefore was the first sheriff of Arapahoe county,³ in which Denver was afterwards situated.

This body of men slowly traveled to Pueblo, now a large and prosperous

NOTE 1.—EDWARD ESTILL WYNKOOP, son of Edward Wanshear Wynkoop and his wife Louisa Matilda Brown, was born in Denver, Colo., October 6, 1861, and received his education in the public schools of his native city. On June 22, 1898, he married Miss Nellie Augusta Pettie, in Cheyenne, Wyo. She was a native of Boston, Mass., born February 7, 1866, and died at Stockton, Cal., April 10, 1914. The Wynkoop ancestry is an interesting one. The first member of the family was a Hollander who helped in the establishment of New Amsterdam (New York City). Successive generations have served in practically all the wars of the United States—the war of the Revolution, War of 1812, Mexican War, the Rebellion, and the Spanish-American War.

NOTE 2.—For some account of General William Brindle see Kansas Historical Collections, vol. 8, p. 4 et seq.

NOTE 3.—Arapahoe county, K. T., was organized and its boundaries defined by the legislature of 1855. Under the same act Allen P. Tibbitts was appointed probate judge of the county, with power to appoint a sheriff, a treasurer, a surveyor, and justices of the peace, all of whom were to hold office until the first general election. James Stringfellow was appointed clerk of the probate court and Levi Mitchell and Jonathan Atwood, with A. P. Tibbitts, were appointed commissioners

city, one hundred and nineteen miles south of Denver, and during the early autumn of the same year crossed the Palmer Lake Divide and reached their objective point, Auraria,⁴ situated on the south bank of Cherry creek. Considerable friction ensued on the coming of the governor's representatives; so the latter, accompanied by other late arrivals, moved to the east bank of Cherry creek and established a town site, which they named St. Charles.⁵ There cabins were erected and authorized civil government began.

A town-site company had been formed and there was some talk of seeking a charter for it from the Kansas legislature, then on the eve of going into session. The name that had been chosen, St. Charles, was not satisfactory to the party generally, so a meeting was held one evening about a great campfire to choose one more distinctive. A number were proposed and rejected, when E. W. Wynkoop, almost startled at his own youthful temerity, arose and remarked, "Why not name it after our worthy governor, Denver?"

Immediately there was unanimous consent to this proposition, and during further proceedings "Ned" Wynkoop and "Al" Steinberger were chosen as a committee of two, delegated to call on the Kansas legislature, six hundred miles distant, with the purpose of obtaining a charter for the new town site.

Aurarians, just across the creek, had also made plans to get a charter for their townsite; so a race to Lecompton was likely between the two committees. The Aurarian representatives lagged, however, deeming the weather too cold for an advance by their rivals, so the Denver committee stole a march on them, braved the severity of the winter weather, and after much hardship reached Lecompton. Returning later with the coveted charter, they met the Auraria committee traveling to obtain one. Thus was Denver named and its name fixed for all time in history.⁶

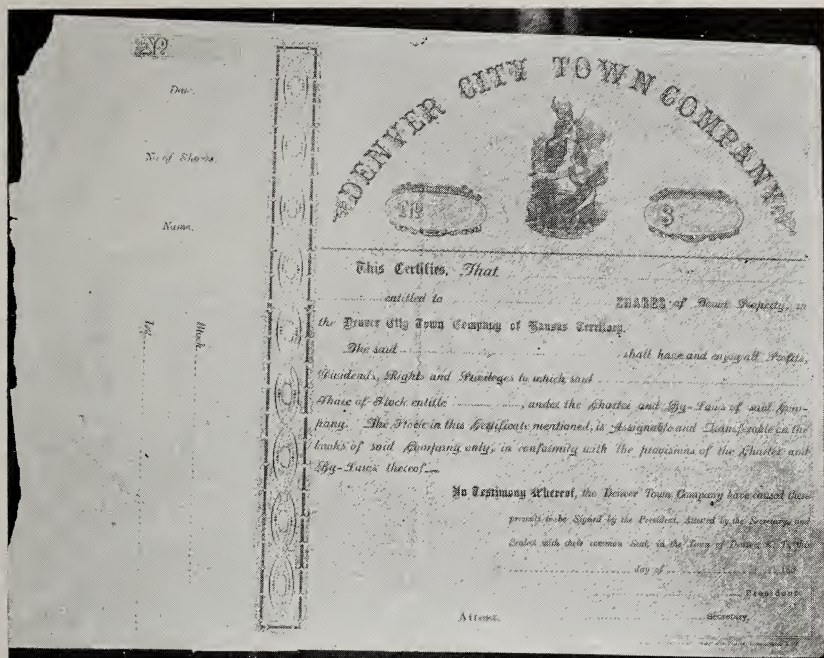
to locate the county seat, which was to be known as "Mountain City." This commission was afterward to serve as county commissioners. The county organization, however, was evidently not completed, for the same legislature (1855) passed an act providing for the annual election of a representative to the territorial legislature and attached the county to Marshall county for all purposes. However, in September (exact date not given), 1855, commissions were issued to Allen P. Tibbitts as probate judge of Arapahoe county, and James Stringfellow as clerk of the probate court. [Executive Minutes, Governor Wilson Shannon, Historical Collections, vol. 3, p. 286.] In the early summer of 1858 gold was found not far from Cherry creek, and prospectors began to go into the country. Governor Denver was thereby influenced to reorganize Arapahoe county and provide a government. Therefore, on September 21, 1858, commissions were issued to the following officers of Arapahoe county, by virtue of their appointment by the governor to fill vacancies: H. P. A. Smith, as probate judge; Edward W. Wynkoop, as sheriff; Hickory Rogers, as chairman of supervisors; John H. St. Mathews, as county attorney; John Larimer, as treasurer; Joseph McCubbin and Lucillias J. Winchester, as supervisors; and Hampton L. Boan, as clerk of supervisors." [Executive Minutes Governor Denver, Kansas State Historical Collections, vol. 5, p. 512.]

NOTE 4.—" . . . The Denver officers went to Auraria, which they had selected as their headquarters, and the site of the future 'Denver City'."—From statement of Mr. W. O'Donnall in the *Lawrence Republican*, January 13, 1859.

NOTE 5.—" . . . St. Charles, situated on the east bank of Cherry creek, and is the county seat established by the corps of officers sent out by Governor Denver; Denver City, so called, is merely a part of St. Charles."—From statement of Colonel Nichols in the *Lawrence Republican*, December 30, 1858.

NOTE 6.—It may be of interest here to give in brief the incorporations of Denver. Auraria, on the west side of Cherry creek, was the first town started on land now embraced within the limits of Denver. In the latter part of October, 1858, and shortly after the beginning of Auraria, St. Charles sprang up on the east side of the creek, General William Larimer being an original inhabitant. In less than a month the St. Charles town site changed hands and became known as "Denver"; Colonel Richard E. Whitsitt was the secretary of the second town company. In the "Private Laws of Kansas, 1859," p. 226, may be found "an act incorporating the St. Charles Town Company." The members of the company mentioned are Admah French, Wm. McGall, Theodore C. Dickson, Frank M. Cobb, Charles Nicholls, Edward W. Wynkoop, William Larimer, jr., Charles Lawrence, William Hartley, jr., and Lloyd Nichols. This act was approved February 11, 1859.

Because the seat of government was so far away there was much confusion in the enforcing of laws in Arapahoe county, and several efforts were made to establish a territorial provisional



CERTIFICATE DENVER CITY TOWN COMPANY.

Wynkoop next engaged in placer mining up Clear Creek, northwest of Denver, taking out a large "stake." He sold out his interest in the gulch for a considerable sum just prior to the beginning of the Civil War. During his mining days he had been married to Miss Louisa M. Brown, whose family had journeyed to Denver from London, England, and a son—myself—was born of the union. Then the war clouds drifted from the far east over Denver, and the First regiment of Colorado volunteers, infantry, was formed to assist in preserving the Union of the states, Wynkoop joining as second lieutenant of company A. Colonel Slough, well known to many

government. Finally after the adoption of a constitution for the Territory of Jefferson an election was held October 24, 1859, and provisional officers were elected. On November 7, a provisional legislature convened, did business for a month, and adjourned December 7. One of its acts was a charter and incorporation papers granted to the "City of Denver." The day following the adjournment of the legislature of the Territory of Jefferson an election was held by the faction upholding the Kansas government, and Richard Sopris was elected a representative from Arapahoe county to the Kansas Territorial legislature. During his incumbency Mr. Sopris introduced three bills relative to Arapahoe county towns which became laws. One to "incorporate and establish the city of Auraria, Kansas territory," approved February 27, 1860. [Private Laws of Kansas, 1860, p. 58.] Another to "consolidate the cities of Auraria, Denver and Highland" (Highland had been organized in the autumn of 1859), approved February 27, 1860. [Ibid., p. 72.] This bill authorized an election to be held in the three cities "for the purpose of ascertaining the sense of the inhabitants in regard to consolidating all three under one name and one common municipal government." The "one name" was to be "Oropolis." The third bill was "An act to incorporate and establish the city of Denver, Kansas territory." This was approved likewise on February 27, 1860. [Ibid., p. 86.]

After the boundaries of Kansas became definitely fixed, the erection of Colorado as a territory followed, and its first legislature, begun September 9, 1861, incorporated the city of Denver, act being approved November 7, 1861. [Laws of Colorado 1861. p. 483.]

Kansans of that period, was in command of the regiment, while Samuel F. Tappan was lieutenant-colonel.

For some time during preparations and fuller enlistment, the regiment was in detention at Camp Weld on the west bank of the South Platte river, almost opposite Denver, and during this time Wynkoop was promoted to the captaincy of his company, August 26, 1861.

On February 14, 1862, Acting Governor Weld received orders from General Hunter to send all available troops to reinforce Canby and oppose the advance of Confederate Texans through New Mexico. On the 22d the First Colorado set out. One or two companies had been mounted for scouting purposes. Proceeding south with all possible speed, the command soon joined forces with the Federal troops who had been driven in retreat to Fort Union, New Mexico. At Fort Union the Colorado regiment remained twelve days, until March 22, when under Colonel Slough they were led southward toward Santa Fe, by way of Las Vegas.

At Bernal Springs Colonel Slough determined to hurry a detachment on into Santa Fe, there to surprise the enemy. This detachment he placed in command of Major Chivington, and with it went Captain Wynkoop with sixty picked men of his company. The detachment left the main body of the troops on the afternoon of March 25, and that evening, word coming in that Confederates had been seen in the neighborhood, a detail was sent to scout. They surprised and captured some Texan pickets, bringing them into camp. The next morning, March 26, the detachment started on a cautious advance, meeting in the afternoon, in Apache cañon, a body of Confederates under Major Pyron. The battle was short and sharp, resulting in a decided victory for Chivington and his men. After the fight, on account of better camping ground, Chivington fell back to Kozlowski's ranch, where he was joined by Colonel Slough with the rest of the regiment.

The engagement of Apache cañon was followed by the gory contest of Gloriéta pass—frequently called Pigeon's ranch—March 28, 1862. Here the fighting was fast and furious, and one of the spectacular as well as gallant occurrences was the capture of the wagon train, ammunition and valuable stores of the enemy by Major Chivington's detachment, in which Captain Wynkoop commanded a battalion. These men fairly slid down a steep mountain side upon the unsuspecting Texans.

La Gloriéta inflicted a serious loss on the Confederates; their stores were taken and destroyed; and their horses and mules, found corraled, were bayoneted. The Texans were finely mounted, and it went hard with them to have to walk.

After this battle, on order from General Canby, the Union troops fell back to Fort Union. They remained there but a few days when orders came from Canby to hasten to his aid near Albuquerque. He had formulated a plan to compel Sibley and his army to withdraw from New Mexico, and had found them occupying Albuquerque, having evacuated Santa Fe April 5 on their "retrograde movement." After some skirmishing Canby withdrew from Albuquerque some fifteen miles to await his reinforcements from Fort Union, which arrived April 13. The day following, the entire command set out in the wake of Sibley's army, which had in the meantime withdrawn from Albuquerque and started south.

At Peralto the Confederates were surprised and a sharp skirmish ensued.

But the strength of Sibley's army was broken and they were already in full retreat.⁷

Captain Wynkoop, for distinguished services, was promoted to major of the First Colorado in April, 1862, filling the place made vacant by the promotion of Major Chivington, who became colonel of the regiment on the resignation of Colonel Slough.

After Peralto the fighting amounted to little, consisting of pursuit and a few skirmishes, so the regiment was divided and placed in garrison at several points in New Mexico, Major Wynkoop being held in command of Camp Valverde for six months longer. Many of the wives of the officers and privates had joined their husbands long before this term of garrison duty was ended, among them being Mrs. Wynkoop; so when the Colorado volunteers returned to Denver the march had much the resemblance of a big family party on its way home from some holiday expedition.

Through the efforts of Colonel Chivington the regiment was transferred to the cavalry arm of the service, November 1, 1862, its new designation being First Colorado cavalry, and was ordered back to its home state for service early in 1863. At the beginning of the new Mexican campaign the Texans had called the Colorado troops "Pet Lambs," but after Gloriéta they formed a different opinion of the "Pike's Peakers," regarding them as "regular demons." However, the sobriquet clung, and the banner of the veteran battalion, First Colorado cavalry, had as an emblem the figure of a lamb with the word "Pet" above it.

In Colorado the troops were placed at various forts, with the exception of five squadrons. This command was sent out under Major Wynkoop to find and punish the Ute Indians, who had been raiding in central Colorado. After an extended, useless search for the marauding tribesmen, during which the command suffered many privations, Major Wynkoop led his troopers back to Denver. There they were received by the governor.

Major Wynkoop was sent to take command of Fort Lyon, Colo., in the spring of 1864, with Captain Soule as second officer. At that point history was subsequently made that has caused bitter differences of opinion throughout the state until the present moment, arising from what was known as the "Sand Creek Massacre." Its story runs about as follows:

The Cheyenne Indians had been on the war path in southeastern Colorado, in which locality Fort Lyon was situated, and it was the business of that garrison to prevent their depredations so far as was possible. Scouting parties from there and adjacent garrisons harassed the Indians considerably, until probably the latter began to realize that a movement for peace was most politic, for at last there were indications that they desired to make a treaty with the government.

There being reason to expect treachery on the part of the redskins, Major Wynkoop had issued strict orders that any of them seen approaching the guard lines should be shot, and he notified the Cheyennes of his decision in this respect. Despite the danger, however, a lonely Cheyenne warrior appeared one day waving a flag of truce, and utterly disregarding the repeated warnings of the sentinels, calmly walked within rifle range. Wynkoop had

NOTE 7.—For a more extended account of the First Colorado regiment in the campaign in New Mexico, see "Colorado Volunteers in the Civil War, New Mexico Campaign in 1862," by W. C. Whitford, published by the Colorado State Historical and Natural History Society, 1906; and Dr. Frank Hall's "History of Colorado," 1889, p. 275 et seq.

been summoned while the Indian was coming forward, and appeared just as the sentinels were about to fire. He immediately ordered that the Indian be not harmed and had him brought in for a parley. Then it was discovered that the Cheyenne, One Eye, was an emissary from his band, come to plead for peace.

Admiring the man's courage and supreme unselfishness in calmly facing almost certain death for his people's welfare, Major Wynkoop hearkened to his plea and assured him that an effort would be made to have a peace treaty concluded. Wynkoop stipulated, however, that the band to which One Eye belonged should surrender as prisoners of war and establish camp at Sand creek, about five miles from Fort Lyon; Chiefs Black Kettle and White Antelope, brothers, at the head of the band in question, were to consider themselves hostages as a guarantee of the good behavior of the warriors. This was assented to, and besides surrendering, the Cheyennes turned over to Wynkoop four white captives—Laura Roper, two boys, and a tiny flaxen haired girl, Isabella Eubanks.⁸ The Indians were acting in good faith and trusted to white men's promises implicitly; only, alas, to find greater treachery among the people of civilization than any they had ever practiced.

With his two main hostages, and five other chiefs regarded in the same light, and the four who had been liberated from captivity, Wynkoop traveled to Denver, his purpose being to enlist the governor's aid in having the authorities at Washington make a peace treaty with the willing Cheyennes—a far more humane method than to pursue and slaughter them. Not being able to do much there in this direction, he soon returned to Fort Lyon with his hostages.

In the meantime a hastily formed one-hundred-day regiment—properly the Third regiment, Colorado volunteers—had been enlisted at Denver, on the representation to the War Department by Colorado's governor that it was needed to protect settlers from Cheyenne depredations. Colonel Chivington was placed in command of this regiment, and led it southward, determined to obliterate the trustful prisoners of war encamped at Sand creek. Also at this juncture some secret influence caused Wynkoop to be transferred to the command at Fort Riley, Kansas, Major Scott J. Anthony being sent to relieve him at Fort Lyon.

In the presence of Major Wynkoop, Major Anthony met the Cheyenne chiefs and promised to protect them as prisoners of war; so Wynkoop departed for his new assignment. Two days later the new regiment arrived at Fort Lyon, surrounded that post with a cordon of sentinels so that news of their purpose should not reach the Indians, and called on Major Anthony to accompany them to the field of their intended operations that night. Anthony is said to have expostulated against the murderous plan, but was overruled by his ranking officer, Chivington; the ending of the matter being that Captain Soule of the garrison was ordered to take several platoons from the forces of the fort and accompany the Third regiment. This he did, but when the dreadful slaughter began this brave officer resolutely refused to have a hand in it. Chivington stormed at his decision and threatened him

NOTE 8.—For accounts of these Indian captives see also Frank Hall's "History of Colorado," p. 335, et seq; Transactions Nebraska State Historical Society, vol. 2, p. 198; Dawson's "Pioneer Tales of the Oregon Trail," p. 171; and Root's "Overland Stage to California," p. 353.

with arrest in irons and subsequent court martial, but he remained steadfast to principle; neither would his men fire a shot, although repeatedly ordered to do so by Chivington, all sitting on their horses like statues during the whole bloody affair. The men of the Third regiment had stolen stealthily upon their unsuspecting quarry and had been most advantageously placed, so that the fearful work proceeded without a hitch.

But let the veil be drawn over the scenes of ferocious atrocity, in which defenseless men, crying women and innocent babes met with such inhumanity as is supposed to be typical of savagery only. The morn might well blush, the heavens weep at sight of civilization's crime! The date of this massacre was November 27, 1864.

Wynkoop was wild with rage when he heard of the crime committed by Chivington and his command, and demanded their trial and punishment for the deed. But strong, hidden forces—forces which lie in safe covert to avoid danger when the soldier is at the front, but often reach forth their slimy fingers to befoul his good record—demanded that Wynkoop be punished for leaving his post of duty with his hostages, even though it was vitally necessary that he do so in those days of slow communication between heads of government and their subordinates.

The outcome of the whole matter was that Wynkoop's actions were very thoroughly investigated by the federal government; he was exonerated from blame and officially praised, afterward being appointed chief of cavalry for the Upper Arkansas district, on June 17, 1865, by command of Major General Dodge, commanding the Department of the Missouri. On March 13, 1865, prior to this appointment, Wynkoop had been brevetted lieutenant-colonel.

On the other hand, Chivington and some of his officers narrowly escaped being imprisoned for long terms as punishment for their joint crime at Sand creek, and were bitterly censured by the War Department. This is a matter of official record at Washington, D. C., where also forty pages of the records are devoted to the military achievements of Major E. W. Wynkoop.

As a side incident, let it be added that afterwards Captain Soule was murdered, after testifying against the Third regiment at Denver. Wynkoop caused the arrest of the assassin later and sent him to Denver for trial; but his custodian, Lieutenant James Connor of the First Colorado volunteers was poisoned to death in his bed and the prisoner was aided to escape.

Having become disgusted with the conduct of these matters in Colorado and the war being practically ended, Wynkoop resigned from the army on July 11, 1866, and proceeded to Washington, D. C., to confer with President Andrew Johnson, successor of our martyred Lincoln.

Senator James R. Doolittle accompanied him and urged the President to appoint him agent for the Cheyenne and Arapahoe Indian tribes. Johnson demurred, desiring to retain him in military service, and offering him a commission as captain in the regular army. This Wynkoop refused, explaining that he had no desire to be a soldier in time of peace, and that he believed himself able to do much in the settlement of the vexatious Indian problem if appointed to the position he had applied for. At last President Johnson agreed to do this, and shortly afterwards Wynkoop was sent to Fort Larned, Kan., to enter upon his new duties.

His success with his charges, after they understood that he desired to

deal with them justly, was brilliant; so much so that his fame in that respect was well known throughout the East, and he was even invited to deliver an address at Cooper Institute, New York City, on the Indian question, following his resignation as Indian agent. This he did, and some of his ideas there expressed have since been in constant use in dealing with agency Indians.

He resigned as Indian agent in 1868 and went to Pennsylvania to engage in the iron-making business with his brother John, an ex-colonel of a Pennsylvania war regiment of brilliant record, as partner, and was almost immediately successful. This good fortune continued until the panic of the early '70s struck the country, ruining thousands of prosperous business concerns, when he and his brother suffered the common fate of the unfortunate of that dark financial period.

A struggle for existence ensued with him, and at length he joined the general rush then being made into the newly opened Black Hills gold country during the year 1874. He fought his way to Custer, S. Dak., through hordes of Sioux Indians, after having been wounded during an attack made by the savages upon his party. At Custer he was unanimously elected to the command of a body of three hundred rangers just raised there, with "Jack" Crawford, the "Poet Scout," as second officer. After some service in Indian fighting for the Custer city people he traveled onward to famous Deadwood city, and there took up a mining claim that yielded him a fair living. This claim, the Lulu Lode, he later disposed of for a moderate price, and it afterward became a famous producer. He then entered the service of a Deadwood newspaper and started east in an endeavor to improve its business.

At that time the Custer massacre had just occurred, but the Black Hills people did not hear of it until a month later, although so close to its location. The roving bands of Indians had made communication with the outside world so unsafe as to temporarily paralyze it. Again, through peril, Wynkoop and four companions made their way slowly, the party having many startling and queer adventures, and at last floated down the Missouri river on a raft to civilization and safety.

After reaching Pennsylvania, feeling that return to the Black Hills was inadvisable, Wynkoop went from one employment to another up to the time of his appointment as United States timber agent for Colorado in 1882. This district he held for some time, then was transferred to the district embracing New Mexico and Arizona, with headquarters at Santa Fe, New Mexico. Although his services were satisfactory in every respect, he was superseded by a new appointee on change of administration at Washington.

In 1890 he was appointed warden of the territorial penitentiary for New Mexico by Governor Prince of that territory, giving entire satisfaction during his term of service. However, some time in 1891 he was superseded, during the temporary absence of the governor, by a new appointee of a partisan board of penitentiary managers.

During Wynkoop's residence in New Mexico he had been appointed adjutant general of the territory, and was elected commander of Carleton Post, Grand Army of the Republic, and also department commander for the southwest district of the Grand Army of the Republic in 1884.

Major Wynkoop died September 11, 1891, at the age of fifty-five years, leaving a widow, three daughters and five sons. He is buried in the National Cemetery at Santa Fe, N. M. Throughout the southwest, and as far north

as Montana and the Dakotas, newspapers mentioned his decease and followed with praise of his character and achievements; the least said about him by the most frugal of word in this respect being that he was honest, brave and loyal to the core.

Possibly he was less honored in this manner in Denver than by other communities that had intimately known him—Denver, the city he had named,⁹ which he had ever loved, and whose unworthy and unjust elements he had ever fought the hardest against.

A street is named after him there, the only honor vouchsafed him, but numerous attempts have been made to even blot his name from the city's map; so far without success.

Rancor dies hard, but love is immortal, after all!

A comrade, Captain Jack Crawford, has expressed this love in a beautiful poem—one of those emanations from the muse of poetry into which she has breathed her own eternal life and undying spirit. Reading it, I am satisfied with all that I have written above.

IN MEMORIAM—NED WYNKOOP.

A golden chain, whose never dimming luster
The roseate warmth of comrade love revealed,
Bound close the hearts of two who oft did muster
'Neath Union's flag, upon the tented field.
They fought in widely separated regions;
One on the grand Potomac's battle breast,
The other battled with the redskin legions
And equi-fearless Southrons in the west.

When the white dove of peace, with downy pinions,
Sailed o'er the heads of late contending foes,
And all the Southland's poor, mistaken minions
Lay crushed beneath the Union's heavy blows,
These comrades met far out amid the mountains,
And each fell captive to that chain of love,
While from their hearts, in clear, unsullied fountains,
Flowed friendship pure as if from heaven above.

Of clasped hands in true fraternal greeting,
When life's tide threw them in each other's way,
And love was stronger at the final meeting
Than 'twas before their heads were touched with gray.
They parted—in their hearts there was no presage
Of what hung o'er one comrade's loyal head,
Till to the other came the woeful message,
On swift electric wings, "Ned Wynkoop's dead."

For one dark hour that golden chain seemed broken;
My stricken heart was rent with keenest pain;
And loud I cried to God to send a token
That he I loved on earth would live again.
Then came a voice, "That chain is yet unbroken;
New links are added—links of holier love—
It reaches now from earth to highest heaven—
From your bruised heart to comrade's heart above."

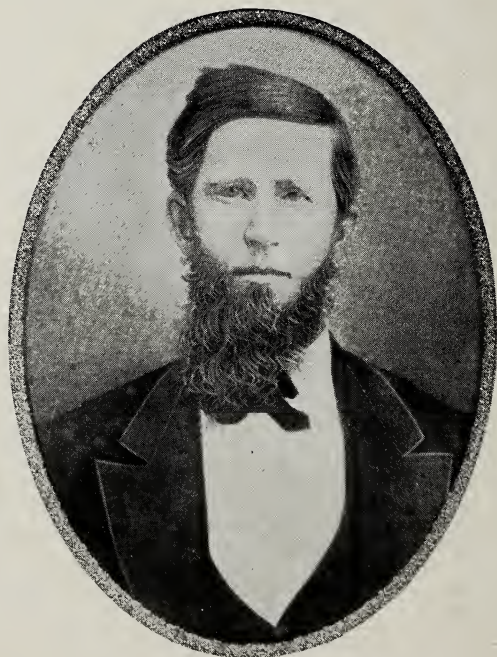
—Capt. Jack Crawford.

NOTE 9.—While Major Wynkoop and his family were living in Denver, Miss Denver, a daughter of Governor J. W. Denver, visited them to express her appreciation that so beautiful a city should bear her father's name.

BIOGRAPHICAL SKETCH OF JOHN NELSON HOLLOWAY.

Written for the Kansas Historical Society by his grandson, GEORGE WHITTIER JOHNSTON,
of Carancahua, Texas.

JOHN NELSON HOLLOWAY'S grandfather, Joseph Holloway, was an Englishman, who first settled in Worcester county, Maryland, but afterwards moved to Delaware. He was a Quaker. He married a Miss Rebecca Holloway and as a result of this union there were nine children five boys and four girls. The boys were Joseph, Ebenezer, Kendal, Henry and Joshua; the girls, Hannah, Martha, Fanny and Nancy. Joseph Holloway himself and his wife and children were physically very large and strong.



JOHN NELSON HOLLOWAY.

Joseph Holloway, sr., died when his son Joseph was twelve years old, and left an estate of \$20,000, part of which consisted of slaves. Of this estate Joseph, jr., received only \$260, and was bound out to one of his brothers-in-law, who, he soon learned, was charging him with his board and lodging which he was in reality earning. He therefore determined to run away, and, accompanied by another brother-in-law, finally arrived at Ross county, Ohio. Here, at the age of twenty-one, he met and married Miss Sallie Witherly Timons. Miss Timons' mother was of Irish descent, and her father English. Her parents had come from Maryland to Ohio. Joseph, jr., and

his wife had eleven children, four boys and seven girls. The names of the boys were John Nelson, Orson, Volantine and Joseph H; the girls' names were Elizabeth, Rebecca, Mariah, Samantha, Sarah Ann, Mary and Hannah. Rebecca, the oldest of the children, never married. Elizabeth married Spencer Haigh. Mariah married David Archibald. Orson, a youth of brilliant mental abilities, died of consumption at the age of twenty, while in his senior year at Asbury College (now De Pauw University), Greencastle, Ind. Samantha married John Johnston. Sarah Ann married Charley Brooke, a minister. Joseph H. graduated in law at Asbury College and settled at Fort Dodge, Iowa, where he acquired a splendid practice. He went to war, however, and after seeing service at Norfolk, Va., died of camp diarrhea. Mary married George Green. Hannah married Daniel Tyndall. Volantine, having lost his hearing after a spell of sickness, attended the Indianapolis Deaf and Dumb Institute, where he made such progress that he was appointed one of the instructors. Before he could take up his duties, however, he died of consumption.

At the time of his marriage with Miss Timons, Joseph Holloway owned about sixty acres of land in Ohio. Many of his friends having gone to Indiana, he determined to follow their example, and accordingly in 1832 moved there with his family. He went direct to Lafayette, Ind., and after prospecting around a bit bought one hundred and sixty acres of land for \$2.50 an acre. The land was located about thirteen miles from Lafayette, in what is now Tippecanoe county. There was a small village about two miles away, in Warren county, called Milford. Milford is now known as Green Hill. Four years after his first purchase he bought the adjoining hundred and sixty acres of land, and later eighty acres more.

It was here on this farm that John Nelson Holloway was born, on March 9, 1839. Of his boyhood little is known, and the first definite account we have of him is found in his diary, which states that he spent two years at Thorntown Academy preparing himself for the sophomore class at Asbury College (De Pauw University).

After entering Asbury, in 1859, he found himself much discontented because he compared so unfavorably with others of his age in the classroom, and because of a lack of congenial friends. Although he studied constantly during the day and far into the night, he could not, he says, compete with the geniuses there who frolicked half the night, and then after a cursory glance at their books the next morning went to class and made a better recitation than he. To add to his discomfort, his uncouth manners made him very ill at ease in society, so that altogether he was not much impressed with the advantages that Asbury had to offer him.

After the first year, however, he began to make friends and feel more at ease. The second year he taught a common school at New Richmond, Ind., returning about four weeks before the close of the session at Asbury to prepare himself for the examinations covering the year's work. It was while he was teaching at New Richmond that he first took out license to "exhort," as he expresses it. He had expected to spend the summer at Asbury, but about this time the war fever broke out, and in company with some other students from Asbury, he went to Indianapolis, Ind., to volunteer. He found however, that few volunteers were being accepted, so rather than disappoint some of the others who wished very badly to go, he did not volunteer.

The following summer he spent at home. He made two attempts to join the army that summer, but always found too many ahead of him, so he at last concluded that he was destined never to serve as a soldier. He was right in this conclusion, for, although he made two other attempts later on, he was always rejected, or something came up to prevent his acceptance.

In the fall of 1860 he began to cast about for a situation as teacher, for after his first year at Asbury his father decided that he had had enough schooling, and refused to send him any longer. Finally he secured a position as teacher at Wesley Academy, in Montgomery county, Indiana, near Waynetown. Here he confesses that he had an easy time of it, studying all his spare time, and having to teach but six hours a day. He also preached nearly every Sunday, lectured to the school every month, and occasionally made a patriotic speech in behalf of his country. He went to Asbury after school closed and passed the examinations there with ease.

In 1861 he again secured a position at Wesley Academy. In the spring of 1862 he became engaged to one of his pupils at Wesley, a Miss Henrietta Hall, who, however, was a year older than he. On June 26, 1862, he graduated from Asbury College, and on July 1 married Miss Henrietta Hall. He taught, as principal of Wesley Academy, from 1862 to 1863, and in the fall of 1863 entered the Northwest Indiana Methodist conference. In 1864 he traveled the West Lebanon circuit of this conference, and in 1865 the Laporte circuit. For some time prior to this Mr. Holloway had been quite convinced that his mission in life was to spread the gospel, and he worked very hard to succeed as a minister. But when at the close of his year on the Laporte circuit the presiding elder informed him that his services would not be required another year, and when his salary was not forthcoming by nearly a hundred dollars, his zeal for the profession considerably lessened, and he began for the first time to doubt his fitness for the ministry. At length he decided to quit it for good and all. In September, 1865, therefore, he accepted a position as teacher at the Northern Indiana College, at South Bend, Ind. The principal of this school being very high-handed in his dealings with the teachers, and allowing them absolutely no voice in the government of the school, Mr. Holloway at length asked to be released from his contract to teach. This was done, whereupon Mr. Holloway immediately set up a private school of his own. As he was very popular with the students, he soon had a school with five times as many students as the Northern Indiana College. Despite his success here, he was not satisfied, and finally yielded to a desire to go to Kansas. Accordingly, in the fall of 1866, after resigning from the Northwestern conference, he went to Kansas, stopping first at Lawrence. Failing to secure a school there, he went to Ottawa, where he was engaged to teach.

Mrs. Holloway joined him at Ottawa, and he built a little house on a lot he had purchased there. But their stay was destined to be a brief one, for in 1867, shortly after the school at Ottawa closed, Mr. Holloway determined to write a history of Kansas, and as he saw that in gathering the material he would have to spend much of his time in Topeka, he decided to move there with his family.

The story of how Mr. Holloway conceived the idea of writing a history of Kansas, of his prosecution of that design, and the description of the difficulties he met with and overcame, are best told by him. I now quote verbatim from his diary.

"Since I last wrote in this book [the diary] my entire time and energies have been devoted to the 'History of Kansas.' I will now tell of the origin, prosecution and consummation of this design.

"While boarding at Mr. Whetstone's, at Ottawa [Kansas], one Sunday afternoon the idea entered my head, Why has not Kansas a written history? At first I thought perhaps she had; so I wrote to several leading men of the state inquiring about the matter. I learned from them that Kansas had no written history and that they would be glad to see some individual undertake the work of preparing one. I continued to nurse the idea, to examine the features of Kansas history, whether such a book would pay, and especially whether I could succeed in writing and publishing such a book. I finally decided, as my way in other directions seemed hedged up, to make the attempt—to run the risk. I stated the reasons why I came to Topeka in the previous chapter [to better enable him to gather the data for the history].

"The first great difficulty, and I may say the last and only difficulty, from beginning to end was the want of means. I had not more than \$25 in money to my name. I formed the plan of borrowing \$200 of father to begin with, and afterwards I hoped to pay my way selling books. I made the application of father for the money and it was granted. I wrote for the agency of Greeley's 'History of the American Conflict,' which I obtained but never did anything with. This money enabled me to begin. But it was not long before I saw that I must cast about for a livelihood, for my money would soon all be gone. I then procured a life insurance agency and went to Lexington, Mo., to operate. I was gone about five weeks and spent about \$40 more than I made. But I learned much of the Missourians, and gathered items that were of assistance to me in writing. I returned home almost penniless. My case was a desperate one. I would have taught, but no school could then be obtained. I could not obtain more aid from father, and yet aid I must have. I therefore sat down and wrote to my brothers-in-law, William Nagle, D. Archibald and C. A. Brooke. From the latter I obtained a favorable response. By mortgaging my lots at Ottawa I obtained a loan of \$500. This was what I wanted, and with it I went to work in earnest. I knew that it would last me until I could get the main part of the work written, and then I hoped in the fall to get a situation as teacher in the public schools here. The cost of publication was yet to be provided for.

"I therefore spent the summer in gathering material and in writing. I traveled over a good part of the state, visited many of the early settlers and principal actors in the scenes described, secured files of old papers, official documents, etc. The writing was a tedious and laborious task. I generally wrote from ten to fifteen pages per day of original matter. I began writing about the first of June, and finished the first of October, though I spent some of the interval in gathering material. At the proper time I made my application to the board of directors for a situation as principal of the public schools in this city [Topeka]. An examination of the applicants was held, but on account of the partiality and injustice of the examiners I failed to secure a proper certificate. The partial course pursued by the examiners was too flagrant to pass unnoticed, so the directors ordered a new examination before a new committee of examiners. Before these I and one other man made our appearance. I passed examination in all the studies, but my competitor only passed in the lower branches. Notwithstanding this he was elected by

voting for himself, he being one of the directors. So I failed to get the position.

"I determined then to publish my history at once if possible. But how could I do such a thing without money, and money I had not. I wrote to publishers, got their terms, and ascertained the cost. It became evident to my mind that if I ever published the book at all it would be by the assistance of others, and that I could probably never more easily secure that than at that time. I concluded to make a final and earnest appeal for help. I wrote to father a most feeling letter, entreating aid for the last time. He replied that he did not know if he could raise the money desired, but would see about it. The reply I felt to be favorable though not decisive. I felt that I could succeed. I therefore at once set out for Indiana, with my little daughter May. . . .

"On arriving at home I met father on the road this side of the house. He seemed glad to see me, and at once said he had written to Archibald for some money, and had spoken to Brooke, who had promised \$300. I felt that all was safe.

"But home comes Vol [his brother Volantine] that night from Brooke, with a letter opposing father's assisting me. I heard Vol reading it from my bedroom. I heard them conversing about the matter. I determined that before the letter should have much effect upon their minds and decide their plan, I would see them and remove the effects the letter was calculated to produce. With the comforters wrapped around me, I arose and went into the other room where my parents were. I then explained matters; told them I had no desire to run them into debt; that I felt confident of meeting all my obligations, and stated plainly my financial condition. It was a critical time, and I felt that all might yet be lost. Father, however, said, "Go to bed, and the assistance shall be given." This was decisive, and I felt again that all was safe.

"The next day we went to Lafayette [Indiana], I with the purpose of going to Cincinnati to put my book in press. While in Lafayette, having a few spare moments, I called in the *Journal* office [the Lafayette Morning Journal, a newspaper still in existence there] and ascertained their prices. Knowing Cincinnati prices, I found that at Lafayette I could get the work done some \$300 cheaper and on more favorable terms than at Cincinnati. So I made a contract with them. Having a ticket to Cincinnati, and desiring to see about engravings, I went on to that place. After visiting a number of artists, among them Mr. Jones who engraves for the *Repository*, and also the chief book establishments, I returned to Lafayette. On arriving at the latter place I found that the *Journal* company were unable to fill their contract for want of the means of stereotyping. For a time it seemed that the whole project must fail; the *Journal* company unable to fill their contract; I unable to comply with the terms of the publishing houses elsewhere, who wanted all cash. My prospects grew gloomy, indeed. I felt that there was but one course left, and that was to change the contract with the *Journal* company so that they could fill it, and at the same time gain some advantage for so changing. This I did, and obtained the contract with less cash and upon longer time. Thus things were fixed, and type for my first book began to be set up.

"For several weeks everything lingered—paper was delayed and new

type had to be procured, hands would leave, and this thing and that thing prevented a vigorous prosecution of the work. It was to have been out by the first of December, but did not get out until the middle of that month. I boarded at home most of the time, riding in to town and back again every day. About the middle of December, the last page having been printed, I started home. Upon the next page will be found a summary of the expenses attending the preparation of the "History of Kansas":

Cost of preparing copy, about.....	\$500.00
Paper, setting type, printing, etc.....	1,594.00
Engravings (cuts, etc.).....	240.00
Binding.....	1,030.00
Total.....	\$3,364.00
Traveling expenses.....	100.00
	<hr/>
	\$3,464.00

"After the book was published came the selling. I put it in market under the most adverse circumstances. Times grew tight, money was scarce, and people here were busy about paying their taxes. It was in the winter time, when few were making much money.

"I first put notices of the publication in the leading papers of the state, calling for agents, etc. Agents in several of the principal towns were easily secured. The legislature met, and I sold books to the members, while agents did the same. In this way I gathered in about fifty dollars a week. After the legislature adjourned I purchased a horse and buggy and started out to sell books and establish agencies. I have been out driving the past three weeks and sold over two hundred dollars' worth, and established a number of agencies. People look with surprise upon me as I tell them or they learn from others that I am the author. I learn many things that will be of advantage to me in preparing my second edition by traveling and mingling among the masses.

"I am now making every effort to pay my debts, and I hope to succeed, though I do not sell so fast as I expected in consequence of the exceedingly hard times. I am involved now about \$2500, and am resolved to pay out."

"BOURBON, ILL., Jan. 11, 1869.

"Again I take up my pen to record the chain of events that marks my life's experience thus far.

"I spent the past summer in selling my book. I bought me a horse and buggy, in which I traveled from town to town in different parts of the state where I would spend a few days, sell all the books I could, appoint a local agent, and then pass on. In this way I visited almost all the towns in Kansas. At night I would camp out, do my own cooking, and sleep in my buggy. During the day, while traveling, I would shoot game sufficient for my meat. The grass on the prairie furnished nice grazing for my horse. I would lariat him out and let him enjoy it. In one of these expeditions Etta [his wife] and the children accompanied me. They enjoyed it finely

"I shall never forget my rambles as a book peddler. Though a hard life, I found much enjoyment in it. I succeeded in selling quite a number of books, but by no means succeeded as I hoped. Money was too scarce. I have succeeded, however, in paying off about \$1000 of debt.

"After having traversed Kansas all over, I concluded to go east to sell books. So we sold off all our household goods, put my business in as good a shape as possible, and then started for Indiana. My family stopped at my father-in-law's while I went on to Lafayette. Here I tried to sell books in Lafayette, but could not effect much. The *Journal* company was very anxious for some money on binding, but I determined not to pay them anything, as they had done the work so poorly. I am confident that the poor-ness of the binding damaged the sale of the books far more than the cost of the same. Archibald was insultingly urgent for the payment of what I owed him. Being pressed on all sides mostly, I determined to retire to Illinois, partly out of disgust and partly to await developments. If the *Journal* company sued I intended to offset their claim by damages. On going east I felt that the company would not likely send me more books without payment for same. After looking around for a week I obtained a school at Bourbon. I found it was late to look for a school and difficult to get one, I being a stranger."

The school at Bourbon paid Mr. Holloway \$75 a month. When this school closed he went to Normal, Ill., to study the methods of teaching that obtained there, taking his wife with him. After renting a house he was ready to pursue his studies. But his money was nearly all gone, and it became necessary to devise some means of obtaining enough to live on. At length he hit upon the novel scheme of selling little bottles of cement for mending furniture and glassware. He made the cement himself, according to a formula found in that celebrated work and old-time favorite, "Dr. Chase's Recipes." He managed by this means to get along very comfortably, selling from \$2 to \$3 worth of cement an afternoon after school hours, and when he had a whole day at his disposal making from \$5 to \$6. Indeed so successful was he in his sales that he canvassed other towns in the state, such as Peoria, Decatur, Galesburg, etc.

In July, 1870, Mr. Holloway started out to look for a position as a teacher. In his search he visited many towns, and at length received word that he had been engaged at Pana, Ill., at a salary of \$1200 a year. He was to be principal of this school, and, as it was his first graded school, he entered upon his work with "fear and trembling." The value of his study of the methods used at Normal, and the advantage he had taken of the large collection of books on education in the library there, were now of inestimable benefit to him, and he handled his seven assistant teachers and 350 pupils with little difficulty. Although very popular with the student body at Pana, the directors took a dislike to him, and seeing that there was no chance of securing the school again, he obtained the principalship of a school at Centuria, Ill.

At this time in his life we find Mr. Holloway telling us in his diary that he feels himself greatly changed mentally. In order to understand and appreciate this change it is necessary to remember that in his youth (as his diary tells us) he was very ambitious, that he was fully convinced that his true mission in life was to be a servant of the Lord, and that in trying to lead what he imagined a true Christian life he puritanically reproached himself for the most insignificant lapses of conduct. Now, at the age of thirty-one, his ideas have, as he tells us, greatly changed. He confesses that he no longer thinks about his future success, but is now content to remain

an unknown man; and that, being no longer so solicitous for distinction, he has determined to "adjust himself to circumstances and live along as pleasantly as may be." As for religion, he questions some of his former beliefs, and says: "I once was settled and established in the orthodox faith, but now I am somewhat unsettled. I once thought that I enjoyed religion, but I am quite sure that I do not now, and am disposed to doubt the religion I once had. I feel that I am drifting in opinion toward deism. It does seem to me that if any one wanted to be a good Christian in word and deed it was I in my earlier years. Yet I know of none who have made so great a failure. I am not now trying to live conscientiously, and I believe I have succeeded in living more nearly correctly than I used to."

In 1869 Mr. Holloway joined the Masons, and became so greatly interested in the order that he passed through nearly all the degrees.

Mr. Holloway held his position in Centralia for two years, and for the first time since he published his "History of Kansas" found himself out of debt. His history cost him three years of unproductive labor. After teaching two years at Centralia he secured a school at Chester, Ill., at a salary of \$1400 a year for himself and his wife, who assisted in the teaching. This was in the fall of 1872. By this time Mr. Holloway was growing very tired of roving from one place to another in search of schools. Consequently, when, in the summer of 1873, J. Perry Johnson, a lawyer who enjoyed a fine practice in Chester, offered to take him in as a partner in consideration of \$700, he accepted. On July 1, 1874, the contract of partnership, which was to last for five years, was signed. Although Mr. Holloway had, of course, no license as yet to practice law, still he made about as much money as if he had had one, since all the business of the firm was transacted in Mr. Johnson's name. Mr. Holloway had reason to congratulate himself upon his venture, for he found the law financially successful, and not nearly so confining as teaching had been, nor so monotonous.

In January, 1875, Mr. Holloway went to Springfield, Ill., where he passed the examination for entrance to the bar before the supreme court of Illinois, and received his license to practice law. He was now making about \$1500 a year. But about this time his partner, Mr. Johnson, decided to dissolve the partnership, and, this having been done, it became necessary for Mr. Holloway to decide whether he would locate in Chester permanently or go elsewhere. He desired, he says, to locate somewhere and spend the remainder of his days in building up a good practice.

Meanwhile Mr. Holloway's father, Joseph Holloway, had died in 1874, and left by his will a life estate in his farm of 320 acres to his wife, or so much thereof as she should require for her support, with remainder to his son, John Nelson.

After the dissolution of the partnership Mr. Holloway moved to Danville, Ill., where he practiced law very successfully for five years. His mother, urged by her daughters, who had received only \$500 each from the estate of their father, now began to complain of the provisions of the will. At length she instituted suit for partition of her third of the land, but Mr. Holloway finally effected a compromise with her, and that suit was withdrawn. He agreed to pay her an annuity of \$500 during her life in consideration of her relinquishing her life estate in the land to him. When this arrangement had been made, he concluded that it would be best to give up his practice in

Danville and move on his farm in Indiana. He made the change in the year 1880, and remained there until his death, in 1887. He prospered at farming, but it was not as lucrative, perhaps, as his practice in Danville would have been. He practiced law in Indiana to some extent, but did not make a business of it.

John Nelson Holloway was shot by one Isaac Downs on April 12, and died of his wounds just a week later, April 19, 1887. The incidents leading up to the shooting were as follows:

For some years this Isaac Downs had farmed forty acres of land, to which, as he well knew, he had no title. The title to the land lay in a number of heirs, who were scattered all over the country and whose names and addresses were almost totally unknown to the people living near Milford. Mr. Holloway, believing that he could secure this land at a bargain if he could ascertain the names of all the heirs, decided to make an attempt to hunt them up. His wife and daughter made every effort to prevent him from carrying out this plan, pointing out that Downs would be sure to make trouble. Their fears were certainly justified, for Downs had a reputation throughout the country of being a bad-tempered bully, who was always in a fight, and of whom his family stood in mortal fear. Mr. Holloway, however, laughed these warnings aside, and managed, after a year's correspondence, to locate all the heirs and secure a deed from each one of them. Most of the heirs had known nothing of their right to the land, and were very glad to receive the amount Mr. Holloway offered them for their shares; it was like finding it. So, at small cost but considerable trouble, Mr. Holloway at length became the owner of this forty acres of land. When his title to the land was fully perfected he informed Downs of his purchase; but Downs said he didn't care who had title; he had always farmed that land and always expected to, and would shoot any one who attempted to prevent him.

Now thirty-seven acres of the forty were located across the road from Mr. Holloway's land, while the remaining three acres formed a triangular plot of ground immediately joining that of Mr. Holloway. A few days after his conversation with Downs, Mr. Holloway and his son Joseph went to the triangular piece of ground to plow. Downs appeared shortly afterwards and told Mr. Holloway that he could not farm the land. Mr. Holloway replied that he owned it, and certainly expected to farm it whenever he pleased; whereupon Downs said that if Mr. Holloway was in the field when he came back from dinner he would shoot him with a gun he intended to bring along. Mr. Holloway continued plowing until dinner time. Leaving the plow in the field, he went to the house for dinner. He mentioned Downs' threat, and his wife and daughter entreated him not to go back to the field again. But they could not persuade him; he was convinced, he said, that Downs was merely bluffing, and was too cowardly to shoot.

When he had finished his dinner, Mr. Holloway, accompanied by his son, set out for the three-acre field. He took a shotgun with him, but left it outside of the fence that enclosed the field. They had not plowed long before Downs appeared, accompanied by his three sons. Downs ordered Mr. Holloway off the field. Upon his refusal to go, Downs began cursing him and said that unless he went within a minute or two he would kill him where stood. Mr. Holloway now, for the first time, began to realize that Downs was in earnest, and knew that he intended to shoot. He called to his son

Joe to run and get the gun, which was still on the other side of the fence where he had first placed it. The distance to the fence where the gun was was about thirty yards. Just as Joe reached the fence he heard a shot and saw his father stagger. He now had the gun in his hands, and fired it. Apparently he aimed at no one. He did not realize that he had shot. Probably in the excitement he fired it without knowing what he did. At any rate, his father had been shot by Downs with a shotgun. Mr. Holloway was shot in the breast, Downs being but a short distance away.

Mr. Holloway died just a week after being shot, April 19, 1887. Only his wonderful physique enabled him to live that long. Although unconscious part of the time, his mind remained clear until the last. He realized from the first that he could not live, and quietly directed what should be done.

He was buried at Armstrong cemetery, in Warren county, Indiana, four miles from his farm and two miles from Green Hill.

Isaac Downs was disowned by his family after the shooting. He was convicted of manslaughter and sentenced to the penitentiary. He died recently in the poorhouse.

A few words as to Mr. Holloways' personal appearance, his traits of character, and his wife and children, will not, I presume, be amiss.

Mr. Holloway was a little over six feet two inches tall, and in his younger days quite slender. As he grew older he broadened out and became heavier, though he was never very fleshy. After his marriage he grew a beard, which was very black and which he wore the remainder of his life. He had black hair and gray eyes. He was possessed of remarkable strength, of which, however, he appeared unconscious. By this I mean that he did not seem to realize that he was stronger than other men. Indeed, he measured everybody's physical capacities by his own, and expected them to be able to do as much as he could. His son Joseph says he once saw his father carry a fair-sized hog, which was struggling fiercely, to the house, nearly a mile away, without once stopping. Physicians who examined him at his death state that he was the most superb specimen of manhood they had ever seen.

Mr. Holloway was of a very energetic nature, and took great delight in accomplishing things through his "own exertions." When he first moved to his farm he built a smokehouse, chimney and all, which was somewhat one-sided on account of its being his first attempt at that sort of work, but which he always regarded with pride because he had made it by his "own exertions." In fact, he was continually engaging in projects of this kind: He papered his house he bricked up a well, and knew nothing about doing either; but the less he knew about doing a thing the more eager he was to do it, and he stayed with it until he had won out. He was in all things a very rapid worker, and having once made up his mind lost no time in carrying out his plans.

He had a fine sense of humor, was of a very sociable nature, and loved to play jokes upon people and get them into embarrassing predicaments. Nothing pleased him better than to pounce upon some bashful youth of the neighborhood who had come to see his daughter, and pretending that he believed he was the object of the visit, seat the unlucky young man in a corner and talk the entire evening to him. He was quiet, good-natured, took things easily, and was slow to anger; but once aroused, was terrible in his wrath.

Mr. Holloway sent his daughter Etta May, who had developed considerable talent in music, to a conservatory of music in Cincinnati, where she graduated. He sent his son Joseph to Purdue University, at Lafayette, Ind., but Joseph never graduated there, much to the disappointment of his father, who had great hopes of his proving to be a scholar. Had Mr. Holloway lived, his son John would also, no doubt, have been given a chance to acquire a college education.

Mr. Holloway's wife, Mrs. Henrietta Holloway, lived with her daughter until within a year of her death, when she went to her son John at Darlington, Ind. She died of paralysis April 13, 1914.

Three of Mr. Holloway's children are living now. John C., the younger son, lives at Darlington, Ind., is married but has no children. Joseph H. lives at Lafayette, Ind., is married and has three children—John Nelson, Charley Marshall, and Madge. The daughter, Etta May, married David H. Johnston in 1886, and has one son, George Whittier Johnston, the writer of this sketch. David Johnston died in 1894. About five years ago Mrs. Etta May Johnston married Dr. James A. Gray, of Lafayette, Ind. Shortly afterwards they moved to Texas, where they now reside.

A DESCENDANT OF FREEMEN.

Sketch written for the Kansas State Historical Society by CAPTAIN CLAD HAMILTON,¹ of Topeka.

CAPTAIN EDMUND BOLTWOOD descends from ancestry logically suggesting innate morality, determination of purpose, and unquestioned bravery—and with this he has certain elements of romance and poetry, which Puritanism has not submerged. The first of his line in this country was Robert Boltwood, "freeman." He reached Massachusetts in 1648. Note that he was "freeman."

Two or three of the Boltwoods were killed fighting the Indians at Deerfield in 1704; others were officers and soldiers in the French and Indian War and in the Revolution. They were of the type of men who fought under Cromwell at Marston Moor—a stern, vigorous and unconquerable race. The old captain comes of fighting blood.

He was born in Amherst, Mass., on September 5, 1839, the son of William and Electa (Stetson) Boltwood. He was just of the right age to be stirred by the idealistic and impassioned utterances of Wendell Phillips and Charles Sumner. When those sturdy New Englanders had fully made up their minds on the question of the right or wrong of slavery, they were not of the sort to inactively stand around and say "something ought to be done."

Edmund Boltwood, able-bodied and twenty-two years old, was one of the young men who felt the springs of action. It is not surprising that we find him joining the first company raised in the neighborhood of his home in the latter part of August, 1861, and his records show that he was mustered into service as a private in company D, Twenty-seventh Massachusetts volunteer infantry, on September 20, 1861, at Springfield, Massachusetts.

No doubt the young soldier, with many others much like him, worked diligently in "the school of the soldier"—marched, drilled, paraded, and ate cookies, apples and pies which were purchased from the sutler or given

NOTE 1.—For biographical sketch of Captain Hamilton, see *Kansas Historical Collections* vol. 12, p. 282.

to them by kind ladies in Springfield who admired the uniform. This could not continue always. The regiment was sent to join the Burnside expedition at Annapolis about November 1. It did not have long to wait before seeing something of real war.

On February 6, 1862, it was engaged at Roanoke Island, and later at New Berne, Kingston, Whitehall and Goldsboro, N. C., in the spring, summer and fall of 1862. At Wise's Cross Roads, near Kingston, N. C., in May, 1863, young Boltwood was wounded in the leg by a bullet, which is still there.



EDMUND BOLTWOOD.

We know that Boltwood behaved well, because in November, 1861, he had been made a corporal, and in September, 1862, he became a sergeant. Now do not smile at the rank of sergeant. The sergeant has a peculiar relation to military history. The field rank of major came originally from the rank of sergeant-major, and the much more dignified title of major-general originally came from sergeant-major-general. This because a sergeant originally was a soldier who was supposed to technically understand his business as a soldier.

On October 23, 1863, General Foster's brigade was sent to Newport News, Va., where young Boltwood reënlisted for three years. On December 7, 1863, he was commissioned as second lieutenant in troop C, First United States colored cavalry, then being newly formed. This cavalry organization was in various engagements. On May 2, 1864, it fought at Chickahominy, where Lieutenant Boltwood had the advance.

It was engaged later at Half Way House, Chester Pike, Drewry's Bluff, the Siege of Petersburg, Cabin Point and Suffolk.

During May and June, 1864, Lieutenant Boltwood served as aide-de-camp on the staff of Colonel Garrard, commanding the First brigade, Third division, Eighteenth army corps, before Petersburg. This place, however, was not sufficiently active for him, and he was relieved, at his own request, to serve with troop E under Captain Emerson, which was engaged in keeping up the main telegraph line to Washington. This was on the south side of the river to James Island, where it crossed and went to Fortress Monroe.

A curious story is told by Boltwood regarding a detachment of the Thirteenth Virginia cavalry. It was under the command of a private soldier who had formerly been a brigadier-general in the Confederate army. This was Roger A. Pryor, for many years after the war well known in this country as an eminent lawyer. In the early part of the war, while in command of a garrison, Pryor had lost an earthenwork in a fight with Union troops. Being criticised and having some dispute with President Jefferson Davis, Pryor resigned his commission as brigadier-general and enlisted as a private.

The contest between this energetic Union cavalry to keep the wire in operation, as against the equally energetic Confederates to keep it cut, made the life of the officers and men extremely lively on both sides.

Later Boltwood was detailed as aide-de-camp on the staff of Colonel James Givern, commanding the Second brigade, Third division, Twenty-fifth army corps, and he held this until the brigade was broken up in October, 1865.

This in itself seems a considerable length of service. It did not, however, complete that of this descendant of the Ironsides.

As is well known to most persons conversant with our history, France in 1863 had undertaken to secure a foothold in Mexico, and had in 1864 placed Maximilian, Archduke of Austria, upon the throne as emperor of Mexico. About the end of our Civil War, Maximilian was engaged in a desperate struggle against the Mexican revolutionists, with Juarez at their head.

It was the policy of our government to discourage the establishment of a monarchy on the American continent, and while this policy could not be very vigorously indicated during our own terrific struggles in the Civil War, no time was lost in expressing it at the close of the war by transferring a very fine veteran army to the Rio Grande under Sheridan.

Sheridan is known as one of the most brilliant soldiers of that or any other time. His appearance at the head of an army on the Rio Grande was a powerful aid to the revolutionists, and a correspondingly effective discouragement to Maximilian and his supporters.

To this army of the Rio Grande went Lieutenant Boltwood. In November, 1865, he was assigned to the command of forty mounted men at the headquarters of Major General Godfrey Weitzel, commanding the Twenty-fifth army corps at Brownsville. He remained there until the 4th of February, 1866, when he was mustered out with his regiment at Brazos, Santiago, Texas.

Here closes the military service of the young New Englander in the war of 1861-'65 and the demonstration on the Mexican border of 1865-'66. He had gone out a private of infantry, and came home a Second lieutenant of cavalry. His battles were many and his experiences were wide. On November 14, 1866, he was married to Kate W. Powers, of Amherst, Mass.

Upon returning to civil life he was deputy sheriff of Hampshire County a short time, and in 1870 was census enumerator for the towns of Amherst, Granby, Hadley and South Hadley, Mass.

In September, 1875, he moved to Kansas, and in 1880 was appointed city marshal of Ottawa, where he succeeded in making the prohibitory law the real thing. In 1882 he was appointed undersheriff of Franklin county, which position he held four years. In 1892 he was again appointed city marshal of Ottawa, and held the position for eighteen months. He has often expressed a regret at ever having held these positions. He was one of the kind of men who takes such places seriously and who performs the duties without fear or favor—which occasionally seems harsh to many people.

During these periods he quite usually was connected with various military organizations. He was captain of company E, Second Massachusetts National Guard, 1869-1872; He was captain of company E, First Kansas National Guard, 1879-1889; also captain of the Ottawa Cadets for five years, and captain of the Uniform Rank of the Knights of Pythias. He was a fine drill master, and he was a valuable and efficient instructor of the fire department and various drill organizations of men and women during

all the years of his residence at Ottawa. He has probably marched a greater number of miles in the drill of military and other organizations than any other man in the state.

When the Spanish-American War opened, in 1898, the captain was fifty-nine years old. He was promptly and naturally picked upon as a man to command a company of infantry from Ottawa. This was assigned to the Twentieth Kansas under the designation of company K. From that time the writer's acquaintance with Captain Boltwood began. The regiment reached San Francisco. Company K was started in upon a severe and unrelenting course of military instruction. Everybody worked; everybody had to work. Nobody worked any harder than Captain Boltwood. The company was drilled early and late; it was well drilled. The captain was fond of his men. At times this regard for them was expressed in a peppery style. It may be remarked that the captain had not then, and has not since, lost any of his spirit or his energy. The exigencies of the drill ground occasionally caused him to depart from the strict phraseology of the Sunday-school room. It is possible that his original ancestors who came to Massachusetts would not have been altogether satisfied with the mode with which the captain occasionally expressed himself. They would never have had occasion to criticise any expression upon the ground that it lacked force.

The regiment went to Manila on the transports. Company K was with a detachment that crossed on the *Indiana*. It left San Francisco on the evening of October 26 and reached Manila a little after midnight on the night of November 30, 1898. No very great activity can be indulged in on a transport. No doubt the captain dreamed of scenes appropriate to a descendant of soldiers. He probably read poetry. He was sometimes heard to quote from "*Marmion*" and the "*Lady of the Lake*."

The life in Manila was simply one of preparation. The troops were unformed, armed and trained for war. Only a match was needed to touch off a magazine of hostilities. On the night of February 4, 1899, the match was lighted and the fight began.

Thirty-three years to a day after his muster out at Brazos, Santiago, Tex., Captain Boltwood was directing the fire of his company upon the Philippine insurgents along the north line of Manila. The writer saw him by the light of the flashing rifles, and he seemed to lend additional force and energy to the fire by his presence and his example.

Through the long night, with the fitful firing on both sides, you may be sure the gray-haired captain did not sleep, but was ever on duty and ever ready for the service which offered. The night seemed long to most of those who were unaccustomed to such events. When day dawned the firing continued, with some addition from the big guns of Dewey's fleet. Late in the day the American lines advanced and drove the Filipinos before them. The regiment spent the night at Gagaluquin. Several days were spent a little way from this village, and on the 10th of February the advance was made upon Caloocan. The fighting was ugly. At Caloocan the troops remained entrenched for nearly six weeks. Then came the advance upon Malolos, with the battles at Tuliajan river, Malinta, Polo, Macuayan, Bocaue, Marilao river, Guiguinto and Malolos. After some four weeks spent there the army again advanced and fought its way across the Rio Grande and Bagbag rivers.

In all of these events Captain Boltwood bore an active and aggressive part, directing the movements and fire of his company with all of the energy and courage of youth. At the Bagbag river the activities of Captain Boltwood's company were very marked. General Funston, in his "Memories of Two Wars," refers to it as follows:

"For half an hour the uproar continued, when I received orders from General Wheaton to seize the bridge. The attack on the structure could not be made to advantage by more than one company, so that I directed Captain Boltwood to advance his company rapidly across the cornfield, the movement being covered by the fire of several other companies and the armored train. The company selected went at its work with a vim, and closed in quickly, making the advance by rushes. . . . As we came to close quarters the troops supporting us had to cease their fire, and for about ten minutes the situation was interesting, to express it mildly. The men of company K lay close to the ground just to the left of the north end of the bridge, and fought silently and hard. They had no breath left for yelling, and it was a poor time for it. Absolutely in the open, at seventy yards range, they were at a disadvantage against the men in the loophole trench on the other bank. But the enemy's nerve had been shaken by the severe fire he had been under for more than half an hour."²

The historical sketch in the Twelfth Biennial Report of the Adjutant-general, page 136, contains the following reference to the same fact:

"April 25, active operations were again renewed, and the Twentieth Kansas, in conjunction with the First Montana, moved against the insurgent entrenchments north of the Bagbag river. After a spirited shelling of the enemy's works by the armored train from a position one-half mile away, company K, under command of Captain Boltwood, advanced rapidly to the river and drove the enemy from their position."

After this series of fights the American troops occupied San Fernando.

After some weeks at San Fernando, the troops were brought back to the city of Manila, where they performed guard duty and remained in readiness for action until the second day of September, when they embarked upon the Canadian Pacific steamer *Tartar*, chartered by the government as a transport, for home. The homeward voyage was by way of Hongkong and Yokohama. The regiment landed in San Francisco on October 10, 1899. On October 28 the troops were mustered out.

After his return to the state Captain Boltwood returned to the simple duties of a farmer and a citizen. His observation of public matters has been keen and his interest in them has never ceased.

When the writer last saw him, at a regimental reunion in 1912, he walked into a hotel with the erect carriage of a young lieutenant of a cavalry corps. He was wearing several medals. (Be sure that he has earned them.) His military hat was slightly cocked, and he looked the soldier that he is by nature and by training. His cheeks were pink and there was no evidence of the thought of surrender to age or any other condition of nature.

The question was asked: "Captain, how do you do it? You have the form, manner, action, and apparently the character of a young and vigorous man. You are over seventy years of age. Tell us the secret."

He replied: "I see many men of my own age simply giving up and sitting around with nothing to do. I made up my mind that I would work and

NOTE 2.—"Memories of Two Wars," Funston, p. 271.

hold my own as long as I had power to do it. I bought a little piece of ground where I could carry on a little farming. I have been at work there ever since. I am out of doors. I am interested in what I do. I can accept no position of dependency upon others, though my situation is such that I might easily do so. I enjoy life. I feel well."

He recalls the character of Blucher, the great Prussian field marshal, who at seventy-two years did as much as Wellington to win the battle of Waterloo, and a vast deal more in pursuing the French into Paris. He was called "Old Vorwarts." So with Edmund Boltwood. His life has been forward. His character is such as makes our country great and strong and free. His character and his life are the winning of a battle. His age is an achievement.

THE SUPREME COURT OF THE STATE OF KANSAS.

Written for the Kansas State Historical Society by EDWIN A. AUSTIN,¹ of Topeka.

THE SUPREME COURT of the state of Kansas, originally consisting of Hon. Thomas Ewing, jr., chief justice, Hon. Samuel Austin Kingman and Hon. Lawrence D. Bailey, associate justices, first met at Topeka on the 28th day of October, 1861, in special term, at which, after placing on record the oaths of office of the members of the court, appointing and approving the bond of the first clerk of the court, Mr. Andrew Stark, adopting some short rules of practice and admitting a few attorneys, the court adjourned to hold its first session for the hearing of causes in January, 1862.

The supreme court of the territory of Kansas, consisting of Hon. John Pettit, of Lafayette, Ind., as chief justice, and Hon. Rush Elmore, of Alabama, and Hon. Joseph Williams, of Iowa, as associate justices, had ceased to act as such after January 29, 1861, on the admission of Kansas by Congress, although the schedule of the constitution had provided that the judges of the territory, as well as all other officers, should continue "in the exercise of their respective departments until the said officers are superseded under the authority of the constitution."

The journal and appearance dockets of the supreme court of the territory passed into the hands of the supreme court of the state, whose first proceedings are recorded in the unused pages of the journal of that court. The last record in the journal of any proceedings in that court is on January 11, 1861.

The current appearance docket of the territorial supreme court, "appearance docket B," was continued to be used for the first cases commenced in the supreme court of the state. "Appearance docket A" of the territorial court is not with the records in the office of the clerk of the supreme court of the state.

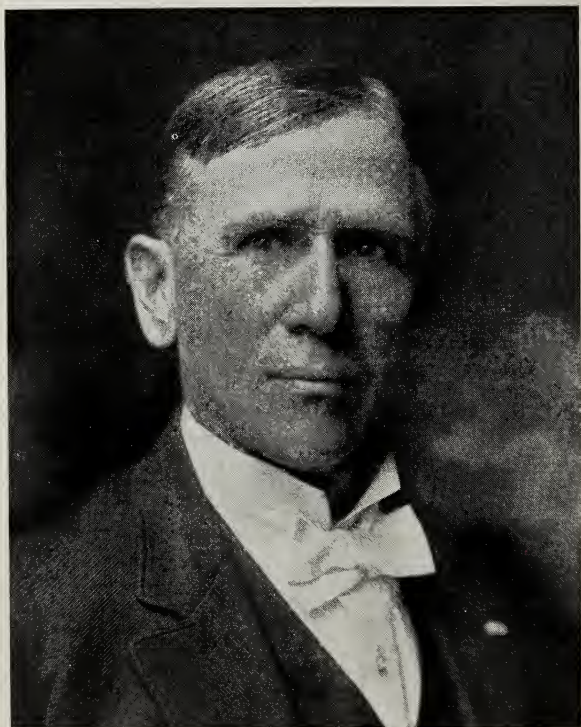
Chief Justice Thomas Ewing, jr., and Associate Justices Samuel Austin Kingman and Lawrence D. Bailey had been elected at an election held on

NOTE 1.—EDWIN ATLEE AUSTIN, son of Major John Austin and Cyrena (Clark) Austin, was born in Lafayette, Ind., March 22, 1856. His early education he received in the public schools of Lafayette. His legal training began in the office of Hiram W. Chase, and later was continued in the law department of the University of Michigan. He was admitted to the bar in Lafayette on January 3, 1879. Mr. Austin came to Kansas the following April, settling in Topeka and beginning the practice of law. From 1883 to 1888 he was assistant in the office of the attorney-general, W. A. Johnston. Since that time he has been engaged in practice for himself, building up an enviable reputation as a lawyer. On April 21, 1886, Mr. Austin was married to Miss Augusta Clark.

December 6, 1859, more than a year prior to the admission of the state by Congress, January 29, 1861.

Under "An act providing for the formation of a constitution and state government for the state of Kansas," approved February 11, 1859, the Wyandotte convention framed the constitution, completing and signing the same on July 29, 1859. It was submitted to the people October 4, and ratified by a vote of 10,421 to 5530.

The act under which the constitution was framed (chapter 31, Session Laws of 1859) had provided:



JUDGE EDWIN A. AUSTIN.

"SECTION 7. That in case the constitution, thus framed and submitted, shall be ratified by a majority of the electors of said territory, then an election shall be holden on the first Tuesday of December, A. D. 1859, at which state officers, members of the state legislature, judges, and all other officers, provided for under said constitution, shall be elected."

Section 11 of the schedule of the constitution had continued that provision for the election which was held on December 6, 1859. The first case heard and reported in the supreme court is one in which the validity of that election and tenure of office of persons elected at that election was determined. At the general election in 1861 votes were cast for George A. Crawford for the office of governor, and he made application to the supreme court for a

writ of mandamus to compel the Board of State Canvassers to canvass the returns and declare the result.

Section 1, article 1, of the constitution reads as follows:

"SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general and superintendent of public instruction; who *shall be chosen by the electors of the state* at the time and place of voting for members of the legislature, and shall hold their offices *for the term of two years from the second Monday of January* next after their election, and until their successors are elected and qualified."

Members of the first house of representatives of the legislature were to be chosen for one year, and regular sessions were required to be held annually on the second Tuesday of January. Members of the first senate were to be chosen for two years.

The first legislature, which had also been elected at the election provided for in the schedule of the constitution by chapter 31, Session Laws of 1861, adopted May 22, 1861, provided:

"SECTION 1. That, on the Tuesday succeeding the first Monday in November, A. D. 1862, and on the Tuesday succeeding the first Monday in November in every second year thereafter, there shall be held a general election for the election of a Representative in Congress, governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, superintendent of public instruction, justice of the supreme court, senators, and in each county, one probate judge, one clerk of the District court, and one county superintendent of public instruction."

Other county officers were to be elected in November, 1861, and every two years thereafter, and judges of the district court were to be elected in November, 1864, and every fourth year thereafter, and members of the house of representatives were to be elected in November, 1861, and every year thereafter.

The argument presented was that section 1, article 1 of the constitution had no application to officers chosen under the article of the schedule referred to, because they were not "chosen by the electors of the state" but by the electors of the territory of Kansas, but the court held the argument not convincing.

The court also held that the limitation of the term of office in section 1, article 1, of the constitution applied to the term of the governor, and that as he was elected on the first Tuesday of December, 1859, he was entitled to hold only until the second Monday of January, 1862, and until his successor was duly elected and qualified.

The words "who shall be chosen . . . at the time and place of voting for members of the legislature" were held to mean that those officers shall be elected at the time and place all the members of both branches of the legislature are elected. The writ was therefore denied. (*The State of Kansas, ex rel. George A. Crawford, v. Charles Robinson et al.*, 1 Kan. 17.)

The argument of this case was allowed to continue for three days; the present rules allow only thirty minutes on a side, almost too short to more than state the case.

The case was submitted on January 15 and decided on the 18th. A more speedy ending is apparently possible on a full argument. (In this particular

case the judges, naturally, had probably considered the question involved before its formal presentation.)

An early case was *The State, ex rel., v. Meadows*, 1 Kan. 90, in which acts passed by the territorial legislature after the admission of Kansas into the Union, January 29, 1861, and before the issuance of the governor's proclamation concerning the legislature, February 9, 1861, were declared to be valid under the clause of the schedule continuing the territorial government until it should be superseded by the new government.

The court continued as originally constituted only one year, the resignation of Chief Justice Ewing, to become colonel of the 11th Kansas volunteers, occurring October 20, 1862. The resignation, so dated, at Pea Ridge, Ark., did not reach Governor Robinson until December 28, 1862.

On December 28, 1862, Governor Robinson appointed Hon. Nelson Cobb as chief justice to fill the vacancy occasioned by the retirement of Judge Ewing. Judge Cobb took his oath of office and entered upon the duties of his position, and on January 5, 1864, retired to give place for Hon. Robert Crozier, who was elected on November 3, 1863, to fill the unexpired term of Chief Justice Ewing.

At the general election in November, 1862, although there was no proclamation calling for the election of a chief justice, Hon. John H. Watson, as a Republican, and Hon. Willard P. Gambell, as a Union candidate, were voted for for chief justice, and John H. Watson received more than a majority of all the votes cast for that office. The Board of State Canvassers, which assembled on December 22, 1862, did not canvass the vote for chief justice, but the state officers elected in 1862 who by law composed the State Board of Canvassers did, on the 24th of January, 1863, with all the forms prescribed by the statute, canvass the votes, and declared Watson elected chief justice.

By quo warranto proceeding in the supreme court, in the name of the state on the relation of Watson, filed by the attorney-general, the authority of Chief Justice Cobb to exercise that office was inquired into, and in *The State, ex rel. Watson, v. Cobb*, 2 Kan. 32, the court by its opinion, written by Justice Kingman, held that Chief Justice Ewing's resignation, being dated October 20, less than thirty days prior to the election, the election was a nullity, and that the governor's appointment of Nelson Cobb on December 28 legally entitled him to the office, notwithstanding Judge Ewing had been mustered into the service of the United States, with the rank of colonel of the Eleventh Kansas infantry, on September 15, 1862. No commission as colonel, however, was issued to him until November 28, 1862.

During his service as chief justice for one year, Judge Ewing wrote nine opinions, and Judge Cobb during the next year wrote fifteen opinions. During the same period, covering the two years preceding the advent of Judge Crozier as chief justice, Judge Bailey wrote twelve opinions, while Judge Kingman during the same period wrote twenty-six opinions. The number of Judge Kingman's opinions does not adequately represent the superiority of his service. The more important cases almost uniformly had been assigned to him.

Judge Crozier, a man of more energy than his predecessor, as chief justice, though not sitting with the court later than June, 1866, wrote forty-seven opinions. His three associates wrote in the same time fifty-three opinions—Bailey, nineteen; Kingman (off two years), sixteen; Safford, eighteen.

In 1864 Judge Kingman allied himself with the insurgent Republicans of that day, and accepted a nomination for associate justice by the Republican Union state convention, which nominated Solon O. Thacher for governor and John J. Ingalls for lieutenant governor. The result was that Hon. Jacob Safford, of Topeka, was nominated as the Republican candidate and elected in Judge Kingman's stead. Judge Safford had been, theretofore, judge of the district court of the third judicial district, which then comprised the counties of Davis (now Geary), Riley, Pottawatomie, Wabaunsee and Shawnee, with the counties of Clay, Dickinson, Saline and Ottawa attached to the county of Davis for judicial purposes. Judge Safford held one full term, retiring in 1871 to make place for David J. Brewer, elected in 1870.

Chief Justice Crozier was not a candidate for reelection in 1866, and Judge Kingman was that year nominated by the Republican state convention in his stead, and, being elected, took his place as chief justice on January 14, 1867, and was reelected in 1872, but was compelled to resign on account of ill health, and was succeeded by Hon. Albert H. Horton, appointed by Governor Thomas A. Osborn on January 1, 1877.

Judge Bailey, reelected as associate justice for a full term of six years at the general election in 1862, held office until January, 1869, when he was succeeded by Hon. D. M. Valentine, elected in 1868.

With the return of Judge Kingman as chief justice on January 14, 1867, and the advent of Daniel M. Valentine as associate justice on January 11, 1869, and Hon. David J. Brewer as associate justice on January 9, 1871, the supreme court may be said to have entered into a new stage of its history.

During the first five years of its existence, the newness of the state government, the frequent changes in the personnel of the court, the lack of experience in judicial position of some of the members, and the dominant character and energy of particular members, had prevented united action. In many cases one of the judges did not participate in the decision because it had been argued before he went on the bench, or because he had been of counsel of the parties, and many cases were argued before two judges in the absence of the third member for other reasons. The lack of team work allowed one member, at times, to write a disproportionate number of the opinions.

With the wave of prosperity which followed the close of the war, population of the state doubled and tripled, the business of the court increased, and the more permanent personnel of the court, and the necessity for close relations and more frequent consultations among the members, tended to develop an *esprit de corps*, a unity of action bred of a mutual confidence in each other's ability, experience and prudence. The substitution of Albert H. Horton for Judge Kingman, on January 1, 1877, brought to the court another member whose clear, forceful and logical mind and untiring industry increased the high respect which the supreme court reports had obtained. The decisions of Kingman, Horton, Brewer and Valentine cover a quarter of a century of Kansas history when the state, society, bench and bar were in their formative period, and their work on the supreme bench reflect the generous high-minded spirit of Kansas people, while they inspired that spirit to loftier heights by the broad sympathetic equity and justice with which they mellowed the otherwise rigid rules of law to meet the conditions and wants of the people.

The exceptional ability of Judge Brewer was recognized by the country

at large, and April 9, 1884, he was appointed United States circuit judge, and was again promoted in 1889 to associate justice of the supreme court of the United States. He was succeeded on the state supreme court by Hon. Theodore A. Hurd, appointed by Governor George W. Glick. Associate Justice Hurd only held his office until December 1, 1884, when he was succeeded by Hon. W. A. Johnston, who had been elected in November to fill the unexpired term of Judge Brewer. Mr. Justice Johnston, now chief justice, has been five times reelected, and is now serving his thirtieth year as member of the court. It is no disparagement of Judge Johnston that he had the benefit of association and service with Judge Valentine for nine years and with Judge Horton for eleven years, and it is no less a compliment that his advent in the place of Judge Brewer caused no diminution of the high position which the court had maintained in the past.

Following the retirement of Judge Valentine and Judge Horton, the supreme court entered upon another stage of its history. It was found that three judges who were sufficient to handle the business brought before the supreme court when the new state had only a population of 107,202 (the population according to the census of 1860) were radically insufficient when the population had increased to 1,268,562 (the population according to the census of 1885). The supreme court found itself running so far behind that the consequent delay was being taken advantage of, and many cases appealed by the defeated party below, without any hope of reversal, simply for the benefit of the time that execution could be delayed thereby.

A series of attempts to relieve the court, first by the creation of a commission and then by the creation of intermediate courts of appeal, was followed by the enlargement of the court itself.

The constitutional amendment adopted in 1900, providing for a supreme court of seven instead of three, together with deaths, resignations, defeats in nomination and defeats at election, brought many new judges into the court, some to remain but a short time when their places were taken by others.

In 1887 the legislature enacted chapter 148, Session Laws of 1887, entitled "An act to provide for the appointment of three commissioners, to be known as commissioners of the supreme court," "to aid and assist the court . . . in the disposition of the numerous cases pending in said court." They were to hold office for the term of three years and receive a salary equal to the salary of the judges of the supreme court. Hon. B. F. Simpson, Hon. J. B. Clogston and Hon. Joel Holt were appointed March 5, 1887, by Governor John A. Martin. Their opinions were reported to the court with a recommendation of the judgment to be entered, and the court ordered it accordingly, unless it rejected the recommendation and entered a contrary judgment. The first commissioners' opinions appear in 36th Kansas, 374. The commission was continued three years longer by chapter 246, Laws of 1889, and Hon. J. B. Clogston and Hon. Joel Holt were succeeded by Hon. George S. Green and Hon. J. C. Strang, who were appointed March 1, 1890, by Governor Lyman U. Humphrey, Hon. B. F. Simpson being reappointed with them.

Two years after the expiration, in 1893, of the supreme court commission, the legislature, by chapters 96 and 368, Laws of 1895, created two courts of appeal, each consisting of three judges, the state being divided east and west into the northern and southern departments, and were given juris-

diction in all cases where the amount in value did not exceed \$2000. Hon. A. D. Gilkerson, Hon. T. F. Garver and Hon. George W. Clark were appointed as judges of the northern department, and Hon. W. A. Johnston, Hon. A. W. Dennison and Hon. Elrick C. Cole were appointed judges of the southern department. Provision was made for one election of successors, and the court expired by limitation January 12, 1901. By the election in 1896, Hon. John H. Mahan, Hon. Abijah Wells and Hon. Samuel W. McElroy were elected judges of the northern department, and Hon. A. W. Dennison, Hon. B. F. Milton and Hon. M. Schoonover were elected judges of the southern department.

The opinions of this court are reported in a separate set of ten volumes of Kansas Appeals Reports. The opinions of the court of appeals have not secured very high credit with the legal profession or with the courts, though many of them have been affirmed and followed by the supreme court.

Mr. Justice Valentine retired from the bench January 11, 1893, and was succeeded by Hon. Stephen H. Allen, and on April 30, 1895, Chief Justice Horton resigned and was succeeded by Hon. David Martin as chief justice, who was in turn succeeded by Hon. Frank Doster as chief justice, January 11, 1897. Mr. Justice Allen was succeeded by Hon. William Redwood Smith, January 9, 1899. On January 15, 1901, there were appointed by Governor W. E. Stanley, in accordance with the amendment to the constitution adopted in November 1900, four additional justices: Hon. Edwin W. Cunningham, Hon. Adrian L. Greene, Hon. Abram H. Ellis, and Hon. John C. Pollock. On September 25, 1902, Mr. Justice Ellis died, and was succeeded by Hon. Rousseau A. Burch, appointed to fill the vacancy September 29, 1902, by Governor W. E. Stanley, and since has been three times elected by the people.

On January 12, 1903, Chief Justice Doster retired, Mr. Justice Johnston, as the justice senior in continuous term of service, becoming chief justice under the terms of the constitutional amendment of 1900, and Hon. Henry F. Mason succeeding as member of the court. Mr. Justice Mason was re-elected in 1908.

On December 2, 1903, Mr. Justice Pollock resigned to accept the office of judge of the district court of the United States for the district of Kansas, and on January 1, 1904, was succeeded as justice of the supreme court by Hon. W. D. Atkinson, appointed by Governor Willis J. Bailey. On December 1, 1904, Mr. Justice Atkinson was succeeded by Hon. Clark A. Smith, elected November 4, 1904, to fill the vacancy caused by the resignation of Mr. Justice Pollock. In 1908 he was reelected. On July 1, 1905, Mr. Justice W. R. Smith resigned to become general solicitor for the Atchison, Topeka & Santa Fe Railway Company, and was succeeded on that date by Hon. Silas Porter, appointed by Governor Edward W. Hoch, and Mr. Justice Porter since has been twice elected.

On August 16, 1905, Mr. Justice Cunningham died, and Hon. Charles B. Graves was appointed to the vacancy, August 21, 1905, by Governor Edward W. Hoch. In the following November he was elected, but was defeated for nomination in 1910, and retired from the bench January 11, 1911.

On July 28, 1907, Mr. Justice Greene died, and Hon. Alfred W. Benson was appointed to fill the vacancy, August 1, 1907, by Governor Edward W.

Hoch. At the November election of 1908 he was elected for a full term of six years.

On January 11, 1911, Mr. Justice Graves was succeeded by Hon. Judson S. West, who had been elected at the November election, 1910, for a full term of six years.

The court as now constituted consists of—

Hon. William A. Johnston, chief justice, whose service commenced December 1, 1884; present term expiring January 14, 1919.

Hon. Rousseau A. Burch, whose service commenced September 29, 1902; present term expiring January 14, 1919.

Hon. Henry F. Mason, whose service commenced January 12, 1903; present term expiring January 12, 1915.²

Hon. Clark A. Smith, whose service commenced December 1, 1904; present term expiring January 12, 1915.

Hon. Silas W. Porter, whose service commenced July 1, 1905; present term expiring January 9, 1917.

Hon. Albert W. Benson, whose service commenced August 1907; present term expiring January 12, 1915.

Hon. Judson S. West, whose service commenced January 9, 1911; present term expiring January 9, 1917.

The record of the supreme court of Kansas discloses very few of the oscillatory periods which the changing personnel of courts has sometimes caused in other states. The entire list of Kansas cases overruled by the Kansas supreme court in volume 91 of the reports number only forty-nine, a number of these being on rehearing of the same case, many of them accruing early in the history of the court. A considerable number of cases involved federal questions decided in advance of the supreme court of the United States, which later deciding otherwise, necessitated an overruling of the earlier case. In every case when a change has been registered in the permanent principles of law which are to govern future conduct, it has been in favor of the relaxation of technical rules—a modification which made for a more free and speedy realization of a more complete justice and equity.

The list of cases overruled have appeared as a preface since the 70th volume of the reports.

Since the 80th volume the preface also contains a list of all the cases appealed to the supreme court of the United States, showing the disposition and volume of United States supreme court report in which the disposition is to be found. Since the 85th volume the preface has also contained a list of the Kansas cases criticized, the Kansas cases distinguished and the Kansas cases followed in the volume. Prior to the volumes mentioned this data may be found under appropriate headings in the index of the previous volumes.

From this source it appears that besides 49 cases overruled, there have been 57 cases criticised and 1098 cases distinguished, barring the duplicates in the lists, while the list of cases followed occupies several pages in each volume. The preface also contains, in the recent volumes, the list of the Kansas cases cited in the dissenting opinions. Formerly the reporter attempted to include in the lists of cases referred to in the index, cases cited,

NOTE 2.—At the November election, 1914, Justice Mason was reelected associate justice. Mr. John Marshall and Mr. John S. Dawson were also elected Associate justices to succeed Judge A. W. Benson and Judge Clark A. Smith.

distinguished, criticised and followed from other states, which, becoming too burdensome, has been abandoned since the 39th volume.

An analysis of the overruled cases disclosed that in every instance the tendency has been away from a technical rule to a more liberal and reasonable one; while the criticisms are, in most cases, the disapproval of expressions unnecessary to the decision, and the consequence of which, as later contended for, was not appreciated at the time, and the elimination of which leaves the correctness of the decision unaffected.

Review by the supreme court of the United States can be had only when the state supreme court decides against some claim of a federal right, and reversals of decisions of the supreme court of Kansas by the supreme court of the United States have been surprisingly few; for instance, only ten cases have been so reversed since the organization of the enlarged court of 1901—and five of these involved the provisions of the Bush law, requiring foreign corporations to pay a charter fee and file a statement of resources and liabilities as a condition of being allowed to do business or maintain actions in the state: *State v. Telegraph Co.*, 75 Kan. 699; *State v. Pullman Co.*, 75 Kan. 664; *Text Book Co. v. Pigg*, 76 Kan. 328; *Wilson v. Hawkins*, 80 Kan. 117; and *Buck v. Vickers*, 80 Kan. 29.

The very respectable minority of four justices in one of these cases contended that the decision of the Kansas supreme court was right, Mr. Justice Holmes going so far as to say that the charter fee, which he admitted might be called a tax, was lawful under all of the decisions of the court until the majority opinion in that case.

On the other hand, since 1901 twenty-five cases appealed have been affirmed by the supreme court of the United States, and many have been dismissed without hearing on the merits.

The method of assignment of cases for hearing, and of assignment to the several judges for opinion, and of consultation in banc, after such assignment, to agree upon the decision, is very clearly stated by Mr. Justice Burch in an address to the Kansas State Bar Association, January 27, 1914:

"In the Kansas court, not only the decision itself, but the specific ground upon which each proposition involved in the decision is rested, is first agreed by the court consulting in banc, and the opinion is then prepared by the judge to whom the case is assigned, according to the directions given at the consultation. In order to prevent any possibility of favoritism or unfairness to counsel, to litigants, or to the justices themselves, cases are assigned according to an arbitrary rule, so that no justice or other person can even conjecture in advance the result of a docket assignment. Cases are assigned before consultation, so that the consultation may be conducted in a systematic, orderly and thorough way.

"Regular assignments for the hearing of cases are made for ten months of the year, and the first week of those months is devoted to hearings upon oral arguments; but the court is open for the hearing and decision of causes, either in banc or division, every month in the year. Whenever the circumstances require, consultation takes place immediately after the submission of a cause, and the decision is announced as soon as the consultation is concluded. Causes submitted on regular assignments for hearing are decided at consultations beginning the following week, and opinions in such causes are filed on the first Saturday of the following month. Occasionally an intricate or difficult case is held for further consultation, and occasionally a justice is unable to complete within the month the opinions in all the cases assigned to him, but the instances are exceptional."

The court early laid down as rules of decision that—

“A mere matter of practice, once settled by the decision of the supreme court and unchallenged for years, ought not to be disturbed except in case of glaring and dangerous error.” (14 Kan. 347.)

“That a rule of law generally recognized by the decisions of other states and hitherto followed by the courts of Kansas, and apparently salutary in its operations, ought rarely to be abandoned merely because the reasons given for its original adoption are not altogether satisfactory, and that logically the courts should have reached an opposite conclusion.” (16 Kan. 358.)

This policy has been restated:

“As a matter of judicial policy, it is oftentimes better for the highest tribunal of a state to adhere to a construction once given to a statute, although erroneous, which by lapse of time has become settled law of the state, than to disturb business conditions and possibly vested rights by reversing its own judgments. Generally, when such mistakes grow into the laws the people may be relied on to make the proper corrections by legislative enactments, and the injuries consequent upon such changes being made by the court be thus avoided. This remedy, however, is not efficacious when mistakes have been made in the interpretation of a constitutional provision.” (67 Kan. 648.)

Again with reference to the interpretation of constitutional provision for a homestead the court has said:

“Doubtless substantial justice may often be better promoted by adhering to an erroneous decision than by overthrowing a rule once established. But in so important a matter as the enforcement of the homestead rights guaranteed by the constitution, the court feels an obligation to reëxamine a difficult and doubtful question in the aspect of any new light that may be offered.” (76 Kan. 544.)

In a still more recent case, involving the rule that dying declarations are admissible only in homicide cases, the court says:

“The rule admitting and the rule restricting the declaration as indicated are entirely court made, and when the reason for this restriction to cases of homicide ceases, if it ever existed, then such restriction should likewise cease.

We are confronted with a restrictive rule of evidence commendable only for its age, its respectability resting solely upon a habit of judicial recognition formed without reason and continued without justification. The fact that the reason for a given rule perished long ago is no just excuse for refusing now to declare the rule itself abrogated, but rather the greater justification for so declaring; and if no reason ever existed, that fact furnishes greater justification.

“The doctrine of *stare decisis* does not preclude a departure from precedent established by a series of decisions clearly erroneous, unless property complications have resulted and a reversal would work a greater injury and injustice than would ensue by following the rule (11 Cyc. 749). The tendency is towards the reception rather than the rejection of evidence, experience having shown that more results from its exclusion than from its admission.” (91 Kan. 468.)

Behind the question of the stability of the supreme court decisions, when reëxamined by that court, is the question of the extent to which the common law and the precedents by which it has been elucidated and expressed, shall be considered as rules of property:

“How the common law came to Kansas is told in a comprehensive sketch of the subject in *Clark v. Allaman*, 71 Kan. 206, 80 Pac. 571. In the opinion Mr. Justice Burch reviews the history of the formation of the Louisiana

territory and refers to the acts of Congress, the legislation of the several states and territories to which Kansas has at times in her history belonged, and cites the public documents and decided cases bearing upon the question." (State v. Akers, 92 Kan. 191.)

The present statute—"The common law as modified by constitutional and statutory law, judicial decisions and the conditions and wants of the people shall remain in full force in aid of the general statutes of the state"—is interpreted in that opinion.

"This statute was not designed to disturb any part of the common law, which because of its adaptation to the genius and needs of its people had become the established law of Kansas. It gave authority for the neglect of all rules of the ancient common law that were inapplicable to the exigencies of an independent self-directing people, striving with their own peculiar conditions and circumstances, but none of those doctrines that already had been absorbed and incorporated into the legal system of Kansas was affected, and no part of the settled law of the state having the common law for its source became exposed to repeal either by the repetitions of infractions by individuals in particular localities or by judicial legislation based upon such infractions." (71 Kan. 230).

Judge Brewer, in 11 Kan. 484, noted that—

"While the common law is continued in force in this state, it is only in aid of the general statutes, and as modified by the constitutional and statutory laws, judicial decisions and the wants and conditions of the people."

In *State v. Akers*, 92 Kan. 191, the court held that the common-law test of navigability (the ebb and flow of the tide) was unsuitable for the conditions and wants of the people of Kansas, and was never a part of the common law of Kansas, and that riparian owners, though they have riparian rights of which the state could not deprive them without compensation, never acquired any property interest in the bed of the Kansas river adjoining their land; that by statute and decision the title of such bed is in the state.

The following quotation is illustrative of the liberal view of the force to be allowed to precedents:

"There need be no necessary inconsistency between a decision rendered thirty or fifty years ago holding that assumption of risk and contributory negligence in a given employment are defenses to an ordinary action by a servant against his master, based on the latter's negligence, and a decision to the contrary at the present time. The doctrine of assumption or risk and contributory negligence are not the creatures of any constitution or of any legislative enactment. They are court-made rules, invented to meet certain ideals of justice respecting certain social and economic conditions and relations. Should the conditions and relations be completely changed, and those ideals wholly fail of realization, the reason for the rules, which is the life of all rules of the common law, would then be wanting, and the court which would go on enforcing them would be a conscious minister of injustice and not of justice. It is not always easy to say just when a rule of the common law completely fails to accomplish the purpose of its adoption." (90 Kan. 194.)

The new code of civil procedure of 1909 abolished petition in error, bills of exception, and case made, and all the brood of technicalities that had grown up around them.

All reviews of judgment of inferior courts are now to be had by appeals, and appeals are taken and perfected by personal notice and service filed with the clerk of the trial court.

The new code also has a new section which is undoubtedly intended to confer power on the supreme court by which the final judgment may be made to more fully express the complete justice which the court may deem to be due to a party.

The former code, by section 140, continued in the new code as section 141, provided:

"The court, in every stage of action, must disregard any error or defect in the pleadings or proceedings which does not affect the substantial rights of the adverse party, and no judgment shall be reversed or affected by reason of such error or defect."

The supreme court has consistently throughout its entire history given this section its largest effect. In *Coleman v. McLennan*, 78 Kan. 744, Mr. Justice Burch had occasion to refer to its early history in territorial days, and the decision from *Otis v. Jenkins*, McCahon (Kan.) 87, to *Hopkinson v. Conley*, 75 Kan. 65—which have always required prejudice to substantial rights to affirmatively appear.

The new code, as well as retaining the old section as section 141, contains section 581, as follows:

"The appellate court shall disregard all mere technical errors and irregularities which do not affirmatively appear to have prejudicially affected the substantial rights of the party complaining, where it appears from the whole record that substantial justice has been done by the judgment and order of the trial court; and in any case pending before it the court shall render such judgment as it deems that justice requires, or direct such judgment to be rendered by the court from which the appeal was taken without regard to technical errors and irregularities in the proceedings of the trial court."

This section was first considered at length in the opinion in *Sanders v. Railway Co.*, 86 Kan. 62, Mr. Justice Benson, for the court, saying:

"This section in the code revision of 1909 perhaps means but little if anything more than was intended by a provision of the old code, continued in the revision, which requires the court to disregard all errors and defects not materially affecting the substantial rights of a party, and providing that no judgment shall be reversed for such errors or defects. (Civil Code, § 141.) This new provision is, however, a later legislative declaration of a wholesome policy, probably intended to make it more emphatic. It does not authorize this court to substitute its own judgment for that of the jury. (*Mfg. Co. v. Bridge Co.*, 81 Kan. 616.) But it does require the court to disregard immaterial errors and rulings that do not appear to have influenced the verdict or impaired substantial rights. The ruling must be prejudicial as well as erroneous, and prejudice must affirmatively appear, or the error will be disregarded. Prejudice may be said to appear when the proceedings show that the court or jury was misled by the error and that the verdict or judgment was probably affected to the injury of the complaining party; and this may appear from a candid examination of the proceedings, in the light of reason and common sense. The term 'technical errors' used in section 581 of the code is an elastic one, but it doubtless was intended to mean the same as the expression 'errors or defects which do not affect the substantial rights of the adverse party' found in section 141. Rules of procedure and of evidence alike are intended to promote the due administration of justice. Although they may not be disregarded, they must be so interpreted and applied as to facilitate and not defeat the purposes for which they were designed." (86 Kan. 62.)

In the same volume Mr. Justice Mason voices the opinion of the court that this section broadens the power of the court in disposing of cases on appeal. He says:

"Although this section has especial reference to the ordering of such a final judgment as shall end the litigation, we do not think that it was intended to have no other application. Its purpose seems to enlarge the authority of the appellate court, so that on reversing the judgment it may direct such course to be taken by the trial court as shall do justice between the parties." (86 Kan. 940.)

And in every subsequent volume of the reports the court has found occasion to exercise power under this section, and it may be presumed that the exact limits of its enabling effect has not yet been fully found.

A meeting of members of the bar of the state was called by a number of lawyers in the summer of 1914, to be held at Representative Hall, for the purpose, as stated in the signed call, "of taking a general survey of the workings of the judicial system of the state." In an unsigned statement issued later, purporting to be issued by the originators of the call, but publicly disavowed by some of the signers of the original, the purpose was declared to be the discussion and criticism of the system of disposing of causes in the supreme court, suggesting that inaccuracy of statements of the facts shown by the records and of the questions involved in the cases, the failure to apply the settled principles of law of prior decisions not overruled or distinguished, introduced confusion in the place of uniform law, by tending to make new laws by judicial decision.

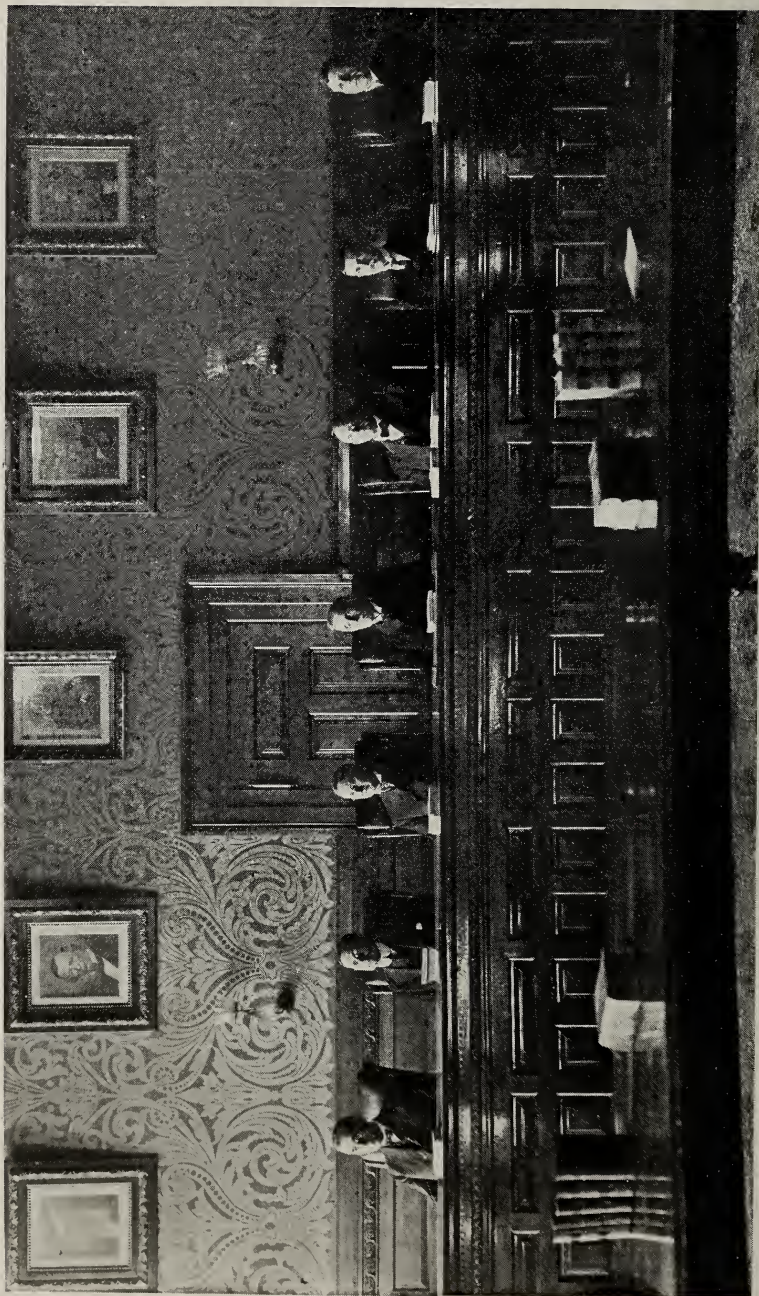
There was a representative attendance of the members of the bar of the state at this meeting, and they emphatically condemned the criticism as unjustified, and as emphatically approved the method followed by the supreme court in the assignment, consideration and decision of cases.

The conscientious effort of the court to apply the sections of the code referred to above in the light of reason and common sense was unanimously recognized as the cause of the criticism, which was limited in its source to attorneys for losing parties in a few cases, and who were admittedly responsible for the unsigned statement.

As a matter of fact, six justices visit the chambers of the remaining justice in rotation and hear the report of that justice on the cases assigned to him, and compare the same with the views which have obtained from the oral and printed arguments and abstracts, and agree upon the decision to be made. Unless some one of the justices desires a further consultation after further examination of the record or authorities, the opinion prepared under direction of the court by the justice holding the assignment is also read and agreed on by the court in banc.

Naturally, most of the cases on each monthly docket are entirely strange and new to the justices when they take up the briefs or listen to the oral arguments, if any are presented. The oral statement of the facts by counsel must be very brief under the rule shortening the time for argument.

So that the justices, in the nature of things, have only a limited advance knowledge of the cases assigned to their associates when they go into consultation with the justices to which they are assigned, and naturally will place reliance upon his statement of the facts and questions presented by the record; and the justice to whom the case has been assigned will have



THE KANSAS SUPREME COURT, 1915.

but limited advance knowledge of the facts and questions on which to base his report, if the consultations with him concerning his cases immediately follow the assignment to him.

An accurate knowledge of the facts and questions involved in any case to be decided is of prime importance, and ought to be the first step to be taken in the determination of a given case, and a luminous statement, succinct as well as perspicuous, with sustaining reference to pages and sometimes to the very words of the abstract, at the very threshold of briefs, that will rivet the attention and clarify the vision of the court, should command the most careful labors of counsel.

Knowledge of the facts and questions involved must be obtained by each justice, either from oral argument or the briefs, or the abstract, or from the report of the justice to whom the case is assigned.

Naturally, therefore, their comprehension of the facts and questions in cases assigned to other justices, as well as their own cases, will progressively augment in definiteness through the various consultations until the approval of the written opinion and its filing with the clerk.

Continuing consultations concerning all features of a given case undoubtedly tend to eliminate the errors of the "one man" opinion, and perhaps the decision in most cases ought to be postponed at least until a second consultation after an interval of study of the record, briefs and authorities, although the frequent dissents found in the reports demonstrate that the consideration of cases by the Kansas supreme court continues with justices to whom cases are not assigned, and that they do not allow undue reliance upon the justice handling the case to prevent a vigorous dissent whenever they deem it necessary.

The crude application of legal principles, expressed under circumstances perhaps altogether different, without a luminous liberality in the adjustment of the same to new cases, new conditions and new equities, tends to fossilize the whole body of the law. The two sections of the code above referred to witness a general movement, having for its purpose the detachment of the law from its purely abstract formulæ, which in a measure has tended to hold it aloof from the living justice of the case. The common law of the land as found in judicial decisions is judge-made and judicially expressed, and the evolution of the law, which has not ceased, requires an ever new expression of the rules, the branching out of new rules, the dying out of former rules, the reasons for which have perished or never existed except in a few special cases, and the attempt of the court to consider each case with an open mind and to give these two provisions of the code their largest effect in producing substantial justice between the parties, and to "render such judgment as it deems that justice requires," may have caused the court to fail to apply in given cases some technical rules of law which they have not neglected to apply when such application has been deemed by them to result in producing more substantial justice. Some lawyers, schooled in the precedents of the common law and the technicalities of a procedure of other days, have acquired a somewhat rigid theory of the law, and are prone to criticize a court which will not follow, even to a deplorable injustice and upon immaterial matters, what seems to them to be an unimpeachably logical argument. They would have the court ignore that at times there must be much which seems to be illogical and unrhymed in the application

of the principles of law to the many-sided facts of life, if the decisions of the court are to accomplish a sympathetic justice.

It is to the credit of the supreme court of Kansas that it has at all times attempted to keep the course of judicial decisions free from such rigid rules of consistency as would tend to prevent their judgments from meting out all the substantial justice and equity possible from the record before them.

It may be objected that such principles of decision admits the validity of the criticism, and substitutes for a certain though perhaps rigid rule of undesirable inflexibility—but which is to be preferred at the present stage of human development—an uncertain and variable standard of justice, depending upon the mental breadth and depth of the individuals composing the court.

Prof. Joseph H. Drake of the University of Michigan, an eminent American jurist, says:

“Our jurists, our legislators and our courts, both bench and bar, still hold fast to an historical *natur-recht* built up on the precedents of the common law. All of our lawyers, legislators and judges who are trained in the traditions of the common law hold with characteristic and commendable conservatism to the good that is and has been in our legal system, insisting upon the prime virtue of a system of law that is certain, apparently forgetting that law is not an end in itself, but a means to produce the greatest common measure of good of society that is right—and justice between man and man.

“In those very difficult cases where our judges are confronted with the task of extending a principle of law to meet a new set of facts which call loudly for a remedy, if the court has the idea that the purpose of law was to satisfy properly our changing social demands, we should have fewer reactionary decisions that have caused so much popular discontent with the law and with courts.”

It has been said that the puny logic of human reason can not conquer the divine stubbornness of individual conceptions inherited or acquired; that what a lawyer says or writes may have its momentum indefinitely multiplied, or reduced to a nullity, by the impression the judge or judges happen to have formed, for good reasons or bad, of the spiritual or intellectual size of the speaker or writer.

Such variable human elements in every problem of life are inescapable, and the pathological conditions which may produce such criticism of decisions as seem to vary from rigid logicity will be softened by the comprehension of the broad justice and equity which ultimately emerges, and to accomplish which “in the light of reason and common sense” perforce will be the desire and effort of the court.

Since the organization of the enlarged court in 1901, it has disposed of an immense amount of litigation.

The Kansas reports of cases determined by the supreme court of Kansas covering the past fourteen years number thirty volumes of from 1000 to 1100 pages each, and contain 4256 original opinions, in as many cases.

In addition to the opinions written for the majority of the court, there were 432 dissents and special concurrences by other members of the court, most of which are accompanied by more or less lengthy opinions by the judges dissenting or specially concurring.

In these thirty volumes are also reported 1448 *per curiam* opinions and memorandum decisions, sometimes consisting of several pages. If not deemed

of sufficient value to be published, the judges are not required to prepare and file written opinions.

There remained over 550 cases on the docket of the supreme court after the July session, 1914, beside those under advisement, so that the court was at least eleven months behind its docket. Mr. Justice Burch says, in an address, that as a practical matter it has been found to be impossible to come nearer. A rule similar to rule 20 of the supreme court of the United States, permitting the submission of cases on stipulation, waving oral argument, without regard to the number of the case on the docket, would result in making available for decision many cases in advance of the regular call of the docket. However, the time and attention which can be devoted to a given case under the present course of submission of cases is short enough, while there are limits to the physical capacity of the judges. These considerations may make such a rule incompatible with even as perfect results as are now being obtained.

The history of the court indicates the wisdom of infrequent change in the personnel, by continued reelection or by lengthening the term of office.

By chapter 193, Session Laws of 1913, a novel experiment in the election of justices of the supreme court and judges of the district court was inaugurated. It provides that no party nomination shall be made for justices of the supreme court or judges of the district court. A separate ballot shall be provided at the general primary election for the nomination of candidates for these offices. Such ballot shall be headed "judicial ballot," and upon it shall be printed, without any party designation, the names of all candidates who have complied with the conditions herein stated. Any person desiring to become a candidate for justice of the supreme court or for judge of the district court may, within not more than 100 or less than 40 days preceding the primary election, file with the secretary of state a statement to that effect, accompanied by a petition requesting such candidacy, signed by qualified electors for such office to a number not less than one-fourth of one per cent of the total vote cast at the preceding election for the office of secretary of state in the state or judicial district, respectively. The filing of such statement and petition shall entitle him to have his name printed upon the judicial ballot at the primary election. In the canvass of the returns of the primary election, the two candidates having received the highest number of votes for each place to be filled shall be declared to have been nominated, and shall have their names printed upon the ballot at the general election without any party designation.

Where two justices of the supreme court are to be chosen for the same term, above the names of the candidates for that term shall be printed the words "Vote for two," and the four candidates receiving the highest number of votes shall be declared nominated. If three are to be chosen, the words shall be "Vote for three," and the six having the highest number of votes shall be declared nominated. The law provides for the rotation of names on the ballots, to be furnished by the state, so that in at least one division of the state each candidate's name will appear at the head of the list.

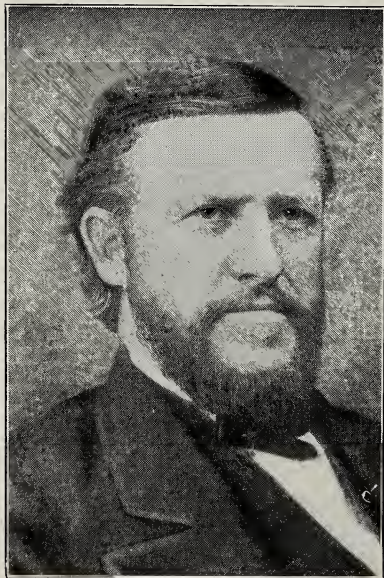
The purpose of this law is to secure a nonpartisan selection of judges. The result may not be a complete fruition of the hopes and expectations of its sponsors. The majority party may be strong enough to nominate two candidates for each place to be filled, or at least, after the primary, will be

strong enough to elect the candidate, if only one, who is a member of that party. Again partisanship is an influence which, if strong enough to affect the decisions of a judge, will do so whether his nomination and election are the result of a primary or an election held under this law or otherwise.

It is to the credit of the supreme court of Kansas that few if any of the decisions can be successfully challenged on this ground.

THE NECROLOGY OF THE COURT.

THOMAS EWING, jr., the first chief justice of the state of Kansas, born August 7, 1829, at Lancaster, Ohio, was a son of Thomas Ewing, Secretary of the Treasury in President Harrison's cabinet, and Secretary of the Interior under President Taylor, from which latter position he resigned when appointed United States senator from Ohio to succeed Thomas Corwin, who had accepted the position of Secretary of the Treasury from President Taylor.



THOMAS EWING,
First chief justice, Kansas supreme court.

Thomas Ewing, jr., private secretary to President Taylor during part of his administration, was a graduate of Brown University and the Cincinnati Law School. In 1857 he removed to Leavenworth, Kan., and became a law partner of the future General W. T. Sherman, his adopted brother and brother-in-law (General Sherman having married Ellen Ewing), and the future General Dan McCook, under the firm name of Sherman, Ewing & McCook. "He came to Kansas thoroughly equipped for the life work before him. School and college had offered him facilities for scholarly attainments. . . . His life had been with men of thought and action, dealing with affairs of great magnitude. His association with such men had its influence on his thoughts

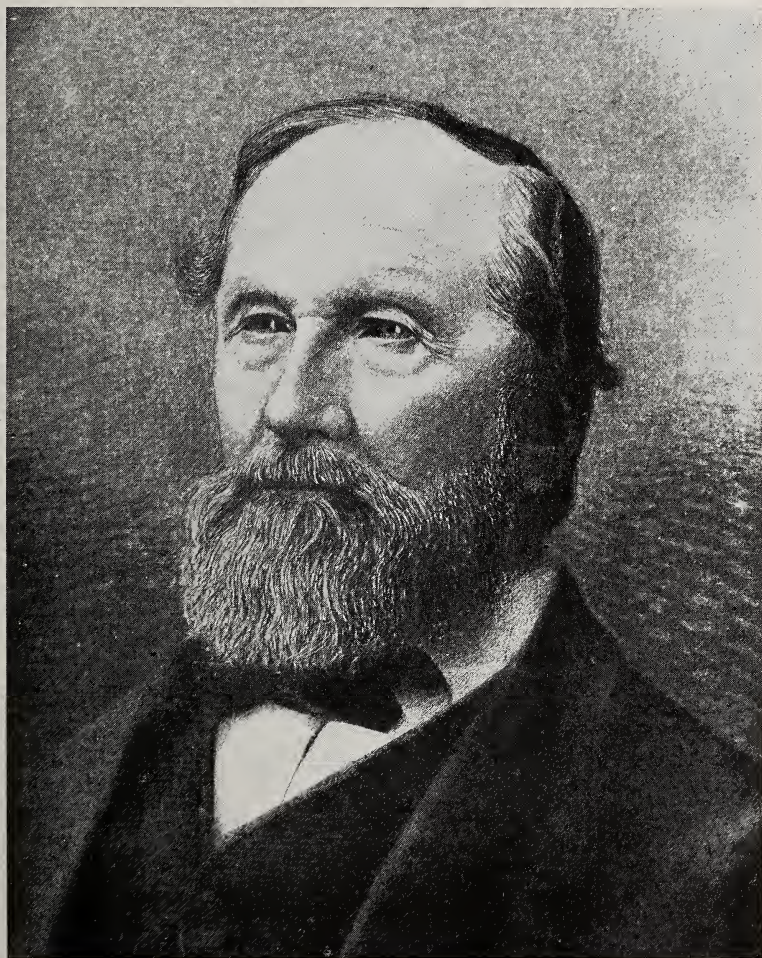
and led him to take a broader view of public questions than was usual with men of his age. . . . He loved truth and justice, and he held them with unbending firmness and fearless courage in all the varying changes of his career. He was conservative by nature. The bent of his mind was rather to build up than to pull down; constructive rather than destructive; yet when the occasion demanded he could cut to the roots, as witness Order No. 11—so much criticized, and yet so beneficent that every Kansan should feel grateful for it." (Memorial Record, Supreme Court, 56 Kan. xv.)

Order No. 11 was a severe but necessary measure, which effectually cleared the border of a population supporting the guerrillas. It was issued August 25, 1863, four days after the Quantrill massacre at Lawrence. The order was sustained by the general government, but it effected Ewing's defeat for nomination for Vice President in 1868. General Ewing did not.

remain in Kansas after the close of the war. He resumed his law practice in Washington, returning to Ohio, his native state, in 1871, and served in Congress from that state from 1877 to 1881.

In 1882 he removed to New York City, and died January 21, 1896, from injuries received in a street-car accident.

NELSON COBB, the second chief justice of the state of Kansas, was born at Windham, Greene county, New York, March 19, 1811. He received a liberal education, studied law, and was admitted to the bar. He came to Kansas in 1859. He served on the supreme bench from December 28, 1862, to January 5, 1864, and while there he wrote the opinions of the court in



NELSON COBB,
Second chief justice, Kansas supreme court.

fifteen cases. In 1864 he was defeated as a presidential elector on the Democratic ticket, and in 1866 was nominated by the National Union state convention for chief justice, but was defeated.

"His best memorial is in the opinions he rendered, which are to be found in the first and second volumes of the state reports, and which show clearly his remarkable powers of accurate analysis, clean and terse expression, exact and extensive knowledge of the law, and his high sense of justice.

"At the expiration of his term Judge Cobb resumed practice in Lawrence until 1868, when he removed with his family to Kansas City, Mo., where he resided until his death. For ten years after his removal to Kansas City he was engaged in professional work. . . . He died June 14, 1894, at the advanced age of 83 years, honored by all who had known him, and most beloved by those who knew him best.

"His most distinguished mental traits were his powers of analysis and expression. He had a remarkable faculty for seizing the essential points of a case, of excluding all that was merely subordinate to the principal question, and bringing the latter into clear light for determination." (Memorial Record, Supreme Court, 56 Kan. xvi.)

"LAWRENCE D. BAILEY was born at Sutton, Merrimac county, New Hampshire, August 29, 1819. He received an academic education and was admitted to the bar in 1846. He removed to the territory of Kansas in April, 1857, and settled on a claim in Douglas county. The same year he removed to Emporia, and there opened the first law office in that part of the present state.

"At the election of state officers held December 6, 1859, under the [schedule of the] Wyandotte constitution, the judges of the supreme court chosen were Thomas Ewing, jr., chief justice, to serve for six years; Samuel A. Kingman, associate justice, for four years; and Lawrence D. Bailey, associate justice, for two years. Judge Bailey was subsequently elected to the same position for a full term of six years, and held the office for eight years, from 1861 to 1869, when he was succeeded in January, 1869, by Daniel M. Valentine.

"Subsequent to his retirement from the bench Judge Bailey devoted much of his time to agricultural pursuits. He served as a member of the legislature a number of years. He was the founder of the *Kansas Farmer*, an agricultural paper that is still published in the city of Topeka. He was for four years president of the Kansas State Agricultural Society and the State Board of Agriculture. His latter years were spent in the western part of the state, his home being at Garden City, in Finney county. He died at Lawrence, Kan., on the 15th day of August, at the advanced age of 71 years." (Memorial Record, Supreme Court, 47 Kan. xi.)

ROBERT CROZIER, third chief justice of the state of Kansas, was born at Cadiz, Harrison county, Ohio, October 15, 1828. He graduated at the Cadiz Academy, studied law, and soon after his admission to the bar was elected county attorney of his native county. In the fall of 1856 he came to Kansas, and on March 1, 1857, issued the first number of the *Leavenworth Times*. On October 5, 1857, he was elected to the territorial council, defeating John A. Halderman. He was United States district attorney until elected to the supreme court, in which capacity he served three years, the unexpired term of

Chief Justice Ewing, after Judge Cobb. After his retirement from the supreme court he was cashier of the First National Bank of Leavenworth until 1876. In 1874 he was appointed by Governor Osborn United States senator to fill the unexpired term of Alexander Caldwell, resigned. In 1876 he was elected judge of the first judicial district, and served in that capacity for four consecutive terms. He died at Leavenworth on October 2, 1895.

"Robert Crozier is dead, and because of that there now sleeps among the silent ones a man whose integrity challenged respect, whose endowments commanded admiration, and whose genial kindness of manner knitted between him and his friends and kin bonds that even now are not and never can be broken. As a federal prosecutor in the troublous days of the war he stood as the government's champion, steadfast and undismayed; as a national legislator he, with dignity and ability, represented the great state whose chief executive never more wisely wrought than when he selected Robert Crozier as our senatorial representative; but it is as a judge, as a jurist, that he will be remembered when his brain has become ashes, his heart has, crumbling, returned to its mother dust. Whether sitting at *nisi prius* or with the court of last resort, his keen perception, his breadth of comprehension, his accuracy of deduction, his marvelous memory stored to the brim, and his untiring patience made him the judge ideal." (Memorial Record, Supreme Court, 55 Kan. xix.)

SAMUEL AUSTIN KINGMAN, fourth chief justice of the state supreme court, was born in Worthington, Mass., June 26, 1818. He was educated in the public schools and Mountain Academy of his native town. He began teaching school in his seventeenth year. He went to Kentucky in 1837, taught school, studied law, was admitted to the bar, practiced law at Carrollton and at Smithland, Ky. He was county clerk, district attorney and member of the legislature, and took part in framing a new constitution for Kentucky. In 1857 he came to Kansas, after a year at Knoxville, Marion county, Iowa. He first located at Leavenworth, then removed to Hiawatha, Brown county. In 1859 he was a prominent and influential member of the Wyandotte constitutional convention.

"Matchless as was his great work in the judiciary, public debt, and phraseology and arrangement committees, before the convention adjourned his crowning glory became the shaping and passing of the homestead provision.

The homestead provision of the Kansas constitution was, it is believed, the pioneer enactment of its kind, and it was born in the brain and heart of Judge Kingman and placed there through his efforts.

"Great as was Judge Kingman's work in this convention, a greater and much more difficult work was still before him. In 1861 he became associate justice of the supreme court, and was twice thereafter elected chief justice. It was a most fortunate thing that Kansas had in its judiciary beginnings a man of Kingman's temperament on the supreme bench. He carried with him to the court probity, a high sense of honor, and a remarkably clear power of analysis. He brought to that work still other qualities, among them a moral courage that was unassailable and a trained and disciplined mind accustomed to weigh and fully consider complicated propositions. His opinions remain to us models of judicial literature. Among his early judicial work he established for all time the standard for judges to follow in jury trials. . .

"He was the best of the old generation of lawyers. His conception of the duties of a lawyer—one that placed his personal honor above all things—else could not be made to conform to the standards of modern commercialism

"Honor is but another name for conscience, and his sense of responsibility to that and to his fellow man Judge Kingman never forgot to the latest hour of a life of pain, that was yet prolonged some sixteen years beyond the limits set by him who wrote: 'The days of our years are three score years and ten.' He lived and did his work in eventful days, and he survived to see the fruition of all his hopes in the great commonwealth whose foundation stones he helped to lay." (Memorial Record, Supreme Court, 69 Kan. vi.)

Judge Kingman died at his home in Topeka, September 9, 1904, at the age of eighty-six years.

ALBERT HOWELL HORTON, the fifth chief justice of the supreme court, was born near Brookfield, N. Y., March 12, 1837. He received his elementary education in the public schools, attended an academy at Goshen, New York, and entered the law department of the University of Michigan in 1855, but was compelled to leave college because of an affliction of his eyes. He was admitted to the bar at Brooklyn, N. Y., in 1860, and the same year he removed to Atchison, Kan., where he was soon appointed city attorney. In 1861 he was elected to that position, and in September Governor Charles Robinson appointed him judge of the second judicial district, and later he was twice elected to the position without opposition, but resigned to resume his law practice. In 1868, as presidential elector, he was elected as messenger to carry the vote to Washington. In May, 1867, President Grant appointed him United States district attorney for Kansas. He was elected to the house of representatives in 1872 and state senator in 1876, but resigned to accept the appointment of chief justice, January 1, 1877, by Governor Thomas A. Osborn. He was continued by election and reelection in 1878, 1884 and 1890. On April 30, 1895, he resigned his position on the supreme bench to resume his law practice at Topeka as a member of the firm of Waggener, Horton & Orr. Judge Horton died September 2, 1902.

"In the death of Albert H. Horton the state of Kansas has sustained the loss of one whose life and work have distinguished him as a citizen, lawyer and judge for over forty years. Nature most generously bestowed on him a mind of rare clearness, force and capacity for study and mental labor and great strength of character. . . .

"As chief justice of the supreme court he contributed much of value to the legal literature of the country, and for over eighteen years served his state with untiring industry and great ability. . . . He was in no sense a technical lawyer or judge, but looked rather to the broad principles of law and equity which are the safer guides to right judgment.

"To the bar, his life is a worthy example of the influence that rectitude of conduct, devotion to duty and high appreciation of the dignity and responsibility of the lawyer's office have on a successful career in the legal profession. To the judges on the bench he has left a commendable example of clearness and conciseness in judicial opinions as well as of faithful, able and impartial performance of the duties of one who occupies a place of such eminence and importance in the determination of personal and public rights." (Memorial Record, Supreme Court, 65 Kan. ix.)

DAVID MARTIN, the sixth chief justice, was born at Catawba, Clark county, Ohio, October 16, 1839. He attended the common school until the age of seventeen, when he began working in a mill. Like many other men of mark, he prosecuted his early studies thereafter without the aid of tutor, and was a student all his life. He studied law in the office of J. Warren Keifer, Springfield, Ohio, and was admitted to the bar in 1866. Soon after, deciding to go west, he opened a law office in Atchison, Kan., in May, 1867. In a short time he was recognized as one of the leading members of the Atchison bar.

In 1880 he was elected judge of the second judicial district, and reelected in 1884, both times without opposition. He resigned in 1887, and gave his attention to his law practice until April, 1895, when he was appointed chief justice to fill the vacancy caused by the resignation of Judge Albert H. Horton. The following year he was elected to the vacancy as a Republican, and served until January, 1897.

" . . . He became not only a very thorough lawyer, but also a scholar of wide general information and a critical knowledge of his native language. He was utterly devoid of all ostentation, yet I never heard him criticise others for vanity or display. Toward the faults of the individual he was always charitable, yet he did not hesitate vigorously to denounce whatever he deemed wrong in public affairs. Few men pass away, after a life so full of labor, so free from fault, and so worthy of emulation." (Memorial Record, Supreme Court, 62 Kan. vi.)

He died at Atchison, March 2, 1901.

"DANIEL MULFORD VALENTINE was born in Shelby county, Ohio, on the 18th day of June, 1830. Early in his boyhood the family moved to Indiana, where he lived until 1854 when he moved to Iowa. During the last three years of his residence in Indiana he taught school, and employed his available time in studying law. He was county surveyor of Adair county, Iowa, from 1855 to 1857, during which time he continued his legal studies, and on the 9th day of March, 1859, he was admitted to the bar. He served as county attorney of Adair county in 1858 and part of 1859.

"He first came to Kansas in 1858, accompanied by his wife, who is still living. They traveled in a one-horse rig and drove over a considerable portion of the eastern part of the state. In July of the following year Judge Valentine came to Kansas to locate, and settled at Leavenworth, where he remained about one year, when he moved to Peoria, then the county seat of Franklin county. He continued to reside in Franklin county until 1875, at the beginning of his second term as justice of the supreme court, when he moved his family to Topeka, where he maintained his home for the remainder of his life.

"In 1862 Judge Valentine represented Franklin county in the house of representatives of the state legislature, and in 1863 and 1864 he was state senator from that county. From 1865 to 1869 he was district judge of the district that included Franklin, Douglas, Johnson, Bourbon, Linn, Allen, Miami, Crawford and Cherokee counties.

"At the end of his term as district judge in January, 1869, he became a justice of this court [Supreme Court] and served in that capacity until January, 1893. . . .

"After his retirement from the bench Judge Valentine engaged in the practice of his profession in Topeka, which he continued until about two years before his death.

"His personality is revealed in the decisions he has helped to make and in the opinions he has penned in their justification. These show not alone the lawyer, but the man, for his work was a part of himself, and bore the stamp of his individuality. And it is perhaps not unfitting that a memorial prepared for the present purpose should be founded upon that larger and more enduring memorial already provided by his own life-work, which speaks with an authority that can not be challenged and furnishes its own refutation of the mistake if its meaning be not read aright. Nothing here spoken can add or take from his permanent reputation as a jurist. That rests on the solid foundation of the record itself.

"He did much to mold into its present shape the jurisprudence of the state, which was still in its formation period when he came upon the supreme bench, the published decisions of the court at that time, including those of territorial days, filling but four small volumes. . . .

"His mind was normal. He had no inclination to eccentricity. The conclusions he reached were those that would naturally have been anticipated by the common judgment of the bar, and therefore commended themselves to the approval of practitioners generally. These traits tended to make him a safe and satisfactory arbiter of legal controversies, rather than to ally his name with any novel and striking dogma. . . . A sincere respect for the opinions of others and a delicate regard for their feelings, which were typical of his whole life, showed themselves in his every expression. Though he was intensely loyal to his own convictions and followed them consistently to their logical end, no one could have shown more consideration for those who differed with him. Dogmatic statement was foreign to his nature. He was impatient of nothing except intentional wrong.

"These attributes were displayed not only in his attitude toward his associates on the bench, but perhaps in even a more marked degree toward counsel appearing before him. His habit was to state and discuss in his opinions every contention made by the defeated party—a practice necessarily involving some prolixity, but one calculated to gratify the reasonable desire of the practitioner to know the precise grounds of a decision against him and the view taken of his argument. . . .

"His opinions were clear, explicit, matter of fact. He never sought to clothe them in unusual or striking forms of expression. His practical, straightforward habit of thought found natural utterance in a simple, unpretentious style. . . . 'He is sincerely desirous of justice and right. He is a most conscientious man. He is continually searching himself to see that his motives are right; that he is not touched or swerved to the right or left by any prejudice springing from an unwarranted source.'

"While in no respect deficient in judicial gravity and dignity, the flowing courtesy of his manners seems to have won all hearts." (Memorial Record, Supreme Court, 78 Kan. vi.)

He died August 5, 1907.

DAVID J. BREWER "was born June 20, 1837, in Smyrna, Asia Minor, where his father, Rev. Josiah Brewer, was then a missionary of the Congregational Church to the Greeks in Turkey. His mother, Emilia Field Brewer,

was a sister of the distinguished Field brothers—David Dudley Field, the eminent New York lawyer. . . . ; Cyrus W. Field, who accumulated a fortune . . . and spent it in laying the Atlantic cable after repeated ineffectual efforts; and Stephen J. Field, who while serving as chief justice of the supreme court of California, was by President Lincoln appointed associate justice of the supreme court of the United States. . . .

“Shortly after Justice Brewer’s birth his parents returned to this country, locating in Connecticut. He was educated at Wesleyan University, Middletown, Conn., and Yale University, graduating in 1856 from the latter institution. He then began the study of law in the office of his uncle, David Dudley Field, and completed his law studies at the Albany Law School, from which he graduated in 1858. . . .

“Upon his admission to the bar Justice Brewer entered the law office of his uncle in New York, and was urged by relatives to remain there, but he determined to go west and make his own career. After traveling over the country, going as far west as Pike’s Peak, he settled in Leavenworth, Kan., on the 13th day of September, 1859, and engaged in the practice of law. His exceptional ability was soon recognized, and in his case the probationary period of young lawyer was comparatively short. Step by step he began to climb the ladder of success, and never halted until he attained the highest judicial honors the nation can bestow. In 1861 he was appointed United States commissioner; in 1862 he was elected judge of the probate and criminal courts of Leavenworth county; in 1864 he was elected judge of the district court for the first district of Kansas; in 1868 he declined a reelection as district judge, and was elected county attorney of Leavenworth county; in 1870 he was elected associate justice of the supreme court of Kansas, and was reelected to the same position in 1876 and again in 1882; in 1884 he was appointed United States circuit judge for the eighth circuit by President Arthur; in 1889 President Harrison appointed him associate justice of the supreme court of the United States, and at the time of his death he was, next to Justice Harlan, the oldest associate, in point of service, upon that tribunal. . . .

“He was president of the Venezuelan Boundary Commission, appointed by President Cleveland in 1896 to investigate and report upon the true divisional line between the republic of Venezuela and British Guiana. In 1899 he was a member of the arbitration tribunal of jurists selected by the governments of Great Britain and Venezuela to meet in Paris and determine the boundary line between the colony of British Guiana and Venezuela. He presided over the Universal Congress of Lawyers and Jurists held at the Louisiana Purchase Exposition in St. Louis in 1904. He was the orator of the bicentennial of his *alma mater*, Yale University, in 1901, and the same year gave the Dodge endowment lecture on ‘The Responsibilities of Citizenship,’ at that institution. . . .

“Justice Brewer had an unusually great intellectual and ethical inheritance—so great, indeed, that it seems to have dominated his energies and to have predetermined his career in life. With such an inheritance, and the best of educational advantages from childhood to manhood, it was but natural that he found his highest happiness and success in the consideration and application of questions of government, law, religion and ethics—the greatest questions that can concern mankind. . . .

"He was a prodigious worker, and was in great demand for addresses before gatherings of widely different character. He met the demands, even to delivering courses of lectures to law students, cheerfully. His utterances were uniformly finished, thoughtful and uplifting. While he essayed no oratorical flights, he held his audience in rapt attention and clothed his loftiest ideas in simple language comprehended by all hearers. He discussed legal and political questions freely in public, but never as a partisan. He mingled with all classes of people with whom he came in contact in such a cordial and democratic manner as, without any desire on his part, to elicit comparison unfavorably to some of his associates on the supreme bench. He was easily accessible to all who had any reasonable pretext for intruding upon his attention; was a good story teller, and alert to the humorous side of his personal experiences, around which he builded many entertaining narratives. . . .

"As a judge he was classed as a strict constructionist; was opposed to the idea of amending the constitution by interpretation; was jealous of the encroachment of the United States courts upon the jurisdiction of the state courts. As between the sovereignty of the state and individual rights and privileges, he was classed as an individualist.⁽¹⁸⁹⁷⁾ His concurring opinion in the Northern Securities case (193 U. S. 197) illustrates his caution that the court should not transcend an act of Congress. What is called the 'White Slave' case (*Kellar v. United States*, 213 U. S. 138) illustrates his scrupulous care to maintain the rights of the individual and the police power of the states, if impinged upon by an act of Congress. . . .

"Kansas loved Brewer and venerates his memory. We claim him as a Kansan—our contribution to the nation. From his first coming to us as a youth to his departure from earth he acknowledged no other residence, and when death seemed as distant to him as to-day it seems to us, he desired that his body be buried, as in time it was, 'at home'." (Memorial Record, Supreme Court, 83 Kan. vi.)

He died in the city of Washington, D. C., on the 28th day of March, 1910.

JACOB SAFFORD was born August 27, 1827, at Royalton, Vt., and educated at Oberlin, Ohio. He was admitted to practice law at Norwalk, Ohio, in 1854, and in 1855 went to Nebraska City, Neb., where he practiced law. He also served two winters in the Nebraska territorial legislature. In 1858 he settled in Lawrence, Kan., but soon removed to Tecumseh, removing to Topeka when the county seat was removed to that city, where he resided until his death.

"Judge Safford came here in territorial times, and it is sufficient evidence of his standing as a lawyer, that the people of the judicial district embracing the capital of the state, at the first election under the state organization, chose him for district judge. He so acceptably served in that capacity that his reputation for legal learning extended beyond the limits of his district, and at the close of his term he was elected one of the justices of the supreme court. The record of his services upon the bench are in the volumes of our reports, and show abundantly that with increasing years and experience he would rank with the best in his profession. . . . His life was short. He died in his full manhood, just when the accumulated learning and experience of his past might have been useful to himself and society." (Memorial Record, Supreme Court, 33 Kan. ix.)

He died at his home in Topeka, on July 2, 1885.

THEODORE A. HURD was born at Pawling, Dutchess county, New York, December 1, 1819. He graduated at Casanova Academy at an early age. After leaving school he taught for two years in Virginia, but returned to New York to read law in the office of Horatio Seymour, of Utica. Subsequently he studied in the office of B. Davis Nixon, and graduated with the law class of 1847 and was admitted to practice. Within a short time he entered into partnership with Judge Joshua A. Spencer. In 1854 business brought him to Kansas, and he was so pleased with the spirit of the New West that he determined to make the territory his home, and in 1859 he settled in Leavenworth, and the same year became a partner of H. Miles Moore. When Mr. Moore entered the army the partnership was dissolved, and after that Judge Hurd remained alone, being attorney for the Kansas Pacific Railroad and other corporations. In 1884, when Judge Brewer resigned to accept the position of United States circuit judge, Governor George W. Glick appointed Judge Hurd to fill the vacancy on the state supreme court, which position he held from April 9, 1884, until December 1, 1884, when he was succeeded by the present Chief Justice W. A. Johnston, who had been elected at the November election to fill the unexpired term of Judge Brewer.

"Distinguished for his probity, with unflinching courtesy and free from the asperities of the law, he won the good opinion of all who knew him. His diligence and assiduity were remarkable, commanding the respect of clients and acquaintances, and insured the professional success he signally deserved. In trial courts, his familiarity with the practice, together with the polish that comes from association with the most accomplished lawyers of his day, taught lessons in grace, dignity and decorum to the youngest members of the bar. He treated the court with just respect, cited industriously, and fairly applied the law. Before the courts of last resort his ripe attainments and well known character for candor and honest discrimination gave him audience and consideration second to none.

"His appointment as associate justice of the supreme court of Kansas, and his services as such, met with universal approval." (Memorial Record, Supreme Court, 60 Kan. vii.)

Judge Hurd died on the 27th day of February, 1899.

ABRAM HALSTEAD ELLIS was born in Cayuga county, New York, May 21, 1847, being fifty-five years of age at the time of his death. "While yet a child he removed with his parents to Eaton county, Michigan, and received his education at Battle Creek. When only sixteen years of age he enlisted in the War of the Rebellion and saw service during the last two years of it with the Seventh Michigan cavalry. He was admitted to the bar in Michigan in 1872, and there practiced until 1878, when he removed to Beloit, Kan., where he ever after resided and followed his profession. He received many honors from his neighbors and political associates, serving as county attorney of Mitchell county and as delegate at large to the Republican national convention of 1892. . . . When this court was increased by the constitutional amendment of 1900, he was appointed justice by Governor W. E. Stanley, and served from January [15], 1901, to the date of his death, September 25, 1902.

"Before going upon the bench Justice Ellis was the leading lawyer of northwest Kansas for twenty years. . . .

"The zeal with which he undertook his new work, the anxiety to write his first opinion, the pride he took in the form of it, were as refreshing as a spring morning, and the memory of it dries the tears. . . .

"Any tribute to Justice Ellis would be incomplete without mention of his delightful home life. . . . There was a comradeship between the husband and wife, the father and sons, that was more than common. An old-time disciple of Confucious said that 'a great man is he who does not lose his child heart,' and Justice Ellis never lost his child heart." (Memorial Record, Supreme Court, 65 Kan. vi.)

His was the first death of a judge of the supreme court while sitting a member of it. He died at Topeka, September 25, 1902.

"EDWIN W. CUNNINGHAM was born in Clarksfield, Ohio, August 31, 1842, and there resided until 1866. His education began in the country district schools and was continued at Baldwin University, Berea, Ohio, and at Hillsdale College, Michigan, where he was graduated in 1866. He enlisted as a private in company D, One Hundred and First Ohio volunteer infantry, in July, 1862, and was discharged after one year's service. He then enlisted in the regular service as a hospital steward, and served until January, 1864. . . . In the fall of 1867 he became superintendent of schools at Milan, Ohio. After one year he accepted a similar position at Urbana, Ill., where he remained for one year. He was admitted to the bar in June, 1869, and the following month located at Emporia, Kan., for the practice of his profession. He was probate judge of Lyon county for three terms."

Appointed in 1901 by Governor W. E. Stanley on the enlargement of the supreme court, he was nominated and elected for the two-year term in 1902, and renominated and reelected in 1904 for a full six-year term. He died August 10, 1905, at Boulder, Colo.

"When Death entered the court for the second time in its history and took our brother from the bench, the court and the profession sustained a loss which can not easily be measured. For more than a third of a century he was actively engaged in the practice of the law, and his professional career was marked by close application, steady growth, and a high sense of the obligations which rest upon a lawyer. During that time he appeared frequently in this court in varied and important litigation, and his learning, integrity and fairness gained for him the confidence of the court, the respect of his opponents and the esteem of all. His reputation as a lawyer extended far beyond his place of residence, and when the membership of the court was increased by constitutional amendment, the governor, himself a lawyer, who understood and appreciated the functions and dignity of the judicial office, named Judge Cunningham as one especially fitted for the place—an appointment which was twice ratified by the people at the polls. It is a striking fact, and one which illustrates the vicissitudes of life, that of the seven judges who constituted the reorganized court in 1901, only two remain on the bench.

"Justice Cunningham brought to the bench the industry and learning which distinguished him in the practice, a broad experience in the affairs of life, a high appreciation of the importance of the judicial office, and an intense earnestness to perform his duty in a way to merit the approval of the lawyers and the people. How well he measured up to this high ideal has been well told . . . and may be learned from his opinions voicing the judgment of the court, which show careful consideration, impartiality, and a sound judgment." (Memorial Record, Supreme Court, 70 Kan. vi.)

ADRIAN L. GREENE became a member of the supreme court on January 15, 1901, by appointment of Governor W. E. Stanley, and was elected November, 1902, for a full term of six years.

Justice Greene was "born in Canton, Mo., on the 10th of April, 1848, and resided there until his seventeenth year, when the family moved to Saline county, Missouri, where he remained for five years. He was a farmer's son, and except for a short time spent in school in St. Louis, only such educational advantages as were offered by the common schools of the locality in which he lived were available to him. But he was not discouraged by such limited opportunities. While yet assisting his father upon the farm he began the study of law, and his persistence was rewarded by his admission to the bar in 1871. He at once began the practice of his profession, locating at Miami, Mo.

"In the fall of 1871 Justice Greene came to Kansas and established himself in the town of Newton, which for more than a third of a century continued to be his home. . . . His name appears upon the records of the district court of Harvey county as attorney for the plaintiff in case No. 1. His character, ability and industry soon won for him the confidence and esteem of his fellowmen, and in his long career as a counselor and advocate his conduct was ever consistent with the strictest requirements of probity and fidelity. . . .

"His determination to continue the performance of his duties during the last days of his participation in the labors of the court furnished a pathetic illustration of one trait of his character. For many years he had suffered from the malady which caused his death, and although his physical condition at the time was such as to cause apprehension and quicken the solicitude of his associates on the bench, he insisted upon sitting with the court at its June, 1907, sessions and taking part in the following consultations. Toward the close of the latter, however, and while thus engaged, his illness became so serious that it became necessary to transport him to his home." . . .

"As a member of this court his work was worthy of its best traditions. He had a firm grasp upon fundamental principles and never shirked from severe and logical thinking. In consultation, the friction of mind upon mind served to exhilarate his own faculties and to sustain the momentum of his own thought, but never to overcome the integrity of his own intellectuality. His opinions are distinguished for precision, reserve of statement and the weighing of words. The strength of his passion against the dishonest and unconscionable may be judged from the memorandum opinions which he filed in disposing of two noted cases involving conduct of that character—one that of a lawyer who pleaded an iniquitous agreement in justification of the detention of property not his own, and the other that of a professional violator of law who besought the aid of a court of equity to protect him from prosecution so that he might pursue his criminal vocation. His heart was so tender that his voice would choke and his eyes fill with tears when presenting . . . some story of human affliction. His noble fortitude and devotion to duty in striving day after day to deal adequately with the ceaseless stream of cases which pours in upon the court while only the half of one of two necessary organs of his body was left to perform a vital function should be one of the cherished heritages of the people of this commonwealth.

"As a citizen Judge Greene was active in the promotion of every interest

of his community, educational, moral and material. He was a genial companion, a true friend and a fair opponent. His sallies of humor and his good-natured rallying and kindly banter of his associates are among the pleasant things of their recollections." (Memorial Record, Supreme Court, 76 Kan. vi.)

He died at Battle Creek, Mich., July 28, 1907, being the third of Governor Stanley's appointees and the third member of the court to die during his term of service.

CHARLES BURLEIGH GRAVES "was born in Wayne county, Ind., November 13, 1841. When ten years of age he moved with his parents to Fulton county, Illinois. In 1859 he, with his father's family, came from Illinois to Kansas and settled in Woodson county. On November 15, 1861, he enlisted in Captain Goss's company of the Iola battalion of 'Home Guards. . . . On January 16, 1862, Judge Graves, with his company, was regularly mustered into the service of the United States. . . . Judge Graves served three years and three months in the army. . . .

"After returning from the army Judge Graves engaged in farming and the milling and lumber business until 1868, when he began reading law in the office of Judge H. H. Bent, at Burlington. He was admitted to practice at Burlington in 1869, and began the practice at Neosho Falls. In 1872 he became a member of the law firm of Talbot, Talbot & Graves. In 1875 he moved to Burlington and formed a partnership with one Silas Fearl. In 1876 he was elected county attorney of Coffey county and served two terms. In 1880 he was elected judge of the fifth judicial district, composed of Lyon, Osage, Coffey and Chase counties, and served for three terms, his first term commencing in January, 1881, and his last term ending in January, 1893. In March, 1883, he moved to Emporia. . . .

"Upon the death of Justice E. W. Cunningham, in August, 1905, Governor Hoch appointed Judge Graves one of the justices of this court. He was elected at the regular election in 1906 and served until January, 1911.

"A lawsuit to him was not a contest of skill, where superior adroitness was to be rewarded by victory, but a search for truth; not a controversy over abstract propositions, but an effort to discover and apply the rule that right and justice required in the very matter in hand. He was ever direct and to the point. His words were few because he weighed them well, and they carried force accordingly.

"These traits show clearly in his written opinions, which disclose a vigor of grasp, a clearness of perception and a force of expression that make them a permanent and valuable addition to the literature of the law. But they are also an interesting study as a revelation of the peculiar quality of his mind. They are terse, crisp, pointed. They go directly to the question on which the decision turns. They contain little that is merely incidental, less that is extraneous, and nothing that is only ornamental or inserted by way of rhetorical flourish. . . .

"It is worthy to remark that in what was perhaps the only instance in which he ever inserted in an opinion matter not bearing directly upon the question at issue, he paused in his discussion to pay a tribute to the record and character of the trial judge whose decision was under review, and whose

recent retirement from the bench made the comment pertinent. The well-spoken words which he then spoke of another may now fitly be said of him:

“His thorough knowledge of legal principles and his clear perception of natural justice made him peculiarly fitted for judicial service, and contributed in a large measure to the success which gave him prominence as a jurist and caused him to be generously recognized as an able and impartial judge.” (Memorial Record, Supreme Court, 87 Kan. vi.)

He died at his home in Emporia, on March 25, 1912.

THE TOPEKA MOVEMENT.

UNDER the title of “Historical Archives,” the Topeka *Commonwealth* of Saturday, June 7, 1879, published the following:

“Hon. Joel K. Goodin¹ has made a very valuable deposit in the collections of the State Historical Society, consisting of the original records of the free-state provisional government of Kansas, which was organized at the Big Springs convention September 5, 1855, under the name of the Free State Executive Committee. Of this committee, Charles Robinson was the first chairman, James H. Lane afterwards succeeding him. Joel K. Goodin was secretary during the existence of the committee, and kept all its records, which he has held in his possession until now. He transmits them to the Historical Society with the following letter:

“‘OTTAWA, FRANKLIN CO., KANSAS, June 2, 1879.

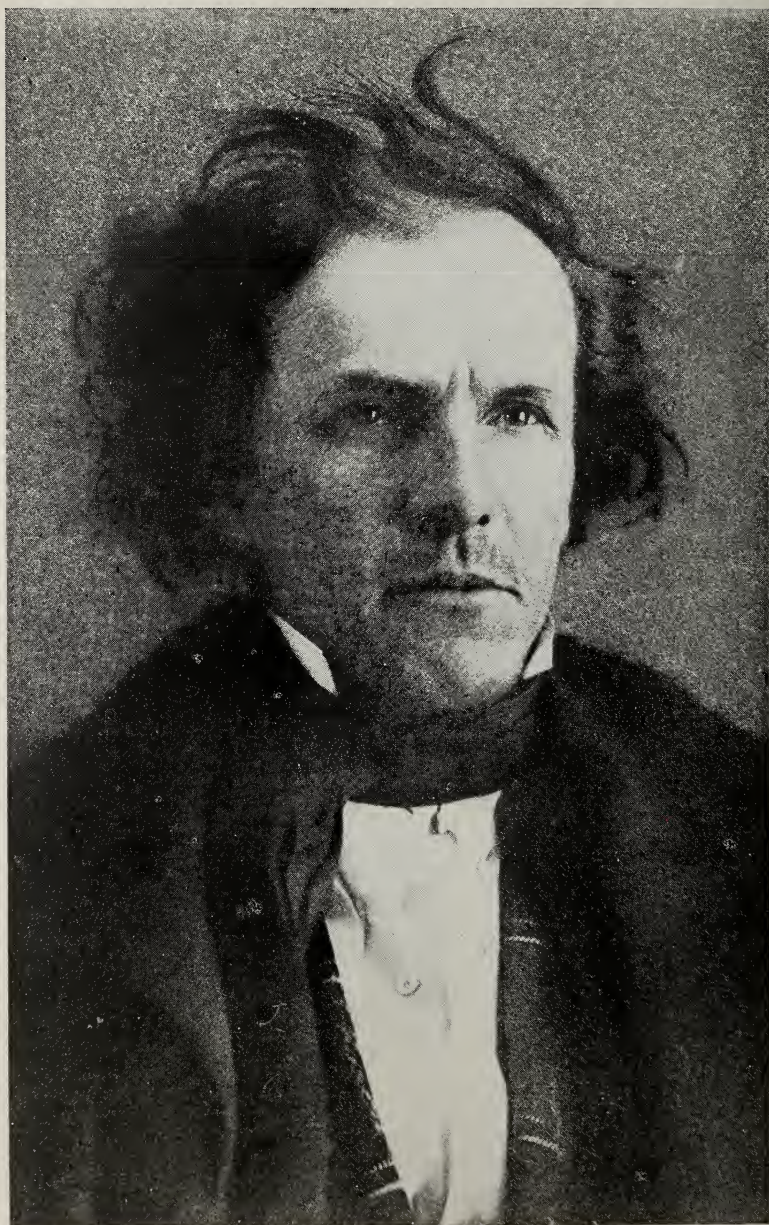
“‘F. G. Adams, Esq., Secretary State Historical Society, Topeka, Kansas:

“‘DEAR SIR—I send you to-day by express, a copy of the Journal of the House of Representatives under the Topeka Constitution; also the record of the Executive Committee—which Committee was the Provisional Government up to the time of the adoption of the “Topeka Constitution” and election of State officers thereunder, &c; also a full record of the expenditures of the Provisional Government up to the time of delivering the same over to the State Government, with number and amount of each piece of scrip issued, and to whom issued, and for what services. In those days that tried men’s souls and soles, it may be deemed remarkable that without a dollar in money, we were able to hand over our trust to the State Legislature with an expenditure of only \$15,265.90 in scrip, bearing the signature of the President and Secretary of the Executive Committee only as indorsement that it *must be received as legal tender*, by all Free State men. In the same book you will find the autographs of the officers and members elected to the

NOTE 1.—JOEL KISHLER GOODIN was born in Perry county, Ohio, February 24, 1824. His father’s name was John Goodin, his mother’s Elizabeth Kishler Goodin. His father was of Scotch-English descent; his mother of German descent. His father was treasurer of Seneca county, Ohio, for eight or ten years; also was elected senator in the Ohio state legislature in 1840.

Joel K. Goodin studied law in Kenton, Ohio; married Miss Elizabeth Christ in Bucyrus, Ohio, on January 8, 1849; removed to Kansas territory on May 16, 1854, locating on a land claim four miles south of Lawrence. Mr. Goodin was the first justice of the peace of Kansas territory, being appointed by Governor Reeder on January 3, 1855. He was active in the various free-state conventions of 1855, and was a delegate to the Big Springs convention and to the Topeka convention to consider the forming of a state government. He acted as vice president of the Topeka convention, and by that body was appointed one of the executive committee which was the provisional government of the territory. He was selected by that committee as its secretary, serving in that capacity until the inauguration of state government under the Topeka constitution. He was elected to the Kansas state house of representatives in 1866 and in 1867, from Douglas county. He was a member of the I. O. O. F. lodge since 1846 and was one of the charter members of the Grand Lodge in Kansas. He practiced law as a profession, locating in Ottawa, Kan., in 1871. He died at the residence of his son, in Ottawa, on December 9, 1894, and was buried in Hope cemetery near that city, where a plain monument marks his grave.

In volume four of the Kansas Historical Collections, pp. 273-274, James F. Legate, who knew Mr. Goodin well, has paid his statesmanship a wonderful tribute. Among other things he says, “He led us through the dark ways by the light of his brain.” Of the Executive Committee and Mr. Goodin’s work as its secretary he makes the following statement: “This executive committee was the Moses that led us across the sea of oppression . . . he was the soul and the brain and executive power of that committee. . . . Yet the underbrush of forgetfulness has so grown that but few in Kansas know that Joel K. Goodin ever lived.”



GENERAL JAMES H. LANE,
Chairman Executive Committee of Kansas.

Topeka Constitutional convention, with their residence, occupation, nativity, age, condition in life and politics, secured by me as Secretary of the Executive Committee, and for the purposes indicated in the heading. I trust the financial condition of our State Society ere long will be such as to allow the original idea to be carried out, as I had a premonition at the time that this would be an acquisition in our state history of no mean value. At least it is a flat contradiction of the pro-slavery inuendo, that we were all abolitionists from Boston, Massachusetts, and hired to come to Kansas by the Emigrant Aid Society.

"I also send you the representative of \$25, money actually paid out by me for board, lodging and traveling expenses, as Secretary. I have yet remaining some \$800 of the same kind of currency, taken in lieu of actual cash paid out.

"These relics are very dear to me, and I have hugged them to my heart of hearts, with great pertinacity, as souvenirs of early Kansas life. The more so as I see from year to year the old men and women, who bore the brunt, and suffered the privations of early pioneer life, are being not only ignored, but attempted to be forgotten by the would be stalwarts of more modern advent. Yet having recently been impressed with the idea, that they might be lost to the Society, and the future history of the state, have decided to send them. I have in my library all the volumes I have ever seen written on Kansas, as also a complete file of the "Herald of Freedom," but presuming that you already have what I am possessed of, do not send them. The amount of labor that you are putting in to gather up the odds and ends of our early history is commendable, and I do trust they will be safely guarded and protected from fire and vandalism.

"Accept these from me with the kindest recollections of your enterprise and labors in the interests of the most patriotic, submissive, yet the most determined, manly and heroic of God's humanity that ever settled a new country since the days of our early fathers. Very respectfully,

J. K. GOODIN.' "

RECORD OF THE EXECUTIVE COMMITTEE OF KANSAS TERRITORY.

The subject matter of the formation of a Constitution for Kansas with a view to its admission into the Union as a State, has for many months engrossed the minds of its citizens. After having exhausted to all human appearances every plan for such redress of our greivances as would satisfy us as Free-men, after having petitioned for succor in our great helplessness and real need, after having remonstrated against the outrages which had been perpetrated upon us, after having denounced as illegal, anti-american, unparalleled, and unkind the usurpation of our rights in the bringing of armed mobs to control our elections in *two instances*, (said mobs coming from and residing in foreign states,) our supplications, remonstrances and denunciations, but brought down upon us a rule of tyranny worse than Russian serfdom. A Legislature was attempted to be foisted upon us, in the choice of which our citizenship had no voice. Mis-named laws were passed by that body, (whom we have [believed] and still beli[e]ve to have been convened in contravention of law or precedent) of a character the most humiliating and debasing to an American Citizen if carried out, (and the present Government Official *Wilson Shannon* has expressed his intention to the effect they *shall be*, both in letter and in spirit, in part and in whole). The right of speech stifled, the muzzling of the Press attempted, the right of suffrage wrested from us, and for the paltry sum of One Dollar per-head transferred to any and *all*, without refference to their residence or citizenship. Debarred from the priv-

ilege of a voice in the election of the most insignificant officers, and in a word making us white Slaves in every sense, it cannot be wondered at, that some such remedy as that of seeking admission as a State *into the Union* should be revolved in the minds of an oppressed and grossly outraged people. The first movement made to this great end, was that of a published call gotten up by C. K. Holliday & J. K. Goodin made on the 15th day of August 1855, for a meeting to be held in Lawrence, at which time and place the Territory was largely represented by the Sovereign Squatters therein, which read as follows:

"MASS MEETING.

"The Squatters of Kansas Territory without distinction of party will assemble in mass meeting at Lawrence on Wednesday 15th day of August at 3 o'clock P. M., to take into consideration the propriety of calling a Territorial Convention preliminary to the formation of a State Government, and other subjects of public interest.

Aug. 15th, 1855..

(Signed) MANY CITIZENS."

Pursuant to the call a large convention of the people irrespective of party met, and adopted the following Preamble and Resolution (which was reported by a committee of five appointed by the Convention,) with but one dissenting voice. The Committee consisted of *G. W. Smith, C. K. Holliday, C. Robinson, John Brown jr. and A. F. Powell.*

"Whereas, The people of Kansas Territory have been since its settlement, and now are without any law-making power; therefore, be it

"Resolved, That we the people of Kansas Territory in Mass Meeting assembled, *irrespective* of party distinctions, influenced by a common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective election districts, and in Mass Convention or otherwise, elect *three* Delegates for each Representative to which such District is entitled, in the House of Representatives of the Legislative Assembly, by Proclamation of Gov. Reeder of date 10th March 1855: Said Delegates to assemble in Convention at the Town of Topeka, on the 19th day of September 1855, then and there to consider upon all subjects of public interest, and *particularly* upon that having reference to the speedy formation of a Constitution, with an intention of an immediate application to be admitted as a State into the Union of the 'United States of America.' "

At a delegate convention held at Big Springs in Kansas Territory on the 5th of September 1855, called to "take into consideration the present exigency of political affairs in Kansas Territory, and the nomination of a Delegate to represent her people in the *Thirty fourth* Congress of the United States," Mr. *John Hutchinson*, desiring an endorsement of the convention of the "Peoples Convention," offered the following resolution which was agreed to.

"Resolved, That this Convention, in view of its recent repudiation of the acts of the so called Kansas Legislative Assembly, respond most heartily to the call made by the "Peoples Convention" of the 15th ult, for a delegate Convention of the people of Kansas Territory, to be held at Topeka on the 19th inst: to consider the propriety of the formation of a State Constitution, and such other matters as may legitimately come before it."

On the 19th day of September 1855, the "Peoples Convention" assembled at the Town of Topeka, and organized by the election of *Wm Y. Roberts* of Big Springs as President, *J. A. Wakefield, P. C. Schuyler, L. P. Lincoln,*

J. K. Goodin, S. N. Latta, and R. H. Phelan, Vice-Presidents. E. D. Ladd, J. H. Nesbit, & M. W. Delahay Secretaries of the Convention. A business committee consisting of G. W. Smith, S. Mewhinney, J. A. Wakefield, C. K. Holliday, L. P. Lincoln, Hamilton Smith, J. A. Nesbit, T. J. Addis, Thomas Jenner, J. B. Chapman, H. M. Moore, M. J. Parrott, G. W. Deitzler, P. C. Schuyler, and J. D. Wood, were appointed on motion of G. W. Smith.

Col. J. H. Lane, moved the following resolution which was adopted:

"Resolved, That a committee consisting of Eighteen members appointed one from each election district as far as the said districts are represented in this convention, and when said districts are exhausted, from those actually in attendance at this Convention; and that they be clothed with full power to write, print and circulate an Address to the people of this Territory and to the Civilized World, setting forth our grievances, the policy we have been compelled to adopt, and which we have determined at all hazards to carry out."

The report of the "Business Committee" was *unanimously* adopted and is as follows:

"Whereas, The Constitution of the United States guarantees to the people of this Republic the right of assembling together in a peaceable manner for the common good, to 'Establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of Liberty to themselves and their posterity,' and

"Whereas, The Citizens of Kansas Territory were prevented from electing members of the Legislative Assembly in pursuance with the Proclamation of Gov. Reeder on the 30th of March last, by invading forces from foreign States coming into the Territory and forcing upon the people a Legislature of non-residents and others inimical to the people of Kansas Territory, defeating the object of the organic act, in consequence of which, the Territorial Government became a perfect failure, & the people were left without any legal Government until their patience has become exhausted, and endurance ceases to be a virtue, and they are compelled to resort to the only remedy left, that of forming a government for themselves, Therefore,

"Resolved, by the people of Kansas Territory in Delegate Convention assembled, That an election should be held in the Several election precincts of this Territory on the Second Tuesday of October next, under the regulations and restrictions herein after imposed, for members of a Convention to form a Constitution, adopt a Bill of Rights for the people of Kansas and take all needful measures for organizing a State Government preparatory to the admission of Kansas into the Union as a State.

"Resolved, That the apportionment of said Delegates shall be as follows: Two Delegates for each Representative to which the people were entitled in the Legislative Assembly by Proclamation of Gov. Reeder of date 10th March 1855."

"Resolved, That a committee of seven be appointed by the chair, who shall organize by the appointment of a Chairman and Secretary. They shall keep a record of their proceedings, and shall have the general superintendence of the affairs of the Territory so far as the organization of a State Government, which committee shall be styled the 'Executive Committee of Kansas Territory.'

"Resolved, That it shall be the duty of the 'Executive Committee of Kansas Territory' to advertise said election at least fifteen days before the second Tuesday in October next, and to appoint three Judges thereof for each Precinct, and the said Judges of each Precinct shall appoint their Clerks, all of whom, shall be duly sworn or affirmed to discharge the duties of their respective offices impartially, and with fidelity, and they shall have power to administer the oath or affirmation to each other; and the said Judges shall open said election at 10 o'clock A. M. at the place designated in each precinct by said Executive Committee and close the same at 4 o'clock P. M.; and in case any of the officers appointed fail to attend, the officer or officers in

attendance shall supply the vacancy or vacancies; in the event of them all failing to attend, ten qualified voters shall supply their places; and the said Judges shall make out duplicate returns of said election seal up and transmit one copy of the same within *five* days to the Chairman of the Executive Committee to be laid before the Convention; and they shall within *ten* days, seal up and hand the other to some member of the Executive Committee."

"*Resolved*, That the 'Executive Committee of Kansas Territory' shall announce by Proclamation, the names of the persons elected Delegates to said Convention, and in case the returns from any precinct should not be completed by that day, as soon thereafter as practicable, and in case of a tie, a new election shall be ordered by the 'Executive Committee' giving *five* days notice thereof, by the same officers who officiated at the first election."

"*Resolved*, That the said Convention shall be held at Topeka on the 4th Tuesday of October next, at 12 o'clock M. of that day."

"*Resolved*, That a majority of said Convention shall constitute a quorum, and that the said Convention shall determine upon the returns and qualifications of its members, and shall have and exercise all the rights, privileges and immunities incident to such bodies, and may adopt such rules & regulations for its government as a majority thereof may direct. If a majority of said Convention do not assemble on the day appointed therefor, a less number is hereby authorized to adjourn from day to day."

"*Resolved*, That in case of the death, resignation, or non-attendance of any Delegate chosen from any District of the Territory, the President of the Convention shall issue his writ ordering a new election on five days' notice, to be conducted as heretofore directed."

"*Resolved*, That all white male inhabitants, citizens of the United States, above the age of *twenty one years*, who have had a *bona fide* residence in the Territory of Kansas for the space of *thirty days*' immediately preceeding the day of election, shall be entitled to vote for Delegates to said Convention, and all white male inhabitants, citizens of the United States, above the age of *twenty one years*, who have resided in the Territory of Kansas for the space of *three months*' immediately preceeding the day of election, shall be eligible as Delegates to said Convention."

"*Resolved*, That if, at the time of holding said election, it shall be inconvenient, on account of Indian hostilities, or any other cause whatever, that would disturb or *prevent* the voters of any election precinct in the Territory, from the free and peaceable exercise of the elective franchise, the officers are hereby authorized to adjourn said election into any other Precinct in the Territory, and to any other day they may see proper, of the necessity of which they shall be the exclusive Judges, at which time and place the qualified voters may cast their votes."

"*Resolved*, That no person shall be entitled to a seat in the Convention, at its organization, except the members whose names are contained in the Proclamation of the Chairman of the Executive Committee. But after the Convention is organized, seats may be contested in the usual way."

"*Resolved*. That the members of the Convention shall receive as a compensation for their services, the sum of *Three Dollars* per day, and *three dollars* for every twenty miles travel to and from the same, and that Congress be respectfully requested to appropriate a sufficient sum, to defray the necessary expenses of said Convention."

"*Resolved*. That on the adoption of a Constitution for the State of Kansas, the President of the Convention shall transmit an authenticated copy thereof, to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives; to each member of Congress, and to the Governor of each of the several States of the Union, and adopt such other measures as will secure to the people of Kansas, the rights and privileges of a Sovereign State."

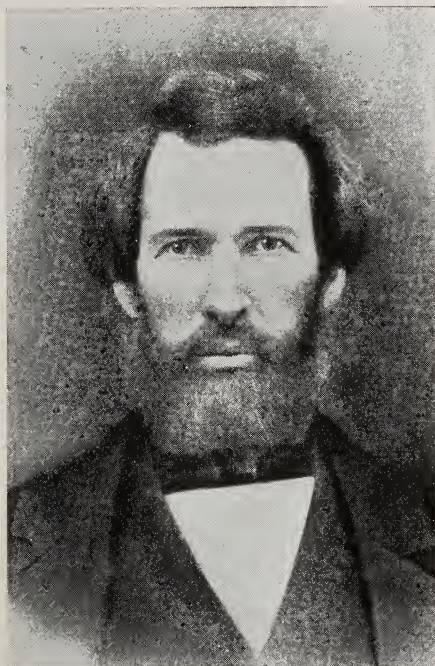
The Committee on Address were vested with authority to notify the people of the several Districts of the Territory, of the coming election, by *hand-bills*, *public-addresses*, and otherwise, as they may think proper, and were composed of the following persons. "*J. H. Lane, W. Y. Roberts, Hamilton*

Smith, P. C. Schuyler, H. Miles Moore, J. S. Emery, A. M. Jordan, M. W. Delahay, E. D. Ladd, G. W. Deitzler, J. A. Wakefield, Samuel C. Smith, Thomas J. Addis, J. H. Nesbit, L. P. Lincoln, John Speer, G. W. Brown, S. N. Latta, James Pierce, G. W. Smith and M. Hunt."

The "Executive Committee of Kansas Territory" was announced by the President to be composed of the following names:

J. H. Lane.	P. C. Schyuler.
C. K. Holliday.	G. W. Smith.
M. J. Parrott.	G. W. Brown.

and J. K. Goodin.



G. W. BROWN,
Editor *Herald of Freedom*.

SEPTEMBER 20th '55 5 O'clk. P.M.

The "Executive Committee of Kansas Territory" met at the house of *E. C. K. Garvey Esq.* in Topeka and organized by the election of *James H. Lane Esq.* as chairman, and *J. K. Goodin* Secretary.

On motion Committee adjourned to meet in Lawrence on (to-morrow,) 21st inst. at 2 O'clock P. M.

J. K. GOODIN Secy.

Friday Sept 21 2 O'clk P. M. 1855.

Committee met at house of *Dr. C. Robinson*, and took into consideration the powers and duties expressed and implied in the report of the business Committee at the Topeka Convention. The following is the result of their deliberations.

The Territory was laid off into districts for canvassing purposes to wit: and meetings for public speaking are to be held at the time and place stated.

1ST DIST.

At Pawnee.....	on	Thursday	Sept 27th	at	2 O'clk.	P.M.
" Manhattan.....	"	Friday	" 28th	"	12	M.
" Juniatta.....	"	"	" "	"	3	P.M.
" Rock Creek.....	"	Saturday	" 29th	"	2	"
" Marysville.....	"	Monday	Oct 1st	"	1	"
" Moorestown.....	"	Tuesday	" 2nd	"	2	"
" St Mary's Mission.....	"	Wednesday	" 3rd	"	11	A.M.
" Silver Lake.....	"	"	" "	"	3	P.M.
" Indianola.....	"	Thursday	" 4th	"	1	"
" Osawkee.....	"	Friday	" 5th	"	2	"
" Grasshopper Falls.....	"	Saturday	" 6th	"	2	"

SPEAKERS

J. S. Emery, W. M. Patterson, J. B. White, Isaac Goodnow, Charles Albright, M. Hunt, Rev. Lovejoy, Rev. E. B. Blood, Rev. Dennison, Dr. Hunting, E. Thurston & others.

2ND DISTRICT.

At Adams School House	on	Monday	Sept. 24th	at	3 O'clk.	P.M.
" Benicia.....	"	Tuesday	" 25th	"	2	"
" Bloomington.....	"	Wednesday	" 26th	"	2	"
" Washington.....	"	Thursday	" 27th	"	10	A.M.
" Tecumseh.....	"	"	" "	"	3	P.M.
" Topeka.....	"	Friday	" 28th	"	1	"
" Brownsville.....	"	Saturday	" 29th	"	2	"
" Waubonsa.....	"	Monday	Oct. 1st	"	2	"
" Mill Creek.....	"	Tuesday	" 2nd	"	1	"
" Council Grove.....	"	Wednesday	" 3rd	"	2	"
" One Hundred & Ten.....	"	Thursday	" 4th	"	1	"
" Council City.....	"	Friday	" 5th	"	2	"
" Willow Springs	"	Saturday	" 6th	"	2	"

SPEAKERS.

G. W. Smith, W. Y. Roberts, G. P. Lowry, Lyman Allen, A. M. Jourdan, P. C. Schuyler, L. R. Adams, S. C. Smith, F. W. Giles, A. Curtiss, L. Macy, Judge John Curtiss, R. G. Elliott and others.

3RD DISTRICT.

At Fish's Store	on	Monday	Sept 24th	at	2 O'clk	P.M.
" Ft. Scott.....	"	Friday	" 28th	"	1	"
" Stockton's Store, on Little Sugar Creek.	"	Saturday	" 29th	"	1	"
" Elijah Tucker's, on Big Sugar Creek.....	"	Monday	Oct 1st	"	2	"
" Ossawatimie.....	"	Tuesday	" 2nd	"	1	"
" Mr. Partridge's on Pottawattomie Creek.....	"	Wednesday	" 3rd	"	2	"
" Baptiste Peoria.....	"	Thursday	" 4th	"	2	"
" Springfield.....	"	Friday	" 5th	"	2	"
" Lane.....	"	Saturday	" 6th	"	2	"
" Scott's Town.....	"	Saturday	Sept 29th	"	1	"
" Hampden.....	"	Monday	Oct 1st	"	2	"
" Neosho, at H. Smith's Store.....	"	Tuesday	" 2nd	"	2	"
" Columbia.....	"	Wednesday	" 3rd	"	1	"
" Palmyra.....	"	Friday	" 5th	"	2	"
" Blanton.....	"	Saturday	" 6th	"	2	"

SPEAKERS.

Dr. C. Robinson, J. A. Wakefield, C. K. Holliday, M. F. Conway, W. K. Vail, J. L. Speer, W. A. Ela, Josiah Miller, O. C. Brown, J. K. Goodin, Dr. Gilpatrick, Rev. Tulon, Rev. J. E. Stewart, C. A. Foster, J. P. Fox, H. Bronson, G. W. Brown, A. H. Malley and others.

4TH DISTRICT.

At Wyandott City.....	on Thursday	Sept 27th	at 1 O'clk	P.M.
" Delaware City.....	" Friday	" 28th	" 1	" "
" Eaton.....	" Saturday	" 29th	" 2	" "
" Kickapoo.....	" Monday	Oct 1st	" 10	" A.M.
" Ocena.....	" "	" 1st	" 3	" P.M.
" Atchison.....	" Tuesday	" 2nd	" 1	" "
" Doniphan.....	" Wednesday	" 3rd	" 2	" "
" Whitehead.....	" Thursday	" 4th	" 2	" "
" Benj. Hardings.....	" Friday	" 5th	" 1	" "
" Hickory Point.....	" Saturday	" 6th	" 2	" "

SPEAKERS.

J. H. Lane, John Hutchinson, P. Laughlin, M. J. Parrott, S. C. Shoemaker, M. H. Deleha, G. W. Deitzler, H. Miles Moore, A. Guthrie, G. A. Culler and others.

Meetings were also called at

Franklin.....	Oct. 8th	Monday	at 10 O'clk	A.M.
Lawrence.....	" 8th	"	" 6	" P.M.

SPEAKERS.

S. C. Pomroy, Hon. A. H. Reeder, C. K. Holliday, J. H. Lane, J. A. Wakefield, G. P. Lowry, P. C. Schuyler, W. Y. Roberts, C. Robinson, G. W. Smith, & others. Jno. Curtiss.

Meetings are also to be held

At Franklin on Monday	Oct 8th	at 10 O'clk	A.M.
" Lawrence " " Evening	" " "	" "	Candle Lighting.

Most of the Speakers heretofore announced are appointed to be present at the above places.

Committee adjourned leaving it in the hands of the Chairman & Secy. to issue a Proclamation forms &c. &c. &c.

The following is the Proclamation calling the election:

"CONSTITUTIONAL CONVENTION PROCLAMATION.

"To the Legal Voters of Kansas Territory.

"Whereas, The Territorial Government as now constituted for Kansas has proved a failure—Squatter Sovereignty under its workings a miserable delusion, in proof of which it is only necessary to refer to our past history, and our present deplorable condition. Our ballot boxes have been taken possession of by bands of armed men from foreign States—our people forcibly driven therefrom—persons attempted to be foisted upon us as members of a so-called Legislature, un-acquainted with our wants, and hostile to our best interests—some of them never residents of our Territory—misnamed laws passed and now attempted to be enforced by the aid of citizens of foreign States, of the most oppressive, tyrannical, and insulting character,—the right of suffrage taken from us—debarred from the privilege of a voice in the election of even the most insignificant officers—the right of free speech stifled—the muzzling of the Press attempted; and *Whereas*, longer forbearance with such oppression and tyranny has ceased to be a virtue; and *Whereas*, the people of this country have heretofore exercised the right of changing their form of Government when it becomes oppressive, and have at all times conceded this right to the people in this and all other Governments; and *Whereas*, a Territorial form of Government is unknown to the Constitution, and is the mere creature of necessity awaiting the action of the people; and *Whereas*, the debasing character of the Slavery which now involves us impels to action, and leaves us as the only legal and peaceful alternative, the immediate establishment of a State Government; and *Whereas*, the organic act fails in pointing out the course to be adopted in an emergency like ours: *Therefore*, You are requested to meet at your several precincts in said Territory hereinafter mentioned, on the *Second Tuesday of October next*, it being the ninth day of said month, and then and there cast your ballots for members

of a Convention, to meet at Topeka on the 4th Tuesday in October next, to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government, preparatory to the admission of Kansas into the Union as a State."

"PLACES FOR POLLS.

First Election District.

LAWRENCE PRECINCT, Office of *John Hutchinson* in Lawrence.

BLANTON PRECINCT, At the house of *J. B. Abbott* in Blanton.

PALMYRA PRECINCT, At the house of *H. Bariklow* in Palmyra.

Second District.

BLOOMINGTON PRECINCT, At the house of *Harrison Burson* on the Waka-rusa River.

BENICIA PRECINCT, At the house of *J. J. Cranmer* in East Douglass.

Third District.

TOPEKA PRECINCT, At the house of *F. W. Giles* in Topeka.

BIG SPRINGS PRECINCT, At the store of *Wesley Frost* in Washington.

TECUMPSEH PRECINCT, At the house of *Mr. Hoogland* in Tecumpseh.

Fourth District.

WILLOW SPRINGS PRECINCT, At the house of *Dr. Chapman* on the Santa-Fe-Road.

SPRINGFIELD PRECINCT, At some suitable house in Springfield.

Fifth Dist.

BULL CREEK PRECINCT, At the house of *Baptiste Peoria* on Pottawattamie Creek.

POTTAWATTAMIE PRECINCT, At the house of *Henry Sherman*.

OSSAWATTAMIE PRECINCT, At the house of *William Hughes* in Ossawat-tamie.

BIG SUGAR CREEK PRECINCT, At the house of *Elijah Tucker* at the old Pottawattamie Mission.

LITTLE SUGAR CREEK PRECINCT, At the house of *Isaac Stockton*.

NEOSHO PRECINCT, At the Store of *Hamilton Smith* in Neosho.

HAMPDEN PRECINCT, At the house of *W. A. Ela* in Hampden.

Sixth District.

FORT SCOTT PRECINCT, At the house of *Mr. Johnson*, or a suitable building in Fort Scott.

SCOTT'S TOWN PRECINCT, At the house of *Mr. Vandever*.

Seventh Dist.

TITUS PRECINCT, At the house of *J. B. Titus* on the Santa-fe-Road.

Eighth District.

COUNCIL GROVE PRECINCT, At the *Mission House* at Council Grove.

WAUBONSA PRECINCT, At some suitable building in Waubonsa.

MILL CREEK PRECINCT, At the house of *G. E. Hoenick* on Mill Creek.

ASHLAND PRECINCT, At the house of *Mr. Adams* in Ashland.

Ninth Dist.

PAWNEE PRECINCT, At *Loden & Shaw's Store* in Pawnee.

Tenth Dist.

BIG BLUE PRECINCT, At the house of *S. D. Dyer*, in Juniatta.

ROCK CREEK PRECINCT, At the house of *Robert Wilson*.

Eleventh Dist.

VERMILLION PRECINCT, At the house of *John Schmidt* on the Vermillion Branch of Blue River.

Twelfth Dist.

ST MARY'S PRECINCT, At the House of *B. F. Bertrand*.

SILVER LAKE PRECINCT, At the house of *Joseph Leframbois*.

Thirteenth Dist.

HICKORY POINT PRECINCT, At the house of *Charles Hardt*.

FALLS PRECINCT, At the house of "*Mill Company*" at Grasshopper Falls.

Fourteenth Dist.

BUR OAK PRECINCT, At the house of *Benjamin Harding*.

DONIPHAN PRECINCT, (including part of 15th district to Walnut Creek,) At the house of *Dr. G. A. Cutler* in Doniphan.

WOLF RIVER PRECINCT, At the house of *Aaron Lewis*.

Fifteenth Dist.

WALNUT CREEK PRECINCT, (South of Walnut Creek,) At the house of *Charles Hayes* on the Military Road.

Sixteenth Dist.

LEAVENWORTH PRECINCT, At the Store of *Thomas Doyle* in Leavenworth City.

EASTON PRECINCT, At the house of *Thomas A. Maynard* [Minard] on Stranger Creek.

WYANDOTT PRECINCT, At the "*Council House*" Wyandott City.

RIDGE PRECINCT, At the House of *William Pennock*.

Seventeenth Dist.

MISSION PRECINCT, At the *Baptist Mission Building*.

WAKARUSA PRECINCT, At the store of *Paschal Fish*.

Eighteenth Dist.

CALAFORNIA PRECINCT, At the House of *W. W. Moore*, on the St. Joseph and Calafornia Road.

"INSTRUCTIONS TO JUDGES OF ELECTIONS.

"The three Judges will provide for each poll ballot boxes for depositing the ballots cast by Electors,—shall appoint two Clerks, all of whom shall be sworn or affirmed to discharge the duties of their respective offices impartially and with fidelity; and the said Judges shall open said election at 10 O'clock A. M. at the place designated in each precinct by the "Executive Committee of Kansas Territory," and close the same at 4 O'clock P. M. In case any of the officers appointed fail to attend, the officer or officers in attendance shall supply their places.

"And the said Judges shall make out duplicate returns of said election; seal up and transmit one copy of the same within *five days*' to the Chairman of the Executive Committee, to be laid before the Convention, and they shall within *Ten days*' seal up and hand the other to some member of said Executive Committee.

"If at the time of holding said election it shall be inconvenient on account of Indian hostilities or any other cause whatever, that would disturb or prevent the voters of any election precinct in the Territory from the free and peaceable exercise of the elective franchise, the officers are hereby authorized to adjourn said election into any other precinct in the Territory and to any other day they may see proper; of the necessity of which, they shall be the exclusive judges, at which time and place the qualified voters may cast their votes."

"QUALIFICATIONS OF VOTERS, &c.

"All white male inhabitants, citizens of the United States, or who have declared their intentions before the proper authorities to become such, above the age of *Twenty One Years*, who have had a *bona fide* residence in the Territory for the space of *thirty days*' immediately preceeding the day of said

election, shall be entitled to vote for Delegates to said Convention; and all white male inhabitants, Citizens of the United States, above the age of *Twenty One Years*, who have had a *bona fide* residence in the Territory of Kansas for the space of *three months* immediately preceeding the day of election, shall be eligible as Delegates to said Convention."

APPORTIONMENT &c.

"The apportionment of Delegates to said Convention shall be as follows: Two Delegates for each Representative to which the people were entitled in the Legislative Assembly by proclamation of Gov. Reeder of date 10th March 1855.

"It is confidently believed that the people of Kansas are alive fully, to the importance of the step they are about to take in disenthraling themselves from the Slavery which is now fettering them; and the Squatters of Kansas are *earnestly* requested to be at their several polls on the day above designated, see that there be no illegal votes cast, and that every ballot recieved be in accordance with your choice for Delegates to the Constitutional Convention, and have all the regulations and restrictions carried out.

"The plan proposed in the Proclamation to govern you in the election, has been adopted after mature deliberation, and if adhered to by you, will result in establishing in Kansas an Independant Government that will be admitted into our beloved Union as a Sovereign State, securing to our people the liberty they have heretofore enjoyed, and which has been so ruthlessly wrested from [them] by reckless invaders.

"Lawrence Sept. 22nd 1855.

"By order of 'Executive Committee of Kansas Territory.'

(Signed.) J. H. LANE, *Chairman*.

J. K. GOODIN, *Sec'y*."

The following is the call, circulated in the form of Posters and sent (together with all the labors of the Committee,) by *Carrier's* throughout the Territory.

"TO THE ELECTORS OF KANSAS TERRITORY.

"You are hereby notified that an Election will be held in the several election precincts of this Territory, on the SECOND TUESDAY, NINTH of OCTOBER *next*, for members of a Convention to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government preparatory to the admission of Kansas into the Union as a State.

"Per order of 'Executive Committee of Kansas Territory.'

(Signed.) J. H. LANE, *Chairman*.

J. K. GOODIN, *Sec'y*.
September 22nd 1855."

As the Convention at Topeka of 19th & 20th inst. empowered the "Executive Committee of Kansas Territory" to "appoint Judges of the Election," and "have the general superintendence of the Territory so far as regards the organization of a State Government," the following form have been made out to secure uniformity throughout the entire Territory:

"JUDGES CERTIFICATE.

"SIR:—Having entire confidence in your integrity, patriotism and ability, you have been selected and are hereby appointed as one of the Judges of the election to be holden in your Precinct in the Territory of Kansas, at _____ on the SECOND TUESDAY, (OCTOBER NINTH,) for Members of a Convention to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government preparatory to the admission of Kansas into the Union as a State.

"Lawrence Sept 22nd 1855.

"Per order of 'Executive Committee of Kansas Territory.'

J. H. LANE, *Chairman*.

J. K. GOODIN, *Sec'y*."

POLL BOOK

Of voters for Delegates to a Convention to form a Constitution for Kansas held on this SECOND TUESDAY, the NINTH DAY OF OCTOBER, A. D. 1855.

Names.		Names.	
No.		No.	
1	A. B.	15	
2	C. D. &c.	16	
3		17	
4		18	
5		19	
6		20	
7		21	
8		22	
9		23	
10		24	
11		25	
12		26	
13		27	
14		28	&c

We the undersigned Judges and Clerks of Election, hereby certify upon our oaths, that the number of votes cast at an election held at _____ Precinct, in Kansas Territory, on the Second Tuesday of October, 1855, it being the ninth day of said month, between the hours of 10 O'clock, A. M. and 4, O'clock P. M. of said day, "for Delegates to a Convention to form a Constitution, adopt a Bill of Rights for the People of Kansas, and take all needful measure for organizing a State Government, preparatory to the admission of Kansas as a State," to be _____ votes. "We, the Judges and Clerks of said election further certify upon our oaths, that the said voters were white male inhabitants, citizens of the United States, above the age of *Twenty One Years*, *Bona Fide* residents of said Territory of Kansas, having actually resided therein for the period of thirty days immediately preceeding Said Election day."

_____ October 9th 1855.

Attest:

Judges.

Clerks.

TALLY LIST

of votes cast for Delegates to a Convention to form a Constitution for Kansas, held on this *second Tuesday of October*, it being the *ninth day* of said month, A. D. 1855.

A. B. _____ votes.
 C. D. _____ votes.
 E. F. _____ votes.
 G. H. &c _____ votes.

"We the undersigned, Judges and Clerks of election, hereby certify upon our oaths, that _____ has received _____ votes, _____ has received _____ votes, _____ &c. cast at an Election held at _____ Precinct, in Kansas Territory, on the *second Tuesday*, (ninth day) of *October A. D. 1855*, between the hours of 10, O'clock A. M. and 4, O'clock P. M. of said day, for Delegates to a convention to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government preparatory to the admission of Kansas as a State.

"We, the Judges and Clerks of said Election, further certify upon our oaths, that the said voters were white male inhabitants, citizens of the United States, above the age of *Twenty one years*, *bona fide* residents of said Territory

of Kansas, having actually resided therein for the period of *thirty days* immediately preceeding said Election day.
 _____ October 9th 1855.

Attest: _____

Judges.

Clerks.

LIST OF JUDGES APPOINTED BY EX. COMMITTEE TO CONDUCT THE ELECTION
 ON TUESDAY OCT. 9TH 1855.

1st Dist.

Blanton Precinct..... Paul Jones
 Julius Eliot
 N. B. Blanton
 Lawrence Precinct..... Lyman Allen
 [William] Yates
 [M. H.] Spittle
 Palmyra Precinct..... Salem Gleason
 Henry Barricklow
 Elizur Hills
 Franklin Precinct..... _____

2nd District

Bloomington Precinct..... Robert Buffam
 Samuel Waker [Walker]
 G. W. Umberger
 Benicia Precinct..... P. B. Harris
 O. T. Bassett
 J. H. Shimmonds [Shimmons]

3d Dist.

Topeka Precinct..... Henry P. Waters
 Milton C. Dickey
 F. L. Crane
 Camp Creek..... John Kinney
 Hiram Heberling
 W. T. Stout
 Tecumpseh..... Francis Grassmuck
 C. W. Moffet
 John Morris
 Brownsville..... W. F. Johnson
 John W Brown
 Geo. S. Holt
 Mill Creek..... _____

 Washington..... Eli Allen
 William Riley
 W. R. Frost
 Council_City..... John Drew
 William Lord

4th Dist.

Lane.....C. Howard Carpenter
Saml Wortman
William Moore

Willow Springs.....

5th Dist.

Bull Creek.....

Pottawattamie.....John T. Grant
Cyrus Taylor
David Baldwin

Ossawattamie.....William Chestnut
Samuel H. Houser
John Yelon

Big Sugar Creek.....Jonah Daniel
Silas Young
D. B. Brown

Little Sugar Creek.....S. B. Floyd
D. Reese
Enoch Estep

Neosho.....William Stone
Thomas Osborn

Hampden.....

Stanton.....Isaac Woolard
Martin White
S. L. Morse

6th Dist.

Fort Scott.....

Scott Town.....T. Crabtree
Isaac Chatham
F. S. Froschel

Columbia.....Thos. J. Addis
James Kearnis
Phillip Cook

7th Dist.

Titus Precinct.....John Drew
Wm Lord

Council City.....John Drew
Wm Lord

8th Dist.

Council Grove.....*House of A. J. Baker.*
John Goodell
G. H. Rees
Benj. Wright

Waubonse E. R. McCurdy
 S. M. Bisbury
 Daniel B. Hiatt

Mill Creek _____

Ashland _____

9th Dist.

Pawnee S. P. Higgins
 Wm. M. McClure
 Lemuel Knapp

10th Dist.

Big Blue J. Stewart
 Peter Neyhart
 Wm Hanna

Rock Creek James Darnell
 Charles Jenkins
 Henry Rammelt

11th Dist.

Vermillion _____

12th Dist.

St Mary's J. P. Wilson
 Benj. C Dean
 Oscar B. Dean

Silver Lake John G. Thompson
 John W. Hopkins
 E. R. Kennedy

13th Dist.

Hickory Point Dr J. Noble
 G. A. White
 John Belcher

Pleasant Hill Robert Ward
 Nathan Adams
 William Hicks

Falls S. H. Dunn
 S. B. Ross
 J. W. Clark

14th Dist.

Bur Oak Henderson Smallwood
 A. A. Jamison
 Matthew Iles

Doniphan John H. Whittaker
 T. H. Hoffman
 J. Landis

Palermo Nathan D. White
 Wm Chapman

Wolf River _____

15th Dist.

Crosby's Store.....	Wm. Crosby Caleb May E Landrum
House of Jackson Crane....	Charles S. Foster Stanford McDaniel Jackson B. Crane

16th Dist.

Leavenworth.....	_____

Easton.....	_____

Wyandott.....	Abelard Guthrie Geo. J. [L.] Clark Mathias Splitlogs
Ridge.....	Wm Pennock J. A. Lindsey N. Lockerman

17th Dist.

Mission.....	Geo. L. Osborne Samuel M. Cornatzer Lewis Dougherty
Wakarusa.....	Lewis H. Bascom Ellis Bond Albert G. Green

18th Dist.

Calafornia.....	_____

OFFICE OF EX. COM. LAWRENCE K. T.
Oct. 1st 1855.

Ex. Com. met this morning, and on motion it was unanimously resolved that Dr. Chas. Robinson be elected Treasurer of the committee, and that the Sec'y be instructed to inform him of his election, and request his acceptance of the same.

J. K. GOODIN *Secy.*

Whereupon the following correspondence was had in relation to the selection of a Treasurer of the Ex. Com.

OFFICE OF EX. COM. OF KANSAS TERRITORY
Oct. 1st 1855

To Dr Charles Robinson:

DEAR SIR:—Having entire confidence in your integrity, patriotism and ability, you have been selected, and are hereby appointed Treasurer of the Ex. Committee for Kansas Territory, "having the general superintendence of the affairs of the Territory so far as regards the organization of a State Government," with a desire of your acceptance of the appointment.

By order of Ex. Com. of K. T.

Attest:

J. K. GOODIN *Secy.*

J. H. LANE *Chairman.*

REPLY.

Hon. J. H. Lane

LAWRENCE Oct 2nd 1855.

DEAR SIR—I have the honor to acknowledge the reception of your note appointing me Treasurer of the “Executive Committee of Kansas Territory” Please accept my thanks for the confidence the Committee have placed in me, and my pledge of fidelity to the cause we have espoused, as well as to the discharge of the duties of my position to the best of my ability.

Very Respectfully

C. ROBINSON.

Oct 2nd 1855

Ex. Com. met, and by order the following letter was ordered to be written to the Governor’s of the “United States” the objects of which are therein clearly expressed

J K GOODIN *Secy*

LAWRENCE KANSAS TER.

Oct 2nd 1855.

To His Excellency, Gov. —————

SIR: The Squatters of this Territory meet in Convention by their Delegates in Topeka on the 4th Tuesday of the present month, to frame a Constitution preparatory to applying for admission into the Union as a Sovereign State, and it is deemed important to have all the lights before them possible.

To this end, I am requested you to furnish to me for their use, a copy of your Constitution and debates if they were preserved, of your Convention.

Being entitled to the franking privilege, you can direct to me postage free, and I am authorized to say that in return you will be furnished with the proceedings of our Convention when published.

I trust the subject is of sufficient importance as to challenge your attention.

Respectfully J. H. LANE

*Chairman of Ex. Com. of K. T.*By the Chairman J. K. GOODIN *Secy*.

DELEGATES ELECTED TO THE CONSTITUTIONAL CONVENTION

to be convened on the 23d day of October A. D. 1855 at 12 O’clock. M. at the Town of Topeka K. T., the Election for said Delegates being held in pursuance of the call made by the Ex. Com. of K. T.

<i>Districts.</i>	<i>Precincts.</i>	<i>Delegates.</i>
1st Council	Lane	2. Saml McWhinney
1st Representative	Mission	Wm Graham
17th & 4th Election	Wakarusa	
1st Council	Lawrence	6. Chas. Robinson
2nd Rep.	Blanton	J. H. Lane
1st Election	Palmyra	J. K. Goodin
		G. W. Smith
		Morris Hunt
		J. S. Emery
2nd Council	Bloomington	4. J. A Wakefield
3rd Rep.	Benicia	A. Curtiss,
2nd Election		J. M. Tuton.
		H. Burson.
3d Council	Washington	2. C. K. Holliday
4th Rep.	Topeka	W. Y. Roberts
3d Election	Camp Creek	
	Tecumpseh	
	Brownsville	
	Mill Creek	
3d Council	Council Grove	2. P. C. Schuyler
5th Rep.	Council City	J. H. Pillsbury
7th & 8th Election		for J. H. Nesbitt

5th Council	Bull Creek	8. W. T. Turner
7th Rep.	Pottawatamie	James M. Arthur
5th Election	Ossawatamie	W. T. Morris
	Big Sugar Creek	O. C. Brown
	Little Sugar Creek	Rich'd Knight
	Neosho	Fr. Brown
	Hampden	H. Smith
	Stanton	W. G. Nichols
4th Council	Ft Scott	4. James Phenis
6th Rep.	Scott Town &c	A. Vandevere
6th Election		Dr. Burgess
6th Council	Pawnee &c	2. Robt Klotz
8th Rep.		A. Hunting
9th & 10th Election		
6th Council	St Mary's	2. M. F. Conway
9th Rep.	Silver Lake	J. G. Thompson
11th & 12th Election		
10th Council	Hickory Point	2. George Hillyer
10th Rep.	Pleasant Hill	J. Whitney
13th Election	Falls	
10th Council	Leavenworth	6. M. J. Parrott
14th Rep.	Easton	Robt Riddle
16th Election	Wyandott	Matt France
	Ridge	✓ S. N. Latta
		D. Dodge
		M. W. Delehay
7th Council	Doniphan	4. G. A. Cutler
11th Rep.	Palermo &c	John Landis
Wolf River & Doniphan		C. W. Stewart
Precincts of 14th Election		D. W. Field
8th Council	Bur Oak	4. _____
12th Rep.	Calafornia	_____
Bur Oak Precinct of 14th	&c	_____
Election Dist,		_____
Whole of 18th Election		
Dist,		
(small part of 15th Dist,		
voting at Doniphan)		
9th Council,	Crosby's Store	4. James S. Sayle.
13th Rep,	House of Jackson Crane	R. H. Crosby.
15th Election.		Caleb May.
		Sanford McDaniel.

In consequence of there being no Delegates elected from the 8th Council Dist, the Chairman of the "Ex. Com." caused to be issued the following

PROCLAMATION.

Whereas that portion of the 14th Election Dist. in which is situated Bur Oak and Wolf River Precincts is not represented in the Constitutional Convention now in session at Topeka, on account of a misunderstanding of the Electors in the place of voting, the qualified voters are respectfully requested to assemble at the above precincts on the 6th day of October next, and then and there cast their ballots for 3 delegates to represent them in the Convention aforesaid under the regulations and restrictions as set forth in the proclamation of the Ex. Com. of K. T. of date 22nd September 1855.

By order of Executive Committee of Kansas Territory this 25th day of October A. D. 1855

J. K. GOODIN Sec'y.

J. H. LANE Chairman.

A like proclamation was also issued the same date to the voters of the 6th Council district for the Election of One Delegate to supply the vacancy occasioned by the resignation of J. H. Pillsbury.

TOPEKA Oct 28th 1855

Committee met, members all present except G. W. Brown, when upon motion of G. W. Smith the following resolution was passed.

"Resolved.—That William Hicks, A. J. Whitney, and Geo. S. Hillyer having each been voted for in the 13th Representative Dist. as delegates to the Constitutional Convention of Kansas, each having had an equal number of votes, and A. J. Whitney not appearing to claim or contest his seat, having prior to the election declined being a candidate, and being now absent from the Territory—that George S. Hillyer, and William Hicks be and are hereby declared the duly elected delegates to the said Convention."

Committee Adjourned.

J. K. GOODIN Sec'y

TOPEKA Nov 10th 1855.

Committee met, present Lane, Holliday, Parrott, Smith & Goodin. On motion of Mr. Parrott it was ordered that the permanent office of the Ex. Com. of Kansas Ter. be established at Topeka until further ordered, and the regular sessions of the committee be held upon the 2nd and 4th Saturday's of each month, and that C. K. Holliday be instructed to rent an office and have the same prepared for our next meeting. On motion of C. K. Holliday E. C. K. Garvey was elected Assistant Secretary of the meeting.

Mr Garvey made a proposition to the Com. to rent them the front room in his new brick building at the rate of \$100 per annum; to make a solid petition through the same and furnish the office with carpet and furniture, desk, stove and fuel—the proposition was accepted. Com. adjourned.

J. K. GOODIN Sec'y.

TOPEKA Nov. 24th 1855.

Committee met, present, Lane, Smith, Holliday & Goodin. The following Proclamations were prepared submitted, passed, and ordered to be printed and circulated by couriers.

PROCLAMATION.

Constitution and General Banking Law.

By authority invested in me as Chairman of the Executive Committee of Kansas Territory, I do hereby proclaim and make known,—That the qualified voters of said Territory will meet at the several precincts hereinafter mentioned, on the 15th Day of December A. D. 1855. And then and there cast their ballots for or against the Constitution framed by the Convention which met at Topeka on the 23d day of October 1855, in the following form: Those in favor voting a ballot upon which is written or printed CONSTITUTION, those against NO CONSTITUTION.

At the same time and places they will cast their ballots approving or disapproving an article in relation to a GENERAL BANKING LAW framed by said Convention, which article is submitted as a distinct proposition, to be voted upon by casting a written or printed ballot in the following form GENERAL BANKING LAW—YES; those against GENERAL BANKING LAW—No.

If a majority of the votes cast shall be in favor of said article, then the same shall form a part of the Constitution,—otherwise, it shall be void, and form no part thereof.

(Here follows the Election precincts and Judges of Election as laid down in the Constitution) (Also the instructions to Judges and qualification of voters as copied from the Constitution.)

Blanks.

Printed forms of Poll books, tally papers and tickets will be furnished to the officers of each election precinct.

The importance of the election will doubtless induce you to observe the forms transmitted, and scrupulously adhere to the rules herein recited. It is confidently expected the people of Kansas will be permitted to exercise the right of suffrage upon so vital a subject as their first Constitution, without interference from foreign invaders; if however, you are disappointed in this, and any attempt should be made to pollute the Ballot Box by force or otherwise, the Judges will unhesitatingly exercise the authority vested in them, and adjourn or remove the polls to such time and place as in their judgment will secure a legal election.

Given under my hand at the office of the Executive Committee of Kansas Ter. this 24th day of Nov. A. D. 1855.

J. K. GOODIN, *Sec'y.*

J. H. LANE *Chairman*

PROCLAMATION.

BLACK LAWS. By authority vested in me as Chairman of the Executive Committee of Kansas Territory—I do hereby proclaim that the qualified electors of Said Territory will, on the 15th day of December A. D. 1855 express their approval of the passage of laws by the General Assembly providing for the exclusion of Free Negroes, from the State of Kansas, in the following manner: by voting at said election a written or printed ticket labelled EXCLUSION OF NEGROES AND MULATTOES "YES." or "No." those in favor voting "YES," and those against "No." The result of such vote to operate as instructions to the First General Assembly upon that subject. The said votes to be received by the same Judges, and the election conducted as provided in the Proclamation of even date herewith, in reference to the Constitution and General Banking Laws.

Given under my hand at the office of the Executive Committee of Kansas Ter. at Topeka, this 24th day of Nov. A. D. 1855

J. K. GOODIN *Sec'y.*

J. H. LANE *Chairman.*

POLL BOOK

Of voters who have cast their ballots at an election held on the 15th day of December A. D. 1855, at ——— Precinct, in District No ——— in Kansas Territory, on the adoption or rejection of a Constitution for the State of Kansas, and upon the General Banking Law Clause and Black Law Proposition.

No	Names of Voters		No	Names of Voters	
1	A.	B.	6	K.	L.
2	C.	D.	7	M.	N.
3	E.	F.	8	O.	P.
4	G.	H.	9	Q.	R.
5	I.	J.	10	S.	T.

We the undersigned Judges and clerks of election hereby certify upon our oaths, that the whole number of votes cast at an election held at ——— Precinct in ——— District in Kansas Territory, on the 15th day of December A. D. 1855, for the adoption or rejection of a Constitution, the separate article in relation to a General Banking Law, framed by the Constitutional Convention which assembled at Topeka on the 23d day of October 1855, for the State of Kansas, and the independant proposition in relation to instructing the first General Assembly on the subject of Negroes and mulattoes, to be in number ———; and we further certify that the said voters were *bona fide* citizens of the United States, above the age of 21 years, and actual residents of the Territory of Kansas, for 30 days immediately preceeding this election, and still continue the same as their home and residence. Attest:

Clerks.

Judges.

TALLY LIST

Of votes cast at an election held on the 15th day of December A. D. 1855, at _____ Precinct, in District No. — in Kansas Territory, on the adoption or rejection of a Constitution for the State of Kansas, and upon the General Banking Law Clause, and Black Law Proposition.

Exclusion of Negroes & Mulattoes—No.	|||| = 5
Exclusion of Negroes & Mulattoes—Yes.	|||| ||| = 15
General Banking Law—No.	|||| = 8
General Banking Law—Yes.	|||| || = 12
No Constitution	|||| = 5
Constitution	|||| ||| ||| = 20

We the undersigned Judges and Clerks of Election, hereby certify upon our Oaths, that the whole No. of votes cast at election held at _____ Precinct in _____ District, in Kansas Territory, on the 15th day of December A. D. 1855, for the adoption or the rejection of a Constitution framed by the Constitutional Convention which assembled at Topeka on the 23d day of October A. D. 1855, for the State of Kansas, to be in number as follows:—Constitution — No Constitution —. We further certify, that the whole number of votes cast at said election approving or disapproving an Article in relation to a General Banking Law, submitted as a distinct proposition, to become a part of said Constitution—if adopted by a majority of the People,—to be in number as follows: General Banking Law—Yes— General Banking Law—No —. We further certify, that the whole number of votes cast at said election, approving or disapproving the passage of stringent Laws by the General Assembly for the Exclusion of Free Negroes and Mulattoes from the State of Kansas, the result of said vote to operate as instructions to the first General Assembly, to be in number as follows: Exclusion of Negroes and Mulattoes, Yes — Exclusion of Negroes and Mulattoes, No —. And we further certify that the said voters were bona-fide citizens of the United States, above the age of twenty one years,

and actual residents of the Territory of Kansas for thirty days immediately preceeding this election, and still continuing the same as their home and residence.

Clerks.

Judges.

Arrangements were perfected by the Committee for a complete and thorough canvass of the Territory. The Ter. was divided into Five Districts and Show Bills ordered to be printed giving notice of the time and places where mass meetings would be held. Some 70 Speakers are to be enlisted in canvassing for the Coming Election.

Nov. 27th.

On motion it was ordered that the Chairman of the Ex. Com. be instructed to cause to be published a Proclamation, setting apart the 25th Day of December next as a day of Thanksgiving and prayer throughout the State, and calling upon the citizens to give observance to the same. Pursuant to the above order the Chairman has issued for publication the following

PROCLAMATION.

For a Day of Public Thanksgiving and Praise.

In pursuance of a long established usage, which has always found a cheerful acquiescence in the hearts of a grateful people, and by direction of the Executive Committee of Kansas Territory, I do hereby appointment and set apart Tuesday the 25th day of December next, to be observed by the people of Kansas, as a day of public Thanksgiving and praise.

While insult, outrage, and death has been inflicted upon many of our unoffending citizens, by those whom we desire to recognise as brothers, while the attempt is being made to inflict upon us the most galling and debasing slavery, our lives have been spared, and a way pointed out by which, without imbuing our hands in blood, we can secure the blessings of Liberty and a Good Government. The fields of the husbandman have yielded abundantly, and industry in all its channels have been appropriately rewarded. For those and the innumerable blessings we are enjoying, let our hearts be devotedly thankful. From every altar let Thanksgiving and Songs of Praise ascend to that God from whom these blessings flow. Let the occasion be improved by the people of Kansas, for the advancement of Freedom, Virtue and Christianity,—let the poor be remembered and relieved, and the day be wholly spent as Wisdom shall direct, and God approve and bless.

Given under my hand, at the office of the Executive Committee of Kansas Territory, in the City of Topeka, this 27th day of November, A. D. 1855.

J. K. GOODIN *Sec'y.*

J. H. LANE *Chairman.*

In order that there may be a complete and accurate history of the progress and advancement of the movement of the people of Kansas in the formation of their State Government, the Sec. was ordered to make a minute of the first issue of certificates of indebtedness giving the authority therefor.

On the 10th day of Nov. inst: the first certificate was issued in form hereinafter given, under the sanction and by the authority of the Constitutional Convention which assembled at Topeka on the 23d day of October A. D. 1855, which authority reads as follows:

“Certificates of indebtedness may be issued by the Territorial Executive Committee for all necessary expenses accruing in the formation of a State Government not exceeding TWENTY FIVE THOUSAND DOLLARS. PROVIDED No certificates shall be issued except for legitimate expenses. All claims shall be made in writing, and shall be numbered and Kept on file in the

Secretary's Office; and all certificates of indebtedness shall be signed by the Chairman and Secretary, and countersigned by the Treasurer, and numbered to correspond with the numbers of the claim or bill for which it was issued.

The certificates shall bear *ten per cent* interest per annum"
The form of Certificates issued by the Committee is as follows:



TREASURY WARRANT ISSUED BY THE EXECUTIVE COMMITTEE.
(Facsimile of original belonging to the State Historical Society.)

LAWRENCE Dec 9th 1855

Com. Met present Lane, Holliday Smith, Brown, Parrott & Scuyler.

Moved by G. W. Brown that the Ex. Committee appoint 5 delegates to travel in the States to urge the cause of Kansas upon the people and induce emigration to the Territory, Carried. The following persons were selected W. Y. Roberts, Dr. James Davis, P. C. Schuyler, Geo. W. Brown, and M. J. Parrott were selected.

On motion it was ordered that the Sec'y be instructed to issue the sum of \$200.00 Certificates to each of the five delegates appointed. Carried.

E. C. K. GARVEY Asst Secy.

LAWRENCE Dec. 23d 1855.

In the absence of the Chairman C. K. Holliday was elected Ch'n pro-tem. A letter from Eli Thayer proposing to furnish the Militia of the Territory with 1000 Stand of improved arms for 12000\$ Kansas Certificates of indebtedness was lain before the Committee.

On motion of G. W. Smith, Mr. G. W. Brown was instructed to correspond with Mr. Thayer accepting the proposition.

A motion was made by Mr. Brown to re-issue to James Redpath the sum of \$174, certificates which he Redpath claims to have lost; the Committee instructed the Secretary to require in this and all similar cases an affidavit of the person who claim a reissue for lost Certificates.

Adjourned until to-morrow morning at 9 O'clock

J. K. GOODIN Sec.

LAWRENCE Dec. 24th 1855.

Com. met present Lane, Brown, Smith Holliday & Goodin.

On motion C. K. Holliday was appointed Historian of the late Kansas difficulties, with full power to dispose of the Copy Right. The com. spent the ballance of the day in auditing accounts and preparing Proclamation and Election papers for the Coming Election.

LAWRENCE 27th Dec 1855

Com. in Session. The following proclamation announcing the result of the Election on 15th Dec. inst and proclamation calling an Election for State Officers and Members of the General Assembly were presented, discussed, and ordered for publication.

PROCLAMATION.

At an election holden on the fifteenth day of December, 1855, to determine, by ballot, for or against the adoption of a Constitution for the State of Kansas, framed by a Convention of Delegates which assembled at Topeka, on Tuesday the 23d day of October, 1855, it doth appear by the returns of said election now on file in the Office of the Executive Committee, that a majority of all the votes cast, are in favor of the said Constitution.

Now, therefore, by virtue of authority in me vested as Chairman of the Executive Committee of Kansas Territory, I do hereby proclaim and make known, that the Constitution framed by the said Topeka Convention, has been ratified by the qualified voters of Kansas Territory, and I do now declare the same to be the CONSTITUTION OF THE STATE OF KANSAS.

And I do further proclaim and make known, that, of all the votes cast at the aforesaid election, "for" and "against" a separate and distinct article, on the subject of *Banking*, a majority are in favor of, a *General Banking Law*, as ascertained by the returns of said Election, now on file in the office of the Executive Committee, and I do now declare the said Article, to be a part, of, the Constitution of the STATE OF KANSAS.

And I do further proclaim and make known that of all the votes cast, at the aforesaid election, "for" and "Against" "the passage of laws by the General Assembly, providing for the Exclusion of free negroes from the *State of Kansas* . . . the result of such vote to operate as instructions to the First General Assembly, upon that subject," a majority are in favor of "*Exclusion*," as ascertained by the returns of said election now on file in the office of the Executive Committee.

Given under my hand, at the office of the Executive Committee of Kansas Territory, at the City of Topeka, this 27th day of December, A. D. 1855
Attest.

J. H. LANE *Chairman*

C. K. HOLLIDAY *Sec. pro tem.*

PROCLAMATION.

By virtue of authority in me vested as Chairman of the Executive Committee of Kansas Territory, I do hereby proclaim and make known, that the qualified voters of Kansas will meet at the several precincts hereinafter mentioned, on the 15th day of January A. D. 1856, and then and there elect—

	One	person	for	Governor.
	One	"	"	Lieutenant Governor,
	"	"	"	Secretary of State,
	"	"	"	Auditor of State,
	"	"	"	Treasurer of State,
	"	"	"	Attorney General,
	Three	"	"	Judges of the Supreme Court,
	One	"	"	Reporter of the Supreme Court,
	"	"	"	Clerk of the Supreme Court,
	"	"	"	Public State Printer,
	"	"	"	Representative to Congress,

At the same time and places, they will also elect Twenty persons for SENATORS, and Sixty persons for REPRESENTATIVES to the General Assembly of the STATE OF KANSAS, to be apportioned among the several Districts as follows: to wit:

Senatorial and Representative Districts

- 1st—The first Election District shall be entitled to Three Senators and Eight Representatives.
- 2nd—The Second Election District shall be entitled to One Senator and Three Representatives.
- 3d—The Third Election District shall be entitled to One Senator and Three Representatives.
- 4th—The Fourth and Seventeenth Election Districts shall constitute the Fourth Senatorial and Representative Districts, and be entitled to one Senator and Two Representatives.
- 5th—The Fifth Election District, shall be entitled to three Senators and Two Representatives
- 6th—The Sixth, Seventh and Eighth Election Districts shall constitute the Sixth Senatorial & Representative District & be entitled to Two Senators and Five Representatives
- 7th—The Ninth and Tenth Election Districts shall constitute the Seventh Senatorial District, and be entitled to one Senator and four Representatives.
- 8th—The Eleventh and Twelfth Election Districts shall constitute the Eighth Senatorial & Representative District, and be entitled to one Senator and three Representatives
- 9th—The Thirteenth Election District, shall constitute the Ninth Senatorial and Representative District and be entitled to One Senator and Two Representatives.
- 10th—The Fourteenth and Eighteenth Election Districts, shall constitute the Tenth Senatorial and Representative District and be entitled to two Senators and seven Representatives
- 11th—The Fifteenth Election District, shall constitute the Eleventh Senatorial and Representative District, and be entitled to one Senator and Five Representatives
- 12th—The Sixteenth Election District, shall constitute the Twelfth Senatorial and Representative District, and be entitled to Three Senators and Nine Representatives.

Until otherwise provided by law, the Election in the Several Districts shall be held at the following places, and the following named persons are hereby appointed as Judges of the Elections.

(Here follows the names of the precincts and Judges as laid down in the Constitution and heretofore recited in this record.) (See proclamation on file.) (Here follows also the General Instruction to Judges of Election, also the qualifications of voters.)

BLANKS, printed forms of poll books, tally papers, and tickets will be furnished to the officers of each precinct.

The importance of the election will doubtless induce you to observe the forms transmitted, and scrupulously to adhere to the rules herein recited.

Given under my hand at the office of the Executive Committee of Kansas Territory, at Topeka, this 27th Day of December, A. D. 1855.

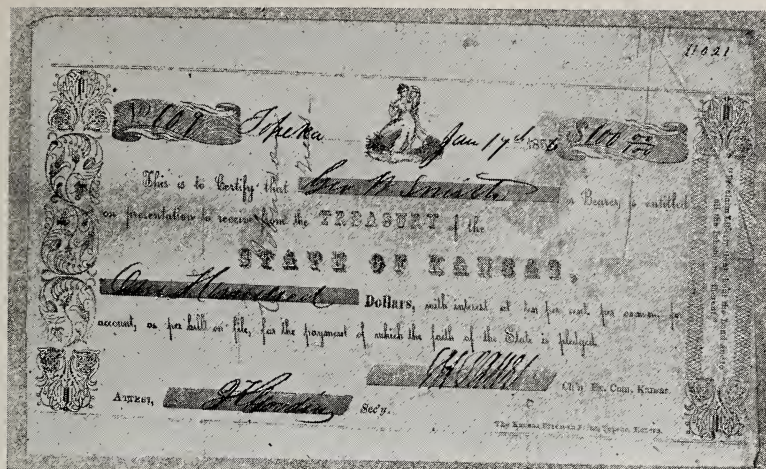
J. H. LANE, *Chairman.*

C. K. HOLLIDAY, *Sec. pro-tem.*

LAWRENCE Jan. 16th 1856.

Committee met, present Lane, Smith, Brown Holliday & Goodin.

On motion of J. H. Lane. Messrs G. W. Smith, Turner Sampson, M. C. Dickey, Morris Hunt, J. S. Emery, C. K. Holliday, & J. K. Goodin were appointed General Agents to visit the several states of the Union, to ask appropriations of munitions of war and means for the defence of the citizens of Kansas, and that the Secretary be instructed to issue to each of the Agents who will depart upon their mission the sum of \$200.00 Certificates of indebtedness to bear their expenses, and furnish to them the usual commissions.



TREASURY WARRANT ISSUED BY THE EXECUTIVE COMMITTEE.
(Facsimile of original belonging to State Historical Society.)

On motion of J. K. Goodin, the vote upon the acceptance of a proposition to purchase 1000 stand of arms was rescinded & the agency given to Mr. G. W. Brown in relation thereto, was revoked. The grounds for the motion, were, that since the former order was made by the Committee, a letter had been received from Mr. Thayer proposing a loan of the Arms without asking any remuneration therefor.

On motion of C. K. Holliday it was ordered that the Chairman at the earliest moment appoint a Committee of three (himself being one of that number) to convey to Washington City the Constitution, in order that it be speedily laid before Congress.

Several bills being before the Committee for printing, On motion J. K. Goodin, Brown and Elliott were appointed a committee to so equalize the prices for printing, that there may be uniformity in the bills for printing which may be presented.

The Committee reported as follows and were discharged.

“Resolved: That the prices fixed upon by the Constitutional Convention, shall be adopted in the passage upon further bills for printing.

Signed. J. K. GOODIN,
G. W. BROWN,
R. G. ELLIOTT.

An account was presented in favor of William N. Baldwin for Boarding & attendance upon D. Buffam a wounded soldier in the invasion Nov. & Dec. last. The Secretary refused to allow the account for the reason that it was not a “necessary expenditure accruing in the formation of a State Government.” The Committee over-ruled the Secretary by a yea & nay vote as follows:

Yeas	Nays
Lane	Goodin,
Holliday	Brown,
Smith	

So the account was allowed.

On motion of G. W. Smith Certificates of indebtedness for part pay services as members of the Executive Committee were voted as follows:

J. H. Lane	\$200.00
G. W. Smith	200.00
J. K. Goodin	200.00
C. K. Holliday	100.00
G. W. Brown	50.00

Committee Adjourned

J. K. GOODIN, Sec.

LAWRENCE Jan. 19th 1856

Committee met present Lane, Brown, Holliday Smith & Goodin

On motion of J. H. Lane the following instructions were given to the General Agents appointed by the Committee to visit the States:

"OFFICE OF THE EXECUTIVE COMMITTEE OF KANSAS TERRITORY
LAWRENCE 19th Jany. 1856

SIR: By virtue of Authority vested in us as the Executive Committee of Kansas Territory, the Free State Ex. Com, and the Committee of Safety, for the Territory, you are hereby appointed a special Agent to visit the United States for the purposes following to wit:

1st To ask no direct contributions for money, but to urge upon the citizens of the several states the creation of a fund to meet the expenses incurred by the people of Kansas in their defence against FOREIGN INVASION, the protection of their lives and property from LAWLESS DEPREDATIONS, and other expenses connected with the interests of Kansas, said fund to be deposited in some safe Bank in the locality of its creation—placed to the credit and subject to the order of Charles Robinson, J. H. Lane & J. K. Goodin and G. W. Deitzler, to be disbursed by them as they deem necessary for the purposes above named.

2nd To urge the immediate enrollment of all persons willing to aid the citizens of Kansas, in the protection of their lives, property and rights against all future invasion from a Foreign Foe.

Signed

J. H. LANE

Ch'n of Ex. Com.

C. ROBINSON

Ch'n of Safety, of Free State Ex. Com & Treas
Ex. Com. K. T.

GEO. W. DEITZLER

Secy Com. of Safety

J. K. GOODIN

Sec. Ex. Com. K. T. & Free State Ex. Committee.



CERTIFICATE FREE-STATE KANSAS FUND.
(Facsimile of original belonging to State Historical Society.)

Private instructions were also given in manner following to wit:

SIR: You are hereby instructed in your route to visit
(The different States are here mentioned.) Spend a few days in Washington City, and return to Kansas at an early day. If you should receive authentic information of an invasion, return instantly with as many emigrants as you can induce to join you

(Signed as above)

The General agents were given the following to be dispatched to the President of the United States.

LAWRENCE CITY K. T. Jan. 21st 1856

To Franklin Pierce President U. S.

SIR: We have authentic information that an overwhelming force of the citizens of Missouri are organizing upon our borders, amply supplied with artillery for the avowed purpose of invading this Territory—demolishing our towns, and butchering our unoffending Free State Citizens. We respectfully demand on behalf of the Citizens of Kansas, that the Commander of the U. S. Troops in this vicinity, be immediately instructed to interfere to prevent such an inhuman outrage—Resp'ly. Signed J. H. LANE *ch'n*

J. K. GOODIN *Secy*

The following is the form of Commissions prepared for the Agents:

KANSAS TERRITORY

To the People of the United States—Greeting:

Whereas, The Executive Committee of Kansas Territory, invested with full authority from the PEOPLE of said Territory in GENERAL CONVENTION ASSEMBLED, and approved by the Constitutional Convention, have appointed and by these Letters do appoint

A _____ B _____

an Agent of the said Executive Committee, and a Representative of the said Territory of Kansas, to *The people of the United States*, the several Legislatures of the respective States, the Representatives in Congress, and the Heads of the several Departments, to present to them the True condition of said Territory of Kansas, its claims for admission into the Union as a

SOVEREIGN STATE,

and to procure arms and means for protection against all further invasion.

These, therefore, Are to request all persons interested to Receive our Said Agent in the above capacity, and extend to him and his associates, all the aid and encouragement in their power.

In witness whereof—, I have hereunto set my hand at Lawrence the 19th day of January A D 1856

J. K. GOODIN *Sec'y*

Signed

J. H. LANE *Chairman*

Below will be found the public instructions given to G. W. Smith, J. S. Emery, Turner Sampson, A. H. Mallory, M. F. Conway, Samuel C. Smith, Morris Hunt and J. H. Lane who were appointed to visit the States as per the Commission above:

OFFICE OF EXECUTIVE COMMITTEE OF K. T.

LAWRENCE January 19th 1856

SIR: By virtue of authority vested in us by the Executive Committee of Kansas Territory, and the Committee of Safety for the Territory, You are hereby appointed a special Agents to visit the United States for the purposes following to wit:

1st To ask no direct contribution for money, but urge upon the citizens of the several States the creation of a fund to meet the expenses incurred by the people of Kansas in their defence against foreign invasion, the protection of their lives and property from Lawless Depredations and other expenses

connected with the interests of Kansas, said fund to be deposited in some safe Bank in the locality of its creation, placed to the credit, and subject to the order of Charles Robinson, J. H. Lane, J. K. Goodin, and G. W. Deitzler, to be disbursed by them as may be deemed necessary for the purposes above named

2nd To urge the immediate organization and enrollment of all persons willing to aid the Citizens of Kansas, in the protection of their lives, property, and rights, against all future invasions of our Territory from a foreign Foe.

Signed

J. H. LANE

Ch'n of Ex. Com. K. T.

J. K. GOODIN

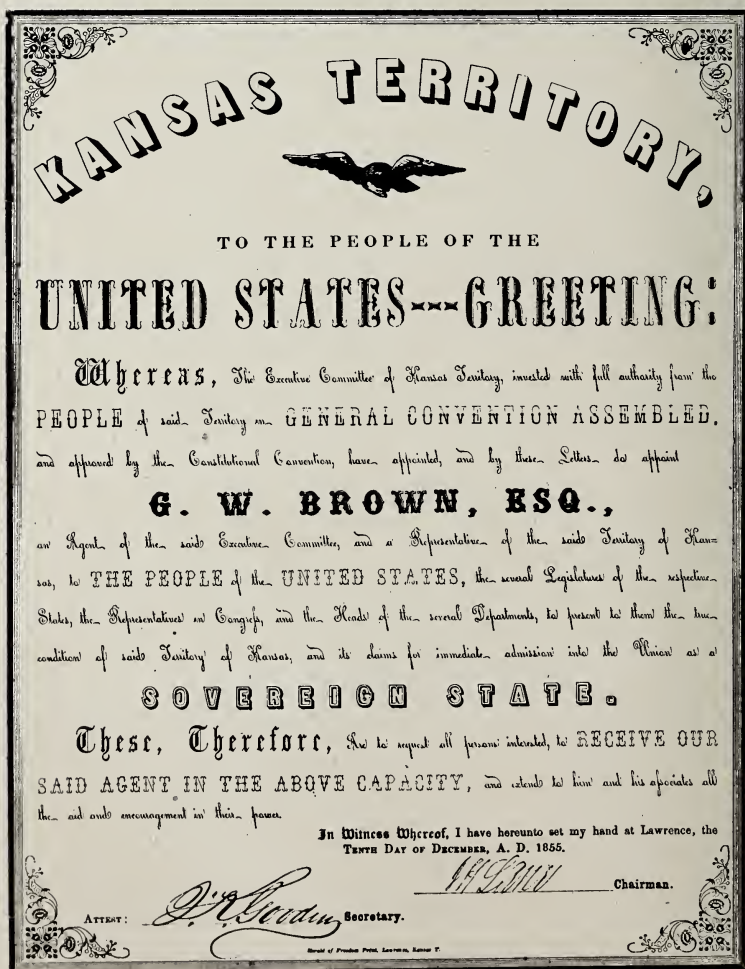
Sec. Ex. Com. K. T.

C. ROBINSON

Ch'n Com. Safety and Treas. Ex. Com. K. T.

G. W. DEITZLER

Sec. Com. Safety



OFFICIAL CERTIFICATE OF G. W. BROWN.
(Facsimile of original belonging to State Historical Society.)

The following are the private instructions given the Agents:

Messrs _____

GENTLEMEN, you are hereby instructed to visit and canvas the States of

* * * * *
* * *
* *
*

and return to Kansas at an early day. If you should receive authentic information of an invasion, you will return without delay, with as many emigrants as you can induce to attend you.

Signed

J. H. LANE

Chairman of Ex. Com. of K. T.

C. ROBINSON

Pres't Com. Safety

J. K. GOODIN,

Sec. Ex. Com. K. T.

G. W. DEITZLER

Com. of Safety

OFFICE OF EXECUTIVE COMMITTEE OF K. T.

LAWRENCE Jany, 20th 1856

The Agents were each authorized to forward to the President of the United States the following dispatch:

LAWRENCE CITY, K. T. Jany 21st 1856

To Franklin Pierce President of the U. S.

SIR: We have authentic information that an overwhelming force of the citizens of Missouri are organizing upon our borders, amply supplied with artillery, for the avowed purpose of invading this Territory,—demolishing our towns—and butchering our unoffending Free State Citizens,

We respectfully demand on behalf of the Citizens of Kansas, that the commandments of the United States troops in this vicinity be immediately instructed to interfere to prevent such an inhuman outrage.

Signed

J. H. LANE

Ch.n Ex. Com. of K. T.

C. ROBINSON

Ch.n Com. Safety.

J. K. GOODIN

Sec. Ex. Com. of K. T.

Geo. W. DEITZLER

Sec. Com. Safety.

JANUARY 30th 1856.

Information having been given to the Ex. Committee that Moses M. Robinson member elect of the General Assembly from the *Third District*, had on the 23d inst: deceased the committee to fill the vacancy thus occasioned issued the following

PROCLAMATION.

Whereas, Moses M. Robinson of the Third Representative District was elected a Representative of the General Assembly at a regular election held in the several precincts of said District in accordance with the provisions of the Constitution recently adopted by the people of KANSAS; and whereas, on the 23d inst: the said MOSES M. ROBINSON deceased; thus creating a vacancy;—therefore, by authority vested in me, I do proclaim and give notice that an election will be held in the several precincts in the said 3d District for one Representative to fill the vacancy aforesaid, on Saturday the 9th day of February A. D. 1856.

Given under my hand at the office of the Executive Committee of Kansas Territory, this 30th day of January A. D. 1856.

By the Chairman J. H. LANE.

J. K. GOODIN *Sec'y.*

Also, Information being given the Committee that Hon. R. P. Brown of the *Twelfth* Senatorial and Representative Districts who was a Representative Elect, deceased on the 18th of Jany, The Chairman of the Committee was instructed to issue the following

PROCLAMATION.

OFFICE EXECUTIVE COMMITTEE

LAWRENCE Feb 7th 1856.

The voters of the 12th Senatorial District of Kansas Territory, are hereby notified that an election will be held at *Easton* on Saturday, the 23d of February A. D. 1856 to elect a member of the House of Representatives to fill the vacancy occasioned by the butchery of *R. P. Brown Esq.*

Given under my hand the day and year above written.

J. H. LANE *Ch'n Ex. Com. K. T.*

J. K. GOODIN, *Secretary.*

LAWRENCE Feb. 7th 1856.

By reason of an anticipated invasion from the residents of adjoining States, which has, in view of our situation, and the peace, quiet, and protection of our Citizens, rendered it necessary that we should prepare ourselves as fully as possibly for self defence, the Executive Committee feel called upon as the servants of the people to make, in the absence of other authority—orders as follows:

1st That the Executive Committee of Kansas Territory do hereby appoint and commission a

First Major General who shall be Commander in Chief,

A Second Major General,

A Brigadier General,

together with such other officers as may be deemed necessary for the perfecting of a military organization for our protection as Citizens of Kansas, against foreign aggression & intestine war.

The follow[ing] appointments were made and commissions issued as follows

LAWRENCE Feb 7th 1856

OFFICE EXECUTIVE COMMITTEE K. T.

FEBY 7th 1856

Maj. Genl James H. Lane

SIR The Executive Committee of K. T. have this day appointed you to the position of 2nd Major General in the service of the People of said Territory, And you are hereby authorized and instructed to take such steps in Connexion with 1st Maj Genl and Commander in Chief Charles Robinson to carry out such military organization as you may in your judgments deem proper for the protection of the people from foreign invasion and intestine war.

Done at the office of the Executive Committee of Kansas Territory the day and year above written

C. K. HOLLIDAY

Chm Ex Com K. T. Pro tem

J. K. GOODIN *Secy*

A similar commission to Charles Robinson as 1st Major General and Commander in Chief, & to C. K. Holliday as Brigadier General were issued—Commissions were also given Gaius Jenkins and Milton C. Dickey as Colonels as follows,

OFFICE OF EXECUTIVE COMMITTEE K. T.

LAWRENCE Feb. 7th 1856

By authority given me by the Executive Committee of Kansas Territory You are hereby appointed, (having full confidence in your patriotism and bravery,) to organize and equip a battalion of mounted men for the protection of the State Government, and the Citizens of Kansas. And the people aforesaid are hereby requested to respect you in your position, and aid you in perfecting the organization

Given under my hand this Seventh day of February A. D. 1856

To

J. K. GOODIN *Sec'y*

J. H. LANE *Ch'n Ex. Com. K. T.*

PROCLAMATION.

Announcing Result of Election for State Officers.

By authority vested in me as chairman of the executive Committee of Kansas Territory, I do hereby proclaim that an election held in the different precincts of said Territory on the 15th day of January 1856, as provided for by the Convention which met at Topeka to "frame a Constitution, adopt a Bill of Rights for the people of Kansas, and to take all needful steps toward the formation of a State Government preparatory to the admission of Kansas into the Union" that Charles Robinson having received the highest number of votes cast at said election, has been chosen Governor, and that W. Y. Roberts having received the highest number of votes cast at said election has been chosen Lieut. Governor; and that Philip C. Schuyler having received the highest number of votes cast at said election, was chosen Secretary of State; that G. A. Cutler having received the highest number of votes cast at said election, was chosen as Auditor of State; and that J. A. Wakefield having received the highest number of votes cast at said election, was chosen Treasurer of State and that H Miles Moore having received the highest number of votes cast at said election was chosen Attorney General; and that S. N. Latta, Morris Hunt & M. F. Conway having received the highest number of votes cast at said election, were chosen as Judges of the Supreme Court; and that S. B. Floyd having received the highest number of votes cast at said election, was elected Clerk of the Supreme Court; and that E. M. Thurston having received the highest number of votes cast at said election, was chosen as Reporter of the Supreme Court; and that John Speer having received the highest number of votes cast at said election, was chosen as State Printer.

And I do hereby proclaim, that the same are hereby elected to the positions mentioned, and that they be and appear, as provided in the Constitution after mentioned, at the City of Topeka Kansas on the 4th A. D. 1856.

Given under my hand at the Office of the Executive Committee of Kansas Territory this 6th day of February A. D. 1856.

J. K. GOODIN *Secretary*

J. H. LANE *Ch'n Ex. Com. K. T.*

PROCLAMATION

OFFICE EXECUTIVE COMMITTEE

LAWRENCE K. T. Feby 8, 1856

By authority invested in me as Chairman of the Executive Committee of Kansas Territory, I do hereby proclaim, that at an election held in the several Precincts of said Territory, on the 15th day of January A. D. 1856, as provided for by the Convention which met at Topeka, to frame a Constitution "to adopt a Bill of Rights for the people of Kansas, and take all needful steps toward the formation of a State Government preparatory to the admission of Kansas into the Union" That M. W. Delahay received the largest number of votes at said election for Representative to the 34th Congress of the United States and is hereby declared duly elected as said Representative.

Given under my hand this day and year above written.

J. K. GOODIN *Secy*

J. H. LANE *Ch'n Ex Com*

LAWRENCE Feby 11th 1856

Committee met—Present Lane Holliday Brown & Goodin—

On motion of Mr. Holliday the Secy was directed to write M. J. Parrott Esq at Washington City, reminding him of his appointment as Chairman of a Committee of the Executive Committee to draft a memorial to be presented to Congress, setting forth our grievances and asking of Congress the immediate admission of Kansas into the the Union as a State—

On motion Mr Brown, it was resolved, that the four remaining members of the Committee repair to Washington in order to prove as efficient as possible in securing for Kansas her admission into the Union as a Sovereign State, and that the sum of five hundred dollars, certificates of indebtedness, be issued to C. K. Holliday, G. W. Brown, J. K. Goodin, and J. H. Lane toward defraying their expenses thereto, thereat, therefrom, in view of an overland route, and the difficulties and expense incurred in traveling in the present season of the year

Provided that should Lane, Holliday, Brown, and Goodin ascertain that their efficiency would demand of them that they should remain more than thirty days in Washington, that the sum of Six dollars per diem shall be issued to said deputation (certificates of indebtedness aforesaid) for the further defraying of their necessary expenses while engaged in their aforesaid duties—

Provided further, that should said deputation leave for Washington on or before the 10th day of March A. D. 1856, or as soon thereafter as practicable, the Secretary be instructed to issue the Scrip aforesaid, yet retaining the same in his hands, after the same shall be countersigned, until such time as he may be satisfied the deputation aforesaid will visit Washington—

That the Secretary be farther instructed to request of M. J. Parrott Esq, now in Washington City, to have written on parchment ready for certifying upon the arrival of the said deputation, the Constitution of the State of Kansas, that the same may be speedily presented to the Congress of the United States asking the immediate admission of Kansas into the Union—

That the Secretary be further instructed to forward to Mr. Parrott a file of the Herald of Freedom containing the Proclamation &c of the Executive Committee, and affording other data to aid him in the preparation of the memorial aforesaid—and that he be requested to remain at Washington till such time as the deputation can reach that point—

<p>Account No 1. Allowed Nov. 1st/55 1—No 1</p>	<p>Executive Com. of Kansas Ter To Capt Thomes Dr Sept. 1855. To 9 days Horse Hire for, Carriers \$11.25 Recd Paymt. Chas. H. Thomes</p>	<p>Delivd to Capt Thomes J K G</p>
<p>No. 2, Allowed Nov. 1st/55 1—2</p>	<p>Lawrence Oct. 22nd 1855, Ex. Com. of Kansas Ter. Bot of P. R. Brooks 4 quires Writing Paper, \$1.00 Recd Paymt, P. R. Brooks</p>	<p>Delivrd to P. R. Brooks J K G</p>
<p>No. 3. Allowed by the Ex. Committee Nov. 1st 1855.</p>	<p>Lawrence Sept 1855 Ex. Com. of Kansas Ter. Dr To Hugh O'Neal To expenses incurred as carrier \$15.00 Recd Paymt H. O'Neill</p>	<p>Delivd to H. O'Neal J K G A new bill was handed in for this % and certificates of indebttness issued thereof of No 138— (3 pieces) J K G</p>
<p>No. 4 Allowed by the Ex. Committee Nov. 1. 1855 4—4</p>	<p>Lawrence K. T. Oct. 30/55 Ex. Com. of Kansas Ter. To Miller & Elliott Dr, Oct. 1855, To publication of Proclamation for Election of Delegates for Constitutional Con- vention 38 — To 500 Bills “ Convention Proclamation 12 — “ Call for Election 4. \$54.00 Recd Paymt Miller & Elliott</p>	<p>Delivd to Miller & Elliott (4ps) (\$81.25 Carried over)</p>
<p>No. 5 Allowed by the Ex. Com. Nov. 1st 1855</p>	<p>Lawrence Sept 1855, Ex. Com, of Kansas Ter. To Speer & Wood Dr, To printing 800 copies of Proclamation for delegates to the Constitutional Convention \$30.00 To 300 Blanks 10.00 “ 200 “ 8.00 “ Blanks 3.00 “ Publishing Proclamation 38.00 \$89.00 Recd Paymt Speer & Wood</p>	<p>Recd Payt Nov 10th/55 Speer & Wood</p>

Bills for services &c of Members and officers of Constitutional Convention as per bills filed in their regular order as follows, & other accounts.

1—No. 6	L. Farnsworth for Stationary for use of Convention	\$9.00	Loring Farnsworth
1—No. 7	Ferdinand Wendel 21 days services as messenger to Con Convention, at 1.50	31.50	Ferdinand Wendel
No. 8	Timothy McIntire furnishing lights &c for Con. Convention	10.80	Timothy McIntire
No. 9	R. H. Crosby services as member of Con. Convention mileage	108.00	Reed Pay R. H. Crosby
No. 10	Marcus J. Parrott " " " " " "	108.00	Marcus J. Parrott
No. 11	Caleb May " " " " " "	100.00	Caleb May
No. 12	Thomas Bell " " " " " "	116.00	Thomas Bell
No. 13	Saml. N. Latta " " " " " "	108.00	Reed payment S N Latta
No. 14	M. W. Delehay " " " " " " Printing Bill \$120	120.00	M. W. Delahay
		108.00	
		\$228.00	
3—No. 15	E. C. K. Garvey Printing for " "	790.00	E. C. K. Garvey
No. 16	David Dodge Services as Member of " " and expenses as messenger	108.00	David Dodge
No. 17	Charles W Stewart " " " " " "	142.00	C. W. Stewart
No. 18	Wm Graham " " " " " "	92.00	Reed payment Wm Graham
No. 19	William Hicks " " " " " "	84.00	William Hicks
No. 20	John Landis " " " " " "	124.00	John Landis
No. 21	Geo. S. Hillyer " " " " " "	96.00	Geo. S. Hillyer
No. 22	Wm R. Griffith " " " " " "	128.00	Wm R. Griffith
	Amt car'd up	\$2552.55	
	Amt Brot forward	2552.55	
No. 23	G. A. Cutler for services of Const. Con	\$124.00	Geo A Cutler
No. 24	James L. Sayle " " " " " "	100.	James L Sayle
No. 25	James M. Arthur " " " " " "	112.	James M Arthur
No. 26	Sanford McDaniel " " " " " "	108.	Sanford McDaniel pr Sayle
No. 27	Samuel Mewhinney " " " " " "	92.	Samuel Mewhinney
" 28	Harrison Burson " " " " " "	94.	Harrison Burson
" 29	Alfred Curtiss " " " " " "	94.	Alfred Curtiss
" 30	J. M. Tuton " " " " " "	94.	J. M. Tuton
" 31	James Redpath services as reporter for the Convention	174.	Jas Redpath
" 32	Morris Hunt Member Convention	96.	M. Hunt
" 33	S. N. Wood services as Clerk to Committee	5.	S. N. Wood
" 34	Charles Robinson Member Convention	96.	C Robinson
" 35	John Dailey services as transcribing clerk Con. Con	105.	Jno Dailey
" 36	Timothy McIntire for News-papers	4.80	Timothy McIntire
" 37	" " " " " " services as door keeper	84.00	Timothy McIntire
" 38	J. F. Cummings for pub. Standing Committees	5.25	J. F. Cummings
" 39	James S. Emery Member Convention	96.00	J. S. Emery
" 40	Sanford Henry Expenses as Messenger	35.00	Sanford Henry
" 41	Guilford Dudley " " " " " "	20.00	Guilford Dudley
" 42	E. C. K. Garvey part Stationary bill	474.00	E. C. K. Garvey
10—43	John A Wakefield Member Convention	96.00	John A Wakefield
1—44	Orville C. Brown " " " " " "	112.00	O. C. Brown pr C. A. Foster
11—45	John H. Nesbitt " " " " " "	100.00	John H Nesbitt
1—46	L. Farnsworth Services as Sergeant at arms Con. Con.	84.00	Loring Farnsworth
2—48	Philip Schuyler Member Convention	92.00	P. C. Schuyler per J. K. Goodin
1—49	Robert Klotz " " " " " "	114.—	Robert Klotz by F. L. Crane
1—50	J. G. Thompson " " " " " "	88.—	J. G. Thompson
51	Robert L. Mitchell 11 days services as asst door Keeper	44.—	Robert L Mitchell
1—52	Henry B. Burgess services as Chaplain to Con. Con.	63.—	Henry B Burgess
2—53	Richd Knight Member Convention	124.00	Richd. Knight
2—54	Amory Hunting Member Convention	108.00	Deliverd to C. Robinson by request
10—55	Charles A. Foster services as asst clerk this scrip is counter signed by the Treasurer in black ink	126.00	Charles A. Foster
	Amt Card forward	\$5716.70	
	Amt Brot ford	\$5716.70	
1—No. 56	E. C. K. Garvey Stationary for Con. Convention	\$24.15	E. C. K. Garvey
1— " 57	T. B. Ackley services as messenger for papers	1.00	Paid to Mr Ackley at Lawrence
1—58	C. H. Thomes Horse Hire for Courriers	6.30	Paid to C. H. Thomes at Lawrence
6—59	Geo. W. Smith Member of the Convention	98.00	Geo W. Smith
19—60	J. H. Lane " " " " " "	96.00	J. H. Lane
10—61	J. K. Goodin " " " " " "	98.00	J. K. Goodin
5—62	C. K. Holliday " " " " " "	84.00	C. K. Holliday

1—63	Henry Stevens	for Horse Hire for Courier	5.00	delivd to H. Stevens
3—64	W. Y. Roberts	Mem. Con. Convention	88.00	J. K. G.
4—65	Speer & Ross	Printing	20.00	" to W. Y.
1—66	J. F. Legate	Officer of Election	1.50	Roberts J. K. G.
67				
68				
6—69	G. W. Brown	Printing	125.00	
7—70*	W. Y. Roberts	Agent to the States	200.00*	W. Y. Roberts not having performed his mission has returned this amt
7—70	James Davis	" " " "	200.00	James Davis not having performed his mission, the scrip has been destroyed as above
11—70*	G. W. Brown	" " " "	*200.00	*G. W. Brown not having gone upon his agency the \$200 certificates was returned and destroyed
9—70	M. J. Parrott	" " " "	200.00	—
		as per order of Ex. Com.	200.00	—
37—71	P. C. Schuyler	for further Compensation as agt to U.S.	400.00	—
65—72	C. K. Holliday	Member of Ex. Com. to Cary Constitution to Washington. &c	500.00	—
65—73	G. W. Brown	Member of Ex. Com. to Cary Constitution to Washington. &c	500.00	—
35—74	James H. Lane	Member of Ex. Com. to Cary Constitution to Washington. &c	300.00	—
65—*75	J. K. Goodin	Member of Ex. Com. to Cary Constitution to Washington. &c	500.00	\$9363.65 added thus far
1—76	Lyman Allen	officer in 3 Elections	4.50	*From No. 75 to No. 90 exclusive not added
5—77	A. D. Searl	officer in 3 Elections & office rent Ex. Com.	29.00	A. D. Searl
1—78	W. L. Brigden	officer in 2 Elections	3.00	W. L. Brigden
2—79	John W. Stephens	Distributing Election papers & return Judge	18.00	
1—80	Cummings & Hays	Printing	5.50	Cummings & Hays by C. K. Holliday
1—81	M. J. Mitchell	Officer of 3 Elections	4.50	—
1—82	G. P. Lowry	Stationary	3.00	—
1—83	C. C. Hyde	Services as Carrier	3.00	—
1—84	Saml Sutherland	Clerk of Election	1.50	
1—85	Morris Hunt	Clerk of Election	1.50	
1—86	G. W. & W. Hutchinson	Stationary furniture for office, Lights &c	60.00	—
3—87	Eli Lyman	attention office Ex. Com.	26.00	—
6—88	P. O. Conver	Printing	20.00	by John Speer
1—89	Geo. F. Earl	Clerk of 2 Elections	3.00	
1—*90	Thos Burden	for Wood furnished Ex. office	7.00	*added from No. 90 to Bottom of page
1—91	William Duck	return Judge	36.—	
5—92	G. W. Brown	Printing	249.—	
1—93	E. Clark,	Ex Carrier of Election papers	19.—	
1—94	B. G. Cody	Election officer & Return Judge	24.16	paid to G. A. Cutler
1—95	Thos. G. Collins	" " " "	24.16	" to G. A. Cutler
1—96	G. Jenkins	Stove & Furniture for Ex. office	50.35	" over
11—96	Turner Sampson.	Agent to the States	200.00	" "
7—97	M. F. Conway	" " " "	200.00	" "
1—98	G. W. Smith	Ex. Carrier of Election papers	20.00	
1—99	J. B. Conway	Services as carrier	5.00	
15—100	J. S. Emery	Agt to the States	200.00	
14—101	Morris Hunt	" " " "	200.00	
1—102	Speer & Ross	Printing	166.00	
9—103	P. O. Conver	"	101.00	
1—104	J. S. Emery	Ex. Carrier Election papers	20.00	
11—105	G. W. Smith	Agt to the States	200.00	
1—106	Morris Hunt	Ex. Carrier Election papers	25.00	
2—107	G. W. Smith	part. for Services as Member Ex. Com.	200.00	
9—108	James G. Sands	Attendance upon David Buffam a wounded soldier	72.00	
5—109	Samuel C. Smith,	Services as Clk of Con. Convention &c	272.00	
18—110	" " " "	Agt to the States	200.00	

1—111	G. W. Brown part for Services as member of Ex. Com.	
	K. T.	50.00
1—112	Caleb S. Pratt, Expenses distributing Election papers	25.00
6—113	Chas Robinson, " " "	104.00
3—114	A. K. Burdett Services rendered Ex. Com.	18.00
15—115	Sam'l F. Tappan " as asst Clerk of Con. Con- vention	200.00
7—116	Miller & Elliott Printing	219.00
	Amt Carried over,	\$12170.32
	Amt Brot forward	\$12170.32
24—117	James H. Lane part pay member of Ex. Com.	200.00
1—117	Henry Stephens, Horse Hire for Carrier	5.00
15—118	A. H. Mallory, Agt to the States	200.00
1—119	M. F. Conway, Ex. in distributing Election papers	25.00
1—120	A. H. Mallory " " "	64.00
1—121	Green B. Raum Officer & return Judge of Election	21.50
1—122	J. S. Emery Clerk of Election	1.50
17—123	J. K. Goodin, part for services as Member of Ex. Com.	200.00
3—124	Jno W. Stephens Services as Return Judge of Elections	23.00
1—125	Chas S Foster Officer & return Judge of Election	12.66
1—126	T. A. Minard, Clerk of Election	1.50
1—127	Stephen Sparks Officer & return Judge of Election	9.50
10—128	James H. Lane Agt to the States	200.00
1—129	J. G. Snodgrass Clerk of Election	1.50
1—130	Thos. Wolverton Clerk of 3 Elections	4.50
1—131	William Jesse Officer & Return Judge of Elections	4.50
3—132	M. J. Mitchell Services as Special Messenger	15.00
1—133	William Riley Officer of 3 Elections	4.50
1—134	Geo. S. Ramsey " " "	4.50
1—135	S. J. Aeklin " " "	4.50
1—136	W. R. Frost " & return Judge of Elections	5.50
1—137	Eli Allen " of 3 Elections	4.50
3—138	This as a bill which has been twice handed in, it was allowed see Bill No. 3, the scrip for the amt \$15 has been issued under No.— 138—	
4—139	G. F. Warren Ex. in distributing Election papers & return Judge	59.00
3—140	W. N. Baldwin Board & attendance on D. Buffam a wounded soldier	50.00
2—141	C. Hurd & L. L. Hall Board of D. Buffam a wounded soldier	20.00
3—142	Henry Hurd Ex. in distributing Election papers	45.00
3—143	Geo. F. Earl " " "	40.00
1—144	John Sicoxie Horse Hire for Carrier	10.00
1—145	Wm Pennock Officer & return Judge of Election	11.00
1—146	H. Stephens Boarding of Ex. Com.	6.75
12—147	L. W. Horne Services in distributing Election papers	110.00
	Amt Carried forward	\$13834.73
	Amt Brot forward	\$13834.73
1—148	H. L. Enos Officer of 2 Elections	3.00
1—149	P. T. Hupp " " "	3.00
1—150	E. P. Richardson " " 1 Election	1.50
1—151	P. O. Conver Printing	5.00
1—152	James H. Greene Extra labor Printing	10.00
3—153	Hiram Dunbar Ex. & Services in distributing election papers	39.25
1—154	William Duck Return Judge	8.00
7—155	R. L. Mitchell Services in distributing Election papers	55.00
1—156	Chas Jordon Officer & return Judge of Election	6.00
3—157	T. R. Foster Services in distributing Election papers	30.00
1—158	J. H. Crane Ex. Labor. Printing	5.00
3—159	Theron Tucker Services in distributing Election papers	65.00
5—160	A. H. Barnard " " "	65.00
7—161	C. N. Gray " " "	40.00
7—162	H. Stratton " " "	80.00
1—163	J. F. Cummings Judge of 2 Elections	3.00
5—164	M. C. Dickey Services distributing Election papers	46.00
8—165	C. Hurd & L. L. Hall. Board of D. Buffam	10.00
8—166	C. K. Holliday part services as Member of Ex. Com.	
167	K. T.	100.00
1—168	P. S. Hutchinson Officer in 2 Elections	3.00
8—169	E. C. K. Garvey Printing Bill & Office rent 1 qr	679.00
1—170	" " " Services as asst secy of Ex. Com & office rent 1 qr	45.00

not added

not added

Redeemed by W. Y.
Roberts paying it in
on 200\$ issued to him
as agt to the State—
he not going—

1-171	Clark & Blood	Fuel for Office	1.62
1-172	G. W. Brown	Printing	12.50
11-173	"	"	50.80
1-174	J. H. Shimmons,	Officer in 3 Elections	4.50
6-175	Morris Hunt,	Loss of Horse in Canvassing with election papers	60.00
Expenses entire in the Organization & up to State Govt			\$15265.90

AUTOGRAPHS of Members elected to the First CONSTITUTIONAL CONVENTION taken by the Secretary of the "Executive Committee of Kansas Territory," to be deposited as may be provided by Law in the Archives of the State of Kansas for future Lithographing.

Autographs of Members elected to the First Constitutional Convention taken by the Secretary of the "Executive Committee of Kansas Territory," to be deposited as may be provided by Law in the Archives of the State of Kansas for future Lithographing.

Members Names	Residence.	Occupation.	Where Bore	Age	Marital Single	Former Politics
1st of Convention						
W. H. Smith	Lansdown	Surgeon	Kentucky	33	Married	Democrat
John Sanders	Lansdown	Farmer	Kentucky	28	Married	Democrat
Thomas W. Arthur	Sugar Creek	Farmer	Indiana	38	Married	Democrat
Leifred Andrews	Bloomington	Lawyer	Illinois	32	Single	Whig
James L. Hyle	Kennaport	Farmer	Illinois	37	Married	Whig
David Dodge	Lansdown	Lawyer	N.Y.	25	Single	Democrat

FACSIMILE OF FIRST PAGE OF AUTOGRAPHS.

MEMBERS NAMES	Residence.	Occupation.	Where born.	Age.	Married or Single.	Former Politics.
<i>Prest of Convention</i>						
J. H. Lane.....	Lawrence	Lawyer	Kentucky	33	Married	Democrat
John Landis.....	Doniphan	Farmer	Kentucky	28	Married	Democrat
James M. Arthur.....	Sugar Creek	Farmer	Indiana	38	Married	Democrat
Alfred Curtiss.....	Bloomington	Lawyer	New York	32	Single	Whig
James L. Sayle.....	Kickapoo	Farmer	Illinois	37	Married	Whig
David Dodge.....	Leavenworth	Lawyer	N. Y.	25	Single	Democrat
Joel K. Goodin.....	Clear Lake	Lawyer & Farmer	Ohio	31	Married	Democrat
Geo. S. Hillyer.....	Grasshopper Falls	Farmer	Ohio	35	Married	Whig
J. S. Emery.....	Lawrence	Lawyer	Maine	26	Single	Democrat
Philip Church Schuyler.....	Council City	Farmer	New York	50	Married	Republican
Morris Hunt.....	Lawrence	Lawyer	Ohio	27	Single	Whig
John A. Wakefield.....	Elysian Plains	Lawyer	South Carolina	59	Married	Whig
George Albert Cutler.....	Doniphan City	Physician	Tennessee	23	Single	Republican
Orville C. Brown.....	Oswatomie	Farmer	New York	44	Married	Whig
Charles Walter Stewart.....	Doniphan	Farmer	Kentucky	42	Married	Democrat
Samuel Mewhinney.....	Prairie City	Farmer	Ohio	45	Married	Democrat
Marcellus J. Parrott.....	Leavenworth City	Lawyer	South Carolina	26	Single	Democrat
Mark. Wm Delahay.....	Leavenworth City	Lawyer & Journalist	Mass.	37	Married	Democrat
Chas Robinson.....	Lawrence	Agent Em. Aid Co.	Penna	50	Married	Independent
Geo. W. Smith.....	Lawrence	Atty At Law	Penna	36	Married	Whig
Harrison Burson.....	Bloomington	Farmer	Virginia	48	Married	Whig
Richd Knight.....	Hamden	Clergyman	England	35	Married	Independent
Robert Klotz.....	Pawnee	Merchant	Pennsylvania	35	Married & 1 Boy	Democrat
William Graham.....	Praria Cit	Phisicion	Ireland	39	Married	Dem
Samuel N. Latca.....	Leavenworth City	Atty	Ohio	36	Married	Whig
C. K. Holiday.....	Topeka	Lawyer & Farmer	Pennsylvania	29	Married	Democrat
James Madison Tuton.....	Bloomington	Minister & Farmer	Tenn	33	Married	Democrat
William Young Roberts.....	Washington	Farmer	Penna	41	Single	Democrat
John G. Thompson.....	Silver Lake	Saddler	Penn	55	Married	Democrat
R. H. Crosby.....	Oceana	Merchant	Maine	21	Single	Republican
Amory Hunting.....	Manhattan	Physician	Mass.	61	Married	Republican
Stanford McDaniel.....	Residence Round Preakle	Farmer	N Carolina	31	Married	Democrat
John H. Nesbitt.....	Wabaunsee	Merchant	Pa	29	Single	Dem
Wm R. Griffith.....	Fort Scott	Farmer	Indiana	35	Married	Free Soil Demo.
Thomas Bell.....	Burr Oak Bottom	Farmer	Kentucky	45	Married	Democrat
Caleb May.....	Oseana	Farmer	Kentucky	40	Married	Democrat

<i>Chief Clerk.</i> Samuel C. Smith.....	Lawrence	Farmer	Massachusetts	27	Married	Republican
<i>Asst. Clerk</i> Charles A. Foster.....	Osawatomie	Lawyer	Massachusetts	28	Married	Republican
<i>Enrolling Clerks</i> Sam. F. Tappan.....	Lawrence	Mechanic	Massachusetts	24	Single	Abolitionist
Jno. Daily.....	Topeka	Farmer	Indiana	22	Single	Democrat
<i>Reporter of Convention</i> Jas Redpath.....	St. Louis	Journalist	England	22	Single	Emancipationist
<i>Sergeant at Arms</i> Loring Farnsworth.....	Topeka	Merchant	N. H.	23	Single	Republican
<i>Door Keeper</i> Timothy McIntire.....	Topeka	Mechanic	N Hampshire	36	Married	Rep
<i>Reporter for N. Y. Tribune</i> William Phillips.....	Chester, Ill.	Journalist & Lawyer	Scotland	30	Married	Independent Whig
<i>Reporter of St. Louis Democrat</i> Jas Redpath.....	St. Louis	Journalist	England	22	Single	Emancipationist
<i>Reporter of Kansas Tribune</i> John Speer.....	Lawrence	Printer	Pennsylvania	38	Married	Whig
<i>Reporter of Columbian</i> Samuel N. Wood.....	Lawrence	Lawyer	Ohio	25	Married	Independent Demo- crat
<i>Reporter of Kansas Intelligencer</i> C. P. Chapman.....	Whitfield	Physician	Ohio	30	Married	Abolitionist
<i>Reporter of Kansas Freeman</i> E. C. K. Garvey.....	Topeka City	Attorney at Law	Ireland	40	Married	Democrat

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE
OF KANSAS, March 4, 1856.

CITY OF TOPEKA 12 o'clock M.

At the first session of the first General Assembly of Kansas under the Constitution of said State which was framed by a convention convened at Topeka on the 23d day of October A. D., 1855, and ratified by the people on the 15th day of December A. D., 1855 at 12 o'clock M. on Tuesday the 4th day of March A D, 1856, in pursuance of the 3d section of the Schedule attached to said constitution. The house was called to order by J. H. Lane Chairman of the "Executive Committee of Kansas Territory" with C. K. Holliday Secretary pro tem of Executive Committee aforesaid

Upon a call of the roll of members Elect it was ascertained that a quorum was not present whereupon on motion of Mr. Blood the meeting adjourned until 2 o'clock P. M.

2 o'clock P.M.

Met pursuant to adjournment. The roll being called the following gentlemen answered to their names:

1st District	S. N. Hartwell
	J. B. Abbott
	H. F. Saunders
	James Blood
	Columbus Horsnby
	E. B. Purdam
	James McGhee
2d District	Alfred Curtis
	J. M. Tuton
	S. Walker
3d District	Milton C. Dickey
	William R. Frost
	W. A. Simmerwell
4th District	Samuel Mewhinney
	S. T. Shores
5th District	Horace W. Tabor
	D. Toothman
	Henry Todd
6th District	Thomas J. Addis
7th District	Wm. M. McClure
9th District	William Hicks
	William B. Wade
10th District	A. M. Jameison
11th District	E. R. Zimmerman
	John W. Stephens
	William Crosby
12th District	J. K. Edsall
	Stephen Sparks
	Patrick R. Orr
	Thomas A. Minard
	Isaac Cody

The Chairman having announced that a quorum of the House were in attendance the oath of office was administered them by the Chairman of the "Executive Committee of Kansas Territory"

On motion of Mr. Addis the House proceeded to the election of a Speaker to serve during the session and the following was the result of the balloting:

Thomas A. Minard	had 17 votes
James Blood	had 8 votes
J. M. Tuton	had 3 votes

Thomas A Minard having received a majority of all the votes given was declared duly elected Speaker of the House and proceeded to the discharge of his duties the oath of office upon motion of Mr. Blood being administered by Mr. Tuton

On motion of Mr. Blood the House then proceeded to the election of a Chief Clerk to serve during the present session and the following was the result

J. K. Goodin	had 23 votes
G. F. Warren	had 5 votes

J. K. Goodin having received a majority of all the votes given was declared duly elected Chief Clerk of the House of Representatives to serve during the present session and the oath of office being administered proceeded to the discharge of his duties. Mr. Dickey being appointed a committee of one to wait upon Mr. Goodin and inform him of his election.

On motion of Mr. Curtis House proceeded to the election of assistant clerk and the following was the result

Josiah Miller	had 12 votes
Samuel F. Tappan	had 12 votes
Necessary to a choice	13 votes

There being a tie vote the House proceeded to the second balloting and the following was the result Josiah Miller having withdrawn

S. F. Tappan	had 20 votes
S. Tucker	" 8 "

Samuel F. Tappan having received a majority of all the votes given was declared duly elected assistant Clerk of the House of Representatives to serve during the present session and the oath of office being administered proceeded to the discharge of his duties

House then proceeded to the election of a Transcribing Clerk and the following was the result

Mr. Snodgrass	had 13 votes
Caleb S. Pratt	had 3 "
Mr. Lawrence	had 1 "
S. Tucker	had 8 "
T. Sumner	had 4 "
Whole number of votes cast	29 "
Necessary to a choice	15

No person having received a majority of all the votes cast it was declared that there was no election A second balloting was had which resulted as follows

Mr. Snodgrass	had 21 votes
Caleb S. Pratt	had 2 "
S. Tucker	had 7 "
T. Sumner	had 1 "

Mr. Snodgrass having received a majority of all the votes cast, was declared duly elected Transcribing Clerk to serve during the session and the oath of office being administered proceeded to the discharge of his duties.

The House then proceeded to the election of an assistant Transcribing Clerk which resulted as follows

Caleb S. Pratt	had 3 votes
G. F. Gordon	had 18 "
S. Tucker	had 7 "
George S. Ramsey	had 3 "
Whole number of votes cast	31 "
Necessary to a choice	16

G. F. Gordon having received a majority of all the votes given was declared duly elected Assistant Transcribing Clerk for the House of Representatives to serve during the present session and the administration of the oath was deferred Mr. Gordon not being present.

On motion of Mr. Tuton the House proceeded to the election of Sergeant at Arms which resulted as follows

Edward Emerson	had 7 votes
M. J. Mitchell	had 24 "
Whole number of votes	31 "

M. J. Mitchell having received a majority of all the votes given was declared duly elected and having taken the oath of office proceeded to the discharge of his duties

On motion of Mr. Hartwell House proceeded to the election of Assistant Sergeant at Arms and the following was the result

Jacob Branson	had 4 votes
Edward Emerson	had 9 "
Swain	had 7 "
L. Farnsworth	had 11 "
Whole number of votes	31 votes
Necessary to a choice	16 do

No person having received a majority of all the votes given it was declared there was no election The House then proceeded to a second balloting which resulted as follows

Jacob Branson	had 2 votes
Edward Emerson	had 5 "
Mr. Swain	had 15 "
L. Farnsworth	had 9 "
Whole number of votes	31 "
Necessary to a choice	16

No person having received a majority of all the votes given a third balloting was had with the following result

Edward Emerson	had 1 vote
Mr. Swain	had 22 "
L. Farnsworth	had 8 "
Whole number of votes	31
Necessary to a choice	16

Mr Swain having received a majority of all the votes given was declared duly elected and having taken the oath of office proceeded to the discharge of his duties

On motion of Mr. Blood House proceeded to the election of Doorkeeper with the following result

Jacob Branson	had 25 votes
Mr. Moore	had 4 "
E. Dudley	1 vote
George Earl	1 "
Whole number of votes	31
Necessary to a choice	16

Jacob Branson having received a majority of all the votes given was declared duly elected and having taken the oath of office proceeded to the discharge of his duties

On motion of Mr. Blood the House proceeded to the election of Assistant Door Keeper to serve the present session and the following was the result

L. Farnsworth	had 10 votes
Mr. Moore	" 4 "
Mr. Leonard	" 1 "
George Earl	" 13 "
Mr. Cleveland	" 2 "
Whole number of votes	30
Necessary to a choice	16

No person having received a majority of all the votes given it was declared there was no election whereupon the House proceeded to a second balloting with the following result

George Earl	had 8 votes
L. Farnsworth	" 21 "
Mr. Cleveland	1 "
Mr. Moore	1 "
Whole number of votes cast	31 "
Necessary to a choice	16

Loring Farnsworth having received a majority of all the votes given was declared duly elected on account of the absence of Mr. Farnsworth the administration of the oath was deferred

On motion of Mr. Tuton House proceed to the election of chaplain to serve during the present session which resulted as follows

Rev. Burgess	had 8 votes
Rev. Segraves	had 11 votes
Rev. Lovejoy	" 12 "
Whole number of votes	31
Necessary to a choice	16

No person having received a majority of all the votes given it was declared there had been no election whereupon the House proceeded to a second balloting with the following result

Rev. Burgess	had 3 votes
Rev. Segreaves	had 12 "
Rev. Lovejoy	had 16 "
Whole number of votes	31
Necessary to a choice	16

Rev. Lovejoy having received a majority of all the votes given was declared duly elected as Chaplain for the House of Representatives during the present session

MESSAGE FROM THE SENATE

MR. SPEAKER The following resolution has been adopted by the Senate, Relative to the organization of the Senate

Relative to the announcement by the Executive Committee of Kansas Territory of the result of the Election for State officers and witnessing the administration of the oath of office to them

A. ALLEN *Secretary*

On Motion of Mr. Crosby the House proceeded to the election of one messenger to serve during the present session and the following was the result

John M. Speer	had 22 votes
David Segraves	" 7 "
Wentworth	" 2 "

John M. Speer having received the majority of all the votes given was declared duly elected and having taken the oath of office entered upon the discharge of his duties

The House then proceeded to the election of an assistant messenger and the following was the result David Segraves had 22 votes and being declared duly elected took the oath of office and entered upon the discharge of his duties

Mr. Blood offered the following resolution

Resolved that the Clerk of this House inform the Senate that a quorum of the House having appeared and answered to their names that a Speaker has been elected and that the House is now ready to proceed to business—carried

On motion by the same gentleman

Resolved. That a committee of two be appointed by the Chair to wait upon the Governor and State Officers in conjunction with such committee as may be appointed by the Senate and inform them of the time designated to take the oath of office

The Speaker appointed Mess Blood and Tuton

On motion of the same gentleman

Resolved that William Hutchinson Esq, be admitted within the bar of this House as Reporter for the New York *Dailey Times*

On motion of Mr. Tuton

Resolved that the Senate be invited to the Hall of the House of Representatives at 10 o'clock tomorrow to hear from the Executive Committee in joint convention the result of the late Election for State Officers and to witness the administration of the oath of office to the same and that seats be provided on the right of the Speaker's chair for the accomodation of the Senate

Mr. Blood moved to amend by striking out the words 10 o'clock A. M. tomorrow and inserting 5 o'clock P. M. this day

Amendment was carried.

Question being on the adoption of the resolution as amended it was adopted

Mr. Blood offered the following

Resolved that G. W. Brown be admitted to a seat within the bar of this House as reporter for the *Herald of Freedom* and the New York *Courier and Inquirer*

Resolution adopted

On motion of the same gentleman a committee of three were appointed to report Rules for the Government of the House

The Chair appointed Mess. Blood Dickey and Tuton that committee

On motion of the same gentleman it was Resolved that when this House adjourn it do adjourn until nine o'clock tomorrow morning.

On motion the House took a recess of fifteen minutes

5 O'clock P. M.

JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES

The hour appointed having arrived for a joint session of both houses The Senate was announced whereupon the Chairman of the Executive Committee of Kansas Territory proclaimed the election by the people on the 15th day of January A. D. 1856 of

Charles Robinson	as Governor of the State of Kansas
Wm. Y. Roberts	as Lieut. Governor of the State of Kansas
P. C. Schuyler	as Secretary of State
George A. Cutler	as Auditor of State
John A. Wakefield	as Treasurer of State
H. Miles Moore	as Attorney General
S. N. Latta	} as Supreme Judges
M. F. Conway	
Morris Hunt	
E. M. Thurston	as Reporter of the Supreme Court
S. B. Floyd	as Clerk of the Supreme Court
John Speer	as State Printer
Mark W. Delahay	as Representative in Congress

Charles Robinson Governor was introduced and took the oath of office which was administered him by the President of the Senate whereupon the following inaugural address was delivered by his Excellency

Fellow Citizens of the General Assembly

On taking the oath of office and assuming the duties of the Executive of the State of Kansas a word from me may not be improper

It has pleased the people of Kansas to call us from our accustomed duties to discharge high and important trusts In our keeping for a brief period is placed the Legislative and Executive power of the new State To us the people look for wise and wholesome laws and the faithful administration of the Government on the true principles of Republicanism and Squatter Sovereignty In the Execution of this trust it will be my pleasure no less than my duty to cooperate with you in all measures for the good of the people

Our position is peculiar. Although the people of Kansas have followed precedents set them by other new States and sanctioned by Congress and the proceedings in the formation of a State Government are all regular yet for the first time in the history of our country the President and his appointees characterize the movement as treasonable

This was not to be expected from the advocates of the Kansas-Nebraska act which professes to leave the people of the Territories perfectly free to form and regulate their domestic institutions in their own way subject only to the Constitution of the United States. Some of the people of an adjoining State unite with the President in opposing the people of Kansas in forming and regulating their own government and threaten our destruction if we do not conform to their dictation

Should the course indicated by the President and the people of another State be persisted in and our rights again be trampled in the dust by official interference or lawless invasion the people of Kansas would be justified

before the world in asserting their rights by revolution but since it is believed that Congress will grant to us the same rights and immunities that it has granted to other States the people of Missouri and the Federal Executive to the contrary notwithstanding it is better to suffer while evils are sufferable than attempt to right ourselves by a hasty resort to extreme measures

Our course as a people thus far has been distinguished for forbearance long suffering and patience and good policy would still dictate that every honourable effort be made to establish and cultivate friendly relations with our oppressors especially with the people of our adjoining Sister State

Nothing should be done in a spirit of retaliation but rather of conciliation Although our own rights have been repeatedly invaded and wrested from us let us show that we respect the constitution and laws of our land and the rights of the people of the respective States That until forbearance ceases to be a virtue and becomes cowardice and oppression becomes insufferable we will ever be found loyal citizens of the Government

Important questions will come before you for consideration and it cannot be expected that perfect unanimity will prevail upon any subject yet it is desirable and necessary with the various elements in a legislature of a new State that a spirit of concession and harmony should characterize the members that the enactments may carry with them a moral force that will cause them to be respected by the people.

The position allotted us by the partiality of our fellow citizens is one of great responsibility and we need that wisdom which comes from above to so direct us that we may render a good account of our actions to our constituents and posterity

John A. Wakefield Treasurer Elect
H. Miles Moore Attorney General Elect
Morris Hunt Supreme Judge Elect
and John Speer State Printer Elect

came forward and took the oath of office

No further business being before the convention it was declared adjourned
Sine Die

On motion of Mr. Addis the Sergeant at Arms was instructed to procure a sufficiency of lights fuel Stationary &c for the comfort and convenience of the members of the House

On motion of Mr. Curtiss House adjourned until tomorrow morning 9 o'clock The following special message from the Governor was read to the House prior to adjournment

To the Senate and House of Representatives

GENTLEMEN In accordance with the provision of the constitution I have this day appointed Robert Klotz Secretary of State to fill the vacancy occasioned by the absence from the State of P. C. Schuyler Secretary Elect

TOPEKA March 4. 1856

(signed) C. ROBINSON

J. K. GOODIN *Chf Clk H. Rep.*

HOUSE OF REPRESENTATIVES

TOPEKA March 5th 1856

House called to order by the Speaker

Prayer by the Rev. Mr. Tuton

A call of the House being had 29 members answered to their names. A quorum being present further proceedings under the call was dispensed with

The Sergeant at Arms was dispatched for absentees. Journal of yesterday read amended and approved Mr. H. H. Williams and John Brown Jr appeared and took the oath of office

On motion of Mr. Frost

Resolved that a committee of two be appointed by the Chair to wait upon

the Governor in conjunction with such committee as may be appointed by the Senate to inform him that the two houses have organized and are ready to receive any communication which he may have to make.

On motion of Mr. Tuton resolution was laid on the table.

Mr. Blood Chairman of Committee on rules and regulations for the government of the House reported as follows

RULES AND ORDERS OF THE HOUSE

Touching the Duties and rights of the Speaker

1st. He shall take the chair every day at the hour to which the House shall have adjourned on the preceeding day, and immediately call the members to order If a quorum shall be in attendance he shall cause the journal of the preceeding day to be read

2d. He shall preserve order and decorum he may speak to points of order in preference to members rising from his seat for that purpose he shall decide questions of order subject to an appeal to the House by any two members on which appeal no member shall speak more than once unless by leave of the House

3d. He shall rise to put a question but may state it while sitting

4th Questions shall be distinctly put in this form to wit as many as are of the opinion that (as the question may be) say aye: and after the affirmative voice is expressed As many as are of the contrary opinion say no.

If the Speaker doubts or if a division be called for the house shall divide those in the affirmative of the question shall rise from their seats and remain until counted afterwards those in the negative

5th. The Speaker shall have the right to examine and correct the journal before it is read He shall have a general direction of the Hall He shall have the right to name any member to perform the duties of the Chair but such substitution shall not extend beyond an adjournment

6th In all cases of Election by the House the Speaker shall vote, in other cases he shall not vote unless the House be equally divided or unless his vote if given to the minority will make the division equal and case of such Equal division the question shall be lost

7th All committees shall be appointed by the Speaker unless otherwise Especially directed by the House in which case they shall be elected by a viva voce vote and if upon such vote the number required shall not be elected by a majority of the votes given the House shall proceed to a second vote in which a plurality of votes shall prevail and in case a greater number than is required to compose or complete a committee shall have an equal number of votes the House shall proceed to a further vote or votes

8th In all cases other than the election of committees, a majority of the votes given shall be necessary, to an election and when there shall not be such a majority on the first vote the vote shall be repeated until a majority be obtained

9th All acts adresses and joint resolutions shall be signed by the Speaker and all writs warrants and subpoenas issued by order of the House shall be under his hand and seal attested by the Clerk.

10th In case of any disturbance or disorderly conduct in the gallery or lobby the Speaker shall have power to order the same to be cleared

11th No person shall be admitted within the bar but the officers of the General or State Government and such other persons as the House may think proper to invite

Rules of decorum and debate

12th When any member is about to speak in debate or deliver any matter to the House he shall rise from his seat and respectfully address himself to Mr. Speaker and shall confine himself to the question under debate and avoid personality

13th If any member in speaking or otherwise transgress the rules of the House the Speaker shall or any member may call to order in which case the

member so called to order shall immediately sit down unless permitted to explain and the house shall if appealed to decide on the case but without debate if there be no appeal the decision of the chair shall be submitted to If the decision be in favor of the member called to order he shall be at liberty to proceed without leave of the House and if the case require it he shall be liable to the censure of the House

14th When two or more happen to rise at the same time, the Speaker shall name the person who is first to speak

15th No member shall speak more than twice on the same question or more than one half hour on each occasion without leave of the House nor more than once until every member choosing to speak shall have spoken But the mover of any proposition shall have the right to open and close the debate and in case the proposition comes from any committee then the number [member] making the report from the committee shall have the right to open and close the debate

16th Whilst the Speaker is putting any question or addressing the House none shall walk out of or across the House nor in such case or when a member is speaking shall entertain private discourse nor whilst a member is speaking shall pass between him and the chair

17th No member shall vote on any question in the event of which he is immediately and particularly interested or in any case where he was not present when the question was put

18th Every member who shall be within the bar of the House when a question is put shall give his vote unless the House shall for special reasons Excuse him No member shall be allowed to make any explanation of a vote he is about to give or ask to be excused from voting after the Clerk under the order of the House shall have commenced calling the yeas and nays.

19th When a motion is made and seconded it shall be stated by the Speaker or being in writing it shall be handed to the chair and read aloud by the Clerk before debated

20th Every motion shall be reduced to writing if the Speaker or any member desire it

21st After a motion is stated by the Speaker or read by the Clerk it shall be deemed to be in possession of the House but may be withdrawn at any time before a decision or amendment

22d When a question is under debate no motion shall be received but 1st to adjourn 2d to lay on the table 3d for the previous question 4th to postpone to a day certain 5th to commit 6th to amend or 7th to postpone indefinitely which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain to commit or postpone indefinitely be decided shall be again allowed on the same day and at the same stage of the bill or proposition. A motion to strike out the enacting words of the bill shall have precedence of a motion to amend and if carried shall be considered equivalent to its rejection

23d A motion to adjourn shall always be in order that and the motion to lie on the table shall be decided without debate

24th The previous question shall be in this form shall the main question be now put? It shall only be admitted when sustained by a majority of the members present and when carried its Effect shall be to put an end to all debate and to bring the House to a direct vote

25th When a question is postponed indefinitely the same shall not be acted upon again during the session.

26th Any member may call for the division of a question when the same will admit of it a motion to strike out and insert shall be deemed indivisible But a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert

27th Motions and reports may be committed at the pleasure of the House

28th When a motion has been made and carried in the affirmative or negative it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the next sitting day

29th When the reading of a paper is called for and the same is objected to by any member the House shall determine whether said paper shall be read or not

30th When a resolution shall be offered or a motion made to refer any subject and select and standing committees shall be proposed the question for reference to a Standing Committee shall be first put

31st Every order resolution or vote to which the Concurrence of the Senate shall be necessary shall be read to the House and laid on the table on a day preceeding that in which the same shall be moved unless the House shall otherwise Expressly allow.

32d Petitions Memorials and other papers addressed to the House shall be presented by the Speaker or by a member in his place. a brief statement of the contents thereof shall verbally be made by the introducer and shall not be debated or decided on the day of their being first read unless where the house shall direct otherwise but shall lie on the table to be taken up in the order they were read

33d Any ten members (including the Speaker if there be one) shall be authorized to compel the attendance of absent members

34th Upon calls of the House or in taking the yeas and nays on any question the names of the members shall be called alphabetically and no member shall be allowed to vote Except he be in his seat

35th No member shall absent himself from the service of the House unless he have leave or be unable from sickness to attend

36th Upon the call of the House the names of the members shall be called over by the clerk and the absentees noted after which the names of the absentees shall again be called over the doors shall then be shut and those for whom no excuse or insufficient excuses are made may by order of those present if ten in number be taken into custody as they appear or may be sent for and taken into custody wherever to be found by special messengers to be appointed for that purpose

37th When a member shall be discharged from custody and admitted to his seat the House shall determine w[h]ether such discharge shall be with or without paying fees and in like manner w[h]ether a delinquent member taken into custody by a special messenger shall or shall not be liable to defray the expense of such special messenger

38th A Sargeant at Arms shall be appointed to hold his office during the pleasure of the house whose duty it shall be to attend the House during its sitting to execute the commands of the House from time to time together with all such process[es] issued by the authority thereof as shall be directed to him by the Speaker

Order of Business of the day

39th As soon as the journal is read the Speaker shall ask if there are any petitions or memorials to be presented. The petitions and memorials having been presented and disposed of reports first from standing and then from the Select committees shall be called for and disposed of after which the Speaker shall dispose of the bills messages and communications on his table and then proceed to call the order of the day

40th The unfinished business in which the house was engaged at the time of the last adjournment shall have the preference in the orders of the day and no motion or any other business shall be received without special leave of the House until the former is disposed of

41st All questions relating to the priority of business shall be decided without debate

42d Eighteen Standing Committees shall be appointed at the commencement of the session

To consist of five members each

A Committee of Ways and Means

A Committee of Elections

A Committee of Claims

A Committee on the Judiciary

A Committee on Militia

A Committee on Agriculture and Manufactures

A Committee on Apportionment

A Committee on Corporations and Banking

A Committee on Education
 A Committee on Public Institutions
 A Committee on Vice and Immorality
 A Committee on Finance and taxation
 A Committee on Accounts
 A Committee on Printing
 A Committee on State Lands
 A Committee on New Counties and County Lines
 A Committee on Public Roads
 A Committee on Internal Improvements

The several standing committees of the House shall have leave to report by By Bill or otherwise No Committee shall sit during the sitting of the House without special leave

The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and abilities and shall be deemed to continue until another be appointed

On Bills

Every bill shall receive three readings in the house previous to its passage and all bills shall be dispatched in order as they were introduced unless where the House shall direct otherwise but no bill shall be read twice on the same day without special order of the House

Upon a second reading of a bill the Speaker shall state it as ready for commitment or engrossment and if committed the question shall be whether to a select or standing committee or to a committee of the whole House

After commitment and report thereof to the House or at any time before its passage a bill may be recommitted

All bills ordered to be engrossed shall be executed in a fair round hand

No amendment by way of Ryder shall be received to any bill on its third reading

When a bill shall pass it shall be certified by the Clerk noting the day of its passage at the foot thereof

Of Committees of the Whole House

When the House shall determine to go into committee of the whole the Speaker shall appoint the member who shall take the Chair

On all questions and motions whatever the Speaker shall take sense of the House by yeas and nays provided two of the members present shall so require

Every question of order shall be noted by the Clerk with thereon and inscribed at large on the Journal

Upon bills committed to the committee of the whole House the bill shall first be read throughout by the Clerk and then again read by the Clerk and then again read and debated by clauses the body of the bill shall not be defaced nor interlined but all amendments noting the page and line shall be duly entered by the clerk on a separate paper as the same shall be agreed to by the committee and so report to the House After report the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken

The rules of proceeding in the house shall be observed in the committee of the Whole House so far as they may be applicable except the rule limiting the time of speaking but no member shall speak twice to any question until every member choosing to speak shall have spoken

All questions whether in committee or in the House shall be propounded in the order in which they were moved except that in filling up blanks the largest sum and longest time shall be first put

It shall be in order for the committee on Enrolled Bills to report at any time

No rule or order of the House shall be received altered or repealed unless two thirds of the members present shall consent thereto

On motion of Mr. McClure the report was laid upon the table and ordered to be printed

MESSAGE FROM THE SENATE

MR. SPEAKER, I have the honour to present the following Extract from the Journal of the Senate.

Resolved that a committee of two be appointed by the President to confer with a similar committee of the House of Representatives and to prepare joint rules for the Government of the Senate and House of Representatives Whereupon the President appointed Mess. Allen and Dailey

Resolved that a committee of two be appointed by the President who with a similar committee of the House shall wait on the Governor and inform him that the two houses are organized and ready to receive any message that he may have to communicate whereupon the President appointed Mess. Allen and Harding

signed A. ALLEN Secy.

On motion of Mr. Tuton

Resolved that the Chairman of the Executive Committee of Kansas Territory be respectfully invited to submit to the General Assembly a report of the doings of said Committee

On motion of Mr. Stephens

Resolved that the Sargeant at Arms be and is hereby instructed to provide for the use of the members of the House Two hundred copies of the *Dailey Tribune* provided that the proceedings of the General Assembly be published therein

Notice having been communicated to the House of the resignation of Loring Farnsworth as assistant Door Keeper on motion of Mr. Curtis that the resignation be received and that an Election be had to supply the vacancy which resulted as follows

A. W. Moore	had 20 votes
Mr. Cleveland	" 2 "
George Earl	" 4 "
Mr Scales	" 4 "
Mr. Haven	" 1 "

A. W. Moore having received a majority of all the votes given was declared duly elected who took the oath of office and entered upon the discharge of his duties

The committee appointed to wait upon the Governor reported that they had performed that duty and that his Excellency would be pleased to communicate with the House in a short time

Moved by Mr Tuton that a committee of two be appointed to act in conjunction with a committee of the Senate to prepare rules and regulations for the Government of both Branches of the General Assembly

Mr. Blood proposed to amend by inserting three instead of two, amendment accepted and the motion prevailed

The Speaker appointed Mess Blood and Dickey and Tuton as said committee

On motion of Mr. Tuton

Resolved. That the Executive Committee of Kansas Territory be invited to seats within the bar

MESSAGE FROM THE GOVERNOR

The Private Secretary of the Governor presented the Governor's message which on motion of Mr. McClure was read and 10,000 copies be printed for the use of the members of this House

Fellow Citizens of the Senate and House of Representatives

Having been chosen by the people to occupy the Executive Chair of the new State of Kansas it becomes my duty under the Constitution to announce to the General Assembly the condition of the affairs of the State and recommend such measures as I shall deem expedient for their action. While gratitude to the people for the confidence their suffrages evince and for the honor bestowed will induce me to enlist all my energies in their service inexperience in public life and a lack of ability and information will cause me to speak with diffidence upon the various subjects to which your attention will be invited.

The organization of a new government is always attended with more or less difficulty and should under the most favourable circumstances enlist the learning judgment and prudence of the wisest men in all its departments the most skillful workmanship is requisite that each part of the complicated machinery may be adapted to its fellow and that a harmonious whole without jar or blemish may be the result.

In Kansas especially is this a most delicate and difficult task. Our citizens are from every State in the Union and from nearly every country on the Globe and their institutions religion education habits and tastes are as various as their origin.

Also in our midst are several independent nations and on our borders both west and east are outside invaders.

In our mutual endeavours to set in motion a State Government we have a common Chart for our guide the Constitution.

The duties of the General Assembly as designated by this instrument are:

To provide for the encouragement of education and religion

The registration of Electors to provide for the returns of Elections

For the Election of officers

For the filling of vacancies

For the number of Senators and Representatives

For apportionment

Against Special Legislation

For publication of laws

For taking the census

For salaries of officers

For Surveyor General, State Geologist and Superintendant of Common Schools

For Judicial districts and jurisdiction of Courts

For publication of decisions of Supreme Court

For Duties of Clerk and Reporter of Supreme Court

For School Fund University Normal Schools &c

For State Asylums for Blind Deaf, Dumb Insane Idiots and the Poor

For House of Refuge for juvenile offenders

For State General Hospital

For Seat of Government and State House

For Militia

For Finance and Taxation

For Counties County City and Town officers

For Commissioners to arrange rules of practice in the courts of record

For Bureau of Statistics and encouragement of Agriculture

To Secure the Separate property and custody of children to wife

For Election of two United States Senators

For Banks and Banking

For redemption of certificates of indebtedness and for enforcement of 6th section of bill of rights

Also the people by a separate and direct vote have instructed the assembly to provide for the exclusion of free negroes.

Education of the People the common people is the Palladium of our liberties. Without this free institutions cannot exist with it Tyranny and oppression must disappear. A thorough and efficient system of education is a better and cheaper corrective and preventive of poverty degradation and crime than the poor house, house of refuge or penitentiary. This subject will not fail to receive its full share of your attention.

That the common School may be put on a permanent basis the proceeds of the School lands or other educational income should be carefully husbanded till a fund shall accumulate amply sufficient to give to every child in the State a liberal common School education

Second only to the Common School are the University and Normal Schools

For these also the Constitution suggests that you provide at an early day

Of the public Charitable Institutions named in the Constitution a General State Hospital calls most urgently for consideration

In a new country many must necessarily suffer from sickness and poverty and in the present unsettled condition of the People it is eminently proper that the State should provide for their relief

The subject of finances and taxation is one of primary importance in Every State and particularly in a new one

Onerous taxes and large indebtedness should be guarded against as far as possible and economy without niggardly parsimony should be the rule of action For the present state of the finances you are referred to the report of the Territorial Executive Committee

Exposed as our citizens are to the Scalping knife of the Savage on the west, and to the revolver and hatchet of the assassin on the east a thorough and early organization of the militia is urgently called for

By the constitution this duty devolves upon the General Assembly. Measures should at once be taken to encourage the organization of volunteer companies and to procure the arms to which the State is entitled

The disposition of the public lands is a matter for consideration Under existing laws they belong to the General Government and are used as a source of revenue The policy of such a use is at least questionable The amount received into the Treasury from the sale of public lands is inconsiderable amounting in the aggregate to about \$2,000,000 annually

This sum distributed among the States where the lands are situated would aid Essentially the cause of education or the establishment of Charitable institutions but it is entirely unnecessary in the already overflowing Treasury of the General Government Even as a matter of revenue the public Treasury gains nothing by selling the Public domain to the people for the principle revenue is derived from the products of the soil and these will be increased as the number of land holders increase and in proportion to the capital invested in its cultivation The \$1.25 pr acre laid out on the land will produce far more revenue to the Government in a few years than if deposited in the Treasury The true policy for any government is to give to every citizen who will cultivate it a farm without price and secure it to him for a permanent homestead Especially should the citizen who deprives himself of the blessings of home and civilization for a time to reclaim the wilderness that it may be added to the commonwealth be allowed his land gratis

But if the land must be sold and the proceeds applied to defray Expenses of government the State should be the recipient and not the General Government Every new state must incur extraordinary expenses in setting its government in motion

It has its public Edifices State House Asylums Penitentiary Universities School Houses, Railroads &c to construct and limited means at command Should Congress in its wisdom as we have reason to believe that it will—donate all the public lands of Kansas to the State it will then be the duty of the assembly to dispose of them

In such an event by donating 160 acres as a homestead to each resident of five years and allowing no one person to purchase of the State more than 160 acres additional the state would become rapidly settled and at the same time secure a fund for Educational and other purposes Equal to its necessities

The indiscriminate sale of intoxicating drinks in a State like Kansas where are numerous Indian tribes is productive of much mischief

Some tribes within our borders are still uncivilized and indulge their appetites without restraint while many of other tribes are Equally unfortunate It is a duty we owe to the Indian that we not only cultivate

the most friendly intercourse but that we protect him from injury and this subject should not be overlooked by the General Assembly

The use of intoxicating drinks as a beverage impairs the health, morals, good order, and prosperity of any community and the traffic in them is an unmitigated evil and it is for the Legislature in its wisdom to adopt such measures as shall best secure the public welfare

It will be remembered that a skeleton of a government still exists in our midst under a Territorial form and although this was but the foreshadowing of a new and better covenant collision with it should be carefully guarded against A Territorial government is transient in its nature only awaiting the action of the People to form a government of their own This action has been taken by the People of Kansas and it only remains for the General Government to suspend its Territorial appropriations recal its officers and admit Kansas into the Union as a Sovereign State

The reasons why the Territorial governments should be suspended and Kansas admitted into the union as a State are various In the first place it is not a government of the people The Executive and judicial officers are imposed upon the people by a distant power and the officers thus imposed are foreign to our soil and are accountable not to the people but to an Executive 2,000 miles distant American citizens have for a long time been accustomed to govern themselves and to have a voice in the choice of their officers but in a territorial government they not only have no voice in choosing some of their officers but are deprived of a vote for the officer who appoints them Again governments are instituted for the good and protection of the governed, but Territorial government of Kansas has been and is an instrument of oppression and tyranny unequalled in the history of our Republic The only officers that attempted to administer the laws impartially have been removed and persons substituted who have aided in our subjugation. Such has been the conduct of the officers and the people of a neighboring state either intentionally or otherwise that Kansas today is without a single law enacted by the people of the Territory Not a man in the country will attempt to deny that Every election held under the Territorial government was carried by armed invaders from an adjoining State for the purpose of enacting laws in opposition to the Known wishes of the People

The Territorial government should be withdrawn because it is inoperative The officers of the law permit all manner of outrages and crime to be perpetrated by the invaders and their friends with impunity while the citizens proper are naturally law abiding and order loving disposed rather to suffer than do wrong Several of the most aggravated murders on record have been committed but so long as the murderers are on the side of the oppressors no notice is taken of them Not one of the whole number has been brought to justice and not one will be by the Territorial officers While the marauders are thus in open violation of all law nine tenths of the people scorn to recognize as law the Enactments of a foreign body of men, and would sooner lose their right arm than bring an action into one of their misnamed Courts

Americans can suffer death but not dishonor and sooner than the people will consent to recognize the edicts of lawless invaders as laws their blood will mingle with the waters of the Kansas and this Union be rolled together in civil strife Not only is the Territorial government the instrument of oppression and subjugation of the People but under it there is no hope of relief The organic act permits the Legislature to prescribe the qualifications of voters and the so called Legislature has provided that no man shall vote in any Election who will not bow the knee to the dark image of Slavery and appointed officers for the term of four years to see that this provision is carried out Thus nine tenths of the citizens are disfranchised and debarred from acting under the Territorial government if they would

Even if allowed to vote the Chief Executive of the country says he has no power to protect the ballot box from invaders and if the people organize to protect themselves his appointees intimate that they must be disarmed and put down hence whether allowed to vote or not, there is no opportunity for the people of the Territory to rule under the present Territorial government Indeed the laws are so made and construed that the citizens

of a neighboring state are legal voters in Kansas and of course no United States force can be brought against them

They are by law entitled to invade us and control our Elections

According to the organic act the People have have a right to elect a Legislature and that Legislature has a right to make laws, establish courts, and do every thing but choose their executive and Supreme Judicial officers If they have the right to do the one they undoubtedly should have to do the other The principle of "Squatter Sovereignty" upon which this act is said to be based knows no distinction between the power to legislate and the power to adjudicate or execute If the right of one department of the Government is inherent in the People so is the other On this subject there is high authority General Cass in the Senate said "The Government of the United States is one of limited authority vested with no powers not expressly granted or not necessary to the proper execution of such as are"

"There is no provision in the Constitution granting any powers of legislation over the Territory or other property of the United States Except such as relates to its regulation and disposition Political jurisdiction is entirely withheld nor is there any just implication which can supply this defect of original authority"

Again he says "I shall vote for the entire interdiction of all Federal action over this general question (Slavery) under any circumstances that may occur" But the Executive and the Judiciary of Kansas are creatures of the Federal Government and under its control and the Governor has a negative legislative power equal to two thirds of both branches of the Legislature leaving to the people only one third of one of the three departments of government and to the General Government all of two departments and two thirds of the other

Also he says "Leave to the people who will be affected by this question (Slavery) to adjust it upon their own responsibility and in their own manner and we shall render another tribute to the original principles of our government, and furnish another guaranty for its permanency and prosperity"

But how can this or any other question be adjusted by the people while ruled by a foreign Executive and judiciary?

Mr. Douglass says "I have always held the people have a right to settle their questions as they choose not only when they come into the union as a state but that they should be permitted to do so while a Territory" If the people have this right then the Federal Government has no right to interfere with it, and the people of Kansas have a right to demand that the present Territorial Government of Kansas be withdrawn and that they be allowed to choose all their officers

Mr. Henn of Iowa in Congress said "I would that Congress would recognize the doctrine of 'Squatter Sovereignty' in its length and breadth that the citizen wherever he may settle if on American soil shall have all the rights and privileges of citizenship and be consulted by Executives as well as representatives this would be right this would be simple justice It is a doctrine that was broadly asserted and with firmness maintained by the Father of our Republic"

In the Organic act of the Territory Sec. 14, is the following "It being the true intent and meaning of this act not to legislate Slavery into any Territory or State nor to exclude it therefrom but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States" But how can this intent be carried out with an Executive and Judiciary and two thirds of Legislature in opposition to the will of the people and with an overwhelming invasion at every Election by permission of these officers

In the President's annual message to Congress for the current year he says

"In the Counsels of Congress there was manifested extreme antagonism of opinion and action between some representatives who sought by the abusive and unconstitutional Employment of the Legislative powers of the Government to interfere in the condition of inchoate states, and to impose their own social theories upon the latter and other representatives who re-

pelled the interposition of the General Government in this respect and maintained the self constituted rights of the States. In truth the thing attempted was in form alone action of the General Government while in reality it was the endeavor by abuse of legislative power to force the ideas of internal policy entertained in particular States upon allied independent States. Once more the Constitution and the Union triumphed signally. The new Territories were organized without restrictions on the disputed points and were thus left to judge in that particular for themselves."

If it would have been "abuse of Legislative power" for Congress to "force the ideas of internal policy entertained by particular States upon Kansas, by what reason does he justify the Executive in the exercise of that power? That the officials of his appointment are today endeavoring to do this very thing against the sentiment of a large majority of the people cannot admit of a doubt.

Again he says "The measure of its repeal (Missouri Compromise) was the final consummation and complete recognition of the principle that no portion of the United States shall undertake through assumption of the powers of the General Government to dictate the social institutions of any other portion."

The people of Kansas have reason to feel that the "complete recognition" of the principle unless carried into practice is of no avail to them and that the recognition of this principle by Congress while the opposite is acted upon by the executive would be simple mockery.

Once more "If the friends of the Constitution are to have another struggle its enemies could not present a more acceptable issue than that of a State whose Constitution clearly embraces a republican form of government being Excluded from the union because its domestic institutions may not in all respects comport with the ideas of what is wise and Expedient entertained in some other state. If a new State formed from the Territory of the United States be absolutely Excluded from admission therein that fact of itself constitutes the disruption of union between it and the other states. But the process of dissolution could not stop there. Would not a sectional decision producing such a result by a majority of votes Either northern or southern of necessity drive out the oppressed and aggrieved minority and place in presence of each other two irreconcilably hostile federations?"

Thus it will be seen by the highest Democratic authority in the country that the people of Kansas have a right to demand the removal of the present oppressive Territorial government and also that they be admitted into the Union as an equal independent State.

Knowing that one great party in Congress with the President at its head was in principle committed to our defence and believing that many from the other parties would if not from principle as an act of justice be induced to look upon us with favor we had a right to anticipate a speedy termination of our present thralldom.

However owing to an apparent misunderstanding of the Constitutional movement in Kansas the President intimates in a special message that Congress must interfere and undo what with great care and expense they have so well done.

This message as it refers exclusively to Kansas should receive some attention from the General Assembly. Kansas men—"Squatter Sovereignty" men—cannot fail to be somewhat surprised at its purport. It is somewhat belligerent in its tone threatening to bring against the people of Kansas the army and navy of the United States and should this force be inadequate to the task the militia of the several states is to be brought into requisition to compel the people to submit to what they do not recognize as laws and to laws according to his own showing the people of Missouri with the aid of the Executive which he appointed, enacted. But it is to be hoped that by the time his forces are raised and marched into the Territory he will find like his Excellency Governor Shannon that the people are not so deserving of annihilation as he had supposed.

The President gives the details of the invasions of Kansas and the Governor's connection therewith and does not deny that the so called Territorial Legislature was Elected by the People of Missouri but because the Governor

his appointee Chose to grant certificates of Election to a majority of persons Elected by the people of a neighboring state therefore the laws of that body are binding upon the people. To strengthen his argument he might have accused the Governor of still further complicity with the invaders and have said that although this territory is hundreds of miles in Extent and the people were politically unorganized yet he gave them but four days in which to contest the Election and would not Extend the time one hour for it is said that a protest arrived at one o'clock on the morning of the fifth day which had it been regarded would have changed five seats in the Legislature but it was too late by one hour and could not be received

The argument of the President may be good against any objection to the acts of the Legislature on his part as in the first place he refused to protect the ballot box from fraud and in the second place so far as lay in his power his appointee legalized it but is it good against the people

The organic act provides for a legislature to be elected from and by the voters, and a voter is to be "an actual resident of said Territory" and if any other set of men Either with or without the sanction of the Executive claim to be the Legislature, are the people bound to regard them as such? Also this act says "it is the true intent and meaning of this act to leave the people of the Territory perfectly free to form and regulate their domestic institutions in their own way subject only to the Constitution of the United States" *not* subject to the People of Missouri or the Executive or both of them together How can true intent of the law be carried out by a Legislature Elected as was that on the 30th of March last? Yet that Legislature Elected from and by the People of a neighboring state have assumed to pass laws for the People of Kansas and also to "legislate Slavery into the Territory" which Congress itself professed not to have the right to do and these are the so called laws that the President says must be Enforced Even though it require all the army and navy of the United States and the militia of the several states undoubtedly one half of this force will be all sufficient to Enable him to Enforce any process or to chop shoot and hang all the inhabitants but all the armies and navies in the world could not make the people believe he had a right to do it or that the enactments of that Border legislature were binding upon the People of Kansas

If "Squatter Sovereignty means simply that Congress has no right to interfere with the affairs of a Territory but that the Executive and the People of another state have, then most certainly that doctrine will be very unpopular in Kansas

Other reasons might be given to show that no legal legislature had ever passed laws in Kansas besides the above or the removal of the sittings from Pawnee to the Shawnee Mission which is on the Shawnee reserve as it is understood and can consequently "constitute no part of the territory of Kansas" The organic act provides that "the persons having the highest number of legal votes in each district for members of council (or House of Representatives) shall be declared by the Governor to be duly Elected" From his decision there is no appeal according to the act, yet nine persons declared to be duly Elected by the Governor were Ejected by the Legislature and others admitted But one person it is believed was duly Elected by the legal voters of the Territory and he resigned his seat regarding the whole body illegal His seat was filled without an Election and by the Legislature, hence probably not one of the body could have received the suffrages of the legal voters in the districts they pretended to represent

It is the Enactments of such a body of men that the army navy and militia of the country are to Enforce upon a people who were told they should be "free to form and regulate their domestic institutions in their own way" A body of men elected by a neighboring state who did not sit at the seat of government as required who *did* sit at the Shawnee Mission understood to form no part of the Territory of Kansas who turned out nine of its legally Elected members and received in their stead nine persons not legally Elected, who filled a vacancy by appointment and not by Election of the voters of the district &c to say nothing of the Draconian character of the Enactments

The President says: "the constitutional means of relieving the People

of unjust administration and laws by a change of Public agents and by repeal are ample"

This is usually the case and ought always to be so but the case of Kansas is an exception. The administration of Kansas has its head at Washington and we do not have so much as a vote in favor of its continuance or removal while the repeal of any laws under present arrangement by the People is out of the question as the Legislature has disfranchised a large majority of them. No man in favor of a change or repeal of certain laws can vote under our new order of things and consequently no peaceable way of establishing a government of the people is left but to form a State constitution and ask for admission into the Union. This has been done but the President objects to our constitution and calls the movement for a State government revolutionary and intimates that the forces of the Union must if necessary be brought against it although he admits that it was not revolutionary for other territories to do precisely what we have done as "California Michigan and others". His reason is that the Constitution of Kansas was formed by a party and not by the whole People. What are the facts? A bill calling for a convention for the formation of a State constitution is said to have passed through one house of the mission Legislature and was defeated in the other only because they feared the result would be a free state.

In July and August a paper was circulated for the signatures of all such persons as were desirous of forming a State government and between one and two thousand persons signed it. August 15th A general mass meeting of citizens irrespective of party was held at Lawrence pursuant to a published call signed "Many Citizens" to "take into consideration the propriety of calling a Territorial delegate convention preliminary to the formation of a State government and other subjects of public interest". At this meeting all parties participated and the following preamble and resolution were adopted with but one dissenting voice and that was an acknowledged dis-union abolitionist the only one of that party at the meeting.

"WHEREAS the People of Kansas Territory have been since its settlement and are now without any lawmaking power therefore be it Resolved. That we, the People of Kansas Territory in mass meeting assembled irrespective of party distinctions influenced by a common necessity and greatly desirous of promoting the common good do hereby call upon and request all bona fide citizens of Kansas Territory of whatever political views or predilections to consult together in their respective Election districts and in mass convention or otherwise Elect three delegates for each Representative to which said district is Entitled in the House of Representatives of the Legislative Assembly by proclamation of Gov. Reeder of date 10th March 1855. Said Delegates to assemble in convention at the Town of Topeka on the 19th day of September 1855 then and there to consider and determine upon all subjects of public interests and particularly upon that having reference to the speedy formation of a State constitution with an intention of an immediate application to be admitted as a State into the Union of the United States of America"

This was the first public action taken by the people in their sovereign capacity upon this subject and all parties and sects participated. The next action was at a party convention held at Big Springs on the 5th and 6th of September. A committee on State organization was appointed and made the following report.

"Your committee after considering the propriety of taking preliminary steps to framing a constitution and applying for admission as a State into the Union beg leave to report that under the present circumstances they deem the movement untimely and inexpedient"

The following was offered as a substitute for the report:—

"Resolved That this convention in view of its recent repudiation of the acts of the so-called Kansas Legislative Assembly respond most heartily to the call made by the People's convention of the 15th ult. for a Delegate convention of the People of Kansas Territory to be held at Topeka on the 19th instant to consider the propriety of the formation of a State Constitution and such other matters as may legitimately come before it"

This substitute was agreed to

Thus it appears that this party convention simply approved of the Citizens convention at Lawrence and let the matter rest. A Delegate convention irrespective of party was held at Topeka September 19th agreeably to the call of the mass convention of the 15th of August and the following preamble and resolution were unanimously adopted

"WHEREAS the Constitution of the United States guarantees to the People of this Republic the right of assembling together in a peaceable manner for their common good to "establish justice insure domestic tranquillity provide for the common defense promote the general welfare and secure the blessings of liberty to themselves and their posterity" and whereas the citizens of Kansas Territory were prevented from electing members of a legislative assembly in pursuance of a proclamation of Gov. Reeder on the 30th March last by invading forces from foreign States coming into the Territory and forcing upon the People a Legislature of non-residents and others inimical to the interests of the People of Kansas Territory defeating the object of the organic act in consequence of which the Territorial government became a perfect failure and the people were left without any legal government until their patience has become exhausted and 'Endurance Ceases to be a virtue' and they are compelled to resort to the only remedy left that of forming a government for themselves

Therefore, *Resolved* by the People of Kansas Territory in Delegate Convention assembled That an Election shall be held in the several Election precincts of this Territory on the second Tuesday of October next under the regulations and restrictions hereinafter imposed for members of a convention to form a constitution adopt a bill of rights for the people of Kansas and take all needful measures for organizing a State government preparatory to the admission of Kansas into the Union as a State"

At this Convention a Territorial Executive Committee was appointed and that Committee in accordance with the instructions of the convention issued a proclamation commencing as follows

"*To the legal voters of Kansas:—*

WHEREAS the Territorial government as now constituted for Kansas has proved a failure—"Squatter Sovereignty" under its workings a miserable delusion in proof which it is only necessary to refer to our past history and our present deplorable condition—our ballot boxes have been taken possession of by bands of armed men from foreign States—our people forcibly driven therefrom—persons attempted to be foisted upon us as members of a so called Legislature unacquainted with our wants and hostile to our best interests—some of them never residents of our territory—misnamed laws passed and now attempted to be enforced by the aid of citizens of foreign States of the most oppressive tyrannical and insulting character—the right of suffrage taken from us—debarred from the privilege of a voice in the Election of even the most insignificant officers—the right of free speech stifled—the muzzling of the press attempted, and whereas longer forbearance with such oppression and tyranny has ceased to be a virtue and whereas the people of this country have heretofore Exercised the right of changing their form of government when it became oppressive and have at all times conceded this right to all the people in this and all other governments and whereas a Territorial form of government is unknown to the constitution and is the mere creature of necessity awaiting the action of the people and whereas the debasing character of the slavery which now involves us impels us to action and leaves us as the only legal and peaceful alternative the immediate establishment of a State government and whereas the organic act fails in pointing out the course to be adopted in an emergency like ours Therefore you are requested to meet at your several precincts in said Territory hereinafter mentioned on the 2d Tuesday of October next it being the ninth day of said month and then and there cast your ballots for members of a convention to meet at Topeka on the 4th Tuesday in October next to form a constitution adopt a Bill of Rights for the people of Kansas and take all needful measures for organizing a State government preparatory to the admission of Kansas into the Union as a State"

On the 4th Tuesday of October the Constitutional convention assembled at Topeka and drafted a Constitution which was submitted to the People on the 15th of December and by them approved by a very large majority—men of all parties voting.

Such in brief is the history of the Constitutional movement in Kansas and if this is a “party” movement it is difficult to see in what way a constitution can be framed and adopted not open to this charge. If the People or any portion of them failed to participate it was their own fault and not the fault of those who were active Democrats Hards and Softs Whigs Hunkers and Liberals Republicans pro and anti-slavery men of all shades participated in the formation of a State Government and if it be a party movement at all it certainly cannot be a movement of one party alone. In a republican government the majority has no power to compel the minority to vote on any question neither has the minority a right to object to the action of the majority because they did not choose to act with them.

The President says “no principle of public law no practice or precedent under the Constitution of the United States no rule of reason right or common sense confers any such powers as that now claimed by a mere party in the territory. In fact what has been done is of revolutionary character. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other federal law and to the authority of the general government”

No principle of Public law? What is the principle of “Squatter Sovereignty” then? No precedent? What did Michigan California and other new States do? No rule of reason right or common sense? Is “popular Sovereignty” unreasonable unjust and nonsensical? Suppose the *party* comprise an overwhelming majority of the people what then?

James Christian Esq. a very honourable and highminded proslavery gentleman writes to a friend in Kentucky as follows “I believe I informed you before that I have been appointed Clerk of this (Douglass) County under the Territorial Legislature but we are in such a horrid state of confusion in regard to the laws that it dont pay anything. The free soilers are in a large majority in the Territory and they are determined to pay no regard to the laws consequently they will not sue nor have any recording done so my office is only in name. It is the same all over the territory”

According to the President this “large majority” can have no rights because they happen to think alike on a certain subject or belong to the same “party”. It was formerly of principle of democracy that the majority especially “large majorities” should rule but times must have changed.

If this “large majority” persist in setting in motion a state government it will be “treasonable”. It was not so however in “Michigan California and other States”. But the people of Kansas do not propose to reach the point of organized resistance by force to the fundamental or any other federal law and to the authority of the General Government” *unless* our state whose constitution clearly embraces a “Republican form of Government is Excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and Expedient Entertained in some other state”. If our *State* “be absolutely excluded from admission therein that fact of itself (*may*) constitutes the disruption of union between it and the other States but the process of dissolution could not stop there” and we should have the chief Executive on our side in such an Event. But no [such] result is to be anticipated. When the President fully understands our case he can do no less than withdraw his recommendations for an Enabling act to form another constitution and Congress will admit us without delay.

Also we have confidence that no attempt will be made by the federal authorities to Enforce the Enactments of a Foreign Legislature upon the people of Kansas. Mr. Christian the proslavery clerk of Douglass County says the people of Missouri came into the territory on the 30th of March last “bearing with them their peculiar institutions—bowie knives pistols and whiskey—to the amount of five or six thousand carried the Election by storm and elected every proslavery candidate that was in the field by overwhelming majorities thus securing every member of the council and

House of Representatives in some instances driving from their seats the judges appointed by the Governor and placing judges from their own number in their stead who paid no regard to the instructions of the Executive &c

It cannot be that the President after permitting the People of another State to take from the legal voters their constitutional and organic rights will add to the outrage by compelling the People of Kansas to submit to their authority and obey their enactments

It is bad enough to be deprived of the right to make laws for ourselves but it is worse to be compelled to submit to the laws of those who deprive us of that right Although there has been and there will be no *organized* resistance to the Enactments of the self styled Territorial Legislature yet nine men out of every ten spurn it with contempt as a gross outrage upon American citizens and it is highly proper for the General Assembly to memorialize Congress upon this subject as well as with reference to the admission of the State into the Union

The President apologizes for the frequent invasions of Kansas on the ground that some northern people talked about the repeal of the Missouri Compromise and subjects connected with the Extension of negro bondage and because an Emigrant Aid Association had been formed

The people of this country have been in the habit of talking about the affairs of Government ever since the May Flower discharged her cargo on Plymouth Rock but this is the first time that it has been considered an apology for an invasion of a distant State or territory If the People of Kansas were accountable for the loquacity of the north or the silence of the south the case might be different Emigrant Aid Associations are nothing new in the United States When California was first opened to settlement the same kind of Associations was formed with only this difference—in one case each party had an agent of its own for the purpose of procuring tickets arranging details &c while in the other all the parties have a common agent There is however connected with the aid society for Kansas Emigrants a Stock company for the purpose of erecting mills hotels &c in the new country but the agents of this society will purchase tickets for a slaveholder as soon as for a free state man and the investments are for the benefit of all settlers alike No questions are asked and no distinctions made Had the President visited western Missouri before any aid society had been formed at the east he might have found a secret oath bound association pledged to make of Kansas a Slave state peaceably if they could forcibly if they must This Society has been in active operation since its inception and now threaten to deluge Kansas with the blood of American citizens for the *crime* of preferring a free to a Slave state Also it is only necessary to read a few southern journals to see accounts in different parts of the South not of Emigrant Aid Societies but of Emigrant buying or hiring Societies which do not simply procure tickets for the Emigrant at cost irrespective of party or condition but which pay the fare and expenses of the *right* kind of Emigrants and support them in Kansas one year more or less However it may be the "King can do no wrong" although it may be wrong for common people to do as the King does

The people of Kansas will not object to Aid Societies whether north or south so long as they treat all parties alike Immigrants from all parts of the country are received with a hearty welcome and the investment of capital whether eastern or western northern or southern is greatly needed The settlers of Kansas have suffered some losses and injury from repeated invasions from a neighbouring state and it is highly proper that congress be memorialized upon this subject especially should the general government repair the injury it has inflicted All the invasions have been permitted by the officers of the government without any opposition while at least one was invited by them It is the duty of the federal government to protect infant territories in their rights but Kansas has not only not been protected but it has been actually oppressed by those whose duty it was to defend it

It is unjust to any community to send among them officers with government patronage whose political sentiments are opposed to the sentiments of the people particularly when those officers mount the stump and shoulder the rifle for the purpose of crushing out all who differ from them Some of

the federal officers of Kansas are charged with undignified conduct and one of them at least with high crimes and it is the duty of the Legislature to memorialize the President that our citizens may be protected in their lives and inalienable rights and from unwarrantable interference of officials in the management of their internal affairs. It is manifestly improper for the federal officers to *dictate* into or out of Kansas an institution over which Congress professed to have no authority

It is understood that the deputy marshall has private instructions to arrest the members of the Legislature and the state officers for treason as soon as this address is received by you. In such an event of course no resistance will be offered to the officer. Men who are ready to defend their own and their country's honour with their lives can never object to a legal investigation into their actions nor to suffer any punishment their conduct may merit

We should be unworthy of the constituency we represent did we shrink even from martyrdom on the scaffold or at the stake should duty require it. Should the blood of Collins and Dow of Barber and Brown be insufficient to quench the thirst of the President and his accomplices in the hollow mockery of "Squatter Sovereignty" they are practicing upon the people of Kansas then more victims must be furnished. But let what will come not a finger should be raised against the federal authorities until there shall be no hope of relief but in revolution. The task imposed upon us is a difficult one but with mutual cooperation and a firm reliance upon His wisdom who makes the "wrath of man praise him" we may hope to inaugurate a government that shall not be unworthy of the country and age in which we live

TOPEKA March 4th 1856

signed C. ROBINSON

Mr ——— moved the House now adjourn motion lost

On motion of Mr. Dickey *Resolved* that 800 additional copies of the *Daily Tribune* be furnished for the use of the members. Mr. Blood moved to amend by inserting 300 instead of 800. Mr. Tuton moved further to amend by substituting 50 instead of 300. The question being on the amendment to the amendment the motion was lost. The amendment proposed by Mr. Blood prevailed and the motion as amended was carried.

Mr. Tuton offered the following preamble and resolution

WHEREAS the Constitution of our state is yet in the hands of the Executive Committee and whereas we deem it highly important that it should at once be placed in the hands of both the Senate and the House of Representatives now assembled at Washington City in order to ask an immediate admission into this Union, as one of the States of this Confederacy therefore *Resolved* The Secretary of the Executive Committee be required to place the original copy in the hands of the Executive Department to be forwarded by them to Washington immediately—

during the pendency of which motion the house adjourned until 2 o'clock P. M.

J. K. GOODIN *Ch'f Clk H. Rep.*

2. O'clock P. M.

The House met pursuant to adjournment. A call of the House was had when 32 members responded to their names.

The resolution of Mr. Tuton being the first business in order—on motion of Mr. Mewhinney it was laid upon the table.

A memorial from J. Beyer Esq contesting the seat of Adam Fisher was presented and on motion of Mr. Tuton was accepted and a committee of five was appointed to inquire into the facts relating to the contest together with the claims of the contestant and report the same to the House said committee having power granted them to call for persons and papers. The

chair appointed Mess Zimmerman McClure Dickey Curtiss and Mewhinney the committee

On motion the vote to lay upon the table and order to be printed the report of the committee on rules and regulations was reconsidered

The report of the committee on rules and regulations for the government of the House which was laid on the table and ordered to be printed on motion of Mr. Tuton was taken up when the report was read by sections and adopted with a single amendment

Mr. Crosby moved that 200 copies of the report be printed for the use of the House motion lost

Mr. Addis moved that 100 copies of the report be printed for the use of the House motion carried

Mr. Dickey on leave presented the following memorial

Gentlemen of the House of Representatives Will it comport with your arrangements to grant us the use of your hall this (Wednesday) evening for a temperance meeting at the request of

MANY CITIZENS

On motion of Mr. Addis the request was granted

On motion of Mr. Sparks

Resolved That the members of this House have heard with deep concern of the butchery of the Hon. R. P. Brown a member elect of this body

Resolved that we sympathise with the relatives of the deceased in their great bereavement

Resolved that a copy of the resolutions be transmitted to the widow and relatives of the deceased

Resolutions adopted Mr Dickey of Topeka then presented the following resolution which was adopted

WHEREAS it has pleased Almighty God in the wise dispensation of his Providence to remove from among us Major M. M. Robinson member elect of this House from the 3d district

Therefore Resolved That we learn with deep regret of the death of Major Robinson and that we earnestly sympathize with the citizens of the 3d district particularly and of the State generally in the decease of this member of their choice

Resolved that we hereby tender to the family and friends of the deceased our unfeigned condolence in this their sad bereavement

Resolved that as further testimony of respect to the memory of Brown and Robinson this House do now adjourn until tomorrow morning at 10 o'clock

Resolved that a copy of these resolutions be forwarded to the family and friends of the deceased

The House then adjourned until Thursday 10 o'clock A. m.

J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

10 o'clock March 6, 1856

House met pursuant to adjournment and was called to order the Speaker in the Chair

Prayer by the Chaplain

Roll called—thirty nine members answered to their names

Mess. John Hutchinson of the *first* district and Abraham Barry of the *Seventh* Senatorial districts appeared took the oath of office and entered upon the discharge of their duties

Journal of yesterday read amended and approved

On motion of Mr. Walker the vote upon the passage of the resolutions relative to the decease of Hon R. P. Brown was reconsidered

On motion of Mr. Brown a committee of three were appointed to draft Resolutions expressive of the sense of this body on the death of Hon R. P. Brown The Chair appointed Mess Hutchinson Brown and Dickey and upon the motion of Mr. Hornsby the resolutions were referred to the special committee

Mr. Walker offered the following Resolution and Preamble

WHEREAS Thomas Barber one of our most excellent and unoffending citizens has been most brutally murdered in cold blood and whereas the murderer is believed *on good evidence* to be an accredited agent and appointee of the President of the United States is as yet unapprehended by the Territorial authorities and is retained in office under the General Government

Therefore Resolved that we tender to the widow and friends of our murdered fellow citizen our sincere sympathy

Resolved that the President by continuing in office the murderer of the lamented Barber is tacitly endorsing the criminal and the blood of our brother and friend cries from the ground against all such

On motion of Mr. Abbott the resolutions were referred to the select committee appointed on the resolutions relative to the decease of Hon. R. P. Brown

On motion of Mr. Addis an addition of two persons was made to the committee The Chair appointed Mess Walker and Tuton

On motion of Mr. Hutchinson

Resolved that a committee of three from the House be appointed to act in conjunction with a similar committee from the Senate to draw up and report to this House a memorial to Congress containing the grievances of the People of Kansas and an application for the immediate admission of Kansas as a Sovereign State

The Speaker announced the following standing committees

Ways and Means Mess Dickey Cody Bayliss Addis & Crosby

Claims Mess Jameison Hornsby Platt Mewhinney & Shores

Judiciary Mess Hutchinson Barry Curtiss Frost and McClure

Agriculture and Manufactures Mess. Tuton, Sparks Reese Williams and Pattie

Apportionment Mess Toothman Arthur Wade Hartwell & Hornby

Corporations and banking Mess Blood Cannon Landis Staniford & Zimmerman

Elections Mess Zimmerman Purdam Saunders Simmerwell and Abbott

Public Institutions Todd Tabor Mewhinney Hicks and Marshall

Vic and Immorality Mess Brown Landers Jones McGhee and Wetson

Finanace and Taxation Mess McClure Bowen Brock Stephens and Walker

Accounts Mess Curtiss Adams Barnett Orr and Cody

Printing Mess Frost Reese Wetson Stephens and Hornsby

State Lands Mess Addis Blood Campbell Ferby and Jameson

New Counties and County Lines Mess Hicks Orr Wade Purdam and Mewhinney

Public Roads Mess Jameson Baldwin McGhee Hartwell and Fisher

Militia Mess Saunders Dickey Abbott Walker and Sparks

Internal Improvements Mess Edsall Martin Weston Zimmerman & Hornsby

Education Hornsby Hartwell Higgins Frost and Crosby

On motion of Mr. Crosby the following Resolution was offered.

Resolved That 500 copies in pamphlet form of the Declaration of Independence—the Constitution of the United States The Constitution of Kansas—The Governors messages and the Joint rules of the Senate and House of Representatives and the rules of each

Resolution was referred to the Committee on Printing Mr. Addis moved to strike out the words "Governor's messages" Mr. Stephens moved to lay the resolution upon the table motion lost.

Mr. Hornsby moved a reference of the resolution to the committee on Printing which motion prevailed The committee on contested seats reported progress and asked leave to sit again Leave was granted

Mr. Hutchinson offered the following resolution

Resolved That all laws passed by this house shall take effect immediately upon the admission of Kansas into the Union as a "Sovereign State" and no act shall become a law until such time unless where a special act of the House and Senate at a subsequent session of the Legislature makes it a law.

On motion the resolution was laid upon the table

A special message from the Governor was announced by his Private Secretary

SPECIAL MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE March 6, 1856

To the Senate and House of Representatives of the State of Kansas

GENTLEMEN As there appears to be a difference of opinion in regard to right of lawmaking by the General Assembly and also in regard to the construction to be put upon my communication upon this subject to your honourable bodies on the 4th inst it is proper for me to State that the message of the 4th was intended to recommend no course to be taken in opposition to the General Government or to the Territorial Government while it shall remain with the sanction of Congress Collision with either is to be avoided

That the People of a Territory have a right to peaceably assemble and memorialize congress or the President and to adopt a constitution and organize a State Government and appoint such official agents and such other acts as are indispensable to the action of a State Especially to its action as a member of the Union prior to its admission there is no doubt provided the proceedings are in strict subordination to the existing Federal Government and in subserviency to the Powers of Congress To this extent a people may go in conformity to law and for this there can be no penalty

(signed) C. ROBINSON

On motion of Mr. Hutchinson the message was laid upon the table and it was moved that 5,000 copies of the same be printed

Mr. Curtiss offered the following amendment that 5,000 be stricken out and 1,000 inserted in its place Amendment was adopted

The resolution as amended was adopted

Mr. Orr moved a reconsideration of the vote laying the resolution of Mr. Hutchinson upon the Table Mr. Zimmerman raised a point of order "That the mover for reconsideration was not competent to make the motion on account of his former vote upon the passage of the resolution"

The Chair decided the point of order well taken

Mr. Addis moved a reconsideration of the vote taken upon the resolution

during the pendency of which a motion for a recess until 2 o'clock P. M. was made and decided by the Chair to be lost A division being called for a rising vote was taken and the motion was carried

The House than took a recess.

2 o'clock P. M.

House met Speaker in the chair

Roll called a quorum answered to their names. The motion of Mr. Addis to reconsider the vote upon Mr. Hutchinson's resolution being the first business in order it was reconsidered.

The Committee appointed to memorialize Congress was announced by the chair Mess Hutchinson Brown & Blood

On motion of Mr. McClure the following resolution was offered

Resolved by the Senate and House of Representatives of the State of Kansas that the Laws enacted by the present Legislature shall not have effect until an act be passed by the present or some future Legislature declaring them valid

Mr. Williams proposed to amend by striking out valid and inserting "in force" carried

Mr. Blood proposed to add the words "except by special provision" which amendment was carried

The rules for 2d and 3d readings being suspended, the resolution as amended then passed by the following vote

Yeas, Mess. Abbott Blood Bowen Barry Curtiss Crosby Edsaul Hartwell Hutchinson Hornsby Hicks Jameson Mewhinney McClure McGhee Purdam Saunders Simmerwell Shores Stephens Sparks Tabor Toothman Todd Williams Zimmerman Yeas 26

Nays Mr. Brown 1.

Resolution offered by Mr. Curtiss

Resolved That the Executive Committee of Kansas Territory be and is hereby instructed to issue certificates of indebtedness in the usual form to pay the expenses of the General Assembly including the mileage and per diem of members Clerks and other officers as also one quarter's salary to the State officers when those salaries shall be fixed by law

Mr. Blood moved to lay the resolution upon the table-motion *Lost* On motion of the same gentleman the consideration of the resolution was postponed until Monday next

On motion of Mr. Tuton addition of two was made to the committee on memorials The chair appointed Mess McClure and Curtiss The Clerk upon motion of Mr. Hartwell was instructed to communicate to the Senate the joint resolution on memorials requesting their concurrence therewith

On motion of Mr. McClure the Clerk was also instructed to inform the Senate of the passage of the joint resolution relative to the enforcement of the Laws asking their concurrence therein

Mr. Tuton made a motion that a committee of 3 be appointed to confer with a similar committee from the Senate to prepare a memorial to the Senate of the United States motion lost

Mr. Tuton moved that a committee of 5 be appointed to act in conjunction with a similar committee of the Senate to draft a memorial to the President of the United States setting forth our position and all the facts connected

therewith—chair appointed Mess Tuton Hutchinson Toothman Todd & Dickey

On motion of Mr. Hartwell

Resolved That a select committee of three members be appointed by the House to confer with a similar committee of the Senate to bring in the names of 6 persons from whom 3 shall be selected to act as commissioners to revise and simplify the practice of law pursuant to the first section of art 13 of the Constitution and report their names to a convention of the House and Senate as soon as may be

The House at the request of the Speaker selected as that committee Mess Hutchinson Brown and Zimmerman
motion of Mr. Frost

Resolved that the 3d house be allowed the use of this hall on this evening if not otherwise occupied by this body

Motion lost

Mr. Dickey presented the following memorial

To the Speaker and members of the House of Representatives

The undersigned in behalf of the Kansas Philomathic Institute respectfully request the use of your hall for a public lecture to be delivered before that society on Saturday evening next by the Rev. Edward Seagraves

Respectfully &c

TOPEKA March 6, 1856

HENRY P. WATERS *Secty*

On motion of Mr. Blood the request was granted. Mr. Hartwell moved an adjournment until 10 o'clock tomorrow morning Mr. Frost moved an amendment insert 9 in place of 10. motion lost

The motion of Mr Hartwell prevailed and the House adjourned until tomorrow morning at 9. O'clock

J. K. GOODIN *Ch'f Clk H. Rep.*

HOUSE OF REPRESENTATIVES

MARCH 7. 1856. 10 o'clock.

House met pursuant to adjournment

Prayer by Rev. Seagraves

Mess Reese Landers and Cannon of the 5th Senatorial District appeared and took the oath of office and their seats as members of the house

Journal of yesterday read, amended and approved

MESSAGES FROM THE SENATE

Relative to memorializing Congress

Relative to election of Code Commissioners

Mr. Hartwell moved to lay the messages on the table Mr. Hutchinson moved they be returned to the Senate asking their concurrence with resolutions of a similar character

The Chairman of the special committee on contested seats of Adam Fisher made the following report

MEMORIAL

To the Honorable members of the first house of representatives of the State of Kansas in Assembly met

I. Jacob Beyer your memorialist would submit the following contest of election to your honourable body for consideration and action I do certify that at the elections duly held at the precincts of Easton and Wyandot I was duly elected a member of your honourable body from the 12th district

and furthermore I do certify that certain judges and Clerks of election at Leavenworth precinct of said 12th district did secretly and covertly by perambulating the streets of Leavenworth and pocketing votes secure a certificate of election to Adam Fisher and whose right to a seat in your honourable body I do for the reason above given formally contest and would respectfully submit the same to your honourable body for consideration and action

For which your memorialist will ever pray

Respectfully and obediently yours

J. BEYER.

Committee on Contested election in 12th Senatorial district

As Chairman of the committee appointed to consider the contested seat of the 12th Senatorial or Leavenworth district in which J. Beyer contests the seat of Adam Fisher, I beg leave to submit the following report:—

The votes polled at the different precincts of the 12th Senatorial district touching this contested case were the following:

At Wyandot precinct Jacob Beyer received thirty four votes and Adam Fisher received no vote in this precinct

At the Easton precinct J. Beyer, received fifty-nine votes and Adam Fisher received fourteen votes and at the Leavenworth precinct Adam Fisher had one hundred and sixty two votes while J. Beyer had no vote

The returns of the Easton and Wyandot precincts show a clear majority of seventy-nine votes for Jacob Beyer over Adam Fisher, but by including the vote of the Leavenworth precinct in the same district Adam Fisher will have a clear majority of eighty three votes over Jacob Beyer The regularity and legality of the election and returns of the Easton and Wyandot precincts is undisputed And the only question which arises is. Is the election the manner of its conduction and the returns of the Leavenworth precinct legal regular and valid so as to admit it here?

The committee have examined the tally lists the poll books besides a number of witnesses from which they have gleaned the following facts. The poll books and tally lists of Leavenworth precinct are signed by two Clerks and by but two Judges the witnesses all testified that the votes were deposited either in an overcoat pocket. The votes of some of the witnesses were taken by a single clerk in the absence of the two judges J. M. Hook and F. P. Campbell another witness alleges that he voted out in the Street at the corner of a house that his vote was deposited with one clerk and one judge the clerk making a memorandum with a lead pencil in a small book he had for that purpose—several of the witnesses also testified that they were furnished with tickets by these same perambulating officials with the declaration that they were the tickets of the regular nomination when the facts were otherwise The election precinct had also been changed from Leavenworth to Easton some days previous to this secret election

From all the evidence the committee have been able to procure they have decided that the vote at Leavenworth precinct was illegal and they therefore find adversely to the claims of Adam Fisher and in favour of Jacob Beyer for a seat in this House

E. R. ZIMMERMAN *Chairman &c*

Mr. Crosby moved the adoption of the report Mr. Stephens moved it be laid upon the table motion lost The motion of Mr. Crosby prevailed Mr. Edsall on leave made some personal explanations relative to his vote on the contested case of Beyer vs Fisher

On motion the committee of contested seat was discharged

Mr. Brown called for the reading of the report of the Executive Committee Mr. Tuton moved a recess until 2 o'clock P. M. at which time the Senate to be notified of the desire of the House to go into joint convention for the purpose of receiving of report of Executive Committee motion carried

2 o'clock P. M.

House met pursuant to adjournment Roll called and a quorum answered to their names

Mr. Mewhinney presented the following petition

To the Honourable the House of Representatives of the State of Kansas

We the undersigned a committee of Kansas now congregated at Topeka respectfully petition your honourable body that the use of the Hall of the House of Representatives be granted us on this evening if not needed by your body

(Signed) C. W. BABCOCK
S. SUTHERLAND
JOSIAH MILLER
J. C. GORDON
F. L. CRANE

On motion of Mr. Crane the request was granted

Mr Beyer of the 12th Senatorial district presented himself to the House took the oath of office and entered upon the discharge of his duties as a member of the house

Mr. Wm. Pennock of the 12th Senatorial district presented his credentials for membership to the House

On motion of Mr. Blood a committee of three was appointed to examine the credentials of Mr. Pennock, and report thereon to the House

The Chair appointed Mess Jameson Crosby and Toothman said committee

The time having arrived for the meeting of the joint convention of both Houses the Senate was announced and took their seats in convention The President of the Senate presiding The report of the Chairman Secretary and Treasurer was submitted and read The business for which the convention had met having been finished it was declared by the President adjourned sine-die

On motion of Mr. Orr the house proceeded to the election of an assistant transcribing clerk *pro tem* which resulted as follows.

C. S. Pratt	had 18 votes
F. W. Giles	had 13 "
S. Tucker	had 2 "
Whole number of votes	38
Necessary to a choice	20

Neither person having received a majority of all the votes cast it was declared that there had been no election

A second balloting was had which resulted as follows

C. S. Pratt	had 20
S. Tucker	had 3
F. W. Giles	had 17
Whole number of votes	40
Necessary to a choice	21

Neither person having received a majority of all votes cast a third balloting was had with the following result

C. S. Pratt	had 16 votes
F. W. Giles	had 22 "

F. W. Giles having received a majority of all the votes cast was declared duly elected

On motion of Mr. Dickey resolved that 10,000 copies of the reports of the Executive Committee be printed for the use of the House. Mr. Blood pro-

posed to amend by inserting 200 instead of 10,000 Mr. Addis moved to amend by inserting 500 which amendment prevailed Resolution as amended was adopted

REPORT OF EXECUTIVE COMMITTEE
TOPEKA, KANSAS Mar. 6. 1856

Gentlemen of the Senate and House of Representatives

In response to your resolution of the 5th inst I have the honor to submit the following report:

As the Executive Committee were entrusted by the people with the organization of a State government and as some steps of that organization do not seem to be fully understood I have taken the liberty of embracing in this report a brief history of that organization Early in August 1855, the following notice was printed and widely circulated among the people of the Territory

MASS MEETING

The Squatters of Kansas Territory without distinction of party will assemble in mass meeting in Lawrence on Wednesday the 15th day of August at 3 o'clock P. M. to take into consideration the propriety of calling a territorial convention preliminary to the formation of a State government and other subjects of interest

signed (MANY CITIZENS)

Pursuant to this call a large convention of the people irrespective of party met and adopted the following preamble and resolutions with but one dissenting vote

Whereas the people of Kansas have been since its settlement and are now without any law making power therefore be it Resolved:

That we the people of Kansas in mass meeting assembled irrespective of party distinctions influenced by a common necessity and greatly desirous of promoting the common good, do hereby call upon and request all bona fide citizens of Kansas Territory of whatever politics views or predilections to consult together in their respective election districts and in mass convention or otherwise elect three delegates for each representation to which such district is entitled in the House of Representatives of the Legislative assembly by proclamation of Gov. Reeder of date 10th March 1855 said delegates to assemble in convention at the Town of Topeka on the 19th day of September 1855 then and there to consider upon all subjects of public interest and particularly upon that having reference to the speedy formation of a constitution with intention of an immediate application to be admitted as a State into the Union of the United States of America On the 19th day of September 1855 the peoples convention assembled at the Town of Topeka, pursuant to the above resolution and the following among other proceedings were had. The report of the business committee was unanimously adopted as follows Whereas, the constitution of these United States guarantees to the people of this republic the right of assembling together in a peaceable manner for the common good, to establish justice ensure domestic tranquility provide for a common defense, promote the general welfare secure the blessings of liberty to themselves and their posterity and whereas the citizens of Kansas Territory were prevented from electing members of the Legislative assembly in pursuance of the proclamation of Gov. Reeder on the 30th of March last by an invading force from foreign States coming into the Territory and forcing upon the people a legislature of non residents and others inimicable to the people of Kansas Territory defeating the object of the organic act in consequence of which the territorial government became a total failure and the people were left without any legal government until their patience has become exhausted and forbearance ceases to be a virtue and they are compelled to resort to the only remedy left that of forming a government for themselves

Therefore Resolved by the People of Kansas Territory in delegate con-

vention assembled that an election shall be held in the several election precincts of this Territory on the second Tuesday of October next under the regulations and restrictions hereinafter imposed for members of a convention to form a constitution adopt a bill of rights and take all needful measures for organizing a state government preparatory to the admission of Kansas as a State

Resolved that a committee of seven be appointed by the chair who shall organize by the appointment of a chairman and a Secretary they shall keep a record of their proceedings and shall have the general superintendence of the affairs of the territory so far as the organization of a State government is concerned which committee shall be styled the Executive Committee of Kansas Territory

As a continuation of this history I annex and make a part of this report the proclamation of the Executive Committee marked (A) fixing the time place and manner of holding the election of delegates to the constitutional convention as also a notice to the electors marked (B.) and the proclamation announcing the result and the names of the delegates marked (C) and the proclamation calling upon the people to vote upon the constitution the general banking law and the passage of Stringent laws for the exclusion of free negroes marked (D) and the proclamation announcing the result of the vote marked (E) also a proclamation calling upon the people to elect state officers and members of the General Assembly marked (F.) also the proclamation giving the result of the State election and the names of the State officers elected (G.) and the result of the election of members of the General Assembly and the names of the persons elected marked (H)

By reference to these official papers it is evident that a State organization has been had without any regard to party distinctions all bona fide citizens legal voters were pressingly invited to participate without reference to party predilections

In view of the fact that Gov. Shannon had been so recently misled by the falsehoods of the enemies of the people of Kansas it is wonderful that the President of the United States should without examination upon exparte testimony publish that the State organization was a mere party measure when every notice resolution and proclamation proves that the people of Kansas without reference to party ties originated and have so far successfully carried it through it is true that the government officials with but one exception failed to cooperate with the people in their efforts to establish a free government more however it is believed from fear of losing their positions than hostility to the movement It is presumed that the President would not have preferred this charge against the squatters of Kansas had he known that those who failed to participate in the State organization were principally his own appointees to make out his case he is compelled to take advantage of his own wrong which is forbidden by every rule of law and justice

FINANCIAL

Before the meeting of the constitutional convention it became manifest that some provision must be made for raising funds for carrying on the State organization on the tenth of November the first certificate was issued under the following provision adopted by the constitutional convention

Certificates of indebtedness may be issued by the Territorial Executive Committee for all necessary expenses occurring in the formation of the State government not exceeding Twenty five Thousand Dollars provided that no certificates shall be issued except for legitimate expenses All claims shall be made in writing and shall be numbered and kept on file in the Secretarys office and all certificates of indebtedness shall be signed by the Chairman and Secretary and countersigned by the Treasurer and numbered to correspond with the claim or bill for which it was issued The certificate shall bear ten per cent interest per annum

The rules laid down have been rigidly adhered to the whole issued as shown by the books of the Secretary is fifteen thousand two hundred and sixty dollars 90/100 (\$15,265.90) from this amount if you deduct sums

issued and to be issued to agents sent to the United States amounting to \$4200 it leaves the net cost of the State organization \$11,065.90 The Committee entertain the hope that it will be conceded that in the management of the funds economy has controlled in every expenditure they challenge comparison and are confident that no state government has been organized on this continent at anything near these figures The people of Kansas are already reaping the benefits of this economy in disposing of their certificates at par while Missouri State Bonds are selling at eightyfive cents

CONSTITUTION

Shortly after the constitutional convention Marcus J. Parrott Esq. member of the constitutional convention and member of the executive committee was appointed to draft a memorial to the congress of the United States asking for the admission of Kansas into the Union of the United States with her present constitution about the same time a manuscript copy of the constitution was forwarded to M. F. Delahay Esq. of Leavenworth afterwards elected Representatives to Congress. Before the organization of that body both left for Washington City one with the copy of the constitution and the other with power to draft a memorial both empowered to present the constitution

On the 16th of January the following order was passed by the Executive Committee That the Chairman appoint a committee of three himself being one of that number to convey to Washington City the constitution The Chairman made his arrangements immediately to obey the order Just before leaving the Easton difficulty occurred. Brown was butchered civil war seemed inevitable On the one hand the pleasure of visiting the United States was tempting him on the other his fellow citizens of Kansas seemed to demand his services—to leave them at such a crisis was not to be dreamed of—he remained

Immediately after the election in January Mess Smith Emery and Conway were sent as a deputation to the United States Judge Smith was ordered to procure the certificate of printers—he did secure the certificate of John Speer State printer he and every member of the deputation was ordered to spend a few days at Washington City they could certify to the constitution and they were clothed with authority to lay it before Congress. Mr. Parrott has verbal and written instructions to have the Constitution transcribed on parchment and delivered to Mess Cass and Banks to be laid before either branch of Congress—to guard against every contingency a certified manuscript copy has recently been forwarded by mail to Mess Delahay and Parrott care of Hon. Geo. E Pugh with a letter of instructions Every member of Congress is supplied with the constitution of Kansas We have in Washington City or ordered to that City our Representative elect to the Congress of the United States, three members of the Executive Committee—seven members of the constitutional convention each one prepared to certify to the constitution and each authorized and eager to present it to Congress.

Mess. Goodin Brown, Holliday and Lane, on the — day of — having been before appointed, agents to visit the United States were selected to repair to Washington City there to remain to aid in procuring the admission of Kansas as a Sovereign State In view to the expense of a Sojourn in Washington City five hundred dollars in scrip was voted in part pay towards their expenses except to Lane,—three hundred only was voted to him he having under his former appointment drawn two hundred dollars which was forwarded by him to Will Comback his successor in Congress to be cashed—the proceeds to be deposited in Bank for the use of the deputation where it will remain untouched until it is used for the purpose for which it was drawn

It is but natural that the members of the Committee should feel some interest on the subject of salaries. Goodin Smith and Lane have drawn two hundred dollars each Holliday one hundred dollars Brown fifty dollars Schuyler and Parrott nothing We have determined to submit this question to your judgment you are acquainted with the labour we have performed with your decision we will be content.

We cannot refrain from congratulating you and those you represent on the bright prospects before you the State government for Kansas is organized you are assembled to enact laws that will secure peace and happiness to our people. there are dark clouds in our political horizon but we should not be discouraged we have the sympathy and promised aid of Strong arms and stout hearts with their assistance if we are true to ourselves Kansas must and will be free

All of which is respectfully submitted

(signed) J. H. LANE, *Chairman of Executive K. T.*

On motion of Mr. Blood

Resolved that the Chairman of the Executive Committee be requested to lay before the General Assembly a copy of the returns of elections for state officers and members of the General Assembly in accordance with a requirement of the constitution

Mr. Bowen moved the following resolution

Resolved that we proceed to elect two United States Senators

Ruled out of order by the Chair

On motion of Mr. Hutchinson

Resolved that a special committee of five be appointed by nomination to confer with a committee of the same number appointed by the Senate for the purpose of making a report in joint session upon the location of the Capitol of the State of Kansas

Orr moved a reconsideration of the vote the yeas and nays were demanded thereon and ordered and resulted Yeas 25 Nays 14, as follows:—Yeas, Mess Addis Barry Beyer, Curtiss Cannon Cody Dickey Frost, Jameson Landers Mewhinney McGhee Orr, Purdam Reese Simmerwell Shores Stephens Sparks Tabor Toothman Todd, Wade Williams & Speaker 25

Nays Mess Abott Blood Brown Crosby Edsall Hutchinson Hartwell Hornsby Hicks McClure Saunders Tuton Walker and Zimmerman 14

Mr. Tuton moved to amend the resolution by striking out the word "be appointed by nomination" and inserting "be elected by the House" amendment adopted

Mr. Addis proposed an amendment by striking out the word "five" and inserting "one from each Senatorial district. The amendment of Mr. Addis was adopted.

On motion of Mr. Addis the resolution as amended was adopted

On motion of Mr. Tuton the words "to report at the next session" was added to the resolution

On motion of Mr. Hutchinson the house proceeded to the balloting for said committee as follows

1st District	John Hutchinson	had 23 votes
	Mr. Purdam	" 11 "
	J. Blood	" 3 "
2d District	S. Walker	" 17 "
	J. M. Tuton	" 22 "
3d District	W. R. Frost	" 24 "
	M. C. Dickey	" 16 "
4th District	S. T. Shores	" 15 "
	S. Mewhinney	" 24 "
5th District	J. Brown Jr.	" 20 "
	T. Arthur	" 17 "

6th District	Mr. Toothman	had 9 votes
	“ Tabor	“ 2 “
	“ Addis	“ 23 “
7th District	Mr. McClure	“ 30 “
	Mr. Barry	“ 4 “
8th District	Mr. Wetson	“ 12 “
	Mr. Ferby	“ 19 “
9th District	Mr. Wade	“ 10 “
	Mr. Hicks	“ 24 “
10th District	Mr. Jameson	by acclamation
11th District	Mr. Zimmerman	had 20 “
	Mr. Crosby	“ 13 “
	Mr. Stephens	“ 3 “
12th District	Mr. Orr	“ 16 “
	Mr. Sparks	“ 15 “
	Mr. Beyer	“ 5 “
	Mr. Cody	“ 1 “

No election—

2d Ballot	Mr. Orr	had 11 votes
	Mr. Sparks	“ 18 “
	Mr. Beyer	“ 6 “
	Mr. Cody	“ 1 “

No election—

3d Ballot	Mr. Orr	had 6 votes
	Mr. Sparks	“ 26 “
	Mr. Beyer	“ 3 “

Mess. Hutchinson Tuton Frost, Mewhinney Brown Addis McClure Ferby Hicks Jameson Zimmerman and Sparks having each received a majority of all the votes given were duly elected as the committee on the part of the House and the Clerk was instructed to give the proper notification to the senate

Mr. Blood offered the following resolution

Resolved That the Executive Committee be requested to deposit all the books and papers remaining in their office including the original manuscript copy of the Constitution of the State of Kansas in the office of the Secretary of State

Mr. Dickey moved to lay the resolution upon the table

The yeas and nays thereon were demanded and ordered and resulted Yeas 23. Nays 13. as follows:—

Yeas Mess. Arthur Addis Brown Bowen Cannon Cody Dickey Edsall Hutchinson Hornsby Hicks Jameson Mewhinney McGhee Orr Purdam Reese Simmerwell Shores Stephens Sparks Tabor and Speaker

Nays Mess. Abbott Blood Barry Curtiss Crosby Hartwell McClure Landers Toothman Todd Williams and Zimmerman

So the resolution was laid upon the table

Mr. Hicks offered the following resolution

Resolved by the Senate and House of Representatives of Kansas. That the two houses meet in joint session at 11 A. M. on Saturday the eighth inst in the Hall of the House of Representatives and then and there elect 2 persons to represent the State of Kansas in the Senate of the United States one to serve three years from the 4th day of March 1855 and one to serve 6 years from the 4th day of March A. D. 1855

MESSAGE FROM THE SENATE

Relative to Joint Rules as follows.

MR. SPEAKER, I have the honor to inform the House of Representatives that the Senate has adopted the following joint rules in which the concurrence of the House of Representatives is requested

JOINT RULES OF THE TWO HOUSES

1st In every case of amendment of a bill agreed to in one house and dissented to in the other if either House shall request a conference appoint a committee for that purpose and the other house shall also appoint a committee each committee shall at a convenient hour to be named by the Chairman, meet in conference and state to each other verbally or in writing as each shall choose the reasons of their respective houses for and against the amendment and confer freely thereon

2d Messages shall be sent by the Secretary or Clerk of each house respectively

3d When a messenger shall be sent from the Senate to the House he shall be announced at the door of the House, by the Sergeant at Arms and he shall respectfully communicate his message to the House

4th The Same ceremony shall be observed when a message is sent from the House to the Senate

5th All Bills on passage between the two houses shall be under the Signature of the *Clerk* or *Secretary* of each House respectively

Sec. 6th Bills shall be enrolled by the Clerk of the House or the Secretary of the Senate as the same may have originated in the one or the other House

7th After examination and report Bills shall be signed first by the Speaker of the House and then by the President of the Senate

8th When a Bill or Resolution passed in one House and rejected in the other notice thereof shall be given in the House in which it passed

9th Each House shall transmit to the other all papers upon which any bill or resolution shall be founded

10th All Bills which may have passed a third time shall be engrossed in a fair hand and certified by the Secretary or Clerk of the House in which they may have originated respectively before sent to the other

11th After each House shall have adhered to their disagreement a Bill or resolution shall be lost

12th When Bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the House appointed as a Standing Committee for that purpose who shall carefully compare the enrollment with the engrossed bills as passed in the two houses and correct any errors that may be discovered in the enrolled bills

All of which is most respectfully submitted

Attest A. ALLEN *Ch'f Clerk.*

On motion the House adjourned until tomorrow morning at 9 o'clock
J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

9 o'clock a. m. March 8. 1856

House met pursuant to adjournment

Prayer by the Rev. Addis

Roll called—Sergeant at Arms dispatched for absentees On motion of Mr. Tuton further proceedings under the call was dispensed with

The committee on elections in case of Wm. Pennock an applicant for admission to the House made the following report.

Committee to investigate the claim of William Pennock to a seat in this his house as representative from the 12th Senatorial district as chairman of said committee I beg leave to submit the following Report.

After a thorough examination of the Poll Books and Tally List of the several precincts of said district we find that there were polled for Mr.

Pennock at the Wyandott precinct 35 votes at the Easton precinct 72 votes and at the Leavenworth Precinct none whole number of votes polled for said claimant 107 Now that there is no evidence whatever produced by the poll books and tally list or otherwise that he is not entitled to his [seat] committee have decided said election was legal and that Mr. Pennock is entitled to a seat in this house

Topeka, March 8, 1856

(signed) A. A. JAMESON *Chairman*

On motion of Mr. Frost the report was adopted whereupon Wm. Pennock appeared took the oath of office and took his seat as a member of the House

The special committee appointed to report resolutions on the decease of Thomas W. Barber reported progress and asked leave to sit again leave was granted The same committee made the following report upon the death of the Hon. R. P. Brown

Whereas R. P. Brown Esq. a member of this House was inhumanely murdered at Easton on the 18th of January last by a body of armed men from Missouri and the City of Kickapoo and whereas justice to ourselves as well as respect to the memory of the deceased require a tribute at our hands

Therefore Resolved—That in the cold-blooded murder of R. P. Brown by the hand of a mob, of the mercenaries and desperadoes of a neighboring state we have sustained an irreparable loss,—the country of the services of a gentleman of Intelligence Integrity, Honor Patriotism and True Courage and his family of a husband and father

Resolved That we extend to the bereaved widow our heartfelt condolence on account of the afflicting calamity and assure her that the whole country joins with her in her grief

Resolved That while we condole with her in her afflictions we feel that Providence will overrule for good Mr. Brown has joined the host of martyrs whose blood has watered the tree of Liberty his name with those of Dow and Barber will survive and adorn the brightest page in the future history of Kansas while those who were the instruments of this outrage like the perpetrators of other base crimes will be remembered only as monsters in the dark catalogue of human depravity

Resolved That we recommend to the lovers of freedom and justice to erect a monument to the memory of the deceased with suitable inscriptions and the state make liberal contributions in aid of such enterprise

Resolved That we wear the usual badge of mourning for thirty days in commemoration of the heroic conduct of our deceased friend and colabourer in the cause of Freedom

Resolved That certified copies of these resolutions be furnished the several papers in the State of Kansas and that — be requested to copy the same and that copies be forwarded to the widow of the deceased

On motion of Mr. Orr the report was adopted

The committee on ways and means reported House Bill no. 1. Authorizing the State Auditor to audit all demands against the State

Mr. Dickey moved the following amendment to the bill That the Governor is hereby allowed to employ a messenger for his office and he shall be allowed all expenses for postage stationery fuel books &c belonging to his department

On motion of Mr. Hartwell all after the word messenger was stricken out

Mr. Blood proposed to amend by inserting after the words “and State officers” and adding “all other demands against the State” amendment adopted

Mr. Blood proposed an additional section to the bill, as follows

Sec. 2, This act to take effect from and after its passage—amendment adopted

On motion of Mr. Tuton the rules were suspended and the bill passed to its second reading After the reading of the bill on motion of Mr. Hartwell the bill was ordered to be engrossed A letter was received from the assistant enrolling clerk declining his office

The resignation was received and on motion of Mr. Hutchinson the House proceeded to fill the vacancy occasioned by the resignation of F. W. Giles The following was the result of the balloting

Geo. S. Ramsey had 10 votes

C. S. Pratt had 26 "

Caleb S. Pratt having received a majority of all the votes given was declared duly elected. Mr. Williams offered the following resolution

Resolved that the committee appointed to prepare a memorial to be sent to the Congress of the United States asking for the admission of Kansas into the Union as a Sovereign State be authorized to forward said memorial as soon as possible to that body Provided that the General Assembly shall adjourn previous to the completion of said memorial by the Committee

On motion of Mr. Zimmerman the resolution was laid upon the table

On motion of Mr. Hartwell the joint rules of the Senate and House of representatives was read a second time and ordered to a third reading upon Monday next

Mr. Blood moved an adjournment motion lost Mr. Toothman asked leave of absence—granted. The resolution of Mr. Hicks being next in order Mr. Hornsby moved to lay the resolution on the table

Mr. Edsall offered the following resolution *Resolved.* That the Senate concurring The House will at 4 o'clock this afternoon proceed to the election of two persons to represent Kansas in the Senate of the United States Mr. Addis moved to amend by striking out "4" and inserting "2" Mr. Blood moved to amend by striking out after the word House "will at 4 o'clock this afternoon" and inserting "will on the fourth day of July next" lost

On motion of Mr. Blood House suspended further action on the resolution until a message from the Senate be read. motion carried

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to present the following extract from the journal of the Senate

Resolved. The House concurring the Senate will go into joint committee at four o'clock this day for the election of two persons as United States Senators

Attest A. ALLEN Clerk.

Mr. Saunders moved an adjournment motion lost Mr. Blood moved that the further consideration of the resolution be postponed until 25th June next lost Mr. Blood then made a motion to defer action upon the resolution until after action upon Senate Bill No. 4, upon which the yeas and nays were called

Yeas. Mess. Abbott Blood Beyer Brown Barry Curtiss Cannon Crosby Cody Dickey Frost Hartwell Hutchinson Hornsby Jameson Mewhinney McClure Purdam Pennock Reese Saunders Stephens Sparks Tabor Todd Williams 26

Nays. Mess Arthur Addis Bowen Edsall Hicks Landers McGhee Shores

Toothman Tuton Zimmerman & Speaker 12. The motion prevailed On motion of Mr. Blood Senate Bill No. 4 was taken up and on motion of the same gentleman the rules were suspended.

Yeas and nays being ordered.

Yeas Arthur Addis Abbott Blood Beyer Brown Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Hicks Jameson Landers Mewhinney McClure McGhee Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tuton Tabor. Toothman Todd Williams Zimmerman 38

Nays none

So the Bill passed to a second reading On motion of Mr. Blood the following amendment was adopted

Prefix Whereas a vacancy has occurred in the Senate and subjoin This act shall be in force from and after its date

On motion of Mr. Brown the roll was called and 38 members responded to their names

The Yeas and Nays were then ordered on the adoption of the first section of Senate Bill No 4. and resulted as follows

Yeas Mess Arthur Addis Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost. Hartwell Hutchinson Hornsby Hicks Jameson Landers Mewhinney McClure McGhee Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Todd Williams Zimmerman and Speaker 38

Nays none

Yeas and nays being ordered on the adoption of the second section of Senate Bill No. 4. resulted as follows

Yeas. Mess Arthur Addis Abbott Blood Beyer Brown jr. Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Hutchin-son Hicks Jameson Landers Mewhinney McClure McGhee Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tabor Tuton Toothman Todd Williams Zimmerman 37

Yeas and Nays being ordered on the final passage of Bill No. 4. resulted as follows.

Yeas Mess. Arthur Addis Abbott Blood Beyer Brown Jr. Bowen Barry Curtiss Cannon Crosby Dickey Edsall Frost. Hartwell Hutchinson Hornsby Hicks Jameson Landers Mewhinney McClure McGhee Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tuton Tabor Toothman Todd Williams Zimmerman 37

On motion of Mr. Blood the bill as amended was returned to the Senate for concurrence

On motion of Mr. Crosby adjourned to 2 o'clock P. M.

AFTERNOON SESSION

Met pursuant to adjournment Roll called—a quorum being present Caleb S. Pratt Assistant Transcribing Clerk *pro tem* elect came forward took the oath of office and entered upon the discharge of his duties Mr. Cody moved that the resolution for the election of United States Senators be taken up motion carried

Mr. Bloods amendment to postpone the election of United States Senators

until the 4th of July next Yeas and Nays being ordered was voted upon and resulted Yeas 16 Nays 25: as follows:—

Yeas Mess. Abbott Blood Beyer. Brown Barry Crosby Hartwell Hornsby Jameson McClure Purdam Saunders Tabor Toothman Todd and Williams.

Nays Arthur Addis Bowen Curtiss Cannon Cody Dickey Edsall Frost Hutchinson Hicks Jones Mewhinney McGhee Orr Pennock Reese Simmerwell Shores Stephens Sparks Tuton Walker Zimmerman & Speaker 25

So the amendment was lost

Mr. Blood then offered the following amendment to strike out the words 4 o'clock and insert the 10th of June next.

The Speaker decided the amendment to be out of order

Mr. Blood took an appeal from the decision of the Chair Mr. Orr moved that all who wished should be excused from voting motion lost

Yeas and Nays on the appeal being ordered, resulted Yeas 21 Nays, 17.

Yeas Arthur Addis Bowen Curtiss Cannon Cody Dickey Edsall, Frost Hicks Landers Mewhinney McGee Orr, Purdam Reese Simmerwell Shores Stephens Sparks Tuton 21.

Nays. Mess. Abbott Brown Barry Blood Crosby Hartwell Hutchinson Hornsby Jameson McClure Saunders Tabor Toothman Todd Williams Walker Zimmerman 17

Mr. Dickey called for the previous question which was then taken Yeas and Nays being ordered resulted Yeas 25, Nays 16.

Yeas Mess. Arthur Addis Bowen Beyer Curtiss Cannon Cody Dickey Edsall Frost Hicks Landers Mewhinney McGhee Orr, Pennock Reese Simmerwell Shores Stephens Sparks Tuton Walker Zimmerman Speaker

Nays. 'Abbott Blood Brown Jr. Barry Crosby Hartwell Hutchinson Hornsby Jameson McClure Purdam Saunders Tabor Toothman Todd Williams 16

So the previous question was carried The question then was on the adoption of the resolution as amended

Yeas and Nays being ordered resulted Yeas 25 Nays 16.

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform you that the Senate have concurred in the amendments of the House to Bill No. 4. from the Senate

Attest A. ALLEN Clerk.

Yeas, on the adoption of the resolution as amended, Mess Arthur Addis Beyer Bowen Curtiss Cannon Cody Dickey Edsall Frost Hicks Landers Mewhinney McGhee Orr Pennock Reese Simmerwell, Shore Stephens Sparks Tuton Walker Zimmerman Speaker

Nays, Abbott Blood Brown Jr Barry Crosby Hartwell Hutchinson Hornsby Jameson McClure Purdam Saunders Tabor Toothman Todd, Williams
A recess was taken on motion on Mr. Tuton until 4 o'clock.

4 O'CLOCK P. M.

The two houses met in joint session the President of the Senate presiding and proceeded to elect, 2 persons to represent the State of Kansas in the U. S. Senate one for the term of three years from March 4th 1855, the other for the term of six years commencing at the same time

On the first vote the result was as follows for A. H. Reeder Mess. Adams

Allen Cole Dunn Fish Green Harding Hillyer Irvin Addis Abbott Blood Beyer Brown Jr. Bowen Barry Curtiss Crosby Cody Edsall Hartwell Hutchinson Hornsby Hicks Jameson McClure Orr, Purdam Saunders Simmerwell Sparks Tabor Toothman Todd Williams Walker Zimmerman Minard 38.

For James H. Lane, Mess Curtiss Dailey Miller Thornton Arthur Cannon Dickey Frost Landers Mewhinney McGee Pennock, Reese Shores Stephens 15 For W. Y. Roberts, Mess Fuller McKenzie and Tuton 3.

Hon. A. H. Reeder having received a majority of the votes cast was declared duly elected on motion A. H. Reeder was declared duly elected On motion A. H. Reeder was declared unanimously elected

On the second ballot, the result was as follows, for James H. Lane, Mess Adams Cole Curtiss Dailey Dunn Fuller Green Hillyer McKenzie Miller Thornton Arthur Addison Beyer, Brown Jr Bowen Curtiss Cannon Cody Dickey Edsall Frost Hutchinson Hicks Landers Mewhinney McGhee Orr Pennock Purdam Reese Simmerwell Shore Stephens Sparks Tuton Williams Walker Zimmerman Minard 40.

For P. C. Schuyler Mess Allen Fish Abbott Blood Hartwell Saunders Tabor Toothman Todd 9

For J. K. Goodin Mess. Harding Irvin and Hornsby 3.

For R. Klotz Mess Barry and McClure 2.

For M. J. Parrott Mess Crosby and Jameson 2.

Hon. James H. Lane having received a majority of all the votes cast was declared duly elected

On motion James H. Lane was declared unanimously elected

The President announced that the convention had accomplished the object for which they came together—declared it adjourned sine-die

HOUSE CAME TO ORDER.

On motion of Mr. Frost the following committee was appointed to examine the report of the executive Committee and to report to the House—Mess Frost Blood and Tuton

On motion the House then adjourned

J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

MONDAY, March 10, 1856

Met pursuant to adjournment. Prayer by the Rev. Mr. Tuton. Roll called—Sergeant at Arms sent for absentees

A quorum being present, the journal of Saturday was read amended and approved

Mr. Joseph Higgins of 5th district came forward took the oath of office and entered upon the discharge of his duties as a member of this House

Mr. Blood Chairman of Committee on Banks and Corporations reported House Bill No. 2.

On motion of Mr. Orr the report was accepted On motion of Mr. Edsaul the report was laid upon the table

On motion of Mr. Hutchinson that part of the Governor's message referring to the militia was referred to the committee on militia

Mr. Mewhinney offered the following resolution

Resolved That a committee of three be appointed to investigate the claims of members to their seats in this House—adopted

On motion of Stephens the committee were empowered to send for persons and papers

Mess. Mewhinney Edsaul and Crosby were appointed said committee
Mr. Pennock offered the following resolution

Resolved That the Chair appoint a committee of nine to act in concord with three from the Senate to codify the laws—adopted

The following message from the Senate was received

MR. SPEAKER I have the honor, to inform you that the following resolution has passed the Senate and would ask the concurrence of the House therein

Resolved That a committee of 5 be appointed to act in conjunction with a similar committee from the House of Representatives for the State of Kansas

Mess. Allen Adams Curtis Thornton and Hillyer—committee

attest A. ALLEN *Ch. Clerk.*

On motion of Mr. Hutchinson the motion was amended so as to read “3 from the Senate and nine from the House”

On motion of Mr. Brown the rules were suspended. Yeas and Nays being ordered resulted Yeas 38 Nays none—as follows

Yeas, Mess. Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsaul Frost Hartwell Hutchinson Hicks Jameson Landers Mewhinney McClure McGee Orr Pennock Purdam Reeses Saunders Shores Stephens Sparks Tuton Tabor Todd Williams Zimmerman Speaker

So the resolution passed to its second reading.

On motion of Mr. Hartwell after the word “three” insert “from the Senate” the motion was carried.

On motion of Mr. Brown the rules were suspended, and the resolution passed to its third reading Yeas and Nays being ordered resulted.

Yeas 38 Nays none—as follows.

Yeas Arthur Abbott Blood Beyer Bowen Brown Barry Curtiss Cannon Crosby Cody Dickey Edsall. Frost Hartwell Hutchinson Hornsby Higgins Hicks Jameson Landers Mewhinney McClure McGhee Orr Pennock Purdam Reese Saunders Shores Stephens Sparks Tuton Tabor. Todd Toothman Williams Zimmerman Speaker 38

Nays none

Vote on the final passage yeas and nays being ordered resulted Yeas 38, Nays none as follows. Yeas Mess Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsaul Frost Hartwell Hutchinson. Hornsby. Higgins Hicks Jameson Landers Mewhinney McClure McGee Orr, Pennock, Purdam Reese Saunders Shores Stephens Sparks Tuton Tabor. Toothman Todd Williams Walker Zimmerman Speaker Yeas 38

Nays none

On motion of Mr. Edsaul the resolution as amended, was returned to the Senate asking their concurrence

On Motion of Mr. Hutchinson a committee of three was appointed to assign the several parts of the Governors message to the respective committee The Chair appointed Mess. Hutchinson Tuton & Dickey said committee

Mr. Abbott offered the following resolution

Resolved That the assistant doorkeeper and Sergeant at Arms be required to put into suitable wrappers for mailing all newspapers furnished this House and deliver to each member his due proportion

On motion of Mr. Tabor, it was amended by inserting "and all other matter ordered to be printed for the use of the house"

The resolution as amended was adopted

Mr. Frost offered the following resolution

Resolved That a committee of five be appointed to report the Salaries of the Speaker Clerks Sargeant at Arms Doorkeeper and messengers

On motion of Mr. Edsaul the Bill was amended, by inserting "to report a bill to establish the Salaries" Resolution as amended was adopted

The Speaker appointed Mess. Frost Blood Pennock Dickey and Tuton

Mr. Tuton offered the following resolution

Resolved that there be a committee of three appointed to report suitable resolutions in reference to the death of the lamented G. W. Dow who was murdered in Cold Blood near Hickory Point in this territory. resolution adopted

Mess. Tuton Saunders and Hartwell were appointed as said committee

Mr. Hutchinson offered the following resolution.

Resolved That the Clerk be authorized to procure the necessary blank books for the use of the clerks of this House adopted

A MESSAGE FROM THE SENATE

MR. SPEAKER I have the Honor to inform you that the following resolution has passed the Senate and they do respectfully ask a concurrence of the house therein

Resolved That the House of Representatives concurring the General Assembly will at 4 o'clock on Wednesday the 12th inst take a recess until the 4th day of July next at 12 o'clock

Attest A. ALLEN *Sec. of Senate*

On motion of Mr. Hutchinson the House resolved itself into committee of the whole the consider the message.

Mr. Hartwell in the Chair

The committee after considering the subject referred to them made the following report.

MR. SPEAKER the Chairman of Committee of the whole report back the resolution with one amendment, as follows

Resolved That when the General Assembly take a recess they take it to meet again on the 4th of July 1856 at 12 o'clock. M.

The following message was received from the Senate

MR. SPEAKER I have the honor, to inform you that the following resolution has passed the Senate and they do respectfully ask a concurrence of the House therewith

Resolved The House concurring that the two Houses meet in the House of Representatives on Tuesday the 11th inst at 2 o'clock P. M. in joint convention for the purpose of electing 3 commissioners to codify the practice and simplify the pleading

Attest A. ALLEN *Chief Clerk.*

On motion of Mr. Tuton the House concurred On motion of the same gentleman the House adjourned until Tuesday 9 o'clock, A. M.

J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES
TUESDAY March 11/56

House came to order pursuant to adjournment. Roll called a quorum answered to their names

On motion of Mr. prayer was dispensed with

Mr Marshall of the 6th and Mr. Jones of the 11th Senatorial district appeared took the oath of office and entered upon the discharge of their duties as members of this house

Journal of yesterday read amended and approved

Mr. Dickey chairman of committee on ways and means presented a report which was accepted

Mr. Saunders chairman of the committee on "the militia" presented a report which was accepted

Mr. Brown presented the following memorial from 56 Ladies of Topeka as follows.

The the Honourable the Senate and the House of Representatives of the State of Kansas.

The undersigned your memorialists citizens of Kansas and the wives and daughters of your constituents beg leave respectfully to present to your Honourable body that in the opinion of your memorialists the public interests require that suitable laws be immediately passed to prevent the manufacture and importation for sale or use as a beverage within the State of Kansas of any distilled or malt liquors

It is not necessary for us in view of your own observations and the united testimony of all experience to enter into a minute discussion of the evils resulting to all classes of society from the use of intoxicating drinks as a beverage Ever since its first manufacture it has been the aim of legislators to pass restraining laws, to prevent its use and each year in the older states of the union new enactments have been found necessary until the Statute books have become literally loaded down with provisions on this subject

It was not until within a few years that the true method was devised for its eradication and then those imaginary rights long established and entrenched behind the bulwark of law, and even of State constitutions were found in the way of an effectual remedy Not so in Kansas here every thing is new, and those privileges acquired by law and long established customs do not exist No one can point to the precedent of several general generations to sustain him in doing that which he frankly admits to be a wrong upon Society Here in Kansas we are laying the foundation of a new society and you as the first law making power recognized by the people should examine with the greatest circumspection the evils existing in older States and by wise and judicious enactments protect the moral and social interests of the community. You will not [attempt] to pass by or neglect the enacting of stringent laws for the sale of lottery tickets the selling of unwholesome food the adulterating of flour &c.

How then can you fail to give attention to a subject which impoverishes a whole nation brings wretchedness and misery in its train, fills the land with mourning and sends the widow's wail and orphans sob to heaven for relief

Into the plastic material which you have the power to mould into form, and clothe with lineaments and breath and in view of the great suffering entailed on us the females of the State who are unable by persuasion and kindness to influence those we love in the channel which leads to temperance prosperity and happiness and in view of their oft repeated declarations that if the destroyer could be removed from their sight and reach they would abstain from its use we therefore urgently but respectfully pray you to take our memorial into consideration and enact such laws in consonance with its spirit which your wisdom may suggest

Signed MRS. L. M. MOORE and 55 others
The ladies of Topeka

On motion of Mr. Tuton the memorial was accepted and on motion of Mr Crosby it was referred to the committee on "vice and immorality"

The following message was received from the Senate

MR. SPEAKER I have the honor to present the following resolution which passed the Senate and they do respectfully ask the House to concur therein

Resolved That the House concurring Mr. A. D. Searl be employed to obtain from the office of the Surveyor General of Kansas and Nebraska as complete a map and description of the Surveyed Lands of Kansas as can be conveniently and speedily had for the use of the committee on Counties

Attest A. ALLEN Sec. of Senate

The message on motion of Mr. Hornsby was accepted.

Mr. McClure offered the following resolution

Resolved That a committee be appointed to be called "A Committee to compare Bills" the same to be one of the Standing committees of the House. resolution adopted.

The Speaker appointed Mess. McClure, Marshall and Curtis said committee

Mr. Hartwell offered the following resolution.

Resolved That the action upon the concurrent resolution for the appointment of a codifying committee be now reconsidered. Adopted

Mr. Hutchinson then offered the following resolution.

Be it resolved by the General Assembly of the State of Kansas that a committee of five be appointed from the Senate to act in conjunction with a committee to be appointed from the House whose duty it shall be to prepare laws and report the same to the Senate & House

Mr. Hutchinson afterwards [amended] his resolution making it read as follows.

Be it resolved by the General Assembly of the State of Kansas that a committee of five be appointed from the Senate and fifteen from the House whose duty it shall be to prepare a code of laws and report the same to the Senate and House

On motion of the same gentleman it was laid upon the table
House Bill No. 1. was then passed.

Yeas 38 nays none as follows:

Yeas Mess Arthur Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsaul Frost. Hartwell Hutchinson Hornsby Higgins Hicks Jameson Jones Landers Mewhinney Marshall McClure McGee Pennock, Purdam Reese Saunders Shores Sparks Tuton Tabor Toothman Todd Williams Walker Zimmerman 38.

Nays none

On motion of Mr. Hutchinson the bill was sent to the Senate for their concurrence

On motion of the same gentleman House bill No 2 passed to a second reading the rules being suspended

On motion of Mr. Tuton the House went into a committee of the whole for the consideration of House Bill No. 2.

The Chairman of Committee of the whole reported the bill back to the House with sundry amendments

On motion of Mr. Hutchinson the rules were suspended. Yeas 41, Nays none

Yeas Mess. Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsaul Frost Hartwell Hutchinson Hornsby Higgins Hicks Jameson Jones Landers Mewhinney McClure McGee Orr. Pennock Purdam Reese Saunders Shores Stephens Sparks Tuton Tabor Toothman Todd Williams Walker Zimmerman 41

Nays none

House Bill No. 2 was passed

Yeas 40 nays none.

Yeas Mess. Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody. Dickey Edsaul Frost Hartwell Hutchinson Hornsby Higgins Hicks Jameson Jones Landers Mewhinney Marshall McClure McGee Orr. Pennock Purdam Reese Saunders Shores Stephens Sparks Tuton Tabor Toothman Williams Walker Zimmerman 40

Nays none

On motion the Clerk was directed to report the passage of House Bill No. 2, asking the concurrence of the Senate

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to present the following extracts from the journal of the Senate The minority of the committee on the part of the Senate to nominate suitable persons to act as commissioners to revise reform simplify and abridge the rules of practice pleadings forms and proceedings of the Courts of records of this State Report the following names

J. K. Goodin

Josiah Miller

Geo. W. Smith

M. J. Parrott

C. L. Crane

G. B. Round

which report was adopted

On motion of Mr. Hutchinson the message was laid upon the table

On motion of the same gentleman House Bill No. — was read by its title

On motion of Mr. Curtiss the bill was recommitted

Mr Edsaul offered the following resolution

Resolved that Mrs Chapman be admitted to a seat within the bar of this House as reporter for the Kansas Intelligencer her husbands paper, published at Kansasopolis, Ks.

Yeas and nays being ordered resulted Yeas 37 Nays 4 as follows

Yeas Mess. Arthur Abbott Blood Brown Jr. Bowen Barry Curtiss Crosby Cody Dickey Edsall Frost Hartwell Hornsby Higgins Hicks Jameson Jones Landers Marshall McClure McGhee Orr. Pennock Purdam Saunders Stephens Sparks Tuton Tabor Toothman Todd Williams Walker Zimmerman Speaker 37

Nays Cannon Hutchinson Mewhinney Reese 4

So the resolution was carried

The committee appointed to report names for commissioners to revise the practice &c. reported as follows

M. J. Parrott

E. M. Thurston

Edward Clark

C. L. Crane

G. W. Smith

C. A. Foster

Mess Hutchinson Brown and Zimmerman House Committee Mess Allen and Adams Senate Com'e

On motion of Mr. Walker the report was received. Yeas and nays being ordered resulted Yeas 26 nays 12.

Yeas, Mess. Arthur Abbott Blood Beyer Brown Jr. Bowen Barry Curtiss Cannon Crosby Hartwell Hornsby Higgins Landers Mewhinney Marshall McClure Orr Reese Saunders Tuton. Tabor Toothman Todd Williams Walker 26

Nays, Cody Dickey Edsall Frost Hicks Jameson Jones McGhee Pennock Purdam Stephens Sparks 12

Mr. Frost then moved that the report be indefinitely postponed Yeas and Nays being ordered, resulted Yeas 17, nays 22, as follows.

Yeas, Mess Arthur Cannon Cody Dickey Edsall Frost Hicks Landers Marshall McGhee Orr Pennock Purdam Shores Stephens Sparks Tuton 17

Nays Mess Abbott Blood Beyer Brown Jr. Bowen Barry Curtiss Crosby Hartwell Hutchinson Hornsby Higgins Jameson Mewhinney McClure Reese Saunders Tabor Toothman Todd Williams Walker, 22.

Mr. Frost moved that the names be stricken out and the following names inserted

J. K. Goodin

G. W. Smith

Josiah Miller

E. M. Thurston

M. J. Parrott

C. L. Crane

Mr. Tuton moved an amendment to strike out the name of E. M. Thurston and insert that of Edward Clark.

Motion to amend was withdrawn

Mr. Brown moved to amend by striking out the name of C. L. Crane and insert C. A. Foster

Motion lost

Mr. Edsall called for the previous question

Yeas and nays being ordered resulted Yeas 24 nays 17

Yeas Mess Arthur Beyer Brown Cannon Crosby Cody Dickey Edsall Frost Hicks Jameson Jones Landers Marshall McGhee Pennock Purdam Reese Shore Stephens Sparks Tuton Walker Zimmerman 24

Nays Mess Abbott Blood Brown Jr. Barry Curtiss Hartwell Hutchinson Hornsby Higgins Mewhinney McClure Orr. Saunders Tabor Toothman Todd Williams 17.

Mr Hartwell presented the following memorial from ladies of Topeka, as follows

To the Speaker members and officers of the House of Representatives

GENTLEMEN You are most respectfully requested to attend a social party to be given by the Ladies of Topeka this evening at Constitution Hall

March 11th 1856

Respectfully

THE LADIES OF TOPEKA

On motion the House adjourned until 2 o'clock P. M.

2 O'clock P. M.

Roll called and a quorum answered to their names

A message from the Governor, was received from the hands of his Private Secretary Edward Clark and read.

To the Senate and House of Representatives

GENTLEMEN In accordance with the provisions of the Constitution I have this day appointed G. A. Cutler Auditor of State to fill the vacancy occasioned by the resignation of James M. Winchell late Auditor

signed C. ROBINSON Governor &c.

Topeka March 11/56

The hour having arrived the Senate and House of Representatives met in joint convention for the election of three commissioners to codify the practice and simplify the pleadings

The Convention on motion of Mr. Hutchinson agreed to elect one commissioner at each balloting

The first ballot resulted as follows

J. K. Goodin	had 42 votes
M. J. Parrott	" 11 "
G. W. Smith	" 2 "
E. Clark	" " "

Whole number of votes given 57

Necessary to a choice 29

J. K. Goodin having received a majority of all the votes given was declared duly elected

Another balloting was then had for the election of Commissioner with the following result

Josiah Miller	had 23 votes
M. J. Parrott	" 19 "
G. W. Smith	" 8 "
E. M. Thurston	" 1 "
E. Clark	" 7 "

Whole number of votes given 58

Necessary to a choice 30

No person having received a majority of all the votes given it was declared there had been no election

Another Balloting was had as follows

Josiah Miller	had 29 votes
M. J. Parrott	" 18 "
G. W. Smith	" 2 "
E. Clark	" 10 "

Whole number of votes thrown 59

Necessary to a choice 30

No persons having received a majority of all the votes given it was declared there had been no election

A Third balloting was had resulting as follows.

Josiah Miller	had 28 votes
M. J. Parrott	" 22 "
E. Clark	" 8 "

Whole number votes 58

Necessary to a choice 30

No person having received a majority of all the votes given it was declared there had been no election

A Fourth Balloting was had with the following result

Josiah Miller	had 31 votes
M. J. Parrott	" 22 "
E. Clark	" 6 "

Whole number of votes 59

Necessary to a choice 30

Josiah Miller having received a majority of all the votes given was declared elected as one of the Commissioners

A Balloting was then had for election of a third commissioner, which resulted as follows.

M. J. Parrott	had 21 votes
E. Clark	" 10 "
G. W. Smith	" 28 "

Whole number of votes 59

Necessary to a choice 30

No person having received a majority of all the votes given it was declared there had been no election Another balloting was had with the following result

M. J. Parrott	had 17 votes
E. Clark	" 11 "
G. W. Smith	" 31 "

Whole number of votes given 59

Necessary to a choice 30

George W. Smith having received a majority of all the votes given was declared duly elected as Commissioner. The business for which the Convention had convened having been finished the President declared it adjourned *sine-die*

House came to order

Mr. Hartwell offered the following resolution

Resolved by the General Assembly of Kansas that the journal of the Constitutional Convention which met at Topeka on the 23d day of October A. D. 1855, together with the calls and proclamations of the people and the Chairman of the Executive Committee touching the State organization ought to be published and that 1,000 copies are hereby ordered to be printed in pamphlet form for the use of the General Assembly and the State Officers

On motion it was laid over for second reading on tomorrow

Mr. Hutchinson offered the following resolution

Resolved that the use of this Hall be granted to the ladies of Topeka this afternoon and evening resolution adopted

On motion of Mr. Blood House Bill No. 3, was read by its title and ordered to be printed.

Mr. Williams offered the following resolution

Resolved That the Secretary of State be authorized to solicit publications copies of digests codes reports of Supreme courts &c &c from authorities of other States of the Union to form the nucleus of a library for the use of the General Assembly of the State of Kansas

Resolved That he be authorized to take possession of all books which may have been donated heretofore for that purpose Adopted

Mr. Brown offered the following resolution

Resolved that we reconsider the vote on resolution adopted yesterday fixing the time of meeting of this House after recess, to the 4th day of July next during the pending of which on motion of Mr. Dickey

The House Adjourned

J. K. GOODIN *Ch'f Clk H. Rep.*

HOUSE OF REPRESENTATIVES

WEDNESDAY March 12, 1856

House met pursuant to adjournment

The Chaplain being absent prayer was dispensed with

Roll called and a quorum answered to their names Minutes read amended and approved

Mr. Hutchinson Chairman of the Select committee to assign the Governor's message reported as follows

"Your Committee to whom was referred the assigning of the message of the Governor beg leave to report as follows

Resolved That so much of the Governors message as relates to registration of electors returns of election and election of officers be referred to the committee on elections

So much as relates to the publication of laws to the committee on Printing

So much as relates to taking the census, Surveyor General State Geologist number of Senators and Representatives and apportionment to the Committee on Ways and Means

So much as relates to Salaries of Officers to the Committee on Accounts

So much as relates to a Superintendent of Common Schools, School fund—University Normals and Education to be referred to the committee on Education

So much as relates to the duties of Clerk and Reporter of Supreme Court, Publication of decisions of Supreme Court, Special Legislation enforcement of the 6th section of the Bill of Rights Judicial Districts and jurisdiction of Courts and securing the separate property and custody of children to the wife, to the Committee on Judiciary

So much as relates to State Asylums for blind &c, Houses for Juvenile offenders and State General Hospital &c to the Committee on Public Institutions

So much as relates to Banks and Banking to Committee on Corporations and Banking

So much as relates to finance and taxation to the Committee on Finance and taxation

So much as relates to Counties, County Town and City Officers to the Committee on Counties and County Lines

So much as relates to the sale and Use of Intoxicating Drinks to the committee on vice and Immorality

So much as relates to Bureau of Statistics and encouragement of Agriculture to the Committee on Agriculture

So much as relates to State Lands to the Committee on State Lands

So much as relates to apportionment to the Committee on apportionment

On motion of Mr. McClure the report was accepted and on motion of Mr. Hartwell was adopted

Mr. Edsall made the following motion which was carried

"That there be added to the Committee on New Counties and County Lines a sufficient number of members so that each each Senatorial District may be represented and that the additional members be selected from the districts not now represented in Said Committee

The resolution offered yesterday by Mr. Brown relative to the taking of a recess until the 4th day of July next being in order was taken up

Mr. McClure moved to strike out "4th day of July" and insert "1st day of September"

Mr. Orr, moved further to amend by adding after the word "September" the words "at 12 o'clock M."

On motion of Mr. Blood further consideration of the resolution was postponed until Saturday next

On motion of Mr. Hornsby

Resolved That C. E. Lenhart be admitted to a seat within the bar as reporter for the Kansas State Journal

Joint resolution relative to publication of records of the Executive Committee was in usual order read a second time and amended on motion of Mr Hartwell by striking out the words "ought to" House then adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

House met pursuant to adjournment

Roll called and a quorum answered to their names

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to present the following abstract from the Senate Journal asking the concurrence of your body therein

Resolved The House concurring that the Senate will go into joint session this afternoon for the purpose of administering the oath of office to the Auditor of State

A. ALLEN *Sec. Senate*

On motion of Mr. Tuton the House concurred in the resolution

The hour having arrived the Senate appeared and the oath of office was by the President of the Senate administered to George A. Cutler Auditor of State

The business for which the joint session had met being finished the convention was on motion of Mr. Allen adjourned sine die

On motion of Mr. Hartwell *Resolved* That the rules be suspended in order that the joint resolution relative to the publication of the Journal of the Constitutional Convention and other documents may pass to a third reading

Yeas and Nays were taken and resulted Yeas 39 Nays 1, as follows

Yeas Mess. Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Edsall, Frost Hartwell Hutchinson Hornsby Higgins Jameson Jones Landers Marshall McClure Murphy McGhee Orr Pennock Purdam Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Todd Williams Walker and Zimmerman 39

Nays, Mr Reese 1.

On the adoption of the resolution the Yeas and Nays were ordered and resulted Yeas 43 Nays none

Yeas Mess. Arthur Abbott, Blood, Beyer Brown Bowen Barry Curtiss Cannon Crosby Edsall Frost Ferby Hartwell Hutchinson Hornsby Higgins Jameson Jones Landers Marshall McClure Murphy McGee Orr Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Todd Wade Williams Walker and Zimmerman 43

Nays none

On motion of Mr. Hutchinson the Clerk was ordered to communicate to the Senate the passage of the joint resolution

On motion of Mr. Orr the vote taken upon the resolution of Mr. Edsall relative to placing additional members on Committee on New Counties and County Lines was reconsidered

On motion of Mr. Hutchinson a special committee of one from each Sen-

atorial district not represented on Committee on new counties and County Lines the motion was withdrawn

House Bill No 3 entitled an act to incorporate the inhabitants of the City of Lawrence was on motion of Mr. Hutchinson was passed to a third reading Yeas 41 Nays none as follows.

Yeas Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Higgins Jameson Jones Landers Marshall McClure Murphy McGhee Orr Pennock Purdam Reese Saunders Shores Simmerwell Stephens Sparks Tuton Tabor Toothman Todd Williams Walker Zimmerman 41.

Nays none

The Bill was then adopted on being read by its title

On motion of Mr. Hutchinson the Clerk was notified to inform the Senate asking their concurrence.

Mr. Frost of the Committee on Examination of Books and papers of Executive committee reported progress and asked leave to sit again

Leave was granted

Mr. Williams offered the following resolution

Resolved That the 42d rule of the "House Rules" be amended by adding after the words "five members each" excepting the Committee on Counties and County Lines which shall consist of one member from each Senatorial District After considerable discussion Mr. Tuton moved to lay the whole thing on the table motion carried

On motion of Mr. Hutchinson House adjourned until tomorrow morning at 10 o'clock

J. K. GOODIN *Chf Clk H. Rep.*

HOUSE OF REPRESENTATIVES

THURSDAY March 13. 1856

House met pursuant to adjournment

Roll called, a quorum answered to their names

Journal of yesterday read amended and approved Mr. Brown presented a memorial from 90 ladies of Lawrence praying the passage of Stringent prohibitory laws, in relation to the sale and use of intoxicating liquors as follows

To the Honorable the Senate and House of Representatives of the State of Kansas

The undersigned your memorialists citizens of Kansas and the wives and daughters of your constituents beg leave respectfully to present to your honourable body that in the opinion of your memorialists the public interest requires that suitable laws be immediately passed to prevent the manufacture and importation for sale or use as a beverage within the State of Kansas of any distilled or malt liquors.

It is not necessary for us in view of your own observations and the United testimony of all experience to enter into a minute discussion of the evils resulting to all classes of society from the use of intoxicating drinks as a beverage Ever since its first manufacture it has been the aim of legislators to pass restraining laws to prevent its abuse and each year and each year in the older the older States of the union new enactments have been found necessary until the Statute books have become literally loaded down with provisions on this subject It was not until within a few years that the true method was devised for its eradication and then those imaginary rights long established and entrenched behind the bulwarks of law and even of State constitutions were found in the way of an effectual remedy not so in Kansas Every thing is new and those privileges acquired by law and long established

customs do not exist no one can point to the precedent of several generations to sustain him in doing that which he frankly admits to be a wrong upon society

Here in Kansas we are laying the foundations of a new Society and you as the first law making power recognized by the people should examine with the greatest circumspection the evils existing in the older States and by wise and judicious enactments protect the moral and social interests of the community

You will not think to pass by enacting stringent laws for the sale of lottery tickets the selling of unwholesome food the adulterating of flour &c how then can you fail to give attention to a subject which impoverishes a whole nation brings wretchedness and misery in its train fills the land with mourning and sends the widows wail and orphans sob to heaven for relief

In view of the plastic material which you have the power to mould into form and clothe with lineaments and breath and in view of the great suffering entailed upon us as females of the State who are unable by persuasion and kindness to influence those we love in the channels which lead to temperance prosperity and happiness and in view of their oft repeated declarations that if the destroyer could be removed from their sight and reach they would abstain from its use we therefore urgently but respectfully pray you to take our memorial into consideration and enact such laws in consonance with its spirit which your wisdom may suggest

(signed) MARY ANN M. MANDELL
and 89 others of the Ladies of
Lawrence.

Referred to Committee on vice and Immorality

Committee on Militia reported back House Bill No. 4, with amendments

On motion of Mr. Hutchinson the bill was laid upon the table and ordered to be printed

The Special committee appointed to examine the books papers &c. of the Executive Committee submitted a report, which was received and referred to the Select committee

The Special committee to report resolutions on the death of Thomas W Barber reported as following

The Special committee to whom was referred the resolutions respecting the death of Thomas W. Barber beg leave to report as follows

WHEREAS Thomas W. Barber one of our most excellent and unoffending citizens was on the 6th day of December last brutally and cowardly murdered while peaceably and unarmed returning to his home from the city of Lawrence and Whereas we have reason to believe on good evidence that the murderer is an accredited agent an appointee of the President of the United States—is not only unapprehended by the Territorial authorities but is retained in office by the General Government

Therefore Resolved, That the President of the United States by continuing in office the murderer of the lamented Barber is hereby tacitly endorsing the criminal and is lending the weight of official influence in favour of those who not only contemn and despise order but who are destitute of even that small share of magnanimity and honor which is common to the assassin and highwayman

Resolved That in the exhibition of cowardly baseness shown in the murder of Mr. Barber there is presented the true spirit which has characterized the acts of the opponents of freedom in Kansas from its early settlement to the present time and add another proof that Slavery acknowledges no rights and shows no humanity when these stand in the path of its progress. *Resolved* That in the death of Mr. Barber his family have lost an affectionate member and support society an efficient promotor of its welfare and the State of Kansas a citizen whose patriotic virtues have embalmed his memory in the hearts of its people

Resolved That a suitable monument be erected to the memory of the

deceased and that the people be invited to contribute liberally of their means for this purpose

Resolved that a copy of these resolutions be sent to the several newspapers of this State with a request that they be published and that a copy be forwarded to the widow of the deceased.

On motion the report was received and adopted.

Mr. Frost Chairman of the special committee on salaries of officers of the House reported as follows

The committee on Salaries of officers of this House beg leave to present the following

That the Speaker	shall receive	8 \$	pr day
" " Chief Clerk	" "	6 \$	" "
" " Asst. Clerk	" "	4 \$	" "
" " Transcribing and Assistant Transcribing Clerk shall receive		4 \$	" "
" " Sergeant at Arms and Assistant Sergeant at Arms shall receive		4 \$	" "
" " Door Keeper and Assistant Door Keeper shall receive		4 \$	" "

That the messenger and assistant messenger shall receive

That the Chaplain shall receive

1 \$ pr day
3 \$ pr day

We recommend a special appropriation for the Chief Clerk, for the first session as his labours have been and will be more arduous during the first session of the General Assembly possibly than at any future session

Respectfully submitted

W. R. FROST *Chairman*

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed the following resolution and do respectfully ask the House of Representatives to concur therein

Resolved, The House concurring that the State Printer be authorized to publish fifteen thousand copies of the Constitution of the State of Kansas, The report of the Executive committee, The Journal of the Senate and House of Representatives to be bound in pamphlet form together with the Governor's messages

March 12. 1856.

Attest A. ALLEN *Sec. Senate*

Mr. Tuton moved a reference of the resolution to the committee on printing Motion lost. Mr. Walker moved the House concur—lost Mr. Hutchinson moved an amendment to strike out "15" and insert 5.—carried

The resolution as amended was adopted on motion of Mr. Toothman

On motion of Mr. Marshall the clerk was instructed to inform the Senate of the action of the House

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have agreed to non-concur in the amendments of the House to Senate resolution relative to the appointment of a committee to codify the laws for the State of Kansas

Attest A. ALLEN *Clerk Senate*

On motion of Mr. Hutchinson the resolution was laid upon the table

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the following joint resolution has passed the Senate and they would respectfully ask the concurrence of the House therewith

Resolved That no new business be taken up after today the 13th instant and that we take a recess on Saturday the 15th inst to meet on the 4th day of July next at 12 o'clock M.

attest A. ALLEN *Clerk Senate*

Mr. McClure moved to lay the resolution on the table—motion lost.

A second reading was called for, also a third reading, on motion of Mr. Walker the House concurred in the resolution

Mr. Dickey moved a reconsideration of the vote passed yesterday on resolution postponing the time of adjournment motion carried

Mr. Walker moved a suspension of the rules that the resolution might pass to a second and third reading.

Yeas and Nays being ordered resulted Yeas 35 Nays 8. as follows:—

Yeas Mess Arthur Abbott Beyer Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Hornsby Higgins Jones Landers Mewhinney Murphy McGee Orr Pennock Purdam Reese Saunders Shores Simmerwell Sparks Tuton Tabor, Toothman Todd Wade Williams & Walker 35

Nays, Mess. Brown Frost, Hartwell Hutchinson Jameson McClure Stephens and Zimmerman 8.

So the rules were suspended

The question then was on the final passage of the resolution Yeas and nays being ordered resulted Yeas 35 Nays 8, as follows

Yeas Mess Arthur Abbott Beyer Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Hornsby Higgins Jones Landers Mewhinney Marshall Murphy McGee Orr Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tuton Tabor Toothman Todd Wade Williams and Walker 35

Nays Mess Brown Frost Hartwell Hutchinson Jameson McClure Stephens and Zimmerman 8

So the joint resolution passed

On motion of Mr. Walker House adjourned until tomorrow morning at 9 o'clock

J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

FRIDAY March 14. 1856.

House met pursuant to adjournment

Prayer by the Chaplain

Roll called 41 members answered to their names

Journal of yesterday read and approved

MESSAGE FROM THE SENATE

MR. SPEAKER The Senate have had under consideration House Bill No. 1, entitled an act defining certain duties of the Auditor of State and authorizing the Governor to employ a messenger and report the following amendments

Relative to the Title

Relative to the 3d Section

On motion of Mr. Edsall the House receded from the former amendments to resolution for the appointment of a committee to codify the laws, whereupon the same gentleman offered the following resolutions

Joint resolutions concerning the appointment powers and duties of a codifying committee

Resolved That a committee of five be appointed by the Senate to act in conjunction with a committee of fifteen from the House whose duty it shall be to frame and draft a code of laws for the State of Kansas and to report the same to the General Assembly on the 4th day of July next or as soon thereafter as may be

Resolved That said committee are hereby instructed to proceed in preparing said code of laws during the recess of the first General Assembly which commences on the 15th day of March and continues until the fourth day of July next A. D. 1856.

Resolved that said committee be and are hereby authorized to rent such rooms and to provide themselves with all papers books stationary furniture fuel lights &c. that may be necessary for the convenient prosecution of their labors and that all reasonable charges for the [same] shall be audited by the State

Resolved that said committee are hereby authorized to employ one door-keeper and all necessary clerks not to exceed eight in number and that the same shall be entitled to receive the same per diem that corresponding officers of the General Assembly receive

Resolved That members of said committee shall be entitled to receive for their services the sum of 4\$ pr day for each and every day actually devoted to services on said committee

Resolved That all reports agreed to by said committee be and are hereby ordered to be printed in Bill form and that a file prepared of said reports in their numerical order for each member of the General Assembly the Governor and heads of departments of this State

Resolved That said committee shall have power to divide their labour into as many distinct branches as the subject may require and that each branch may be assigned to sub-committees appointed by the codifying committee from among their own number, whose duty it shall be to report, in bill form to the codifying committee upon the subject respectively assigned to them the said Sub committees shall have power to sit at any place they may deem most convenient while engaged in investigating the subject respectively assigned to them Mr. Pennock moved that the blank be filled by inserting \$5 five dollars per day which was lost

On motion of Mr. Hutchinson (4) four dollars per day was inserted. On motion of Mr. Williams the words "Sergeant at Arms" was stricken out

The 1st. 2d. 3d. 4th. 5th. 6th sections were adopted. a motion by Mr. McClure to amend the 4th section by striking 8 and insert 3 was lost

On motion of Mr. Tuton the 7th Section was amended by adding the following "provided there shall always be 11 members at Topeka the seat of government."

The section as amended was adopted

The Yeas and Nays being ordered resulted Yeas, 38 Nays 0, as follows,

Yeas, Mess. Arthur Abbott Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Higgins Jameson Jones Landers Mewhinney Marshall McClure McGee Pennock Purdam Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Todd Wade Williams Walker 37 Nays 0

The Chair appointed the following gentlemen on said committee

Mess Hutchinson Hornsby Pennock Frost Tuton Edsall Jameson Zimmerman McClure Hartwell Curtiss Dickey Blood Brown and Arthur

On motion of Mr. Brown the following resolution was adopted

Resolved that Mr. E. B. Whitman who now engaged in preparing a practical map of this State for the settlers and emigrants be permitted to avail himself of the information to be obtained by Mr. A. D. Searl at the Land office for the use of the committee on new counties and county lines

Mr. Stephens called up House Bill No. 4. on militia On motion of Mr. Purdam, further consideration of the bill was postponed until the 10th day of July next

Mr. Hutchinson called up Senate bill No. 2. establishing the salaries of State officers and officers of the General Assembly and on motion of the same gentleman the House went into the committee of the whole to consider it

Sec. 1st. Salary of the Governor. Mr. McGhee moved to strike out 3000 (three thousand) and insert 1500 (fifteen hundred)

Mr. Walker moved to strike out 3000 (three thousand) and insert 1000 (one thousand) motion lost.

Mr. Gee's amendment was adopted

Sec. 2. Salary of Sec of State on motion of Mr. Walker 1800 (eighteen hundred) was stricken out and 1000 (one thousand) inserted

Sec. 3. Auditor of State Mr. Walker moved to strike out 1800 (eighteen hundred) was stricken out and insert 900 (nine hundred) was lost

Mr. Stephens moved to insert 1000. which was adopted

Sec. 4. State Treasurer On motion of Mr. Hutchinson 1800 (eighteen hundred) was stricken out and 1000 (one thousand) inserted in its place

Sec. 5. Private Secretary to the Governor. Mr. Cannon moved to strike out 800 (eight hundred) and insert (400) four hundred was lost.

On motion of Mr. Hutchinson 500 (five hundred) was inserted

Sec. 6. Chief Clerk in Secretary of State's office on motion of Mr. McGee, 1,200 (twelve hundred) was stricken out and 600 (six hundred) inserted

Sec. 7. The Chief Clerk in Auditors department On motion of Mr. Stephens 1200 (twelve hundred) was stricken out and 600 six hundred inserted

Sec. 8. The Clerk of Treas of State. On motion of Mr. Walker 1,200 (twelve hundred) was stricken out and 600 (six hundred) inserted

Sec. 9th. Attorney General On motion of Mr. Hutchinson 2000 (two thousand) was stricken out and 1,000 (one thousand) inserted

Sec. 10th. Judge of Supreme Court. On motion of Mr. Brown, 2000 (two thousand) was stricken out and 1000 (one thousand) inserted

Sec. 11th. Clerk of Supreme Court On motion of Mr. Hutchinson \$1,500 (fifteen hundred) was stricken out, and the words "fees regulated by law" inserted

Sec. 12th. Reporter of Supreme Court. On motion of Mr. Hornsby \$1000 was stricken out and the words "rates hereafter established by law" inserted

Sec. 13th. 14th. 15th. and 16th were adopted

Mr. Abbott moved, to amend Sec. 15th, by striking out \$4 pr day and insert \$5. pr day motion lost

Sec. 17th on motion of Mr. Abbott was amended by strik'g out \$8 and inserting \$6

Sec. 18. Salary of Chaplain On motion of Mr. Curtiss was amended by striking out \$4 and inserting \$3

Sec. 19. Salary of Governor's messenger. on motion of Mr. McGee was amended by striking out \$400 and inserting \$200

Sec. 20. Sergeant at Arms on motion of Mr. Walker \$6 was stricken out and \$4 inserted

Sec's 21. 22 & 23 were adopted

On motion of Mr. Walker the committee rose and reported the Bill back with amendments also a message from the Senate

On motion of Mr. Hartwell the rules were suspended, and bill passed to a second reading Yeas 38 nays none Yeas and nays being ordered resulted Yeas 38 nays none as follows

Yeas Mess Arthur Abbott Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Higgins Jameson Jones Landers Mewhinney Marshall McClure Murphy McGee Orr, Pennock, Purdam Saunders Simmerwell Shores Sparks Tabor Toothman Todd Williams Walker and Zimmerman

On its final passage Yeas and Nays being ordered resulted Yeas 32 Nays 5, as follows.

Yeas Mess. Arthur Brown Bowen Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Higgins Jameson Jones Landers Mewhinney McClure McGee, Orr Pennock Purdam Saunders Simmerwell Shores Stephens Sparks. Tabor. Todd Williams and Walker 32

Nays Mess. Abbott Beyer Barry Toothman and Zimmerman 5.

So the bill passed

The bill was then read by its title and adopted Mr. Tabor offered the following resolution which was decided out of order

Resolved That we request the condifying committee to take into consideration the importance of a law prohibiting Hogs from running at large in the State of Kansas.

The following message was received from the Senate

MARCH 14th. 1856

MR. SPEAKER. I have the honor to inform that the Senate have past following concurrent resolution

Resolved The House of Representatives concurring that the treasurer of the Executive Committee report to the legislature at as early a period as possible the amount of certificates of indebtedness by him countersigned The amount of such certificates if any yet remaining in his hands and such other information as he may be in possession of in relation to this subject
A. ALLEN *Chief Clerk Senate*

Resolution was concurred in by the House

The following message was received from the Senate

MESSAGE FROM THE SENATE

MARCH 14. 1856.

MR. SPEAKER I have the honor to inform that the Senate have passed the following joint resolution and would respectfully ask the house to concur therein

JOINT RESOLUTION, Rleative to fixing the compensation of the commissioners to codify the practice &c.

Resolved By the Senate. the House of Representatives concurring that the commissioners to codify the practice pleadings &c. be allowed the sum of six (\$6-) pr day for each day actually employed and that they be instructed to employ such number of Clerks as they may deem requisite and that the necessary expenses for office rent fuel lights stationary postage &c be allowed them during the time they are actually employed in the business of their office

A. ALLEN *Chief Clerk Senate*

Mr. Zimmerman moved to insert not more than three Clerks motion lost.

Mr. Toothman moved to lay the message on the table motion lost
A motion to adjourn was lost.

On motion of Mr. Tuton the resolution was amended by striking out 6. and inserting 4.

Mr. Zimmerman moved to further amend by inserting not more than three Clerks each to receive the same compensation allowed the Clerks of the codifying committee pending which the house adjourned until 2 o'clock P. M.

2 O'clock P. M.

Met pursuant to adjournment 33 members present. Mr. Zimmermans amendment first in order

On motion of Mr. Frost it was amended so as to read "the clerks to receive \$4— per day"

On motion of Mr. McClure the word instructed was stricken out, and the word authorized inserted The resolution as amended was adopted

House bill No. 1, defining certain duties of the Auditor of State was then taken up. Yeas and nays being ordered resulted Yeas 35 nays 0 as follows

Yeas Mess Abbott Arthur Beyer Brown Bowen Barry Cannon Crosby Cody Dickey Edsall Frost, Hartwell Hornsby Hutchinson Jameson Jones Landers Mewhinney McClure Murphy McGhee Purdam Saunders Shores Stephens Sparks Tuton Tabor Toothman Todd Wade Williams Walker and Zimmerman 35

Nays none. so the bill was passed

The bill was then read by its title and adopted

The following message was received from the Senate

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed the following joint resolution and a concurrent resolution and respectfully ask the House of Representatives to concur therewith

Resolved The House concurring that the committee to codify the laws during the recess of the Legislature shall be allowed the sum of six (6) dollars pr day for each days actual employment and they be instructed to employ such number of clerks as they may deem requisite—that the necessary expenses for fuel lights stationary postage be allowed them during the time they are actually employed

March 13th, 1856.

Attest A. ALLEN *Clk Senate*

On motion of Mr. Edsall it was laid on the table

The following joint resolution was received from the Senate and concurred in

Resolved The House concurring that the Secretary of State be requested to solicit donations of books records and documents relative to laws &c. from the various States and from the General Government for the use of the department of State and the Legislature of Kansas

March 13, 1856

Attest A. ALLEN *Sec of Senate*

On motion of Mr. Hutchinson the vote was reconsidered

On motion of Mr. Hartwell the resolution was laid on the table

The following message from the Senate was read and on motion of Mr. Edsall laid upon the table

MARCH 14th, 1856

MR. SPEAKER I have the honor to inform, that the following resolution has passed the Senate and they would respectfully ask the House to concur therein

Joint resolution relative to fixing the compensation of the committee to codify laws &c.

Resolved, By the Senate the House of Representatives concurring that the committee to codify the laws during the recess of the Legislature shall be allowed the sum of (\$5) five dollars pr day for each day actually employed and that they be instructed to employ such number of clerks as they may deem requisite That the necessary expenses for fuel lights stationary and postage be allowed them during the time they are actually employed

A. ALLEN *Chf. Clerk Senate*

The following messages from the Senate were concurred in.

MESSAGE FROM THE SENATE

MARCH 14, 1856

MR. SPEAKER I have the honor to inform that the Senate have passed the following resolutions and do respectfully ask the House to concur therein

Resolved The House concurring that the Secretary of State shall be directed to procure three certified copies of the Constitution of the State of Kansas one of which shall be deposited in his office one delivered to J. H. Lane and the other one forwarded to A. H. Reeder Senators elect for the State of Kansas

A. ALLEN *Chief Clerk of Senate*

MESSAGE FROM THE SENATE

MARCH 14, 1856

MR. SPEAKER I have the honor to inform that the Senate have passed the following concurrent resolution and respectfully ask that the House shall concur therewith

Resolved That the House concurring the Secretary of the Senate and Clerk of the House be authorized to complete such unfinished business—at the same per diem—as they may have on hand when the Assembly adjourns to meet on the 4th day of July after such recess.

A. ALLEN *Chief Clerk Senate*

On motion of Mr. Hutchinson the House resolved to non-concur in joint resolution relative to the appointment of a codifying committee and a committee of conference was appointed

The Speaker announced Mess. Hutchinson Frost and Pennock as said committee

Mr. Tuton offered the following joint resolution

Resolved by the General Assembly of the State of Kansas that all state and judicial officers whose salaries may have been fixed by law shall not receive their salaries until such time as they actively enter upon the discharge of their several offices

On motion of Mr. Hartwell to suspend the rules the yeas and nays being ordered resulted as follows Yeas 6 Nays 29

Yeas Mess Bowen Cannon Dickey Hartwell McGee and Tuton 6.

Nays Mess Arthur Abbott Beyer Brown Barry Crosby Edsall Frost. Hutchinson Hornsby Jameson Jones Mewhinney Marshall McClure Pennock Purdam Saunders Simmerwell Shores Stephens Sparks Tabor Toothman Todd, Wade, Williams Walker and Zimmerman 29

So the motion was lost.

House bill No. 2. entitled an act providing for the payment of certificates

of indebtedness issued by the Executive Committee of Kansas came upon its final passage.

Yeas and Nays being ordered resulted Yeas 35 Nays 0 as follows.

Yeas Mess Arthur Abbott Beyer Bowen Brown Barry Cannon Dickey Edsall Frost Hartwell Hutchinson Hornsby Jameson Jones Landers Mcwhinney Marshall McClure Murphy McGee Pennock Purdam Saunders Simmerwell Stephens Sparks Tabor Toothman Todd Wade Williams Walker and Zimmerman 35.

Nays.

So the bill was passed.

The bill was read by its title and on motion of Mr. Tuton amended by adding the word "Territory" and adopted.

Senate bill No 5 entitled an act for the encouragement of agriculture in the State of Kansas was read and on motion of Mr. Edsall was laid upon the table and ordered to be printed

Senate bill No. 7, entitled an act defining the duties of the State Printer was read and on motion of Mr. McClure referred to the committee on Printing Senate Bill No 8, entitled an act establishing the price of public printing was on motion of Mr. Brown referred to Committee on printing with instructions to report tomorrow— On motion of Mr. Saunders the House took a recess for 15 minutes

Mr. Frost offered the following resolution which was adopted

Resolved That the first Clerk be allowed two dollars pr day in addition to his fixed per diem for services rendered this session.

On motion of Mr. Hutchinson House adjourned until 7½ o'clock this evening

7½ o'clock P. M.

Your committee appointed to confer with a committee of the Senate on the joint resolution considering the appointment powers and duties of a codifying committee have agreed to and beg leave to submit the following report

Resolved 1st. That a committee of five be appointed from the Senate to act in conjunction with a committee of fifteen from the House whose duty it shall be to frame and draft a code of laws for the State of Kansas and report the same to the General Assembly on the 4th day of July 1856, or as soon thereafter as may be

Resolved 2d, That said Committee is hereby instructed to proceed in preparing said code of laws during the recess of the first General Assembly which commenced on the 15th day of March and continues until the 4th day of July A. D. 1856.

Resolved 3d That said Committee be and are hereby authorized to rent such rooms and to provide themselves with all papers books stationary fuel lights &c. that may be necessary for the convenient prosecution of their labors and that all reasonable charges for the same shall be audited by the Auditor of State

Resolved 4th That said committee are hereby authorized to employ one Sergeant at Arms and all clerks not to exceed eight in number and the same shall be entitled to receive \$5,—for every day actually devoted to services on said committee

Resolved 5th, That the members of said committee shall be entitled to receive for their services the sum of 5\$—for every day actually devoted to services on said committee

Resolved 6th. That all reports agreed to by said committee be and are hereby ordered to be printed in bill form and that a file be prepared of said

reports in their numerical order for each member of the General Assembly the Governor and heads of departments of state and fifty additional copies for the use of the committee

Resolved 7th. That the meetings of said codifying committee shall be holden at Topeka the temporary seat of Government

W. R. FROST, *Chairman*

The report was accepted and adopted

Senate bill No. 6, was passed

Yeas and Nays as follows Yeas 38 Nays 0. on suspending the rules—as follows.

Yeas Mess Arthur Abbott Blood Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Higgins Jameson Jones Landers Mewhinney Marshall McClure Murphy McGee Orr, Pennock Purdam Saunders Simmerwell Shores Sparks Tabor Tuton Todd Wade Williams Walker and Zimmerman 38

Nays 0.

So the rules were suspended

On the passage of the bill Yeas and Nays being ordered, resulted Yeas 36 Nays 0

Yeas Mess Arthur Abbott Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hartwell Hutchinson Hornsby Jameson Jones Landers Mewhinney Marshall Murphy McClure McGee, Orr Pennock Purdam Saunders Simmerwell Shores Sparks Tabor Todd Tuton Wade Williams Walker Zimmerman and Speaker. 36.

So the Bill passed

The bill was then read by its title and adopted.

Mr. Tuton Chairman of committee to prepare a memorial to the President of the United States made the following report

See page——[not incorporated in the Journal]

On motion of Mr. McClure, the report was accepted

Mr. Zimmerman presented a report on Ex. Com'e which was withdrawn

On motion of Mr. Frost adjourned until tomorrow morning 9 o'clock.

J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

SATURDAY March 15, 1856

House met pursuant to adjournment the Speaker in the Chair.

Prayer by the Chaplain

Journal of yesterday read amended and approved

Mr. Frost Chairman of committee on printing reported back Senate bill No. 8, as follows.

Your committee to whom was referred Senate bill No. 8, report the same back to the House with sundry ammdments and recommend its passage.

Sec. 1. Strike out the words "one dollar and fifty cents" and insert the words "one dollar" In the 4th line of said Sec. Strike out the words "Two dollars" and insert the words "One dollar and fifty cents

also the addition of a section as follows

Sec. 2. This bill may be repealed by this or any subsequent Legislature

W. R. FROST, *Chairman*

The report was accepted

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have agreed to nonconcur in the House amendments to Senate bill No. 2, regulating the salaries of State officers &c. and ask a committee of conference
Senate Committee

Updegraff
Harding
Adams
A. ALLEN Sec. Senate

March 15th, 1856

Mess Edsall Orr and Todd were appointed as the committee to confer with the Senate committee

On motion of Mr. Beyer the committee were granted leave of absence

On motion of Mr. Stephens the rules were suspended that the bill might be read a third time Yeas and Nays being ordered resulted Yeas 35 Nays 0 as follows

Yeas Mess. Abbott Arthur Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Frost Hartwell Hornsby Jameson Jones Landers Mewhinney Marshall Murphy McGee Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Wade Williams and Zimmerman 35.

On motion of Mr. Brown the House went into committee of the whole to consider the bill Mr. Beyer in the chair

On motion of Mr. Stephens the following amendment was adopted

"This act shall take effect from and after its passage

Mr. Hartwell moved to strike out the amendment, reported by the committee adding the 2d. section carried

On motion of Mr. Williams the committee rose and reported the bill back with amendments

On motion of Mr. Tabor, the House concurred in the amendments

The bill was then read and passed as follows. Yeas 35 Nays 0, as follows

Yeas Mess Arthur Abbott Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Frost, Hartwell Hutchinson Hornsby Jameson Jones Landers Marshall McClure Murphy McGee Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tuton Tabor Toothman Williams Walker Zimmerman 35.

The bill was then read by its title and adopted

Senate bill No. 3. was then taken up, and on motion was laid on the table

Mr. Hutchinson Chairman of committee to prepare a memorial to Congress made a report which on motion of Mr. Tuton was accepted on motion of the same gentleman the rules were suspended to pass the memorial to a second reading Yeas, and Nays on suspending the rules being ordered resulted Yeas 36, Nays 0.

Those voting in the affirmative are Mess Arthur Abbott Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Frost Hartwell Hornsby Jameson, Jones Landers Mewhinney Marshall Murphy McGee Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Wade Williams Zimmerman 35

On motion of Mr. Curtiss House went into committee of the whole to consider the memorial to congress

Mr. Tuton in the Chair

On motion of Mr. Saunders the Committee rose and reported back the memorial without amendments

The following message was received from the Senate and read.

MR. SPEAKER I have the honor to inform you that the Senate have adopted the report of the committee on conference—for codify the laws.

On motion of the report of the committee of the whole was adopted

Mr. McClure offered the following resolution

Resolved By the House the Senate concurring that two copies of the memorial to Congress and the President be prepared, one copy of each to be given to J. H. Lane the other to be forwarded to A. H. Reeder, by the Sec'y of State

Mr. Hornsby moved to amend by adding that 500 copies be ordered for the use of the House and one copy forwarded to each Governor of the several States which amendment was accepted

Mr. moved to further amend by striking out two and inserting 3 and after the name of A. H. Reeder the name of Mark W. Delahay which was accepted and the resolution as amended was adopted

The following message was received from the Senate

MR. SPEAKER I have the honor to inform that the Senate have passed House Bill No. 2. with amendments which they submit to your body for consideration

House Bill No. 2. then came upon its final passage Yeas 22 Nays 13
As follows

Yeas Arthur Beyer Brown Bowen Barry Cannon Cody Dickey Frost Jameson Jones Landers McGee. Pennock, Purdam Reese Simmerwell Shores Stephens Sparks Walker and Zimmerman 22

Nays Mess. Abbott Curtiss Crosby Hartwell Hornsby Mewhinney Marshall McClure Murphy Saunders Tabor Toothman and Williams 13

On motion of Mr. Dickey the vote on House bill No 2 was reconsidered

The question will the House concur in the amendments, of the Senate was then put and decided carried

A division was called for, and the chair decided it carried by a vote of 21 to 16

A MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate has concurred in the third amendment of the House of Representatives to Senate bill no 8. entitled "An act regulating the price of public printing" and that the Senate has concurred in the 1st and 2d amendments in which the concurrence of the House of Representatives is requested

Sec. —1st. Strike out of the House amendment "one dollar" and insert the words "one dollar and twenty five cents"

2d Strike out the words one dollar and fifty cents and insert the words one dollar and seventy five cents in the 2d House amendment

Mr. Pennock Chariman of a special committee on Printing made a report which on motion of Mr. Stephens was accepted, and on motion of same gentleman the rules were suspended to pass the bill to its reading
Yeas and Nays on suspending the rules resulted Yeas 38. Nays 0, as follows

Yeas Mess. Arthur Abbott Beyer Brown Bowen Barry Cannon Crosby Cody Dickey Frost Hartwell Hornsby Jameson Jones Landers Mewhinney Marshall McClure Murphy McGee Orr Pennock, Purdam Reese Saunders

Simmerwell Shores Stephens Sparks Tuton Tabor Toothman Todd Wade Williams Walker and Zimmerman 38.

On its final passage Yeas and Nays being ordered resulted Yeas 38, Nays 0, as follows

Yeas Mess Arthur Abbott Beyer Brown Bowen Barry Curtiss Cannon Cody Dickey Frost Hartwell Hornsby Jameson Jones Landers Mewhinney Marshall McClure Murphy McGee Orr, Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Toothman Tabor Tuton Todd Wade Williams Walker and Zimmerman 38

Nays 0.

The following message was received from the Governor

To the Senate & House of Representatives

GENTLEMEN I have this day approved of and signed House bill No. 1, entitled an act "defining certain duties of the auditor of State

(Signed) C. ROBINSON

EXECUTIVE OFFICE March 15, 1856

Governor State Kansas

On motion of Mr. Frost the House adjourned until 2 o'clock.

2 o'clock P. M.

Met pursuant to adjournment 38 members present Mr. Edsall chairman of committee to confer with a similar committee from the Senate on Senate bill No. 2, entitled an act establishing the Salaries of the State officers and officers of the General Assembly made a report which was accepted on motion of Mr. Saunders

On motion of Mr. Hutchinson the House resolved to non concur in the report and referred back to the same committee with instructions to raise the salary of the Judges of the Supreme Court to 2000\$ each On motion of same gentleman the committee had leave of absence

Mr. Frost Chairman of Committee to investigate the affairs of the Executive Committee presented the following report

On motion of Mr. Simmerwell the report was accepted

The committee to whom was referred the report of the chairman Secretary and treasurer of the Executive Committee the examination of the books papers &c belonging to the office of the same and to confer with the Executive Committee as per your instructions beg leave to submit the following report

We find that a regular concise and creditable record of the meetings of the Committee have been kept by the Secretary of the committee giving the rise cause and progress of the organization from the first movement made by the people of Kansas, copies of all the proclamations issued of the same

The formation of precincts, the canvassing of the territory for the special and several elections. The form of poll books, tally lists instructions to judges of elections apportionment certificates commissions &c &c. are all recorded and reflects great credit both upon the industry and ability of the committee and as a matter of record will be looked to with much interest

The results of the votes for members of the constitutional convention The vote on the adoption of the constitution, The General Banking Law clause and Black law propositions together with the vote for State officers and members of the General Assembly are in the Executive office or laid before the House of Representatives

The correspondence of the Executive Com'e and papers of a miscellaneous nature were made subject to our examination and the papers of the office have all been kept in good order and at all times open to inspection

Upon examination of the records together with what information we could obtain we are led to believe that a certified manuscript copy of the

constitution of Kansas has been but recently forwarded to Congress Any seeming dereliction on the part of the Executive Committee can be readily overlooked by us when we take into consideration the fact of invasion from the border immediately after the adoption of the Constitution and other troubles and business which demanded their attention

Your committee feel proud in reporting that the business of the provisional government so far as we can ascertain has been conducted in a prudent judicious economical and masterly manner Ever step seems to have been guarded Every thing which could be done for the success of the State government even to the most minute detail will bear the scrutiny of the most incredulous and we cannot but be grateful for the efficient and valuable services performed for us by the Executive Committee of Kansas Territory

Under clause of the schedule attached to the Constitution empowering the Executive Committee to issue certificates of indebtedness for the legitimate expenses

Necessary for the formation of the State government to the amount not exceeding \$25,000—

Your committee find that certificates of indebtedness have been issued by the Executive Committee to the amount of \$12,455.80 for which vouchers are on file in the Secretary's office as follows.

For Printing and Stationary to Sundry Persons	3.193.95	
For Pay of members and officers of the Constitution Conv'n	5.070.35	
For expenses of elections For carrying poll books, pay of judges &c	1.468.78	
For office expenses For Executive Committee	324.72	
Amount to members of the Executive Committee as part pay for services viz		
To J. H. Lane	\$200 —	
" J. K. Goodin	\$200 —	
" G. W. Brown	\$50 —	
" C. K. Holliday	100 —	
" G. W. Smith	200 —	\$750 —
For Assistant Secretary to Executive Committee—		
To S. C. Smith	\$28 —	
" E. C. K. Garvey	\$20 —	
Amounts paid to agents to the States		
To J. H. Lane	\$200 —	
" Morris Hunt	\$200 —	
" G. W. Smith	\$200 —	
" S. C. Smith	\$200 —	
" Turner Sampson	\$200 —	
" M. F. Conway	\$200 —	
" J. S. Emery	\$200 —	
" A. H. Mallory	\$200 —	\$1,600 —
		\$12,455.80
Amt issued for which there are no bills on file	\$ 2,600. —	
Showing whole amount of issues agreeable to record	\$15,055.80	
From this amount deduct the amount in the hands of the treasurer not countersigned agreeable to his report	\$ 1,800 —	
Amt of scrip in circulation	13,255.80	

All of which is respectfully submitted

W. R. FROST. *Chm'n*

On motion of Mr. Toothman the report was adopted

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed a concurrent resolution in reference to memorializing Congress and ask your concurrence in the same

Resolved That the House concurring the memorials to Congress and to the President be referred to a select joint committee composed of three

members from each house with power in said joint committee to correct or Change the phraseology to have three written copies of such prepared and one of each forwarded to our Senators and Representatives to Congress, and a printed copy furnished to the Governor of each State signed by the officers of the General Assembly and by the Governor and Secretary of State

A. ALLEN *Chief Clerk Senate*

The message was accepted and motion of Mr. Stephens the Rules were suspended. Yeas and Nays being ordered resulted Yeas 38 Nays 3 as follows:

Yeas Mess Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss Cannon Crosby Cody Dickey Edsall Frost Hutchinson Hornsby Higgins Jameson Jones Landis Mewhinney Marshall McClure Murphy McGee Pennock Purdam Reese Saunders Simmerwell Shores Stephens Sparks Tabor Toothman Todd Williams and Walker 38

Nays Mess Orr, Tuton and Zimmerman 3

On motion of Mr. Hartwell the message was laid upon the table

The following message from the Senate was then read

Senate would not adopt report of committee of conference on Senate Bill No. 2. entitled an act establishing the salaries of State officers &c and appointed another committee of conference and ask the House to appoint a like committee

Senate committee Mess Allen Harding Fuller

Attest A. ALLEN *Secy*

House appointed Mess Hutchinson McClure and Dickey committee on the part of the House to confer with the committee of the Senate

MESSAGE FROM THE GOVERNOR

To the Senate and House of Representatives

GENTLEMEN I have this day approved and signed the following bills Senate Bill No. 4. entitled "an act concerning elections" also Senate bill No. 7. entitled an act defining the duties of State Printer"

EXECUTIVE OFFICE March 15, 1856. C. ROBINSON *Governor &c.*

A motion to take a recess for 15 minutes was lost

Mr. Hartwell moved to reconsider the vote on Senate bill No. 5. "an act for the encouragement of Agriculture—motion lost

On motion of same gentleman a recess of 15 minutes was taken

After recess on motion of Mr. Tuton House bill No. 2. was taken up and on motion of the same gentleman the rules were suspended and the Bill passed to its third reading Yeas and Nays being ordered resulted Yeas 28 Nays 6 as follows

Yeas Mess Abbott Beyer Brown Bowen Barry Cannon Crosby Edsall Frost Hornsby Jameson Jones Landers Mewhinney Murphy McGee Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tuton Tabor Todd Williams Zimmerman 28

Nays Mess. Arthur Blood Cody Orr Toothman and Walker 6

On motion of Mr. Brown the House went into committee of the whole to consider Senate Bill No. 5. Mr. Orr in the Chair

The Committee rose and reported the bill back to the House with one amendment

The Yeas and Nays on its final passage being ordered resulted Yeas 38 Nays 0, as follows

Yeas Mess Arthur Abbott Blood Beyer Brown Bowen Barry Curtiss

Cannon Crosby Cody Dickey Edsall Frost Hartwell Hornsby Jones Landers Mewhinney Marshall McClure Murphy McGee Orr, Pennock Purdam Reese Saunders Simmerwell Shores Sparks Tuton Tabor Toothman Todd Williams Walker and Zimmerman

The bill was then read by its title and adopted

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have concurred in the amendments of the House to Senate bill No. 5. entitled an act for the encouragement of Agriculture in the State of Kansas

March 15. 1856

A. ALLEN *Secy*

Mr. Edsall Chairman of committee of conference reported that they could not act not being instructed

On motion they were discharged

On motion of Mr. Hartwell a committee of 3 was appointed to revise and correct memorial—acting in concert with a similar committee from the Senate

The Chair appointed on said committee Mess Curtiss Hornsby & Hartwell

Leave of absence was granted to the committee

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed the following concurrent resolution and ask the House to consider the same

Resolved the House concurring that the treasurer of the late Executive Committee of Kansas Territory be directed to deliver to the auditor of State the Eighteen Hundred dollars of Scrip in his hands not countersigned and to which reference is made in his report to the Senate and that the auditor be directed to record the fact and destroy the Scrip

March 15. 1856

A. ALLEN *Sec. Sen.*

Resolution concurred in by the House

On motion of Mr. Williams the bill was taken up by Sections

1st Section adopted Yeas 23. Nays 18

Yeas Abbott Blood Beyer Bowen Cannon Cody Dickey Frost Jones Landers Marshall Murphy McGee Purdam Pennock Saunders Simmerwell Sparks Tuton Todd Wade Walker Zimmerman 23.

Nays Arthur Brown Barry Curtiss Crosby Edsall Hartwell Hornsby Hutchinson Jameson McClure Mewhinney Orr Reese Shores Tabor Toothman Williams 18

Committee Mess Hutchinson Curtiss and Brown

Senate Bill No. 8. reported with amendments which were concurred in by the House

Mr. Hutchinson chairman of committee on conference made a report which was accepted and on motion of Mr. Williams adopted

Adjourned until 7 o'clock P. M.

MARCH 15th, 1856 EVENING SESSION

Met pursuant to adjournment On motion of Mr. Frost the House took a recess for one hour

The following resolution was adopted on motion of Mr. Cannon

WHEREAS H. B. Staniford member elect of this House was here on the day of organization of the General Assembly and refused to take the oath

of office Therefore *Resolved* that the seat of said representative be declared vacant

On motion of Mr. Zimmerman a committee of three was appointed to confer with a similar committee from the Senate on the Senate Bill No 2 relating to salaries of State officers

The Chair appointed Mess Zimmerman Jameson and Pennock as said committee

The following messages were received from the Senate

MR. SPEAKER I have the honor to inform you that the Senate have agreed to House amendments to Senate bill No. 8, entitled an act regulating the price of Public Printing

March 15. 1856

Attest A. ALLEN Sec.

MR. SPEAKER I have the honor to inform you that the Senate have adopted the report of conference committee to whom was referred Senate bill No. 2, Relative to salaries of State officers and officers of General Assembly

March 15. 1856

Attest A. ALLEN Sec.

RR. SPEAKER I have the honor to inform you that the Senate have receded from the vote on the report of the conference committee to whom was referred Senate Bill No. 2 Regulating the salaries of the State officers and officers of the General Assembly

Attest A. ALLEN Sec.

Mr. Zimmerman from committee on conference on Senate bill No. 2, made the following report which was adopted on motion of Mr. Abbott

Your Committee appointed to confer with the committee of the Senate in regard to the Salaries of State officers have had the subject under consideration and agree to and submit the following

Sec. 1st. The salary of the Governor shall be Twenty five hundred dollars 2,500—

Sec. 3d. The salary of the Auditor of State shall be fifteen hundred dollars 1,500—

Sec. 2d. The Salary of the Secretary of State shall be fifteen hundred dollars 1,500

Sec. 4. The salary of the Treasurer of State shall be fifteen hundred dollars 1,500—

Sec. 5. The Salary of the Attorney General shall be eight hundred dollars \$800—

Sec. 6. The Salary of the Clerk of the Supreme Court shall be three hundred dollars \$300—

Sec. 7. The salary of the Reporter of the Supreme Court shall be three hundred dollars \$300—

Sec. 24. This bill shall take effect from and after its passage

The committee of conference have agreed to amend the bill by prefixing seven sections and annexing one: all the sections of the bill to be numbered accordingly

E. R. ZIMMERMAN Chairman

Mr. Curtiss moved a reconsideration of the vote adopting the report which was lost

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform you that the Senate have agreed to concur in the report of the conference committee on Senate bill No. 2.

Attest A. ALLEN Sec.

Mr. Tuton offered the following resolution which was adopted

Resolved that the Governor be notified that the House having gone through their business are ready to take recess until he has further business.

The Governor was notified of the passage of the resolution and informed the house that he had further business and the following message was received.

To the Senate and House of Representatives

GENTLEMEN I have this day approved and signed the following bills Senate bill No. 5. entitled an "act for the encouragement of agriculture in the State of Kansas" Senate bill No. 6. entitled "An act regulating the duties of the Governor and other officers of the State" Also Senate bill No. 8. entitled "an act establishing the price of public printing"

EXECUTIVE OFFICE March 15th. 1856 (Signed) C. ROBINSON

Mr. Edsall offered the following resolution which was adopted

Resolved, That the Senate be informed that the house have gone through with all of their business and are ready to take a recess until the 4th day of July next unless the Senate have further business to communicate

The Clerk was instructed to inform the Senate of the passage of the resolution

The Senate informed the House that there was no business to communicate and the

House then took a recess until the 4th Day of July 1856.

J. K. GOODIN *Chf Clk. H. Rep.*

TOPEKA, STATE OF KANSAS

JULY 4. 1856 12 o'clock M.

House of Representatives met pursuant to adjournment

Assistant Clerk Samuel F. Tappan called the house to order Roll called Sergeant at Arms sent for absentees

Roll called

Col. E. V. Sumner U. S. Army having now taken a position upon the platform interrupted the proceedings of the House and said

GENTLEMEN "I am called upon this day to perform the most painful duty of my whole life Under the authority of the President's proclamation I am here to disperse this Legislature and therefore inform you that you cannot meet. I therefore in accordance with my order command you to disperse

God knows I have no party feeling and will hold none so long as I hold my present position in Kansas I have just returned from the borders where I have been sending home companies of Missourians and now I am here to disperse you Such are my orders that you must disperse I now command you to disperse I repeat that this is the most painful duty of my whole life But you must disperse

P. C. Schuyler a spectator asked

"Col. Sumner are we to understand that the Legislature is dispersed at the point of the bayonet?

Col. Sumner replied "I shall use the whole force under my command to carry out my orders"

The House thereupon dispersed

S. F. TAPPAN *Asst Clk*

TOPEKA TUESDAY

JAN 6th. 1857, 12. o'clock. M.

In accordance with the provisions of the Constitution House met.

In the absence of the Speaker the House was called to order by J. K. Goodin Chief Clerk.

Prayer by Rev. Walter Oakley. On motion John Hutchinson was elected Speaker *pro tem* who being duly inducted into office addressed the House in a few appropriate remarks.

On motion of Mr. Abbott, a committee of three was appointed by the chair to examine the credentials of new members. Committee Mess. Abbott, Williams and Dickey

On motion House adjourned until tomorrow at 10. o'clock

J. K. GOODIN *Chf. Clk.*

HOUSE OF REPRESENTATIVES

WEDNESDAY 10, o'clock A. M. Jan. 7th, 1857

House met—Prayer by Rev. Oakley

On motion of Mr. Abbott the calling of the roll was dispensed with—Minutes read and approved—

The Committee on credentials reported "that they had examined the credentials of Mr. Taber [Tator] of 5th district, Abram Cutler, Robert Morrow and Robert McFarland of the first district, J. A. Beam of the Second district and Mr. Gilpatrick of Third district, and from the vote returned declared that they were duly elected as members of this body and entitled to their seats as Representatives in the Legislature of Kansas."

The report of the Committee was received, approved, and the Committee discharged, and the Oath of Office taken by Mess. Cutler, Morrow, McFarland, Beam & Tater

On motion of Mr. Tabor, the House proceeded to the election of a sergeant at arms *pro-tem* Mr. A. W. Mooore being the only person nominated for that office was by acclamation duly elected and qualified.

On motion of Mr. Blood a Committee of three were appointed consisting of Mess. Blood, Dickey and Tabor to prepare and report at an early day a memorial to Congress asking for the admission of Kansas as a State under her Constitution

On motion of Mr. Tabor a committee of three were appointed to prepare an election law for the regulation of the next election for State Officers and Members of the Legislature, The Speaker appointed Mess. Abbott, Landers, & Williams.

On motion of Mr. Williams the House proceeded to the election of a Speaker, Mr. John Hutchinson being the only person nominated was unanimously elected, who having been inducted to his seat, addressed the House in a few pointed and pertinent remarks. On motion of Mr. Abbott, House proceeded to the election of Chief Clerk. J. K. Goodin being the only person nominated was unanimously elected and assumed the duties of his office. The House then proceeded to the election of First Assistant Clerk, whereupon Samuel F. Tappan [was] duly elected. Caleb S. Pratt was elected Enrolling Clerk, A. W. Moore Sergeant at Arms, D. H. Horne Assistant Sergeant at Arms, and O. P. Stone Door Keeper—David Seagraves was elected messenger.

On motion of Mr. Blood House adjourned.

J. K. GOODIN *Chf Clk H. R.*

HOUSE OF REPRESENTATIVES

JAN. 8th 1857 10 O'clock A. M.

The Speaker having been arrested by Deputy Marshall Pardee House was called to order by First Assistant Clerk S. F. Tappan—Prayer by Rev. Oakley. Mr. Robert Morrow on motion of Mr. Walker was unanimously elected Speaker *pro-tem*. On motion the Two Houses resolved themselves into joint session to receive the report of the Committee on Memorial. Mr. Blood Chairman of said Committee then presented the following report which was adopted, and on motion of Mr. Williams, it was resolved, that the report be signed by the Officers of the two houses and then returned to the Committee to be forwarded to Congress now in session

"To the Honorable the Senate and House of Representatives of the United States:"

"Your memorialists members of the Legislature of Kansas under the Topeka Constitution, at their annual convocation, respectfully submit to your Honorable Body the grievances of our constituents for which we ask redress.

"You cannot be insensible to the fact that the position which the people of Kansas are compelled to occupy before the World, is one of strange and singular character. The organic act by which this Territory was open to settlement, without distinction of party, gave promises of protection to all who might avail themselves of its provisions, confidently relying on the ability and integrity of the Government to maintain in good faith the spirit and substance of the Law, the people of Kansas, becoming the actual settlers of the soil, and in that capacity have prepared for themselves a State Government, by framing a Constitution, and electing Representatives to provide for their interests by Legislation.

"The causes which impelled the people to resort to this organization were simple and obvious to every attentive observer of our History as a political community. In the outset, we were without local laws to regulate our internal affairs. The power to accomplish this indispensable duty, was, it is conceded, conferred upon the people, by the terms of the organic act. The attempt to exercise it in the first instance proved abortive; resulting as it did in a wholesale and monstrous usurpation of power by a horde of unscrupulous partizans—strangers to our soil—in the prostration of the People, who were first defrauded, and afterwards disfranchised of their political privileges under enactments which have no one element of law in their structure, and no single pretence of justice in the results sought to be accomplished.

"To remedy and repair this disgraceful and unhappy state of public affairs, the people were forced to seek some organization whereby to conserve and keep alive the germ of their constitutional freedom. In this spirit the scheme of a State Organization was submitted to the consideration of the Territory. Ample, and abundant time for reason and reflection—comporting with the dignity and importance of the step was offered. The principles by which the soundness of this scheme was to be tested, were carefully analyzed and examined in primary meetings & delegate Conventions irrespective of party until the subject seemed fully exhausted. The result is before the country in the Constitution for a State framed at Topeka by the people chosen for that purpose. That instrument was subsequently submitted for popular approval or rejection, and was adopted with singular unanimity considering the important character of the topics involved, some of which had been the subject matter of long and acrimonious controversy

"The fate of this experiment has been watched with unspeakable solicitude by those who conceived their interests as a people to be indissolubly connected with the final establishment of its supremacy in the State. From day to day, the evidences of a growing popularity extended the movement, which have been multiplied around us on every hand.

A singular controversy has prevailed in Congress, as well as in the political world at large, relative to the merits of this movement, and the motives

which Originated it. Those who act with the party now administering the Government have professed to discover *treason* lurking in its secret folds. The fires of vituperation have been kindled, and the purity and purpose of the people have been vehemently and continually assailed.

"It is respectfully suggested, that it would be much more honorable, and to the point, to indicate some material political untruth in the theory upon which we rely to sustain our practical efforts in this organization. It is difficult if not impossible to see how hostility to the Constitution of the United States, can be justly ascribed to those who can fully conserve the principles which under lie that instrument, by studiously searching for, and scrupulously observing the will of the people legitimately declared.

"To this extent and no more, are we guilty of any infraction of Republican principles. We have steadily disclaimed and now reiterate the disclaimer, that any disloyalty toward the regularly constituted authorities of the General Government was purposed, or practiced. On the other hand, no positive or affirmative power whatever, has been exercised. Our actions have been made to conform to the theory, that the General Government alone, could infuse vitality into the forms simply prepared before hand to receive it, and direct it at once to the relief of our oppressed and outraged people.

"Fully preserving this idea, and intending to solicit at every opportunity the attention of Congress to our grievances as a people, respectfully indicating at the same time the State Organization as the remedy we deem best adapted to our political exegencies, we pray now, as ever hitherto done, that this work of a free spirited and intelligent people, may by your sanction and approval, be made operative and efficient to the great end for which it was prepared.

"Thus we ask for the protection of your Honorable body, whose province and whose constitutional duty it is to afford it. As faithful and obedient citizens, we are entitled to this inalienable right—we are entitled to it by all the glorious events of our history as a nation in whose fame, we in common with the whole American People feel a just pride; and we most respectfully submit whether our humble and repeated petitions for redress are to be answered only with contempt. May not the noble example of those who in the earliest days of the Republic struggled for Constitutional Freedom, suggest a course, which it will be our right and our duty to adopt? And your memorialists will ever pray"

Signed

J. BLOOD
M. C. DICKEY
H. W. TABOR"

On motion of Mr. Pillsbury, the convention adjourned *Sine-die*.

House came to order and it having been ascertained that a quorum was not present on account of the recent arrest of its members by the United States Deputy Marshall, Mr. Blood offered the following concurrent resolution which was adopted.

Resolved: That the General Assembly —The Senate concurring do now take a recess until the Second Tuesday of June next, at 12. O'clock, M.

On motion the rules were suspended and the resolution went through a second and third reading and was passed

House took a recess until 2nd Tuesday in June, A. D. 1857. 12 o'clock M.

Signed SAM'L F. TAPPAN *1st Ass't Clerk*

HOUSE OF REPRESENTATIVES

TOPEKA, K. T. 12 o'clock M. June 9, 1857

House met pursuant to adjournment

Prayer by Rev. Mr. Foster

Records of previous meeting read and approved

On motion of Mr. Williams the Chair appointed Mess Dickey Walker

and Williams a committee to examine and report on the Credentials of members.

On motion of Mr. Jameson House adjourned till Wednesday 9 o'clock A. M.
J. K. GOODIN *Ch'f Clk H. Rep*

HOUSE OF REPRESENTATIVES

WEDNESDAY June 10th 1857 9 o'clock A. M.

House met pursuant to adjournment Speaker in the Chair

Prayer by Rev. Dennis

Roll called Minutes Read and approved

On motion Charles Lenhalt was elected Sergeant at Arms pro tem

On motion of Mr. Frost committee on credentials made the following report

Your committee on credentials report that they have examined the certificates of election of

A. Wattles	} of 5th district
W. F. M. Arney	
Dr. Blunt	
Henry McKee	
and Henry Harvey	} of 6th district
William K. Beach	
Charles F. Lenhart	
and L. F. Carver	} of 4th district

and find them correct and recommend them to seats in this House
M. DICKEY *Chairman*

Report of the Committee was received and adopted

Mess Arney Leonhart Foster Harvey Beach & Carver being present the oath of office was administered and they entered upon the discharge of the duties of their office

On motion of Mr. Frost House took a recess until 3 o'clock P. M.

3 O'clock P. M.

House met—Roll called. On motion of Mr. Dickey House took a recess until 8 O'clock P. M. this evening

J. K. GOODIN *Chf Clk H. Rep.*

8, O'clk Evening Session

House met, and on motion adjourned until to-morrow morning 9 O'clock
J. K. GOODIN *Ch'f Cl'k H. Rep.*

HOUSE OF REPRESENTATIVES

THURSDAY June 11. 1857

House met Speaker in the Chair Prayer by Rev. Foster Roll called minutes read and approved The Chairman of committee on Credentials reported that they had examined the credentials of O. H. Drinkwater A. R. Button C. W. Giddings of the 8th district and Wm. E. Bowker of the 9th district and finding them correct recommend them to seats in this body Mess Bowker Giddings Button Drinkwater took the oath of office and entered upon the discharge of their duties

It being announced by the Chair that no quorum was present On motion the House took a recess until 1½ o'clock P. M.

1 ½ o'clock P. M.

House met Roll called Mr. Walker moved a recess until 4 o'clock P. M.
motion lost

Mr. Abbott offered the following resolutions

Resolved J. M. Tuton 2d Thomas Minard Mr. Mudeater Mr. Gosling
12th G. W. Stephens 11th Thomas Platt 7th B. R. Martin B. H.
Brock Wm. Bayless Sam'l Baldwin & Isaac Hamby of the 10th having
failed to be present at the two last sessions of this Legislature We therefore
declare their seats vacant. carried

Also the following

Resolved that the Speaker appoint a committee of two members to
inform the Senate that the House is now fully organized and prepared to
proceed to business carried

Resolved The Senate concurring that the Speaker appoint a committee
of two members to meet a similar committee of the Senate and to inform
the Governor that both houses are fully organized and ready to receive
any communication that he may see proper to make carried—

Message from the Senate

MR. SPEAKER I have the honor to inform that the Senate is organized
and ready for business under a resolution herewith appended

Resolved that the Secretary of the Senate inform the House of Rep.
that the Senate is fully organized & ready for business

Chair appointed Mess Cutler & Foster of Mapleton On motion of Mr.
Blood adjourned until 8 o'clock P. M.

8 o'clock P. M.

On motion of Mr. Blood

Resolved the Senate concurring a committee of three be appointed to
prepare a memorial to Congress asking for admission into the union as a
state

Committee Blood Foster of Mapleton McClure

MESSAGE FROM THE SENATE

Resolved by the Senate & the House of Representatives That a committee
of two be appointed to act in conjunction with a similar committee ap-
pointed by the House of Representatives to wait upon the Governor and
inform him that the Senate and House of Representatives are organized
& ready to receive any communications he may see proper to make

Resolution concurred in

MESSAGE FROM THE GOVERNOR

On motion of Mr. Blood 5000 copies were ordered to be printed for use
of the House in the English language and on motion of Mr. — it was
ordered that 1000 copies be printed in the German language

On motion adjourned till 9 o'clock Friday morning

HOUSE OF REPRESENTATIVES

JUNE 12th. 1857

House met prayer by Rev. Foster Roll called Minutes read and
approved The Speaker reported the following as additional members of
the Standing Committee

Com on Education	Leonhart Arney Carver
“ “ Corporation	Morrow Tator
“ “ Elections	{ Foster of Ossawatamie { Foster of Mapleton & Carver
“ “ Ways and means	Tator Beach Cutler
“ “ Judiciary	Foster of Ossawatamie Blunt & Tator
“ “ Agriculture	Arney & Bowker
“ “ County Lines	Walker & Abbott
“ “ Public Roads	Giddings Harvey & Cutler
“ “ Vice and Immorality	Foster of Mapleton & Beam
“ “ Internal Improvements	McFarland Drinkwater Button

Mr. Arney presented the following memorial from the Mayor of Hyatt which was referred with a bill for the incorporation of Hyatt to the Committee on Corporations

MEMORIAL

To the Senate and House of Representatives of the State of Kansas in Legislature assembled In behalf of the citizens of the town of Hyatt I beg leave most respectfully to present the following resolution which was unanimously adopted by our citizens at their town meeting held on the 2d day of May last

Resolved that the mayor be and is hereby authorized to apply to the State Legislature of Kansas at its next session asking for an act of incorporation for our town in accordance with articles of fraternization

In compliance with this Resolution I would humbly pray your honorable body to grant to the town of Hyatt an act of incorporation in accordance with the bill for an act for the incorporation of the Town of Hyatt which is herewith submitted and your petitioners as in duty bound will ever pray

W. F. M. ARNEY

Mayor of the Town of Hyatt Kansas

Mr Leonhart presented the following memorial which was referred to the Committee on corporations

To the Honorable members of the Legislature of the State of Kansas

We the undersigned citizens of the Town of Emporia State of Kansas do hereby petition your honourable body to grant to the said Town of Emporia a municipal charter providing for the election of officers and the full and complete organization of the aforesaid Town for all necessary purposes of local government in terms and forms corresponding to the charter which may be granted to the town of Hyatt in said State of Kansas

(Signed)

D. A. PAINTER

N. E. COPLEY

P. B. PLUMB

J. STILLER

C. CLAMSON

W. H. KENDALL

W. C. LARRABEE

And S. FRAZIER

CHARLES O. W. LEONHARDT

RICHARD J. HINTON

On motion of Mr. Foster of Ossawatamie James Bunker and George H. McIntire were elected messengers to the House

Mr. Blood presented a bill providing for taking the census of the State of Kansas

On motion of Mr. Morrow

The rules were suspended and the bill was read a second time by the title and referred to a special committee of 5 viz. Morrow McClure Foster of Ossawatamie Sparks and Cutler

Mr Carver offered the following resolution

Resolved that the Sergeant at Arms is directed to number the seats and place the numbers on each seat in order that members may select seats in such manner as the House shall direct carried

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed the following joint resolution

Resolution—Resolved by the Senate and House of Representatives that the bill providing for a general election law be referred to a joint committee of three from each House J. F. Cummings Sec. Sen.

On motion of Mr. Blood the resolution was concurred in

The Chair appointed Mess Abbott Foster Saunders said committee

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have passed the following concurrent resolution

Resolved by the Senate the House of Representatives concurring that this General Assembly adjourn on Saturday the 13th inst

On motion of Mr. Morrow voted that the concurrent resolution be laid on the table until tomorrow morning at 9 o'clock

On motion of Mr. Foster the rules were suspended and Mr. Blood was allowed to present a bill "An act to define the boundary lines of counties. on motion the rules were suspended and the bill passed its first reading and on motion was referred to the committee on New Counties and County lines

On motion of Mr. Blood House adjourned till 8 o'clock P. M.

Chairman of Committee on Education reported a bill entitled "an act for an educational system for the State of Kansas" Bill read first time

On motion of Mr. Blood the rules were suspended and the census bill was taken up and read a 3d time and passed

The title to the bill was adopted as read

On leave Mr. Blood introduced a bill entitled an act for the incorporation of towns Read a first time The rules being suspended the bill then passed to its second & third reading & was passed Yeas 21 Nays 5

Yeas. Arney Abbott Bowker Beam Beach Cutler Carver Dickey Foster of Mapleton Foster of Ossawatamie Gilpatrick Giddings Harvey Jamison Leonhardt Morrow McFarland Tabor Tator Todd Williams

Nays Blood Frost Orr Sparks Walker

The bill was then read by its title and adopted

On leave Mr. Arney presented a bill for the incorporation of the State Agricultural Society of Kansas Bill was read a first time Rules Being suspended bill passed to its second reading

On motion of Mr. Blood House adjourned until tomorrow morning at 8 o'clock

HOUSE OF REPRESENTATIVES

JUNE 13. 1857 8 o'clock A. M.

House met. Speaker in the Chair

Prayer by Rev. Foster

Minutes read and approved

Committee on new Counties and County lines reported back bill on new Counties & County lines with amendments by Mr. Walker Chairman

On motion of Mr. Tabor the bill as amended was passed to a second reading

On motion of Mr. Blood the bill was reported back to the same committee

Mr Dickey chairman of committee on Credentials reported that Mr. Phillips from the first district was entitled to a seat in this house

Report adopted

Mr. Phillips came forward and took the oath of office

Mr. Walker from committee on New Counties and County lines reported a bill a substitute for the bill for establishing County lines

Bill read, first time

On motion the rules were suspended and the bill was read a second time by its title

On motion of Mr. Blood it was voted to amend the bill by inserting 6th in place of 1st where it occurs before the meridian line

The word suhwano was amended by striking the letter h in the first syllable

On motion the bill was further amended by adding "this act shall take effect from and after its passage"

On motion the rules were suspended and the bill was read a third time by its title

On motion of Mr. Phillips the bill was amended by inserting as a preamble "Whereas the taking of the census requires the immediate use of this bill therefore it shall take effect from and after its passage" bill put upon its final passage and passed The title as read was adopted

Mr. Foster, Chairman of Committee on Election reported a bill entitled "An act regulating Elections"

Mr. Saunders presented a bill providing for the incorporation of towns

Rules suspended and the bill in relation to regulating election was read a first time by its title

On motion the rules were suspended and the bill relating to regulating elections was read a second time by its title

On motion the rules were suspended and the bill was read a third time Mr Phillips offered the following amendment to the bill

"Preamble Whereas the early date of the first election requires the immediate use of this bill therefore it shall take effect from and after its passage

On motion of Mr. Cutler the rules were suspended Yeas 26 Nays 1

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Gilpatrick Giddings Harvey Jameson Morrow McFarland McClure Orr Saunders Sparks Tabor Tator Walker Williams Phillips

Nays Frost

On motion the bill passed Yeas 30, Nays 0

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jameson Leonhardt Morrow McFarland McClure Orr Phillips Saunders Sparks Tabor Tator Walker & Williams

On motion of Mr. Cutler the rules were suspended Yeas 25 Nays 4

Yeas Arney Abbott Blood Bowker Button Beach Cutler Carver Dickey

Drinkwater, Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jameson Leonhardt Morrow McFarland Saunders Tabor Tator Walker Williams

Nays Beam McClure Orr Sparks and the bill was read a first time by its title on motion of Mr. Cutler

On motion of Mr. Foster of Ossawatamie the rules were suspended Yeas 27, Nays 3.

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jameson Leonhardt Morrow McFarland Saunders Tabor Tator Walker Williams Phillips

Nays, McClure Orr Sparks—on motion of Mr. Abbott and the bill was read a second time by its title

On motion of Mr. Cutler the rules were suspended Yeas 27 Nays 3

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jameison Leonhardt Morrow McFarland Phillips Saunders Tabor Tator Walker Williams

Nays McClure Orr Sparks

and the bill was read a third time and passed Yeas 26, Nays 3.

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Gilpatrick Giddings Harvey Jamison Leonhardt Morrow McFarland Phillips Saunders Tabor Tator Walker Williams

Nays McClure Orr, Sparks

The title to the bill as read was adopted

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform you that the Senate have concurred in the passage of House bill No. 1, entitled an act for taking the census and to provide for the apportionment of Representatives of the State of Kansas

signed ASAPH ALLEN *Sec. Senate.*

On motion the rules were suspended to allow bill in relation to County organization to be read a first time Yeas 28 Nays 0

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Gilpatrick Giddings Harvey Jameson Leonhardt Morrow McFarland Orr, Phillips Saunders Sparks Tabor Tator Walker Williams

Yeas 28 Nays 0.

On motion the House took a recess until 2 o'clock P. M.

2 o'clock P. M.

The bill in relation to County organization was read a first time

On motion the rules were suspended Yeas 25 Nays 1.

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jameson Leonhardt McFarland Saunders Tabor Tator Walker

Nays McClure and the bill was read a second time

On motion the rules were suspended that the bill might be read a third time Yeas 25 Nays 1.

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jamison Leonhardt Morrow McFarland McClure Orr Phillips Saunders Sparks Tator Todd Williams Nays McClure, and the bill was read a third time and passed Yeas 28, Nays 0

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr Phillips Sparks Tabor Tator Walker Williams

On motion it was voted that the bill be known by its title as read.

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate has passed the following Joint Resolution relative to memorializing Congress for admission into the union as a State

Resolved By the Legislative Assembly of the State of Kansas That It shall be the duty of the persons appointed to take the census of the people of Kansas to present at the same time a memorial to congress for the signatures of the legal voters asking for the immediate admission of Kansas into the union as a State and that said memorial with the signatures attached be returned with the census list to the Governor

ASAPH ALLEN *Sec. Senate.*

On motion the House voted to concur in the resolution of the Senate. Yeas 25 Nays 2.

MESSAGE FROM THE SENATE

MR. SPEAKER, I have the honor to inform that a bill entitled "An act for the location of the seat of Government for the State of Kansas has passed the Senate and they would respectfully ask a concurrence of the House therein

ASAPH ALLEN *Sec. Senate*

On motion the rules were suspended in order that the bill in relation to location of Capitol might be read a first time, Yeas 24, Nays 4

Yeas Arney Abbott Bowker Button Beam Beach Carver Dickey Drinkwater Foster of Mapleton Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr, Phillips Saunders Sparks Tabor Walker Williams Nays Blood Cutler, Foster of Ossawatamie Tator

On motion the rules were suspended Yeas 28 Nays 0

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr, Phillips Saunders Sparks Tabor, Tator Walker Williams

On motion the rules were suspended to allow the bill to be read a third time

The bill was amended by inserting the word "act" in the title and striking out the word "bill" and on motion the bill was read a third time and passed Yeas 26 Nays 2.

Yeas Arney Abbott Blood Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr, Phillips Saunders Sparks Tabor, Tator, Walker 26 Nays, Foster of Ossawatamie Williams

voted that the bill be known by its title as read A bill providing for an

act for the establishment of a State university was read the first time moved that the rules be suspended to allow the reading of a bill establishing the State University a second time, motion lost. Yeas 15 Nays 13

Yeas Abbott Blood Button Beam Beach Cutler Dickey Foster of Mapleton Frost Giddings Jamison McFarland Phillips Saunders Tator

Nays Arney Bowker Carver Drinkwater Gilpatrick Harvey Leonhardt McClure Orr, Sparks Tabor Walker Williams

On motion of Mr. Carver the bill in relation to the establishment of a State agricultural society was read a second time

On motion of Mr. Foster it was voted that the further consideration of the bill be indefinitely postponed

Roll called and Sergeant at Arms sent for absentees

On motion of Mr. Walker the vote refusing to suspend the rules in order to pass the bill in relation to a State University to a second reading was reconsidered and the rules were suspended Yeas 27, Nays 2

Yeas Arney Abbott Blood Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr Phillips Saunders Sparks Tabor Tator Walker Williams

Nays Bowker McClure and bill was read a 2d time

Mr Phillips moved an amendment to the bill that the names of W. F. M. Arney W. Y. Roberts S. L. Adair & C. F. W. Leonhardt be added to the number of trustees motion carried

Mr. McClure moved to amend by inserting the word "Manhattan" instead of "Lawrence" motion lost

Mr. Williams moved to amend by inserting the word "Centropolis" in place of "Lawrence" motion lost

And bill was read a third time and passed Yeas 26, Nays 3

Yeas Arney Abbott Bowker Button Beam Beach Cutler Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Frost Gilpatrick Giddings Harvey Jamison Leonhardt McFarland Orr Phillips Saunders Sparks Tabor Tator Walker

Nays Blood McClure Williams

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform the House of representatives that the Senate have had under consideration House bill No. 4, entitled an act to regulate general elections and have passed the same with amendments which they respectfully ask the house of Representatives to concur with
(signed) ASAPH ALLEN *Sec Senate*

Mr. Foster moved to amend the bill as amended by the Senate by adding the words "this act shall take effect from and after its passage" motion carried

MESSAGE FROM THE SENATE

MR. SPEAKER. I have the honor to inform that the Senate has concurred in House amendment to "Senate Bill" No. 1.
signed A. ALLEN *Sec. Senate*

Mr. Foster moved to amend bill to regulate general elections by adding the words "and annually thereafter" motion carried.

Mr. Carver moved to amend same bill was amended by striking out fourth section motion carried

Mr Phillips moved to amend by inserting the following "Sec 4 That the provisions of this act shall apply to any special election which may be called by proclamation of the Governor," motion carried

On motion the bill as amended was passed.

On motion of Mr. McClure the title to the bill was amended by striking out the words "Elections for the year 1857 and inserting "Elections for the State of Kansas" and the title as amended was adopted

A motion to suspend the rules to pass the bill relating to education to a third reading was lost and on motion the bill was referred to the next legislature

Mr. Blood moved that a committee of three be appointed to investigate the claims of W. F. M. Arney to a seat in this House,—motion withdrawn

On motion of Mr. Dickey House adjourned until 8 o'clock P. M.

SATURDAY EVENING SESSION

House came to order at 8 o'clock P. M.—roll called

On motion of Mr. Foster of Mapleton a committee of three was appointed to compare bills

Committee Mess. Foster of Mapleton Dickey Tator

The following resolution was offered

Resolved the Senate concurring that the House will adjourn at 11 o'clock P. M. of Saturday the 13th. inst.

The resolution was laid on the table

Mr. Foster of Ossawatomie moved that the words sine die be added motion lost

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate have concurred in House amendments to House bill No. 4.

Also that the Senate have passed House bill No. 7 with amendments and respectfully ask the concurrence of the House to the same

Signed ASAPH ALLEN *Sec. Senate*

Amendments to House bill No. 7 in the Senate 1st, Strike out in the first section "W. F. M. Arney" 2nd, add in the first section Robert McBratney Geo. S Hillyer James F. Forman J. K. Judson S. M. Irvin Benjamin Harding Edmund Fish

The Senate amendment No 2 was concurred in amendment No. 1. was nonconcurred in

Yeas & Nays on noncurrence being ordered resulted Yeas 15 Nays 12

Yeas Bowker Button Beam Carver Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Giddings Harvey Leonhardt McFarland Phillips Tabor & Williams

Nays Abbott Blood Beach Cutler Frost Jamison McClure Orr Saunders Sparks Tator Walker

Mr Walker offered the following resolution

Resolved the senate concurring that the General Assembly adjourn sine die at 12 o'clock P. M. the 13th inst

Mr. Blood moved to amend by striking "12 o'clock P. M. the 13th inst'" and inserting "12 M last Saturday in June"

On motion the Resolution and amendment were laid upon the table

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the following bill supplementary to the census bill has passed the Senate & respectfully ask your concurrence in the same

On motion to suspend the rules for the 2d reading of the bill supplementary to the census act, Yeas and Nays being ordered resulted Yeas 25, Nays 0.

Yeas Arney Abbott Blood Bowker Button Beam Beach Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Giddings Harvey Jamison Leonhardt McFarland McClure Orr Saunders Sparks Phillips Tabor Tator Walker Williams and the bill was read a second time

On motion to suspend the rules for a third reading Yeas and Nays being ordered resulted as follows Yeas 25 Nays 0.

Yeas Arney Abbott Blood Bowker Button Beam Beach Dickey Drinkwater Foster of Mapleton Foster of Ossawatamie Giddings Harvey Jamison Lionhart McFarland McClure Orr Phillips Saunders Sparks Tabor Tator Walker Williams

On motion the house took a recess for 20 minutes

Committee appointed to compare Bills reported by their Chairman Mr Foster of Mapleton

Mr. Abbott offered the following resolution

Resolved that the Auditor be and is hereby authorized to issue Scrip to the members of this assembly and officers of State for the amount due them for their services according to law Resolution not acted upon

MESSAGE FROM THE SENATE

MR. SPEAKER I have the honor to inform that the Senate has passed the following concurrent resolution respectfully asking the concurrence of the House of Representatives to the same

Resolved the House of Representatives concurring that the General Assembly do adjourn sine die at 11½ o'clock P. M.

A. ALLEN *Sec Senate*

Mr. Blood moved to amend by inserting at 12 M. in the first Monday in July next motion carried

On motion of Mr. Cutler the vote was reconsidered and the House concurred in the Resolution of the Senate to adjourn at 11½ o'clock P. M.

MESSAGE FROM THE SENATE

MR. SPEAKER I am directed to inform the House of Representatives that the Senate have not concurred in House amendment on Resolution relative to adjournment

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE

TOPEKA June 13, 1857

To the Senate and House of Representatives State of Kansas

GENTLEMEN I have this day signed an "act providing for the annual election for the year 1857 and annually thereafter"

signed. C. ROBINSON

On motion of Mr. Walker a "vote of thanks for the able and impartial and dignified manner in which he has performed the duties of his office" was given to the Speaker

Mr McClure offered the following resolution which was adopted

Resolved that the thanks of this house be tendered to the Chief Clerk and assistants for the prompt and efficient manner in which they have performed their arduous duties

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE
TOPEKA, June 13, 1857

To Senate and House of Representatives of State of Kansas

I have this day approved the following acts viz:—

An act for the location of the seat of Government for the State of Kansas

An act for taking the census and to provide for the apportionment of Representatives of the State of Kansas

An act entitled A supplement to an act entitled an act for taking the census and to provide for the apportionment of Representatives of the State of Kansas

Also a joint resolution relative to memorial to congress An act to establish the State University

signed C. ROBINSON

House adjourned Sine die

SOME NOTES ON THE TERRITORIAL HISTORY OF KANSAS.

Written for the Kansas Historical Society by FRANKLIN B. SANBORN, of Concord, Mass.

KANSAS IN 1856.

AMONG old papers I have lately found some that throw light on the interest taken by the late Col. Thomas Wentworth Higginson in the troubled affairs of Kansas in September, 1856, when he was leading a party of emigrants through Iowa to Topeka, and was corresponding for the *Tribune* of New York—letters that afterward were issued in his pamphlet “A Ride Through Kansas.” While on this expedition I was in frequent correspondence with Horace White, then Clerk of the National Kansas Committee, at Chicago, and received from him the following letter of September 26, 1856:

“I take the liberty of sending you some intelligence of Mr. Higginson. At our latest date he was expecting to camp on the Little Nemaha on the eve of Wednesday, the 17th. A messenger arrived from Lawrence reports the road open, and Lane coming up from Kansas with an escort of 100 men—whether to escort Higginson or to avoid arrest we are not informed. The border ruffians will have it that Geary was after him, though we know better. If Mr. Geary don't want to give his crony Buchanan a finishing stroke in Pennsylvania and Indiana he had better correct that news pretty soon. We shall not incur large expense in doing it for him. Things are looking finely for us now. Mr. Higginson had some 250 men in his party, and a large quantity of arms and ammunition. His conduct thus far has been above praise; the committee are more than gratified with it. We address him at Nebraska City: may hear from him by special messengers in a few days.”

At the date of this letter, Higginson, with James Redpath and 135 emigrants, reached Topeka, Gen. Lane having met him at Nebraska City and passed on eastward, to make speeches for Fremont in the presidential campaign then going forward. Higginson heard him at Nebraska City, and was struck with his eloquence. Letters from me and other Kansas committee-men reached Higginson at Nebraska City, where he remained a day or two,

and took Lane out to see his emigrants encamped near by. The party were not intercepted; but at Lawrence, a week later, Higginson met a party of a hundred dragoons of the United States army, that had been under orders to intercept him, but had somehow missed him. A letter from Governor Geary, dated Sept. 19, has recently come into the hands of Charles E. Goodspeed, an autograph collector, which throws light on the motives and acts of Geary at this time. It was addressed to Col. Persifor F. Smith, commanding dragoons in Kansas, and informs him of the pacification of Lawrence, Topeka and other free-state towns, and the retreat of the Missouri invaders. He congratulates Colonel Smith on this result, and says it secures the election of Buchanan at the coming November vote for President; then, Geary adds, "You ought to be made a brigadier general, and I shall do what I can to promote this." He says he is watching for Lane's entry from Nebraska with an army of emigrants, and by the aid of treachery among Lane's party Geary hopes to entrap him. At this date Lane was at Nebraska City meeting Higginson, who was one of the leaders of the "army." Lane had no thought of returning to Kansas at this time, but was on his way east, to speak in New York and Boston for the election of Fremont. Geary was either deceived or was trying to please both sides, for he was organizing free-state men under Samuel Walker as marshal, and plainly favoring the free-state cause, which he saw was that of the majority of the settlers. He writes to Colonel Smith suggesting what he was about recommending to President Pierce—the removal of the ultra-southern officers for the sale of land in the Territory, and the appointment of better men; for he says the sale of lands to actual settlers should be in all ways promoted. The letter is a singular evidence of the vanity of Geary, who was then losing the confidence of the President and Jefferson Davis by the very course which was helping to carry Pennsylvania for Buchanan—an honest repression of the border ruffian outrages. When I saw him in Philadelphia in March, 1857, after his removal and Buchanan's inauguration, he was bitter in his denunciation of Pierce and Davis, and plainly disappointed in Buchanan. Higginson, being then a clergyman, preached at Lawrence early in October, and on the 4th wrote to the *Tribune* a letter from that town, giving what he heard and saw there concerning the attack on Lawrence three weeks earlier, of which such conflicting accounts have been given. This attack was threatened on Saturday the 13th of September, but actually was made on Sunday the 14th. Higginson wrote from Lawrence:

" The army which approached it [the town] consisted of 2800 by the estimate here—3000 by Gov. Geary's estimate, and 3200 by the statement of *The Missouri Republican*, in a singular article, which described the capture of the town, although it never happened. This force was in sight the greater part of the day, and though Governor Geary's aid was invoked, it was known that it could not arrive till evening; thus allowing time for the destruction of everything.

"Against this force, the number at first counted upon was one hundred; that being the supposed number of fighting men left after the arrest of the hundred about whom I wrote you, as prisoners. To the surprise of all, however, more than two hundred rallied to the fort. The lame came on crutches, and the sick in blankets.

"Two hundred men against fourteen times their number: And the fort a mere earthen redoubt, of no pretensions—for the only fort worth the name is on the hill above the town, and was at this time useless. And yet (here comes the point) I was assured by Gov. Robinson and a dozen others, that

among this devoted handful the highest spirits prevailed; they were laughing and joking as usual, and only intent on selling their lives as dearly as possible.

"They had no regular commander, any more than they had at Bunker Hill; but the famous 'Old Captain Brown' moved about among them, saying, 'Fire low, boys; be sure to bring down your eye to the hinder sight of your rifle, and aim at the feet rather than at the head.'

"A few women were in the fort that day—all who could be armed. Others spent the whole Sunday making cartridges. I asked one of these how she felt. 'Well, I can't remember that I felt any way different from usual,' answered the quiet housekeeper, after due reflection. So they all say. One young girl sat at her door, reading, a mile or so from the scene of action. 'Once in a while I looked up,' she said, 'when there was a louder shot than usual.'

"The chief fighting was among skirmishers, and there was no actual attack on the fort. . . . I only mention the affair to show the spirit of buoyant courage which almost universally prevails. It must be remembered, also, that even now these people are poorly armed, and still worse off for ammunition. On this occasion they had but a few rounds apiece.

"Persons at the North who grudge their small subscriptions to Kansas, should remember that a few dollars may sometimes save a thousand. Osawatomie was sacrificed, after one of the most heroic defences in history, for want of ammunition. Brown and twenty-seven others resisted two hundred, killing thirty three and wounding forty-nine (eighty-two in all, by the Pro-Slavery statement), and then retreated through these, with the loss of but one man, shot as he was swimming the [Pottawatomie] creek. A hundred dollars' worth of ammunition would have prevented, on that occasion, the destruction of \$60,000 worth of property."

These particulars, whether exact or not, were such as Higginson, with the best opportunities, could gather within a few weeks of the events related. He left Kansas October 9, by the Missouri river, and so did not see Brown himself, who was then leaving the territory by the northern overland route, reaching Tabor in Iowa the same day that Higginson embarked on the river steamer. They met for the first time, at my invitation, in Boston the next January. Their last meeting was here in Boston, late in May, 1859.

THE KANSAS TERRITORIAL ELECTION OF OCTOBER, 1857.

(From unpublished letters of T. J. MARSH and others.)

In May, 1908, while presenting facts in the early history of Kansas, I cited to the Massachusetts Historical Society the account given by Hon. Henry Wilson, afterwards Vice President of the United States, of his share in the successful organization of voters in Kansas for the important election of October 5-6, 1857. After mentioning that he visited Kansas in May, 1857, on the Missouri river steamer which carried the new territorial governor, R. J. Walker, to LeCompton, Mr. Wilson detailed the steps which he took in Boston and New York to raise money for the organization of Kansas voters—resulting in pledges of more than \$3000—and added: "Thomas J. Marsh, a gentleman of integrity and organizing ability, was selected as agent, and he left for Kansas, 2nd of July, where he remained till after the October election."

In the year 1912 the confidential letters of Mr. Marsh to my friend George Luther Stearns, of Medford, came within my reach; and as they describe exactly what he did and what was done by others in the three months he was engaged in this political business, I have thought it worth while to let the story be told more fully than has yet been done, including the singular conversion of this Governor Walker from his first position on the proslavery

side to his later free-state attitude, which led to his removal from the office to which President Buchanan had appointed him.

Mr. Marsh, arriving at Lawrence about the middle of July, soon found himself again followed there by Governor Walker, who had in late May followed Mr. Wilson and Dr. Howe to Lawrence, and spoke along with them at a public meeting, May 27. He had landed with Mr. Wilson from the steamboat *New Lucy* at Quindaro, May 24, and had issued his inaugural address at Leecompton the morning before driving over to Lawrence, to be present at Senator Wilson's meeting the evening of May 27. In his official salutation to the people of his government, Walker broached the fallacy earlier promulgated by Daniel Webster and since adopted by Mr. Villard, in these terms:

"There is a law more powerful than the legislation of man, more potent than passion or prejudice, that must ultimately determine the location of Slavery in this country; it is the isothermal line; it is the law of the thermometer, of latitude or altitude, regulating climate, labor and productions, and, as a consequence, profit and loss. . . . If, from the operation of these causes, Slavery should not exist here, I trust it by no means follows that Kansas should become a state controlled by the treason and fanaticism of Abolition. . . . That Kansas should become hostile to Missouri, an asylum for her fugitive slaves, or a propagandist of Abolition treason, would be alike inexpedient and unjust, and fatal to the continuance of the American Union."

Two days after Mr. Marsh's arrival at Lawrence, which seems to have been Saturday, July 13, 1857, Governor Walker, instigated by the fact that Lawrence had just held a city election, issued a proclamation denouncing the Lawrence men as rebels, and ordered a body of United States troops to encamp near their town. The same day (July 15) he wrote to General Cass, Buchanan's secretary of state:

"Lawrence is the hot bed of all Abolition movements in this Territory. It is the idea established by the Abolition societies at the East, and whilst there are a respectable number of people there, it is filled by a considerable number of mercenaries, who are paid by the Abolition societies to perpetuate and diffuse agitation throughout Kansas, and prevent the peaceful settlement of this question.

"Having failed in inducing their own so-called Topeka State Legislature to organize this insurrection, Lawrence has commenced it herself; and if not arrested, rebellion will extend throughout the Territory. . . . the continued presence of Gen. Harney is indispensable, and was originally stipulated by me, with a large body of dragoons and several batteries."

So it seems that the great isothermal law could not be trusted to settle the slavery question, without the aid of dragoons and batteries. Abraham Lincoln's view was different. He had said in a Springfield speech less than three weeks before (June 27, 1857):

"Nothing but bold, wicked despotism has ruled or reigned there [in Kansas] since it was organized into a Territory. . . . It is your Squatter Sovereignty. Let Slavery spread over the territories, and God will sweep us with a brush of fire from this solid globe."

While Walker was thus fulminating, the people were gathering in convention at Topeka, and Mr. Marsh was in attendance. In his second letter to Mr. Stearns, dated at Lawrence July 18, he said:

"Since writing . . . I have been at Topeka to attend the Convention of the Free State party. I went up Monday and returned yester-

day. The Convention was large [187 delegates], its doings entirely harmonious—every one seemed pleased with the result. . . . As an evidence of their earnestness, let me say that in the convention were men who had to ride more than a hundred miles, from the extremes to the place of meeting, and this not by railroad conveyance, but on horseback very many of them, with the thermometer ranging all the time from 95 to 110 degrees, and consuming, including the two days occupied by the meeting, not less than from a week to ten days time.

Gov. Walker is making a stir here. When I got back yesterday I found two companies of U. S. dragoons parading the streets. Col. Cook is said to be in command. Walker is with the troops just on the outside of the town this morning. U. S. Marshal Dennis is here—Perrin, Stanton, etc.,—and all for what? Why simply because the people last Monday [July 13] chose some city officials to bury dead horses and remove other nuisances, without consulting with His Majesty, or acknowledging the majesty of the Missouri-elected Territorial bogus laws. . . . There is some talk that the marshal will make some fifty arrests this morning, but I don't believe it. A meeting was held here last evening to ratify the doings of Topeka—a motion was made and voted without dissent, that the citizens would keep at their business and have nothing to say to Walker, only through their municipal head, Col. James Blood, Mayor Elect."

On July 20 and 21 Mr. Marsh again wrote Mr. Stearns:

"The good people of Lawrence are busy as usual about their affairs, while the Governor is just on the west of the ravine in sight of Mass. Street, in camp with his six hundred troops, and the thermometer up to 105. Unless he is waiting instructions from Washington, he may develop his plans today."

[July 21] "Yesterday he [Gov. Walker] came over from Lecompton, having gone there Saturday evening [the 18th] and dined [in Lawrence] at the Morrow House, this was the first time since his arrival on Friday that he had been seen only at the camp. Having known [him] while he was Sec. of the Treasury [under Polk], I spoke with him, he appeared glad to see me, and was indeed very cordial. He gave me a polite invitation to visit him at Lecompton. As he said nothing of the reason why he was here with his army of occupation, I did not allude to it. I am told that there is none of the officers who know anything of his purposes, present or ultimate, not even Col. Cook, commanding. . . . While he is apparently undecided what to do, the people seem to care as little what he does, all are quiet and attending to their ordinary affairs, as though he were not in their midst."

His dragoons remained in their camp till August 3, when all but forty of them moved away, followed by the ridicule of the Lawrence people, at this their "fourth siege," as they called it. Meantime Mr. Marsh went about his errand, paying for the census-taking which was needful before the October voting, and visiting the hostile factions among the free-state men.

To quote again from his letter of July 18 in relation to the Topeka convention and the taking of the census:

"The next thing to be done is to canvas the Territory. . . . A Central Committee was chosen who were to have the management of the canvass.¹ I suggested the importance of having the Districts by their delegates present, holding meetings and temporarily organizing for the campaign—this was done, and I believe all agree that thereby much time and expense saved. Notices for meetings in every precinct where polls are opened have been printed, and many of them sent out, the speakers are announced, &c. All agree in saying that a good vote will be polled, by far

1. This committee was James Blood, A. Curtiss, S. E. Martin, R. Mayfield, W. F. M. Army, W. R. Griffith, Henry Harvey, J. P. Root, G. S. Hillyer, A. A. Griffin, F. G. Adams, H. Miles Moore, A. Larselere, E. S. Nash.

the largest ever yet in Kansas. . . . One point is certainly gained—discordant elements have been harmonized, and all the leading men will act in concert. . . . you will hear no more of petty, personal feuds, this is certain. I have seen them all and told them that they could not, at a time when so much was depending, afford to contend among themselves, they had a common enemy that all must unite upon.”

Further on in the letter he writes concerning the census:

“The work of census taking has not been completed, some 50 thousand inhabitants have been returned; the number of votes is much larger in proportion to the whole number of inhabitants than with us. As an instance I saw one return that [with] the number of a Township thus: voters 1584, Total 3008. The census will be continued, it is said there is a large portion not yet taken.”

On July 21 he wrote:

“I called upon George W. Brown, Esq. this morning; I believe I have now seen all the apparently hostile chiefs. Mr. Brown I think is well disposed. There may be some personal matters not entirely settled, but I trust & believe these will all be deferred until all the elections have been held. I told Mr. Brown, as I have told the others, that their differences are a source of grief to all their friends East. No matter who was right or who wrong, they were furnishing aid and comfort to their enemies, and sorrow to their friends. That friends at home, nor myself, would have only one feeling and one wish to express and that was union of all the friends in Kansas for the freedom of Kansas.”

His letter of August 7 is here quoted in full:

“Private

LAWRENCE, K. T. August 7, 1857.

“MY DEAR SIR: I understand Mr. E. B. Whitman is going to start for the East on Monday. And as the proper disposal of the money entrusted to my care, in some measure depends upon the fact of no other person's knowing anything about the amount but myself that from time [to time] may be sent me, I hope you will not deem it wise to communicate to him any information in regard to it except generally. Money is wanted [here] for all manner of purposes. I pay such bills, and such only, as I think you will approve. I have not nor do I intend to encourage any expenditures that do not seem to be absolutely necessary.

I am yours truly

“GEO. L. STEARNS Esq. Boston

THOMAS J. MARSH”

The caution implied in this letter needs here an explanation. Our state Kansas committee, of which Mr. Stearns was chairman and I was secretary, had employed Mr. Whitman as our agent for receiving goods, distributing supplies, etc., and had found him trustworthy. But at this time he was engaged, along with Gen. J. H. Lane, in a military organization for the protection of the polls at the coming election—or for any other military use which General Lane might think proper. Probably Mr. Whitman thought that some of the money in Mr. Marsh's hands might well be used to complete the military recruiting and arming, with which Mr. Marsh's instructions gave him nothing to do. Another agent of our committee was John Brown, to whom we had given the custody of our two hundred Sharps' rifles, bought by Dr. S. Cabot in 1856, and forwarded by Dr. J. P. Root, under Brown's personal escort, to Tabor in Iowa, in October, 1856. There they remained, and there Captain Brown was directed to find and take care of them until they might be needed. Early in September, 1857, Brown reached Tabor from the east, much delayed by illness, and put himself in communication with the tried and stanch friends he had in Kansas, viz.; William Phillips,

afterwards congressman, Augustus Wattles, M. F. Conway, E. B. Whitman, James H. Holmes, and his brother-in-law Adair, and H. H. Williams at Osawatomie. He also, rather unwillingly, communicated with General Lane, in whom he had not much confidence. Lane wrote to Brown (Sept. 7.) from Lawrence, thus:

"We are earnestly engaged in perfecting an organization for the protection of the ballot-box at the October election (first Monday). Whitman and Abbott have been east after money & arms for a month past; they write encouragingly, & will be back in a few days. We want you, with *all* the *materials* you have. I see no objection to your coming into Kansas publicly. I can furnish you just such a force as you may deem necessary for your protection here, & after you arrive. I went up to see you, but failed.

"Now what is wanted is this—write me concisely what transportation you require, how much money, & the number of men to escort you into the Territory safely & if you desire it I will come up with them."

"To Captain John Brown, Tabor."

In reply Brown said (Sept. 16.):

"I suppose that three good teams, with *well covered* waggons, & ten really ingenious, industrious men (not gassy) with about \$150. in cash, could bring it about in the course of eight or ten days."

But Brown's other friends in Kansas rather warned him against putting the valuable arms out of his own custody, and saw no immediate need of them in Kansas. Mr. Phillips, who had undertaken in June to superintend the census-taking, of which Mr. Marsh speaks, and for which he was paying, wrote to Brown, June 24, thus:

"I have received [June 13] the task of superintending and taking the census for the State election. As means are limited, those who can must do this. It will require my presence and most active efforts until the 15th of July. There is no necessity for active military preparations at this time, but so far as you have the elements of defence at your command, I think they are safer with you than with any one else."

Two months later (August 21) Mr. Wattles, a good friend both of Brown and of Colonel Montgomery, wrote as follows, exposing the hollow factions in the party, which Mr. Marsh was pacifying:

"Mr. Whitman and Mr. Edmonds are both gone East. Dr. Robinson's failure to meet the [Topeka] legislature last winter disheartened the people, so that they lost confidence in him and in the movement. Although in the convention [of July 16] we invited him to withdraw his resignation [which he did], yet the masses could never again be vitalized into that enthusiasm and confidence which they had before. Another mistake, equally fatal, was his attack upon George W. Brown and the *Herald of Freedom*; thus leading off his friends into a party by themselves, and leaving all who doubted and hated him in another party. This war between the leaders settled the question of resistance to outside authority at once. Those who had entertained the idea of resistance have entirely abandoned it. Dr. Robinson was not alone in his blunders. Col. Lane, Mr. Phillips and *The Republican* made equally fatal ones. Col. Lane boasted in his public speeches that the Constitutional Convention at Leecompton would be driven into the Kaw river by violence. Mr. Phillips boasted this and much more, in the *New York Tribune*. *The Republican* boasted that old Capt. Brown would be down on Gov. Walker and Co., like an avenging god. This excited Walker and others to that degree that they at once took refuge under the U. S. troops. Whatever was intended, much more was threatened than could possibly have been performed unless there was an extensive conspiracy. This Gov. Walker says was the case. Conway thinks all will go off quietly

at the election. Phillips has come out in favor of voting in October. They intend to cheat us; but we expect to beat them. Walker is as fair as he can be, under the circumstances."

This was the conclusion to which Mr. Marsh finally came; for he saw that the Government was following the precedent set by Governors Reeder and Geary, and was going over to the free-state side. Writing to Mr. Stearns, August 11, Mr. Marsh said:

"E. B. Whitman Esq. leaves this evening for the East. . . . Since the election on the third of August everything has been very quiet. . . . It is feared by many . . . that the Free State men will not have a fair chance to vote in October, notwithstanding the fair promises of Walker. They fear things will be so arranged by the pro-slavery officials, that the Free State men will be beaten, although they are as 7 or 8 to 10. The tax question troubles them. . . . If a tax is required they won't pay it, consequently they won't vote. There is to be a Mass and Delegate Convention at Grasshopper Falls² on the 24th or 26th inst., when a final decision will be made. At Topeka they voted unanimously to go into the October election, upon the strength of Walker's promises of a fair election. I am urging them to have a committee of responsible & respectable men, say 5 or 7, chosen from different sections of the Territory, to call upon Gov. Walker in behalf of the Free State party, and ascertain what he means by his promise to them, viz: 'That you, the whole people of Kansas have a right to vote for a Territorial Delegate to Congress, and for members of the Territorial Legislature, not under the Territorial laws, but a law of Congress'; and to have this done before the convention at Grasshopper. If he evades, or will not answer, urge him by stating their desire to vote, if his promises can be made good in a fair election. . . . I do not myself believe there is any such law of Congress under which they can vote, and I believe Walker knows there is none. I shall urge them to vote as long as it will be of any avail."

Mr. Marsh wrote again, August 27, the day after the second convention, saying among other things:

"The [Grasshopper Falls] Convention yesterday was well attended, all portions of the Territory was represented, (I send a detail of the same to the [Boston] *Traveler*). And notwithstanding the very able speech of Judge Conway in opposition to voting [in October], upon the question being taken, the only dissenting vote was the Judge himself. They voted to go into the election with all the power they have, and for all the officers. Delegate to Congress, Territorial Legislature, and all the minor offices. The plan I mention was adopted of having some one or two men at each voting precinct to keep a poll book and record the name of every voter, who he votes for, and if refused, upon what ground; so that if there is any fraud their books may [be] verified under oath, and such persons as may be elected by fraud, have notice and their election contested.³ Marcus J. Parrott of Leavenworth, was nominated for Territorial Delegate to Congress unanimously. A Central Territorial Committee was chosen, and the usual preliminaries adopted for going into the work in earnest.

"I have acknowledged the receipt of your authority to draw for five hundred dollars &c. I find it not best to be in funds all the time, and safe to make but few promises. . . . I know it [money] will be needed, there is much work to be done, and very much depends on its being well done. I have thus far paid little else than actual cash expenses, this has been considerable, especially in taking the census. . . . I have drawn

2. At this convention voting was favored by Lane, Robinson, Smith, and others, and opposed by Conway, Phillips and others, but carried by a large majority.

3. In fact two great frauds were detected, October 19 and 22, and the votes were thrown out by Governor Walker—at Oxford, 1628 votes, and in McGee county, more than 1200 votes.

for nothing save the \$100 in a draft in favor of my Son. . . . Gov. Robinson has just handed me two hundred dollars to be used for the Free State cause, forwarded by Amos Lawrence, Esq."

This is the first and only mention of Dr. Robinson in the Marsh letters, I believe. He can have had very little to do with the raising or expenditure of money, although active on all public occasions, and at this time very radical, as he had been in 1856.

On September 2, Mr. Marsh wrote:

" . . . the much talked of military organization of Gen. Lane's will do good in name, not much beyond that." In relation to this military organization he had said in his letter of August 11. "The Judge [Conway] is engaged in the military organization acting in the capacity of Adjutant General. Mr. Redpath is assistant to Conway, and Mr. Whitman is Quartermaster General. I could not promise them money for salaries or other expenses, unless authorized so to do."

To continue from the letter of the 2d of September.

"The Free State men are relying somewhat upon Walker's promise for a fair election. It is understood that he will not require any qualifications but an actual residence of six months. This will deprive the emigrants of this spring, who came in since the 5th of April of their vote, but you should be astonished to see how many of them will have been in the Territory six mo's and a few days, and how few will be short, who will fail of a vote. The residence required is Territorial, and not in any particular county or township. At the Grasshopper Convention a committee was appointed to call on Gov. Walker and urge upon him an alteration of the wicked and unjust apportionment [of members of the Legislature]. The Committee waited upon him on Friday at Lecompton and submitted their request in writing, and also several other interrogatories touching the election. He declined at once to meddle with the apportionment, [but said] that their other inquiries were proper and entitled to a plain and respectful answer, and that he would communicate to them his answer in writing at Lawrence in a few days."

On September 7 Mr. Marsh writes:

" . . . Gov. Walker has not, up to this time, 5 P. M., sent the committee his promised reply to the written interrogatories made on the 28th of August. He is said to be preparing an address to the Southern Fire Eaters in defence of his position upon Kansas affairs. When I last heard from it, 64 pages was then written. . . . I could use more money advantageously if I had it, but shall confine myself to your instructions. . . . I have paid out for various purposes, \$744.80, by far the larger part for the census, and the bal. for the August election. My own expenses driving about here, and my expenses coming here, will make one hundred more, besides my board. So that I shall not have more than about \$550 for the present use."

All went as Mr. Marsh predicted. In the last letter before me, date September 28, written after a fortnight's tour in the southern and western counties (such as were then inhabited) he wrote:

" . . . I see you fear distracted counsels, by reason of Conway, Phillips Redpath and others. I am happy to say your fears are entirely groundless. Conway does not attempt the slightest opposition, he stands neutral. Phillips will vote. Gen. Lane has Redpath at Doniphan, he is about starting a newspaper there, the "*Crusader of Freedom*." I don't believe there will be more than three in Lawrence, and so far as I can learn there are none among the Free State party, that are entitled to, who will not vote. I did not see or hear of the first man during my trip in the southern counties who would not vote. You may rest assured that the people are

united and earnest. . . . My opinion is that Parrott will be elected to Congress, and that the Free State party will elect a good working majority in both branches in the Territorial legislature. . . . I suppose when I have been cheated as much as the men of Kansas have, I may be less sanguine."

In fact the old residents still feared frauds, and had reason for their fear. Rev. S. L. Adair, John Brown's brother-in-law, living at Osawatomie, and writing to Brown from there, October 2, said:

"Walker has disgraced himself; has not fulfilled a pledge made in his Topeka speech. An invasion, such as we had in '54 and '55 I do not expect; but doubtless many votes from slave states will be smuggled in and fraudulent returns will be made. Nor do I suppose it will be possible for the Free State men to show up the frauds. Hence I rather expect the pro-slavery men will carry the day, October 5."

The first returns gave the proslavery men a majority in the legislature, although Parrott for Congress had nearly two to his opponent's one. General Lane ordered his militia to rendezvous at or near Lecompton, October 19; held a meeting there that day, and made one of his most effective speeches, exposing the frauds. Walker and his secretary, Stanton, were alarmed, and could not in fairness do anything but throw out some 2800 illegal votes. This gave the free-state men nine members to four in the council and 24 to 15 in the house; putting the legislature in their hands. Judge Cato, the pro-slavery magistrate, issued a peremptory mandamus to Walker directing him to count the fraudulent votes, October 20, but received a written refusal the same night. Walker left Kansas soon after, and resigned his office December 17, 1857. Stanton then became acting Governor, but was removed by Buchanan before Christmas, 1857, and J. W. Denver was made Governor in his place.

How well Walker had foreseen in his inaugural, quoted above, that Kansas would be a resort for fugitive slaves, may be seen by the correspondence of Colonel Montgomery with G. L. Stearns in the latter part of 1860.

COLONEL MONTGOMERY AND HIS LETTERS.

James Montgomery was born December 22, 1814, somewhere in Ashtabula county, Ohio. But, as he told me himself when he visited me for a single night in the summer of 1860 at Concord, his two grandfathers both fought at Bunker Hill on the American side—his grandfather Montgomery then residing in New Hampshire, where his father was born. His great-grandfather fought at Culloden for the young Pretender, and afterwards fled, first to Ireland and then to America. Gen. Richard Montgomery, born in Raphoe, Ireland, in 1736, was younger than this great grandfather, but apparently of the same family, and it may have been to his father's house in Ireland that the Jacobite Montgomery fled in 1745.

In Ohio James received a good education, and when a young man (in 1837) removed to Kentucky with his parents. There he taught school for some years, married twice, and became a Campbellite preacher. His first wife lived but a few years; he soon married again, and in 1852, when 38 years old, he removed with his wife and children to Pike county in western Missouri, where he lived a year. In 1853 he removed to Jackson county, to await the opening of Kansas for settlement, proposing to take up land there in 1854.

Dr. Thornton, a prominent citizen of Jackson, advised him not to go into Kansas, for he would certainly find trouble there as a free-state man; adding that "the Missourians did not intend to let the free-state men settle in Kansas." He advised Montgomery to go to Bates county, Missouri (from where in 1858-'59 John Brown took slaves and set them free in Canada) and where he might find plenty of land as good as in Kansas. Acting upon this friendly advice, Montgomery went into Bates county late in July, 1854, but only stayed there a few days. He did not like the land offered him; and as little was he pleased with the spirit of the Missourians in assuming to prevent peaceable free-state men from settling where anybody had a right to go. He therefore crossed the line into what was then called Southern Kansas, and made his first halt at Sugar Mound, near the present site of Mound City, where he bought the right or claim of a proslavery Missourian to a lot of land lying five miles west of Mound City, paying him five dollars down and promising to pay the rest, five dollars, when it should become due. He then left his young family on the new-bought land-claim, and returned to Jackson county, to build a barn for Dr. Thornton; on the completion of which he received three hundred dollars. This was his chief property, along with his land (not then paid for to the Government), when he settled in Kansas, where he ever after lived, except while a soldier in the United States service during the Civil War. The Kansas historian, Andreas, thus describes him in the autumn of 1854, six years before I saw him:

"He was now forty years old, about six feet high, lightly built, with a high forehead, Roman nose, and a clear, penetrating blue eye. He wore his hair parted in the middle, which gave him a slight resemblance to Col. J. C. Fremont. His voice was low and musical, his speech fluent, logical and persuasive. His convictions were strong, and in the execution of his designs he was prompt, decisive and yet cautious; in battle courageous, and generous in victory. Like Brown, he fought as he prayed, and hence was a dangerous enemy. One peculiarity was that he seldom fought upon a preconceived plan—developing and executing his plan at the moment of necessity. When he and Brown set out together to liberate Rice, a free-state prisoner, Brown is said to have withdrawn when he found that Montgomery had laid no plan for his attack on the hostile town. Montgomery went on alone and succeeded; upon which Brown praised him and his plan."

The fact was that Brown, though quick as lightning in action, had carefully arranged his plans beforehand; while Montgomery trusted to his native genius to bring him through on the spur of the moment. The description of Montgomery's person agrees with my recollection of him, though I should have set his height an inch or two below six feet, which was about Brown's stature. Never was I more surprised than in meeting this slender, elegant and cultivated man, a French chevalier rather than the customary Kansas pioneer, with whose type I had become familiar in the four preceding years. Here was a man, with a gentle voice, a modest and polite exterior, as much at home in the manners of society as if he had come from a French chateau or Scotch castle; without parade or affectation; and meeting Emerson, to whose house I took him in the evening, on the frank and equal terms which the training of a gentleman implies. It was evidently in the lines of heredity; he knew his place, and was ready to assert it if questioned; but otherwise, like Sir Lancelot, "the meekest knight and the courtliest that ever ate in hall with ladies; but the sternest knight to his mortal foe that ever laid lance in rest."

His hair was dark and abundant, and he wore a mustache before it was quite the fashion to do so; his dress was neat and appropriate, and his conversation frank and simple.

From the time of his settlement in Linn county, Kansas, as above shown, he became a leader, though not forthputting, in the contests of the men around Lawrence and Topeka; nor did Brown meet him, to know him, until he returned to Kansas to patrol the Missouri border in 1858. Brown then wrote me that Montgomery was a man after his own heart, a natural leader of men; the same phrase that General Hunter used five years later, when Montgomery and Higginson, both colonels of colored regiments, came under Hunter's command in Carolina in 1862-'63. My friend, and the friend of every good cause, George Stearns, of Medford, met Hunter in Philadelphia in June, 1863, at the Hallowell's and thus quoted him in a letter to Mrs. Stearns:

"Hunter says Montgomery is a natural soldier; endorses fully all I said of him: says that Higginson is a good drill-officer, but in fight fails to take advantage of his position."

This, I think, is what Colonel Marple implied when he told me Higginson was "no soldier." He was intended by nature for other positions, though never lacking in courage, and perhaps lacking in prudence, as his brave but useless efforts to rescue Brown and Stevens from their Virginia prison indicated.

Montgomery organized his "Self-protective Association" in Linn county in 1857—took command of it, and warned the proslavery men in that year, as they had warned our men in 1855-'56, that they must leave the territory. They obeyed his order, returned to Missouri, and peace followed, as it had followed Brown's energetic action in 1856, and Geary's final determination to uphold the free-state side. Montgomery went back to his farm, but in December, 1857, again took the field, to restore the free-state men to their homes in Bourbon county, and on the Little Osage. They had been driven off the year before by G. W. Clarke, one of the federal office-holders. A fight or two ensued, and the proslavery men had the worst of it. Governor Denver, who had succeeded Walker and Stanton, sent United States troops into southeastern Kansas to put down the disturbance. This encouraged the Missourians, and they made a raid on the Little Osage river, March 27, 1858, in which Isaac Denton, a free-state man was killed, Davis, another, seriously wounded, and Hedrick shot in his own cabin doorway. Denton lived long enough to tell the tale of his murder, and to charge his sons to avenge his death. They were members of Montgomery's band, and it was done. James Hardwicke and W. B. Brockett were the names of the murderers.¹ Three days later, Marshal John H. Little, of Fort Scott, with a posse of United States dragoons under Capt. George T. Anderson attempted to ride down Montgomery and his mounted men, who had punished the murderers. Montgomery made a stand near the Marmaton river, fired on the charging dragoons, killing one and wounding several; whereupon the posse

1. This killing came about through a controversy over a land claim, and the accounts published in the "Andreas History of Kansas," p. 1067, and in the "History of Vernon County, Missouri," p. 206, do not agree with the statement in the above article. Isaac Denton and his family were from Alabama originally, where they were neighbors of James Hardwicke. From Alabama they moved to Vernon county, Mo., thence to Kansas, and it is not at all likely that they were free-state men, but rather that they placed themselves under the protection of free-state people when the trouble over the Hardwicke claim arose.

retreated to Fort Scott. A. D. Stevens, Brown's lieutenant at Harper's Ferry, was Montgomery's lieutenant in this action—the only instance known to me which national troops were fired on by free-state men in Kansas. In May followed the Trading Post murders by Hamelton, the border ruffian, which Montgomery also avenged with his band. In 1859 he came within a few votes of election to the Kansas legislature, receiving 838 votes to his opponent 847. This shows how his fighting qualities were appreciated by his neighbors. He would have joined in an effort to rescue Brown from the Charleston prison if Brown had not refused to countenance such an effort; and he did join Higginson and others, in February, 1860, in an expedition to rescue his lieutenant, Stevens, from that Virginia prison. It came to nothing, though Montgomery, trusting to his Kentucky accent and his general air of a Southern gentleman, went to Charlestown and reconnoitered the ground. He reported that the rescue, even if it succeeded, would cost so many lives, that it had best not be attempted. Soon after this he wrote the following letter to George Stearns, and in the summer following made his first visit to Boston and Concord.

"LAWRENCE, KANSAS, April 14th, 1860.

"George L. Stearns:

"SIR: Pardon me for addressing one whom I have never seen. I assure you I am no stranger to your character, and think I would recognize your person, were I to see you.

"If I read the signs correctly, there are stirring times ahead. I have just written to Dr. Sam'l Cabot concerning a lot of Sharp's Rifles, and in my letter to him, I have referred to you, and F. B. Sanborn of Concord; and also to Mr. Higginson of Worcester. Friend G. [Gardiner] has written to Mrs. R. [Mrs. Thos. Russell] to send us a flag. If she and her fair friends think proper to act upon his suggestions, the present will be thankfully received. Friend G. suggests, so he tells me, that the Eagle be supplanted by the Great Seal of Virginia. This I think would be eminently proper. But let no Stripe or Star be wanting. Retain the Stripes to remind us of our former degradation; the Stars to point us upward.

Very respectfully,

J. MONTGOMERY.

"P. S. Should you think proper to write me, please address Mrs. Jane Evans, Box No. 15, Mound City, Linn county, Kansas. Excuse a half sheet. I am not using my own paper. J. M."

Gardiner was one of the rescuers of Dr. Doy, and had come on to Boston to see Dr. Howe, Mr. Stearns and myself, in the winter of 1859-'60. The Mrs. R. was Father Taylor's daughter, Mrs. Thomas Russell. Capt. Montgomery came here in August, and the next letter relates his return to southern Kansas.

"MOUND CITY, LINN CO. K. T., Oct. 6th, 1860.

"Friend Stearns:

"DEAR SIR: I arrived safely at home on the 8th day of Sept. and found the people greatly excited. The savage butchery of those supposed to be free-state men in Texas, and the preparations known to be making in Arkansas for a like butchery there, together with the diabolical plot for robbing and destroying the free-state men in southern Kansas, has raised a storm that you little dream of; but at present everything is still. It is the calm that precedes the hurricane.

"A call has reached us from the Methodists in Arkansas. One man says he can raise fifty men in six hours. They are ready to fight, if we will promise to back them. The other party have organized their Vigilance Committees and we are listening for the news, that the work of death has begun. We

have several fugitives on hand, and more are expected. Some of them are from Missouri, and some from Arkansas. When a keen, shrewd fellow comes to us, we send him back for more. As yet they have not been followed by anything like a force. One of the fugitives, a fine fellow from Missouri, is staying with me.

"I wish you to see Dr. Howe, and tell him I would be glad to have those goods in Lawrence that he spoke to me about. Some of our best men, among them Capt. Stevenson, than whom a braver or better man never lived, are in a destitute condition. Their crops have failed. They have nothing to sell, and their families are naked. The goods, even in their damaged condition, would be serviceable.

Truly yours,

JAS. MONTGOMERY.

"P. S. We are organizing our Republican Clubs and preparing for the election. I am surprised at our pro-slavery neighbors in Arkansas, for trying to get up a fuss in such a country as they live in. Only think of it! The eastern part a vast swamp; the middle hilly and brushy; the western part mountainous; and all of it thinly settled. Just the country for John Brown to operate in.

JAMES MONTGOMERY."

John Brown was dead; but there were plans for carrying out his purpose of making slavery unprofitable, in different parts of the slave territory. It was already so in western Missouri. A month later the situation was turbulent in Linn county. Montgomery writes again:

"MOUND CITY, LINN CO. KANSAS. Nov. 20th, 1860.

"Mr. George L. Stearns:

"MUCH ESTEEMED FRIEND: Since my last letter to you, which gave the death of Moore, the boys have made a drive against some Kidnappers in the north part of this county. [The letter is lost which related the hanging of L. D. Moore, a border-ruffian. The kidnapper hung was Russell Hinds, Nov. 9th, after trial by a vigilance committee.]

"They set out on Saturday evening last (17th). I learned last night that they had caught a noted Border-ruffian named Scott, and that they had tried and hung him at 9 o'clock Sunday morning. Scott had been concerned in all the border raids into Kansas. He had done his share of the dirty work of Missouri in the first bogus legislature; had been twice expelled the country, and had as often returned. For some time past his house had been a rendezvous for kidnappers and assassins from the border state [Missouri]. In the winter of '59, after the second expulsion of Border ruffians, a county meeting, duly advertised and largely attended, composed mainly of Democrats and conservative men—Bob Mitchell himself among them—passed a series of resolutions, sustaining the 'Jayhawkers' and condemning to perpetual banishment those violent men who had been forcibly expelled. The resolutions passed unanimously—even Bob Mitchell voting in the affirmative. In fact, it was plain to every man of common sense, that if it had been necessary to *drive* them out, it was necessary to *keep* them out. Such were their habits and the violence of their character, that it were vain to think of living with them on peaceable terms. Our Free-State Democrats are today more venomous, and less disposed to forgive and forget, than their Border Ruffian brethren. Cowardly and sneaking, they are the men to plan the schemes for assassination, which they depend on the Border Ruffians to execute. They feel sore over the loss of their power in Southern Kansas, which was once their stronghold. Pro-slavery as they are, they sail under false colors from motives of policy. The execution of John Brown encouraged them greatly. They immediately revived their Blue Lodges in our midst, and having promise of assistance from their brethren in Missouri, they began the work of midnight murder, under the specious plea of exterminating thieves. Striking in the dark, and keeping their names and numbers concealed, they hoped to stampede the whole anti-slavery force of the Territory.

"Of the existence of this "Dark Lantern" fraternity we have incontestable evidence. We are in possession not only of their plans, but even

of their *private signals*, and, as in the case of Moore, we have evidence sufficient to warrant handling several of them individually.

"We have had several additions to our colored population during the week, while several of our Democratic friends have left the country. A friend observed to me yesterday 'The Democrats are leaving, and the Black Republicans are coming in.' Please allow Mr. G. to copy.

Yours truly,

J. MONTGOMERY.

"P. S. An extra session of the U. S. Court was to have been held at Fort Scott, this week, beginning yesterday. I learned last evening that the Federal authorities, including the judge, have fled, and that there is to be no court. A force of troops, some four or five hundred strong, is now in this vicinity. What their business is remains to be seen. If they try to dragoon us, they will have a lively time of it. Please send an order to Mr. C. S. P. for those *goods*, as we may need them immediately.

"Mound City, Nov. 21st, 1860."

The "goods" here specified were probably arms and supplies sent in for the relief of the poor free-state families. Three weeks later, Gen. Harney, in command of the troops above mentioned, reported to the War Department at Washington,—“I am satisfied that the greater part if not all of the donations which are sent to the sufferers in Kansas, goes into the hands of the band of Montgomery and Jennison. And the greater part of it is perverted from the use intended, for purchasing arms and ammunition of war for carrying out their plans.”

So far as Mr. Stearns and his friends were concerned, their supplies were intended largely for this warlike use, and there was no "perversion." The next letter of Montgomery gives the result of the action taken by George M. Beebe, secretary and acting Governor of Kansas, Nov. 19, 1860, when he asked the proslavery adjutant general what force of Kansas militia could be put in the field, November 26, to meet the pending difficulties in Linn county. He also asked two hundred United States troops from General Harney. On the 28th, Governor Medary and General Harney left Leavenworth for Fort Scott. Montgomery writes:

"MOUND CITY, Nov. 27th, 1860.

"George L. Stearns, Esq.

"MUCH ESTEEMED FRIEND: My last letter to you gave the news up to the death of Scott, and the flight of Judge Williams and the Marshals from Fort Scott. So great was the stampede from the Fort that the place was almost entirely deserted. Mr. Moran, Receiver in the Land Office, was, I believe, the only Federal official who stood his ground. This speaks well for Mr. Moran, and is considered by the settlers a proof that he possesses a good conscience; and they now listen with confidence to what he tells them. Mr. Moran has arranged matters with the settlers to their entire satisfaction; and the sales will be allowed to pass off without interruption.

"The Acting Governor, Mr. Beebe, came down to see us a few days since. He had heard strange rumors of our doings, and like a sensible man, as he appears to be, came in person to ascertain the truth in regard to affairs. He soon found where the wrong lay; and, finding that we were acting calmly and dispassionately, on well-established precedents, he left us with the assurance that he would do all in his power to protect us in our rights; recommending, of course, that we should refer our difficulties to the Federal Court, and promising to do what he could to reform abuses in that department. Times are quiet now, and our lives are as safe as they would be in any country.

"Fugitives too, are as safe here as they would be in Canada. Two more have come to us since my last writing.

"If Mr. Bird were here, I think he would be disposed to take back what he said to me on our first meeting, and agree that fugitives may be protected in Kansas.

"Mr. Yeasley, who had been lying chained in Fort Scott, awaiting his

trial for the killing of Mr. Beck, was liberated on a *Habeas Corpus* served by the *people*. Beck owned a steam mill on the Neosho, and Yeasley loaned him \$1000. Yeasley also worked for Beck as engineer in the mill, until his wages and the interest of his money amounted to \$1100 more; when, finding it impossible to get a settlement with Beck, he left the mill and set up a blacksmith's shop. Some persons, believed by us to be Beck himself, took the plunger out of the pump. A mob of Democrats collected at the mill, and with a rope in their hands, went to Yeasley's house to hang him. He defended himself so resolutely that the mob dispersed without effecting their object. The plunger was found in its place, and the mill went to work again. Some time after this, Yeasley was accused of stealing the plunger again. Another mob collected, and the affair ended for that time, in the killing of Beck by Yeasley.

"I have this moment received a precious document sent by a friend in Lawrence, which I send you as a sample of Democratic lying. The *Daily Leavenworth Herald* gets its information from the fugitive Marshals, Campbell and Dimon, who have gone to Leavenworth for troops. They may get them. What they say about our friends in the East is all guesswork. We have told no such thing.

"I received a letter from E. B. Whitman informing me the last remnants of aid goods sent to his care, had been cleared out some time ago.

"I can hear of but one lot, and that is the same on which you gave me an order last spring. I hope an order will be sent to Mr. Pratt immediately, so that I may get what there is left of that lot whenever I call for them.

"Our people are very destitute, and if they let the troops loose upon us, we may be chased all over Kansas; and possibly into Arkansas; and we will need all the help we can get, for in that case we will have no time to work for anything.

"The document referred to was printed about the time the Gov. started down this way. All that is needed here, to make the times interesting is the presence of United States Troops. I told the Gov. plainly, that their presence here, would be considered insulting to our dignity as free-born American citizens.

"My previous letters to you will enable you to understand the case.

"Only think of my speech at Mapleton: Now I was not at Mapleton at all; nor did I make any speech at any place.

"Armed each with a Sharps' Rifle and two heavy Colt's revolvers a sabre and Bowie-knife.' Dr. Jennison had a sabre, and there might have been a dozen revolvers; but not a knife in the company, and not more than a dozen Sharps' Rifles.

"In regard to slaves, our position is this: If any State wishes to keep slaves, let her keep them at home. If they allow them to come here, they must be free.

Yours truly, JAMES MONTGOMERY."

The next letter shows that Medary, the Ohio governor, sent out by Buchanan, was making an effort to put down Montgomery, and the people behind him, by force of the troops under Harney, an old Indian fighter, who soon went over to the slaveholders rebellion, as did Robert Lee in Virginia. Governor Stewart of Missouri, who also soon joined in the rebellion, ordered a large force of Missouri militia to encamp near the state line, not far from Fort Scott and Mound City. The exciting issue just then was the recovery of runaway slaves from Missouri and Arkansas.

"MOUND CITY, LINN CO. KANSAS, Dec. 12th, 1860.

"George L. Stearns, Esq.:

"MUCH ESTEEMED FRIEND: "The mountain is in labor, and I think will soon bring forth a mouse. You are aware that Uncle Sam is making some big splurges out this way; he has let 'Old Harry loose,' but for all that he is likely to effect, he might as well have been kept at home. It isn't worth while for Uncle Sam or anybody else to think of enforcing the Fugitive Slave law out here; *it can't be done*. Major Whitsett of the Army says, 'It is not the hanging of a few scoundrels that has brought the Troops to this country; there is a "niger in the woodpile."'

"The 'nigger' is here, but Uncle Sam *can't get him*. Nothing short of stationing a regiment in every county will prevent us from keeping him here; and when that is done we will pass him on somewhere else.

"The Government has taken great pains to make the country believe that 'Montgomery and his band' do not belong to the people. A mass-meeting was held at Mound City last week, pursuant to previous notice. The meeting was large, and the resolutions passed unanimously. The action of Montgomery and his band were not only endorsed but declared to be 'the act of the people.' The men composing The 'Executive Committee' are obliged to keep out of the way at present; but we have a home among the people; and our darkies too are welcome wherever we go. By shifting frequently we elude the troops, and this is thought better, under the circumstances, than fighting them. Whether the troops will spend the winter with us, or not, is not yet ascertained.

Truly yours, J. M.

"P. S. I received a letter of credit from Dr. Webb for the benefit of the Arkansas refugees. I wrote back to him to know whether I would be allowed to include fugitives under the term refugees. I have received no answer. Our fugitives will need assistance until the troops leave. They will not be able to work to any advantage before Spring. This is an interesting experiment and must not be allowed to fail. If we are able to maintain our position, and of this I have no doubt, the Fugitive Slave law is dead; and slavery will quickly disappear from Missouri, Arkansas and the Cherokee country.

"I have built since my return from the East quite an addition to my house. It is so contrived as to be bullet proof, and easily defended. A man and two boys can defend it against a thousand armed with anything less than cannon.

"If you have time, I wish you would see Dr. Webb, and tell him to direct under cover to J. F. Broadhead, Esq., Mound City, Linn Co., Kansas.

J. M."

This was the year in which that notorious thief and brigand Quantrill (under the name of "Charley Hart") was living in Kansas, kidnapping negroes and stealing horses, sometimes along with free-state men, sometimes with border ruffians. He went over to the latter late in 1860, and treacherously managed the "Morgan Walker raid" in December, while these things were going on in Linn county. Governor Medary tired of the business of governing in the interest of slavery and resigned, leaving the governorship in the hands of Beebe, who, on January 10, 1861, shortly before Kansas was admitted as a free state (January 29) thus addressed the free-state legislature:

"If God in his wrath shall tolerate the worst portent of this tempest of passion, now so fiercely raging, Kansas ought, and I trust will decline identification with either branch of a contending family, tendering to each alike the olive offering of good neighborhood, establish, under a constitution of her own creation, a government to be separate and independent among the Nations."

That is, he was in revolt against the government of his own country, and seeking to set up an impossible neutrality beneficial to slavery, as Kentucky did for a short time. Beebe now disappears from history, and Kansas, as a free state, began to arm for the long contest against traitors. On July 25, 1861, Montgomery, who had been "eluding" Harney's dragoons seven months before, was commissioned Colonel of the Third Regiment of Kansas volunteers, under Lane as brigadier general. He fought as well there as he had when leading his own band, and in 1863 was made Colonel of a negro regiment in South Carolina. He survived the Civil War, and died in his bullet-proof house, December 6, 1871, and is buried in the National Cemetery at Mound City.

A REPLY TO ELY MOORE, JR.

IN volume twelve, *Kansas Historical Collections*, appears an article by Ely Moore, jr., of Lawrence, detailing events in the life of John Brown. There is nothing in any recognized work on Kansas history to support the allegations of Mr. Moore. It is only fair that the other side of the matter be told. Mr. F. B. Sanborn, of Concord, Mass., was requested to prepare a reply to the article of Moore. Mr. Sanborn is one of the biographers of John Brown, and was long associated with him in his work against slavery in Kansas and elsewhere. Mr. Sanborn says:

"I have been asked to contribute something to the Historical Society of Kansas in refutation of the slanders on John Brown of Osawatomie by one of the champions of negro slavery in Kansas in the critical years 1856-'59. Then the question of the continuance of that curse in your territory, soon to be a great State, was debated and settled, in the midst of crimes and bloodshed, by the actual settlers on its broad prairies, and neither by ruffian invaders from Missouri and the Carolinas, nor by the United States army, sent thither by a Northern President with Southern principles. The leader in cabinet in 1856 was Pierce's Jefferson Davis, of evil memory, then Secretary of War. In that discussion, Ely Moore and his father, an Indian agent under a pro-slavery administration at Washington, were active in the plot to force slavery on the freemen of Kansas, against their well-known wishes, and in defiance of the Constitution of 1787. Their confederates in the plot invaded the polls, voted without legal or moral right, falsified the election returns, killed actual settlers, plundered their property, burnt their cabins, and did what they could to drive the friends of freedom from the Territory. Their plot was foiled and their ruffians were beaten by John Brown, General Lane, Charles Robinson, Samuel Walker, James Montgomery, Edward Anderson, John Brown jr., his brother, Salmon Brown, now an honored resident of Oregon, and scores more of brave men, who ventured their lives to keep the plague of slavery away from your borders. Most of these brave men are now dead, but such of them as are alive, take no stock in history manufactured by their malignant opponents in that long contest. It is as easy to falsify history now as it was to falsify candle-box ballots in 1857. The purpose then was to thrust a detested system on the people of Kansas; the purpose now is to libel the champions of freedom who then defeated the Moores, Atchisons, Bufords, Calhouns, Stringfellow, and Tituses who fought and cheated on the side of slave-holders.

"There is no sound testimony, from any quarter, in support of Moore's atrocious libel on my honored friend, John Brown. Moore may have seen him once or twice, possibly—though from his description of Brown's person, it is doubtful if he ever really set eyes on the hero of Black Jack and of Harper's Ferry. I sent his printed fable to Salmon Brown in Portland, Oregon, who was with his father in Kansas through the winter of 1856-'7; and he at once contradicted the whole story. I believe Brown's statement, and put no faith at all in Moore."

The statement of Salmon Brown, referred to by Mr. Sanborn, is as follows:

"FEB. 25, 1913.

"I read with a good deal of indignation, tinged with amusement, Ely Moore's dime novel interpretation of father's movements in Kansas. As you say, he has proved himself a very secretive individual to store away in his memory for fifty-seven years such important and marketable facts concerning father's personality, particularly since the newspaper world has always been so eager for something new about John Brown.

"I cannot help but wonder at the credulity of the compilers of the *Kansas Historical Records* in accepting such palpable trash for publication.

"As it happens I have a very distinct recollection of young Ely Moore which I will prove later on 'by an event or two' to quote his words. It may also be of interest to know that I remember his father Ely Moore, Sr., as belonging to the worst of the border ruffian element.

"From about the middle of November to the first of December, 1855, father and I were busy working on the cabins of Jason and John. I packed the mud and mortar to chink up the cracks and helped haul the logs. We built Jason's first and then helped John. Father was there every day, and we worked together all the time. He was never away from the claim alone, and at that time he wore no beard, as Ely Moore claims he did.

"Later we went to the defense of Lawrence. The weather up to that time had been cold and disagreeable, but there had been no snow to speak of.

"After the defense of Lawrence, father and I started over to Missouri to buy corn. We drove two yoke of oxen and a wagon with a false bed—made strong to hold fifty bushels of corn in the ear. The first day we drove down the river to the Miami Mission, eight or ten miles below Osawatomie. It was night when we reached there, so put up our team and stayed there all night. The Indian agent at the Mission was Ely Moore, a strong pro-slavery man who had secured his position under Pierce's administration.

"They were holding a dance there that night, of half-breeds, full-bloods and whites. One man, I remember, was there assisting at the Mission who was afterwards killed by Martin White. The Mission Building was large and spacious with large open fire-places, and in dancing, all colors mingled freely together. Young Ely Moore, a little New York dude, who wouldn't weigh a hundred and thirty pounds, was there, dancing with the rest. I got somewhat acquainted with him during the evening, and discovered he was imbued with the same pro-slavery principles as his father.

"The next morning we went on, and drove as far as West Point, on the line between Kansas and Missouri, where we stayed all night at a hotel. It was a cold night and there was lots of snow. The next day took us seven or eight miles over into Missouri to the farm of a Tennessean who had corn to sell. We loaded our wagon with corn, fifty bushels in the ear, and went back to West Point. It was hard wheeling through the snow. The next night we crossed the Osage river about a mile and a half beyond the Miami Mission and camped in the timber. We tied the oxen to the wagon and fed them on corn husks and corn. The snow was about a foot and one-half deep so we shoveled it off making a wall about three feet high at the head and sides and built a big fire at the foot of where we intended to sleep. Father claimed if we kept our feet warm we wouldn't suffer. We had plenty of covers—buffalo robes and blankets, but it was an extremely cold night and father had to give up his theory about keeping his feet warm for we both got very cold.

"Along in the night, about 12 o'clock, two young men came in from Osawatomie. One of them a half-breed, undoubtedly 'Quick-eye, brave and true,' and the other young Ely Moore, almost dead drunk. The Half-breed dragged him down in front of the fire and asked if he could thaw him out enough to get him up to the Mission. Young Ely could hardly sit up and after the half-breed had worked over him awhile, he said, 'I'm pretty damned drunk,' and father said, 'I see you are.'

"After he was warm the half-breed, who was strong and stalwart, took him on toward the Mission. His little inferior physique impressed me in his drunken condition, and I feared he would never reach the Mission as the night was so cold. The next day we drove over the road they had come in on from Osawatomie, we could see where the half-breed had struggled to keep him on the trail, as when he staggered off he would be in deep snow and would fall repeatedly.

"So you perceive the young man's gratitude! It was really father and I who saved him from freezing to death that he might live and after fifty years tell his wonderful story.

"Of all the foolish, diabolical lies that have ever been told his has certainly climaxed them all. In his tale about whipping the oxen he has drawn entirely upon his imagination. We never had a sick ox nor lost one except those stolen by the border ruffians. Father never held a whip in his hands—I always drove the team. He speaks several times of father's excessive coffee-drinking; father was not a coffee-drinker—none of us were—for we seldom touched it, and I do not drink it to this day. Neither father or his boys drink whiskey—we were all strictly temperate.

"The whole story is rot, and only worthy of a New York copperhead holding office under Pierce's proslavery administration.

SALMON BROWN."

THE LANE TRAIL.

By WILLIAM ELSEY CONNELLEY, Secretary of the Kansas State Historical Society.

THE Lane Trail played a prominent part in the history of Kansas. When the Missouri river was closed to free-state emigration in 1856 some other route had to be found. For at that time people were gathering in all the northern states to set out for Kansas. General Lane realized the need of finding a new route, and he set to work to discover it. One thing distinguished Lane above all other leaders in territorial Kansas. When he saw that something had to be done he did it. He did not wait on others.

Early in June Lane began to plan a way for the free-state people through Iowa and Nebraska. He believed it a better route in any event than up the Missouri river, as it lay entirely through free territory. On it the people would not be subject to the interference of the proslavery interests as they were in coming through Missouri. Much of the way it ran straight west from Chicago, even then an outfitting point for much of the country beyond the Mississippi. On the 4th of July, 1856, the following circular was issued in Iowa announcing the establishment of the Lane Trail:

“TO THE FRIENDS OF FREE KANSAS.

“The undersigned, IOWA STATE CENTRAL COMMITTEE, for the benefit of FREE KANSAS, beg leave to represent that the dangers and difficulties of sending Emigrants to Kansas through Missouri has been attempted to be remedied by opening through Iowa an Overland Route. At present Iowa City, the Capital of Iowa, is the most western point that can be reached by Railroad. Arrangements are being made by GEN. LANE, GOV. REEDER, GEN. POMEROY, GOV. ROBERTS, and others to turn the tide of emigration in this channel, and thus avoid the difficulties heretofore experienced in attempting to pass through Missouri.

“It is proposed to take the following course through Iowa.

“Leaving Iowa City—proceed to Sigourney, thence to Oskaloosa, thence to Knoxville, thence to Indianola, thence to Osceola, thence to Sidney, and to Quincy in Fremont county, Iowa, on the Missouri River, 80 miles from Topeka, the Capital of Kansas. An Agent has been through the State by this Route, and the citizens in each of the aforesaid Towns have appointed active committees. The inhabitants of this line will do all in their power to assist Emigrants. The distance from Iowa City to Sidney on the Missouri River is 300 miles, and the cost of conveying passengers will be about \$25. The “Western Stage Company” have formed a new line of coaches and will put on all the stock necessary for the accommodation of every Emigrant who may come. This can positively be relied on. You will at once see that this must be a general and concerted effort, or the project will fail, and each body of Emigrants will be left to their own guidance.

“We wish also to call attention to the impracticability of Committees far in the East sending men, as any number can be raised in the West, and thus save an additional expenditure. All that is wanting is the *means* of defraying expenses. It is hoped therefore that our friends will lend us their aid in this particular, and assist us in raising money. We would suggest that Committees in the East send an Agent here for the disbursement of their funds, if they are unwilling to entrust the same to this Committee. Our citizens have just raised the means to fit out a Company of 230 men which has this day started for Kansas. Another Company as large can be raised as soon as means can be obtained. It is hoped that all companies formed in the East will be sent over this route, and those who desire that Slavery shall not be FORCED in Kansas, should assist us in obtaining *material aid*. As Iowa is more deeply interested than any other State in saving Kansas from the

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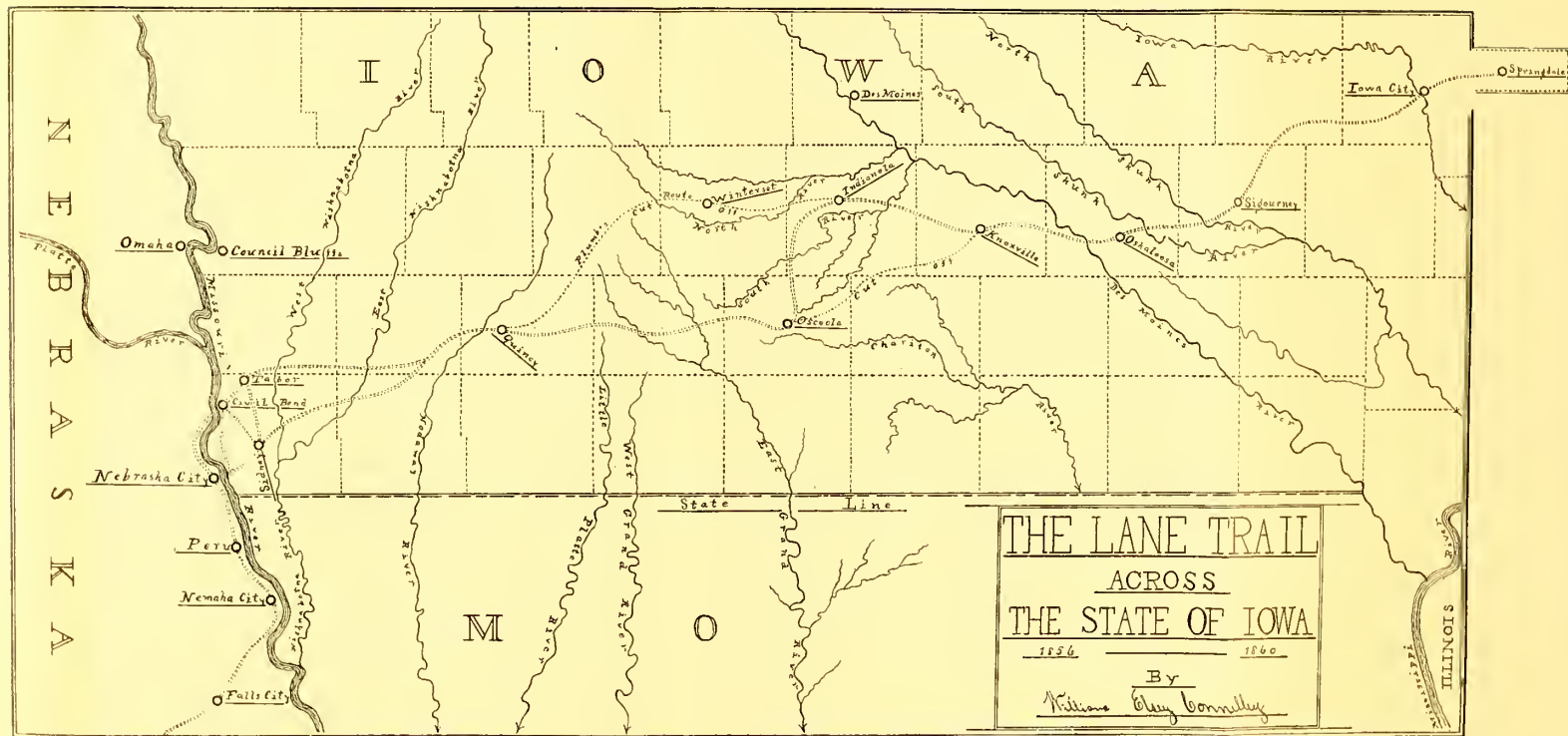
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grasp of the Slave power and in the success of the proposed project, the people of this State are urgently requested to organize Committees and contribute to the prosecution of this scheme of settling Kansas with FREE-STATE men; and all funds raised for this object should be transmitted at once, to H. D. Downey of the Banking House of Cook, Sargent & Downey, the Treasurer of this Committee, with the confident assurance that all monies thus placed in our hands will be faithfully applied to the cause of our suffering friends in Kansas.

"W. PENN CLARK, *Chairman*,

"G. W. HOBART, *Secretary*,

"H. D. DOWNEY, *Treasurer*."

"W. PENN CLARK, E. W. HOBART, L. ALLEN, JESSE BOWEN, M. L. MORRIS, G. D. WOODIN, J. N. JEROME, J. TEASDALE, *Kansas Central Committee of Iowa*."

"IOWA CITY, July 4, 1856."

From Chicago this circular was distributed all over the North. In response the free-state emigrants poured through Iowa. The National Kansas Committee at Chicago assumed the direction of this emigration and aided it with money and supplies.

Early in August Lane's Army of the North appeared in Nebraska and the border ruffians saw in it a storm-cloud black and menacing. The Southern press sounded the alarm. Western Missouri was the scene of violent agitation. On the 16th of August, Acting Governor Woodson of Kansas Territory issued his proclamation announcing the arrival of Lane's Army of the North, and declaring that civil war was already begun.

Various bodies made up the emigration of 1856. The main body of Lane's army crossed the north line of Kansas, entering Brown county, on the 7th day of August, 1856. There were at least six hundred persons in that body. It composed, in fact, no army at all. It was a body of emigrants. They were coming to seek homes in Kansas, and they were firm in the purpose that those homes should be in a free land. They were inclined to peace, but they carried arms for their own protection. Some of them did later join General Lane in his splendid campaign against the border ruffians. This campaign was planned with a double object—first, to liberate Kansas; and, second, to aid in the election of General Fremont, the candidate for the presidency put forward by the Republican party. The first object was accomplished and the second only failed by the narrowest margin through Democratic election frauds in Pennsylvania.¹

The Lane Trail was marked, when laid out, by cairns or piles of stone built on the elevations. One of these monuments could be seen across the intervening valley from another. Some of them were still standing as late as 1880, and they were known to the early settlers of Kansas and Nebraska as "Lane's Chimneys."

In the winter of 1857 the Lane Trail became the underground railroad out of Kansas toward Canada. Its use for this purpose was directed by John Brown,² who had as lieutenants at Topeka, John Armstrong, Col. John Ritchie, Jacob Willits and Daniel Sheridan. Sheridan lived on the Highland Park hill, on a farm afterward owned by a Mrs. Curry. Topeka

1. See Connelley's "The Life of Preston B. Plumb," chapter on "Bleeding Kansas," for account of Lane's campaign against the border ruffians in 1856.

2. Dr. Blanchard returned to Kansas in the autumn of 1856. This visit was undertaken after the successful entry into Kansas of Lane's Army of the North over the Lane Trail. This event demonstrated to the satisfaction of Dr. Blanchard that the Lane Trail was by far the most practicable route for the transportation of slaves escaping through Kansas to freedom in Canada. He came to Kansas to discuss this matter with the anti-slavery people of the territory. His views

was then a village and was in plain view from this farm. John Brown forwarded to Armstrong three slaves early in February, 1857. They came to Topeka in charge of a man named Mills. One of these slaves belonged to G. W. Clarke, who lived just east of Lecompton, and who was credited with the murder of Barber. He was a former Indian agent and a prominent border ruffian.

Armstrong and Mills took the slaves from Topeka north over the Lane Trail. They were conveyed in a wagon. The wagon was closed. The wagon had a false bottom to be used in cases of emergency. Over this false bottom there was spread hay and straw. The first stopping place north of Topeka was at the farm of William Bowker. William Owens lived next neighbor to Bowker, and sometimes his house was used as a station on the underground railroad.

The trip was without exciting incident to Nebraska City. Approaching that place Armstrong concealed the negroes beneath the false bottom in the wagon bed. Border ruffians halted him and looked in his wagon for slaves, but did not find them. That night Armstrong drove to Civil Bend, several miles up the Missouri. Kagi had been sent ahead of this first consignment over the underground, and was waiting for Armstrong at Nebraska City. He conducted the cargo of slaves to the ferry at Civil Bend, where he aided Armstrong to cross the Missouri river. The crossing was a dangerous matter, as ice was running in large pieces. The ferryman had to be persuaded with a Colt's navy before he would undertake the passage. The boat was carried down the river half a mile by the ice, but finally made the east shore in safety. The slaves were delivered to Dr. Ira D. Blanchard, who lived near Civil Bend on the Lane Trail, and a few miles from Tabor, Iowa. Kagi's father lived at the time in Nebraska City, and he also aided Armstrong to escape from the town with the slaves.

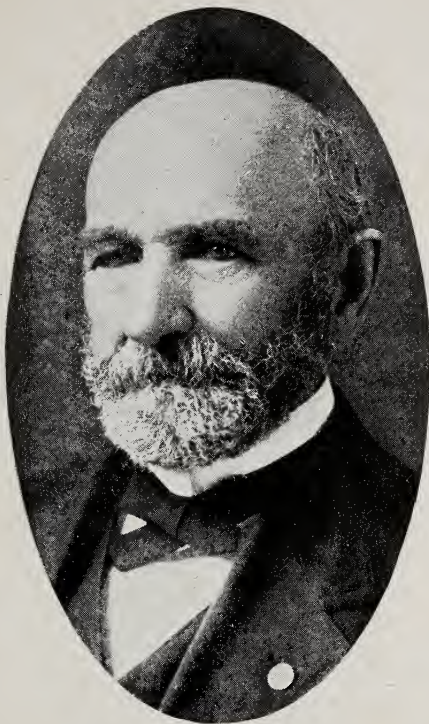
This trip having been made successfully, John Brown considered the underground railroad through Kansas firmly established. All other slaves going out over it were conveyed from one station to another by the people maintaining the stations. The underground railroad over the Lane Trail was in operation as long as it was necessary for slaves to leave Kansas for Canada.

John Brown left Kansas forever over the Lane Trail. North of Holton he found trouble and he sent back to Topeka for help. John Armstrong and Colonel Ritchie left church services on the arrival of the messenger, hastily collected a few men, and hurried to the aid of the old Puritan. They helped to disperse the enemy at the crossing of Straight creek near the Fuller cabin, in the Battle of the Spurs.

There was a notable expedition over the Lane Trail from Iowa City which arrived at Topeka late in September, 1856. It was led by a youth in his nineteenth year, who afterward achieved fame in Kansas—Preston B. Plumb. His company consisted of ten men, and it carried, with two teams,

were promptly accepted by John Brown, who brought Dr. Blanchard to Topeka to arrange the details of that station. Topeka was the real starting point of the underground railroad over the Lane Trail. It was necessary to have men there who would make sacrifice of time and money to aid the slaves to freedom. John Armstrong, Jacob Willits, Daniel Sheridan, Captain John Ritchie, Guilford Dudley, and others pledged that all slaves arriving at Topeka on their way to Canada would be safely carried to the home of Dr. Blanchard, at Civil Bend, Iowa, if it were possible to get them there. John Armstrong never failed to state these facts in his account of the establishment of the underground railroad over the Lane Trail. He often repeated them to the author.

many Sharps' rifles, Colt's pistols, bowie-knives, a great quantity of ammunition and a brass twelve-pounder for use in the war with the border-ruffians. The best account of it is contained in the following statement of Captain Alfred C. Pierce:³



ALFRED C. PIERCE.

Captain Alfred C. Pierce was born in Otsego county, New York, September 13, 1835. His father's name was Benjamin Pierce, and the youngest of the thirteen children of Mial Pierce. The name of the father of Mial Pierce is not remembered, but his brothers and his father were in the war of

3. This statement was taken by William E. Connelley, at Junction City, Kan., June 20, 1910. Mr. Connelley had gone there to secure it for use in writing "The Life of Preston B. Plumb." That portion of the statement relating to the Civil War is omitted here. But the account of the founding of Mariposa is included, as there is not so much available information on that subject.

In a letter to the Secretary of the Historical Society, March 13, 1914, Captain Pierce said: "At the time we left Iowa City, September 3, '56, the Free-State cause in Kansas was at low tide. Governor Robinson and other leaders of the Free-State cause were prisoners at Leecompton. The Republican party was being organized in opposition to the extension of slavery. The campaign of 1856 was probably one of the most exciting and interesting ever held on this continent. Kansas was the issue, slave state or free state. The election of Buchanan was a slaveholder's victory, and if he had been able to carry out his desires, Kansas would have been a slave state. The House of Representatives saved us. The Free-State men in Kansas won the admiration of the world, and yet we could not have won the fight for a free state without help from outsiders. Geary was sent to Kansas to stop the fight until after election and save Pennsylvania to the Democratic party. Of course you know what the condition of the country was when Plumb and his little party were racing across Iowa with arms to save Free-State men from being put out of Kansas. In looking back over the great battles from 1856 to 1865 it looks to me as the most critical period of world history. The men who stood up for Kansas and later for the Union, at great loss of blood and treasure, won a victory for mankind everywhere."

the Revolution, he being kept at home by his mother to aid in her support. He moved from Massachusetts to New York soon after the Revolution. Mial Pierce was born on the same farm as Benjamin Pierce and Captain Alfred C. Pierce. The mother of Captain Pierce was a Miss Bowen, daughter of Henry C. Bowen. The Bowens were from New England. Pierce was captain of Company G, Eleventh Kansas.

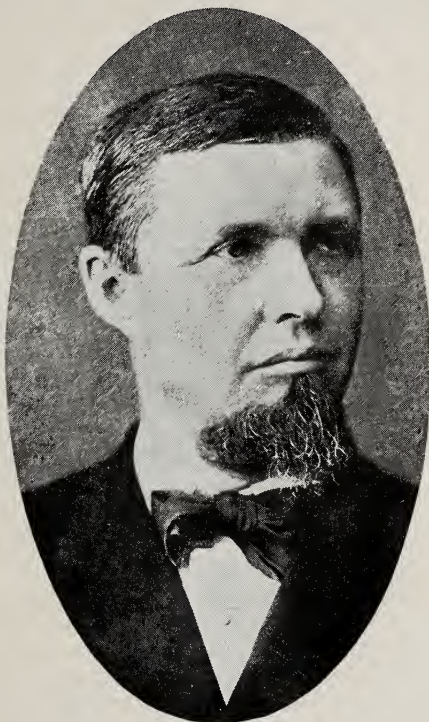
Alfred C. Pierce was just twenty years old when he started from his home in New York to Kansas. The thing which fired him with the determination to enlist in the army of freedom then marching to Kansas from the farms and towns in the northern states was the account in the *New York Tribune* of the murder of Brown at Easton, Leavenworth county, Kansas, by the border ruffians. He said to his mother, after reading that account: "Mother, I am going to Kansas. I do not want to see those free-state men so over-run by the border ruffians." His mother objected to his going to Kansas, but he started within a day or two after his decision to go. He had taught school in his native county. He had little money. At Adrian, Michigan, he stopped to earn money to continue the journey, and there he was principal of the grammar school for a time.

Pierce arrived at Iowa City in August, 1856, near the first of the month. It was necessary for him to work, for his money was low. He secured a place as copyist in the law office of Penn Clark. About the first of September he went into a barber's shop to be shaved. There he met a tall, slim young man, who had come in for the same purpose. Neither of them had much beard, but both were getting "slicked up a little," as Captain Pierce put it. That young man was Preston B. Plumb, who was there to aid in the transportation of arms for the use of free-state settlers of Kansas in their struggle against the border ruffians. Plumb inquired of Pierce what he was engaged in at Iowa City. Pierce told him, and added that he was going on to Kansas as soon as he got a chance. Plumb said he was going to Kansas and that Pierce could go with him. Pierce replied that he would be glad to go. Pierce says that Plumb was then a confiding, captivating fellow that got close to one, that is, deeply impressed any one he talked with.

Plumb had three teams and three wagons. These teams were horses—a span of horses to each wagon. He had gone to Kansas from Ohio in the spring of that year. He had returned to Ohio, and was now making his second trip to Kansas. As the Missouri river had been closed by the border ruffians, Plumb was compelled to go by Chicago, and across Iowa and Nebraska and into Kansas over the Lane Trail.

Plumb was in Iowa City to take arms into Kansas. One of the wagons was loaded with supplies—provisions for men and horses on the journey to Kansas. One wagon was loaded with Sharps' rifles, revolvers, bowie-knives and ammunition. There were two hundred and fifty Sharps' rifles, the same number of revolvers, and the same number of bowie-knives. There were several boxes of cartridges for the rifles. There was also a brass cannon. This cannon and its carriage were put into one of the wagons and boarded up so that no one could see them. The arms and ammunition were put into one wagon—perhaps a small portion in the wagon which carried the cannon. These munitions of war were turned over to Plumb by Dr. Bowen, the agent of the National Kansas Committee, which had headquarters at Chicago. This committee had provided these arms.

In Plumb's party there were ten men. Pierce thinks they were mostly picked up about Iowa City in somewhat the same way in which he was recruited. So far as Pierce can remember the men were: Preston B. Plumb, Xenia, Ohio; B. W. Leigh McClung, Xenia, Ohio; P. B. Walker, Xenia, Ohio; Alfred C. Pierce; Samuel F. Tappan; ——— Curtis; William Eldridge, Logansport, Indiana; ——— Pelette; ——— Smith, Boston, Mass., (the cook); ——— Johns; O. A. Curtis (father of Senator Charles Curtis), who joined the party at Winterset, Iowa. Pierce is not certain but what



PRESTON B. PLUMB.

Tappan joined the party at Nebraska City, with James Redpath, Richardson and others, but can not certainly say he did not join the original party at Iowa City.⁴

Plumb was elected captain of the company and had entire charge and direction of it until it reached Topeka. The company left Iowa City about

4. In a letter to Mr. Connelley, dated 80 West 47th Street, New York City, January 16, 1909, Samuel F. Tappan says:

"A few days afterwards I left Washington D. C. returning September, '56 through Iowa, with men and munitions for war, reaching Topeka about the 20th of that month, and with Col. Thomas Wentworth Higginson of Massachusetts, who joined us at Nebraska City, James Redpath, who joined us at Plymouth, Kansas, Governor Charles Robinson, and Samuel C. Smith who had come up from Lawrence to meet us, were arrested by the U. S. Marshal and taken to Leecompton. . . . At Nebraska City, September 12, 1856, we met General J. H. Lane."

In another letter to Mr. Connelley which seems to have no date or place, Tappan says:

"On the 10th or 11th of September I was at Nebraska City on my way to Kansas with men

four o'clock in the afternoon on the 3d of September, 1856, and drove out about five miles, and then camped for the night. Captain Pierce said:

"Dr. Jesse Bowen was later paymaster at Fort Leavenworth. He had two fine looking daughters, Jessie and Hortense. They were smart girls and good as gold. His family lived at Fort Leavenworth and Plumb became well acquainted with the girls. Plumb proposed marriage to the eldest daughter who was favorable to his suit. The parents had no objection, but counseled delay until Plumb could establish himself in business. I do not know that there was any engagement between Plumb and Miss Bowen, but the matter was discussed by the young people and by the parents of the girl. She told me about it long years afterwards."

Iowa City was then the capital of Iowa. There were many people there who favored the South, and Plumb was in more danger of having his lading captured and taken from him there than most any other place in Iowa.

Pierce does not recall many incidents of this journey through Iowa. While crossing Skunk river they saw a man drowning. The party had in fact crossed the river and got some distance from the bank, when some one called out for help. Pierce was walking barefooted and bareheaded, with an umbrella over him. It was in the afternoon. Pierce ran back to the river and found the people dazed and helpless. The man had gone down for the last time. Pierce was advised not to plunge into the stream while hot and perspiring, but this he disregarded. He dived into the deep water and in swimming under there touched the drowning man with his foot. This gave him the location, and he then dived down and brought him to the surface and swam to the shore with him. The people cheered Pierce. He left as they were rolling the rescued man on a barrel to get the water out of him, and he does not know whether they revived him or not. The party had gone on. At Sigourney he went to a hotel for the night, but as he had not put on dry clothing the keeper refused to allow him to stay. But he remained at Sigourney over night and walked out to camp in the morning. The party had gone on about three miles west of Sigourney and camped. In coming up with the teams the next morning Pierce walked barefooted about five miles. Some cheese had been purchased at Sigourney, which made most of the party at the camp very sick, and a physician had to be called from the town in the night to attend them.

The Lane Trail ran southwest from Iowa City to Tabor post-office. There were not many settlers in the country then. It was all a new country.

At Winterset, Orren Curtis, father of Senator Curtis, joined the party. There was a feeling against Kansas at Winterset; in fact, there was some feeling over all the North. Many northern people believed in noninterference with slavery. Captain Pierce does not know how the meeting with Curtis occurred, but he remembers that Curtis was a very enthusiastic recruit, and that he would make speeches from the wagons about Kansas. His language was not very good, but this was remedied to some extent by enormous lung power and a raucous voice—together poor but earnest speeches.

and munitions of war, and there met Gen. Lane with about thirty men all mounted. I think something was said about a new route, but inasmuch as Redpath with nearly three hundred men was at Plymouth on the old road, and needed arms and powder, I concluded to go that way for I had what he wanted—300 Sharps' rifles, 300 Colt's revolvers, 300 Bowie-knives, one cannon—12 pounder—20 kegs of powder, and 20,000 rounds of fixed cartridges for rifles and revolvers."

It will be observed here that Tappan seems to claim direction of the company. This is wrong, for Pierce distinctly says Plumb was the captain and commander of the company. See biographical sketch of O. A. Curtis, page 559, Andreas' "History of Kansas." He says he came with Plumb.

On the journey Plumb talked about the Fremont campaign. He was strongly for Fremont. Tappan had a copy of Whittier's poems. The company would often sing the Kansas song, "We cross the prairies as of old our fathers crossed the sea." Plumb would join in the songs, though he was not much at singing. He talked, thought, dreamed of the free state to be made of Kansas. That subject engrossed him and was always present with him. He wore high-heeled boots—poor foot-wear for hard walking. He did not drive a team. Plumb and Pierce walked together much of the time. They generally walked ahead of the teams, especially when the roads were dusty.

The company drilled every day, more or less. All expected to have to fight border ruffians as soon as they got to Kansas. Pierce does not remember the name of the drill-master. He was one of the original party, and later he was killed about Fort Scott. He was a man of small size.

At Tabor the citizens gave a dinner in honor of the arrival of the party, which laid over there one day. The party had rushed until Tabor was reached because of the imprisonment of Governor Robinson and others at Lecompton. At Tabor they heard that Robinson had been released, and after that took more time.

At the dinner the people made much of the young men and encouraged them. Most of the Tabor people then were from the Western Reserve in Ohio.

The party crossed the Missouri river at Nebraska City. There they met Lane, who made a speech. Pierce did not hear him, but some of the party did hear him. He was just from the fight at Hickory Point (now in Jefferson county). He made a good speech.⁵

At Brownsville, Nebraska, the party came up with a larger party bound for Kansas. In this party were Albert D. Richardson, James Redpath, and one of the sons of old John Brown—Pierce does not remember which one. A Mr. Parsons, who afterwards settled at Ogden (Kansas), was in the party. Pierce called Brown's son "Brown" after he met him, and was requested to call him by some assumed name, which Pierce had forgotten. Most of the Kansans had assumed names, the better to conceal their movements and mystify the border ruffians.

The party came by the Lane Trail. They camped at Holton, Kansas. The town consisted of a cabin or two and some rifle-pits. There had been a

5. In his "Cheerful Yesterdays," pp. 203, 204, Thomas Wentworth Higginson says of Lane's speech:

"The tavern where I lodged in Nebraska City was miserable enough; the beds being fearfully dirty, the food indigestible, and the table eagerly beset by three successive relays of men. One day a commotion took place in the street; people ran out to the doors; and some thirty rough-riders came cantering up to the hostelry. They might have been border raiders for all appearance of cavalry order; some rode horses, some mules; some had bridles, others had lariats of rope; one man had on a slight semblance of uniform, and seemed a sort of lieutenant. The leader was a thin man of middle age, in a gray woolen shirt, with keen eyes, smooth tongue and a suggestion of courteous and even fascinating manners; a sort of Prince Rupert of humbler grade. This was the then celebrated Jim Lane, afterwards Senator James H. Lane, of the United States Congress; at this time calling himself only "Major-General commanding the Free State Forces of Kansas." He was now retreating from the Territory with his men, in deference to the orders of the new United States Governor, Geary, who was making an attempt, more or less serious, to clear Kansas of all armed bands. Lane stopped two days in Nebraska City, and I did something towards renewing the clothing of his band. He made a speech to the citizens of the town—they being then half balanced between anti-slavery and pro-slavery sympathies—and I have seldom heard eloquence more thrilling, more tactful, better adjusted to the occasion. Ralph Waldo Emerson, I remember, was much impressed by a report of this speech as sent by me to some Boston newspapers. Lane went with me, I think, to see our emigrants, encamped near by; gave me some capital suggestions as to our march into the Territory; and ended by handing me a bit of crumpled paper, appointing me a member of his staff with the rank of Brigadier-General."

skirmish there between the free-state men and the border ruffians, and Pierce thinks "Bullet-hole Ellis"⁶ had been wounded there. Not far from Holton the party saw some Pawnee Indians, but at first supposed they were border ruffians. The teams were corralled and the men put into position to fight, all preparations being made before they discovered that it was only a party of Pawnees.

North of Topeka, perhaps half way between Topeka and Holton, two of the party, Curtis (not O. A. Curtis), and another whose name is forgotten, one evening refused to go on to the camping place selected by Plumb. They wished to camp back from the crowd. Plumb would not permit this. Pistols were drawn, but Plumb prevailed and the whole party went on to the creek and camped on the chosen site. What the mutineers intended to do was never known, but their course afterwards in Kansas was not good.

The night before the party got to Topeka the cannon was hidden in the brush; it was mounted on wheels and must have been a ten-pounder. (Twelve-pounder, Tappan says.) It and its accompaniments made a good load for a fine gray team which hauled it from Iowa City.

From Brownsville the company had been always in sight of the larger company found there, or in touch with it.

On the north bank of the Kansas river at Topeka, Colonel Sumner with his command searched the wagons. The company had camped at Indianola the previous night. The cannon had been hidden, or perhaps buried, the night before. The soldiers made a search for Samuel F. Tappan, but he escaped. Houses in Topeka were searched for him. He had been in the Kansas troubles and perhaps arrested before.

The party remained in Topeka some days—possibly a week—when Plumb, who was looking for a place to found a town, started up the Kansas river. The party was the same, except Orren Curtis and Tappan. Orren Curtis went to work for Papan on the ferry over the Kansas river, and afterwards married Miss Papan. Plumb had bought an ox team in south-western Iowa. When the party started up the Kansas river it had two of the horse teams and the ox team.

Plumb had brought tools—axes, broad-axes, saws, augers and other tools such as pioneers might need in erecting buildings in the wilderness. These, were carried along.

The party camped at Juniata, four miles above Manhattan. From here parties went out to explore for a location. Pierce, Johns and Curtis went up the Blue river. They were followed by three border ruffians who intended to kill them. An old man named Garrison lived where the town of Garrison now is. The exploring party stopped over night with Garrison. The three border ruffians came to Garrison and asked permission to come in and kill Pierce and his companions, but Garrison, himself proslavery, refused, saying that if they were killed in his house revenge would be taken on him and he would likely be killed. He warned the free-state men of what was threatened against them, and one of them remained on guard all night. They were armed with Sharps' rifles and revolvers. They went on the next morning to

6. Abraham Ellis lived in Miami county, and later at Elk Falls, Kan. At the sacking of Aubrey, Kan., Quantrill shot Ellis in the forehead, making a wound which left a hole or indentation in healing. Because of this he was called "Bullet-hole Ellis." See p. 247, vol. X, "Kansas Historical Collections," and "Quantrill and the Border Wars," by Connelley, for biography and account of Ellis.

THE LANE TRAIL

THOMAS

JOHN AND MARY

1870

THE LANE TRAIL

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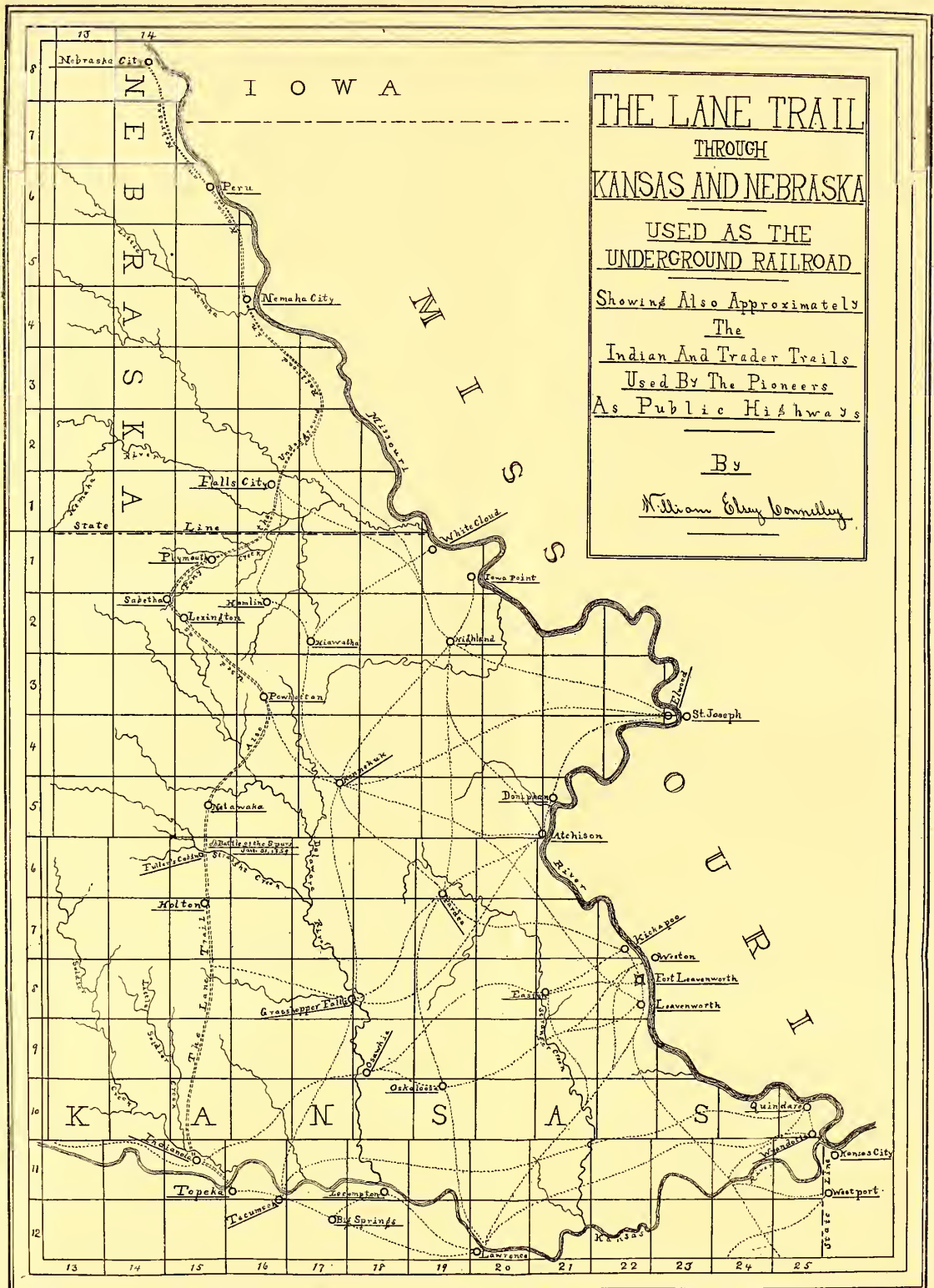
THE LANE TRAIL THROUGH KANSAS AND NEBRASKA

USED AS THE
UNDERGROUND RAILROAD

Showing Also Approximately
The
Indian And Trader Trails
Used By The Pioneers
As Public Highways

By

William Elzy Combs



the house of a man named Randolph, where the town of Randolph now is. There they turned back and came again to Juniata. Pierce had concluded that the first railroad would be built up the Kansas river and not up the Blue river, and that their settlement ought to be on the Kansas river. The party had figured that a railroad would penetrate that region in ten years. And it did, though the Civil War intervened.

Plumb and four others of the company went on up the Kansas river. He took two teams with him—the ox team and one of the horse teams. He went about fifty miles west, to where Salina now is, to the bridge across the Smoky Hill river. This bridge had been built by McIlvane and Sawyer, government contractors. This and other bridges had been built the year before—across the Blue, Chapman's creek, Mud creek and the Saline river. A bridge had also been built across the Republican at Fort Riley in 1855.

When Pierce and his party came back from their exploration up the Blue, they started up the Kansas river. They met Plumb at Chapman's creek. He had selected a site for their town, and there they afterward laid out Mariposa. Pierce thought the town ought to be built where Junction City now is, but Plumb objected because of the proximity of Fort Riley, then a pro-slavery headquarters. The officers were all pro-slavery and would have liked to shoot all the free-state men. Robert Wilson, post sutler there and postmaster, wanted to disarm Plumb as he had gone up the river. Plumb told him to stand back and mind his own affairs—that he could not have his gun, but that he might get the contents of it. The post office was in a saloon.

At Chapman's creek the party had a good dinner—buffalo meat, new potatoes, rice, etc. Plumb and party had killed the buffalo. Plumb made a fine report of the country to the west. It was agreed that he should go back to Ohio and get people to come out and settle in their town of Mariposa; and that Pierce and the others should go ahead and lay out the town. Pierce was a surveyor. He had a pocket compass, and for a surveyor's chain he used a lariat. The town was about a mile from the present site of Salina. They built a substantial log house there. The logs were well hewed, and the house was about 26 by 18 feet in size. McClung remained there awhile.

About the last of December Pierce went to Lawrence. He does not remember to have heard from Plumb in the meantime. He found Plumb at work in the *Herald of Freedom* office. He had written a booming article about the up-river country, and intended to settle it up in the spring, and believed he could get plenty of people to go there.

Pierce came back to Mariposa and brought John Hunter, from Plumb's town in Ohio, with him. They stopped at Ogden and chopped some sawlogs for a man who had a sawmill there. From Ogden they walked to Chapman's creek. When they started out Hunter forgot his comforter at the sutler's store and did not think of it until they were on the present site of Junction City, or beyond it. Then he went back for it, but the store was locked and he did not get it. Pierce waited for him.

The next day they walked from Chapman's creek to Mariposa, and the snow was two feet deep—the hardest day's work that Pierce ever did. Hunter became exhausted and wanted to lie down in the snow, but Pierce knew he would never rise if he lay down, and threatened to shoot him if he did. Pierce carried an old Yager rifle Plumb had given him at Lawrence. Hunter finally got to Mariposa, but he was almost helpless from the exhaustion for several days.

In January, 1857, McClung wished to go to Lawrence, and he and Pierce started to walk there. Just about the time they were starting Robert Hunter and some one else came up to Mariposa and said they would have starved to death but for a band of Indians they fell in with. Pierce is not certain but it was McClung that came up with Robert Hunter. He may have gone to Lawrence before that, and he might have brought up Robert Hunter to settle at Mariposa.

Pierce and McClung went down with a band of Kaw and Pottawatomie Indians who were going to Fort Riley to hang about that post the remainder of the winter. Shingwassa, a Kaw chief, was in command of the band. There were fifteen or twenty Indians—some of them women and children. They had seventeen scalps—some of them those of white people. These scalps were hung up in the tent above the place where Pierce slept at night. The Indians begged food of Pierce and McClung, and in exchange gave them some jerked buffalo meat, the poorest food they ever saw. It was as hard as iron, and a wolf could have made no impression on it with his fangs. The chief wanted McClung to marry his daughter—said he would give McClung "heap ponies" to marry her. The girl was not averse to the marriage. Indeed, it is likely that she caused her father to make the proposal to McClung; she came over and sat down by McClung, and this act in itself constituted marriage in many tribes. She took off her moccasin, and her heel had been frostbitten. McClung declined to marry the Kaw princess. This may have been in consequence of a supper the Indians prepared and of which Pierce and McClung partook. This supper consisted mainly of soup made from the same jerked buffalo meat. This soup tasted like water in which meat had been soaked, the foulest food these dainty white men had ever tasted. They could not retain it in their stomachs—and Pierce contracted his lips and swallowed hard when telling me about it fifty-four years later. I think he felt something of the original nausea even at that late date. Feasts of that kind of food had no charms for a high-bred Buckeye fond of ham, fried chicken, light biscuits, pies, cakes. They went on to Lawrence and found Plumb.

One night when the party was building the house at Mariposa a band of border ruffians came into the tent to drive them off, but the boys showed plainly that they would not be driven away. The ruffians were drinking and wanted a row. They remained in the vicinity several days, always exhibiting an insulting attitude. They pretended to be on a hunting expedition, and did do some hunting. They had brought a barrel of whisky with them and remained until it was consumed, when they went away. They did not molest the free-state men a second time.

The last of the settlers at Mariposa drifted away in the month of March, 1857. The very last to leave were Pellette and Johns. They starved out. They went hunting, driven thereto by hunger. They found a buffalo bull and were lucky enough to kill it. While Pellette was left to skin and guard the carcass, Johns came into the settlement to get the oxen and haul in the meat. Pellette got one side of the buffalo skinned, when night and a terrible blizzard descended on the land together. Johns did not return with the oxen. Pellette feared to try to find the settlement in the storm and darkness. But he was freezing to death. In his extremity he thought to crawl under the hide skinned from the side of the dead buffalo, and there he found a tolerable

shelter. But his troubles were not over by any means. No night was so dark or blizzard too cold to keep off the hungry wolves when attracted by the odor of a dead buffalo. They came about Pellette in their snarling, yelping, gliding, hair-raising way, and he would crawl from his snug place and shoot at them and frighten them off. Then he would creep back and by the time he was getting a little thawed out the ghostly murderous pack was sniffing about the carcass of the buffalo and he would have to get out and fire at them again. This was kept up all night. It became a fight for life with these wolves, for they would likely have killed Pellette had they gotten to tearing the carcass of the buffalo; and if he had gone away from it he would have perished in the storm. He said he was never so glad in this world as when, with the early morning, he saw Johns coming with the oxen.

Plumb would have made the settlement go if he had had enough money, but he had none after getting on the ground. Later he became interested in Emporia, which he made a fine town. None of the men blamed Plumb for not going on with the settlement at Mariposa. Fort Riley was a great drawback to that country then. It was all proslavery and molded public sentiment. Robert Reynolds was probate judge under the bogus laws. He was the head man. Truman L. Pooter was a man whom Pierce hauled sawlogs for during the winter of 1856-'57, and Reynolds asked him about Pierce, saying that Pierce had better leave as he had a Sharps' rifle and took the *New York Tribune*. The sawlogs were cottonwood, and Pierce hauled them over the snow. The lumber was used at Fort Riley. Fred Emery was register of the land office at Ogden. He had commanded the company that murdered Brown at Easton, Leavenworth county. Tom Reynolds, son of Robert Reynolds, was hanged south of the river by vigilantes for horse-stealing. Two others, of Reynold's sons, became highwaymen along the trail up the Smoky Hill and were killed. The best one of these boys was George Reynolds, and he went into the rebel army. Drinking whisky was the chief pastime of these fellows about Fort Riley.

THE TRUE HISTORY OF THE BRANSON RESCUE.

By CHARLES HOWARD DICKSON.¹

THE Missouri Compromise had been repealed. The solemn compact, limiting the extension of slavery in the United States, which for more than thirty years had been deemed as sacred as the constitution itself, had been abrogated. The Kansas-Nebraska act had passed, opening up the territories to settlement, establishing the doctrine of squatter sovereignty, and paving the way for the irrepressible conflict, which was to follow.

For more than a year a steady stream of immigration had been flowing into Kansas from various parts of the Union. That from the north and east was composed principally of active, energetic and self-reliant young men and women of good morals, culture and refinement, peaceable and law-abiding, respecting the rights of all men, as they expected all men to respect their rights. They came anticipating and willing to bear the ordinary privations and hardships of pioneer life, inspired with the hope of building for themselves farms and homes on the virgin soil of this new territory. There was also a percentage of men in middle life, who, having partially or totally failed in securing a satisfactory measure of success in their varied avocations, had come with their families, and such worldly possessions as they might have left, to "take a fresh start in life," hoping for better luck than had attended them in the past.

A few—very few—may have partially anticipated the coming struggle for supremacy that was to take place, and in a measure have prepared to meet it, but the great majority entirely failed to read the signs of the times, because they had had no previous education along such lines, and had no thought of actual war or serious trouble.

But there was another class of immigration which must be described, and perhaps it can best be done in the language of the southern negro, "De po' white trash." Very few slave owners and very few slaves came to Kansas to settle at that time, for the simple reason that it was too great a financial risk, not a good business proposition.

Slavery is brutal. Brutalizing, not to the slave alone, but to his master, and to all that come within the sphere of its influence. Its effects were infinitely worse upon the poor whites of the south than upon any other class, and sank them to the lowest depths of degradation, subjecting them to the scorn and contempt of even the slaves themselves. Barred from all educational privileges, taught to believe that manual labor was degrading to the white man, placing him on a level with the "nigger," the poor whites became the abject tools of the slaveholding aristocracy, with all that that condition signifies. That they were used for the vilest purposes is well known to all who were conversant with the conditions of that period.

1. Charles Howard Dickson was born at Groton, Mass., August 10, 1839. He came to Kansas with his parents in March, 1855, part of a band of New Englanders coming west under the auspices of the New England Emigrant Aid Company. The Dickson family settled near Lawrence and bore their part in all the struggle of those early days. Young Dickson served in the Third regiment, Kansas State Militia, called out to repel Price in October, 1864. He married Miss Julia Fanning in December, 1864, and in 1869 they moved to Osage county, where Mr. Dickson took up a claim on which he continued to live until his death, December 31, 1909. He is buried at Quenemo in the Oak Hill cemetery. A very interesting article by him entitled "The Boy's Story: Reminiscences of 1855," may be found in *Kansas Historical Collections*, vol. 5, p. 76.

The man who becomes accustomed to treating the black man with brutality, will in time learn to apply the same brutality to his white brother, and witness his sufferings with indifference; provided always, that he thinks he is safe himself in doing so. Such men, however, never meet a foe on equal terms if possible to avoid it.

Such was the element, led and officered by a few unscrupulous but sharp and wily politicians, that the free-state party had to contend with during the eventful years of 1855-'56.

Unprovoked and cold-blooded murders and other outrages began to occur here and there throughout the territory, which, while they shocked the sensibilities of the people, were deemed to be sporadic, and a natural accompaniment to pioneer life.

Notwithstanding the fact that armed men had come over the border into Kansas in March, 1855, and taking possession of the polls, had elected what became known as the "Border Ruffian or Bogus Legislature," the northern-bred men had no conception of the terrible earnestness of the slavepower, nor of the desperate means to which it would resort to make Kansas a slave state. Gradually, however, the thought seemed to dawn upon the minds of the free-state people that "there was method in the madness" of the opposition. Time and events deepened the suspicion into a settled conviction, and finally into absolute certainty, that there was a carefully planned and thoroughly organized effort being made upon the part of the proslavery leaders to create a "reign of terror" in Kansas. This, they intended, should result in frightening away the "D——d abolitionists," as all were called who did not openly advocate slavery in the territory, thereby leaving the slave power in absolute control. It was already in nominal control, having possession of all branches of the territorial government, with the national administration and the U. S. army to back it. The proslavery faction deemed our conservatism cowardice, our love of peace and passive submission to their outrages, pusillanimity. Force was the only thing they respected, and fear the only thing that held them in check. Hence our great need of men of iron nerve and dauntless courage, such men as Robinson, Lane, Montgomery, John Brown, Walker, Wood, Abbott, Pike, and many others of like caliber, men who were ready and willing to take their lives in their hands and fight to the death, if need be, to establish the grand principles of human liberty in Kansas.

So much by way of prelude for the benefit of readers who have not carefully studied the conditions that led up to the event, which I shall attempt in the following narrative to describe.

Many writers have touched upon the subject briefly, some drawing upon a fertile imagination for their facts, others giving the main points with substantial accuracy; but so far as I have been able to find, after a diligent search, no one has yet given a full and detailed account of the affair, nor a complete and accurate list of the names of the rescue party. In the light of subsequent events it seems to me that this should be done before the "eye-witnesses" are all gone, and I think they can almost be counted on the fingers of one hand now. Therefore, after waiting half a century for some able writer to do the work, I have undertaken the task myself.

Situated about five miles due south from Lawrence, there stood in the autumn of 1855, out on the open prairie without a vestige of fence or tree

or even a bush about it, a rough box house about twelve by fourteen feet square. It was one story high, with a door in the east, and a half window in the west side, and was built of native lumber which had never seen a plane. The cracks were not even battened, and it had no chimney, a joint of ordinary stovepipe stuck through a hole in the roof serving instead. But humble as it was, it ranked as an aristocrat among its less pretentious neighbors, for it had a "plank floor" while many had only the ground for a floor, with possibly a carpet of sawdust. In addition to the floor below it was partially floored above, making a sort of shelf up under the roof extending about one-third of the length of the house. This shelf was across the north end of the building and just wide enough to hold a pallet, and long enough, in case of an emergency, to spread two, by placing them head to head. Tucked away on that shelf the writer found it convenient to spend many nights, in preference to sleeping alone on the ground in an "A" tent on his father's claim a mile further south. That is how he happened to be present at the "Branson rescue," for of course this was the home of Major Abbott (he wasn't Major Abbott then) with his wife and little daughter. The road ran north and south past the house on the west or rear side, and as there was no fence to keep it away, the travel came as close as it was possible to drive without actually hitting the house. But if the house was small, the liberal host and hostess always kept the latch string out for all their friends, and as their friendship was coextensive with their acquaintance, and all free-state people knew J. B. Abbott, it can readily be understood that it was a very common occurrence for people to drop in as they were passing, especially if it happened to be near meal time.

About a half mile north from Mr. Abbott's house on the south bank of the Wakarusa, and right at the point where the old "Fremont trail" crossed the stream, there lived a man named Napoleon Bonaparte Blanton,² who was commonly known as "Bony" Blanton. His genealogy is not known to the writer; but from his personal appearance and many of his characteristics, together with his name, I think he must have been of French and Indian extraction. In many ways he was radically different from the people of that time either from the north or the south. While he came from Missouri he was not a proslavery man, and yet he never took an active part with the free-state men as against the proslavery element. He apparently came nearer being a "neutral" than any other man I ever knew in Kansas. Really he acted in the capacity of a scout and spy for the free-state leaders. He settled here early in the month of October, 1854, and must have had some capital to start with, for in March, 1855, he had a good, comfortable, hewed-log house finished with stone chimneys on the outside in regular southern style, and had a bridge well under way across the Wakarusa, which he finished early in the summer following. As everything about his house, except the floor, was hewed out with the broadaxe, it involved a good deal of labor and expense. The bridge, of course, was a toll bridge, and since it was for a long time the only one across the Wakarusa, from source to mouth,

2. For a biographical sketch of Napoleon B. Blanton see "Kansas Historical Collections," vol. 10, p. 244. In a letter to Mr. Dickson written in 1905, Capt. Blanton gives the following: "I was first named James by my grandfather on my mother's side. My father was of French descent and was a friend of Napoleon, but my grandfather hated him. After my father and grandfather had quarreled about Napoleon my father changed my name to that of the great general." Captain Blanton died at Wichita, Kan., April 30, 1913, from injuries received in an automobile accident. Two daughters survive him, Mrs. L. A. Hechard, of Wichita and Mrs. Dennis Flynn, of Oklahoma.

it became widely known and largely patronized. Blanton also built a small log store building, and established a grocery store that summer, in addition to keeping a kind of a country hotel. Altogether he did more business and made more money than any of his neighbors. He was a very quiet-appearing, soft-spoken, conservative kind of a fellow never seeming to be in a hurry about anything. I thus minutely describe Mr. Blanton and his surroundings for the reason that he was the cause of the "Branson rescue," although he took no part in it. Except for him and his act there would have been no rescue.

About four o'clock in the afternoon on the 26th of November, 1855, the writer went to spend the night at Mr. Abbott's. Arriving there he found only Mrs. Abbott and her little girl at home. Mr. Abbott had gone to attend the "Dow murder investigation," which was being held that day at Hickory Point.³ A little after dark, owing to an attack of a sick headache, I crawled up to my shelf to go to bed. Just at that moment there was a gentle rap on the door, quickly followed by a second, as if some one were in a great hurry. As soon as the door was opened sufficiently to admit him, a man slipped in edgewise, instantly closing it behind him, as if to avoid pursuit. This unusual procedure so aroused my curiosity that I quickly slid down the ladder to learn the cause of it. I found the man to be "Bony" Blanton, and he seemed to be in a state of extreme nervous excitement. He inquired for Mr. Abbott, and upon being informed where he had gone, he proceeded to make known his errand, in a low, rapid voice, with his eyes constantly on the door, and his ears alert to the least sound outside.

He told us that about noon Sam Jones rode into his place at the head of a body of men, all heavily armed with double-barreled shot guns, revolvers and knives; that they came from the direction of Franklin, where there was a camp of border ruffians. They made their business known to no one, nor gave any reason for staying, but remained at Blanton's until it began to grow dark when they moved out, going south. Mr. Blanton wanted to know if they had passed the Abbotts' house. Upon being assured that they had not, he seemed perplexed, but, after thinking for a few minutes, said they must have turned east after getting out on the open prairie, and have gone toward Blue Mound. He said that as they were starting away, Sam Salters, Jones' deputy, with whom he had been acquainted in Missouri, told him confidentially that they were going to arrest the "old man Branson."⁴ Mr. Blanton thought if they got Jacob Branson they intended to kill him, but for what reason he did not know. He further said that he had not dared leave his house while the men were there, but as soon as possible after they had gone he had come to tell Mr. Abbott of the danger. Not finding him he was at a loss what move to make, fearing that Jones and his men would capture Branson and kill him before help could be found.

3. Hickory Point was a post office early established in Douglas county, about ten miles south of Lawrence. The paper town of Louisiana, which later became Salem, was surveyed and platted on practically the same location as Hickory Point, but the name of the post office remained unchanged.

4. "Jacob Branson came to Kansas Territory from Indiana in March, 1854, settling in the neighborhood of Hickory Point, Douglas county, in August. November 21, 1855, a young man who had been living with him was shot and killed by proslavery neighbors. A meeting of free-state men was held next day at the scene of the murder, and Branson attended. That night Sheriff Jones arrested Branson for participating in the meeting. On the way to LeCompton with the prisoner a party of free-state men, under James B. Abbott, met the sheriff's posse and released Branson. This affair was made the pretext for the Wakarusa War."—*Kansas Historical Collections*, v. 7, p. 527.

After waiting a short time to see if Mr. Abbott would return Mr. Blanton grew uneasy and said he must go back home. He begged us not to tell anyone that he had been there, for he feared Jones and his men would "clean him out," if they knew he had reported their movements.

Not long after Blanton left there was a sharp rap on the door, and upon opening it I found two men standing there, Mr. Allen and Mr. Hughes, the first arrivals from the Dow meeting. Of course they were made welcome, and Mrs. Abbott set about preparing supper for them. Meantime they recounted the events and happenings of the day in a very earnest and animated manner. As soon as there was an opportunity to do so Mrs. Abbott and I told them of Mr. Blanton's call and the report he brought.

At first they thought there must be some mistake about the matter, as they had just come direct from Hickory Point over the usually traveled road, and had neither seen nor heard anything of Jones or any one else going that way. I suggested that Jones had not passed there, but perhaps had gone further east and taken one of the other roads, or avoiding all roads, had gone across the open prairie, since there was nothing to prevent doing so. In any event he and his men were out somewhere, and evidently not out for any good purpose. Supper was now ready and our callers did not need a second invitation to sit up and help themselves; they had left home early in the morning and had had no dinner.

They continued to discuss the possibilities and probabilities of Jones' whereabouts and purposes, and the more they thought about the matter the more serious the situation began to appear to them. If Branson was in danger of being murdered, as Mr. Blanton seemed convinced, something ought to be done. But what? That was the question.

Just then came another rap on the door, and another pair of hungry gentlemen stood waiting an invitation to enter. This time it was Messrs. S. F. Tappan and S. C. Smith, of Lawrence. There was a broad smile on their faces as they beheld the cheerful fire and the table already spread, and it did not take them long to place themselves in position to do ample justice to Mrs. Abbott's cooking. As soon as they were seated at the table we asked them if they had met any mounted men as they came in. They promptly replied in the negative and Mr. Blanton's story was repeated to them. They said at once that Mr. Branson was the principal witness against Coleman in the Dow murder case, and that if Blanton's presumptions were correct an attempt was being made to put the old man out of the way in order to clear Coleman. Having just come from an all-day meeting of a hundred or more men whose indignation was at a white heat, over the cold-blooded and cowardly murder, the reader can readily imagine that our information but added fresh fuel to the flames already burning fiercely in their bosoms. And when a little later Mr. Abbott, accompanied by S. N. Wood, appeared on the scene, a council of war was held around the supper table, which resulted in a determination to act, and to act immediately to save Branson's life. It was decided that Messrs. Allen and Hughes should go into what was then called the "Illinois settlement," now known as Pleasant Valley, to spread the alarm and rally as many men as possible. Messrs. Wood and Abbott were to go back toward Hickory Point to discover, if possible, what had become of Jones's party and whether they had succeeded in capturing Mr. Branson. Both Mr. Wood and Mr. Abbott carried large

knives with the avowed intention, in case they should go to Branson's and find Jones and his men there to slip up and "hamstring" the horses, thus delaying the escape of the posse.

Messrs. Smith and Tappan were to go at once to Wm. Eastabrook's house situated about half way between Abbott's and Hickory Point. Eastabrook's was to be the rendezvous for a portion of the rescue party, if it could be rallied there in time. Messrs. Allen and Hughes showed remarkably good judgment in the route they chose, for in going less than two miles they secured the assistance of four of the best fighting men that could be found anywhere in that vicinity. Namely, Paul Jones, Philip Hutchinson, Philip Hupp and Miner B. Hupp. Paul Jones was an old frontiersman, a blacksmith of powerful frame and iron nerve, who would have considered it a disgrace to shoot a squirrel any where but in the eye, and who could shoot a man with the same unerring aim if necessity required it. Captain Philip Hutchinson was a veteran of the Mexican war who was in all respects the peer of Paul Jones, with the additional advantage of his military training and experience. Philip Hupp, another veteran of the Mexican war, was as large, as good a shot, as fearless and strong as either of the other two. These men formed a trio that was a tower of strength for inexperienced men to rally round and worth a dozen raw men in battle. The fourth man was Miner Hupp, son of Philip Hupp, "a chip off the old block" to whom the prospect of an adventure was the most enticing thing on earth.

Having reached Hupp's, Allen and Hughes accepted Miner's offer to go on and spread the call to arms, while they returned at once to Abbott's house. They feared that Jones might return before our men could rally in sufficient force to stop him.

In an account of the affair written by Collins Holloway, he says, "On the evening of November 26th, Miner B. Hupp came riding through the valley rallying the free-state men to the rescue. The place of meeting was to be J. B. Abbott's house. The time, as quick as we could get there."

As fast as the men arrived they huddled into the house to keep warm, for it was a sharp, frosty night, and chilled a man to the bone to stand outside long. Two men at a time were kept on guard, with frequent relief. As there were at least three fords on the Wakarusa between Blanton's and Blue Mound by which Jones could return to Franklin, where we all thought he would go, it was deemed advisable to send out some scouts to watch the roads leading to them. Some three or four men volunteered for this service and went, but as I was on guard at the time, I am unable to say just who they were. This I regret, for they are entitled to the same recognition as those who remained at the house. However, this statement will account for an apparent discrepancy between the number who are named as the rescue party, and the number who were actually present when Jones returned and Branson was taken from him. The names given as the rescue party include all who are known to have taken an active part in the affair that night.

Somewhere about eleven o'clock or later Wood and Abbott returned, a very tired and much disappointed pair of gentlemen. They had ridden clear back to Branson's house, a distance of at least six miles, only to find Branson gone and his wife in an agony of distress. She said that a gang of men came to the house after she and Mr. Branson had retired and wakened them by knocking on the door, and that without waiting for an answer they

burst the door open and rushed in. They dragged Branson out of his bed and made him dress himself in a hurry. When she asked by what authority and for what purpose they were taking him, they gave her no satisfaction, but told her they would attend to that. They took Branson out and put him on a mule and were gone, but she had no idea where. She was sure they intended to kill him, and she would never see him alive again.

After saying all they could to comfort her and allay her fears, Abbott and Wood remounted their horses and started back.

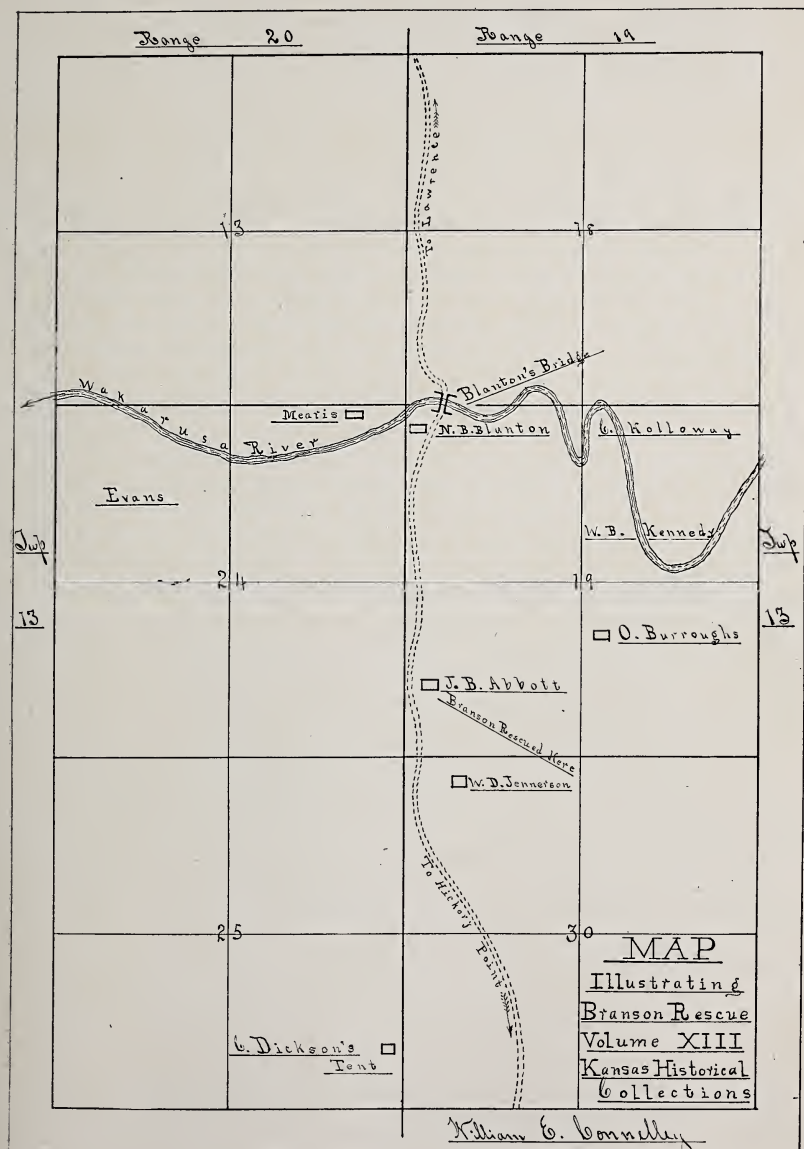
They were much puzzled to know how Jones appeared and disappeared so mysteriously, and which way he had gone, as they had twice since dark been over the entire route he would ordinarily have taken, and had neither seen nor heard of him. However, there seemed to be nothing to do but hurry back to the rendezvous and make their report, when further action could be determined upon. They freely confessed to each other that the chances looked pretty slim for saving the old man Branson. Upon their arrival at Abbott's house, after a rapid ride, both men and beasts jaded and weary, they were pleased to find the little place packed full of sturdy, determined men, eager to hear their report. It had been an open question whether the people would rally if called on. But that part of the undertaking was a success at all events, for not a man had refused to respond promptly, and there was consolation in the fact.

After listening to the report there was a general and animated, not to say excited, discussion of the situation. The more they talked the more certain became the conviction that nothing could be done, and that they might as well go home. A few, however, said, "Our scouts have not yet reported, and it is hardly possible for Jones to get back to Franklin, where he is bound to go, without being seen by some of them; let's not be in a hurry, something may develop yet." And it was not long until something did develop. The road to Hickory Point after, running due south from Abbott's house for a half mile, turned diagonally to the southeast and followed a high ridge for something more than a quarter of a mile, before bearing away to the south again.

While it had been quite dark the fore part of the evening, the moon which was a little past the full, was now high in the heavens, the air was clear as crystal, and perfectly still. A person with good eyesight could have read ordinary print by the light of the moon.

It chanced that I was then on guard along with J. R. Kennedy. I had learned when quite young to "look Indian." It is done by lying flat on the ground and looking towards the sky or the horizon. In that way one can see objects moving which one could not distinguish at all while standing. My eyes were young and keen then and they watched that ridge closely. At last, fully two-thirds of a mile away, an object seemed to move, and then another, and another, and yet another. As they drew a little nearer and came higher on the ridge it was plain to be seen that it was a body of mounted men. Whether I ran or flew I never knew, but I must have gone against that door like a rock from a catapult, for it flew open with a bang against "Preacher Elliott" who was down on one knee, not praying, at least not audibly, but working vigorously trying to draw an old rusty load out of his gun. I managed to gasp out, "They are coming." It was all I could say, but its effect was electrical.

I may as well explain here that Jones and his men, after capturing Mr. Branson, had gone to the house of a proslavery man living in that neighborhood to warm and "liquor up," and had made quite a stop there, leaving the old man sitting shivering on his mule, with guards over him of course, but changing them so that all could refresh themselves. That will account for the failure on the part of Wood and Abbott to discover the whereabouts of the Jones posse.



Some historians have thought that this was a deliberate trap set by Jones to induce the free-state men to attempt a rescue, and thereby lay themselves and their party liable to the charge of insurrection and treason. The premises do not warrant any such conclusion. On the contrary, they show it to be utterly groundless and incorrect. In the first place Jones was only a very ordinary man, as his entire history shows, incapable of deep thinking or shrewd generalship. In the second place he lacked the nerve required to meet the risk involved in such a scheme. His every movement showed that he desired to avoid rather than to court a collision. If he had wished to make a "grand-stand play," what better thing could he have asked than to have marched straight out to Hickory point with his warrant and his posse that afternoon in broad daylight, made his arrest and taken his prisoner away, with at least a hundred armed free-state men on the ground to witness the operation, and do the "rescue act" if they dared defy the executive arm of the law? Did he do it? No. Do you suppose he was ignorant of his opportunity? Why did he remain in seclusion a full half day at Blanton's place, waiting for darkness to hide his movements, and then, instead of taking the ordinary and direct route to Hickory Point, on which he would have been sure to meet men returning from the Dow investigation, sneak off on some roundabout way that nobody ever discovered? It is true he came back by the usual route, but he naturally depended upon the secrecy of his movements, and the lateness of the hour, to prevent his discovery. And I assure you they did not make any unnecessary noise as they approached Mr. Abbott's house, which to all appearances was wrapped in the stillness of midnight slumber. And they had ample time to reach Lecompton, or Franklin either, before daylight. Oh no! Mr. Jones wasn't hunting either trouble or glory that night, and would have been no more surprised had a thunder-bolt fallen from the clear, cloudless sky, than he was when that line of men shot across his path as he came abreast of Mr. Abbott's house. No doubt he thought "discretion the better part of valor," and seriously I must respect his judgment, for I apprehend that had he run against the crowd at Hickory Point that day, in the temper they were in, there would have been no necessity for a rescue party at Mr. Abbott's place that night, law or no law.

Now to return to the thread of my story.

Immediately after my announcement that the posse was coming, the light went out. Next, in the language of S. N. Wood,⁵ "pell mell we rushed out of the house." This was true of all the men except "Preacher Elliott," who remained a few minutes still trying to clean his gun, but failing to accomplish his purpose, he took it as it was, and followed the rest out to the north end of the house. There, standing bunched up in the shadow of the building so we could not be seen by anyone approaching from the south, we awaited in absolute silence the coming of Jones and his party.

I now quote from Collins Holloway's account of what happened. "As they came near we went out and turned the corner of the house. Philip Hupp was the first man to cross the road, next came Paul Jones, both armed with squirrel rifles; next came Capt. Hutchinson armed with a handful of

5. The State Historical Society has in its manuscript collections the statement relating to the Branson rescue made by S. N. Wood, and addressed to A. Wattles, Esq., Lawrence, Kan., August 29, 1857. This statement was published in Dr. Robinson's "Kansas Conflict," 1892, p. 184, and it is from this Mr. Dickson quotes.

large stones. J. R. Kennedy and myself were next, thinking it best to stay close to Capt. Hutchinson, as he was an old fighter. As they drew near we all closed together in front of them." Here I will quote a single sentence from S. N. Wood's account referring to the same moment of time: A moment passed in silence, when one of their party said, 'What's up?'"

Again I quote from Holloway: "Major Abbott replied, 'That is what we want to know.' Then there was a commotion as Major Abbott let his revolver go off. Then the question was asked again, 'What's up?' J. R. Kennedy told Abbott to ask them if Branson was there, and the answer was, 'Yes, I am here a prisoner.' Then three or four of our men spoke up saying 'Come out of that,' and Branson replied, 'They say they will shoot me if I do.' Col. Sam Wood replied, 'Let them shoot and be d—d, we can shoot too.' Branson replied 'I will come if they do shoot,' starting the mule he was riding, the man who was leading the mule letting it go very quietly. The rest of the proslavery men cocked their guns and raised them to their shoulders. Our men brought their guns to their shoulders in quick order too. Then Colonel Wood asked Branson if that mule was his. 'No,' was the reply. Then giving the mule a kick he (Wood) said, 'Go back to your master, d—n you.'"

Again I quote from S. N. Wood: "Jones then advanced on horseback, said his name was Jones, that he was sheriff of Douglass county, Kansas, that he had a warrant to arrest the old man Branson, and he must serve it. He was told we knew no Sheriff Jones. That we knew of a postmaster at Westport, Missouri, by that name, but knew of no Sheriff Jones. . . . Jones still said he had a warrant to arrest him [Branson] and he must do it. S. N. Wood, Esq., said he was Branson's attorney. That if he had a warrant to arrest him, he wanted to see it, and see if it was all right. Jones said he had it but refused to show it. Wood asked if it had been read or shown to Branson. Jones admitted it had not, when he was told that until he produced the warrant, Branson could not go with him. An hour at least was spent in parleying, when Jones and his company bid us good night and left."

After Mr. Branson got off the mule he went around and into the house, Mr. Abbott accompanying him to the door, As soon as he was inside Branson called to Mrs. Abbott for a gun and wanted to go out again, but she told him they had no gun for him. Then he said he was going out and stay with his friends anyway. But Mrs. Abbott, who had been standing by the window watching operations outside and listening to the talk, quietly stepped around the old man, and setting her back against the door, told him he couldn't go until Jones left. One writer tells an absurd story about Mrs. Abbott going out and helping Branson to dismount and leading him into the house. When it is known that he was a giant in stature, who, though getting along in years, was by no means decrepit, and strong enough to pick an ordinary sized man up under each arm and walk off with them, it becomes too silly even to laugh at. In fact, Mrs. Abbott did not go outside of the house at any time while Jones and his men remained there. After Jones left, and Mr. Branson realized he was safe for the present at least, the brave old man, who had said "I will come if they do shoot" and had immediately made good his words at the risk of instant death, broke down and cried like a child. The reaction after the terrible nervous strain through which he had passed had come. To my boyish mind it was a strange sight to see tears rolling down his cheeks

and his huge body shaking with sobs, but Mr. Holloway said to me recently that "It made me feel like crying too, to see the old man cry so;" and I suspect that there was more than one man there that night who felt the same way.

It now becomes necessary to quote from S. C. Smith's account of the affair, as given in the tenth edition of Mrs. Robinson's "Kansas," and also in a personal letter to me under recent date. The reader will recollect that Smith and Tappan were to go to Mr. Eastabrook's rallying as they went the men living along the route, and holding there such force as they might be able to gather until further word was received from Messrs. Wood and Abbott. In his letter to me Mr. Smith says:

"Tappan and I remained at the E's until Abbott came and told us that Jones had got Branson, and that we must go back to his (Abbott's) house as quickly as we could. Abbott rode off and left us, and we reached his home just as Branson had gone into it, after leaving the posse."

It would seem that they were not very successful in obtaining help, for, according to Smith's statement in Mrs. Robinson's book, Mr. Eastabrook was the only man who returned to Abbott's house with them, and my recollection confirms his statement. Mr. Smith graphically describes matters as they appeared to him in the following language:

"Behind the house, on horseback, were the posse, facing the rescue party with S. N. Wood in front of it. A battle of words was waging fiercely between the opposing parties. A proslavery man said, with an oath, 'I can bear this no longer,' and guns were moved on his side as if to fire, when Wood said to the men behind him, 'Come up here, men, what are you afraid of?' They stepped up bringing their guns to a ready. The posse lowered their guns and their opponents did the same. Jones and some of his men then dismounted and mingled with the free-state men, stating why and how he had arrested Branson, demanding his delivery to him, and threatening the consequences that would follow if he was not delivered."

"On the refusal of the free-state men to deliver up Branson, Jones and his posse rode away. The free-state men considered what should be done. Finally they decided that it was best to take Branson to Lawrence. They were, and had been, only a body of men suddenly called together to meet an emergency, and no man there had any right or exercised the right, to assume leadership by any authority before given."

"When the forces confronted each other nearly all the free-state men had something to say; but as in all such cases there will be someone who will take the leading part, so in this case the facts as there known show that S. N. Wood bore a leader's part. Such was his fearlessness, zeal, and reputation, he could not help going to the front and becoming leader of men thus hurriedly called to meet danger."

"After it was decided to go to Lawrence S. N. Wood was made captain, and S. C. Smith lieutenant. A drum was procured, and taking Branson with them, the rescuing party started for Lawrence. No one of that body of men had thought of the future, or the result of his act, when he rallied to take Branson from the usurping sheriff who was persecuting him because he was for a free state. If any one gave thought to it he could only think of Lexington and Concord bridge, where were fired the shots heard round the world.' At Lawrence the rescuers first called on Gov. Robinson, who advised the calling of a meeting."⁶

In the above extracts Mr. Smith has very clearly and concisely set forth the conditions as they actually existed at that stage of the proceedings. No one could have told it better. We were simply a mob without the semblance of an organization, or even a recognized leader; and although we had taken Jones by surprise, for lack of a commander we lost all our advantage from a

6. "Kansas; Its Interior and Exterior Life," by Sara T. D. Robinson, 10th edition, 1899, p. 419.

military standpoint by lining up like a lot of boys at a spelling school and standing in silence awaiting a challenge from the other side. It was "a dead give away," and had Jones been a quick-witted, nerry commander, he would have bowled us over like a lot of tenpins and gone his way before we had time to rally. But he lacked the ability to use his opportunity. The simple truth was that during the brief time that elapsed between the return of Wood and Abbott and the appearance of Jones and his posse, our party was so busy discussing the probable whereabouts of Jones that no one seems to have thought of the necessity of organizing our force, at least no one mentioned the matter.

The man best fitted to take command was the gallant old Mexican war veteran who stood in our line with a rock in each hand and more in his pocket, Capt. Philip Hutchinson. But modest as he was, he would not push himself to the front unasked. As indicated in the quotation from Collins Holloway, a part at least of our men looked to Mr. Abbott to act as spokesman for us, but for some reason he was very nervous that night. This was apparent to all and was shown by his pulling off his revolver unintentionally, thereby placing us in jeopardy. It may have been owing to the severe mental and physical strain he had just been through, together with the chilling effect of the cold night ride, or it may have been his native modesty and lack of experience in assuming grave responsibilities. In any event, while he showed no disposition to avoid danger, he was evidently not in fit condition to take command of the rescue party that night.

In the emergency, S. N. Wood, aided by his legal training and experience, together with a bold and self-reliant nature, stepped to the front and became the nominal leader acquitting himself with credit, although he showed his nervousness by his profanity, a habit to which he was not addicted ordinarily, having been raised a Quaker.

It is to be regretted that after so close and intimate a friendship some feeling of jealousy should have developed in later years between the two men, Abbott and Wood, over the question of leadership that night. Both were entitled to credit. Both were true and brave men, as they afterwards showed repeatedly. Both were an honor and a credit to Kansas, and had much to do in shaping her destiny as a state.

Since the result of the meeting called at Lawrence, to which Mr. Smith refers, has been a matter of history for half a century it is unnecessary to repeat it here.⁷ Although in this paper I have quoted quite fully from the reports of Messrs. Wood and Smith, and fully endorse all I have quoted, there is one point upon which truth and justice to all parties compels me to take issue with them, and that relates to the manner in which the information was obtained of the purpose of Jones to arrest Branson. To make myself clear, I again quote from S. N. Wood: "I set out with J. B. Abbott to return to Lawrence. It was very dark in the fore part of the evening. Losing our way we got belated, but finally about ten or eleven o'clock, found our way to Blanton, where we were met and told that a large party of armed men had just passed towards Hickory Point. I immediately urged the necessity of following the party to ascertain if possible their business to Hickory Point. We finally adjourned to Abbott's for supper. After supper

7. The Executive Minutes of Gov. Wilson Shannon, September, 1855, to August, 1856, were published in vol. 3 of the "Kansas Historical Collections," p. 279, *et seq.* The correspondence, dispatches, orders, etc., relating to the Branson rescue and resulting Wakarusa War may there be found.

fresh horses were procured.”⁸ That is Wood’s version written nearly two years after the occurrence.

I now quote from S. C. Smith: “After the meeting, which did not adjourn until near dusk, on their return, Tappan, who was on horseback, rode on towards Lawrence, leaving Wood and Smith with Major Abbott at Abbott’s house. Tappan, after some time had passed, came back, and informed Wood, Abbott and Smith that Jones and a posse had just gone by on their way to arrest Branson. On crossing Blanton’s bridge Tappan noticed a number of horses with saddles in front of a saloon, and thinking it suspicious sought to learn the purpose of the party. When the men came out and mounted, and passed on the road south, he joined them, and rode on with them, guarding himself from discovery, to which the darkness aided him, until he learned what their purpose was, when he cautiously left them and hastened to Abbott’s.”⁹

The careful reader will readily see that it is impossible for both of these reports of the discovery of Jones’s plan to arrest Branson to be correct. If Wood’s statement is correct, Smith’s statement falls to the ground, and *vice versa*. The fact is, both are incorrect. Not intentionally, of course, but because owing to the fact that their minds had been so absorbed with the passing events of that exciting period, in which they were both very active participants, their recollection of the subject had become dim and hazy. The information was given out, exactly as I stated in the beginning of this narrative, by Captain N. B. Blanton. He, and he alone, is entitled to the credit of having discovered Jones’s intentions and of giving the alarm, and it is due to him and his posterity that Kansas should know the fact. As Jones and his posse left Blanton’s place about the same time that Abbott and Wood and Smith and Tappan left Hickory Point, the two places being fully seven miles apart, it is easy to see the utter impossibility of their statements being correct.¹⁰

8. “Kansas Conflict” by Charles Robinson, 1892, p. 185.

9. “Kansas, Its Interior and Exterior Life,” by Sara T. D. Robinson, 10th ed., 1899, p. 418.

10. The manuscript collections of the Historical Society contain the “Recollections” of S. F. Tappan, given in November, 1890; he devotes some pages to the “Branson rescue,” and the following excerpt is of interest here. “On the night of November 26th [1855] returning alone to Lawrence from a meeting at Hickory Point to consider and determine what action to take upon the then recent murder of a free-state man named Charles W. Dow, by a pro-slavery neighbor, Franklin N. Coleman, Sam’l N. Wood and Sam C. Smith, who had accompanied me from Lawrence with one saddle horse between us, concluded to remain over night with Major J. B. Abbott. Leaving them and riding on in the darkness about half a mile, I found myself in the midst of several horses. Just then the door to Mr. Blanton’s cabin near the bridge opened, and a crowd of men came out and mounted their horses and turned toward Hickory Point. They evidently thought me one of their own, it was much too dark to recognize anyone. Curious to know what was up I turned and rode away with them, until having learned their intent. Then falling out I returned to Major Abbott’s, reporting what had happened. It was decided that Wood take my horse, ride down the Wakarusa to notify friends to rally at Abbott’s with their weapons, and then go to Branson’s. Abbott was to go up the Wakarusa upon the same errand as Wood. While Smith and myself were to push on to Branson’s house some five miles distant. When about half way we met Wood who had been to Branson’s house and learned that Jones had been there with a posse of about twenty men, arrested Branson and driven off. We concluded to return to Abbott’s and there determine what to do. On reaching the house we found about twenty-five men assembled. The moon had risen, when suddenly Mrs. Abbott, who was sitting at the window exclaimed “Here they come.” We rushed out of the door round the north end of the house and formed a line across the road as Jones’ party came up with their guns across their saddle bows. Wood commanded a halt and we all cocked our Sharps’. The sound must have been heard and heeded, for they halted, and not one of them dared to raise their rifles. Wood called for Branson, who responded and rode over to our side. After parleying for some time Jones had dismounted and was among us threatening what he would do if not permitted to take his prisoner to Leecompton. He remounted his horse and rode off with his party to Franklin.”

For a biographical sketch of Mr. Tappan see “Historical Collections,” vol. 7, p. 527. Mr. Tappan died in Washington, D. C., January 6, 1913.

The band of conspirators who determined upon and planned the rescue of Mr. Branson consisted of eight members, namely, Elmore Allen, Joshua Hughes, Samuel F. Tappan, Samuel C. Smith, Samuel N. Wood, James B. Abbott, Mrs. J. B. Abbott, and the writer of this paper. I wish to record the fact here, that there was no braver spirit present, and none more earnest and determined to rescue Mr. Branson, than Mrs. Abbott. The plan adopted was the result of a general discussion, in which all took part, and not the thought of a single brain. Its adoption was unanimous. To each was assigned work to execute, and each proceeded immediately to the performance of his task. To repeat, Messrs. Allen and Hughes were to go up to the Wakarusa and rally what help they could get in that direction; Messrs. Smith and Tappan were to go south to Eastabrook's; Messrs. Wood and Abbott were to go to Hickory Point; Mrs. Abbott and the writer were to remain at the house and prepare to receive and entertain the men as they arrived in response to the call. I very distinctly recollect that my first job was to cut and bring in a big pile of stove wood, for the night was stinging cold.

Thus it will be seen that all were equally guilty of "conspiring against the peace and dignity of the territorial government," and if there was any honor in the act, of which no one thought at that time, it seems to me but simple justice that it should be divided share and share alike. The names of those who responded to the call and became parties to the crime were as follows: Rev. Julius Elliott, Collins Holloway, Jonathan R. Kennedy, Capt. Philip Hutchinson, Philip Hupp, Miner B. Hupp, Edmond Curless, Paul Jones, John Smith, B. Hitchcock, Isaac Shaffer, Ad Rowley, Harrison Nichols, and L. L. Eastabrook; fourteen in all, who with the eight archconspirators made a total of twenty-two directly engaged in the rescue, and all alike entitled to recognition, although not all present at Abbott's house just at the time Jones and his posse put in an appearance.

Three, namely; S. C. Smith, S. F. Tappan and L. L. Eastabrook, arrived after Branson had been taken from Jones, but a long time before Jones took his final departure; while the three scouts who were watching the lower fords on the Wakarusa, Hitchcock, Hughes and Shaffer, did not return until the rescue party had started for Lawrence. That would leave sixteen in all, or fourteen men, one woman and one boy, present when Jones returned. Mrs. Abbott remained inside the house all the time, but she was closer to Jones and his men than was our line in front of them, and I am confident that if hostilities had actually commenced there would have been surprising flank fire from that little west window.

To make my record complete it now remains for me to account for, or explain, an apparent discrepancy between the muster roll that I have given and those given by two other members of the rescue party. In a paper sent to the old settlers' reunion held at Bismarck Grove in 1879, J. R. Kennedy¹¹ gives, among others, the names of "Isaac Shappet, William Hughes and Lafayette Curless." There was no one by the name of "Shappet" there. This evidently refers to Isaac Shaffer, a young man who was working for "Preacher" Elliott and came with him that night. In an interview on the subject with Collins Holloway held in December, 1904, we were agreed that Kennedy meant Joshua Hughes, a member of the "Illinois settlement"

11. Major Kennedy's paper was published in *The Kansas Monthly*, Lawrence, May, 1880. It was later published in the Andreas' "History of Kansas," 1883, p. 116.

and a neighbor of Elmore Allen, and not William Hughes, who lived east of Lawrence. Regarding Lafayette Curless, Mr. Holloway, who was connected by marriage with both the Kennedy and Curless families, said "J. R. was simply mistaken, for I know that Lafe and Tom Kennedy were off together that night, on an expedition of their own, and were not at home when Miner Hupp came around, so Lafe could not have been at Abbott's that night." I am very sure he was right, and I think that disposes of the matter so far.

In Col. S. N. Wood's statement to Wattles heretofore mentioned, notwithstanding the fact that Wood says he made a memorandum of the names at the time, and that his statement, so far as I know, has gone unchallenged for nearly half a century, I find no less than four errors in the list of names he gives of those actually present at the time Branson was taken away from Jones. He calls Paul Jones, Daniel Jones; Collins Holloway, Carlos Holloway; Edmond Curless, Edward Curlas. These three errors were of little importance, except to the parties themselves or their relatives and friends, because in each case there was a man to represent the names Jones, Holloway and Curless. In the fourth error, however, the case is different. In that he gives the name of William Mearis as being present, when he was not there all that night, as I happen to know personally, because of the fact that, during the latter part of that night, I went to his house, called him out of bed, and gave him the first information he had of the matter. This I did after the affair was all over, and Jones and his posse had gone back to Franklin.

It came about in this way. After it had been determined to go to Lawrence with Mr. Branson, Mrs. Abbott decided to take her little daughter and go to Mr. Mearis and spend the remainder of the night. I was intending to go to Lawrence with the rest of the party, but Major Abbott called me aside and told me that he did not like to leave the house alone, on account of the large quantity of ammunition and military supplies that he had just brought on from the east, and had stored there, and he requested me to remain at his house until morning. To this I at first demurred, as all the weapon I had was a small single-shot pistol, and then I didn't fancy the idea of staying alone anyway. The Major however was quite urgent about the matter, and I finally told him if he would furnish me with a good gun and one man to stay with me I would stay. He said they could not spare either gun or man as they didn't know what they might run into on the road, and some two or three of the men were intending to go home anyway. Finally it was agreed that I should go across the creek to Mearis' and borrow a gun, and then stop at Blanton's on my return and get a man named Waterhouse to come back and stay with me.

That plan was carried out, Mrs. Abbott and her little girl going with me to Mearis' cabin, as the party was not quite ready to start for Lawrence. Upon our arrival I "halooed," Mrs. Abbott keeping quiet. The answer came back "Who is there?" On giving my name, Mearis bounced out of bed, and without stopping to dress swung his cabin door open wide and said "Come in." He looked out in the bright moonlight, and saw my companions, and—well, I have to smile even yet when I think of how he shot back behind that door, and shouted, "Hold on, wait a minute, and I'll strike a light." Of course we waited, and it seemed to take him some time to find the matches, but when he appeared again he had donned his pantaloons. I related the news,

got a gun and started back to Abbott's, just as the rescue party arrived on their way to Lawrence. They stopped in to warm, and I presume, although I do not know positively, that Mr. Mearis went on to Lawrence with them, for no man in the neighborhood was more ready to turn out on all occasions of public interest than William Mearis, and no man could be a better neighbor. As Col. Wood in all probability made his muster roll after arriving in Lawrence, it would be quite natural for him to place the name of Mearis on it. That is how I account for error number four.

I returned to Mr. Blanton's and called up Waterhouse, who got up grumbling at being disturbed at such an hour, but proceeded nevertheless to dress and get his gun. We then went back to Mr. Abbott's house, crawled up on the little shelf, because we thought it safer in case of attack than the lower floor, and laid down without undressing, our guns by our sides, to watch but not to sleep. We agreed that if any one called we would not answer, unless we recognized the voice. It was not long until a "Hello" was heard and I answered. That made Waterhouse mad, and he was about to hit me a rap over the head. He did not know the voice, but I told him I knew who it was. We climbed down from our perch and opened the door to our caller, Simeon Gilson, who, after listening to our report of the night's doings, returned to his home. Scarcely had we settled ourselves again when we heard steps approaching the house, this time as if there were several persons coming. Soon there was a heavy rap on the door, followed by a second, and then a third, but no sound of a voice was heard. Silently we cocked our guns, and brought them to our shoulders, waiting the attack which we both expected. For a brief space all was quiet, and then three or four pistol shots were fired in quick succession on the west side of the house, right where Jones and his posse had been halted, but still no sound of a voice. After the firing ceased all was quiet, and nothing more disturbed us. To this day I have never learned who did the shooting, but presume it was our scouts returning from their long cold watch on the fords of the Wakarusa.

There may be those who would care to know the exact location of Major Abbott's claim. It was the southwest quarter of section nineteen (19), township thirteen (13), range twenty (20), east. His house stood on the west line about midway between the northwest and southwest corners of the quarter. The farm afterward was owned and occupied many years by Major Thomas H. Kennedy of the 12th Kansas, and I think still belongs to some of his heirs.

With the rescue of Branson war began in Kansas. In this first "clash of arms" victory perched on Freedom's banner, and the contest, although a bloodless one, was far-reaching in its effects. From that hour the fight was on between the powers of light and the powers of darkness, and the conflict raged with more or less virulence, but ever varying fortune, until General Grant captured General Lee upon the "Sacred soil" of the "Old Dominion" nearly ten years later.

A word of the "rescue party" in closing. At this writing, September 15, 1906, but four are known to be living. Samuel F. Tappan in Washington, D. C.; Samuel C. Smith, Cambridge, Mass.; A. W. Rowley, Lawrence, Kan., and the writer, near Quenemo. Of Isaac Shaffer no trace can be found. After remaining a short time in Kansas he returned to Illinois.

The following statement relating to the Dow murder and the Branson rescue is taken from the "Reminiscences of John E. Stewart," the "fighting parson." The original of the document is in the manuscript collections of the Kansas State Historical Society and is found among the "Hyatt Papers," gift of Thaddeus Hyatt, in 1879. (*Ed.*)

"A man by the name of Coleman living at Hickory Point, in order to quarrel with the free-state men, commenced cutting timber on a claim belonging to Charles W. Dow. With the timber he burnt a lime kiln and sold the lime. Dow submitted to this imposition, and Coleman, supposing he could repeat the act with impunity, commenced cutting for another lime kiln. Dow, hearing him at work, went over and ordered him to stop, but Coleman persisted in his chopping. Whereupon Dow left and went to the house of Jacob Branson, where he boarded, told Branson about Coleman and asked him to accompany him back to the claim, as Coleman had a man there with him. Branson took his Sharps' rifle and urged Dow to do the same, but he refused. When they came to the place Coleman had left but his man remained. After some conversation Branson left for his home and Dow for the blacksmith shop on the Santa Fe Road, where he went to get a piece of iron belonging to his wagon mended. While there a man by the name of Buckley, a companion of Coleman, came to the door and commenced abusing Dow, telling him if he came out he would shoot him. Dow immediately went out, walked up to Buckley and put his hand on his shoulder, Buckley lowered his gun and left. The blacksmith having finished Dow's work, the latter left the shop and started for home. When he had gone about half a mile he came to a house in process of erection, out of which Coleman appeared and commenced a course of abuse. They both walked along the road till they came to Coleman's house, Dow lived about one mile beyond, here Coleman halted, raised his gun and pulled the trigger but missed fire. Dow hearing the snap, turned round; Coleman was placing another cap in the gun, accomplishing it he once more aimed at Dow, shooting him in the breast and killing him on the spot.

"Coleman then walked into his house, coming out again accompanied by Buckley, Argus and Waggoner, they all four walked up and looked at the body and returned to the house. It was then about noon and the body remained on the road till five o'clock. It was found there by a neighbor named Gleason who gave the alarm. Next day a number of men met together and searched for the murderer, but without success.

The Wakarusa L[iberty] G[uards], of which Dow was a member, held a meeting and appointed the following Monday to investigate the circumstances connected with this cold blooded murder. They invited the inhabitants from all the country round about to attend. Accordingly a large number assembled on the spot where the martyr fell. Many persons were examined and many important facts were elicited, all going to prove that the murder was part of a preconcerted plan of extermination. Resolutions were passed, expressive of the sense of the meeting, after which the members of the military company visited the grave of their murdered brother.

"No stone marked the spot, but the raised earth pointed out his resting place; silently we approached the grave which seemed to say to us "Here lies a martyr, be firm and fall like men rather than yield your rights." We secretly vowed to stand by our principles regardless of consequences. Never did soldiers fire a salute over a braver man; he was an entire stranger to fear and the only crime of which his murderers could accuse him were his firm Free State principles.

"Coleman fled to the Shawnee Mission and gave himself up to Gov. Shannon, he was placed in the custody of an officer and taken to Leecompton. While on his way through Lawrence he got out a peace warrant against Jacob Branson, which was placed in the hands of Samuel J. Jones the bogus sheriff of Douglas county who proceeded with a posse to arrest Branson.

"The day which the sheriff had elected to make this arrest, happened to be the same day that we went to Hickory Point to examine into the circumstances of the murder, and just as we were leaving the ground two or

three well known suspicious characters made their appearance and told us that Coleman had given himself up. Their object doubtless was to see if the course was clear.

"About noon of the same day Jones, with his party, arrived at Blanton's Bridge, stopped and got dinner and spent the afternoon in smoking and drinking liquor, which they brought with them. In the course of conversation which they had with different people it leaked out that they were going to arrest Branson. This fact was communicated to Mr. J. B. Abbott as soon as he arrived home from our meeting. He immediately went down to hear what he could, and after satisfying himself that the rumor was true he procured a horse and in company with S. N. Wood, Esq., started for Branson's. At the same time dispatching some others to collect the neighbors at the house of Wm. Eastabrook. When they arrived at Branson's they found that the posse had been there and taken Branson off. The way they proceeded was thus described by Branson himself. He said he had just retired to rest when some one knocked at the door. Branson inquired who was there, the answer came "a friend," and when he said "come in," they immediately rushed in filling the house. Jones presented a pistol at Branson's head and told him to come with him immediately or he would blow him to hell. Branson tried to expostulate but it was of no use, they hurried him off scarcely giving him time to dress. They told his wife they were going to take him to Lawrence. This he very much doubted, believing they intended to kill him as they had Dow.

"When Abbott and Wood arrived at Branson's, Jones and his party had been gone about twenty minutes and, as it was the opinion that they would take Branson to Franklin, Abbott and Wood returned by a different road, searching and listening, hoping to find the track. In the meantime they dispatched a messenger to Eastabrook's requesting all there assembled to come on to Abbott's house half a mile south of Blanton's bridge, and it was not long before some twelve or fourteen were there discussing the matter. They were planning to send two men to Franklin, and if Branson was there, one of them was to return to Abbott's house, and the other was to go to Lawrence for help, to aid in the rescue. This plan was just arranged when some one reported horsemen approaching.

"Quick as thought every man sprang to his feet; those who had guns took them; those who had not, took any kind of weapon they could get. Five or six had Sharps' rifles, three or four more had common rifles and shot guns, some of which were out of repair. One old Mexican soldier was without a gun of any kind, but nothing daunted, he seized three or four good size rocks and took his place with the rest.

"The Abbott house was built on the east side of the road, and the party of horsemen were approaching from the south, so that by getting at the north end of the house we were out of sight. There we remained until they were within three or four rods of us when we filed across the road, bringing them to a halt. "Bogus" Jones who was the leader demanded what was up. Mr. Abbott replied that that was what we wanted to know and inquired if Branson was there. Branson upon hearing his name replied that he was there and a prisoner. Jones said he had him under arrest etc. Abbott replied that we did not recognize his authority and told Branson to come over to us. Several of the "Bogus" party declared if he moved they would blow his brains out. To these threats Branson replied 'I can die but once' and so left them.

"Abbott gave them to understand that the first gun fired would be a signal for every one of them to die. They each had double barreled guns and revolvers, but not one of them dared shoot. Every one of us held our guns to our shoulders ready to fire at a given signal. Branson was riding a mule which Jones and his men had taken with them, intending it for Branson's use; when he left them he said 'What shall I do with the mule.'

"One of our party, Philip Hupp, said 'Let him go to hell,' accompanying the remark with a kick on the stern of the beast. Jones blustered a great deal, made some severe threats, but not succeeding in this he began to talk mildly and said although we had been guilty of a 'high crime' if we would give Branson up he would promise that we should not be punished. We

told him we had counted the cost and he might do as he pleased. He said he was no coward and to prove it he challenged any one of our number to fight him. We told him we did not fight for fighting sake. We had accomplished our purpose and should not fight unless attacked. S. N. Wood, Esq., told them we were 'eastern paupers' and asked them if we were not pretty good fellows. After some thirty minutes spent in this way they departed, Jones declaring that in less than two weeks he would bring ten thousand men up and make us respect his authority.

"A few more neighbors having by this time arrived, we fell into double file and marched to Lawrence to the sound of the drum, arriving there about one hour before day.

"A spirited meeting was held and some strong resolutions passed and there the matter rested. . . ."

JOHN E. STEWART."

EXPERIENCES OF A PIONEER MISSIONARY.

Written by REV. CYRUS R. RICE,¹ of Hartford, Kansas, for the Kansas State Historical Society.

SEPTEMBER, 1855, the St. Louis Conference, Methodist Episcopal Church, South, convened in Springfield, Mo., Bishop John Early in the chair. At that meeting the Kansas Mission Conference was organized. It was composed of two presiding elders' districts and about twenty missions, in name, including the Delaware, Kansas, Shawnee and Wyandotte Indian missions. Dr. Nathan Scarritt was appointed presiding elder of Kickapoo district, and the Rev. William Bradford of Lecompton district. The Kickapoo district embraced all the settlements north of the Kansas river and the Lecompton district all the settlements south of said river. Many of the settlers in both districts were from Missouri and were in sympathy with the Southern church. Several young preachers of the Missouri and St. Louis conferences were sent to organize missions among the white settlers. The writer was sent to organize Pottawatomie mission. That meant the hunting for settlements, fixing preaching places and organizing societies, if possible, on all the creeks in Aderson, Lykins (now Miami), Linn and part of Bourbon counties. There were no settlers on the wide prairies.

On the fourth day, in the afternoon, after I left Springfield, Mo., I found myself in a village of Wea Indians. I had crossed the line separating Missouri from Kansas Territory without knowing it. I was in a strange land, surrounded by, to me, a very strange people. I had never seen an Indian before. My feelings were indescribable as the naked-shouldered redskins gathered about me extending their hands, saying, "How, how," making motions, pointing to the sun, saying over and over, "Peoria, Baptiste, uh-uh." I soon concluded to ride on in the way they pointed. I reached the

1. CYRUS ROBERT RICE, son of James Porter Rice and Casandra Hearne Rice, was born in Lebanon, Wilson county, Tennessee, August 27, 1833. His education was acquired at the Old-field Subscription School in Lebanon and the Hickory Grove Academy. Following his father's profession, he took up the study of medicine at the Shelby Medical College of Nashville, Tenn., but never practiced. The influence of his mother, a most devout Christian, led him toward the ministry, and in 1853 he left Tennessee for Missouri and there united with the St. Louis Conference of the Methodist Episcopal Church, South. He was licensed to preach in 1854 and appointed to the Thomasville circuit. The next year he came, as a missionary of his church, into Kansas, where he has since resided. On March 9, 1856, in Patterson, Mo., he married Miss Lucy Ann McCormick, a daughter of William S. and Rebecca McCormick. To them seven children have been born, four of whom survive, Charles Hedding, born April 12, 1865, Edwin Tomson, born February 17, 1867, Merton Stacher, born September 5, 1872, and Cyrus Olin, born April 4, 1876.

Mr. and Mrs. Rice live at "Rice's Rest," Hartford, Kan., and on March 9, 1906, celebrated their golden wedding.

Peoria village about sunset, and was pointed to a double log cabin which proved to be the mansion of Chief Baptiste.² He took the stranger in and entertained him and several land seekers right royally. I shall never forget my first night in Kansas Territory. The chief made me a bed of buffalo robes and woolen blankets before an open door. I could see some stars through the open door, but they were far, far away. I passed a sleepless night and many times thought of the good bed my mama used to make for me in the old Tennessee home. I wanted to see my ma. But the long night went by, and I saw the sunrise for the first time in Kansas from a hilltop, and walked over the ground where the beautiful city of Paola now thrives.

Chief Baptiste was an intelligent man and could speak good English, and gave me much information concerning the settlements I proposed to visit. He advised me to go to Osawatomie where I would find a minister who would give me all the information I needed concerning the settlements on the Marais de Cygnes and Pottawatomie rivers. So I proceeded to Osawatomie, then a city of four or five log cabins and a few tents. I also found my way to Rev. Adair's³ cabin. He was a very ardent free-state man, and when I introduced myself to him and told him what I was in the territory for he looked me over and bluntly said, "We don't want you here; you have been sent by the Southern church to help the Missourians make Kansas a slave state." That was my first backset, but not my last one. I made no reply to Mr. Adair, but turned to a man who was standing by and said, "I am no politician, I am a preacher of the gospel of Jesus Christ, and stand ready to preach salvation to all men." The man said, "All right, you can preach in my cabin once, any way." And I promised to preach in his cabin the next Sunday evening.

After this interesting episode I proceeded up the Pottawatomie to Dutch Henry's Crossing. Henry had a large cattle ranch and was living for what money he could make out of his cattle. He had no family, and devoted all his time and energy to his almost wild cows and calves. Near the "Crossing" I found a local preacher by the name of Barnaby who had taken a claim and built a cabin for a home. He had preached a few times in a cabin not far from his own, and had preached once in Osawatomie. He and his good wife gave me a warm welcome and said, "You can make our house your home when in this part of the country." I thanked God as well as the warm-hearted couple and took courage. The next morning they urged me to stay with them till Sunday and preach for them. I agreed to do so, and was glad to have a chance for rest and reading. I spent two good days with the preacher's family and my books. Dutch Henry lived in a hewed log house, the largest thereabout, and kindly opened it for my first preaching service in that part of the country.

Sunday came, and everybody in the neighborhood turned out to hear the young preacher. There were about twenty men, women, and children present. It was the last Sunday in September, a bright autumn day, that I preached my first sermon in Kansas Territory. I used for a text: "For I determined not to know anything among you, save Jesus Christ and Him crucified." Henry Sherman helped me entertain the congregation by closely

2. For a sketch and further mention of Baptiste Peoria, interpreter and sometimes Chief of the Five Confederated Tribes, see Volume 12, "Kansas Historical Collections," p. 339, note 4.

3. The wife of the Rev. Samuel L. Adair was Miss Florella Brown, a half sister of John Brown.

watching the pot of beef and turnips he had put over the fire to cook. Twice the pot boiled over and the preacher had to wait until Henry could adjust the fire. Of course the room was filled with the delightful odor of boiling turnips, but the people heard the preaching gladly and urged me to come back and preach for them again. This I agreed to do, but I never preached in Dutch Henry's house again.

In the evening of the day above named I preached in Osawatomie to a few persons in a small unfinished cabin. I used for a text "God forbid that I should glory save in the cross of our Lord Jesus Christ," and tried to show the good people who heard me that I was no politician. Several persons came forward and greeted me kindly, but no one invited me to be a guest for the night; and I went to Geer's hotel for entertainment. I found a hard bed in the garret and laid me down to sleep feeling very much like a boy without friends and away from home. The next morning, however, a man said to me, "Young man, you left no appointment last night; are you not coming back some time? The people want to hear you again. You can preach in my cabin." I promised him to return and preach in three weeks.

I then proceeded to investigate that portion of the Territory assigned me. I took the course given me to Middle creek. There was no road, and I found myself in a little while on the wide prairie, not a tree or bush in sight. As I rode on and on I grew lonely and longed to see the stately cedars of middle Tennessee. I talked to myself and said, "What is the use of spending time riding over these desolate prairies, trying to organize churches where there are no people?" But I reached Middle creek in the afternoon and found a family living in a clapboard house. It looked like a mansion. I called at the door and the man invited me in and asked me to take a chair, without asking me any questions. I doffed my plug hat and told the man and his wife who I was and what I was aiming to do. They gave me warm hands of welcome and invited me to stop that evening and preach for them. Of course I accepted the invitation, for I was glad to be near some trees. It did me good to go to the creek and stand in the shade of the beautiful elms. I sat down under one of them and read till sunset. A boy was sent out to tell the settlers near that there would be preaching that evening at the house of Philologus Thomas, the name is not fictitious, at "early candle lighting," which was the hour for evening preaching in those days; there were ten or twelve persons present to hear their first sermon in Kansas. With one voice they invited me to return and preach for them again; and I promised to do so. That house became a permanent preaching place, and I eventually organized a society there.

The next day I rode over to Big and Little Sugar creeks in Lynn county. The first settlement I reached consisted of two families. The men had taken claims together and were building cabins. In the meantime they were living in tents, using wagon boxes for bed rooms. When I told them of my mission they wanted to know if I would not preach for them then and there. In a few minutes nine persons, counting some children, were seated in one of the tents, and I stood in the door and preached to them. The poor women looked as though they were in distress and declared they did not like to leave their good homes in Illinois and live in tents. So I read for a text, "Comfort ye, comfort ye my people saith the Lord," Isaiah 41:1. The good people thanked me for the sermon, and never said a word about

their own or my politics. I later renewed acquaintance with one of the families and stopped at their cabin more than once. They claimed the beautiful German name, Neiswanger. The other family became discouraged in a short time, sold their claim, and went "back to wife's people."

Bidding the tent-dwellers good-bye I proceeded down Little Sugar creek, and about sunset found an unusually large cabin occupied by a family of Missourians. They had brought a flock of chickens with them, the first I had seen on my round. Just as I rode up to the cabin door the chickens began to fly and cackle, and the man of the house rushed out gun in hand calling as he passed me, "Some beast is after my chickens and I must look after them." I sat on my horse and waited for his return. He was back in a little while, and rudely asked, "Whar are you frum?" I told him who I was and what I was wanting to do, when he looked at me, I thought, somewhat fiercely, and said, "Now I know what was the matter with my chickens; they was skeered at you. You are the fust preacher that has been in these diggins." Then he invited me to "Git down and stay all night." I accepted the invitation, dismounted and took the saddle from my horse tying him beside the man's team on the south side of a haystack. I then gathered up my overcoat and saddlebags and followed my host into the cabin. He introduced me to his wife by saying, "Mandy, here's a preacher cum to stay all night with us; have you got anything fur him to eat?" She answered, "We'll do the best we kin fur 'im." She turned to me and said, "Now jist make yourself to hum," and went about her evening's work.

After supper I excused myself because I had a hard lesson to get out of Watson's Theological Institutes, and seated by a table with a tallow candle for light I gave some time to reading and writing notes on the lesson. At length Mr. Long said, "I suppose, parson, you will want to pray before we go to bed, if so, pray now and we'll go to bed and you kin read as long as you want to." After the prayer a ladder was brought in and set up by an opening in the loft, and the children climbed to their beds. The man and his wife retired to a bed in one corner of the room, and the preacher found a spare bed in the other corner. The beds in the room were surrounded with curtains.

The man was up in the morning at an early hour, and made a log fire over which his wife cooked a good breakfast for us, and we were all up and at the breakfast before the sun was up. For the first time in the territory I had eggs for breakfast. My host said if I would return and preach for them he would not charge me for entertainment; and I promised to return in four days and preach in his cabin. After getting the course to a settlement said to be near the head of Little Osage river, I bade the family good-bye and set my face in that direction.

I reached the locality sought by the middle of the afternoon and found a Methodist family living in a good cabin. As usual, I told the man and his wife what I was there for, and received a heart-cheering welcome. They urged me to stay with them over Sunday and preach for them. I consented, and soon found myself comfortably situated and at my books. I was glad to have two whole days for study. In those days I gave every possible moment to a course of study assigned to young preachers, knowing I had to stand before a committee of examiners at the next conference. I kept my library in my saddlebags, as well as my linen and underwear. I was the possessor of one suit of clothes, which I carried on my body everywhere.

Sunday, a beautiful autumn day, came and I preached to a congregation of twenty persons, and organized a society of six members. I promised to return and preach again in three weeks. Mr. Johnson and his kind wife made my stay with them very pleasant. I had made an eight day's tour, and reached the limit of the territory assigned me. I had found several places for future appointments to preach and organized two small societies, and was ready to return to Osawatomie.

On my return I preached at three places, one of them being the cabin of Mr. Long, my Missouri friend, on Little Sugar creek. He had "norated," I use his word, the promised preaching up and down the creek, and his cabin was full of people who appeared anxious to see a preacher and hear a sermon. I preached as best I could, using the text "For I am not ashamed of the gospel of Christ." At the close of the sermon the people gathered about me and expressed themselves as being well pleased with the whole service, and glad to know that I would return and preach again. My friend Long, who had opened his cabin for a preaching place, came forward and said loud enough to be heard all over the cabin, "I liked you preaching fust-rate, but I thought you would pitch into me, for you know I'm a Universalist." I got the laugh on him by replying, "I wasn't loaded for small game." I preached in his cabin several times subsequently, and always found a good congregation for those days, and hearty greeting from my Universalist friend. We laughed together a good many times about the trouble the chickens had over my first visit. Mrs. Long always treated me kindly and did her best to make my visits as pleasant as circumstances would allow. She always apologized for the poor fare, and asked to be excused for the "poor biscuits" or some other article of food.

The next day after preaching to the Little Sugar creek folks I made my way to Middle creek, where I preached in the afternoon to a few persons. Another day of riding, lonely riding, and I found myself again at the cabin of the local preacher near Dutch Henry's Crossing.

I remained here until the coming Sunday, and preached in the forenoon in Barnaby's cabin to a few persons. In the afternoon I proceeded to Osawatomie, and preached in the evening to a better congregation than I had when I preached there the first time. A Mr. Van Horn asked me to make his cabin one of my regular preaching places, and I accepted the invitation. Van Horn proved to be a strong proslavery man. I did not know this at the time of my promise to make his cabin a permanent preaching place, but some of the good people were offended and would not hear me preach again. However, I made Osawatomie my headquarters for a season and gained the good will of some of the dear people by preaching the gospel of peace, and attending strictly to my business as a preacher of good will to all men.

On my next round I made a little detour from the first, and took in two points on Big Sugar creek, Choteau's Trading Post, and Brooklyn, a town of two or three cabins. I wish to mention a striking incident or two of that never-to-be-forgotten trip. One occurred on the old military road near the trading post. I had left the post and was making my way toward Fort Scott when I met a gay company of young people who seemingly paid but little attention to the stranger as they passed him; but I had not gone very far when I heard a call, and looking back saw a young man coming in a

gallop asking me to "Hold on." I reined in my horse and waited with some hesitation for his coming. When he drew near he asked, "Are you a preacher?" I answered, "I try to preach sometimes." He instantly returned, "There is a couple in the crowd that want to get married, can you marry them?" I replied in the affirmative, and proposed to go back to the post and pronounce them husband and wife. To this they said "No, we don't want to go to the post if you can marry us here." They continued "We were hunting for a 'squire, but if you can marry us it will be all right." No license was required in those days and I began to question them concerning age, etc., when the girl broke out and said, "I don't want to be married on horseback." Thereupon the whole company alighted from their horses, and I arranged the young couple for the ceremony and proceeded to say the words that made the twain one. Thus I married my first couple, James S. Brown and Martha Hobbs, on the old military road, near ChoctEAU's Trading Post, December 13, 1855. I wrote them a certificate on a sheet of letter paper, and the company mounted their horses and rode away shouting and happy.

Another incident shows what preachers had to meet in those days. The next day after the marriage I was stopping in the newly laid out town of Brooklyn where I found a new thing for those days, a genuine cobbler. He had his tools in one corner of his cabin and was always ready to serve a customer. By his invitation I sat down, took off my boots and handed them to him for repairs. While he was pegging away on my boots several young men came in and seemed to have some interest in the work, but one of them kept an eye on the stranger. At length he broke out with a series of questions. He wanted to know how long I had been in the territory? Where I had come from? Where I was going? What was my business? Was I looking for a claim? etc. The questions were all warded off by evasive answers, when the fellow seemed to be out of humor and blurted out, "Well, you are not ashamed to tell your name, are you?" I meekly answered that it was none of his concern, and he said a hard word and left the room. His companions laughed heartily and in a few minutes the shoemaker and the preacher were left alone. The cobbler looked across his nose and said, "That was well done." Some weeks after this episode I returned to preach in a cabin near the new town, and met the shoemaker, when referring to the incident, he told me the young man had worked the matter all out satisfactory to himself, and had said to him, "I know what is the matter with that chap; he is the son of the old man who was here looking for mineral, and he is slipping around to get a claim before the people find him out." I made the vicinity one of my regular preaching places but I never met the insulting and raging question mark to recognize him. He would not honor with his august presence a preacher who refused to answer questions.

The autumn and winter of 1855, up to the 22d of December, were beautiful and very pleasant, all that even a Tennessean could ask for. I had made the rounds of the newly laid out mission regularly and was beginning to think that Kansas Territory was all right. But on Saturday, December 22, in the afternoon, I found myself among strangers again. I came to a cabin on Big Sugar creek and asked the man if I could spend the night and Sabbath day with him. He looked at me for some time, and then asked, "Are you a preacher?" I said, "I have preached some, and expect to preach occasion-

ally if the people will hear me." Then he asked, "Will you preach for us to-morrow?" I answered in the affirmative, and he invited me "To get down and stay over Sunday." He showed me where to fasten my horse, and I soon had him beside the man's horses on the south side of a huge haystack. Overcoat and saddlebags were gathered up and we were in the cabin getting acquainted with the family in a short time. Presently I was seated by the open door studying my lesson, and making some notes for the sermon to be preached next day. In the meantime my host had gone out and was cutting wood for the big fireplace while a boy had been sent out to notify the settlers of the promised preaching service. Just before the sun went down a sudden gust of wind came from the north and made the cabin shake. In a few minutes Mr. Thomas, my host, came in with a "back-log" for the fire, and with a shiver said, "I never saw it turn cold so fast in my life." I dropped my book and writing materials and went out to help him carry in the wood for the night, and look after our horses and see what could be done for them. We soon had them blanketed and left them as well sheltered as possible by the haystack. Before it was dark the boy came back shaking, and asked his father to put his horse away for him saying "I am nearly frozen." The wind and coldness increased every minute. Some of the upper crevices between the logs of the cabin had been filled with twisted rolls of hay, and in a little while they began to fall out and the north wind came in with a rush and roar. Soon the snow was coming in too, covering beds and everything else in the cabin. Mrs. Thomas began to cry and sweep, reproaching her husband for coming to Kansas. The snow came in more and more. At length, Mr. Thomas suggested bed as the warmest place for the night, and in a little while we were all in bed covered "head and ears." The snow came down on us all night long. I am sure it was three inches deep on the beds and floor. As soon as it was light enough in the morning to see, Mr. Thomas was up piling wood on the fire. In a short time his wife was up crying and sweeping the snow in heaps. Mr. Thomas, boy, and preacher were busy shoveling the snow from before the door. It had drifted and was piled up on the south side of the house almost to the eaves, and was still coming down. The whole heavens were literally full of snow. It was ten o'clock before we got it away from the house and a road made through to the haystacks. Our horses would have been covered with the cold stuff if they had not trampled it under their feet. We had a job getting the packed snow from under them and piling it up around to protect them as much as possible from the cold wind. Several times during the day we had to clear the snow away from the door and from the horses. About the middle of the afternoon the wind ceased to blow and we found some relief, but the snow came down straight, thick and fast. We had our breakfast, dinner, and supper about one o'clock p. m. No one came to the preaching service, for, like ourselves, all the settlers had to shovel snow as long as they could see to work. There was no rest for the wicked, nor any one else, that Sunday. When darkness came on us, and it was of the Egyptian variety, we could feel it, we crawled into our beds again and just let it snow. I drew myself into as small a knot as possible and wished I had never heard of Kansas Territory. But the snow did not blow in on us, and we slept some, being weary.

Monday morning came and it was still snowing. The snow had been coming down straight and fast all night, and was more than a foot deep on

a level. Mrs. Thomas did not have to sweep so much as the morning before, but her husband and I had to shovel the snow away from the door of the cabin and make roads to the haystacks and woodpile. The snow continued to come down on our poor half-frozen horses until about noon, when the clouds broke away and it ceased to snow. But it was bitter cold! I had never seen so much snow. It was about knee deep to a horse, the ravines were literally full, and the hillsides were covered with great heaps of "beautiful snow." I sat by the log fire in the afternoon and evening, meditating on the situation and trying to devise some means to get away from cold, uninhabitable Kansas Territory. I was now sure it never could be settled and improved to any great extent. Mr. Thomas and I talked the thing over and decided that no one could ever live on the wide prairies. So we were about ready to pull up stakes and hurry back to our old homes. I tried to while away some of the cold time by singing—

"Home, home, sweet, sweet home;

Be it ever so homely, there's no place like home."

But my hostess cried the more and ordered me to cease singing, and we all sobbed in chorus, said our prayers, and went to bed. It was Christmas eve, but we had no merry gathering, no Christmas tree, no plum pudding! We made no effort to have a Merry Christmas. We were in for a cold Christmas.

So Christmas morning came with blue sky, bright sunshine, but a very cold wind from the north. After a good breakfast I saddled my horse and made a start for Osawatomie. I could see occasionally the marks of the old Miami trail on some hillside, and thus was enabled to keep my course. I rode on till about ten o'clock when, in attempting to cross a ravine, my horse went down into the snow up to his sides. He could not move a leg, so I got off and with my hands pulled the snow away from the poor fellow until he could struggle out. Neither horse nor rider had ever had such experience before. After that cold, hard struggle I was afraid to cross a ravine unless I could see the tops of the grass, so I turned my course and followed the divide between Big Sugar and Middle creeks until I found my way to the old Pottawatomie Agency. A Missourian by the name of Tucker had bought the buildings of the Agency and was able to give me and my half-frozen horse far better shelter than we ever had had in Kansas. We enjoyed our comfortable quarters for two days and nights. Mr. Tucker asked me to leave an appointment for preaching some future time, and I did so. He said he would take that for pay for my entertainment.

Friday morning after Christmas, which had fallen on Tuesday, I mounted my horse and headed for Osawatomie again. The weather had moderated considerably and I had a fairly good day and reached Osawatomie about six o'clock. There was not much sign of "Christmas doings" in the town. I remained there and preached Sunday morning and evening. The next day I made my way up the Pottawatomie to my friend Barnaby's, near Dutch Henry's Crossing, and spent my first New Year's day in Kansas with his family. I preached to a few people at eleven o'clock. Let me say here, I did not try to preach Christmas and New Year sermons in those days, for I could not feel any Christmas or New Year's spirit in the cold air. I never heard "Merry Christmas" or "Happy New Year" once. The people I met, as well as myself, were not in a merry mood. We were enduring a bitter cold winter.

I traveled over the country named as my mission field and preached regularly until the middle of January, when another snowstorm and exceedingly cold weather caused me to ask for a vacation, which was granted. I mounted my horse and started for southeast Missouri to visit my parents and "the girl I had left behind me." The days and weeks went swiftly by, and I spent the month of February and a week in March very pleasantly. But the time came for me to return to cold, desolate Kansas! I was not inclined to make the trip by myself. It looked like a long, lonely trip, and I felt as if I wanted company, so I persuaded Miss Lucy Ann M'Cormick to change her name and take a horseback ride to Kansas. Consequently, with the consent of her parents, she and I were married March 9, 1856. Four days after the marriage we mounted our horses and started on our bridal (bridle) trip across the state of Missouri. There were no bridges across the streams, and high water hindered us some, but we reached Kansas after a ten days' ride, and I began my work again on the Pottawatomie Mission.

In a few days after our arrival word came from my presiding elder that he could get a supply for Pottawatomie, and for me to go and organize the Neosho Mission. I had to obey orders, so my brave bride and I mounted our horses and headed for Cofachiqui, the county seat of Allen county. We had a long and almost roadless way before us. But we made the trip and reached the city we were looking for about midnight, April 4, 1856. We put up at the best hotel in the place, in fact the best in the Neosho valley. It consisted of two log cabins with an entry way between, and two clapboard "lean-tos," in all five small rooms. We found the proprietor, James Barbee, and his good wife accommodating and ready to do everything possible to make things pleasant for their guests.

Cofachiqui, named for an Indian Princess, was the largest and most important city in the great Neosho valley. It consisted of the hotel, two hewed-log store rooms with rooms overhead, one log dwelling, a small cabin saloon, and a number of beautiful vacant lots. It was situated on a high bluff on the Neosho just below the mouth of Elm creek, some two miles distant from where now thrives the city of Iola. William Lynn and H. D. Parsons (Davis Parsons) were the merchants—Barnes was the saloon keeper. A man by the name of Johnson, an Indian trader, had his store a few miles below Cofachiqui, and there were a few settlers near the city.

I began my work on the Neosho by preaching, the Sunday after I arrived at Cofachiqui, in the saloon. Everybody in the country was out and the little room was full. I stood beside a barrel adorned with a tin cup and faucet. The ladies present found seats on two wooden benches and the men stood against the wall while I preached. I used for a text "Believe the gospel" and made a special prayer for the saloon keeper. Afterward he came forward and thanked me, saying, "I am going to quit this cussed business," and to his honor, he did quit it.

I engaged board for my bride, and on the 11th of April, 1856, I started on a trip up the Neosho to see if a mission could be organized in the then almost unknown valley. I found settlements at the mouth of Deer creek, Spring creek, Hickory creek, and Cottonwood river. The towns, which as a rule consisted of a log cabin and hundreds of stakes driven into the ground to mark the streets, were Cofachiqui, Leroy (Scotts Town), Hampden, Ottumwa, and Florence, now Neosho Rapids. Hampden, about two miles

above the present city of Burlington, was a city of three or four cabins, a few tents and a naked saw mill.

I pressed my way to Council Grove, then a relay station on the old Santa Fe trail and the seat of a Methodist mission school among the Kansas Indians. I remained here several days, and one evening preached to a few white persons and some Indians. I found a staunch friend in Thomas Huffaker, superintendent of the mission school, but Council Grove was not to be taken into my field.

On my return to Cofachiqui I made a plan of Neosho Mission. I had seven preaching places on a line as crooked as the Neosho river. It was certainly not a "circuit." I arranged to preach at the several places every two weeks, making Cofachiqui and Cottonwood Junction Sunday appointments. I made one break in the plan; I took one Sunday from Cofachiqui and gave it to Leroy, preaching there in an unfinished clapboard house. The people sat on the floorless sills and I stood on the ground and preached to them on the Divinity of Christ. I could see that the subject, or the manner of the preacher, did not please some of my hearers, and I did not enjoy the situation very well. After preaching was over a few persons came and spoke to me, but not one invited me to dinner. For a moment I felt embarrassed, but I broke out at last and said: "Here, you good folks, I live at Cofachiqui and board at Barbee's hotel; if any of you come that way I will gladly invite you to a good dinner." Some of the people turned and laughed, and I had a dozen invitations in a few minutes. One nice lady took my hand and said, "I enjoyed your preaching, but I do not believe a word you said about Christ being God; however, if you will go home with me and my boys we will give you a dinner, the best we have." I accepted the invitation and not only got a fine dinner, but made the acquaintance of a beautiful family. This was not the last time I enjoyed the hospitality of Mrs. Hedden's home. One of her sons said to me, "Come again, you will always find the latch string on the outside of the door." And I ever found it so.

The last week of April, 1856, I made a second trip from Cofachiqui to Council Grove, and concluded to follow the windings of the Neosho on the north side. There was no road at all, and I kept clear of the brush and timber. I reached Ottumwa, then a city of one cabin and a number of stakes driven in the ground to mark the streets, about four o'clock in the afternoon, and concluded to stay there all night. Mr. Bowen a "hardshell" Baptist preacher, occupied the cabin and invited me to preach for them. A boy was sent out to let the people know there would be preaching, and by "early candle lighting" ten or a dozen persons were present to hear the "circuit rider." We had a very pleasant evening. Several of the people remained to get acquainted, and they urged me to return and preach for them again, so I gave them an appointment.

The next morning I bade my host and family farewell and pursued my journey. I had not gone very far, some eight or ten miles, when a flock of carrion crows and buzzards attracted my attention. I rode out into the timber to see what they were after, and soon found what the gathering of the crows and buzzards meant. I saw a small pen built of poles and small logs, notched down cabin fashion. The air all around was full of a smothering stench, but I proceeded to investigate. I found the body of a large Indian man sitting upright in the pen with a blanket thrown around him. He was

kept in an upright position by two posts driven at his back. A post with the bark peeled off and painted red was driven in the ground outside of the pen. It was adorned with some scalps which had been nailed on the top of it, and some rude pictures of buffalo, elk, men and ponies. Beside him was a bottle filled with some kind of liquid, a bow and arrows, and a vessel that had probably been filled with succotash. The flesh had fallen off his head and face, giving him a very ghastly appearance. The pen was covered over with logs to protect the body from the hungry coyotes. I did not remain very long, and went on my way wondering why a body should be put away in such a fashion, and who the dead man could be. I stopped at the first cabin I came to and made inquiry about what I had seen, and to my surprise the man did not know there was a dead Indian so near his home. He knew, however, that the Sac and Fox Indians had spent the winter in the river bend below and had fed their ponies on the mulberry brush and wild rye. He said he hated them and never allowed them to come about him, and he never went near them.

Some months after this I was at the Sac and Fox Agency and called the attention of the interpreter to my find, and he cleared up the mystery. During the winter, when they were feeding their ponies on the Neosho, one of the big Indians, a Blackhawk, died and they put him away as I have described above. They would not put the last man of the Blackhawks underground. The interpreter, or Keokuk, said that some one, perhaps a doctor, had stolen the skeleton and carried it away, and continuing with some emotion he said, "Blackhawks all gone, all gone." But enough of this gruesome incident.

July 2, 1856, near the mouth of Deer creek, at the home of the bride's parents, Davis Parsons and Harriet Todd were pronounced man and wife. The county records show that it was the first marriage of Allen county,⁴ and as far as I know, the first in the Neosho valley. The groom was one of the merchants of Cafachiqui and remained in business there, as my memory serves me, until Humboldt was made the county seat, when he retired to a farm just south of Elm creek. His dwelling, barns and lots for cattle were on the southwest of the mound now celebrated for cement rock. He owned a "gold mine" and didn't know it! He was not the first nor the last man to let a fortune slip out of his hands. He finally moved to Texas, where he died some years ago.

Two days after the wedding the good people were gathered under some big oaks just south of Cafachiqui to celebrate the "Glorious Fourth." Everybody in the country, fully twenty persons, was on hand. We proposed to make our first Fourth in the territory a big thing, and we did, as you shall see. We mashed down the tall bluestem and seated ourselves *a la* Indian to hear a young lady read the Declaration of Independence, and to hear Gen. William Barbee, of Fort Scott, deliver an eloquent oration. We soon learned however, that he was so drunk and had the hiccoughs so bad that he could not talk. Some of the men then gathered about me and said "You must make a speech." I had never tried before to pluck the eagle and sought to excuse myself, but the crowd began to call for Rice, and more Rice, until I had to say something. I began to recite some history

4. "The first wedding [in Allen County] was that of George W. Young to Sarah Bennett, June 28, 1856."—History of Allen and Woodson Counties, Duncan and Scott, 1901, p. 33.

I had learned at school, but before I got to the good part of the story old Townmaker and some of his braves rode up and gathered about us, extending their hands and saying "How." They were very anxious to shake hands although they did not know what our "pow-wow" meant. They had come up from their village, which was about eight miles below Cofachiqui, to "swap." They wanted to swap a cow-wow, pony, for wabusca, flour, hoggie meat and bac. William Lynn, our trader, could talk Osage and soon told them what our "pow-wow" meant. He found out that the braves would give us a war dance if we would agree to give them two sacks of flour and a side of bacon, with a twist of tobacco and a pipe for each one of the braves. The proposition was accepted with cheers, and in a little time about twenty of the Indians formed in a circle, with four in the ring; two of them had tin whistles, one had a sort of tambourine and the other a long-handled gourd with a few pebbles in it; they were the musicians. The Chief distributed some scalps among them, and each dancer, with tomahawk and scalp in hand and feet in position, was ready for the word "Go," which was given by a tap on the tambourine and a "Whe-a" by the Chief. The instruments kept time for the dancers, and as they danced in a circle they kept time with their feet and by words something like these: "He-ah, he-ah, he-ah-he-ah-he-ah, wasasha, he-ah-heah, mehotun-ka, wa-sha, wasasha, he-ha-heah-he-ah cow-wow, pa-che, wasa wa-sha-sa, and so on for a full half hour. As the dancers proceeded they grew excited, said the words faster and faster and swung their tomhawks and scalps about their heads till the four or five women present were seized with a strong impulse to get away. The dancers seeing the women were scared gave two or three loud warwhoops and the dance closed. The flour, bacon, pipes and tobacco were brought out and distributed. Then Townmaker proposed a smoke. He had us all sit down on the grass in a circle, then he filled his tomahawk pipe with "bac," lighted it, took a puff himself, and wiping off the stem with the lower end of his shirt passed it on. He expected every man to follow his example, but there was one who did not smoke, and that had to be explained. Any one could see that the Chief was not very well pleased with the man who would not smoke his pipe.

I am not sure, but I think this was the first celebration of the Fourth ever held in the Neosho valley. That was "long ago." There were not five hundred people living in the beautiful Neosho valley at that time. There was not a cabin on the wide prairies; every "squatter sovereign" had taken his claim near the river so as to have some timber on it. Everybody seemed to think that the prairies would always furnish free pasturage for cattle and horses. Coyotes and rattlesnakes abounded on the prairies. The superstitious Osages and Kaws would not shoot a coyote for fear they could never shoot anything else with their guns. They would not kill a rattlesnake for fear they might incur the enmity of the snake tribe. The preacher believed differently, considering it his duty to bruise the head of every serpent he found with the heel of his boot. He killed forty-six rattlers in the summer of '56. He did not kill any coyotes because he never carried a gun.

At the time mentioned above the cities of Humboldt, Iola, Neosho Falls, Burlington, Hartford, Emporia and Americus had not been thought of. And I do not believe a dozen persons of those living in the valley at that time are now above ground. Townmaker, I wish I could think of his Indian

name, and his braves are all dead. Many changes have been wrought in the Neosho valley and the prairies on either side since the Fourth of July, 1856. The evidences of the handiwork of Christian civilization are to be seen on every hand. The whole valley and the wide prairies have been turned into fruitful fields. See the cities, towns and villages, fine farmhouses, great barns, cattle, horses, hogs, chickens. Useful life everywhere. See the churches, schoolhouses, colleges, and the swarms of school children and young college men and women and take heed of what can be done in half a century by energetic civilized brains and hands. Let the present generation rejoice in what has been accomplished, and go forward to do greater things in the next half century.

I remained preaching in the Neosho valley until September, 1856. Most of the time I preached under the trees, even organizing some of the societies under the trees. The work was interrupted several times by hostile bands of free-state and proslavery men. Once the men and teams sent to Westport, Mo., for flour, bacon, etc., were captured and held by the Missourians for three weeks. Most of that time the people of Cofachiqui lived on soup-beans and catfish. The preacher stretched a trotline across the Neosho and kept the hotel supplied with fish. We had beans and fish for breakfast, dinner and supper, and were glad to have them.

During the summer a company of Buford's men, a lot of young adventurers from Alabama and Georgia, made their way to the Neosho river, using Cofachiqui as their headquarters. They spread terror among the free-state people of the Neosho valley. But their work was cut short by several of their men getting sick with malarial fever. Two of the leaders were very sick and were taken into the hotel and nursed by the preacher and the hotel keeper, Mr. Barbee, and they gladly received treatment from a free-state doctor, Burgess, who lived on a claim near town. One of them, called lieutenant, died, and his was the first body to be buried in the Cofachiqui cemetery. That company of proslavery raiders returned to their homes badly whipped by the kindness of the people they came to persecute. The last words of the dying man were in substance, "I wish my dear mother could know how good you people have been to me. Write and tell her the doctor did all he could for me, and the preacher nursed and prayed for me day and night. I hope my sins are forgiven. My mother is a true Christian."

My work was further interrupted by a quarrel between two settlers near the junction of Cottonwood and Neosho rivers. I am sorry to say they were two preachers, the one a free-state and the other a proslavery man. They were not members of the church I was serving. The quarrel began about their claims, and grew very bitter. One morning one of the men went out on the prairie to look after his team and found that some one during the night had broken a leg of each horse. Of course he charged his enemy with the cruel deed, and summoned the men of his party to help him drive the free-state man out of the country. Not many nights after there came a posse of men who rode from house to house of the pro-slavery settlers and ordered them to get back to Missouri in a hurry. The raiders were mad and fired into some of the cabins of the proslavery men and killed an innocent woman. This so enraged the proslavery men that they banded themselves together and declared war on the few free-state settlers and ordered them to leave the country. That quarrel well nigh broke up the settlements in Brecken-

ridge county. For some weeks it was not considered safe to hold any kind of meeting, and the work I was interested in was sadly interrupted for some time. I visited the neighborhood twice during the war, if I might call it such, and preached to the few people who were willing to meet under the cottonwood trees in the daytime.

Kickapoo, a new town a few miles above Fort Leavenworth, was chosen as the meeting place for the first annual conference in Kansas Territory, and the Bishop, G. F. Pierce, fixed the time, September 12, 1856. Mrs. Rice and I left the Neosho for Kickapoo September 6. We had to make a circuitous route to get there, going via the Sac and Fox Agency, Ottawa Jones's, Willow Springs, Shawnee Mission, Westport Landing, and by steamer to Kickapoo. The Missourians were invading Kansas in those days, and one did not feel very safe traveling over the prairies. We found Ottawa Jones's house in ashes and Willow Springs burned out. Cabins all along the way were deserted, so that we had to drive out from the road to avoid raiders and sleep nights under our buggy. We reached the Mission in safety. There I left Mrs. Rice and in company with several of the preachers who had gathered there proceeded to Westport Landing, where we boarded a steamer and made our way to Kickapoo. Bishop Pierce called the preachers together promptly at nine o'clock, Thursday morning, September 12. There were, as I remember, thirteen preachers present and our business went pretty smoothly until Friday evening, when we were startled by news that Doniphan and his men had crossed the river making for Lawrence, and that Lane and his men were coming out to meet Doniphan, and might clash at Kickapoo or near there. The town was thrown into a furor of excitement in a little while, and some of the men went out on the different roads to stand guard and give the alarm if need be. No one was sleepy that night, for a little after midnight a fellow fired both barrels of his shotgun and came running and shouting "Lane is coming! Lane is coming!" Of course, all was excitement for a time. The men gathered in squads to defend the city, while the women and children cried and gathered under the bluff near the river. But the alarm proved to be false. The fellow who gave it was declared drunk and was soon put under guard, and for the rest of the night all was quiet. The conference met the next morning to finish its business. The writer passed in his studies for Deacon's orders and was ordained deacon; the appointments were read for the next year, and conference adjourned *sine die*.

My appointment for the ensuing year was Fort Scott, where there was more organizing to be done. The government authorities had sold the fort to private parties the summer before, and it was now considered one of the best towns in the territory. The "officers' quarters," east of the square, were bought for residences, with one exception. One of the large buildings had been purchased by a man named Hornbeck and fitted up for a hotel. Here Mrs. Rice and I boarded for a season. Colonel H. T. Wilson, for whom Wilson county was named, occupied one of the largest buildings as a dwelling. He had been a trader there for years, and was the chief merchant of the city some time after Fort Scott became the capital of Bourbon county. Captain Edward Greenwood occupied one of the "quarters" for a dwelling for several years. Judge Samuel A. Williams, a member of the Shawnee legislature, also occupied one of the large buildings, and Dr. Hill, one of

the most unique characters I have ever known, occupied another. He owned a few slaves who occupied the basement of his dwelling, and though living below their master they seemed to be the happiest people in the country. Colonel Thos. B. Arnett, there never was another like him, bought the soldiers' quarters on the south side of the square and occupied a part of it for a residence, renting the rest to other parties. The soldiers' quarters on the north side was bought by a company and rented for various purposes. Here the *Southern Kansan*, the first newspaper south of Lawrence, was launched, and struggled through two issues, when it gave up the ghost. The hospital building was bought by a company who constituted themselves into a board of trustees and fitted it up for an academy, the first thing of the kind in the territory. The one time operating room was seated and arranged for an assembly room and chapel. In this room we organized a church society, and the room was used for years for church purposes. During the war the government took possession of the building and turned it into a hospital again. After the war the school board bought it from somebody and used it for a schoolhouse for several years. The last time I saw the old building it was being used for a livery barn, and the upper room, where I had preached for a year, was full of hay and rubbish of many sorts. It looked to me like an awful perversion of a sacred place. But the men who now occupy the building, and feed, harness and drive horses in and out, have no knowledge of former days and can not appreciate the sacredness of the place to me.

Fort Scott was to be my headquarters, and I was to take in the settlements of the surrounding country. In the course of time I made a tour of Bourbon county, and found settlements on Paint, Turkey and Mill creeks. The greater number of settlers were from Missouri and welcomed me to their cabins, and I organized societies on Mill and Turkey creeks. I preached in Fort Scott Sundays, and in the country places week days. I held several "two days" meetings in the country places, and held a series of meetings in the town. There were some conversions and additions to the societies. The work we were trying to do was disturbed by the coming of some Texas Rangers, who for some time made Fort Scott their headquarters. They were a terror to the free-state men on the Sugar creeks in Linn county, and kept the Fort Scott people constantly in fear of an invasion from Montgomery's men.

One night just after dark a report reached the city that Montgomery's posse was near the town. The Texas Rangers put out guards, the women and noncombatants hunted hiding places and waited breathlessly for the conflict to begin. Time went by, the suspense was intense. About midnight a gun was fired near the ford of the Marmaton, and in a few minutes one of the guards came rushing up the hill declaring that the enemy was at the crossing of the river and that he had shot at a man who had crossed and believed he had killed him. Of course the whole city was aroused and the Rangers closed up their line of battle on the brow of the hill and waited for the enemy to come. They waited until almost daybreak. Then a few of them concluded to do a little scouting and find out if possible what had become of the men the guard had seen near the ford. In a short time they came back swearing, because all they had found was a dead cow in the edge of the brush. As soon as it was light enough to see some men went down and

found that the guard had killed one of Colonel Wilson's milk cows. However, the Rangers did eventually bring down the wrath of Montgomery and his men upon Fort Scott by making a raid on the Sugar creeks.

In some respects our year's work at Fort Scott and surrounding country was pleasant and prosperous, in spite of the disturbances mentioned above and the occasional rumors of war. The free-state men were in dread of raids by the "border ruffians," and the proslavery people were on the lookout for Brown's and Montgomery's men. A few times our preaching services were disturbed by rumors of coming raiders, but I am glad I can say here that none of the hostile bands ever broke into our meetings. A few times the people did not think it safe to have public gatherings of any kind, but I did not lose many services. We held revival services in Fort Scott, and on Mill and Turkey creeks, and witnessed conversions in each place.

The second annual conference met in Leavenworth September 4, 1857. Bishop Andrew was to preside, but he was sick and could not be with us, and we elected Dr. Nathan Scarritt for our chairman. He had been the secretary of our first conference. By the way, he was a brother-in-law of the Chicks, noted commission merchants of Kansas City; and Scarritt's Point was named for him. He was a man of mark and capable of filling any place in the church.

Mrs. Rice and I had some adventures on the way to conference. We had traded one of our horses for a buggy and proposed to have a buggy ride to Leavenworth, but on the morning of the second day out of Fort Scott, near Big Sugar creek, the spindle of the hind axletree broke off and down the new buggy went to the ground. Mrs. Rice and I scrambled out, and after looking at our buggy concluded we were in for a walk, but we were near the cabin of a friend and soon found our way there. The good people proved to be friends indeed this time, for they loaned us a horse, bridles and saddles, and promised to take care of our buggy. We were soon on horseback and making a fresh start. We now turned our course, heading for the Shawnee Mission, which place we reached the next afternoon, pretty badly frazzled and hungry. After a night's rest and some consultation with friends we concluded to leave our horses at the Mission, go to Kansas City, and take a steamer for Leavenworth. So in spite of our breakdown and one other little hindrance we reached Leavenworth in time to be at the opening exercises of the conference. All the members of the conference were present, and there were several visitors from the Missouri conference. Dr. McAnally, editor of *The St. Louis Christian Advocate*, favored us with his presence and wise counsel. At the request of Dr. Scarritt he occupied the chair part of the time, and preached a great sermon for us Sunday morning. The reports of the preachers were encouraging in the main, showing an increase in membership and Sunday-schools. There were two discouraged fellows who wanted transfers, but there being no Bishop they could not be transferred, so they "bolted." Of course they could not get work in any other conference and they soon went out of sight. We received several new preachers into conference, and elected Dr. Scarritt and Wm. Bradford as delegates to General Conference. They were the leading men of the conference, and we delighted to honor them.

Monday morning, September 8, 1857, the conference adjourned *sine die*, and the preachers, most of them on horseback, started for their new charges

full of enthusiasm and hope. I was appointed to Tecumseh and Lecompton, two of the most important cities on the Kansas river, if not of the territory. Tecumseh was the county seat of Shawnee county and a prominent candidate for state capital, Lecompton was the capital of the territory, so I felt as if I were going up. I was somewhat elated over the appointment, and glad to know that the churches had been organized. Mrs. Rice and I hurried to our new field, having requested our presiding elder to sell our broken-down buggy and send our trunk and box of books from Fort Scott by stage. In a few days after our arrival in Tecumseh we concluded to buy some furniture, rent some rooms and go to housekeeping. We were soon settled down and ready for the work before us. In the course of time we bought a little frame house of two rooms and moved into our first home. Here a dear little boy came to live with us and gladden our hearts.

We found Tecumseh to be a city of about four hundred people, with two stores, a saloon, a few good dwellings for that time, and a large brick courthouse. That courthouse was a very useful building. It was a town hall, a post office, county and city officers had their offices in the lower story, and three different churches held their services in the courtroom. Two or three preaching services were held there every Sunday.

By the way, the saloon was a source of much trouble. It was a rowdy's resort and gambling hell. I remember one instance that gave Tecumseh and Topeka some worry. For a few days it looked like there would be trouble between the citizens of the two towns. It came about by a drunken row that resulted in the stabbing of a young man which, for some reason, not clear to me now, brought a company of men from Topeka who proposed to clean out the saloon. The Tecumseh men thought that Topekans had no business to meddle with their affairs, and proposed to send them home to attend to their own business. After a good deal of maneuvering and palavering the Tecumseh party agreed to shut up the saloon, and the fight was ended. The saloon man had to move his shop to a cabin outside the city limits.

In 1858 and '59 Tecumseh could boast of such citizens as Colonel Stinson, Ed Hoogland, Judge Elmore, Lazarus Castleman, John Reed, Drs. Hunter and Huston, John Martin, E. G. Clemens and a few others who thought they had the money and influence to build up a city that would forever overshadow poor little Topeka.

It was fondly believed in those days that Tecumseh was the finest town site on the Kansas river, and the only point where a bridge could be built across the raging Kaw. A company was organized, money subscribed, and some foundations for a bridge were built, but the beautiful site, prospective bridge, anticipated capital city and bright hopes of future greatness were all blasted. Tecumseh is now a whistling station on the Santa Fe railroad. How are the mighty fallen!

Several churches caught the spirit of the builders of the city, and when I reached Tecumseh the Methodist Episcopal, Methodist Episcopal South, Protestant Episcopal, Presbyterian and United Brethren were organized and holding services, some of them in the courthouse and some in private dwellings. The M. E. Church, South, had the sympathy and influence of most of the men named above, and when I proposed to build a church they jumped at the chance. In a short time money enough was secured to build

a brick house thirty by forty feet and get it inclosed, floored and seated with benches so that we could hold services in it. It was covered with walnut shingles and floored and seated with walnut boards. The United Brethren began to build, but for lack of funds turned the work over to the Methodist Episcopal church, and they in course of time occupied the building. Thus the two Methodist churches were built on the same block, one facing east, the other west. After the war the South church was sold by Eli Hopkins, the man who had the most money and interest in it, to the school board, and I believe it is still used for a schoolhouse. The Methodist Episcopal hold their church yet and it is the head of the Tecumseh circuit.

The Protestant Episcopal church started the biggest enterprise known to the wide-awake people of old Tecumseh. John Reed deeded to a board of trustees some ten acres of ground—a beautiful plot it was—just south of the town site. The trustees named the plot “College Hill,” and in a few months the cornerstone of Bethany College was laid with proper ceremony and great rejoicing. I wonder if the present faculty and body of students of Bethany know that the foundation and cornerstone of their building was laid five miles east of Topeka. But the building on the beautiful “College Hill” of Tecumseh never got above the first window sills. I presume there is not a stone of the old foundation left. Oh, Topeka! what hast thou done?

It has been said that “Topeka killed Tecumseh,” but that is not true. The Wyandotte convention and first state legislature killed Tecumseh and turned her glory over to Topeka. Topekans gladly received the gift and made room for some of Tecumseh’s chief men, among them John Martin, who became a worthy and enterprising citizen of Topeka, and a man the state has delighted to honor more than once. The present generation of Topekans ought to walk about the ruins of Tecumseh and cover the old site “over with beautiful flowers.”

But what shall I say of Lecompton, the capital of Kansas Territory? I found it in the fall of 1857 a flourishing city of six hundred or more hopeful inhabitants. It was also the seat of the United States land office, and more people went to Lecompton in those days than to any city in the territory. The “sovereign squatters” had to go there to pay for their land; many went to have the quarrels over their claims settled by the officers. Sometimes contestants would fight each other, but no claim question was ever settled that way. Even James H. Lane went to this office and spent more than one day trying to settle a quarrel between himself and a neighbor, but in vain. The end of that quarrel is a matter of history and I need not repeat it. The constant gathering of land claimants created a demand for hotel accommodations, and there were three or four large hotels in the city.

The temporary capitol was a large two-story frame building. There the governor and other territorial and land officers held forth. I think at my first visit to the noted city Governor Walker was wrestling with the contending parties, but like his predecessors he did not hold out long and soon resigned to return to his southern home. In those days it was an easy matter for the President to appoint governors, and a very easy thing for governors to resign and leave the territory under the guardianship of an “Acting Governor.” When Walker resigned Secretary Fred. P. Stanton became acting governor for the second time. He was a radical man and offended the free-state men by his determined effort to enforce the laws of

the "bogus legislature." In a few months he was superseded by the President appointing J. W. Denver governor. However, the reader can find the history of these various governors and their administrations in the "History of Kansas," and I need not give more space to them.

Now to my own business! I found a small society organized and worshipping Sundays in a small hall over a store. Some of the leading citizens were members of the society, and the people generally were in sympathy with the M. E. Church, South; therefore, when I proposed to build a church they almost unanimously responded with liberal subscriptions. We soon had a church-building enterprise under way, with men quarrying and hauling stone for the foundation and building. A beautiful site was donated by the town company, and in three months we had a stone building forty by sixty feet inclosed, temporary furniture put in, and the people of Lecompton had a house of worship, and right proud of it they were. It was a massive concern for those days. As we could only occupy it twice a month the trustees gave the Presbyterians the use of the building every other Sunday. The two societies united in the Sunday-school and in social work. The building was eventually turned into a schoolhouse, and the first school taught in Lecompton was taught there.

My first year's work for Tecumseh and Lecompton was encompassed with some difficulties, but upon the whole was considered at the time a good and profitable work. The societies in both cities grew in numbers and the preacher and his people grew in favor with the public.

The third session of the annual conference met in Shawneetown, September 23, 1858, Bishop John Early presiding, and C. R. Rice was elected secretary. Bishop Early had organized the Kansas Mission Conference and appointed me to the Pottawatomie mission three years before the meeting of the conference in Shawnee. Now it was my privilege to sit by his side and jot down the proceedings of the third session of the conference. I had finished the conference course of study, and Bishop Early laid his hands on my head and ordained me elder of the Methodist Episcopal Church, South. (In March, 1865, I was received into the Kansas conference of the Methodist Episcopal Church on the credentials given me by Bishop Early.)

I was returned to Tecumseh and Lecompton to spend another year with the people of those thriving cities, and I had a very good year, the church prospering in both towns. I also took in a country appointment not far from the famous Big Springs, preaching in a log schoolhouse Sunday afternoons. Some of the Big Springs people came to hear me as well as the country folks. Governor Shannon and his excellent wife honored me with their presence quite often. They never attended church in Lecompton, however.

Because the next session of the conference was to be held in Tecumseh I had quite a strenuous time getting the church fitted for such an important occasion. The people generally were proud to have the conference in their town, and contributed freely both money and work that we might have a suitable place for conference meeting. We had pine lumber hauled from Leavenworth for ceiling, wainscoting and the pulpit platform. We built good seats and laid a nice floor of native walnut lumber, and were all proud of the best church on the Kansas river.

The fourth session of the conference was held in Tecumseh, September

29, 1859, Bishop Paine presiding. Dr. Scarritt was elected secretary. The reports from the several charges showed a greater increase in members than any previous year, for we had enjoyed a year of peace and order. The political factions had concluded to settle their differences by voting rather than fighting. The two parties were arrayed against each other and the lines were sharply drawn, but men had quit killing one another. The Missourians stayed at home, and the "squatter sovereigns" were permitted to settle their own quarrel, and they did eventually, at the ballot box.

I had filled out a full pastoral term at Tecumseh, and when the appointments were read out by the Bishop for another year I was appointed to Shawnee and Olathe. My wife was sick, but we made arrangements to move at once. We had to camp out one night on the way to Shawnee, but we made a good bed for Mrs. Rice in the wagon box and she endured the hardships fairly well. When we reached Shawneetown there was an invitation from the old Shawnee missionary, Rev. Thomas Johnson, to go to the Mission and stay till Mrs. Rice recovered from her sickness, and we gladly accepted the kind offer. My wife had a good place and the best of care while I visited Shawnee and Olathe by turns. I found organized societies at both towns, and also at Scarritt's Chapel, a country place some five miles from Shawnee.

As soon as Mrs. Rice recovered we moved into the Shawnee Mission parsonage and boarded the missionary, Rev. Joab Spencer, for the rent. We used for a church the big log council house. Quite a number of the Shawnees attended our services regularly, among them Charles Bluejacket, as fine a specimen of manhood as one could find anywhere. He was a Christian gentleman, greatly beloved by his tribe and honored by the white people.

As soon as I got settled down to work I began to talk church building and found many among the Indians, as well as whites, quite willing to help. So in course of time we had a small brick house up and inclosed, but the winter came on and froze us out, and the building enterprise was deferred for a season, while we continued to hold our services in the council house.

Olathe, then as now, was the county seat of Johnson county, and was quite a lively place. I found a number of substantial friends there and preached to good congregations for those days. Part of the time I preached in the dining room of the principal hotel, but most of the time in an unfinished hall over a store. The Masons used the hall once a month for a lodge room, and the dancing parties used it quite often for dances. It was a public hall. We held a series of meetings in it and had a number of conversions and accessions to the church.

During the winter of 1859-'60 we held a series of meetings in Shawnee and in Scarritt's Chapel and witnessed a number of conversions, receiving quite a number into the church. The outlook for general prosperity in the church was never better, but the drouth of 1860 blighted crops of all kinds and greatly discouraged the people. Many of them abandoned their homes and "went back to wife's folks." Then the exciting presidential election campaign during the latter part of the summer and fall disturbed all kinds of business, and church work as well, and many of the southern people, especially those along the border counties, became discouraged and left Kansas for good and always.

The fifth session of the conference was held in Wyandotte, beginning

September 27, 1860, Bishop H. H. Kavanaugh presiding, and Dr. Scarritt secretary. The conference was held under the influence of the most exciting presidential campaign that this country has ever known, and the preachers and people could hardly think or talk of anything but the coming election. There were southern men who dared to prophesy the election of Abraham Lincoln and the dissolution of the Union. But many of the preachers seemed to be hopeful, returning to their work joyfully. Bishop Kavanaugh sent me back to Shawnee and Olathe, and I returned to do my best for the church, declaring to both free-state and proslavery men alike that I was no politician, but a preacher of the gospel. Some of the best free-state men and women in Shawnee and Olathe were members of my church, and true friends to me in time of trouble, but some of my former good southern friends did not like me to accept the friendship of "abolitionists," as they called all free-state men.

The day of election came, and shortly thereafter Lincoln was declared elected. The lines between the parties that had disturbed Kansas so long were more closely drawn than ever, and the spirit of the coming war took hold of all the people. I remember that a public meeting for some cause was held in the Shawnee Hotel and the people were nearly all present, but prudence prevented speech making. South Carolina had just withdrawn from the Union, and some one of our company slipped across the room to where a flag was displayed and draped one of the stars. Attention was called to it, and the proprietor of the hotel, William Holmes, a superannuated preacher of the M. E. Church, South, but a staunch free-state man, came to me and said: "I don't like that but I dare not take the drapery off; I believe you can do it, will you?"

I went over to the flag and said, "No man has a right to hide a star on the flag of the United States," and tore off the crape. For a few minutes no word was spoken, then the men began to go out of the house, and soon it was cleared. When we were alone Mr. Holmes said to me, "I don't believe another man could have done what you did with such a result!"

In due time Lincoln was inaugurated as President of the United States, and several of the southern states seceded from the Union, declaring their independence. In course of time Fort Sumter was fired on by the South Carolina militia, and President Lincoln called for seventy-five thousand men to subdue the rebellion. In a few months there were two great armies confronting each other, and the war-cloud had gathered thick enough to break out in red blood. The whole land was trembling beneath the tramp, tramp of armed and angry men. War and rumors of war prevailed both in the North and South. The first battle of Bull Run was fought, the Union army was defeated, the South was jubilant; the North was dejected. But the cry "Rally once again boys!" soon filled the broken ranks of the Union army and the whole country was facing four long years of bloody war.

My friends begged me to give up the work for a season, at least, and it appeared to me that for once "prudence was the better part of valor," so I retreated to a portion of the country where I supposed no army would ever venture, and thus my work for the Methodist Episcopal Church, South, ended.

MEMOIRS OF A PIONEER MISSIONARY AND CHAPLAIN IN THE UNITED STATES ARMY.

Written by REV. HIRAM STONE.¹

I HERE make an explanation of the reasons for writing the following history of my western experiences. I have been urged to do this by those whose counsel and judgment I respect. Besides, there are facts herein stated which no one at this date can write, from personal knowledge, but myself. And inasmuch as my agency in the transactions here recorded may not have been clearly understood, in the case of some at least, I desire to place myself upon a true record of facts. My data for these are drawn from personal recollection as an eyewitness, from records of my private journal which has been carefully kept from the day of my ordination to the ministry, and from the early journals of the Diocese of Kansas. To the accuracy and veracity of my statements I stand solemnly pledged. In this I hope to write nothing which shall savor of unchristian rancor or betray a sign of bias by prejudice. My purpose is not to leave a line or word behind that in the great hereafter I shall wish to erase.

My service on the great western border occurred at a period of peculiar local and national disturbance such as has never been known in our country. The frontier is to-day very different from what it was before or has ever been since that time. Missionary operations and military movements were seriously affected by the existing state of things, so that the representatives of both of these arms of service had experiences unlike to those of all others. It will not be strange, therefore, that these memoirs should contain history but little known or experienced elsewhere. It was my good, or else my ill fortune, to have my lot fall in those times and places where troubled waters did rage and heave. But it is to be hoped that those troublous scenes are not to be witnessed again, nor those conflicts to be repeated in the future. It is best that many things of the past should have but a name to live, and yet it may be well that at times they should be brought to remembrance.

These memoirs were completed at Bantam, Conn., October 2, 1900, this being the forty-seventh anniversary of my ordination to the ministry.

The early history of Kansas was quite anomalous, differing materially in many respects from that of any other section of our country. This applies particularly to its civil and ecclesiastical relations when things were in a formative state. Kansas was a large territory, extending from Missouri on the east to the Rocky Mountains on the west, and out of which several states and dioceses have since been organized. Political animosities between

1. "REV. HIRAM STONE, the author of these reminiscences, was born in Litchfield, Conn. July 25, 1824. His grandfather served in the Revolutionary War, and was one of the victims of the celebrated Jersey Prison Ship.

"Mr. Stone was left an orphan at an early age, but by his energy and industry acquired a good education and became a minister of the Protestant Episcopal church at the age of twenty-nine years. In 1856 he became connected with the missionary work in Kansas, and these pages are his own account of his work and life there.

"He was very fond of reading the reports of the Kansas Historical Society which I loaned him from my library. For some years I urged him to add his account to those of his contemporaries and he finally consented. I have copied his story just as he wrote it.

"There are some matters in it which certain wise people have thought should be omitted, but I prefer Mr. Stone's judgment and statement without emasculation.

"Mr. Stone died at Litchfield, Conn., April 3, 1911.

"Litchfield, Conn.

DWIGHT C. KILBOURN."

the north and south, gendered chiefly by the institution of slavery, culminated in the civil war which for a time rent both the church and the state asunder. Both of the great sections of our country were seeking to gain numerical ascendancy in the national legislature, hence each strove to secure every new and incoming state on its side. Intense bitterness existed between them, and Kansas, borderland of both sections, became the advanced skirmish-ground which brought on the final collision. The struggle resulted in making Kansas a free state, and secession followed, separating the south from the Union. Persons of the same communion were bitterly antagonized, so that the church suffered calamitous experiences along with the civil government. By reasons of this, all the newly formed parishes suffered great depression, while some were brought to the verge of extinction. It was under these lamentable conditions that missionary labor was begun in the territory of Kansas.

My connection with that new field of the west was as follows: In the spring of 1856 I accepted an appointment from the General Board of Missions in New York as the pioneer missionary to that agitated section of our country. My annual stipend of \$500 was pledged by St. Paul's church, New Haven, Conn., then under the rectorship of Rev. Abram N. Littlejohn, D. D., now Bishop of Long Island.

Resigning my charge of St. John's church, Essex, Conn., I made ready to leave with my wife on May 19, 1856. On the way, and when near Chicago, I learned from the papers of the horrible sacking and burning of Lawrence, the chief free-state town in Kansas. This was a check to our immediate entrance into the territory. Bishop Jackson Kemper, D. D., LL. D., had jurisdiction over that missionary field, and I sought an interview with him at Milwaukee, Wis. He advised us not to enter Kansas at once, but to take temporary charge of a parish which he could give me. Accordingly I supplied St. Matthis church, Waukesha, until autumn. On November 17 I took passage for Kansas, arriving at Fort Leavenworth November 24. A few days later, December 10, I effected an organization at Leavenworth city under the name of St. Paul's church. This was the first permanent episcopal organization in Kansas, and was appropriately named in recognition of the generous support guaranteed by St. Paul's, New Haven. Measures were immediately taken for the erection of a church edifice, but the effort was delayed for reasons which will later appear.

At this juncture strange complications began, which seriously affected the church interests in Kansas, putting a new and exceptional phase upon all missionary operations. Bishop Kemper had jurisdiction over the territory of the Northwest by an appointment of the General Convention of 1835. Because of the rapid filling up of that great region, it was deemed expedient to separate a portion of this into a new missionary jurisdiction to be placed under the oversight of a bishop. Accordingly the General Convention held in the city of New York in October, 1856, set apart the territories of Kansas and Nebraska as a new division of the great missionary field, and attempted to provide for it a bishop. The provision failed by the declination of the Rev. Jacob L. Clark, D. D., who had been elected or appointed to that position. This left the newly made jurisdiction without an episcopal head. As a temporary supply the presiding bishop requested Bishop Kemper to take charge of the field until another could be provided.

In the meantime partisan spirit had developed in the church at large, and resulted in forming the "Philadelphia Association" as a distinct missionary organization. It had become the settled purpose of this society to organize Kansas into a diocese and to supply it with clergy suited to its own stripe of churchmanship. Hence some half-dozen missionaries were selected and sent out, supported wholly by that "Association." I had been on the ground and organized a church several months in advance of these, and was entirely unaware of this partisan movement. Bishop Kemper had visited Kansas a short time before me, and in a measure had prepared the way. In July, 1859, he was again making a visitation, when he was strongly urged by some of the partisan clergy to call a convention to organize the territory into a diocese. This he consented to do, though contrary to his judgment in the matter. Under date of July 26 he issued a call to the clergy and laity to assemble at Wyandotte on August 11, 1859. The wording of this call was as follows: "To take into consideration the propriety of organizing a Diocese, . . . to deliberate with them upon any other matters of interest to the Church, and to take such action as may be deemed necessary." There is here a fact which I wish to emphasize and record. On the issuing of this call I distinctly opposed it upon principle and stood in sturdy opposition to the partisan proceedings which followed. My seeming consent was based upon the proposition "to take into consideration the propriety of organizing a diocese." But when all discussion was shut off at the convention I protested against the election of a bishop. How foreign to the phraseology and spirit of this call was the action of the convention will appear by a later comparison.

Here a fact is to be distinctly noted. The General Convention was to meet at Richmond, Va., the following October, some two months later. At that time, as was generally and well understood, a missionary bishop would be provided for the Northwest, and Kansas would be taken under his oversight. But in order to forestall this measure, the partisan clergy determined to organize Kansas into a diocese and thus take it out of the hands of the convention.

The "*Preliminary Convention*" met pursuant to the call, and I make the following quotation from my journal:

"The convention assembled, and a diocesan organization was effected by a vote of the clergy and laity, Yeas, fourteen, Nays, six. And here it becomes a painful duty to record my sturdy and uncompromising opposition to this measure of organization, as the whole proceeding is thoroughly partisan in its character besides being irregular, uncanonical, and unnecessary. There are at this time only seven clergy settled in Kansas, and of these three at least have never taken dimissory letters from their former dioceses, and consequently have not been canonically transferred to any ecclesiastical authority in this jurisdiction. The General Convention is to meet at Richmond, Va., in a few weeks, when this missionary field will undoubtedly be provided with a missionary Bishop, duly authorized to render due Episcopal oversight, and be supported by the Church's Board of Missions. Whereas, an organization, even if legal and canonical, will tend to forestall this provision and leave us without an Episcopal head, or compel us to invite in some neighboring Bishop as a mere acting overseer, or else we must proceed to an uncanonical election, and make a Bishop without a single self-supporting parish in Kansas to offer him support. All these facts I have urged upon the consideration of the convention, and earnestly asked for a fair, open, candid and manly discussion of this subject as becomes Christian ministers and laymen, yet all to no purpose. Without one word of discussion and in face of all entreaty and remonstrance, a vote was called for with the result as above stated. In this I

foresee a determination on the part of those representing a party in the Church and sent out by the "Philadelphia Association," to precipitate an organization by which Kansas shall be taken from the general oversight of the Church and placed in the hands of a party known as Low Churchmen. I was sent here under the auspices of the General Board of Missions of the Protestant Episcopal Church, and I neither know nor recognize any party therein. I am no party in Church matters, and earnestly hope I never may be. My opposition to this measure is based purely upon principle, and I would oppose such a course coming from any mere party in the Church, whatever name it might bear.

"I already foresee that my labors as a parish minister in Kansas are to be rendered anything but pleasant and desirable. Interferences with my parish have been going on for months by the clergy of other parishes, and here at this convention it has been told to me by one of this number that Leavenworth City is the chief town in Kansas and that my parish must be given to our future Bishop as one source of his support. Bishop Kemper, our acting Episcopal overseer, is to be dispensed with, and another of the right partisan stripe is to be secured in his stead. Painful as are these statements to me, they are facts which can not be gainsaid and which in future, it is to be feared, will develop into still greater and more deplorable certainties."

Soon after recording the above statements, the church affairs under consideration were brought to an issue as described in the following record:

"Sunday afternoon, September 25, preached at Fort Leavenworth, the people of the Fort being desirous to elect me as chaplain of the Post. Some months since, the chaplaincy became vacant by the resignation of the previous incumbent, and my friends, the officers, of the Post, expressed their readiness to secure the position for me. But feeling it a duty to continue my labors in the parish which under many trials I had established, and in which I had worked for nearly three years, the generous offer was declined. But in an interview with the Rev. Charles M. Callaway on the evening of Thursday, September 22, there developed a certain determination on the part of the partisan clergy of Kansas, who are decidedly in the majority, which has produced a full decision in my own mind to abandon this missionary field and parish altogether. Mr. Callaway is on his way to the General Convention to be held in a few days at Richmond, Va., and he and his partisan colleagues, under the influence of the managers of the 'Philadelphia Association,' are bound on a course of policy which will tend to make my position in my parish one of constant trouble and annoyance. I am not to be allowed to labor in peace in the parish which I was instrumental in organizing and that, too, before even one of the clergy now in Kansas had set foot on this missionary soil. I am plainly told that I am standing in the way of great good to the Church, that its interests require me to vacate my parish, that a Bishop should occupy my place, all of which was said in the presence of the two wardens of my Church. It has already been repeatedly stated, within my parish and outside of it, that a Bishop is to be elected who may become rector at Leavenworth City, who will bring with him great influence and a large amount of money by which a flourishing parish may be built up here, all of which will be secured to this city if the people will only make a way for him to come. I have already suffered enough on this score, and am determined on leaving the parish of my creation and affections. Though appointed by the 'Preliminary Convention' of Kansas as a deputy to the General Convention, I shall not attend, as I deem the whole action of the Kansas convention illegal, unauthorized and partisan, and hence will not lend my countenance to its proceedings."

It was under this lamentable state of affairs that on Saturday, September 24, I went up to Fort Leavenworth and communicated to my friends there my determination to leave the parish, at the same time signifying that if they saw proper to renew their former offer to elect me their chaplain, I

would accept the position. This led to an invitation to preach at the Post the following day, Sunday, September 25 (as above stated). On Monday September 26, a meeting of the Post Council of Administration was called by Col. Justin Dimick, Post Commander, the council consisting of Captains Arnold Elzey, James Totten, and Wm. F. Barry. By a unanimous vote of the council I was elected post chaplain of Fort Leavenworth, notice of the election being duly forwarded to the Secretary of War for his approval. Having taken this step, I awaited the action of the Secretary of War, the Hon. John B. Floyd.

"Sunday, Oct. 2, was assisted in the services of the day by the Rev. Nathaniel O. Preston of Manhattan, he being one of the deputies to the General Convention, stopped with us over Sunday. To him I communicated my grievances and informed him of my resolution to leave the parish and seek a field of labor elsewhere. Mr. Preston is to me a true brother, sympathizes deeply with me in my troubles, and expresses his unqualified disapproval of the course which other brethren have taken in this matter."

"Monday, Oct. 24th, tendered to the Vestry of St. Paul's Church my resignation, my election to the chaplaincy of Fort Leavenworth having been approved at Washington, an official communication to that effect being received."

"Saturday, Oct. 29th, received as a donation from the parish a silver-plated tea set, costing about \$80, which we esteem above price as a token of regard and affection from our friends and former parishioners."

"Sunday, Oct. 30th, morning, preached a farewell discourse and administered the communion. Thus concludes my labors at Leavenworth city as the first missionary who had effected a successful organization of our Church in Kansas."

The following resolutions were inserted in the Leavenworth *Herald*:

"Vestry Meeting. At a meeting of the Vestry of St. Paul's Parish of Leavenworth City, on the 28th day of October, 1859, the following preamble and resolutions were unanimously adopted.

"Whereas, Our beloved Pastor, the Rev. Hiram Stone, has expressed to the congregation and members of this Church, his determination to leave them for the purpose of continuing his holy labors in another portion of God's vineyard, be it

"Resolved, That we have heard the announcement of his departure with feelings of the most profound sadness and regret. That we have ever found in him a man void of offence, a Christian of exemplary piety, and a minister so zealous and efficient that we can scarce hope to have his place supplied. His works are a monument of his goodness and pastoral ability, while the poignant regret of the flock to whose spiritual wants he has ministered during the last three years and the fervent prayers that follow him in his separation from them, abundantly testify to the fact that he has followed in the footsteps of the Apostles of old, and proved himself a bright example for those who mourn his loss.

"Resolved, That we tender to him our most sincere and heartfelt gratitude for his pious efforts among us, and point to his unparalleled success in building up and adding to this congregation as an illustration of the wisdom with which the Domestic Committee select the laborers in the great work of spreading the gospel and calling sinners to repentance.

"Resolved, That we congratulate the Post to which he has removed as the scene of his future labors, upon the acquisition of a pastor unexceptionable in all the social relations of life, unexcelled in zeal and devoted piety, and possessing every quality of an able and useful Rector.

"Resolved, That in bidding adieu to our revered and beloved Shepherd, we extend to him and his family, for all time to come, a place in our memories and an abiding place in our hearts and a hearty welcome to our homes.

(Signed) ALEX. T. MAISON, Sec'y."

On entering upon the duties of a missionary at Leavenworth city I found only three church families and the same number of communicants. At the date of my resignation there were upon the parish register forty-three communicants and about an equal number of families. Eleven persons have been confirmed, thirty-four baptisms have been solemnized, and there was a Sunday-school of about thirty children. The organization of the parish was effected in the midst of those dreadful border troubles of Kansas, and its infant years were witness to a fearful state of society incident to both border life and civil discords hitherto unknown in American history.

Turning from the recorded facts of my journal, events at the General Convention are transpiring which concern the church in Kansas.

As the Rev. N. O. Preston went to Richmond directly from my house, he informed the other Kansas deputies of my intended resignation. This hastened their determination to elect a bishop at the earliest possible date and have him become rector of the parish at Leavenworth City. Kansas having been made a diocese, some of the leading deputies took it upon themselves to inform Bishop Kemper that they purposed to elect a bishop of their own in the near future, and that his services would be no longer needed.

This summary dismissal was a breach of common courtesy, a direct violation of canon law, and an utter ignoring of the resolution of the "Preliminary Convention," requesting the House of Bishops to make arrangements by which the services of Bishop Kemper might still be continued. At that convention the immediate election of a bishop for Kansas was altogether ignored, the earliest date intimated by some of its advocates being two years hence. All this strange proceeding was based upon the prospect of a vacancy in the Leavenworth parish. Carrying out the purpose thus hastily formed, the deputies of the General Convention, on returning home, soon set about arranging to elect a bishop. Accordingly a meeting of the standing committee was called for December 13 at Trinity church, Lawrence, the object being the calling of a special convention for the election of a bishop for the new diocese. The committee met pursuant to the call, when the ballot was two against two, and the question was decided by the casting vote of the president. Being placed on the standing committee, I voted against the measure as impolitic and uncanonical. But the resolution being carried, the convention was called to meet at Topeka on April 11, 1860.

I now pass on to the date of election, and here take up the record of my journal again.

"Monday, Apr. 9th. The day of the meeting of the special convention of the Diocese being at hand, a minority of the Standing Committee feel impelled by a sense of duty to themselves and of justice to the true interests of the Church, to protest against the contemplated proceedings of the Convention in reference to the immediate election of a Bishop. I accordingly have written the following protest, setting forth the grounds on which objections against an election were based:

"*To the Standing Committee and Special Convention of the Diocese of Kansas.*

"We, a minority of the Kansas Standing Committee, are constrained by convictions of duty which we owe both to ourselves and the Church, to enter a protest against the contemplated proceedings of the Special Convention which is to be held at Topeka, Kansas, Apr. 11th, 1860. Our reasons for protesting, are as follows:

"At the Preliminary Convention of the Church held in August last, the following Resolution was submitted, and unanimously adopted:—"Resolved, That the House of Bishops be earnestly requested to make arrangements by

which the Diocese of Kansas can still, for a time at least, have the Episcopal services of the Rt. Rev. Jackson Kemper, D. D., LL. D."

"That it was the intent and purpose of the convention as expressed in this resolution, to vest Bishop Kemper with full Episcopal authority over the Church in Kansas, and that, too, for a time wholly unlimited, there can be no doubt. The resolution being adopted it became a diocesan measure so that Canon IV of the General Convention of 1847 applies directly to the case. The Canon reads as follows:

"SEC. 1st. Any Bishop, Assistant Bishop, or Missionary Bishop, may on invitation of the Convention, or the Standing Committee of any Diocese, where there is no Bishop, or where the Bishop is, for the time, under a disability to perform Episcopal offices, visit and perform Episcopal offices in any part thereof, and this invitation may be temporary, and at any time may be revoked.

"SEC. 2d. A Diocese without a Bishop, or of which he is for a time under a disability by reason of a Judicial Sentence, may by its Convention be placed under the full Episcopal charge and authority of the Bishop of another Diocese, or of a Missionary Bishop who shall by that act be authorized to perform all the duties and offices of the Diocese so vacant, or having the Bishop disabled until in case of a vacant Diocese, a Bishop is duly elected and consecrated for the same, and in the case of a Diocese whose Bishop is disqualified as aforesaid, until the disqualification be removed, or until in either case the said act of the Convention be revoked.

"SEC. 3d. No Diocese thus placed under the full charge and authority of the Bishop of another Diocese, or a Missionary Bishop, shall invite a second Bishop to perform any Episcopal duty, or exercise any authority till its connection with the first Bishop has expired, or is revoked."

"It follows, then, as an inevitable sequence, that the deputies to the late General Convention were wholly unauthorized, as well as powerless, to dismiss Bishop Kemper by informing him that his services were no longer needed in Kansas. Neither had the Standing Committee authority to call a special convention for the election of a Bishop, as the action of the Preliminary Convention, vesting Bishop Kemper with "full Episcopal charge and authority," had not been revoked.

"Another point of irregularity is distinctly involved in the calling of a Special Convention.

"Sec. 2 of Article IV of the Preliminary Convention of Kansas reads as follows:—"No person shall be canonically connected with this Diocese until he shall have presented to the Bishop or the Ecclesiastical authority thereof, a letter dismissing him from the Diocese with which he was last connected. Canonical residence, shall, in all cases, date from the reception of said letter by the Bishop or the Ecclesiastical authority."

"Canon VI of General Convention of 1856 reads thus:—"Sec. 1st. A minister of the Church remaining within the jurisdiction of any Bishop or Ecclesiastical authority, shall, in order to gain canonical residence in the same, present to said Ecclesiastical authority, a testimonial from the Ecclesiastical Authority of the Diocese or Missionary District in which he last resided, which testimonial shall set forth his true standing and character.

"SEC. 3d. All such testimonials shall be called Letters Dimissory. No such letter shall effect a Minister's Canonical residence until after having been presented according to its address, it shall have been accepted, and notification of such acceptance given to the authority whence it proceeded. The residence of a Minister so transferred, shall date from the acceptance of the letter of transfer. If not presented within three months after date, it may be considered as void by the authority whence it proceeded; and shall be so considered, if not presented within six months.

"SEC. 5th. It shall be the duty of all Ministers except Professors of the General Theological Seminary, Officers of the Board of Missions, and Chaplains in the Army and Navy, to obtain and present letters of transfer, as above described, whenever they remove from one Diocese or Missionary District, to another, and remain therein six months.""

Now, we inquire, have the above article and canon been compiled with? All told, there is barely a canonical number of clergy in the diocese to elect a bishop, and of these a majority, we believe, have never been canonically transferred from their former dioceses to any ecclesiastical authority of Kansas whatever. If Bishop Kemper had not episcopal authority in Kansas prior to the Preliminary Convention, then the whole action of the previous standing committee by him appointed according to section 5, of Canon X of 1856, must be utterly illegal and void, and the calling of the Preliminary Convention itself was irregular and unauthorized. Thus striking at the root of all ecclesiastical authority in Kansas, the entire doings of the church, together with the action of the Preliminary Convention and all its dependencies, are swept from the board. But if Bishop Kemper had episcopal authority here, we are perplexed to understand how those clergy can now vote for a bishop who have never been canonically dismissed from their last connection, nor been duly transferred to this diocese. Had misdemeanor been charged against any of the clergy of Kansas so as to render trial necessary, they would have been held amenable to Bishop Kemper, or else to the ecclesiastical authority of the diocese from which they last came. The church holds her clergy amenable to some authority, so that, shift the alternative as you may, the case is still involved in a strange dilemma. But what has been the governing sentiment of all past action? Why, the whole proceedings of the church in Kansas from the beginning have been predicated upon the episcopal authority of Bishop Kemper, and everything has been an acknowledgment of the fact. It seems clearly established, then, that the special convention has not been legally called, and that there is not the requisite number of clergy, canonically resident, to elect a bishop.

But, next, as to the impolicy of the premeditated election. The church in Kansas, in our view, by no means demands the undivided labors of an active and efficient bishop, nor will it for some time to come. The newly consecrated bishop of the Northwest has expressed a willingness to render episcopal services to Kansas, if desired. Our diocese is in its feeble infancy, not a parish within its boundaries being able to support a minister without missionary aid. How a bishop is to be supported, were one elected, we have never been able to learn, and consequently are left without light, save what we gather inferentially and incidentally. If certain brethren abroad are so liberal as to assume the support of the Kansas Episcopate, we then would suggest that the services of Bishop Talbot be secured, and the money thus generously proffered be turned to the maintenance of several self-denying missionaries in unsupplied towns of the diocese where the services of the church are not to be had and where souls are in need of the bread of life. If it be maintained that a bishop should be rector of a parish and thereby for a time obtain a part of his support, we answer this by an appeal to high authority. At a meeting of the Missionary Board held at Richmond during the session of the late General Convention, the report of a special committee, previously appointed to devise more efficient measures for the prosecution of missionary work, was submitted to the board. Of this committee the Bishop of Iowa was chairman, and the recently consecrated Bishop of the Northwest, was a member. Near the close of the report the committee express themselves in the following emphatic language.

"The Committee are unanimous and decided upon the conviction that those Bishops who have Dioceses that are really Missionary in their character, should, by the liberality of the Church be enabled to act as chief Missionaries in their various fields, without the incumbrance of parochial duties."

For the foregoing reasons, to say nothing more, we are led to enter our protest against the premeditated action of the special convention, which we believe to be uncanonical, irregular, unauthorized, and impolitic.

This protest, dated Leavenworth City, Kansas, April 9th, 1860, is signed by myself and James M. Bodine, M. D., as two of the six members of the standing committee of the diocese, both of us having decided not to be present at or participate in the coming special convention.

"Tuesday, April 10th. The above protest was placed in the hands of a lay delegate from Leavenworth to the convention which is called to meet at Topeka, on the morrow."

The special convention met as was anticipated, with the following result: It had been an understood and foregone conclusion with the advocates of an election, both here and in the east, that the Rev. Dr. M. A. De Wolfe Howe, of Philadelphia, was to be the first Bishop of Kansas, and it was known by myself and others that he had been consulted upon the subject some months previous to the meeting of the special convention. But by a strange maneuver of a leading member of the convention, the Rev. C. M. Callaway, Dr. Howe was wholly dropped, and the Rev. Francis McNeese Whittle, of Louisville, Ky., brought forward as a candidate in his stead. Mr. Whittle was elected by a vote of the clergy, but failed to get a lay majority, being defeated chiefly by the influence of the two lay delegates from Leavenworth on the ground of his southern and pro-slavery predilections.

The Rev. Dr. Heman Dyer, of New York, was next taken up as a candidate, and elected, though sturdy opposition was offered by the minority present; and some strange charges were brought against Dr. Dyer by a clerical delegate, the Rev. Rodney S. Nash, who, however, by constraint of partisan influence, voted for the person he had severely animadverted. The protest was at first avoided, but finding that "we must put our foot on it or it will put its foot on us," the majority voted the premises as "groundless." Reports of this convention's proceedings were conveyed by some of the minority to the eastern papers, and a great commotion was stirred up, both in the church and out of it, to the no small mortification of the advocates of the election and a serious damage to the partisan cause. But more of this as future developments arise.

"Wednesday evening, May 2d. The Standing Committee met at my quarters to request the consecration of Rev. Heman Dyer, D. D., Bishop elect of the diocese. The president had called a meeting of the committee at Leavenworth City, which, for reasons already apparent, I felt indisposed to attend. Finding only three members present, it was deemed expedient to come to my house so that my presence would make a majority. The business was transacted, but I took no part in the matter."

"August. Since the date of the Special Convention, the leading matters of the diocese have been of a singular and altogether anomalous character. Such was the commotion stirred up in the Church by the partisan movements in Kansas and such the exposures and sharp criticism which followed the action of the Special Convention, that the Bishop elect of the diocese declined acceptance."

The convention had not adjourned *sine die* at the time of election, but anticipating the possibility of failure in case of declination by Dr. Dyer, the convention simply considered itself in recess, its next meeting being subject to the call of the standing committee. Soon after the declination of the Bishop elect had been formally announced, a meeting of the standing committee was called with reference to assembling the convention for another election. The committee met at Leavenworth City, May 30, four members being present, which constituted a majority. The Rev. Charles Reynolds, president, being in the chair, the vote was taken, the Rev. C. M. Callaway voting yea, I and James M. Bodine, M. D., voting nay. The proposition being lost, the convening of the convention was defeated. As a last resort, another meeting of the standing committee was called soon after, when it was proposed to invite Bishop Henry W. Lee, D. D., of Iowa, to visit the diocese, and be present at the first annual convention.

This clearly showed the strictly partisan character of the movement, as the Bishop of Iowa was living at a great distance from Kansas, while Bishop Hawks of Missouri and Bishop Talbot of the Northwest were making episcopal visitations along our borders. But there being no desire on our part to offer opposition solely on this ground, we consented, and the invitation was made unanimous.

And here seems a suitable place to offer a few remarks concerning the state of affairs into which the territory of Kansas was drawn in its early history. This missionary district, on failure of the General Convention of 1856 to provide for it a bishop, was placed in a singularly anomalous condition. The only true way out of the complication was to leave the whole matter with the chief authorities of the church, who in due time would have placed Kansas under the supervision of the Missionary Bishop of the Northwest; whereas, the partisan movement committed grave mistakes in wresting it from the undivided oversight of the church and bringing it under its own control. Hence the diocese, from its inception to the completion of its organization, was an illegitimate formation, without a parallel in the history of our American church.

Illegality, irregularity, and uncanonical action were conspicuous throughout its formative state. With these defects it was taken into union with other dioceses by the General Convention, whose members as a whole had but little knowledge of its illegitimacy and other disqualifying conditions.

"Wednesday, Sept. 12th. The First Annual Convention of the Diocese met in St. Paul's Church, Leavenworth City. Bishop Henry W. Lee, D. D., of Iowa, was present, and presided, the Convention by vote placing the Diocese under his full Episcopal charge. In consequence of the course pursued by the partisan majority since the resignation of my parish and before, I declined to fill any official position in the diocese whatever during the ensuing conventional year, leaving them to manage the strange affairs of the diocese which they have been sole agents in inaugurating. The following published communication from my pen, exhibits in their true character the ecclesiastical affairs of Kansas:

" 'The First Annual Convention of the Diocese of Kansas was held on the 12th of Sept., [1860] at Leavenworth City. Bishop Lee of Iowa was present by invitation of the Standing Committee, and by a vote of Convention was placed in "full Episcopal charge" of the diocese. The Bishop is now making a visitation of the territory.'

"The Convention transacted all necessary business of the Diocese, and adjourned *sine die* at evening. With Bishop Lee as the admirable presiding officer, the Convention was conducted upon the grounds of true canonicity.

"And since so much has been said concerning the legality and illegality of past proceedings in Kansas, we call special attention to the decisions which prevailed at the Convention. A list of all the clergy, canonically resident in the diocese, was called for, and the Secretary, in reading the names, omitted three clergymen who voted more than one year ago, when the diocese was organized. And of these three, one was the secretary of the Convention himself, and one was president of the Standing Committee. Both of these had thus held offices in the diocese during the last year, and also voted to elect a Bishop at the Special Convention in April last. Yet these three clergymen were not allowed to vote at the last Convention, on account of having no canonical residence, neither were they elected to a single office of the diocese, for the same reason, and this too with a Bishop of their own selection presiding. Now, this settles conclusively and forever the facts, that the Diocese of Kansas, from its inception, has never had the requisite number of clergy canonically resident for the election of a Bishop; that the election of a Bishop last April was invalid, there being in the diocese but three Presbyters "regularly settled in a parish or Church and qualified to vote for a Bishop;" that the organization of the diocese itself was effected by clergy who had no canonical residence in Kansas; and that the entire action of the Preliminary Convention of 1859, together with the action of the Standing Committee during the last Conventional year, was irregular and unauthorized. And had the General Convention known all the facts of the case, Kansas could not have been admitted as a diocese. There are truths which we wish the Church to understand. A minor part of the Diocese have taken this view of matters from the beginning; yet their voice has been unheeded and their remonstrances disregarded. And now that things have terminated thus, it is right that facts should be known.

"At the Convention in April last, when a Bishop's election was effected, the same facts as above stated and now substantiated, were earnestly urged against an election. But the only notice taken, was to vote down the protest, and disregard every argument. And the result now stands staring the Church in the face, and exposing the wrong just where it has lain from the first. Had Kansas been permitted to remain a missionary district, under the supervision of the Bishop of the Northwest, and its Episcopal oversight been provided by the Church as a spiritual and nursing parent, what benefits would have resulted, and what lamentable experiences would have been spared! But wrested as it was from the hands of the Church and placed in its present position, it has been doomed to the torn and wretched state in which the world now beholds it. We make bold to say that had missionary operations been conducted as they ought to have been, and as they once were under the undivided supervision of the Church, our Zion here would to-day be enjoying a degree of prosperity which may now require years for it to attain. And if the Church at all regards her interests, it is time that she should begin to hold a conservative restraint over her border dioceses and infant parishes. And may the Great Shepherd and Bishop of the Church so preside over his flock as to avert from every other new and opening field the sad and melancholy experiences which, like clouds of death-damp, hang upon the horizon of our infant diocese. O pray for Zion's prosperity and her children's peace.

"By the decisions which governed the First Annual Convention of the diocese, as just shown, I am thoroughly sustained in all my positions taken against past proceedings in Kansas. Painful and trying as has been the ordeal that I have been called to pass, I regret not in the least, having maintained the course I have pursued. To have done otherwise, would have been at the sacrifice of my sense of right and justice, and have cost me a surrender of my conscience and every true feeling of my manhood. In these strange and unhappy troubles I have suffered what no tongue can express, and what no mortal can fully realize. Yet I have the sustaining consciousness of having acted honestly, unswervingly, and rightly; and at the same time have the satisfaction of knowing that my course is both understood and approved by the Church generally. The policy of the partisan actors has failed, and the ill effects of their course have fallen heavily upon the parish of my affections. Almost a year has St. Paul's, Leavenworth City, lain vacant without a Rector, being ministered unto only by me its first Pastor who unwill-

lingly and in grief left this field of his first missionary labors because through the unbrotherly interference of those outside, he could not be permitted to stay unmolested or labor in peace.

"As an act of simple justice, I place this strange matter upon record and am willing that the whole world should judge for itself in the premises. My sincere desire and earnest hope are that no such experience as mine will ever again befall a Christian brother in the efforts to establish the Church of Christ and promulgate the saving principles of the Gospel. Many pungent and bitter truths might here be added, but I forbear."

Passing over events irrelevant to our history, we come to the visit of our needy field by the Bishop of the Northwest. Being in need of episcopal visitation, and Bishop Lee not being able to come, I asked him to invite Bishop Joseph C. Talbot, D. D., to come in his stead. Accordingly Bishop Talbot visited us on Sunday, November 23, 1862, preaching at Fort Leavenworth in the morning and Leavenworth city in the afternoon, confirming three persons in each place. And here I make the following extract from my journal, showing the condition of affairs connected with my charge.

"The events of this day render a review of the past history of Church matters extremely relevant and apposite. St. Paul's Parish, at Leavenworth City, has lain vacant for upwards of two years, except as I have supplied it as best I could in connection with my duties at Fort Leavenworth, which two places are three miles distant from each other. The church edifice built under my supervision, has gone out of the possession of the parish, owing to some pecuniary incumbrances resting upon it, and the growth of the parish itself has necessarily suffered from want of the full services of a settled pastor. Since my resignation and the consequent loss of the church building, I have sustained services in a room occupied as a theatre, and also in Methodist and Congregational houses of worship, all of which have been rented temporarily and at a great price by the parish. Whether the condition of the church has been improved by the conduct of certain partisan clergy towards it and myself let facts speak for themselves.

"And here let partisan policy, also, come under review. At the Preliminary Convention held here more than two years and three months ago, I counselled the members of that body to defer an organization of a diocese, and avail ourselves of the services of the Missionary Bishop of the Northwest who was soon to be provided. But the opposite policy prevailed, and failing to elect a Bishop of their peculiar stripe, Bishop Lee of Iowa was invited to take Episcopal oversight of Kansas. But since his acceptance at the Annual Convention, nearly fifteen months ago, he has not been able to make us visitation owing to the pressing demands of his own large diocese and the great distance which separates him from us. And now that I have two small classes to present for confirmation, I have been compelled to solicit the services of the discarded Missionary Bishop of the Northwest, and that, too, through the Bishop of Iowa himself who cannot come. The impolicy of the ruling party at the outset is here clearly exposed, and the correctness of my own unbiased judgment as clearly established. In all this I take no higher credit to myself than having acted upon the simple principle of common sense, unbiased by party interests and untrammelled of all partisan constraint and influence.

"Sunday, Feb. 1st, 1863. This day, in the afternoon, I preached at Leavenworth City, and on Tuesday, next following, February 3d, baptized five children in the parish. With these official acts my connection with St. Paul's, Leavenworth City, as a temporary supply, ceases. The Rev. John H. Egar late of Galena, Illinois, having received and accepted a call from this parish, my services are no more needed. Since my resignation of the parish, it has been deprived of the labors of a settled rector for three years and three months, during which period I have sustained a stated Sunday service for twenty-one months in the aggregate, besides having rendered my services by way of baptizing, marrying, visiting the sick and burying the dead, whenever requested.

"With the exception of perhaps six or eight Sundays, when other clergymen have officiated, the parish has had no other ministrations but my own since it became vacant. The loss it has suffered by being left so long in this condition, has necessarily been seriously damaging to its prosperity, and all this through a deplorable partisan policy which sought to wrest it from my charge and place it under a Bishop whom they of the opposite party failed to elect, to their severe disappointment and mortification. On Sunday last, upon dissolving my connection with the parish, I bade my friends and brethern of the congregation an affectionate farewell, which was received with deep and manifest emotion on the part of the many. As a testimonial of their regard for me and a token of appreciation of the services which I had cheerfully and gratuitously rendered, a handsome set of furs, costing about \$100, was bought and presented to Mrs. Stone. Thus pleasantly closes my official connection with St. Paul's parish, Leavenworth City."

As a final closing up of my labors in St. Paul's parish, Leavenworth City, I supplied it with an afternoon service for four months, ending with December, 1863. This was rendered during the absence of Rev. Mr. Egar, who was at the East, soliciting means for building a church. This supply was rendered on invitation of the vestry who later tendered me a note of thanks for my services, which I had so gladly given.

As a matter of justice towards a brother who was prominent in the partisan movement, I transcribe from my journal the following:

"Easter morning, March 27th, 1864. Preached and administered the Communion assisted by the Rev. Charles Reynolds. While in the vestry room before service, Mr. Reynolds made the voluntary acknowledgment to me that in the previous management of diocesan affairs he had acted under constraint; that had he been free to act upon his own judgment he would have taken precisely the same course which I had pursued; and added that as things had now terminated, he much regretted having allowed himself to follow the course which others had dictated, and that he had lost friends rather than kept them by so doing."

"Sunday morning, July 10th. Suspended service at the Post and attended the opening of the new church edifice of the parish of St. Paul, Leavenworth City, the Reverends Egar, Preston, and myself and Asel D. Cole, D. D., being present and participating in the services, the sermon being preached by the latter clergyman.

"A noticeable fact relating to a change in the name of the parish at Leavenworth City may here be recorded. When the Rev. J. H. Egar took charge, St. Paul's was encumbered with a debt upon the first church building. This edifice was suffered to pass out of the hands of the parish without a remuneration by which to cancel the debt. The obligation rested upon James M. Bodine, M. D., who returned to Louisville, Kentucky. After being in the unfortunate condition in which it had been left by partisan interference, the parish had lost all heart concerning its past obligations, many of its members not knowing its earlier history and trials. It was therefore decided to begin entirely anew, and to start with a new organization. Out of regard to me the church people of Leavenworth City proposed to name the new organization, "The Church of St. Paul," preserving thereby a similarity of name with the first parish, yet making it distinctly a new one. This was contrary to what I could wish, but not desiring to make my own personal feelings in the matter a barrier to the progress of the church, I consented to the change inasmuch as I had been courteously communicated with before the change was made."

This brings the history of St. Paul's church, Leavenworth City, to a close. Besides being an ecclesiastical organization, it had been made a corporate body by an act of the Kansas legislature, its incorporation being effected while I was its rector. This being a legal corporation its existence was not

affected by the new formation, which was only a withdrawal, leaving the original organization to be put in operation at any time afterwards.

Such was the end of the church and parish which for three years I was engaged in building up, and which the interferences of the next three years virtually brought to extinction. It is to be taken into account, however, that the Civil War had a seriously damaging effect upon our border parishes, and my own suffered with the rest. Of the seventeen parishes and mission organizations of the church in Kansas eight were obliterated during the war. At the organization of the new church in Leavenworth city Mr. Egar found thirty communicants in place of forty-three, which I had on my parish record at my resignation three years and a quarter before. The long vacancy in the parish, amidst frontier, political and partisan troubles, seriously lessened its numerical strength, whereas, under ordinary conditions it should have largely increased. The first church in Kansas had a sad and stormy history, and ended in the midst of civil and ecclesiastical agitation. Nor were its first three years free from local disturbances. A strong sectional feeling existed between Leavenworth city proper and an outlying addition known as South Leavenworth. On March 25, 1857, ground was broken and the foundations were begun for a church building in the north part of the town, and a small rectory was also built. A stone edifice 80 by 40 feet was contemplated, and work so far progressed that Bishop Kemper laid the corner-stone of St. Paul's church on Sunday, May 11, this being the first ceremony of the kind solemnized by our church in Kansas. But strong opposition arose from the South Side, which resulted in the abandonment of the work thus begun, and the erection of the smaller wooden structure in South Leavenworth which was opened September 5, 1858. This created divisions in the parish which were never healed, besides affording the partisan party a pretext for further interference.

The visitation of Kansas by Bishop H. W. Lee, D. D., of Iowa, furnishes the last items in this connection. On September 13, 1864, the fifth annual convention of the diocese assembled at Atchison, when the election of a bishop was to take place. The time had come when such an election could be canonically effected, hence I had no objection to offer. Dr. Thomas H. Vail, D. D., of Muscatine, Iowa, was unanimously elected Bishop of Kansas, on Wednesday, September 14. The bishop elect was an old friend of mine, both of us having served at different times as rector of St. John's church, Essex, Conn. I was the only clergyman in Kansas who had ever met him, and reference was made to me by the convention concerning him. It was my great pleasure to speak highly in his favor. I was elected upon the standing committee and made its president, and consequently the testimonials of the bishop elect from all the standing committees came into my hands to be read at his consecration.

This convention was Bishop Lee's farewell, it being his last visit to Kansas as acting Bishop of the diocese. He and I had had a thorough review of proceedings in church matters here, and I had the satisfaction of hearing him pronounce my course to be right and canonical, throughout.

"Monday morning, Dec. 12th, left for Muscatine, Iowa, having been appointed as a delegate from the Diocese to attend the consecration of Rev. Dr. Vail, our Bishop elect. Arrived there on Wednesday, the 14th, evening attended service at Trinity Church. Thursday morning, December 15th, the Rev. Thomas H. Vail, D. D., was consecrated Bishop of the Diocese of

Kansas, the Rt. Rev. Jackson Kemper, D. D., LL. D., being Consecrator, assisted by Bishops Whitehouse, Lee, and Bedell; the sermon being preached by Bishop H. W. Lee. The assent of the Standing Committees was read by me, the Rev. R. H. Clarkson, D. D., and I, assisting in vesting the Bishop with his Episcopal robes."

The foregoing history pertains chiefly to St. Paul's church, Leavenworth city, Kansas, from its organization December 10, 1856, to March 6, 1863, when it was shelved.

One of my great grievances at relinquishing the work at Leavenworth city arose from the fact that on going to the west a church in the east had voluntarily pledged my support as a missionary, and much was expected of me in building up the first church and parish in Kansas. Besides, the enterprise, in face of the border troubles, had drawn the attention of many, and I as a young presbyter was brought into conspicuous notice. The work which I opened in that new field began with very flattering prospects, being highly commended by people on the ground and by others abroad. This is saying only what is simple truth. But the dark reverses which came upon Kansas from the three sources elsewhere mentioned cast a blight upon my labors, hopes and expectations. My chief consolation in this whole matter lies in the consciousness that I labored earnestly amidst opposition, and sundry trials, which are but little known to any save the Great Head of the Church, by whom I hope to be accounted faithful in trying to build up his Kingdom.

The fields of my army and missionary memories being so intimately connected, nearly the same ground is to be gone over in the case of both. The two places were situated but three miles apart, my residence at Leavenworth city being about three years, and at Fort Leavenworth eight years and a half. During this period of eleven and a half years the church interests of the town and Fort were closely interlaced, so that the reminiscences of each were largely associated with my experience. It is thus that in writing my army memories of Kansas a seeming repetition must appear at times as necessary to the separate history of each.

On leaving Wisconsin for Kansas, as before stated in my church memoirs, I took letters of introduction from Bishop Kemper to officers at Fort Leavenworth. I went by railroad to Jefferson City, Mo., and there took passage on the steamer *Australia* for Fort Leavenworth. The whole country was in agitation over political affairs, and Kansas was the area on which all eyes of the North and South were concentrated. Crowds from both sections were flocking to the territory, and the boat on which I had taken passage was loaded with people of opposing political sentiments, with the natural result of bitter argument. The air seemed full of threatening aspect, and things looked not very inviting to missionary operations.

My first introduction to Kansas was as follows: As our steamer progressed upstream, a settlement upon the right bank of the river came in sight. Passengers gathered on the deck curious to know what town we were approaching. I had observed a man bustling about the deck, apparently a person of some culture but evidently under the influence of strong drink. He rushed up to my side, and when I said, "What place is this we are approaching?" He very brusquely answered, "Kansas City." Then he continued, "You are a clergyman, are you not?" I answered, "Yes." "Of

what church?" he asked. "The Episcopal church," I replied. Then changing his point of interrogation he asked, "Where are you from?" "From Connecticut," I answered. To which he gave the bluff rejoinder, "We don't like you." I replied in substance, "I am going to Kansas as a missionary, and if I mind my own business and do not interfere with others, I suppose that I may be let alone." His reply was, "You may be, and you may not." Here the queer colloquy ended, not much disturbing me, but seeming like a rather barefaced introduction to my new field of labor.

But the end was not yet. A short time afterward, when settled in Leavenworth city, I met this same man, who took board and lodging in the same house with me. He was uniformly courteous, never once alluding to our former meeting, and became a frequent visitor to my room. One evening he came to me in great haste, asking the loan of a dollar and a half till the next morning. Not having the exact change, I handed him a five dollar bill. The sequel was, I never received a cent of it back again. The person proved to be a doctor from Virginia by the name of Wibly and a Roman Catholic withal. The event occurring under the circumstances it did, it has been preserved as an incident of my Kansas experiences.

Landing at Fort Leavenworth November 24, I went into the garrison. The first person I met, and to whom I introduced myself, was Lieut. J. E. B. Stuart, afterwards known as the famous cavalry general in the Confederate service. I was hospitably entertained by Dr. John M. Cuyler, a surgeon in the United States army.

We pass on to October, 1859, when I moved up to Fort Leavenworth as chaplain and took quarters assigned me in the Post. A Sunday morning service was established in chapel, and post school opened to be taught by me three hours in the forenoon. The vestry had extended to me an invitation to supply St. Paul's church with an afternoon service during its vacancy, which I did, as already described in my memoirs. The following memoranda will show the kind regard of friends at the Christmas season.

"Saturday, Dec. 24th. Received a beautiful china tea set as a Christmas gift from Mrs. Maj. David Hunter of Fort Leavenworth."

"Tuesday, Dec. 27th. Received by mail from G. W. Morris, M. D., of Leavenworth City, \$10 as a Christmas gift."

The affairs of the nation were hastening to a bloody crisis in which the state of South Carolina took the lead, seceding from the Union by a vote of its convention, Dec. 20th, 1860, 1:15 o'clock P. M.

"Friday, Jan. 4th, 1861. A National Fast observed to-day by Proclamation of James Buchanan, President of the United States, because of the secession crisis now threatening our Republic with dismemberment, service in Chapel, and sermon from Psalm lvii. 1."

"Sunday morning, Jan. 6. Service and communion; in consequence of the imminent danger now threatening the country and the peril endangering the seat of government, the entire military force at this post is to leave immediately, for Baltimore, Md., by order of Gen. Winfield Scott, Commander-in-chief of the United States Army."

"Sunday, July 21st. Service, but no sermon because of rainy day. To-day occurred the first battle of Bull Run at Manassas, Virginia, resulting in the repulse of the Federal troops and opening an awful rupture between the two great sections of our country, the North and the South."

"Thursday afternoon, Sept. 25th. National Fast by Proclamation of President Abraham Lincoln, service in chapel, sermon from I Peter, v. 6."

"Sunday morning, Apr. 13th, [1862]. Service in chapel, but no sermon, I

being called to offer prayer at the head of the troops on parade at noon, in compliance with a general order by the Secretary of War, Hon. E. M. Stanton, in consequence of the brilliant Federal victories of Sunday, Monday, and Tuesday of the previous week, resulting in the capture of Island No. 10 on the Mississippi River, and the total rout of the Confederate army at Pittsburg Landing, Tennessee."

"Tuesday, Apr. 24th, 5 o'clock P. M. Attended the funeral of Mr. Hiram Rich, for many years a sutler at this Post. Mr. Rich died very suddenly of apoplexy, in the 62d year of his age."

"Sunday morning, Aug. 31st. Fainted and fell at the desk while reading prayers, the remaining service of the day being suspended because of my illness. This sudden indisposition proved to be the premonition of an attack of fever and ague which I have escaped until this time, but the premonitory feelings of which I have experienced in my system for some months past." [I wish to here insert that this is the only instance in my whole life that I ever lost consciousness, through fainting or other causes.]

"The chapel is undergoing a thorough refitting, being provided with new seats, chancel-rail, reading-desks, pulpit, carpet and other things requisite to give it quite a churchly appearance."

"Sunday, Nov. 23d. The Rt. Rev. Joseph C. Talbot, Missionary Bishop of the North-west, preached and administered Confirmation at this Post.

"Sunday morning, Apr. 19th [1863]. Visitation by Bishop H. W. Lee of Iowa, who preached, and confirmed Cornelius A. Logan, M. D., and his wife, Mrs. Zoe Logan, who out of personal regard and in consideration of our former relations, came up from Leavenworth City to receive Confirmation."

"Thursday morning, Apr. 30th. Services in chapel, and sermon from Hosea ix, 7, the occasion being a National Fast by Proclamation of President Lincoln."

"Tuesday morning, Nov. 26th. Preached from Phil. iv, 6, being a National Thanksgiving appointed by President Lincoln."

"Sunday morning, Sept. 11th [1864]. Visitation by Bishop Lee of Iowa, who preached in the chapel from Phil. iii, 13, 14; afternoon, service in the Garrison Square, the occasion being National Thanksgiving by Proclamation of President Lincoln for victories at Atlanta, Ga., and in the harbor of Mobile, Ala. Discourse by Bishop Lee."

"Wednesday morning, Sept. 14th. Convention of the Diocese assembled at Atchison, the sermon being preached by me from Math. xxviii, 19, 20. Dr. T. H. Vail elected Bishop of Kansas in the afternoon. This will be the last visit of Bishop Lee to Kansas."

"Thursday morning, Dec. 15th. Attended the Consecration of Dr. Vail at Muscatine and took part in the exercises as a delegate of the Diocese."

"Sunday morning, Jan. 8th [1865]. Rendered the service, Bishop Vail, now on his first visitation to Kansas, making an address."

"Monday morning, Feb. 27th. I am informed by the Post Commander that an order was received yesterday from the Secretary of War, Edwin M. Stanton, discharging me from my position as post chaplain. This proves to have been effected by the influence of certain politicians in Kansas who wish to secure positions for personal friends, two Methodist ministers of a decidedly political stripe having been promised the chaplaincy at this Post. I am among the last of those holding office under the Government in Kansas who have been removed upon similar grounds. This political movement has called out my friends at the Post who advise me to remain until the matter can be fairly represented at Washington, meanwhile I am invited by the Commander of the Post to supply the Garrison with religious services the same as before."

"Wednesday, Apr. 5th. Received official announcement that I am reinstated in the chaplaincy at this Post by the Secretary of War, who, upon being informed concerning the true state of the case, revoked his order of Feb. 20th."

The circumstances herewith connected are somewhat remarkable. The matter of my removal had been in the hands of certain political schemers for several months, who, having made their requests at Washington, were

impatiently awaiting my discharge in order to cancel their obligations by bestowing my position upon another party. In the meantime the whole covert maneuver became disclosed, to the great mortification of those implicated. So glaring and embarrassed was the position of one chief actor that to save himself from insupportable dishonor, he joined my friends in their efforts to secure my reinstatement, and even went so far as to address a personal communication to the Secretary of War withdrawing his petition for my removal and asking that I might be reinstated. Others less conspicuous in the matter than he sought to excuse themselves as best they could, each trying to lay the blame on the other, exchanging mutual recriminations, and in several instances gendering personal hostilities which will probably never be reconciled.

As nearly all the different actors have since professed to have no personal unfriendliness towards me, but on the other hand have shown a desire to secure my friendship, I here forbear to place hard names on record, content simply to note the facts and circumstances connected with my discharge and subsequent reinstatement.

To these original notes it may be added, that one of the chief conspirators, who made no concession, ended his career soon afterwards by sending a pistol bullet through his brain. Some thought him insane while others considered this last act the sanest of his life.

"Good Friday, Apr. 14th. Morning service, and an extempore discourse from Matt. xxvii, 46. On the evening of this day President Abraham Lincoln was assassinated in the theater at Washington City, receiving a pistol shot in the head at the hand of John Wilkes Booth, which terminated fatally in a few hours. Simultaneous with this assassination was an attack by a would-be assassin upon Hon. William H. Seward, Secretary of State, who received several stabs in his person, but these fortunately did not prove fatal. The conspiracy which resulted in the above casualties seems to have had its origin with a few desperate characters who were exasperated at the failure of the rebel cause, which was hopelessly lost on the 9th instant when Gen. Robert E. Lee surrendered the Confederate forces to Gen. U. S. Grant of the United States Army."

"Easter Sunday, April 16th. Preached II Cor. v, 1, and administered the communion; evening, extempore from I Cor. xv, 16-18, the chapel draped in mourning by reason of the assassination of President Lincoln."

"Tuesday, April 25th. At St. Joseph, Mo., assisted in the examination of Rev. George Turner, Deacon, preparatory to his ordination as a Priest."

"Thursday morning, June 1st. Preached in Chapel from Zach. xii, 10, the occasion being a National Fast appointed by President Andrew Johnson by reason of the death of the late President Lincoln."

"Sunday morning, July 23d. Preached from Psalm cxix, 180; afternoon, at the Hospital. Bishop Vail addressed the inmates; evening in the chapel, Sermon by the Bishop from Mark vi, 6."

"Wednesday, Sept. 13th. Attended the sixth annual convention of the diocese at Leavenworth City. Morning, assisted in the services and in the administration of the communion."

"Thursday, Sept. 14th. Convention reassembled, when I was chosen a deputy to the General Convention to be held in Philadelphia, Pa., next month, and I was also elected a member of the Standing Committee and made President of that body."

"Sunday morning, Sept. 17th. Sermon in the Chapel by Bishop Vail from Gal. v, 16; evening, assisted in the service at the church of St. Paul, Leavenworth City."

"Wednesday morning, Sept. 27th. Left for the General Convention at Philadelphia, having obtained leave of absence for fifty days."

And here some important facts are to be noted in this immediate connection. The great Civil War had just closed, leaving the church divided between the North and the South. When secession took place, the church in the Confederacy went with the seceding states, and so formed a separate organization conforming to the civil boundaries. Though the Union had been restored, the church still continued divided. A strong desire existed throughout the country to see the division healed, and the convention was looked to as the only means of effecting a restoration to unity. Many came together with fear and apprehension as convention assembled. Four years of terrible conflict, with the abolition of slavery and the desolation of invading armies, had left wounds and animosities difficult to be cured. It was like shaking bloody hands over an awful chasm and overlooking injuries hard to be forgotten. To attempt reconciliation so soon after such direful experiences seemed almost like leading a forlorn hope. Such was the boding aspect which threatened the convention at the outset.

"Sunday, Oct. 1st, morning. St. James Church, Painesville, Ohio, assisted in the service and in the administration of the communion; evening, preached from Math. v, 8, the Rev. Thomas B. Wells, Rector."

"Tuesday afternoon, Oct. 3d. Arrived at Philadelphia, and was assigned a place where I should be entertained during the sitting of Convention."

"Wednesday morning, Oct. 4th. Convention members assembled for preliminary services at St. Lukes Church; Communion, and sermon from I Cor. ix, 22, by the Most Rev. Francis Fulford, D. D., Lord Bishop of Montreal and Metropolitan."

"Thursday morning, Oct. 5th. Convention met in St. Andrew's Church, sitting from 10 A. M. to 3 P. M. Evening, a Missionary meeting was held in St. Luke's Church, sermon by Rt. Rev. A. C. Coxe, D. D., Bishop of western New York."

"Sunday morning, Oct. 8th. Attended services at St. Stephen's, sermon by Rt. Rev. Thomas Atkinson, D. D., Bishop of North Carolina; afternoon, at the Church of the Epiphany, sermon by the Rt. Rev. Thomas M. Clarke, D. D., Bishop of Rhode Island; evening, at St. Marks, when several addresses were made on the Increase of the Christian Ministry."

"Monday, Oct. 9th. Convention reassembled; testimonials of the Rev. Charles Quintard, D. D., Bishop elect of Tennessee, were duly signed by a majority of the deputies of the Dioceses represented."

"Tuesday, Oct. 10th. The case of Bishop R. H. Wilmer of Alabama came before the Convention, creating much interest and arousing deep feeling."

I made a speech upon the subject, which I here transcribe as follows:

"I did not intend to rise to debate this question at this time, but I trust that my position towards my government as well as my church will excuse me for saying a word on this occasion.

"Were I not a patriot, I would hope that this question might be agitated; did I not love my country I would beg that firebrands might be hurled; but now I am endeavoring to pour oil on the troubled waters of contention. I can see no good arising from debating this question except it be, as I have already suggested, to act as a pacificator and a mediator in behalf of the country of my affections and my home. I revere my Church; I revere my country, and knowing, as it is well known throughout the length and breadth of this mighty Republic, what a strong chord our church has been in the conservatism it has maintained, I urge that this church shall stand before the world unbroken, undivided, and in blessed union. And, sir, with the unanimous voice of the House of Bishops speaking as it has spoken, that body which is entitled to the reverence, the respect, and the admiration of the world, shall we stand forth and place our voice above them, and here, as puny pigmies, agitate a question which those wiser in legislation, in church

and state than we, have pronounced upon with unanimous voice? I could, were it in my power, give my life to my country and my Church; but I do view this as a point upon which the gazing eyes of the world are fixed, and we may go down in infamy to generations to come if we allow our names to go for the disseverance of the church and of the state.

"Sir, we have been victors in the great cause of freedom, and I thank God that we have been, and none rejoice at it more than I; yet can we not afford to be magnanimous in a case like this? Do we sacrifice anything in passing by the irregularities of the occasion in the midst of unheard of anomalies, and appealing to the canons of common sense and to the God of nations for the settlement of this case? I beg of this assembly, intelligent as it is, representing this widespread nation of ours, that, with the Spirit of the living God ruling us once more, we may cease to dwell upon technicalities; that we may be willing, for the sake of the church of Christ, to forget the past; to bury it in eternal oblivion, and as friends in a common cause and in the Church of our common affections, once more be reunited. The more we agitate this question, the more do we add oil to the fuel. My only intention, as I have already said, is to throw oil upon the troubled waters, and to trample down firebrands that would burn asunder the blessed union of our whole Communion. And my prayer to God is that the voice which 1800 years ago stilled the waters of Gennesareth, may to-day speak to the hearts of us all—'Peace be still'—and that in response to that voice from above the sequel may take place—and there was a calm."

It gave me great satisfaction that my speech was kindly commended by several leading members of the convention, among whom were Doctors Clarke, Clarkson, Craik, Cummings, Kerfoot, Hallam, and Perry, most of whom afterwards became Bishops.

"Evening, attended a reception at the house of Rev. William B. Sevens, D. D., Bishop of Pennsylvania, by invitation extended to all the members of the convention; later in the evening attended a like reception at the house of Mr. William Welsh, meeting at both places many old friends and making several new acquaintances, among the latter Bishop Fulford, and enjoying the hospitality of our kind hosts exceedingly."

"Wednesday morning, Oct. 11. At St. Luke's Dr. Quintard was consecrated Bishop of the Diocese of Tennessee; service very interesting, some 26 Bishops in full robes occupying the Chancel."

"Thursday, Oct. 12th, 2 P. M. The case of Bishop Wilmer came before the Convention, having previously been made the order of the day at this hour, resulting in a settlement of the same by an almost unanimous vote; evening, Missionary meeting at St. Stephen's, sermon by Dr. G. M. Randall."

"Sunday, Oct. 15th. Spent the day at Beverly, N. J., with my old friend and clerical brother, Rev. William H. Munroe, Rector of St. Stephen's Church. Morning, preached from Rom. xiv, 7. Evening from Heb. vi, 19."

"Sunday, Oct. 22, morning. Preached in St. John's Church, Philadelphia, from Acts xvii, 25, by invitation of Rev. Charles Logan, minister of the Parish; at 3 P. M. attended service at Old Christ Church where Gen. George Washington, Gen. Lafayette, Benjamin Franklin, and Bishop White all of Revolutionary fame often worshipped, the English Missionary Bishop of Honolulu preaching; evening, preached in St. John's from Heb. vi, 19."

"Monday, Oct. 23d. The deputies of the Convention signed the testimonials of the Revs. Doctors R. H. Clarkson of Chicago; M. A. DeWolfe Howe of Philadelphia; and G. M. Randall of Boston as Missionary Bishops elect of the North-west; also of Rev. C. M. Williams, Missionary Bishop of China, all having been elected to their respective fields by the Convention."

"Tuesday, Oct. 24th. Morning, officiated at the opening services of the Convention; evening, all business being finished, the Convention adjourned at about 11 o'clock."

Thus concluded the sitting of the General Convention of the Protestant Episcopal Church in the United States of America, which held from Oct. 4th, 1865, to Oct. 24th, inclusive. This convention must hold a prominent posi-

tion in the history of our American church as having settled, with unanimity scarcely to be hoped for, the serious and complicated troubles growing out of the Civil War—troubles which, owing to the political animosities existing between two great sections of our country, threatened to divide the church, but which, by judicious legislation, we have every reason to believe, are happily and wholly averted. A little episode of a personal and somewhat amusing nature occurred in connection with my relations to Kansas and the General Convention, which I here relate. Philadelphia had been the seat of the partisan movement which erected Kansas into a diocese under the anomalous conditions of its inception. My position was that of decided antagonism, which brought me into a prominence quite undesired. The members of the "Philadelphia Association" had naturally associated me with the agitated element of Kansas, and perhaps had thought me inclined to be belligerent. But at or near the close of convention one of the leading members said to Bishop Vail, "Why, your Mr. Stone seems like a very quiet and gentlemanly man." The episode had a double point, being rather complimentary to me, but somewhat damaging to the partisan side. The bishop enjoyed the point in my favor, though his sympathies had been with the Philadelphia movement.

"Wednesday morning, Oct. 25th. Visited the Navy Yard and Independence Hall, then left Philadelphia for Connecticut via Rahway, N. J., and New York City, arriving at Plymouth Saturday P. M., Oct. 28th."

"Sunday morning, Oct. 29th at St. Peter's Church assisted in the service; afternoon, preached from Acts xvii, 25th verse; evening, assisted in the service at Trinity Chapel, Thomaston, the Rev. Benjamin Eastwood, Rector."

"Wednesday, Nov. 1st. All Saints' Day. Evening in St. Michael's Church, Litchfield, assisted the rector, the Rev. William Perry, in the service."

"Sunday morning, Nov. 5th, St. Michael's Church, preached from Rom. xiv, 7, and assisted in the Communion; afternoon at St. Paul's Church, Bantam Falls. Preached from Heb. vi, 9. Evening, at St. Michael's assisted in the service."

"Tuesday, Nov. 7th. Attended the Hartford County Convocation at Trinity Church, Bristol, taking part in the morning service, meeting about a dozen of the clergy, and stopping with my old friend and classmate, Rev. N. J. Seely, Rector."

"Thursday morning, Nov. 9th. Left Plymouth for the west, visiting friends at East Hampton and Leeds, Mass., arriving at Auburn, N. Y., on Saturday, A. M., intending to spend Sunday here with my classmate, the Rev. John Brainerd."

"Sunday morning, Nov. 12th. Assisted Mr. Brainerd in the service at St. Peter's Church; evening, preached from Rom. xiv, 7."

"Monday morning, Nov. 13th. Left for home, going via Niagara Falls, Canada, Detroit, Quincy, and St. Joseph, arriving at Fort Leavenworth Friday afternoon, Nov. 17th."

"Sunday morning, Nov. 19th. No service, the garrison people not being fully aware that chapel was opened, and a military movement likewise interfering."

"Thursday evening, Nov. 23d. Preached extempore before the Christian Commission from Matt. xvi, 26."

"Sunday evening, Dec. 3d. Preached an unwritten discourse before the Society of the Christian Commission, from Prov. xiv, 32."

"Thursday morning, Dec. 7th. National Thanksgiving by appointment of President Johnson, sermon from Psalm c, 4."

"Friday evening, Dec. 8th. Preached extempore from Heb. ii, 20th, the occasion being the dedication of a room in the garrison to religious services under the auspices of the Christian Commission."

Having noted the chief events and services outside of the regular routine, some remarks may here be added concerning the effects of the General Convention upon the country generally, and particularly upon the army and the people of Kansas. During its session, all sorts of criticism, both of approval and censure, had been passed upon its acts. Individuals, societies, and the press had pronounced judgment without stint, showing that public sentiment was as widely at variance as was the opinion of individual members of the convention. The result was that heated discussion with blame and approbation rang over the land and reached the ears of millions. This was what the deputies of the convention expected to meet on their return home, and which every one of them did encounter in less or larger measure. As Kansas was the theater of border ruffianism and the atrocities of the Civil War, the intensest animosity prevailed, which harbored resentment and revenge rather than a desire for the restoration of peace and unity. Hence the action of the General Convention looking towards an amicable adjustment of former troubles was received with much opposition and with little favor. This was the case to a considerable extent all over the country. But as time went on and sober reflection prevailed, the wisdom of the convention became apparent. It required steadiness of nerve and a good deal of moral courage, as well as sturdiness of principle, for the deputies to stand up and face all these things. Yet the course taken by the majority served greatly to assuage animosities and bring church affairs to a peaceful settlement.

"Jan, 4th, 1866. The Standing Committee met at Leavenworth City, when the testimonials of the Rev. John Barrett Kerfoot, D. D., President of Trinity College, Hartford, Conn., and Bishop elect of the new Diocese of Pittsburgh, were signed."

"Tuesday evening, Jan. 23d. Preached extempore at the room of the Christian Commission from Heb. vi, 19."

"Friday, March 23d. Preached extempore at the Christian Commission Room from Luke xix, 41, 42."

"Apr. 16th. Preached extempore at the Christian Commission Room from Eph. iv, 30."

"Thursday, Apr. 24th, 1 o'clock P. M. Services at the quarters of the deceased, Paymaster Henry W. Snider, whose remains were to be taken to Pennsylvania for interment."

"Sunday, June 17th, 5 o'clock P. M., at Chapel, Bishop Vail preached, after which he administered Confirmation to Lt. Charles Newbold and his wife, Mrs. Frances L. Newbold, and Miss Isabella Hoffman, the candidates being presented by me."

"Saturday morning, Aug. 25th. The Standing Committee met at Leavenworth City, when testimonials of the Rev. G. D. Cummings, D. D., of Chicago, Ill., Assistant Bishop elect of Kentucky, were signed."

"Tuesday afternoon, Sept. 4th, Leavenworth City. Standing Committee met, when the testimonials of the Rev. William E. Armitage, D. D., of Detroit, Mich., Assistant Bishop elect of Wisconsin, were signed."

"Wednesday, Sept. 12th. Attended the seventh annual convention of the Diocese held at Lawrence and took part in the morning service."

"Thursday morning, Sept. 13th. Assisted in the opening service, and was elected a member of the Standing Committee and made President of that body."

"Friday morning, Oct. 5th, at 1 o'clock, a son was born to us, this being our first-born his name is to be Lewis Hiram."

"Sunday evening, Dec. 9th, Bishop Vail baptized our infant son, preached from Luke xi, 2, and confirmed Mrs. Jane Kramer."

"Wednesday, Jan. 9th, 1867. Standing Committee met at Leavenworth City when testimonials of Rev. Henry Neeby, D. D., Assistant Minister of Trinity Church, New York City and Bishop elect of the Diocese of Maine,

were signed. Also Charles E. Griffith, a candidate for Holy Orders, was recommended to the Bishop of Kansas to be ordained a Deacon."

"Tuesday, Apr. 30th. This day I received my commission as chaplain of the United States Army. Heretofore the position of a Post Chaplain has been held only through an appointment made by the Post Council of Administration, confirmed by the Secretary of War. Said appointment applying to a particular Post, and connection with the Army ceasing on discontinuance at that Post."

By an act of the United States Senate, dated March 2d, 1867, chaplains were placed upon the same footing as all other military officers, with the rank of infantry captains, their commissions coming from the President. The nominations of the chaplains in service being confirmed April 2d, their commissions dated with the following day, April 3.

"Tuesday morning, May 8th. Attended the eighth annual convention of the Diocese at Topeka; made a Missionary address in the evening; was chosen a member of the Standing Committee on the following day, but declined serving as chairman."

"Wednesday evening, June 26th at the quarters of Gen. William Hoffman, married Lieutenant William A. Kobbé and Miss Isabella Hoffman."

"Tuesday, July 4th. Attended a meeting of the Standing Committee at Lawrence, when testimonials of Rev. John F. Young, D. D., Bishop elect of the Diocese of Florida and of Rev. Francis M. Whittle, Assistant Bishop elect of the Diocese of Virginia, were signed."

"Sunday afternoon, Oct. 20. At the quarters of parents, baptized Mabel, infant of Capt. John H. and Josephine Elizabeth Belcher, General and Mrs. Hoffman acting as sponsors."

"Thursday morning Nov. 28th. National and State Thanksgiving, preached from Psalms c, 4."

"Tuesday, Dec. 31st, Standing Committee met at Lawrence, when testimonials giving consent to the consecration of Rev. John W. Beckwith, D. D., of New Orleans, La., Bishop elect of the Diocese of Georgia, were signed."

"Saturday, March 7th, 1868. 2 o'clock P. M. Services at the house of General W. Hoffman, his wife Mrs. Isabella Hoffman having died yesterday at 3 P. M., her remains to be taken to Pittsburgh, Pa., for interment."

"Monday, March 9th. Standing Committee met at Lawrence, when consent was given to the consecration of Rev. Benjamin H. Paddock, D. D., Missionary Bishop elect of Oregon and Washington Territories. Dr. Paddock since declined."

"Tuesday morning, Apr. 14th. Made an application to be relieved from this Post and placed on duty at Fort Sully, Dakota Ty. Several considerations induce me to break up my long residence in Kansas, chief among which is the protracted ill health of Mrs. Stone, hoping that a change of climate may prove beneficial."

"May 11th, 2 o'clock P. M. Received an order, in answer to my application of Apr. 14th, to report for duty at Fort Sully, D. Ty."

"Tuesday morning, May 12th. Left for Manhattan to attend the ninth annual convention."

"Wednesday morning, May 13th. Assisted in the opening services of Convention and administering the Communion; evening, made a Missionary address. Standing Committee met to-day, when consent was given to the consecration of Rev. W. H. A. Bissell, D. D., rector of Trinity Church, Geneva, N. Y., as Bishop elect of the Diocese of Vermont. This in all probability, is the last convention which I shall attend in Kansas."

"And here is a fit opportunity to record my tribute to the sainted memory of one whom I knew only to love. During the session of the Convention I have been entertained under the hospitable roof of Mrs. Charlotte S. Preston, widow of the late Rev. Nathaniel O. Preston. Mr. Preston began and ended his labors in Kansas at Manhattan, spending, however, three years in the interval at Topeka in charge of the parish and seminary there. He died quite suddenly on Ash Wednesday, Feb. 14th, 1866, aged, I think, about 56 years. Between him and me and his family and mine a deep, true, unceasing,

Christian affection has existed from the day on which our acquaintance commenced. In visiting the home of my departed brother, probably for the last time, moving and tender memories of the last ten years come back vividly to my recollection, and prompt me to inscribe these lines as a memorial of one whose piety, virtues, purity of life, and estimable Christian character, I shall always do well to imitate."

"Sunday morning, May 24th. Preached from Heb. iv, 9, this being my farewell discourse. I am now in readiness to repair to Fort Sully, having made every preparation for departure, and only await the arrival from below of a steamer upward bound that goes as far as my point of destination."

Before taking leave of Kansas there are various reminiscences which I desire to note as intimately connected with my army experiences. There are also other things relating to church and civil affairs which may properly come under review. My field of labor in Kansas was sadly affected by three unusual conditions, namely, fierce border troubles, civil war, and the partisan movement causing division among brethren in the church. These combined rendered my position and surroundings peculiarly difficult. *Not one* of the three conditions often falls to the lot of a missionary in any new field. The interests of the church, of religion, and the civil government, were all involved. Kansas was a field of peculiar trials and hardships to her early missionaries, and was especially so to me. It was my lot to engage in mission work, and in army duties.

During the war, also before and afterwards, I extended my labors to individuals, families, and places outlying from my station. While at Leavenworth I supplied the Fort with various services, and when at the Fort I likewise supplied the city at times. During all my residence between the two places, Kansas was in a disturbed and agitated state, many lawless marauders and desperate characters having concentrated within her borders. In the discharge of my labors I passed many places where men or women had been waylaid, and perhaps murdered, but a few hours before. Or it sometimes happened that I but just preceded the victims. Repeatedly I have ridden out on horseback in the night to meet an engagement or answer a call, holding the reins in one hand and a drawn pistol in the other, peering into the darkness, not knowing what was before me. To people of the old states in their safe homes and at their peaceful firesides this may seem somewhat unclerical and strange. They can but little realize or understand those terrible border times in Kansas. In the discharge of my Gospel mission and calling, I always felt that self-defense was the duty of everybody, and that I, the same as any other man, had a right to protect myself against a fierce wolf or a human ruffian. Though peacefully disposed, I deemed it proper in times of peril to go armed against assault. In this I had the example of the Good Shepherd as my guide. On sending out his disciples, he bid them go armed with a sword, and such as had not this weapon was instructed to sell his coat and buy one. By this I understand our Savior to mean that his disciples should use the sword in self-defense if need be. In my own case I was fortunate in not having to use a weapon against man or beast, neither have I to reproach myself for shrinking from the discharge of duty because of possible harm or threatened dangers.

Two instances, of which I was in part an eyewitness, will serve to show the desperate, lawless condition of Kansas some time after I had become settled in the territory. Gambling and drinking places were thickly established in the new settlements, and in connection with these much vice and

crime abounded. A keeper of one of these dens of iniquity, with the aid of wicked accomplices, decoyed a man to the brink of the Missouri river in the upper part of Leavenworth city. After robbing him, and putting him to death as they supposed, they threw his body down the steep bank to the water. Some persons made their appearance at the top of the precipice, which alarmed the perpetrators and put them to flight. On going down to the man at the edge of the river, he was found to be alive, and just able to inform against his would-be murderers. But he had scarcely given this testimony, when he expired from his wounds. Several hundreds of infuriated men immediately gathered, and having caught one of the accomplices they put a rope around his neck and hung him to a tree. The authorities had in the meantime arrested the saloon keeper and thrust him into the calaboose, a small stone structure in the heart of the town. The mob surged around the building, determined on bringing out the murderer to hang him. About fifty of the leading citizens, including the civil officials, placed themselves before the door and kept the crowd back. Soon they found a long stick of timber, and raising it on their shoulders as a battering ram, they made for the door to break it down. The protectors threw their weight upon the timber, forcing it to the ground, and then stood upon it. The crowd, thus foiled, sullenly dispersed and quiet was restored. But vengeance was only delayed a few hours. By a concerted agreement the crowd again rallied, and marching upon the prison forced their way into it, and dragged forth the prisoner and hung him as they had his companion a short time before.

This was lynch law, always to be dreaded, yet in this instance it was most effectual and salutary in its results. This last execution was late in the afternoon, and rogues took warning from the actions of an angry populace. As the sun went down desperate characters were seen making haste to flee the town, and this exodus extended far into the night. With knapsacks on their backs and satchels in their hands border ruffians were leaving Kansas, which had been made too hot for them by popular demonstration.

Another occurrence took place of a somewhat different nature, showing the state of society at that time. A large percentage of citizens, consisting chiefly of the foreign element, determined to abolish the restraints of Sunday altogether, leaving the day open to business, recreation, amusement, and so on. To this end they petitioned the city council of Leavenworth to grant such freedom; but the council declined to assume the responsibility of so radical a change and referred the question to a settlement by ballot. A meeting was accordingly called and two tickets prepared for the occasion, one of which read "Sunday" and the other "No Sunday." Both parties made a strong rally, much electioneering being done on each side. The ministers of the different churches prepared sermons on the subject for the Sunday before the day of voting, exhorting their people to come to the rescue of the Lord's Day.

The opponents sent spies to each church to hear and report what the officiating minister said. I discovered two of these in my congregation, who could not have taken much comfort from what they heard. The desecrators went so far as to threaten to prosecute the ministers for working for "hire" on Sunday, alleging that we were breaking the law in so doing. The voting day came, and much excitement prevailed. Wagons were run by the opposite party, bearing flags and other devices, one of which read, "Down with

the old Massachusetts Blue Laws." The vote was taken with the following result: one thousand for "Sunday" and six hundred for "No Sunday."

These statements sound strange in a Christian land where Sunday is so generally observed, and it is proper to explain that the opposition were largely infidel Germans and renegade Irish, with some Americans.

At the polls I heard a "good Catholic" say to a recreant fellow member, "Remember the old Church;" to which the other replied, "Let the old Church go." I encountered some rough speeches as I labored at the polls on that day.

My residence in Kansas, both as a missionary and as chaplain in the army, brought me into acquaintance with many prominent officers, federal and confederate. On the Union side were Generals Sherman, Sheridan, Hancock, Harney, Sumner, Sedgwick, Sykes, Curtis, Terry, Hoffman, Hunter, Blunt, Wessels, Stanley, Sturgis, Reno, Wood, Davies, Meigs, Barry, Easton, Erving, Grierson, Custer, Card, Dimick, Sully, Dodge, Steele, and others. On the secession side were Generals Magruder, Pemberton, J. E. B. Stuart, Lee, Elzey and Jones. Nearly all of these notables attended my chapel services, or I was thrown with them on military occasions.

Besides these generals, there were very many officers of inferior rank among my acquaintance, who were deservedly distinguished and whom I remember with pleasure, but whose names are omitted because they are too numerous to mention.

Here properly conclude my Kansas memoirs. From the first parish organization, I have been witness to the progress of the church as carried forward on Kansas soil. I now bid adieu to the field wherein I spent eleven years and a half of the very prime and strength of my ministerial life. My lot is to be again cast in a region altogether new, both as to civilization and Christian labor. I continue with extracts from my journal.

"Wednesday evening, June 3d, 1868, 8 o'clock, went on board of the Steamer Agnes, Capt. Thomas Scott commander, taking my family, my horse and carriage and all my worldly goods. It is a noteworthy coincidence that on arriving at Kansas, Nov. 24th, 1856, I first touched soil at the landing at Fort Leavenworth, and that in leaving, I step aboard a boat from precisely the identical spot. In bidding farewell to Kansas, I leave a place full of reminiscences, many of which are sad and many pleasing. For about three years I labored here as a pioneer missionary, and for upwards of eight years and a half as chaplain in the U. S. Army. During this time, a State has been organized out of a territorial district, and the Church has effected a Diocesan organization from a Missionary jurisdiction, having a Bishop at its head with some twelve clergy canonically resident. I leave all behind, and go to a military post more than one thousand miles above on the Upper Missouri. Farewell Kansas! Whether I shall ever visit you again, is known only to Him who knows the future as the present."²

2. The remainder of Mr. Stone's narrative has to do entirely with his life and work at Ft. Sully, and is not pertinent in any way to the history of Kansas, it is therefore not published here.

REMINISCENCES OF THE EARLY SETTLEMENT OF
DRAGOON CREEK, WABAUNSEE COUNTY.

Written by STEPHEN JACKSON SPEAR, of Topeka, Kan., for the Kansas State Historical Society.

I WAS born August 23, 1834, in the Quincy Point school district, town of Quincy, state of Massachusetts. In March, 1854, my father brought his family west, locating temporarily two and one-half miles west of Elgin, Ill. Our family at this time consisted of Nathaniel S. Spear, my father, Lois (Thayer) Spear, my mother, and four children—three boys and a girl—Daniel, Warren F., Stephen J. and Delia A.

On my mother's side I have a double line of Thayer ancestry, one of which traces back to two Mayflower ancestors—John Alden and Priscilla Mullins.

In August, 1854, we moved to Buchanan county, Iowa, where father, during the month of September, settled on a quarter section of government land. The settlers who had located in this county a few years earlier had bought up all the larger tracts of timbered land, but there was still plenty of prairie land that could be purchased from the government at one dollar and twenty-five cents an acre in specie, or with land warrants, such as were issued to soldiers of the War of 1812, and which were transferable.

Other settlers soon came into our immediate neighborhood, including a Mr. Samuel Woods and family, and a Willard Blair with his own and his father's family.

As was usual in all the newly settled farming sections of the Middle West, the "fever and ague" made its appearance, and in the fall many of the new settlers—including myself—were affected with it.

It was not until we were living in Iowa that we learned, through the New York *Tribune*, published by Horace Greeley, of the passage by Congress of the Kansas-Nebraska act opening to settlement the territory of Kansas. The long debates between the anti-slavery and proslavery members of Congress had finally resulted in passing the bill, with a provision that the settlers of the new territory should themselves decide whether it should be admitted as a "free" or "slave" state. This act was signed by President Pierce on May 30, 1854. The President appointed Andrew H. Reeder, of Pennsylvania, as the first governor of Kansas, and selected Fort Leavenworth as the temporary capital.

A tide of immigration followed the opening of the territory, and our neighbor Samuel Woods, having a horse team, started with his family for Kansas in the fall of 1855. In the spring of 1857 Mr. Willard Blair and family, and an unmarried brother, Thompson Blair, left our neighborhood for Kansas, driving through with a horse team.

I was expecting to go with them, but was not ready when they started. They located in Shawnee county, Kansas, about four miles east of old Brownsville, later called Auburn.

I kept in correspondence with Thompson Blair, and in one of his letters he minutely described the trail from Leavenworth to the settlement where he and his brother Willard were located, and I determined to join them at my first opportunity. After earning a little more than one hundred dollars above expenses, I left my home in Iowa for Kansas, on the morning of September 1,

1857. The nearest railroad station was Dyersville, distant about thirty-five miles west from Dubuque, so father hitched up his team and took me and my trunk some ten miles from home to a point where we met the stage that ran to Dyersville. At Dyersville I bought a ticket for St. Louis, going by way of Dubuque (where I crossed the Mississippi river on a ferry boat) over the Illinois Central and connecting lines in southern Illinois to the terminus of the railroad, on the east side of the Mississippi river. Here I was told by the baggage agent that my trunk would be left at the Planters' House, St. Louis, and I was taken by stage to another hotel in that city. The stage crossed the river on a ferry boat, there being no bridge at that time. I reached the hotel about seven o'clock in the evening of September 2. After breakfast the next morning I went to the river to ascertain what the opportunities were for getting to Leavenworth. I found steamboat agents who told me their boats would be ready to start at four o'clock that afternoon, and would carry me and my trunk, and board me on the passage, for \$12 in gold. I paid my fare and was given a berth with two men whom I had met on the train and who were also going to Leavenworth. Engaging an expressman to bring our trunks to the steamboat we went on board to wait for the start at four o'clock. However, not having a complement of passengers and freight, the boat did not get started until four the following afternoon.

On the trip up the Missouri river our boat ran into shallow water, and the channel in places was so obstructed by sand bars, and trees washed out during a period of high water, that navigation was slow as well as difficult. The monotony of the trip was varied by frequent stops at wood yards for fuel, cottonwood usually, and at towns to discharge and take on board passengers and freight. For the purpose of lightening the draft of the boat—enabling it to get over some troublesome sand bars—passengers often went ashore and under direction of a guide cut across the large bends in the river and there waited for the boat to come up with them, when they would again embark. The drinking water on this trip was taken directly from the river, and was so muddy that I became nearly sick from using it.

The passengers on board were a mixed lot. Many were very respectable people, but others were gamblers who plied their profession until long past midnight. These left the boat at St. Charles, and it was generally understood that they had "cleaned up" a nice little pile on the trip.

About noon of September 8 we reached the hamlet of Kansas City, Mo., at which point my two roommates left the boat. Resuming the journey we reached Leavenworth about 6 p. m. the same day. I stored my trunk at a warehouse, and feeling so miserable I could not eat, I hunted up a lodging house.

At this time Leavenworth was an important outfitting point for travelers. A road running from there to the south and west joined the Santa Fe trail in what is now the southeast corner of Wabaunsee county, and was a feeder to that great highway. The old trail at this date was broad and lined with sunflowers, many attaining a large growth.

On the morning of September 9, I could eat no breakfast, but with the written directions of the route to Mr. Blair's in my pocket for constant reference I started out to walk the distance to his claim. My way lay over the Delaware Indian reservation. After walking some seven or eight miles

the stage en route to Lawrence overtook me, and I paid \$3 in coin to ride the twenty-five miles to that place.

From Lawrence westward there were but few settlers living near the trail, and many of them had to haul their drinking water in barrels from long distances. I therefore found considerable difficulty in getting good drinking water, and to add to my discomfort the wind was blowing very hard from the direction in which I was walking. When I arrived at Mr. Blair's house, about sunset the 11th, I was too sick and tired to eat, and soon after my arrival I was taken down with the fever and ague.

The Blair brothers, in common with so many of the early settlers, had no water supply at home, but were compelled to get it from a spring situated more than a mile from their house. As soon as I was able I went with Thompson Blair on one of his trips to this spring for water. The spring was in a ravine and could not be approached very closely by a wagon, and as there was nothing at hand to hitch the horses to, I held them while Blair filled the kegs and carried them to the wagon. While he was at the spring a number of Indians, mounted on ponies, rode up and stopped. They were singing loudly, though not musically, either to me or the team I was holding, and I had a difficult task to keep the animals quiet until the kegs were filled and brought to the wagon. These Indians were accompanied by their squaws, papooses and dogs, and they went into camp near the spring. At this period there were many Indians in the territory.

A short time before I arrived at Mr. Blair's home, a Mr. Wysong, who had settled on Dragoon creek but was then returning to Ohio, stopped at the Blairs' and in conversation told Mr. Blair that there were good claims on Dragoon creek on which could be found coal for fuel. He mentioned Mr. Samuel Woods as one of the settlers on this creek.

During my stay at Mr. Blair's my health improved, and on the 21st of September I started for Dragoon creek. After walking about four miles I passed through Brownsville, following the Leavenworth branch of the Santa Fe trail, which passed through this place and united with the old Santa Fe trail from Westport at a point where the town of Wilmington was later located. I followed the trail until it was crossed by the road from the Dragoon creek settlement to Council City (later called Burlingame). Into this road I turned, and following up Dragoon creek for about two and one-half miles I reached the home of Samuel Woods somewhere near sunset.

No rain had fallen in this locality since the first of July, and the prairie grass in consequence had not made much of a growth after that date. As there had been no frost, the haying that fall was late. When I reached Mr. Woods' he did not have his hay stacked. He possessed but one pitchfork, and as his neighbors were also engaged in haying and using theirs, and he thought it was too far to go to Kansas City to buy another, he improvised one for me from a hickory sapling. Such hay as he had cut and cured we got stacked by the 22d of October.

When Kansas territory was opened for settlement the settlers had the privilege of taking the land, after the survey had been made, under the pre-emption act. This act gave each head of a family or person over twenty-one years of age the right to settle on and improve a tract of land not greater than one hundred and sixty acres, which land was to be paid for at the rate of one dollar and twenty-five cents an acre on or before such time as the Presi-

dent by proclamation should bring the land into market. The land was first surveyed into tracts six miles square—called townships—the survey beginning at a point where the sixth principal meridian crossed the fortieth parallel, the northern boundary of Kansas.

In 1855 the townships had not yet been surveyed into tracts of a section each, and that work was not completed until after the first settlers had already located in the territory.

Previous to the date of my reaching the Dagoon creek settlement—September 21, 1857—there were twelve families living there. This number included J. Q. Cowee, whose claim was on Wakarusa creek but near enough for him to be called a neighbor.

George M. Harvey, a son of Henry Harvey,¹ was the first settler in the Dagoon creek neighborhood. He made his claim in June, 1854,² but a short time after the signing of the Kansas-Nebraska bill. At that time he was a widower, with three children—two sons and a daughter. These children lived with friends in Arkansas after the death of their mother. About the first of September, 1857, Harvey married as his second wife Miss Abigail Hadley, who lived near Emporia.

Samuel B. Harvey, George Harvey's brother, made his claim in August, 1854. I have a letter from him, written February 10, 1903, in which he describes early events on Dagoon creek.

As the timber and best farming land was near the creek the first settlers chose it. This land was surveyed into sections in the winter of 1855-'56. There were deep snows that winter, and severely cold weather, and George Harvey told me that the surveyors camped in the timber near the present Harveyville picnic ground. During this time they ran short of rations, owing to the inclement weather, and were forced to eat pumpkin, roasted in the ashes of their camp fires, to help out their bill of fare until the weather moderated sufficiently to enable supplies to be forwarded to them. After the survey was made, George Harvey's claim was in the southeast quarter of section twenty-eight, and Samuel B. Harvey's claim in the northwest quarter of section thirty-four, both in township 14 south, range 13 east.

The following twelve families already located on Dagoon creek by the fall of 1857 made a total of sixty-three persons living there:

James L. Thompson and family, from Tennessee; five persons. Isaiah

1. HENRY HARVEY, for whom Harveyville, Wabaunsee county, was named, was a missionary to the Shawnee Indians. He had been placed in charge of the Friends' mission at Wapaughkonnetta, Ohio, in 1830, and after this band moved to Kansas, leaving their Ohio home about September 20, 1832, he visited them twice. In 1840 he and his wife were made superintendent of the Friends' mission among the Shawnees in what is now Johnson county, remaining there until 1842, when they returned to Ohio and he began his "History of the Shawnee Indians, 1681-1854," which was published in 1855. He returned to Kansas, making an early settlement on Dagoon creek, and was a delegate in 1855 to the free-state convention from his district, which embraced not only his own county, then called Richardson, but Shawnee, Davis, Wise and Breckenridge counties; the last three now known by their modern names of Geary, Morris and Lyon counties.

In 1858 Mr. Harvey was appointed chairman of supervisors for Mission creek district, Richardson county, and when the name of the county was changed to Wabaunsee he was one of the first county commissioners, elected in March, 1859.

His wife, Ann, sometimes called Anna, who had been an able assistant in his work with the Indians, died July 8, 1858. Mr. Harvey returned to his old home in Ohio in 1860, and died there sometime during the war.

2. The story that the first house was built on Dagoon creek in 1844 and was a "Robbers' Roost" should have a brief denial here. Mr. Spear has placed with the Historical Society a manuscript account of how that "yarn" got its start through a story told in 1861 or 1862 by an old plainsman, Tom Fulton; and how, after many years it was brought to the surface by a hoax perpetrated on some boys, victims of the time-honored "coon hunt joke."

Harris and family, from Clarksville, Ohio; nine persons. James E. Johnson and family, from Ohio; four persons. Allen Hodgson and family, from Illinois; six persons. Jehu Hodgson and family, from Illinois; four persons. George M. Harvey and family, from Ohio; five persons. Henry Harvey and family, from Ohio; six persons (including his son Samuel B. Harvey and three grandchildren.) Samuel Woods and family, from Galesburg, Ill., and Buchanan county, Iowa; six persons. John McCoy and family, from Kentucky and Omaha, Neb.; five persons. Andrew Johnson and family, from Philadelphia, Pa., and Peoria, Ill.; four persons. George Brain and family, from England and Peoria, Ill.; three persons. J. Q. Cowee and wife, from Courtland county, New York; two persons. Edward B. Murrell and Moses B. Crea, unmarried men from Ohio, members of Isaiah Harris's family, two persons. William Probasco, unmarried, from Illinois, was living in Allen Hodgson's family. William Madden, unmarried, from Ohio, was living in George M. Harvey's family.

Moses B. Crea and William Madden had claims with cabins on them, having purchased their land from earlier settlers who had sold out and gone west.

Mrs. James L. Thompson died August 6, 1857, and was buried on Mr. Thompson's claim.

Charles R. Hodgson, son of Jehu and Mary A. Hodgson, was the first child born in the settlement, July 26, 1857.

There was a financial panic in the eastern states during 1857 that was felt keenly by the settlers in this territory during the fall. Most of the newcomers had paid out nearly all their money at the Missouri river towns for provisions, stock, tools, clothing and other necessities, and when their lands were brought into market they didn't have the specie to pay for them. However, there were kind-hearted men, brokers, at the land-office town of LeCompton, who would loan the settlers money to preëempt land, charging them only from forty-eight to sixty per cent interest a year and taking a mortgage on the land for security.

On September 23, 1857, the second day after my arrival on Dragoon creek, Mr. Woods showed me some unclaimed land, from which I selected the southwest quarter of section twenty-one. That fall and winter I made some improvements on my claim, including the building of a cabin. Upon my inquiry Mr. Woods had told me that he was not aware of the existence of coal in the settlement.

The cabins of the first settlers were built of round logs, and the roofs were covered with rough shingles called "shakes," which were split from walnut logs. Some of the cabins had floors made of puncheons; these were rough boards split from logs. Later the cabins and houses of the settlers were made of hewed logs, and the shingles, after being split into suitable sizes, were shaved so that they could be laid close enough to keep out most of the snow in winter.

In 1857 a small sawmill was located at Council City, and considerable timber cut by the Dragoon creek settlers was hauled there and sawed into lumber, thus providing for more comfortable homes. John McCoy had the distinction of erecting the first house built from native lumber, sawn shingles and siding being used in its construction. The early houses were built with

outside stone chimneys, and the cooking was done at the fireplaces, cook-stoves being a later luxury.

When not working for myself that fall I worked for Mr. McCoy. There being no well on his place, all the water used on the farm had to be carried from George Harvey's spring, so he decided to start digging for water. The man who did the work for McCoy encountered stone very near the surface and had to blast nearly the entire eighty feet the well was sunk. No water being found when this depth was reached, the well was walled up and left. Later water came in and filled it to within forty feet of the top.

There were plenty of evidences that the buffalo had roamed this section before the settlers had arrived. Patches of ground were found here and there, trodden so solid that no vegetation would grow, save the prickly pear, until the ground was fertilized. These spots were called "buffalo wallows."

In October, 1857, Jehu and Allen Hodgson and Samuel Woods took a team of horses and two yoke of oxen and went about eighty miles to the southwest in search of buffaloes to procure meat for the winter's use. Buffalo meat and jerked venison were staples in every home. They were gone about three weeks, but came back well supplied. For several succeeding years parties of hunters left this community each fall to go out for buffaloes, but each time they had to go farther to find them.

On Thanksgiving day, 1857, Andrew Harris killed two wild turkeys at one shot while hunting in the timber along the creek. There were many prairie chickens and some deer, the Indians killing more of them than the whites.

In 1857 the nearest post office to the Dragoon creek settlement was Council City, distant eight to twelve miles. We had a semimonthly service, the mail being carried over the Santa Fe trail from Westport, Mo., to Santa Fe, N. M., in two large coaches, each drawn by six spans of mules. In the spring of 1858 a post office was established at Wilmington, which was at the junction of the Leavenworth road with the Santa Fe trail. O. H. Sheldon was the first postmaster. Simon Dow was appointed in 1859, and H. D. Shepard in 1860. Mr. Shepard kept a store in which the post office was located, and he continued as postmaster until 1867. He also represented Wabaunsee county in the legislature for several years.³ Our nearest post office on the line of the trail to the westward was at Council Grove, about twenty-eight miles.

In breaking the prairie sod most of the team work was done by oxen, from two to six yoke being used, according to the size of the plow. The oxen during the summertime were not fed at night, but were unyoked, a bell strapped around the neck of the lead ox, and then turned loose to graze until the next morning. It not infrequently happened that the oxen would stray—sometimes several miles from home. A riding pony was usually kept lariatied near the house to be used in such times of emergency, and it was no

3. HENRY DAVID SHEPARD was born in Portland, Conn., May 1, 1838, and died at Burlingame, Kan., April 20, 1904. He was one of the early settlers of Wilmington, Wabaunsee county, going there from Connecticut in 1858. His first wife, Miss Clara Miller, of Portland, Conn., died at Wilmington August 13, 1858. Mr. Shepard was a member of the legislatures of 1865 and 1866. He moved to Burlingame in 1868, having married, November 13, 1865, Miss Daphne Dutton, daughter of Abiel Dutton, of Burlingame. Mr. Shepard was a "town builder," and a man of much public spirit. He served his town as mayor six different terms. In 1892 he established the Burlingame Bank and was its president until his death; he built the Shepard House, which was destroyed by fire in 1903; he also built the Shepard Opera House. In his later years he was a man of many and varied interests.

uncommon thing to find the animals lying down in the tall grass or patches of brush, calmly chewing the cud of contentment, perfectly quiet, not moving enough to shake the bell about their necks. For general purposes oxen were indispensable to the pioneers; they were much easier kept than horses, and for doing errands, going to the post office or trading at the towns they were much in evidence.

The earliest transportation over the Santa Fe trail was by pack mule. Later, as trade increased, mules and oxen were used, usually six spans of mules or six yoke of oxen hitched to the heavy freight wagons, later called prairie schooners. About fourteen wagons constituted the average wagon train, the whole being under the care of a "train boss."

In 1825 the trail was surveyed by the government, and creeks and streams that crossed the trail were noted by the number of miles they were distant from Independence, Mo. The stream at Fry McGee's place was numbered "110 Creek"; the one at Charles Withington's was called "142 Creek." The troops and supplies for the United States army in the Mexican war, 1845-'48, were transported over this trail.

In 1858 and 1859, during the period of the Pike's Peak gold excitement, large numbers of gold hunters passed over the trail for the new diggings. Some of these were driving good teams and wagons, some were on horseback, others had small push carts, and some even wheelbarrows, loaded with all their earthly possessions tied in a small roll. During one day in 1859 three hundred and twenty-five vehicles by actual count crossed at the ford on Elm creek, near the old mail station. At the height of the gold excitement it was no unusual thing for five hundred vehicles to cross at that ford in a single day. Often the wagons bore the inscription "Pike's Peak or Bust" painted on the wagon covers, and it is a matter of history that many of these pilgrims returned "busted"—some having never reached the gold fields. Others, however, were successful, and became founders of Colorado towns.

A few years since the Kansas Daughters of the American Revolution, assisted by the State Historical Society, marked the line of the trail across the state, setting one or more substantial granite markers in every county through which the trail passed. To accomplish this the legislature made an appropriation of \$1000, while the school children of the state raised by penny contributions the balance needed to do the marking. One of the markers was placed in the town of Burlingame, near where the post office was located in 1857; one at Havana, about four and a half miles distant; one was set at the junction of the Leavenworth road and Santa Fe trail, at Wilmington; and another was placed near the old mail station at the ford on Elm creek, in Lyon county.

The winter of 1857-'58 was very mild. But little snow fell, and the young stock lived on the prairie grass. In the spring of 1858 enough moisture fell to soak the ground, and the grass, sod corn and gardens had plenty of moisture. In August that year heavy rains fell, causing creeks in the vicinity of the Dragoon settlement to overflow their banks. An election to vote on the Lecompton constitution was held August 2, 1858. Should this election result in the constitution receiving a majority of votes it meant that Kansas would be a slave state, consequently all the voters of the Dragoon district made ready to go to the polling place at Wilmington, some four miles south of the creek, to cast their votes against the proposition. When our party

arrived at Dragoon creek it was found bank full from the recent rains. There were no bridges across the stream in those days, so a temporary structure was managed by cutting a large elm tree that leaned out over the stream, reaching nearly half way across. Albert, the fourteen-year-old son of George Harvey, took an axe, and climbing on the fallen tree trimmed it so as to get as far out over the creek as possible. He then plunged in and swam to the other bank, carrying his axe with him; on that bank he cut another tree, which fell across the first one, thus affording a bridge over which George and Samuel Harvey, Samuel Woods and myself crossed. Before we reached Soldier creek, which was fordable only on horseback, we overtook Jehu Hodgson, who lived on the south side of the Dragoon. He was riding horseback. After crossing Soldier creek he dismounted and led his horse back into the stream, making it swim to the opposite side, when it was caught and ridden back by one of our party. We repeated the performance until we were all across. At the election Wilmington precinct gave a solid vote against the proslavery constitution. The total vote in the territory for the constitution was 1788; against the constitution, 11,300; making a majority against of 9512.

William Madden returned to Ohio the winter of 1857-'58. But in the spring he again joined the settlement, accompanied by his brothers Jehu and John and Aaron Harvey. Jehu Madden had been on Dragoon creek the previous year, having preëmpted a claim and sold it to Caleb J. Harvey, who at that time was a school teacher at the Quaker Shawnee Mission. Jehu and John Madden and Aaron Harvey were unmarried men and kept bachelor's hall in William Madden's cabin. The Madden boys brought a young horse team with them.

My father and mother, and two brothers—Daniel and Warren—came from Buchanan county, Iowa, bringing with them two yoke of oxen and three horses. They arrived April 15, 1858. By this time I had built on my claim a cabin fourteen by eighteen feet, with an upper floor.

In May, 1858, John Kester and family of about eight persons arrived from Ohio. Henry Easter and family of six persons came from Illinois. They brought three yoke of oxen. They were accompanied by Dr. Calkins, who, that summer, taught the first school in the settlement, using Henry Harvey's house for the school room. The doctor did not bring his own family until later.

Matt Wysong, previously mentioned as stopping at the home of Willard Blair in 1857, came back to the settlement in 1858, bringing his family of three with him. He did not preëempt land, however, and soon returned to Ohio.

Samuel Armstrong, an unmarried man from Pennsylvania, came during the spring of 1858, and took a claim.

The first public celebration of Independence Day in the settlement was on July 4, 1858. All the neighbors met in a grove on George M. Harvey's place and had an interesting and enjoyable time.

William Probasco, a brother of Mrs. Allen Hodgson, was killed by lightning on the afternoon of July 25, 1858, during a shower and electrical storm; he was lying on a feather bed at the time. Other members of the family received electric shocks but were uninjured. There was no cemetery there at this time, so Jehu Hodgson gave a tract of a little more than one and one-

quarter acres for a public burying ground, and Mr. Probasco was the first person buried in this, the present Harveyville cemetery.

Highwaymen and horse thieves were a form of annoyance that the early settlers had to contend with. In the spring of 1858 William Curtis, who lived near Wilmington, sent his two sons to Kansas City with an ox team to purchase supplies. On their return trip they were met at a lonely point on the trail by a highwayman, who robbed them of what money they had. William Madden, who was also on his way home from Kansas City, met the robber and talked with him. Madden had scarcely reached home when he learned of the robbery, so getting four young men to accompany him, they procured horses and set out after the highwayman, whom they found and brought back to Council City. He was given a trial by a vigilance committee; the money of which he had robbed the boys was taken away from him, and he was sentenced to receive thirty-nine lashes on the naked back; six members of the vigilance committee being selected to jointly perform the castigation. After the infliction of the penalty the culprit was given his supper, escorted out of town, and told never to come back.

The summer of 1858 George Brain, who owned but one horse, lariatied him one night near his cabin. The next morning the horse was gone. Brain procured the assistance of some neighbors, and by following the trail and inquiring they found the horse and thief at Lawrence, and both were brought back. It being late in the evening when they reached Mr. Brain's claim, the thief was tied and put in the cabin. That night a masked committee called at the cabin, tied Mr. and Mrs. Brain, and took the horse thief away with them. As reports differed about the disposition of the horse thief at the hands of the vigilance committee, I can give no further particulars.⁴

There was no published time card for the first "railroad" through our settlement, and no regularity was observed in the running of the trains. The road was in operation during the years 1857, 1858 and 1859, and all cars ran at night. The stations were few and far apart, the one on Dragoon creek being in the loft of Henry Harvey's house. Enoch Platt's house in Wabaunsee was the next station. This railroad was better known as the "Underground Railroad," and runaway slaves were the only passengers carried.

Not much wheat was sown during the early years in the territory, as the price of seed wheat was so high. There were heavy rains during the spring and summer of 1859. Corn did well that year and grass made a vigorous growth. In the falls of 1858 and 1859 the grass was so high that as a guard against fire the settlers plowed and burned fire-breaks around their houses and fences. Even these precautions did not always save property, and prairie fires were very destructive.

The first "stock" hogs in the settlement were purchased in Missouri. These hogs were not thoroughbreds, but were of a variety known as "Razor-backs," possibly so called on account of the extremely thin or flat frame of the breed. These hogs in their native state roamed the woods at will, and it was with difficulty that they could be kept within any inclosure. They ate large quantities of corn but could not be fattened.

In the spring of 1859 three Indians were seen early one morning, by one of the settlers, taking Samuel Devaney's horse and pony along the Indian

4. For an extended account of the above occurrence see "Early History of Wabaunsee County, Kansas," by Matt Thomson, 1901, p. 145.

trail that ran in a northwesterly direction across Samuel Armstrong's claim, The nearest neighbors were hastily notified, and Samuel Devaney, Samuel Wood, Samuel B. Harvey and Jephtha Beebe started in pursuit as soon as horses, arms, and ammunition could be procured. They trailed the Indians to a steep ravine on the east branch of Mill creek, not far from John Copp's claim. The Indians were armed with bows and arrows only. In the fight one of the Indians was so severely wounded that his companions mounted their ponies and fled, leaving him and the stolen property in the hands of the settlers. A member of the pursuing party went to the home of Mr. Copp and related to him the circumstances, whereupon he had the unfortunate Indian carried to his home, placed near a hay stack, and made as comfortable as possible. The men then returned home with the recovered property and told the neighbors what they had done. Later Mr. Copp, supposing that the wounded Indian was a member of the Pottawatomie tribe living on the reservation north of Mill creek, notified the tribe and they sent a squad to take him away. As soon as the Pottawatomies saw the wounded Indian they said he was a "Pawnee—our enemy," and they proceeded to scalp and torture him, finally killing him. When Mr. Copp learned what they had done he insisted that they bury him, which they reluctantly did.

In 1859 many Indians passed through the settlement en route to their hunting grounds. Many of these bands camped near the settlement, and in evenings, in company with boy friends, I frequently visited their tepees.

Most of the settlers who came in 1859 left in 1860 on account of the drouth. Gilmer Young and William Blankenship, however, remained, and both later became Kansas soldiers.

Early births in our settlement were Samuel M., son of Isaiah and Nancy J. Harris, born August 11, 1858; Frank L., son of Jehu and Mary A. Hodgson; Mary E., daughter of Samuel and Dency E. Woods; Lincoln, son of Allen and Joanna Hodgson.

Early marriages as I remember them were Edward B. Murrell and Mary J. Harris, married by Allen Hodgson, justice of the peace, January 26, 1860; Burgess Vanness and Eliza Spencer; Ephraim (?) Jellison and Eliza Bailey.

After the rejection of the Lecompton constitution, as previously mentioned, the legislature of 1859 provided for the framing of another constitution and formation of a state government. All formalities having been gone through with, and elections held, the delegates met in constitutional convention at Wyandotte on July 5. On July 29 the constitution framed by them was signed, and on October 4, following, was submitted to the voters of the territory. It was adopted by a vote of 10,421 for the constitution, 5530 votes against it, giving a majority for the constitution of 4891.

The members of Congress from the southern states had been desirous of admitting Kansas as a slave state, and they were supported by President Buchanan, who in a message to Congress on February 2, 1858, said: "Kansas is therefore at this moment as much a slave state as Georgia or South Carolina."⁵ Thus it was not until after long debates that Kansas was finally admitted into the Union under the Wyandotte constitution, January 29, 1861.

There were no schoolhouses or church buildings in the Dragoon creek settlement until 1862, but the church missionary society occasionally sent

5. Richardson's "Messages and Papers of the Presidents, 1789-1897," vol. 5, p. 479.

representatives there to preach. The appointments were four weeks or more apart, and the services were held in the homes of settlers. Sunday-schools were held when there was no preaching. In the fall and winter evenings weekly spelling schools, or "spellings bees," were held at different homes in the settlement. As the homes of the settlers were too far from each other for those attending spelling schools to walk, and the settlers had no buggies or automobiles, the principal mode of conveyance was the farm wagon drawn by a yoke of oxen.

During the fall and winter of 1859 scarcely any rain or snow fell, and during the spring of 1860 barely enough fell to sprout and bring up the crops. No rain fell during the summer, but the hot winds blew and the grasshoppers came in swarms from the southwest and devoured what little vegetation there was. The settlers discovered that by cutting and drying their corn-stalks—no ears of corn had started—the grasshoppers would not trouble them. This sort of forage, when cured and stacked in the cribs, did not equal in bulk the amount of corn in the ear raised on the same land the previous year—1859. The drouth was so severe that the streams stopped running, and most of the pools in the creek beds went dry. The prairie grass was short and eaten close to the ground by the milk cows and young stock. An occasional shower fell in the vicinity of the Marias des Cygnes, twenty-five or thirty miles southeast from the settlement, but the country thereabouts was Sac and Fox Indian land, and no cattle could range there. However, neighbors having cattle united, and going there with scythes, cut and stacked hay. Later members from the different families took the stock over to winter in the timber where the hay had been stacked, and making a camp there remained through the winter to look after the stock.

Money at this time was very scarce; but few of the settlers had any, and it was only the timely help of friends and the eastern public generally which served to tide us over this hard season. At Atchison the State Aid Society had headquarters, with Samuel C. Pomeroy as chairman. There was no railroad then, and Atchison was distant more than eighty miles from our settlement, but those owning oxen, even though their animals were poor in flesh, used them for hauling supplies. The principal bread in most of the families was made from corn meal, while dried buffalo meat constituted almost the sole source of the meat supply.

About Christmas, 1860, a snow of more than two feet in depth fell, which did not melt until the early spring of 1861. That spring and summer sufficient rain fell to soak the ground, and good crops were raised. No wheat was sown that fall, however, as seed could not be procured. The prairie grass made a vigorous growth in 1861, and fire-breaks were again burned around cultivated tracts to save the hay, fences and other property from destruction through prairie fires. Notwithstanding these precautions much damage was done. While the crops of 1861 were good there was no cash market for any produce nearer than the Missouri river points, and corn hauled there by teams of two or more yoke of oxen, would only fetch fifteen cents per bushel.

Miss Eliza Spencer taught a private school on Dragoon creek during the summer of 1861, holding sessions in a log cabin. Sometime later she married Burgess Vanness.

A few families were added to the settlement that year, among whom were John Garinger and family of fourteen persons, including his niece and nephew, Susan and William Andree. Dr. Calkins, who came from Illinois with Henry Easter's family in 1858, and brought his family of six persons in 1860. Paul Bryan, an unmarried man, came that year.

Morris Walton came from Ohio in 1857 and located on the Wakarusa. In 1862 he bought Samuel B. Harvey's claim on Dragoon creek, and with his family of eight persons settled there. Robert J. Marrs and family of six persons came from Missouri in 1862. George Wood, a colored man, with family, came in 1862 or '63.

As a result of the admission of Kansas as a free state and the election of Abraham Lincoln as President of the United States, seven of the southern states seceded and organized an army in rebellion against the United States government. April 15, 1861, President Lincoln made the first call for soldiers to put down the rebellion, and for the war which followed Kansas furnished more troops according to her population than any other state in the Union. Dragoon creek settlement furnished a large proportion. All the able-bodied men were in the volunteer service, the militia against Price and his raiders, or in the Indian war. The following is a list of the soldiers from this settlement and the regiments in which they served:

John Greelish, enlisted November 5, 1861, as first lieutenant, Company E, Eighth Kansas; he was promoted to captain the same day; resigned June 6, 1864. Wounded in action at Chickamauga, Ga., September 19, 1863.

Gilmer Young, enlisted in Company F, First Kansas infantry, May 25, 1861, age 32 years. Killed in battle August 10, 1861, at Wilson Creek, Mo.

Eli Walton, enlisted in First Kansas battery, July 24, 1861, age 21 years, mustered out September 7, 1864.

Merrill E. Cowee, enlisted August 25, 1862, in Company I, Second Kansas cavalry. Mustered out June 22, 1865.

Samuel B. Easter, enlisted June 19, 1862, in Company F, Second Kansas cavalry, age 18 years. Mustered out June 22, 1865.

Cary Walton, enlisted July 12, 1862, in Company I, Second Kansas cavalry, age 20 years. Mustered out June 22, 1865.

Paul Bryan, enlisted September 5, 1861, in Company B, Seventh Kansas cavalry. Mustered out September 29, 1865.

Henry C. Thomson, enlisted in Company I, Eleventh Kansas cavalry, August 20, 1862. Mustered out September 26, 1865.

Ira Hodgson, enlisted in Company E, Eleventh Kansas cavalry, September 5, 1862, age 16 years. Mustered out August 7, 1865.

George Hodgson, enlisted in Company E, Eleventh Kansas cavalry, August 1, 1863, age 15 years. Died at Lawrence, Kan., May 26, 1864.

Alonzo D. McCoy, enlisted August 28, 1862, in Company E, Eleventh Kansas cavalry, age 16 years. Died at Springfield, Mo., February 12, 1863.

Jehu Hodgson, enlisted in Company C, Seventeenth Kansas infantry, July 16, 1864, age 34 years. Died November 3, 1864.

Henry Harvey, jr., enlisted September 13, 1861, in Company E, Eighth Kansas infantry, age 20 years. Died at Iuka, Miss., August 30, 1862.

William Blankenship, enlisted September 13, 1861, in Company E, Eighth Kansas infantry, age 23 years. Died at Chattanooga, Tenn., November 28, 1863.

Lucius P. Calkins, enlisted September 13, 1861, in Company E, Eighth Kansas infantry, age 18 years. Killed in battle at Chickamauga, Ga., September 20, 1863.

Daniel Spear, enlisted September 13, 1861, in Company E, Eighth Kansas infantry, age 31 years. Discharged for disability at Louisville, Ky., February 28, 1863.

Andrew W. Harris, enlisted April 22, 1862, in Company E, Eighth Kansas infantry, age 19 years. He left the regiment at Atlanta, Ga., April 21, 1865, and died of disease, caused by severe service, some three months later, July 30, 1865.

Haynie Thomson, enlisted October 23, 1861, in Company E, Eighth Kansas infantry, age 23 years. Died at Louisville, Ky., December 2, 1862.

John W. Johnson, enlisted April 22, 1862, in Company E, Eighth Kansas infantry, age 18 years. Died at Jacinto, Miss., August 2, 1862.

Stephen J. Spear, enlisted April 22, 1862, in Company E, Eighth Kansas infantry, age 27 years. Mustered out at Washington, D. C., April 22, 1865.

Albert Harvey, jr., went to Ohio, and enlisted in Company I, Twelfth Ohio infantry, June 25, 1861, age 19 years. Transferred to Company B, July, 1861; appointed sergeant from private, Jan. 1, 1864. Died at Fayette, W. Va., March 24, 1864.

Aaron Garinger also enlisted in one of the Ohio regiments and was mustered out and returned to Kansas at the close of the war.

Of the twenty-one soldiers mentioned, but nine were over twenty-one years of age at the date of enlistment.

Besides the soldiers in the volunteer service the following men were members of a militia company raised in the Dragoon creek settlement in October, 1864, to help drive Price and his army from the eastern border of the state. They formed part of Company A, Santa Fe battalion, of which M. M. Murdock was colonel. Jehu Hodgson was captain of the company during October, 1864, but was in the one-hundred-day service, consequently the command, October 8-28, fell to Levi Smith, first lieutenant. Robert J. Marrs was second lieutenant, Jesse E. Evans, fourth sergeant; other members of the company were J. Q. Cowee, Isaiah Harris, Allen Hodgson, Samuel C. Harvey, John Garinger, Joseph Johnson, Samuel Woods, George Wood and Eli Walton. Walton had been mustered out after three years' service in the First Kansas battery, and reaching home the night before the militia company started east he volunteered to go with them.

Two of the twelve men named above were detailed by Colonel Murdock to remain in the settlement and get wood and other supplies for the families of those going to the front.

The Nineteenth Kansas cavalry, organized October 20, 1868, and mustered out April 18, 1869, also drew on Dragoon creek settlement, the following boys enlisting from there: Francis Marion Snyder, Albert A. Stubbs, and Thomas R. Johnson, all in Company M, Hurbert Calkins in Company I, Governor Samuel J. Crawford was colonel of the Nineteenth, resigning from office to take command. The regiment was called into service to protect settlers on the frontier, the western part of the state having been raided by hostile Indians, with much loss of life.

For the Civil War Dragoon settlement furnished twenty-one men; for militia service, Price's raid, twelve men; for Indian service, four men, making

a total of thirty-seven men in military service, 1861-'69. Of these, fourteen were under twenty-one years of age. The entire population of the settlement was not over ninety-three people, and of the male portion two were invalids.

Of Company E, Eighth Kansas infantry, about one-half were recruited from the vicinity of Dragoon creek, Elm creek and Wilmington. Of this number but eleven are known to be alive to-day [May 27, 1914]. The total enrollment of Company E, from September 13, 1861, to November, 1865, was one hundred.

John A. Martin was lieutenant-colonel of the Eighth regiment when it was organized, August, 1861, but was placed in command by Colonel Wessels when on February 7, 1862, that officer was ordered to rejoin his own regiment, the Sixth U. S. infantry. The latter part of the month, February 28, an order was issued reorganizing a number of Kansas regiments, and under its terms the Eighth was consolidated with a battalion raised in New Mexico, and Colonel Robert H. Graham was assigned to the command. Late in May the regiment was ordered to Corinth, Miss. It rendezvoused at Fort Leavenworth, and on May 28, 1862, embarked on the steamer *Emma*, starting down the Missouri the next morning. Colonel Graham was taken sick at St. Louis and left the regiment at that place, turning over the command to Lieutenant Colonel Martin, who, on November 1, 1862, received his commission as colonel of the regiment, Colonel Graham having died.

The following extracts have been taken from the report of the adjutant general of Kansas.⁶ The largest aggregate strength of the Eighth Kansas regiment was in March, 1862, when eight hundred and seventy-seven men were on the rolls, and six hundred and fifty-six were present for duty. The regiment carried three flags, the first until it went on veteran furlough early in 1864. Under that flag it marched three thousand six hundred and eighty-one miles; lost forty-seven men killed in battle, two hundred and eleven wounded and twenty missing. Under the second flag, carried until after the battle of Nashville, Tenn., it marched two thousand six hundred and sixty miles and lost in battle eighteen killed and sixty-one wounded. Under its third flag it traveled four thousand four hundred and nine miles, making a total of ten thousand seven hundred and fifty miles traveled by the regiment during its term of service. There were in the Eighth, from the organization to final muster out, one thousand and eighty-one officers and men. The greatest loss in one battle was at Chickamauga, Ga., September 19 and 20, 1863; there were present for duty on September 19 four hundred and six men; of that number two hundred and forty-three were killed or wounded.

In the battle of Chickamauga Company E furnished the following list of casualties; killed—Richard M. Kendall, Lucius P. Calkins, John H. Dunmire, John Salior, William L. Wendell, Woodward Hindman, Thomas Stamp, David Hardin and Frainy Blaise; total, nine; wounded—Captain John Grelish, William Richardson, William Blankenship, Theodore Ingersoll, Zephaniah Johnson, Amos Reese, Melvin G. Bush, James Stewart, Ferdinand J. Wendell, Hector Spurgeon, James Nichols and Richard Russell; total, twelve. At bugle call on the morning of September 19, 1863, the first of the two days' battle at Chickamauga, there were not over forty members of Company E present for duty. Two of the company were in the band, one in the

6. Report of the Adjutant General of the State of Kansas, 1861-1865, vol. 2, p. 159 *et seq.* [Two paginations in vol. 2.]

quartermaster's department, and three in the pioneer corps. In that battle the company lost a total of twenty killed and wounded out of the forty present for duty.

The Eighth regiment participated in fifteen battles and eighteen skirmishes. The aggregate loss in battle, killed and wounded, was three hundred and thirty-seven officers and men, and one officer and twenty men missing—a total loss of three hundred and fifty-eight men.

The settlers along Dragoon creek received their mail at the post office of Wilmington until the fall of 1869, when a new mail route was established from Burlingame, running up Dragoon creek, to Alma, the county seat of Wabaunsee county, a distance of about thirty-eight miles. A post office was located on the northeast quarter of section 28, township 14 south, range 13 east. The Post-office Department at Washington, D. C., requested the settlers to designate a name for the post office and nominate a postmanter. At a called meeting of the settlers the name New Lexington was selected for the post office and John Shaw named for postmaster as he was then living on the quarter section designated as the site for the post office. The nominations were sent to the Post-office Department for approval, and John Shaw was commissioned postmaster, but a new name was requested for the post office. The reason the name New Lexington was selected was that John McCoy had settled on the quarter section now designated for the post office in the spring of 1857, and as he had previously preëmpted a hundred-and-sixty-acre tract of land he was debarred from preëmpting a second tract as a farm. One of the provisions of the preëmption act was that a company of five or more persons could preëempt two quarter sections, or three hundred and twenty acres of land, for a town site. Mr. McCoy had therefore organized a town company and selected the northeast quarter of section 28 and the southeast quarter of section 21, preëmpting it in behalf of the town company and naming it New Lexington. He had the town site surveyed and platted, but no improvements were ever made and no lots were ever sold. The site was never put to any use other than for farm purposes. It was a town site only in name, and in 1871 the streets and alleys were vacated by an act of the legislature.⁷

After the Post-office Department rejected the name of New Lexington for the post office, a public meeting of the settlers was again called to meet at the schoolhouse for the purpose of selecting a new name. At this meeting Isaiah Harris proposed the name of Harveyville, in honor of Henry Harvey and his sons, George M. and Samuel B., who were the first settlers. This motion voiced the sentiments of those present and was unanimously adopted, and the name Harveyville was forwarded to the Post-office Department and accepted as the name of the post office. In the spring of 1870 John Shaw resigned as postmaster, whereupon the post office was moved about a mile west to Caleb J. Harvey's home, and he was commissioned postmaster. He held the office until 1880, when a railroad from Burlingame to Manhattan, running through the Harveyville settlement, was built. As the railroad crossed the farm of the Walton brothers, they laid out a town, and the railroad company built a depot there. Caleb J. Harvey having resigned as postmaster, the post office was moved to the new town site, and Alpheus

7. New Lexington was partly vacated by act of legislature approved March 3, 1871.—See Session Laws 1871, p. 341. And finally vacated by act approved March 8, 1905.—See Session Laws 1905, p. 880.

Glasscock appointed postmaster. He served until his death in 1881, when Alonzo Walton was commissioned.

On the mail route first established between Burlingame and Alma the mail was carried horseback. J. H. Stubbs had the contract, and during the period between November, 1870, and July, 1871, Stephen J. Spear carried the mail, making weekly round trips between the two towns. On July 1, 1871, Volney Love received the contract, and a two-horse team was found necessary to handle the increasing mail and to accommodate passenger traffic. Love secured permission to reverse the route, making it from Alma to Burlingame, leaving Alma on Fridays and returning from Burlingame on Saturdays. This weekly service continued until August, 1880, when, the Manhattan, Alma & Burlingame railroad being built, a daily service was established. Mr. Love also had the contract for carrying the mail from Alma to Council Grove, and in 1873 Mr. Spear carried over this route.

In August, 1868, George Wood and family were living in a log cabin on James L. Thomson's farm, section 24, township 14, range 12. Wood was a colored man and was working at Burlingame, some thirteen miles from his home. He used a pony to ride back and forth, usually going to Burlingame Monday morning and returning home Saturday night.

Late one Saturday afternoon, August 15, several men, driving wagons, arrived in the neighborhood, claiming to be Kentuckians in search of government land. Deciding to go into camp, they placed one of their wagons almost directly in front of the slip bars to the Thomson pasture used by Wood, and tied the horses to the wagon. About 11 o'clock that night Wood returned from Burlingame, rode up to the entrance of the pasture, let down the bars, and while leading his pony inside was fired on by the men under the wagon. As soon as they saw him fall, they notified Mr. Thomson that they had wounded a colored man. Wood was immediately taken to his home and family, where he died the next afternoon. William Harvey and the writer were with him at the time of his death. Before he died he told how he was shot, stating that the men under the wagon never spoke to him—but shot him without warning. Two of the men were arrested on a charge of murder, their preliminary trial being held before James M. Johnson, justice of the peace, Morris Walton being prosecuting witness. County attorney Whittemore conducted the prosecution, while James M. Rodgers was attorney for the defendants. At the trial the defendants claimed that they believed the man was trying to steal their horses. They were held under a three thousand dollar bond for their appearance at the next term of district court to face a charge of murder. Being unable to furnish bond they were taken to Topeka and placed in the Shawnee county jail. Some time later they were released on a writ of habeas corpus and left the state.

By an act of the legislature of 1855 the boundaries of Richardson county⁸ were established. In 1859 the legislature changed the name to Wabaunsee, and under the provisions of the same act the first county officers were elected. The superintendent of public instruction organized and established the boundaries and numbered the school districts, the Dragoon creek district being numbered twelve. In 1862 the newly elected district officers procured a site for a schoolhouse on the south side of the northeast quarter of section

8. Richardson county was named for William P. Richardson, a native of Kentucky, and a senator from the Eighth council district in the territorial legislatures of 1855 and 1857. See also *Kansas State Historical Collections*, vol. 8, p. 451.

28, and Joseph Johnson built the first school building, which was of frame. Miss Susan Andree was the first teacher after the district was organized, and Mrs. E. C. D. Cowee was also one of the early teachers in the district.

In 1877 a two-acre tract on the southwest corner of the northwest quarter of section 27 was purchased of Samuel Woods, and a stone school building eighteen by thirty-two feet in size was built.

The first school building was used on Sundays for Sunday-school and preaching. In February, 1878, the Friends bought the old schoolhouse in district number 12, and moved it to the northwest quarter of section 21, using it as a meetinghouse until they erected a new building about the year 1881.

In 1891 a site was bought in the Garinger addition to Harveyville, by the members of the Methodist Episcopal church, and a church building erected thereon. Rev. J. H. Zabriska preached in this locality from March, 1888, to March, 1893, and besides had the distinction of being one of the carpenters employed in the construction of the new church building.

Among the families coming into the Dragoon creek settlement after the spring of 1865 may be mentioned Jeremiah Fields and wife Betsey, with their two married sons and son-in-law: Joseph Fields and family of six persons; John L. Fields and family of five persons; James M. Johnson and family of four persons; they all came from Ohio in September, 1865.

Caleb J. Harvey, formerly of Ohio, but later a teacher at the Quaker Shawnee Indian mission, came in December, 1865.

Squire Cantrill, unmarried, came from Ohio in 1867; he later married a Miss Burroughs. Upon her death he married her sister.

John B. Carter and family of three sons and two daughters came from Ohio in the fall of 1867.

Enoch Carter, two sons and one daughter came from Ohio in 1868.

John Shaw and family; Seth C. Foster and family; George Horton and wife; Asa Gookins and William Horton, unmarried men, all came from Indiana in 1868.

Ephraim Elliott and family, Reuben Elliott and family, and Eli Trueblood and family, all came from Indiana in 1869.

Albert Lewis and family came from Ohio in 1869.

John Smale and family, and Andrew Pringle and family, came from Canada in 1868 or 1869.

John N. Barlow, wife and one son came from Ohio in February, 1869. Some marriages during this period were: Henry Thompson and Emlen Harris, married in June, 1866; Dill Avery and Susan M. Harris, married December 25, 1866; Joseph Johnson and Margaret Deering, married in 1867; Eli Walton and Caroline Suiter, married in February, 1869; William Shaw and Mary Carter, married in 1869; William Carter and Margaret Shaw, married in 1869; David Carter and Margaret Harris, married in March, 1870; Marion Meredith and Susan Carter, married in 1870; Samuel B. Easter and Huldah McCormick, married in October, 1871; John Crumb and Emeline Woods, married in 1871.

In 1860 Jehu Hodgson and wife had a tract of land surveyed and platted for cemetery purposes, James B. Ingersoll and assistants doing the work. This tract as finally platted consisted of eighty burial lots, each twelve by forty feet in size, ample for eight graves. The tract was deeded in trust to the County Commissioners of Wabaunsee County, and their successors

in office, for a free cemetery. Eight conditions were named; the first provided that the cemetery should be under the care of a superintendent who might be appointed by the county commissioners, or by friends of the deceased.

A record of burials was kept by Jehu Hodgson previous to the time he entered the army, in June, 1864. October 30, 1864, Mrs. Hodgson began keeping the record, but continued it only a short time, as she moved to Americus, Lyon county, the next spring. No record of burials was kept from that time until 1866, when a returned soldier—Stephen J. Spear—procured the original list from Mrs. Hodgson, had it copied into a record book, and from that time kept an accurate list of interments until his successor was appointed in 1873.

In 1867 a movement was started for the improvement of the cemetery. A petition asking for subscriptions to place a substantial board fence around the cemetery was circulated, and the necessary means were procured. J. Q. and M. E. Cowee, who owned a small sawmill in the timber, sawed the lumber needed for this purpose at a price fifty cents a hundred less than their regular price for such work. This material was furnished by the spring of 1868 and the fence was immediately built.

In the spring of 1876 stone corners for the four corners of each of the eighty lots were quarried, hauled and set in place of the wooden corners originally used. The northwest corner stones were then numbered from one to eighty for permanent identification. A new fence was built at this time.

It became evident as the years passed by that a larger cemetery was needed, and between 1888 and 1891 a corporation was organized and chartered under the laws of the state. A board of trustees was elected, and they purchased a tract of land from F. L. Hodgson adjoining the original cemetery on the south and east. This new cemetery was surveyed into lots, driveways and alleys, and the whole tract inclosed with a woven-wire fence strung on hedge posts. In the summer of 1892 F. L. Hodgson was appointed superintendent of the original cemetery and superintendent by proxy by the trustees of the new cemetery. No salary attaches to the position, still the place is nicely cared for. A fund was donated for the future improvement of the cemetery, and C. L. Davis was chosen treasurer.

Following are the names of some of those buried in this cemetery: Wm. Probasco, killed by lightning, July 25, 1858. Sarah Kester, wife of John Kester, died October 26, 1858. Lois T. Spear, wife of Nathaniel S. Spear, died November 15, 1858, aged 58 years, 1 month, and 4 days. Anna Harvey, wife of Henry Harvey, sr., died July 8, 1858. Elizabeth Easter, daughter of Henry Easter, died September 8, 1860. Hannah McCoy, wife of John McCoy, died April 9, 1862. George Brain, died August 5, 1863. Jehu Hodgson, died October 30, 1864, aged about 36 years. Andrew W. Harris, died July 30, 1865, aged 23 years. Andrew Johnson, died May 7, 1867, aged about 70 years. Merrill E. Cowee, died March 21, 1872. Pluma C. Woods, died February 25, 1873, aged 18 years. John Kester, died August 5, 1872. Morris Walton, died September 27, 1872, aged about 58 years. Cyrus P. Easter, died August 17, 1874, aged 21 years. Elva Walton, wife of A. C. Walton, died November 21, 1878. Riley R. Woods, died June 8, 1886, aged about 35 years. Charlotte Johnson, widow of Andrew Johnson, died March 6, 1887, aged about 81 years. Joanna Hodgson, wife of

Allen Hodgson, died February 12, 1888. John Garinger, died February 16, 1888. Isaiah Harris, died September 25, 1890, aged 71 years. James E. Johnson, died December 31, 1890, aged 82 years. Abigail Walton, died January 22, 1892, aged about 77 years. Dency R. Woods, died February 1, 1893, aged about 68 years. Samuel Woods, died October 10, 1893, aged 70 years. Allen Hodgson, died July 26, 1894. Henry Easter, died January 11, 1896. Charlotte Garinger, died March 11, 1899. David Carter, died November 27, 1899. Sarah Easter, died August 23, 1904. Caroline Walton, died May 8, 1905. Joseph Fields, died February 19, 1907. William Carter, died February 25, 1908. Emeline Barlow, died August 15, 1908, aged 68 years. Eli Trueblood, died January 3, 1909. Samuel B. Easter, died October 31, 1910, aged 66 years. John N. Barlow, died November 10, 1912, aged 72 years.

With the burial of John N. Barlow there were just 400 interments in the Harveyville cemetery. Some of the early settlers have moved away, and it has not been possible to secure data regarding all of them.

Henry Harvey, sr., went to Ohio in 1860, and died there between 1862 and 1865.

John McCoy went to Leavenworth and died there.

George M. Harvey and family and Samuel B. Harvey, in 1867, went to a farm on the Cottonwood river, about three miles southwest of Emporia. George Harvey died there in the fall of 1869, and his widow, Abigail Harvey, died a few years later.

Nathaniel S. Spear moved to Burlington, Coffey county, Kansas, and died there March 22, 1876.

James L. Thomson died in the spring of 1882, and is buried on his farm in a family burial lot.

Samuel B. Harvey died at Emporia March 13, 1904.

Edward B. Murrell and family moved to Neodesha, Kan., where he died in September, 1905.

Of the sixty-three persons living in the vicinity of the Dragoon creek or Harvey settlement prior to September 21, 1857, there were living in May, 1914, the following: Mrs. Isaiah Harris, Harveyville; Joseph Johnson, on a farm near his original preëmption, Harveyville; Mrs. Mary A. [Hodgson] Thomas, Emporia; Mr. and Mrs. J. Q. Cowee, on the farm they pre-empted; Emma [Brain] Chase, El Dorado; Samuel C. Harvey, Emporia, grandson of Henry Harvey; Mrs. Mary J. [Harris] Murrell, Neodesha; Mrs. Martha N. [Harris] Glasscock, San Bernardino, Calif.; Mrs. Margaret A. [Harris] Carter, Harveyville; James Harris, Topeka, sons and daughters of Isaiah Harris; Mrs. Mary E. [Hodgson] Perkins, Topeka, and Ira Hodgson, Doxey, Okla., daughter and son of Allen Hodgson; John and Charles Hodgson, Plaza, Wash., sons of Jehu Hodgson; Matt Thomson, Henderson, Ark., son of James L. Thomson; Mrs. Emeline [Woods] Crumb, near Harveyville, and Geo. A. Woods in California, daughter and son of Samuel Woods. Stephen J. Spear, Topeka, Kan.

This sketch has only attempted to chronicle events to about the year 1869, and with a few exceptions, brief personal mention of a few of the earlier settlers, leaves off with that date. Within the compass of one article it was neither practicable nor possible to record many interesting items—historical and personal—which could have been written.

REMINISCENCES BY THE SON OF A FRENCH
PIONEER.

Written by LOUIS CHARLES LAURENT, of Denver, Colo.

THE history of my father and mother is not different, in many respects, from that of the Pilgrims and their followers who settled on the eastern shores of this country. They came to this land that they might better their conditions in regard to freedom of conscience, freedom of speech, freedom from tyranny, equal opportunity and equality before the law. That this is the greatest country upon earth and that it always will be so, that it has accomplished more good for the human race in its four hundred odd years of existence than all the other nations in their centuries of life, is due to the quality of the men and women who were the pioneers.

My father, Louis Jean Pierre Laurent, was born at Jouy-C-Chatel, about sixty miles from Paris, France, January 21, 1815. My mother, Louise Clarisse Aubry, was born at the same place August 13, 1825. My father died August 29, 1890; my mother died May 13, 1911.

At the time of the institution of the second French Republic, in 1848, my father took a prominent part in his county. He was at that time a letter-carrier and was very active in distributing republican literature. Louis Napoleon by his *coup d'etat* overthrew the republic and proclaimed himself Emporor Napoleon III. One of his first acts was to arrest all persons who were known to be republicans and who had taken a prominent part in the establishment of the republic and to either execute them or deport them to the penal colony of Cayenne, French Guiana. This was regarded as equal to the death penalty, on account of the conditions under which the prisoners were confined. My father was arrested, tried and condemned to be deported to Cayenne. Pending the departure of the penal ship he was confined in jail at Nangis, the county seat. It was from this place that he had been accustomed to start with the mail, and therefore he was well acquainted with the county officials. In those days for a young man to be "*facteur*" was to speak well for him and brought him in contract with higher officials in government service.

My father and two other prisoners, all friends of the jailer, were confined in the same cell. The three formed a plan of escape. One night, with the connivance of the jailer, they overpowered and bound him, and stuffing a handkerchief into his mouth, got away. They called at a friend's house, procured a set of surveyor's instruments which had been left there for them, and traveled during the night as far as they could toward the Belgian frontier. The next day they stopped at a small village and rested till the afternoon, then took up their journey again. When they were asked by police officers what their occupation was, they said they were employed by the railroad company to look up the most feasible route for a road to Brussels. These tactics were kept up until they arrived within a few miles of the frontier. At this point they hunted up the police officer, explained their mission, and to make matters easier, asked him if they could leave in his care such instruments as they then did not need. From that point actual use of the instruments was made until they crossed the line. They made their way to Brus-

sels and thence to London as quickly as possible. Within a short time my mother and my sisters, Zulmee and Hermance, joined my father. I have the passport which my mother procured so as to have the right to leave France.

My father and mother remained in London for several years. During their sojourn there my father gave French lessons and my mother did sewing. She was a very fine seamstress. She has often told me how kind the English ladies were to her, helping her in every way to get work in order that she and her family might be enabled to leave for America. My parents took passage on an emigrant sailing vessel and were nearly seven weeks on the water on account of the calm. They suffered much because of sickness and on account of the shortage of drinking water and provisions due to the long time on the ocean. My mother told me that many children and some grown people died at sea. Arriving in New York, my parents pursued the same occupations as in London, with the hope in view of going west. In New York, one son, Louis Charles, and one daughter, Clarisse Madeleine, were born, and at Topeka in 1865 a daughter, Regina, making five children to be cared for.

In the early part of the year 1859, with their young family, my parents left for St. Louis. My father has told me that they crossed the river on the ice. They did not remain in St. Louis, but journeyed on to Leavenworth, Kansas, and from there to Topeka, where they arrived in February. I have heard my father say that Lecompton and Tecumseh were more pretentious looking places than Topeka at that time, but that he liked the location of Topeka better and that the men offered to assist him in the erection of a frame house. That house was built near the corner of First and Kansas avenue at the rear of a stone house which has been but recently dismantled. While in Leavenworth my father called on the wholesale grocery firm of Carney, Posey & Co. He explained to them that he was looking for a location and would have but little capital left after a house was built. Mr. Carney told him that Topeka would make a good trading place with the Indians and that his firm would trust him for a stock of goods. This is how my father and mother got their start. I have often heard my father say how much he owed Governor Carney, and he traded with him as long as he was in business. Afterward father traded with Ridenour & Baker, of Lawrence, Kan.

During the first few years my father did most of his own hauling from Leavenworth, and he usually took me along. My mother attended the store meanwhile, and also much of the time while father was at home. One of the first incidents I remember is that my father took me to a field in the direction of Deer creek to view a field of corn. The drouth was on and he wanted to see for himself if the corn was ruined. I remember going out in the field with him; he showed me how the corn leaves were curled up round and close, and that the stalks were not as high as his head and were very yellow. He afterwards told me that the corn which he had on hand he refused to sell before spring because it would be needed for seed, and he would get just as much for it and it would be of more benefit to the farmers than if sold for feed.

I have heard my father tell of the Lawrence massacre, how alarmed they all were, fearing that Quantrill would come on to Topeka; indeed there

were many rumors that he was marching in the direction of the town. After the destruction of Lawrence my father went there to look for a friend of his, from whom nothing could be heard. He found the house where his friend had been boarding and the landlady told my father how he had gone out and offered to give the assassins all he had if they would only let him go back to his wife in Topeka. But it was of no avail. He was shot down on the steps. Quantrill's band are referred to by writers as guerrillas; this I deem an aspersion upon the name of guerrilla. Quantrill and his men should always be referred to as assassins.

When word came to Topeka of the advance of Price's army, the citizens got together and determined to defend the town. One of their precautions was to build a stockade. I do not recall the location exactly, but it seems to me it was near Sixth and Kansas avenue. The young men were to go to the front while the older men remained to guard the town, and each night the roads leading in from the east and southeast were picketed. I distinctly remember that my father had charge of the Tecumseh road, and I remember being with him several nights. There was an abandoned house about one-half mile east of the present Atchison, Topeka & Santa Fe shops; it was from that point that the road along the river, and the one going straight to Shunganunga creek, were picketed. One night my father had on duty a man by the name of Hardy. He was connected with the Franceours, part Indians. My father in going the rounds found Hardy asleep. He took his gun away from him and substituted a stick. Shortly after, my father awakened Hardy and asked him what he meant by sleeping on duty. Hardy denied that he was asleep. "Where is your gun?" asked my father. He did not know. Father said he would have to do menial work at the stockade since he could not be trusted on guard duty.

At that time the butcher of the city was Dan Handley. He went to the front with the militia and was killed at the battle of the Blue. He left a family of several girls. His residence was about two blocks east of Kansas avenue on First street. I remember distinctly when his body reached Topeka. I can see it yet, in a pine box and the blood stains on the bottom of the box. Among those who acted as pall-bearers was Mr. Davis, William H. Davis' father, and he died not very long after that, leaving Will as the mainstay of the family. Dan Handley was a very kind and good man. When he went with the regiment he left his business in charge of his younger brother Martin. After Dan's death Martin hired Charles Wolf to work for him. At Martin Handley's death Charles Wolf purchased the business, and this may be said to be the beginning of Charles Wolf Packing Company, which is of such great credit to Topeka.

Another man killed at the battle of the Blue of whom I have some recollection was George Ginnold; he was a German and had done carpenter work in Topeka. He left a widow.

In those days much trouble was experienced with horse stealing. A committee was formed and it was decided that the guilty ones would be hanged if caught. An old man with gray hair and beard was caught. He was tried by the committee and sentenced to be hanged. He was taken down near the river, not far from where Charles Wolf's packing house now stands. There was a large walnut tree there. Some one climbed up in the tree and tied a rope to a limb. A wagon was then driven under the limb. A board

was put across the wagon bed and allowed to project over the side of the wagon bed. Three men sat upon the board and the old man was told to step out upon the end of it; he was begging and pleading for his life all the time. The rope was about to be placed around his neck when a halt was called by the committee. During all this time there was a preacher talking and working with the committee. The committee retired some distance in the brush—the preacher with them—and after a while they returned. They announced that they had decided, since he was an old man, that they would let him go, provided he would agree to leave the state and never return, but that if he was ever caught within the state they would surely hang him. Of course he agreed to the terms and departed very quickly.

Among the desperadoes of that day were the Edwards brothers, Ike, "Bot," and a younger brother, whose name I have forgotten. Ike Edwards was a small, spare-built man with blue eyes, height about five feet 7 inches, weight about 150 pounds. Bot was of a larger build and wore a full beard, while Ike wore a mustache. The younger brother was taller than either Ike or Bot. Ike Edwards was the leader and the most dangerous; his weapon was the bowie-knife. He came near killing my father. I was in the store at the time; Edwards was partly drunk. On a box was some dry salt bacon—a small piece among the rest. Edwards took up the piece and was kneading it as one does bread dough. My mother remonstrated at this. Edwards started for her with his knife. My father jumped over the counter and grappled with him. In the melee Edwards was getting the best of it, and was on the point of plunging his knife into my father when a Mr. Widner, who lived almost opposite Dan Handley's house, appeared and floored Edwards with a piece of wood which was used as a prop against the door at night. Mr. Widner then took Edwards' weapons away from him and he and my father carried Edwards out of the store. My father stood in the door with his shotgun, and when Edwards got up, told him that if he ever put his foot inside his store he would shoot him on the spot.

One day some time after that, word came to my father that Ike Edwards was in town, drinking and saying that he was going down to kill the old Frenchman. My father prepared himself, and when Edwards showed up father appeared at the door with his shotgun and told Edwards not to approach another step but to hold up his hands or he would shoot him. One of the bystanders disarmed Edwards.

Not very long after this occurrence Edwards was again in town. There were also in town some Indians, among them one who had a very fine horse. Edwards wanted the horse and the Indian would not let him have it. As the Indian mounted Edwards managed to jump on behind and started the horse on the run; he pinioned the Indian's arms with one of his own, and with his free hand stabbed him in many places in the breast, killing him. Edwards then took the Indian's beaded moccasins from his feet, throwing him off the horse, and rode out of town. I can yet see the Indian stretched out on some boards placed across sawhorses in the wagon shop of Mr. W. W. Williams, near Kansas avenue and Second street. Edwards had been drinking and had had trouble with several persons that day. After this outrageous murder a committee of the best men of the town met and decided that Edwards must be arrested and put in jail. The next day or so he came into town riding the Indian's pony. He was arrested and confined in the

stone calaboose which stood somewhere near the corner of Madison and Fourth, not far from where Mr. Covington lived. That evening there were some men in my father's store. One of them was fooling with some rope, and a teamster asked him what he was trying to do. He said that he was trying to make a hangman's knot but had forgotten how. He was shown how it was done. He bought the piece of rope with the knot. Very early in the morning my father got me up and took me with him to the calaboose. There were but a few people there. We looked in and there was Ike Edwards hanging, dead, his toes barely reaching the floor, blood marks from his eyes down his cheeks and his tongue sticking out. My father said to me: "Look at that bandit. He has on the moccasins of ———" calling the Indian by name. Now it is easily to be seen that my father knew of the proceedings the night before, since he went up to the calaboose very early in the morning.

Notice was served on the two Edwards brothers to leave the country before sundown. They did so. About two years afterwards "Bot" came back to Topeka and lived there a little while. He had a very fine span of large black mules. He had them shod by a negro blacksmith named Marshall, who had a shop on the west side of Kansas avenue between First and Second. This man was a good man, industrious, saving, and minding his own business. When he asked "Bot" Edwards for the pay for shoeing his mules, Edwards pulled out a knife and cut his throat before Marshall realized what he was about to do. When it became known what "Bot" Edwards had done, it was decided to do with him as had been done with Ike, but he got away. Several years after word came to Topeka that he had been hanged down in Texas.

In those days we used to ford the river with the empty wagon and pay ferriage with the load. The ferry was operated by the Papanas. The landing was near the west end of the large island west of Kansas avenue, because the river was deeper there and the ferry boat was not apt to get stuck on the sand bars.¹ The fording of the river was done by starting at the foot of Kansas avenue and angling downstream.

In 1865 a pontoon bridge was built, and each season afterward sections of it were washed out when the high waters came. Eventually an iron bridge was built by Mortimer Cook, which was replaced by the present bridge. Cook became wealthy from the tolls collected. The first-class rates were: footman, ten cents; horse and rider, twenty-five cents; single horse and buggy or two horses, fifty cents; team with load, seventy-five cents; team with four horses, one dollar. These rates were considered too high and there was talk of establishing ferries, whereupon Cook reduced his rates very materially. Mr. George Tincher, who died recently, and Mr. Joe Laptad were the toll collectors.

Fishing in those days was very good, and continued so up to the time of the building of the Bowersock dam at Lawrence. It was common to catch blue catfish which would weigh over a hundred pounds. I remember having a trot-line just below the bridge and catching a fish which weighed more than 100 pounds. I could not take it in my boat, and asked a man named Miller, who worked for the Sage Brothers, to do it for me. I sold the fish

1. The shifting of the sand in the river bed caused the landing place of Papan's ferry to be gradually moved down the river from where is now the foot of Western avenue to the large island here mentioned, but which has long since become part of the mainland.

to H. D. McMeekin, proprietor of the Tefft House, corner of Seventh and Kansas avenue. The old frame Topeka House stood on the ground now occupied by the postoffice. I remember one time coming down Kansas avenue on my small pony. Some men were standing in front of the Topeka House looking at the steps; I stopped to look too, and the first thing I knew they picked up the pony and myself and carried us into the barroom.

At another time, one evening, Wild Bill was out in front of the hotel and a little gnat got into his eye. He said to me "Bub, come here and take this handkerchief and get the gnat out of my eye. Hold on! your hands are not clean; go in and wash them." I did so and then removed the gnat, and he gave me a "shin plaster" quarter. I have his picture which he also gave me.

One time several companies of United States cavalry wintered at Topeka. They made straw sheds for their horses somewhere up towards what is now the capitol grounds. Mr. Boyd, who was a blacksmith, took the job of shoeing these horses, and he had much trouble in getting his pay. Early in the spring the straw sheds took fire one night and a majority of the horses were burned to death or had to be shot. Those which had to be shot were led to the river bank where Wolf's packing house now stands and were there shot. We boys removed the shoes before the bodies were tumbled into the river.

The city park was the usual camping ground for the soldiers passing through Topeka, and also for the Indian tribes, Sac and Fox, Pottawatomies, and others, on their visiting expeditions to the Indian Territory. It was also the place where the annual Fourth of July celebration was held and where the orators of Topeka gave vent to their ability and lung power. The first county fair was held there, and Col. G. W. Veale was the Grand Mogul on many occasions.

In those times everybody had the shaking ague every other day. The great remedy was quinine taken in black coffee or grated apple. My what a dose! I can taste it yet.

Game was plentiful. My father used to kill quail and rabbits, all we could use, between his house and the river. In the fall, when the prairie chickens were flying south, my father used to stand out in the street in front of the store and kill a great many. I have known deer to be killed in the woods of Garfield park and on Indian creek. Buffaloes were plentiful out towards Council Grove. The Indians used to give my father all the jerked buffalo meat he wanted, and he was able to buy the finest Indian-tanned buffalo robes for very little. I can remember that he used to wrap me in buffalo robes when we were camping between Leavenworth and Topeka.

Many times have I seen men pass through Topeka going after buffalo calves. They would have a wagon and sometimes as many as four fresh cows tied thereto. When they arrived where the buffaloes were they would single out a buffalo cow and shoot her, then take the young buffalo calf to their cows. I have seen many calves following the cows tied to the wagons.

The month of March was the windy month of the year, and I can remember that during that period the wind blew continually from the south, with very little let-up at sundown. I have heard my mother say that it used to blow from thirty to forty days, and so hard that it was difficult to walk up Kansas avenue on account of the dust and pebbles.

There used to be a sawmill on the ground now occupied by W. H. Davis's

wholesale house. This mill was at one time operated by a Mr. Doan (George, I think) and Wilt Gordon. It was in combination with the first gristmill in Topeka.

I recall a severe hailstorm we had, with the hail stones, some of them, as large as hen's eggs. Practically all the windows in town were broken. Mr. A. M. Callahan, the first druggist in Topeka, rushed down to my father's store to make sure of enough window lights to put in his office, which stood near the corner of Fourth and Kansas avenue on the west side. Some Indians were camped in the park at the time, and after the storm they came to my father's store with a blanket full of hailstones and wanted to trade them for "cape," coffee. He told them to gather them up and bring them the next day.

Abraham Burnett I remember well. He was a very large Indian, weighing nearly five hundred pounds, and a man of some education. The only way that he could mount into his wagon was by means of a pair of steps which he carried for the purpose. In those days putty was put up in bladders. My father had just returned from a trip to Leavenworth, and among other things had a bladder of putty, which he placed on a nail keg in the store. Abraham Burnett came in shortly after and sat down on the bladder of putty. This was not noticed until he attempted to arise, and could not. My father came from behind the counter to ascertain the trouble. He saw it! Abraham was stuck to the keg by the putty. Father told Abraham to lean forward and pull, and while in this position father cut the seat out of Abraham's pants. The exposure of any part of his anatomy was of little concern to the big Indian. Father often joked Abraham about this occurrence.

Mr. L. M. Crawford was the first bill poster in Topeka. He had just posted the town for a circus, when the grasshoppers swooped down and devoured the fresh paste and paper on the bill boards at First and Kansas avenue. I have seen the Union Pacific trains stalled by the grasshoppers, because so many were killed that they acted as grease on the rails. I well remember the second time they came. Father and I were down at the farm: the corn was beautiful. Along in the afternoon we noticed a cloud in the clear sky; father observed it for some minutes, then said, "Grasshoppers again!" We sat on the fence and saw every stalk of corn in that hundred-acre field laid low before we went home.

When the Union Pacific was building into North Topeka I delivered ties which were placed in the main line between my father's farm and town. Much of the timber on our farm was made into ties at the time and sold to the railway company.

Elections in those days were simple affairs. The mayor and the city marshal were the most important offices. "Pap" Reed was many times elected city marshal. The tickets were white paper about three by five inches and you were required to write the name of your choice. "Pap" Reed used to let us boys have a bon-fire of boxes and barrels, which we took from behind the stores, in celebration of his victory.

The water for protection against fire in the business portion of the town was furnished from large cisterns built in the street; one was located at Sixth and Kansas avenue and the other further south; these cisterns were filled with water hauled from the river.

ABRAM B. BURNETT, POTTAWATOMIE CHIEF.

ABRAM B. BURNETT, Pottawatomie chief, was born in Michigan about 1811 and died near Topeka June 14, 1870. His name is found in the reports of the Indian Commissioner in several forms and spellings; Abram, Abram B. (this form is on his monument) and Abraham. His Indian name was Kah-he-ga-wa-ti-an-gah, and he was the son of Kaw-kee-me, who was the sister of Top-ni-be, principal chief of the Pottawatomies. The family lived near Lake Michigan and were people of importance in the tribe. McCoy speaks of the children as half-breeds, but makes no statement of the connection of their father with the tribe.

Young Abram was educated in the mission schools of Fort Wayne, Ind., and Carey, Mich., and it has been stated that he was one of three Pottawatomie boys to be taken to the Kentucky school for Indians about 1821 or 1822. The Fort Wayne and Carey mission schools were conducted by the Rev. Isaac McCoy during the time that Abram Burnett was a pupil there, and among the teachers were Robert Simerwell and Johnston Lykins, who a little later on were associated with the mission schools in Kansas. In May, 1821, Mr. McCoy left the school at Fort Wayne for a visiting trip among the surrounding Indians, and took with him Abram Burnett as his interpreter and traveling companion. Mr. McCoy seemed fond of the Indian boy, as well as proud of him.

By the treaty of August 29, 1821, at Chicago, the Pottawatomies ceded certain of their lands to the United States. In this treaty reservations were granted to John, James, Abram, Rebecca and Nancy Burnett, children of Kaw-kee-me. In the treaty of October 26, 1832, Abram Burnett's name is again found, and a treaty made at Washington, February 11, 1837, ceding lands in the state of Indiana, Abram Burnett signed as one of the head men of the tribe. He also signed the treaty of June 17, 1846, made at "Pottawatomie Creek near Osage river, south and west of the state of Missouri," ceding lands in that vicinity for lands on the Kansas river. Shortly after this last treaty the Pottawatomies began moving up to their lands, on the river. The government established a trading post for them, in 1848, at Uniontown, about fourteen miles west of Topeka, and this was placed under the management of Col. Thomas N. Stinson. Abram Burnett and his family came up from the Sugar creek lands in March, 1848. He had married in Indiana, in 1842, Mary Knoffloch, who was born in Germany and came to the United States when she was eight years of age. It is told of her that she forgot the German language entirely in her later years, but could talk Pottawatomie like an Indian born. Mrs. Stinson says of her, "She was stocky and low built. A very good woman, and a fine cook." She was a shrewd woman and had many ways of outwitting some of the Indian customs which did not meet with her approval. For instance, when her husband died she kept all knowledge of it from the tribe for several days until she had time to hide away his guns, saddles, bridles, etc., for the Pottawatomies had a custom of visiting the home of a dead chief before his burial and taking away with them some memento of the dead man. Mrs. Stinson says the custom was based on something in the Scriptures. Mrs. Burnett married again, after her husband's death, Charles Buzbee, who disappeared. She died some twenty years ago and is buried at Sacred Heart, Oklahoma, in the Mission cemetery. Abram Burnett is generally supposed to have been a

Roman Catholic, but he must have at one time been connected with the Baptist church, at least he was educated in that belief, since the schools he attended were all Baptist institutions. The mission at Sugar creek was a Roman Catholic one under the care of Father Christian Hoecken, a very good and kind man, and since Burnett's wife was a Roman Catholic it is not unlikely that he became imbued with her faith in his later years.

The Burnett cabin was situated on the north side of the Shunganunga creek, on what is now the southeast quarter of section 9, township 11, range 15 east, Mission township. The land is at present owned by Mr. W. C. Little; the cabin stood at a point one hundred yards from the west line of the Little "eighty" and one hundred and fifty yards north of the creek. There was a fireplace at each end of the cabin, and underneath the east half of the building was a cellar, excavated to the "solid rock." About eight years ago the cabin was torn down by the Littles. On the under side of some boards which formed one end of the roof were pasted Van Amberg show bills. Evidently the cabin had been reroofed with billboards from Topeka. In the chimney at the east end of the cabin was a small cupboard where Chief Burnett kept his supply of "firewater." When he was engaged in a cattle trade he always went to his jug and took a good "pull," then handed it on to the man with whom he was making the deal. It was generally supposed that Burnett had a good deal of money, and that following the custom he buried it. Many have been the plans resorted to by "treasure hunters" to recover this gold. "Metal diviners" have been used; "mediums" have been brought out to the cabin and have there gone into "trances" and "located" the coin. One said that it would be found at the base of the chimney in the east end of the cabin. Needless to say, it was not found there when the cabin was torn down. Great holes have been dug in various places near the cabin by people in search of the Indian chief's buried wealth.

In 1879 Mrs. Mary Burnett Buzbee, the widow of Abram, and her second husband Charles Buzbee conveyed the tract of land on which the cabin stood to Clarissa Bell Burnett Yott. The following year, 1880, Mr. and Mrs. Yott came up from the Pottawatomie reservation in the Indian Territory and camped in the timber along the creek on their land, spending the winter there, and eventually selling the land to Mr. Little, the father of the present owner.

There are still evidences of many trails converging near the old cabin site. One deeply marked runs along the east edge of a "draw" close to the west line of the Little farm, bearing off to the northwest.

Abram B. Burnett was buried in the Pottawatomie burying plot situated on the north side and near the north line of the south half of the northeast quarter of section 17, township twelve south, range 15 east, Mission township. On June 21, 1870, Prudence Wilson and her husband John Wilson gave a warranty deed to Mary Burnett for this burial plot, a tract thirty feet square. There are buried there, besides Abram Burnett, the following:

"Abram Burnett's grandson, name unknown, a minor, alongside of Abraham's grave.

"*Mattie Knoffloch*, close to Burnett's grave.

"An Indian named *Lykins*, buried sitting up with his grave walled with stone, and containing his personal effects. Done at his request.¹

1. The land, including the burial plot, was owned by Jonas Lykins, a brother of Dr. Johnston Lykins. Jonas Lykins settled on the land in 1847. In 1846 he married an educated Pottawatomie woman, whose English name was Prudence. Jonas died in 1859, and it is more than likely that the "Indian named Lykins" was none other than Jonas.

"*Prudence Lykins Wilson*, widow of the above, and at the time of her death the wife of John Wilson.

"*Nochi*, or Mrs. Joe Burks."

At the time Indians were buried in the burial plot trees were growing there, and a neat paling fence separated it from the farm land. Some of the graves were marked with flat stones placed on edge, others with the flat stones covering the graves.

The children of Abram and Mary Burnett were Mary Jane, born in 1844, now Mrs. Christopher Pearce, of Noble, Oklahoma.; Sibi (Indian name), Mary A., born May 1, 1848, now Mrs. Mary A. Peyton, of Earlsboro, Okla. Catherine, born May 1, 1851, now Mrs. William Griffenstein, of Greenwich, Kan. Joseph, born April 29, 1854, now lives at Marvin, Okla. Clara, born October 26, 1860, is now Mrs. Beaubien and lives at McComb, Okla. Abraham, born November 11, 1864, now lives at Kaw, Okla.

C. F.

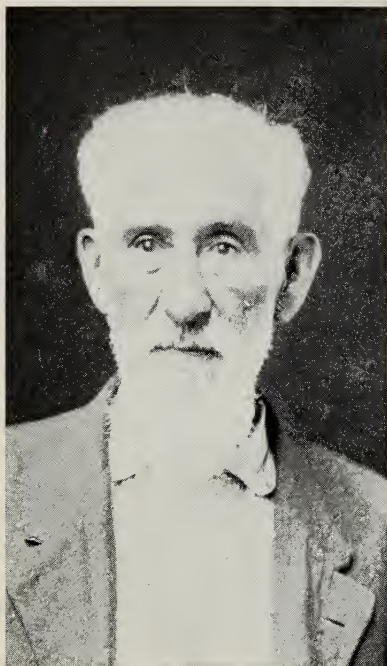
THE OTTAWA INDIANS IN KANSAS AND OKLAHOMA.¹

By JOSEPH B. KING.²

IN 1836-'37 the Ottawas of Blanchard's Fork, Roche de Boeuf and Oquan-oxa's village, numbering about five hundred souls in all, were moved to that part of the old Indian Territory which is now included in Kansas. These Ottawas had been very loath to leave their old homes in Ohio, but there were scheming land sharks who coveted Indian possessions in those days, just as there are now. I remember that one old village chief, Thunderbolt by name, positively refused to sign away the lands of his people. The land grabbers finally succeeded in making him drunk and, while he was in that

1. This statement was secured in October, 1913, by Joseph B. Thoburn, instructor in the Department of History, in the University of Oklahoma.

2. JOSEPH BADGER KING was born May 16, 1823, on Maumee Island, Lake Erie, near Toledo, Ohio. His Indian name, Ko-toh-wan, signifies "Back Log" in the Ottawa language. His father, Louis King, was of Canadian French-Chippewa Indian parentage and his mother was Canadian French. Mr. King's parents left the Chippewas during the War of 1812 and settled among the Ottawas of Lake Erie, by whom they were adopted. His mother died when he was but three years old. His father was more than fifty years old when the son was born. He was an interpreter, and as such accompanied the Ottawas on their westward migration to Kansas. He died about 1837. A sister of Louis King, Mrs. Jane Phelps, also came west with the Ottawas. Aunt Jane, as she was called, was born in 1766 and lived until 1886. The celebration of her birthday anniversaries came to be quite a notable event in the Ottawa tribe during her later years. Upon the occasion of the celebration of her 115th birthday, she watched the dancers for several hours and then went out on the floor and showed the assembled guests how dancing was done a hundred years before. Joseph B. King attended school for several years at a Quaker mission, in what is now Johnson county, Kansas. A year or two after the death of his father, with his sister Lucia and his cousin Angeline Bureau, he was taken by Thomas Wells, the English Quaker superintendent of the mission, to Waynesville, Ohio (about twenty-five miles from Cincinnati), where they were all placed in Quaker families to learn to work and to go to school. There he remained until he was twenty-two years old, receiving a fair education in the district school. Upon his return to the Ottawas in Kansas he experienced such a dislike for Indian ways that he soon went back to Ohio. He only stayed there one year, however, and then returned again to the Ottawas and has been with them ever since. At the age of thirty he married Christiana McCoy, who was of Munsee-Ottawa parentage, and who, with her brother Isaac, had adopted the name of McCoy out of compliment to Isaac McCoy, the noted Baptist missionary and pioneer. (The brother, Isaac McCoy, became an adopted member of the Sac and Fox tribe, in the affairs of which he became very prominent.) Mrs. King lived about ten years and was survived by two of her six children. In 1872 he married Delia Clark, who was a member of the Ottawa tribe. She died some six or seven years later, and only one of her six children now survives. In 1882 he married his present wife, Annie Mitchell, who is a native of England. To this union six children were born, five of whom are now living. Their youngest child, a son, now seventeen years old, is seventy-three years the junior of his father. Although now past ninety years old, Mr. King is stronger and more active than many a man is at sixty-five, and in his person exemplifies the value of purity, sobriety and simplicity in habits of living. He is passing the evening of his life on his farm, about six miles from Miami, Oklahoma.



JOSEPH BADGER KING.
Age of 90 years.



MRS. JANE PHELPS.
Age 116 years.
Aunt of Joseph King.

condition, they took him by the wrist and caused him to touch the pen by which his mark was attached to the document. Thunderbolt was furious when he became sober and learned what had been done. He not only denounced the means used but he repudiated his signature and flatly refused to go when the time came for the tribe to take up its long journey to the west. So he was tied, hand and foot, and thrown into a wagon.

The Ottawas were moved from Ohio by contractors, who performed this service under the direction of Col. J. J. Abert, agent and superintendent of Indian affairs for Ohio. Most of us traveled by wagon, with many on foot and a few on horseback. Thus the journey was made as far as Dayton. From that place to Cincinnati we were carried on canal boats. At Cincinnati we had to wait some days for the big steamboat which was to transport us to the western wilderness beyond the Missouri. Up to this time most of the Ottawas still dressed after their old Indian customs. While we were at Cincinnati the good people of that place saw to it that we were all supplied with clothing made after the manner of the white people. Although more than eighty years have since passed, I have never forgotten the pair of trousers, made of homespun tow, which were given to me at that time.

The long steamboat trip—down the Ohio and up the Mississippi and Missouri rivers—was a great event in the lives of our people, but no excitement and no novelty could still the dull pain in hearts that were homesick.

We disembarked at old Westport Landing—now Kansas City. Only the warehouses of Northrup and Chick stood on the river bank then—no one dreamed that a great city would be built there. From thence we were taken overland to the Marais des Cygnes river, to the place where Ottawa, Kan., has since been built. We arrived there in December, 1836.

It was indeed a beautiful country which we had left in Ohio, but as I recall it all now, the new land in eastern Kansas was not a whit less attractive and pleasing. The swelling upland prairies and wooded valleys were not only beautiful to the eye but they were teeming with wild game, which, of course, made it rich to the Indians' way of thinking. Deer, wild turkeys, prairie chickens and quails were to be found on every hand, and fish were plentiful in every stream. Buffalo and antelope were not to be found in our immediate vicinity, but were quite common in the valley of the Neosho, a couple of days' journey to the westward. Wild horses were still numerous in the Marais des Cygnes valley, and they afforded many a thrilling chase for our active young



MRS CATHERINE KING.

LOUIS KING.

Parents of Joseph Badger King.

men. Few of our hunters ever went in quest of the buffalo, but our people were always supplied with an abundance of jerked buffalo meat, tanned robes and plaited rawhide lariats, which they secured by barter from the Kaw Indians who were our neighbors on the north.

The beauty of our new home country and the variety and profusion of its wild game did not serve to reconcile those who had been opposed to moving west and who pined to return to the old homes in Ohio. Thunderbolt, the old chief who could not be induced to sign a removal agreement while he was sober, and who had to be taken from his old home by force, though outwardly calm, was inwardly raging at the injustice with which he and his people had been treated. Powerless to resist and always with the homesickness gnawing at his heart, he brooded over the wrongs which his people had to suffer for a few short months, and then his spirit passed on to that realm

where it is beyond the power of white men to cheat the Indians. The death rate was very large among our people during the first years of our residence in Kansas—so large, in fact, that from the five hundred who came west the tribe dwindled to little more than half that number within five years.

My father was an interpreter for the Ottawas. The first missionary who labored among the Ottawas in Kansas was Rev. Jotham Meeker, of the Baptist church. During the two years that he was learning the Ottawa language he preached regularly, my father acting as his interpreter. Some of the Ottawas were very much averse to having a missionary laboring among them—so much so, in fact, that they made an open show of their displeasure by wrestling and playing the gambling game of “moccasin” in front of the church door while services were being conducted inside. Eventually the patient missionary won the friendship and good will of all these men, however, by his uniform kindness, sincerity and tact. One of the secrets of his success as a missionary was that he never hesitated to let the Indians know that he trusted them. Although they were subject to missionary effort themselves, he sought to impress upon their minds the fact that it was their duty to help support the cause of missions among other peoples to whom the Gospel had never been taken. It sometimes happened that when he was ready to take up a missionary offering, some of the members of his Indian congregation would not have any money. He would therefore announce that if there were any such who wished to give but who had no money, he would lend until they could repay. So, suiting his action to the word, he would take a double handful of coins of various denominations and holding it extended before him, with head bowed and eyes closed, he would invite them to come and borrow as much as they saw fit or wished. This they would do and then repay him when they had the means to do so. He said he never lost a cent by their failure to repay, though he had purposely made it plain to them that he neither knew nor kept account of what any of them had borrowed from him.

During the later fifties I was employed as a clerk in the trading establishment of S. C. Roby, at Westport, Mo. Mr. Roby was a popular trader with the Ottawas. Once he gave me instructions to secure timber from the woods and build some sheds to shelter the ponies of his Indian customers. I remember that in digging a post hole, a silver half dollar was brought up from two feet beneath the surface of the ground. I have often thought since that I should have dug to see if there were not other valuables buried in the same place. Other traders who were then doing business at Westport, and whose names I now recall, were Boone and Bernard, the Kellers, Simpson, and the Chicks. There were others whose names I do not now recall. There were also a great many saloons there.

John Brown of Osawatomie and Harper's Ferry once stopped at my place on one of his filibustering expeditions. He had with him a wagon load of negroes—men, women and children—that he was running off from slavery in Missouri. The wagon was drawn by oxen and Brown had compelled the owner of the slaves to accompany him and officiate as “bull whacker” until after he had crossed the line from Missouri into the territory of Kansas. That was the only time that I was ever called upon to act as a station agent on the Underground Railroad—and I was not consulted as to my wishes in regard to the matter then.

During the Civil War I was engaged in conducting a general store upon the present site of Ottawa, Kan., in partnership with John Tecumseh Jones, better known as Ottawa Jones. He was of English-Chippewa parentage, but had been adopted as a member of the Ottawa tribe, in which he became quite prominent and influential. For some reason he had earned the ill will of the proslavery leaders, and he narrowly escaped with his life when the border ruffians burned his home.

Several tribes from the Indian Territory were temporarily quartered on the Ottawa reservation during the Civil War. These included the Quapaws, the Senecas of Sandusky, the Shawnees, and the Osages. P. P. Elder was agent for this last tribe. C. C. Hutchinson (for whom the city of Hutchinson, Kan., was afterward named) was our agent during the war and for several years afterward. Our reservation consisted of 74,000 acres. We were allotted homesteads, and our surplus lands were opened to settlement by the whites. A large part of our trust funds disappeared. The government has seemed to be satisfied with the explanations that were made, but our people never were. The Ottawas, like many another tribe, have abundant reason to know that "high finance" is not a recent invention. The Ottawas were permitted to sell their homestead allotments. John Wilson, our chief, realizing that they could not care for the money received from the sale of their lands and believing that most of the Ottawas would soon be penniless if not protected, entered into a contract with Theh-con-a-gah (Davis), who was chief of the Shawnees, for the purchase of a part of the Shawnee reservation, in the Indian Territory. The purchase of this tract, which consisted of 14,863 acres, was approved by the government, and thither the Ottawas removed in 1868-'69. It is still their home. As in their previous move, nearly thirty-five years before, about half of the tribe died within a short time after migrating. In recent years the tribe has been gaining in strength and now numbers about two hundred members.

When we first left Ohio the Ottawas were divided into three bands, each of which had its own chief. All of these village chiefs died soon after the migration to Kansas, however, and thereafter there was but one chief for the entire tribe. He was chosen by the tribal council, and continued to act in that capacity during the rest of his life. Commechaw was the first of these. He was head man of the tribe for fully twenty years. After his death Pemah-che-wang was made chief. He died shortly before the Civil War, and was succeeded by Pas-tee, who was also known as John Wilson. Pas-tee died at the Osage Mission while the Ottawas were moving to the Indian Territory. Part of the tribe had already gone to the new reservation, and Pas-tee had selected me to act as an assistant chief of these until his arrival, so I succeeded him and served two years. Since that time the office of chief has been an elective one with a two-year term, and a number of different men have held the position.

While we lived on the Marais des Cygnes we had as our neighbors the Sac and Fox, Shawnee, Miami, Kaw, Osage and other tribes of Indians, most of them being, like our own tribe, originally from east of the Mississippi river. I well remember the representatives of these various tribes who used to visit us. Keokuk, the great Sac and Fox leader, and his son, the late Moses Keokuk, and many other men of like note we met and knew.

The legends and traditions of the Ottawas are no longer preserved by our branch of the tribe, though they probably are by some of the Ottawas of Michigan and Canada. They were still recited by some of our old men when I was young, but I did not learn them. There was a "Medicine Lodge" in our village—a secret society somewhat similar to the Masonic order—which was maintained for many years after we went to Kansas, but the last of its members must have long since passed away. One old man once told me of the strange scenes which he had witnessed when initiated into the rites and mysteries of the "Medicine Lodge." He said that at one point in the initiation the warriors marched forth from the lodge into the forest in single file. Finally, the leader walked up to a big hickory tree, the trunk of which was at least two feet in diameter. Putting his arms about the trunk of the tree, he lifted it as easily, seemingly, as if it had been an armful of straw, and carefully laid it aside. Then, from the hole whence the roots of the tree had been pulled, he took a copper kettle. From this he took a smaller kettle, and from it he drew forth a great robe or blanket which he wrapped about his body, and then proceeded to execute the grotesque dance which was a part of the initiation ceremony. He then replaced the robe in the small kettle, and that in turn in the larger one. This he set once more in the hole where the tree roots had been. Then he picked the big tree up and set it back where he found it, and left it standing as firmly and apparently growing as vigorously as ever, while the warriors retraced their steps to the "Medicine Lodge." Of course I smiled incredulously at the story as the old man recited it to me, whereat he was much offended, for, as he said, he had seen it all with his own eyes.

The Ottawas in Oklahoma form but a small fragment of the big Ottawa tribe. There are about eight hundred Ottawas in Canada and nearly if not quite four thousand Ottawas in Michigan, so the entire Ottawa tribe, if reunited, would include about five thousand souls all told. The Ottawas have made their mark on the geography of the United States and Canada. Counties bearing the name of Ottawa are to be found in Kansas, Michigan, Ohio, Oklahoma, and in the Canadian province of Quebec, and towns by the same name in Illinois, Kansas, Michigan, Minnesota, Ohio, Oklahoma and Wisconsin, while the capital city of the Dominion of Canada is also called Ottawa. A bay, a beach, a lake, and a point or cape, all in Michigan, bear the name of Ottawa. There is an Ottawa river in Canada and another in Ohio, and there is a group of Ottawa islands in Hudson's Bay. Finally, the name of the Ottawa tribe is borne by the big Baptist University in Kansas, of which the tribe was a benefactor in its earlier days. Besides these, the maps of Michigan and Upper Canada are full of other names which have been derived from the Ottawa language.

SOME REMINISCENCES OF THE FRONTIER.

Written for the Kansas State Historical Society, By DR. ANDERSON NELSON ELLIS.¹

THE Good Book tells us of how the Son of Man began his work here on earth by wandering in the wilderness forty days, so now I will try to tell something in a few hurried and rambling sentences of how I began my professional career—in the capacity of an army medical officer—five long years in a wilderness of burning deserts, dried-up rivers, rattlesnakes, scorpions, Greasers and Indians.

After passing the seventieth milestone one usually and naturally looks back upon the road over which he has traveled. It has been well said that the years rob us of hope and give us memory. There are periods in every man's career that stand forth like pictures on the wall. It is with feelings of deep unworthiness and extreme trepidation that I will now attempt to reproduce some of the impressions and recollections of my life beyond the Rio Grande. John Ruskin has truthfully said that "A deep significance lies in work, and in idleness alone is eternal despair." For months and years I had but little or nothing to do. Major Henry L. Kendrick, who was for many years the professor of chemistry at the Military Academy, was often heard to declare in the classroom, that after a young man has been stationed a little while on the frontier he gets to be of little account. He spoke *ex-cathedra*, for he had tried it himself, first in the Second infantry and afterwards in the Second artillery, and that too for more than eleven years before he got his position at West Point. Well, I finally began to think that the statement of the white-haired old teacher would apply to me if I did not get a change of station or of occupation pretty soon. Down deep in my bones I felt that I was becoming tolerably worthless, and only wished that a war would break out—not an Indian war, for there is really no credit in that kind of a fuss; neither did I want any more trouble with the South; England was too far off, and so was everybody else, except Mexico. Ah me! If we could only have a brush with that country, what a chance there would be of getting ordered down that way and winning fame and promotion. The greasers are cowards by nature, and the conquest of their domain would not be difficult. An old friend of mine, who was a captain in the regular army, and as an aide-de-camp to General Scott rode by his side when he made his triumphal entry into the City of Mexico on the 14th day of September,

1. ANDERSON NELSON ELLIS, son of Washington and Avis (*nee* Parker) Ellis, was born at Ellis Landing, Adams county, Ohio, December 19, 1840. He was educated in the public schools of the neighborhood until he was prepared for college. He went first to the Ohio Wesleyan University, and afterward to Miami University, Oxford, from which institution he was graduated. Upon the outbreak of the Civil War he went to the front as aide-de-camp on the staff of Maj. Gen. William Nelson, and later served in the same capacity with Brig. Gen. Jacob Ammen, his whole term of service being with the Army of the Cumberland. On the return of Lieutenant Ellis to his home in 1865, he began the study of medicine in the office of Dr. C. G. Goodrich of Oxford, later attending lectures at different medical schools, and graduating from the Berkshire Medical College, then the medical department of Williams College. In 1868 Dr. Ellis entered the U. S. army as an acting assistant surgeon and thereafter spent some five or six years on the frontier. While in Kansas he was stationed at Forts Larned, Leavenworth, Hays, Wallace, and Dodge, thus seeing much of the state in an early day. After his term of army service Dr. Ellis went abroad for further study. On his return from Europe, and after a brief service in the Longview Insane Asylum, Cincinnati, he became a member of the faculty of the Cincinnati College of Medicine and Surgery and gave his entire time to teaching. December 30, 1891, he was married to Miss Laura Murphy of Butler county, Ohio, daughter of James Murphy. One child has been born of this union, a boy, William Nelson Ellis. Dr. Ellis has retired to his early home of Ellis Landing, where on his ancestral acres he is passing happily his declining years.

1847, never ceased to talk about the conquest of Mexico and "the lofty grandeur of the Halls of the Montezumas." This was not lost on me, and so I wanted to walk in his footsteps, and do as he had done and see what he had seen. Then, again, I did not like the greasers on general principles. If you ever see one of them you will wonder why he was ever created. Idle, ignorant, shiftless and dishonest; his skin a bilious yellow; his dirty serape drawn over his shoulders, the inevitable cigarette between his teeth, a pack of coyote curs snapping around his heels; no gleam of hope in his eye, no memories of the past in his brain, no ambition in his nature—he presents a spectacle of wretchedness and inanition not surpassed under the flag. Lazy? Well I should say so. I always thought I was lazy enough myself, but really I am a steam engine by the side of one of those caricatures on the human race. The iron rule of Spain is to blame for much of the condition of things among her descendants in the New World. It is true that the dominion of the crown is a thing of the past, yet no one can deny that the yoke still remains—the yoke of ignorance, of never ending poverty, of a debased and superstitious religion, of the awful curse of transmitted disease, which presents in its terrible ravages some of the saddest pictures under the sun. The Rev. Dr. Nicholson, of the Episcopal church, who spent many years of his life as a missionary among the people of old Mexico, has often declared to me that it always seemed to him the curse of God was upon that nation. What does a Mexican live on? Well, anything he can bite—tortillas, frijoles, chili-con-carne, chili-colorado, dried rattlesnakes, red peppers and dead mules.

My first post of duty was away off on the borders of Arizona, hundreds of miles beyond the great divide separating the waters of the Rio Grande from those flowing into the Gulf of California. Language fails me when I attempt to describe the loneliness of that desolate spot. The only place we had to go to when we got tired of loafing around our adobe quarters was bed. We were on an Indian reservation, and the sutler not being allowed to sell whisky you can readily see why we were so lonesome. Life at its very best in that country of sand, cacti and soap-weed is almost unendurable, but when you come to take corn juice away—that staff of many an old West Pointer and regular army officer in his declining years—it becomes too monotonous to live. Of course, once in a while the "K. O."—"Kommanding Officer"—had a demijohn of the old stuff sent out to him from Santa Fe, but, bless your soul, it did not last any time, for just as soon as the rest of us found that it was in the post we all went and stayed with him until it was gone—every drop of it. It was then that the "K. O. W."—"Kommanding Officer's Wife"—declared that we were a set of nuisances, and that Uncle Sam would be the gainer if we were all court-martialed and dismissed. Of course we had her talk to bear, because we could not help ourselves. I never knew a commanding officer's wife who did not want to run the post and make all the trouble she could. Captain Charles King, in that very charming romance, "The Colonel's Daughter," has not overdrawn Mrs. Pelham a particle. Looking back over my acquaintance in the army, it seems to me that I have known two or three hundred Mrs. Pelhams.

Our garrison consisted of two companies, one of infantry and one of cavalry, and the only thing we had to do, after seeing that the Indians on the reservation did not take to the warpath, was to knock off work at three

o'clock every afternoon and go to catching flies. All we had to do was to grab, and if we didn't get one we got another. Day after day I climbed the mountain peak that, clothed with its crown of glittering pine, hung like a bright jewel above the Fort. And as I gazed far over that heathen land, I asked myself, Was it really true that Columbus ever did discover America, or were we not waiting, like Robinson Crusoe, for somebody to come along and find us? Sweeping my eye around the horizon for a radius of a hundred miles, I beheld on the north, northeast, east and southeast only a succession of mountain ranges, which finally blended into the blue of the infinite distance. Directly at my feet lay the valley of the Rio Tularosa, which for the present was our army home, its trend being from northeast to southwest. Some eight or ten miles below the Fort the valley widened into a great desert plain, extending from the foot of the Mogollon mountains to the Sierra Blanca, a hundred leagues away.

The Fourth of July was approaching, and we all thought it a great pity that the day should pass without something going on. There was called a meeting at the adjutant's office, with the "K. O. W." in the chair, and finally we came to the conclusion that if we could not get drunk and have fireworks on that occasion we could have a dog-fight—that it would divert our minds and bring back pleasant memories of the times when we were young and under the restraining influences of church and home.

The junior lieutenant in the infantry company had a huge bulldog, which he had brought out with him from Pennsylvania when he came to join from the Academy the year before, and which he thought could chew up anything in the world. The first sergeant in the cavalry troop owned a ferocious brute—a cross between an English mastiff and a Danish bloodhound—that was perfectly horrible to look upon. When you saw the lieutenant's piece of live stock you felt safe in putting up your money on him, and when you took a walk over to the horse corral and looked at his antagonist you really did not know what to do.

The paymaster left lots of money in the garrison, and it was not an hour before every nickel was put up on one dog or the other. The officers all stayed by W.'s dog, and the enlisted men risked all they had on their favorite. The hangers-on around the post—I mean the citizen employees, sutler and laundresses—made up a pool. I don't exactly understand what a pool is, but that was what they did. The excitement ran high.

On the morning of the 1st of July the Indian agent sent for me to come down to the agency, saying that he had a case that needed my professional care.

Right here permit me to say that in addition to my duties and pay as post surgeon, I received seventy-five dollars a month for looking after the health of the twelve hundred red-skins. This amount I drew from the Interior Department with a conscientious regularity that brought tears of envy to the eyes of every other doctor serving in the territory.

Those Apaches on that reservation made a strong drink from corn which they called "tiswin," and on that they got as drunk as "biled owls." Just how drunk a "biled" owl can get I don't know, but that was what the "K. O." said, so I suppose that it was so. The "K. O." was *au fait* on getting drunk—was a kind of thirty-second degree man in all of its grips, signs and passwords, and a master of arts in the "biled owl" business of

many years' standing. When he passed sentence on anything (subject, of course, to the "K. O. W." court of appeals) we all stood around with uncovered heads and kept silence, being thankful in our hearts we had at last found a man who knew it all, and could n't and would n't lie!

Well, when those Indians determined on a big drunk they ate nothing for three or four days, and then, when they did get down to it, took about a week for their spree. I will not attempt to describe their devilish orgies, for I can not. They became perfectly crazy, and cut and beat each other in a manner almost beyond belief.

Having been awfully dry for a month or two I thought that, in the absence of everything else, I would try some of the fiery "tiswin" myself, and, shall I confess it, it did not go so bad. One drink and the world flushed up for me! A second, and I began to think myself a bigger man than old Grant! A third, and I took command of the post! A fourth and I heard rapturous music, floated out on fair rivers, the gates of paradise opened before me, while enchanting forms of the feminine gender came flocking around, bidding me defy fortune and bravely live on.

The next morning, when I awoke in the hospital, with a bursting head and bruised and aching body, I was curtly informed that it all came about because I had taken up a fool notion that I could fight.

But excuse all this and let me come to the case which I started to tell you about. When I got to the agency the old man in charge took me up to a canyon in the foothills, to an old Indian tepee in which lay stretched out an aged Indian squaw. How old she was I can never tell. It seemed that she had two or three million wrinkles in her withered face, while her long locks, which fell in confusion on her neck and shoulders, were as white as snow. She had been sick several days and her body was covered with a maculated eruption, the central part of which was hard, pointed, slightly elevated, and felt like small shot under the skin. With the exception of the statement that the woman had been sick some time, I was entirely at sea in regard to the history of the case. A thousand thoughts floated through my brain, and I was not long in coming to the conclusion that it was a case of smallpox.

Words can not express my feelings. Returning to the post, I at once reported to the "K. O." what I had found and asked him to direct the quartermaster to let me have a tent so that I might isolate my patient from the rest of her tribe, and thus try to check the contagion. This he did, and gave orders that food supplies were to be furnished in abundance.

We were both much troubled over the case and feared an epidemic, for if it should get a start at our post and on that reservation it would probably extend to every post and every tribe in New Mexico and Arizona—say to some four thousand soldiers and fifty thousand Indians. The red man is very susceptible to it, and some tribes have been swept completely off the face of the earth by its ravages.

The first books I ever read were the journals of Lewis and Clark, who crossed the continent on an exploring expedition in 1804 and 1805, and in which was given an account of smallpox prevailing to a frightful degree among the Indians on the upper Columbia.

I was very much afraid of catching it myself, and when you remember my youth and inexperience, it is not to be wondered at.

The next post to the eastward of us was Fort Craig, on the Rio Grande, two hundred and twenty miles distant; Santa Fe was three hundred miles to the northeast. Fort Bayard, one hundred and fifty miles to the southward, was only to be reached by a solitary trail over lofty mountains. At each of these places there was an army surgeon with perhaps little or no experience in smallpox. I felt myself as helpless and as isolated as Robinson Crusoe on his lonely island.

The thing that seemed to trouble the "K. O." and his lovely spouse was, that this dreadful shadow had come upon us on the very eve of the famous dog fight.

Having made my report to the "K.O." I went straight to my library and read up on everything I could find on the disease, especially as to its ravages in Europe before vaccination robbed it of its terrors. That night, when I went to bed, my brain was in a perfect whirl. I lay awake for some hours, and when I did drop off to sleep I dreamed that every last Indian in the United States had the smallpox, with frightful convulsions, and that they were all on the warpath—red paint, tomahawk, scalping-knife, turkey feathers and all—and that they were all bearing down upon my poor unfortunate self.

The next day nothing was talked of among the officers and men but the sick squaw at the agency, and the "K. O. W." hinted that it would be a good thing if I would go down and stay by the old woman till she either died or got well. As I had a hundred dollars up on the lieutenant's dog, I did not take that view of the thing. Along in the afternoon I took a tent and moved the squaw away off up a lonely canyon, some miles from the rest of the tribe. I then went to the dispensary and got out a lot of stuff which I had been told was sure pop on the disease. The list comprised belladonna, camphor, colchicum, opium, quinine, sulphur, sulphuric acid, nitrate of silver, strong vinegar, collodion, chloral, mercurial ointment, tincture of iodine, sulphate of zinc, bichloride of mercury, carbolic acid, chloroform, glycerine and limewater. I would have taken along some more things if I had had them, but when a fellow does the very best he can you can't blame him. No one ever blamed me for not giving plenty of medicine in those early days, when I had twenty remedies for every disease. I provided myself with an old suit of clothes, which I hid out among the rocks, and only wore when I was attending the case. Once I put so much carbolic acid on the shirt that I got some of it on my left shoulder, which caused me much pain and irritation.

My visits were not very lengthy. I did not talk much with the old lady, but put all the medicine down on the ground in front of her and told her to help herself. It was a case of expectant treatment—that is, where I expected her to do the best she could with what I brought her. Every time I went I noted very carefully the changes in the eruptions. My books told me that in about twenty-four hours after it first appeared the papules would become vesicles, and that on the fifth day they would obtain their full development, measuring from one-fourth to one-third of an inch in diameter, and raised from one-fifth to two-fifths above the level of the skin, and, furthermore, they would be attended by an umbilicated appearance. For some reason or another, these changes were not as I had expected, and then I remembered that Dr. Jim Graham used to say, in his lectures at the Ohio Medical College,

that we must never expect to find any affection we might be called on to treat just like it was described in the books.

Then again, even if the medical authors were pretty fair guides to go by, they had written their observations about white people and civilized people, while, on the other hand, this case of mine was an Indian and a savage, and one belonging to the worst tribe on the American continent.

I looked around among the rest of the redskins, but could find no other troubled with an eruption of any kind, nor could I learn that any of them had been where they might have come in contact with the smallpox. Some months before there had been a rumor that it was among the Mexicans in the territory, and fearing it might reach my Fort, I had made a requisition on the medical director at Fort Leavenworth for some vaccine virus, so that I might vaccinate the soldiers.

The morning of the Fourth of July came over the mountain-tops bright and early, and soon we were all up and stirring, for was it not the day for the great set-to between the ferocious canines? Cards of invitation had been sent out to the Indians to be present, and so a high old time was expected. It happened that it came on Sunday, and of course we had our regular inspection. Everything was as bright as a brand-new button, and the hospital and the quarters and the kitchen and the arms and the clothing of the men shone resplendent in a good supply of elbow-grease and bore the closest scrutiny from the lynx-eyed inspecting officer. There is one thing that the regular army can do to perfection, and that is to clean up, look tidy and presentable—something that many of the volunteers in our late war could never learn.

After attending to my hospital duties, I mounted my horse and hastened away to see my Indian woman, feeling that I must hurry back, for dinner was at three p. m. and the dog fight was an hour later. A sweeter morning never dawned on creation.

“The day so mild was God’s own child,
With earth and heaven reconciled.”

As I rode down the valley a singular train of thought and reverie took possession of me and prepared my mind for something I was happily fated to behold.

Bring before you a landscape of a deep, narrow gorge, widening out into a great rolling desert-plain, the mountains rising upon either hand as grandly and as beautifully as those described by the opium eater in his dreams of Easter morning; in the distance the foothills of gravel and sandstone, flung up at random out of the earth—yellow banks serrated by floods—sea shells glistening in the wavy sand-fields—while over all hung a rich, glowing atmosphere.

“A land of space and dreams,
Of salt-sea lakes and dried-up seas;
A land of caves and caravans,
Of lonely wells and pools.”

But oh! the mountains that lay beyond the desert—blue as the Bay of Naples when seen from the slopes of Mount Vesuvius, and displaying a witchery that would defy any painter’s art to transfer to canvas; a realm of

romance rising up before me, misty and grand, like the mountains of the years over whose slopes I must some day climb and go down into the shadow of death on the other side!

I never gazed upon them at the hour of sunset and watched the shadows falling upon their lofty tops, receding into airy distances of dreams sinking gently into the purple night, but that Bryant's lines on the "Land of Dreams" came with its many sweet pictures into my brain.

"A mighty realm is the Land of Dreams,
With steepes that hang in the twilight sky;
And weltering oceans and trailing streams,
That gleam where the dusky waters lie.

"Far off from those hills that shine with day,
And fields that bloom in the heavenly gales;
The Land of Dreams goes stretching away,
To dimmer mountains and darker vales."

I saw a most wonderful mirage that morning, which I can never forget and which I wish I could make you see as I saw it.

An isolated mountain peak in the distance seemed to rise abruptly from a great, broad river, upon whose shining waves were myriads of birds of bright and brilliant plumage. Rising straight up from the waters were magnificent groves of timber, with cool vistas of forest aisles between. I thought of the description of a gifted writer of the appearance of the Gardens of Damascus when first seen from the distance. As I traveled toward it, the stream disappeared and the mountain changed into a frowning fortress, symmetrical in all of its parts—a perfect model of architectural beauty. A few minutes more and a dreamy haze hung over those battlements. Next came forth a palace with pillars and archways and a great dome, which I had scarcely time to admire before it too was gone, and I saw something like the broken arches on the Roman Campagna, as they stretch away in picturesque ruin from the Alban mountains to the gates of the Eternal City. The illusion was complete. I stopped my horse in breathless wonder, and asked myself if I was not dreaming. But no! I looked again and the strange and beautiful pictures were all gone, and I saw only the terrible desert stretching away in its arid desolation, and over and beyond it, in the far-off distance, the lofty dome of Castle Peak, standing like a stately sentinel upon the borders of Old Mexico.

It was with a saddened heart that I went on my way, feeling that the sweetest things in life were like the mirage I had just seen—only illusions—and that to strip them from us and give us nothing but the dry and hard actualities of everyday experience was to rob life of its pleasures and its potentialities. Are we not all dreamers? Do we not all of us live more in the future than in the present? Does not fancy love to cheat the heart and weave gorgeous visions to hang along the horizon of the years to come?

When I got to the old squaw, I found little or no change either in her looks or in the pile of medicine. Soon bidding her *au revoir* I hastened to the Post, only to hear some of the saddest news that ever fell on human ears. While I was gone the lieutenant's dog very foolishly ran out at one of the government mules that was quietly grazing near the bank of the river, and sustained

the terrible misfortune of having two of his best front teeth kicked out. The "K. O." immediately declared the dog fight off. It was an hour of trouble and disappointment; old gray-headed men stood around and wept like children.

The next day I went back to see my smallpox case again, but would you believe it? she was gone—had vamosed the canyon. Folded that government tent—for which I was responsible, and for which I afterwards had to pay—and like an Arab had silently stole away. The only thing she left behind was the drugs, which I hurriedly picked up and threw in the creek, feeling that my diagnosis of smallpox was nothing but an illusion. Of course I went back to the "K. O." and told him that I had completely vanquished the enemy.

With great big tears in his eyes, he fell on my neck and said that the news I had just brought was the only burst of sunlight that had come over his heart and home since that double-dyed villain of a mule had spoiled our Fourth of July celebration. He went on to say that I was one of the best and most skillful of men, and that the government owed me a debt of gratitude for curing up the old hag and preventing the spread of the disease, that if he had his way I should be made a full brigadier-general for gallantry on the field of battle as well as for long and continued service of the highest character.

I very modestly replied, that I thanked him for his good opinion and kind words, but that I had really done nothing but my duty. All I wanted was the approbation of my own conscience—that the highest and sweetest pleasure in life was the consciousness of duty well done.

Thinking it a most opportune moment to apply for leave of absence, in order that I might go to my old home in the states and there try and recruit my over-taxed mind and frame, I asked him if he would recommend an application to the Department Commander. Yes, he would; and did so in strong terms and with that confidence that a full head of whisky alone gives—he had just received a fresh jug that very morning from a friend at Fort Craig.

In bidding me good-bye he assured me that he would always remember me and our army service with emotions of pleasure; that many little incidents past were strung like golden cords across the harp of memory, to make sweet music when stirred by the hand of recollection. He also added that he had fully forgiven me for my outrageous conduct on that night when I got full on "tiswin" and tried to take command of the post, that since then he had tried some of it himself and had become convinced that its effects tended to make a man foolish and irresponsible.

When I got to the head of the canyon and turned to take a last look at the tents and houses that had so long been my frontier home, I saw the dear old colonel waving me a farewell from his front porch, his fiery-red nose gleaming like a lighthouse on a stormy coast.

Long years have come and gone since then. The army register no longer holds the old man's name and record. He has passed in his chips, and his body rests on the banks of the swift mountain stream where we had known each other, and where the great pines sing his requiem all the day long. His widow married the sutler, and now, so I am told, often speaks of the times when she commanded the post and worried the young surgeon almost to

death, and that too when he was contending with a terrible epidemic of smallpox.

Perhaps this tale had become too long already, but before closing I feel that I must tell you something of the end of those two canines which at one time occupied so much of my time and attention. The lieutenant's dog did not last long. The loss of his best front teeth was too much for him. After that he had neither spirit nor ambition, but just laid around, sad and listless. The long, hot days of summer were soon gone. Autumn came, with its gold, crimson and russet showers of falling leaves; its flaming glories of scrub-oaks, willows, elms and sycamores contrasting brilliantly with the somber foliage of the cedars, firs and larches upon the mountain slopes, and then it was that the bulldog on which we had staked so much turned over on his left side and died of a broken heart.

The other pup had a most remarkable end to him. Along the next spring he accompanied his troop to the region of the Yellowstone, and while out hunting with his owner came near starving to death. They got lost in the snow among the mountains, and for a number of days had nothing to eat. All at once it occurred to the sergeant that he might make a meal off his favorite and still preserve his life; so he just chopped off his tail, roasted it, ate all the flesh off, and gave the bone to the dog. It is said that when they managed to get back to Fort Buford they presented a very striking and melancholy appearance. When the captain asked what had become of the dog's tail the sergeant told him that a bear had bitten it off. However, the dog never seemed to care much about the loss of his caudal appendage, except during fly time. His death came amid all the carnage of battle. He was trotting along behind his master's horse when the Sioux fell upon Custer on that awful June day on the Little Big Horn, many years ago. The reason the dog did not turn tail and fly to the rear was because he could n't.

RECOLLECTIONS OF AN INTERVIEW WITH COCHISE, CHIEF OF THE APACHES.

Written for the Kansas State Historical Society by DR. A. N. ELLIS.

OF all the Indians that ever defied the arms of the United States none was more dreaded or formidable than Cochise, known for more than thirty years as King of the Apaches. The treaty of Guadalupe Hidalgo gave us an immense territory, larger than all of New England and the Middle States combined. Much of it is a land of desolation, lying under the shadow of death. A vast expanse of sterile country, sandy plains, rainless, treeless deserts, towering mountains "rock-ribbed and ancient as the sun," gray and barren and melancholy, standing up against the sky like ghosts; their sides seamed and furrowed and broken by the action of water in remote geologic ages; torn, tangled and jagged in their details. A continent of rock, creased and gullied by rushing rivers—plateau on plateau of sandstone, with sluiceways through which pent-up lakes escaped; the whole surface grotesquely carved by the action of fire. A perfect nightmare of nature!

The rocks so friable that the rivers had worn their way down deep into the underlying primitive rocks, showing the nature of the conflict that had been going on between the elements—the grinding that never ceased in the

unnumbered millions of years of the past. Every boulder, every pebble, every particle of soil which lay in the way had been pressed into the endless labor. The earth had been stripped of its loam. Its forests, its flowers, and the land had become an arid and rocky desert. The canyons so formed are the most remarkable on the face of the globe. Those abysses are striking, sublime, savage, horrible—a page from Dante's *Inferno*. Could Dante himself have looked into those chasms, he would doubtless have peopled them with the most hopeless of his lost spirits. The cruelty, the aridity, the barrenness, the solemnity of such phases of nature impress themselves on the brain and leave their shadow on the soul. In a little while the landscape assumes the face of a fiend, and one daily holds converse with the father of all evil.

The scenery and conformation of a country has much to do in forming the habits and shaping the individual and national characteristics of its people. Is it any wonder that the most cruel and bloodthirsty tribes were found inhabiting that mountain land?

Over this vast region roamed at will the Ute, the Apache, the Comanche and the Navaho; while upon the streams, dwelling in towns, possessing flocks and herds, dwelt the last remnants of the Aztec population—a pathetic spectacle of a civilization perishing without a historian to recount its sufferings, a repetition of the silent death of the mound-builders.

Who these people were and from whence they came has been a tempting theme for many a speculative antiquarian, but it is a land of darkness lying far beyond the domain of history. Within a radius of sixty miles of Santa Fe are the ruins of more than forty cities. Along the Rio Grande, Rio Pecos and San Juan rivers almost every hilltop is covered with these ruins. One is reminded of the castled Rhine; ruins looking into the face of ruins—a tragedy in stone—"Niobe, crownless and childless in her voiceless woe."

"Two or three columns and many a stone,
Marble and granite with grass o'ergrown!
Out upon time! It will learn no more
Of the things to come than the things before!
Out upon time! who forever will leave
But enough of the past the future to grieve
O'er that which hath been, and o'er that which must be;
What we have seen our sons shall see;
Remnants of things that have passed away,
Fragments of stone, rear'd by creatures of clay!"

Forty years ago the Apaches were a great nation, ruling with an iron hand all of that region from the confluence of the Pecos with the Rio Grande westward to the Rio Colorado and northward to the very shadow of Pike's Peak. Many things contributed to the ascendancy of that powerful tribe. They could bring into the field many thousands of warriors, mounted on swift and sure-footed ponies. They possessed an accurate knowledge of the mountain passes, occupying the almost inaccessible ranges and using a system of signal-fires by which information could be telegraphed from one mountain peak to another. These Bedouins of the desert became a foe more formidable than the Confederacy of the Six Nations, which at one time threatened to throw an eclipse over our then infant republic. Of the his-

tory of the Apaches we will not write at length. It is a theme worthy the pen of an historian.

Two of the most noted men of that tribe, since their country became an exile for young army officers, were Mangas Coloradas and Cochise. The former took his name from the fact that his shirt sleeves were always dyed red with the blood of his victims. He must have been a fearful creature if a tithe of the stories told of him are true. Upon his death Cochise became the leader of the Apaches, and well did he show to friend and to foe that he was a born ruler and leader among men. Wise in his rule and discipline among his own people, fertile in expedients, resistless in command, terrible in the day of battle, cruel almost beyond belief to his enemies, his name is written in blood all over the plains and mountains of the far southwest. Whether raiding into Old Mexico, waylaying army trains, or planning and executing some expedition against his red brethren, he was one of the most dreaded men that ever rode on the war-path or tortured an unfortunate prisoner.

Under the Mexican régime these marauding sons of thunder had everything to their own liking. They were perfectly secure among their own rocky fastnesses. In their encounters they generally came off victorious. In health and morals they did not suffer by imbibing the vices of the white man. But the moment the Stars and Stripes waved over the land of soap weed and cacti there was a change. The army occupied the land! A chain of posts was constructed across the country; mines and roads were opened; the few fertile spots were occupied as stock ranches; the United States mails were carried to and fro, and soon the lordly Apache found himself hemmed in on every side.

En passant permit the remark that there was never a more perilous service than that of the Southern Overland Mail. Thousands of human bleaching bones lie all the way across the continent from El Paso to San Diego. An old stager at Tucson, never weary of talking of his adventures, used to declare that the Indians kept him so full of holes that it was only with the greatest difficulty that he could hold his victuals.

In 1861 the army was withdrawn, owing to the breaking out of the Rebellion, and the Apaches once more had full sway. It was an unhappy day for the people of New Mexico and Arizona. Red-handed murder held high carnival; the country was depopulated, ranches were destroyed, stock was driven off to the mountains, and universal ruin settled on the land. With the return of peace the country was reoccupied by a larger and better force than ever before.

We will pass over five years. Gen. George Crook was in command of the Department of Arizona, and it soon became plain that there was one man in the army who knew how to deal with the Indians. It was not long before the great mass of the Apaches were glad to make peace with the United States, and eat the bread of dependency on reservations. Think of it! an Apache reporting to the agent every day at sundown to answer at roll-call to his name!

Another wonderful thing that Crook did was to employ Apaches to hunt down Apaches. One objection urged against such a line of policy is that it tends to brutalize and confirm an Indian in savagery, and thus defeat the efforts of the government to refine and elevate his sentiments and con-

dition. Is an Indian too precious to do the work to which white men are put? The white man is rarely a better citizen for having been a soldier in time of peace; but the Indian is distinctly a better friend to the United States for having fought by the side of our troops and received the pay of the government.

General Crook did a wise thing during the last campaign against the Sioux, in employing friendly Indians. Such reinforcements to our army are always of incalculable benefit to the frontier settlements. It would be well that Congress should provide ways and means to keep in the service such a force. It would cost much less than the maintenance of an additional squadron of cavalry.

The Apaches soon became broken into small bands, and Cochise lost much of his former prestige and empire. Still he held out, with some few hundreds of his chosen warriors, secure in his mountain home in southeastern Arizona near the Sonora line. He raided at will and defied the troops. Many overtures were made to him to come in and make peace. Finally, after much talk and delay, he consented and sent word to Gen. Gordon Granger that he would be at the agency of the Southern Apaches at Canada Alamosa on a certain day, and that he would then and there talk over the matter with the general. This was good news to everybody of New Mexico and Arizona.

Receiving an invitation to accompany the general commanding the district of New Mexico, and the Superintendent of Indian Affairs in that territory, to the Indian agency at Canada Alamosa, the writer of these lines gladly accepted. It was on a bright, beautiful morning in September that we left Fort Craig in a six-mule ambulance, going south on the road leading from the post to the agency. The occasion was one never to be forgotten. By the side of the road the broad shining river rippled and murmured in the sunshine. Eight or ten miles east of us Little San Pascual reared its head. To the south, and overlooking the murky waters of the Rio Grande, stood Fra Cristobal, the features of the old man clearly outlined against the blue sky. On the west and northwest loomed up the lofty and extensive range known as the San Mateo and the Magdalena mountains. The Salinas Peak, near which lies the great salt lake from which the Mexicans obtain salt for domestic purposes, was seen, a deep blue color, in the southeast, and to the right, the northern terminus of the long chain that extends across the Jornada-del-Muerto parallel with the wagon trail, called Sierra de Los Gaballos. Socorro mountain and the Sierra Ladron stood far to the northward, almost overlooking Albuquerque. It was a picture worthy the brush of an artist. The exhilaration so peculiar to the air of that mountain land soon took possession of our party. As the miles between us and our destination lessened there was much speculation indulged in as to the result of our trip. Would Cochise keep his promise? Would he dare place himself in the power of the white man? Had he forgotten the fate of Mangas Coloradas? Perhaps some scheme was on foot by which we would all be drawn into a trap and murdered! The handful of men at the agency would be as nothing in the hands of the Indians drawing their supplies there. Significant looks were exchanged, and each man felt for his side arms and resolved to sell his life as dearly as possible. That was several years before the lamented Canby met his fate at the hands of the Modocs. Had we had that affair to talk over and warn us, there would not have been such a desire to go down and smoke the pipe of

peace with the robber chief. But we were on the road, and made up our minds to see the matter through, come what might.

A ride of six hours carried us from Fort Craig to the agency. Cochise was there—the man whose name and fame had filled the land. How anxious we were to see him. At first he stood aloof among his warriors and seemed disturbed and constrained. It was plain to be seen that he apprehended treachery or trouble of some kind. When all were seated on the ground in a circle, the usual greetings and formalities took place. The pipe of peace was passed around, each one taking a single whiff and then passing it to the next neighbor. The talking was done in Spanish. General Granger opened the conference in a few plain, blunt words peculiar to the soldier.

“The Great Father at Washington wanted to live in peace with his red children. He was anxious to do what was right in the matter, *but peace he must have*. If he did not get it in one way he would *have it in another*. He would give these mountains and valleys as a reservation to Cochise, and they should be a home for him and his children for all time. They should be fed for several years until they learned to work for themselves. This reservation afforded sufficient farming land to support this band of the Apaches. If Cochise made peace and accepted these conditions he must live on the reservation and never permit his warriors to raid on the settlers. If stolen stock was ever found it must be delivered up to its rightful owners. No Apache would be allowed to leave the reservation without a written pass from the agent, and permission would *never* be given to go on any kind of excursion across the line into Old Mexico.”

After General Granger had finished his speech, the Apaches retired and consulted among themselves for about one hour. Returning to the council place they all, with the exception of Cochise, seated themselves on the ground. He remained standing to make his talk. While he was talking we had a fine opportunity to study this remarkable man. Evidently he was about fifty-eight years of age, though he looked much younger; his height, five feet, ten inches; in person lithe and wiry, every muscle being well developed and firm. A silver thread was now and then visible in his otherwise black hair, which he wore cut straight around his head about on a level with his chin. His countenance displayed great force of character, and his expression was a little sad. He spoke with great ease, and gesticulated very little for an Indian. As soon as every one was quiet he began his discourse by saying:

“The sun has been very hot on my head and made me as in a fire; my blood was on fire, but now I have come into this valley and drunk of these waters and washed myself in them and they have cooled me. Now that I am cool I have come with my hands open to you to live in peace with you. I speak straight and do not wish to deceive or be deceived. I want a good, strong and lasting peace. When God made the world he gave one part to the white man and another to the Apache. Why was it? Why did they come together? Now that I am to speak, the sun, the moon, the earth, the air, the waters, the birds and beasts, even the children unborn shall rejoice at my words. The white people have looked for me long. I am here! What do they want? They have looked for me long; why am I worth so much? If I am worth so much why not mark when I set my foot and look when I spit? The coyotes go about at night to rob and kill; I can not see them; I am not God. I am no longer chief of all the Apaches. I am no longer rich; I am but a poor man. The world was not always this way. I can not command the animals; if I would they would not obey me. God made us not as you; we were born like the animals, in the dry grass, not on beds like you. This is why we do as the animals, go about of a night and rob and steal.

If I had such things as you have, I would not do as I do, for then I would not need to do so. There are Indians who go about killing and robbing. I do not command them. If I did, they would not do so. My warriors have been killed in Sonora. I came in here because God told me to do so. He said it was good to be at peace—so I came! I was going around the world with the clouds, and the air, when God spoke to my thought and told me to come in here and be at peace with all. He said the world was for us all; how was it? When I was young I walked all over this country, east and west, and saw no other people than the Apaches. After many summers I walked again and found another race of people had come to take it. How is it? Why is it that the Apaches wait to die—that they carry their lives on their finger nails? They roam over the hills and plains and want the heavens to fall on them. The Apaches were once a great nation; they are now but few, and because of this they want to die and so carry their lives on their finger nails. Many have been killed in battle. You must speak straight so that your words may go as sunlight to our hearts. *Tell me, if the Virgin Mary has walked throughout all the land, why has she never entered the wigwam of the Apache? Why have we never seen or heard her?*

“I have no father nor mother; I am alone in the world. No one cares for Cochise; that is why I do not care to live, and wish the rocks to fall on me and cover me up. If I had a father and a mother like you, I would be with them and they with me. When I was going around the world, all were asking for Cochise. Now he is here—you see him and hear him—are you glad? If so, say so. Speak, Americans and Mexicans, I do not wish to hide anything from you nor have you hide anything from me; I will not lie to you; do not lie to me. I want to live in these mountains; I do not want to go to Tularosa. That is a long ways off. The flies on those mountains eat out the eyes of the horses. The bad spirits live there. I have drunk of these waters and they have cooled me; I do not want to leave here.”

We were all affected by this touching and eloquent address. There was much smoking, talking and giving of presents, and making of promises, and we all went back to Fort Craig that night highly pleased, thinking that a good day's work had been done.

Some months afterwards, upon the recommendation of special Indian commissioner, Vincent Collyer, those Indians were removed from Canada Alamosa to the Tularosa valley in the Mogollon mountains, at which time Cochise drew off his chosen warriors and went back to his old mountain home in Arizona.

In September, 1872, General O. O. Howard prevailed upon him to make peace again, giving him his old haunts for a reservation, where he and his band received the bounty of the government. And on this reservation Cochise died in peace, June 8, 1874, leaving his son Taza to rule in his stead.

HISTORY AS AN ASSET OF THE STATE.

Address by the President, WILLIAM ELSEY CONNELLEY,¹ Topeka, before the Kansas State Historical Society, at its thirty-seventh annual meeting, December 3, 1912.

CUSTOM requires that the retiring president shall deliver the principal address at the annual meeting of the Society. Before beginning that address I desire to speak briefly of administration matters.

I have been actively associated with the Society for many years, and am familiar with its designs and purposes. I know the principles underlying it and the many complications and problems which must be solved by it in the future. I knew all, or nearly all, of the founders of it, and have heard from them the story of the hopes which actuated them in shaping it. I was told of the anxious solicitude they had for its future management and growth. Most of them are now gone the way of all the living. Their heritage remains for us to guard and foster. I can not refrain from speaking of the good fortune which has come to it in its secretaries. Each was my personal friend. Judge Adams was peculiarly fitted for the work which fell to his lot. He rescued and preserved vast quantities of historical material and made the first collections for the Society. To his untiring industry and sound judgment we are indebted for the wealth of early documents, which but for his labor would have been lost. His work for the Society will remain always in evidence. And we bear the same testimony to the faithful and intelligent services of his daughter, Miss Zu Adams. It might truthfully be said that she gave her life to and for the Society.

Secretary Martin has been almost sixty years a resident of Kansas. He has been a part of the history of the state, and has made not a little of that history. His impress on Kansas institutions can never be effaced. He has been a virile force for the right and for the forward march of Kansas since the day he walked across the border-lines from Westport in 1856. He has had, among many other strenuous duties, the responsibility of bringing the Society into close touch with the people and making it a present potent force in the development of the state. It was a herculean task, but he has been faithful in season and out of season, and has accomplished his purpose at the expense of health and strength. This service can not be overestimated and will be more and more appreciated as time goes by. His administration has demonstrated that the work requires a man of force and power, sound judgment and vigorous manhood. The state owes him a debt of gratitude, and posterity will not forget it.

The Society is in sound condition and fine working order. No institution ever had a more capable and competent office force. In some historical societies places are regarded as suitable berths for supernuaries and obsolete politicians devoid of ability or fitness for the work. Some states have their societies filled with such people, and in the South the secretaries are usually agreeable and incompetent old men, or "Cousin Sallies" or "Cousin Sues," appointed only because of political or other baneful influence. Such has not been the Kansas way, and never will be. Every employee in the

1. For biographical sketch of Mr. Connelley see *Kansas Historical Collections*, vol. 7, p. 486. On the resignation of Mr. George W. Martin as secretary of the Historical Society, February 16, 1914, Mr. Connelley was appointed to succeed him, and is the present secretary of the Society.

service of the Society is there because of peculiar qualifications for the work. All are in vigorous health and strength, and there is not one of them but earns much more than the salary paid. There is need of more help and better wages for the present help. The amount of work done by the Society is enormous, and it is increasing very rapidly.

No society issues Historical Collections superior to those of our Society. Many of them, however, have more money for publication purposes, and get out a better-looking book. This would not be a matter of so much importance were it not evident that they use much better material in their books. Nothing but the very best paper and binding material should be used in the volumes of our Historical Collections. They will always be in an increasing demand and should be of the utmost durability. Kansas can not afford to be behind in this matter, and I hope to see our next volume appear in the best form of book-making and printed on paper made to last. The intrinsic value of our Collections demands this, the books are worthy of it, and it should no longer be neglected.

Those who are familiar with our Society know that aside from any sentimental value it may have it pays its keep as it goes along. The value to the public of the newspaper files alone can scarcely be estimated. In the single matter of litigation they benefit the state many times, every year, the whole cost of maintaining the Society. Sometimes half a dozen attorneys may be found at one time in the newspaper room searching the files of old papers for legal notices. Property to the amount of many thousands of dollars is saved to the people every year by this feature of the Society alone. And you may see almost every day teachers and students from the state institutions and from the public and private schools, as well as citizens from every quarter, searching through the archives. They are all seeking information which they are compelled to have, and if they had to seek it in other states it would cost an immense sum in the total for the period of a year. Cities, towns, counties, townships are all constantly calling for something vital to them which can be found nowhere but in the Historical Society. We are building up a great genealogical department, and people from all parts of the state, and from other states, depend on the Society for the records and information of western families. The number of people who are seeking to establish eligibility to membership in the various patriotic societies of the country is surprising, and is constantly increasing. The Society can furnish the records for nearly all that apply for this information, and this saves much money to the state, for genealogical research is charged for at a high rate by eastern societies. These are but a few of the ways in which our Society earns money for the people of Kansas, for all our collections are free to the public, and no charges are made for anything the Society does. We earn this money to the state by saving it to the people who would be compelled to send it out of the state to get what they must have, but for the Historical Society. The Society not only pays its way, but has become indispensable to the state.

Kansas history is like that of no other state. The difference is fundamental—not a dissimilarity in historical annals. This fact has been long recognized. A quarter of a century ago Ware wrote that—

“Of all the States, but three will live in story:
Old Massachusetts with her Plymouth Rock,
And old Virginia with her noble stock,
And sunny Kansas with her woes and glory.”

The south line of Kansas is the modified line between free soil and slave territory as those divisions existed down to the abolition of slavery. For almost half a century it was the policy of the government to send here remnants of the Indian tribes pushed west by our occupation of their country. The purpose in this was to make the western prairies the Indian country of America and thus prevent its settlement until the slave-power was ready to utilize it for its peculiar institution. Many things occurred which had not been counted on, and the country was forced open before the South was ready to undertake its settlement. While the crisis was premature, the slave-power entered upon the contest with confidence. It had never lost a battle in its conflict with the free-soil portion of the Union, and it expected to win in Kansas. The struggle was between the two antagonistic predominant ideas developed in our westward expansion, and ended in a war which involved the entire nation and threatened the existence of the Union. Politically, Kansas was the rock about which the troubled waters surged for ten years. The Republican party grew largely out of the conditions and influences of Kansas. When hostilities began the Kansans enlisted in the armies of the Union in greater proportion to total population than did the people of any other state. Here the war was extremely bitter, and in some instances it became an effort for extermination. Kansas towns were sacked, and noncombatants were ruthlessly butchered. The border embraced at that time all the settled portion of the state, and it would be difficult indeed to make the people of this day comprehend what transpired here. Kansas was founded in and by a bloody struggle, which, within her bounds, continued for ten years. No other state ever fought so well. Kansas was for freedom. She won, and the glory of it is that the victory gave liberty to America. That is why we maintain that Kansas history stands alone in interest and importance in American annals.

The history of a state is a faithful account of the events of its formation and development. If the account is set out in sufficient detail there will be preserved the fine delineations of the emotions which moved the people. These emotions arise out of the experiences of the people. And the pioneers fix the lines of their experiences. They lay the pattern and mark out the way the state is to go, and this way can never be altered, and can, moreover, be but slightly modified for all time. These emotions produce ideals which become universal and the common aim of the state, and they wield a wonderful influence on its progress, growth and achievement. A people devoid of ideals can scarcely be found, but ideals differ just as the experiences which produced the emotions from which they resulted differed. If there be no particular principle to be striven for in the founding of a state, then no ideals will appear, and such as exist among the people will be found to have come over the lines from other and older states. Or, if by chance any be developed they will be commonplace and ordinary, and will leave the people in lethargy and purposeless so far as the originality of the thought of the state is concerned. The ideals developed by a fierce struggle for great principles are lofty, sublime in their conception and intent. The higher the ideals, the greater the progress, the more eminent the achievement, the more marked the individuality, the stronger the characteristics of the people.

The ideals of Kansas are high. The founders of our glorious commonwealth, through almost insurmountable difficulties, wrote them among

the stars. No man is competent to deal with Kansas history or Kansas institutions until he has studied and mastered Kansas ideals. Senator Ingalls said the gestation of the state was heroic, and represented ideas and principles; conscience, patriotism, duty; the "unconquerable mind and freedom's holy flame." Continuing, the eloquent senator said, "The history of Kansas is written in capitals. It is punctuated with exclamation points. Its verbs are imperative. Its adjectives are superlative. The commonplace and prosaic are not defined in its lexicon. Its aspiration is to reach the unattainable. Its dream is the realization of the impossible."

He was speaking of the results of our ideals, which he had helped to formulate, and which he knew to be the source of our inspiration and the strong personality of the people of Kansas. He affirmed that once a man had become a citizen of Kansas, his allegiance to the state could never be alienated or forsworn. The gifted senator asserted, so potent is the spell with which Kansas binds her children, that they might wander, might roam, might live in other lands, but could never be other than Kansans. "The Kansas arithmetic," he cries, "is more dazzling and bewildering than poetry, and the historian is compelled to be economical of the truth and parsimonious in his recital of facts, in order not to impose too great a strain on human credulity. Other states could be spared without irreparable bereavement, but Kansas is indispensable to the joy, the inspiration and the improvement of the world."

I shall not complain if you insist that these sentiments are somewhat exaggerated, but that they are much overdrawn has not been the opinion of other eminent Kansans. Ironquill said Kansas was a great school, a sort of national university, in which were educated the men who conducted the enterprises of other states and countries. He insisted that the elephant never stepped on the Kansas man, declaring that feat impossible, seeing that the elephant could not step on the back of his own neck, where the Kansas man was always found, directing the show and leading the procession. And it was well said by Mr. Calderhead, in his address before the Society last year, that Kansas produces a citizenship different from that of any other state.

All this is prefatory to what I wish to impress in this address, and is intended to convey some idea of the importance and striking character of Kansas history. Character developed by a people with ideals so lofty becomes bold, daring, strong, dominating, invincible. Competition is becoming fiercer in every avenue and walk of life. Only strong men and women can survive the battle of life and hope to emerge with success. And Kansas is producing such men and women. With such a history as Kansas has there is no fear for the places of herself and her people in all the future. She takes first place in every reform, and is in advance in political science, as her fierce party factions demonstrate, for progress can come only through struggle, battle. Many of the principles brought forward by the upheaval in Kansas known as the Alliance movement, received with derision and regarded at the time as buffoonery, sneered at and jeered at with ironic raillery, have now long been recognized as the sound basis of political reform, and most of them have been incorporated in the laws of many states and the nation. Others of them underlie the political unrest of our day and will bear fruit in the future when the great movement for democracy in America shall be con-

summed. In sanitary science Kansas is in the advance. It has been said that every good thing originates in Kansas. That is doubtless claiming too much, but we all remember with what sarcastic jesting our proposal to abolish the public towel and the common drinking-cup was greeted. Yet these simple and humble regulations are now in almost universal use. Our blue-sky law is having the same experience. And so of any number of laws and usages first tried out in Kansas and perfected for the rest of the world. All this comes from Kansas experiences—is a result of Kansas history—results from the mental activity of a people who think for themselves along the lines laid down for their development by the pioneers, who fixed the ideals. And in the future the achievement of the Kansas people along these lines is certain to be more marked.

The history of such a state has an immense monetary value to its people. Indeed, the most precious heritage a state can have is a history with a stirring power and moving force, and the money—no matter how much—spent in preserving it is the best investment a state can make. In proof let us consider the nations. Who can compute in money the value to England of her history? What would the insignificant little island amount to in this day and age without the prestige and compelling power of English history? And France, too; what would be her place did not the world remember her course for ten centuries in Europe, her Jesuits in America, her bloody revolution and the brilliant results of it? And like questions might be asked about all the great nations. Their present status is determined much more by what they did in the past than by what they might be able to do to-day; and the degree of power and influence wielded by them now is in exact proportion to the accuracy and completeness of the existing record of what they did in the past. As the most brilliant example of recent times, I will ask what is the value to Japan of her history for the last fifty years—its money value? Then, turning to the past, I cite the history of the Jews. This people has not had a country for fifteen centuries, yet it is a distinct people to this day, and influences the world through its money and enterprise. Why? Because of the remembrance of the glory of its national life, the principles of which underlie all western civilization. The Christian religion is a form of Judaism, and it has been the great civilizing force of the world. Christ is the greatest figure who ever trod the earth, whether you believe in his divinity or not. He was a Hebrew. Could the value of Jewish history be counted in money? Can you say that it is not worth many millions of actual money every year to the present Jewish people?

It is the taunt of European nations that America is a country without a history. We hear that with complacency, for we know that history and antiquity are not equivalent terms. We are in our fifth century, and did the limits of this paper allow, we believe that we could show that the reaction of American history on the Old World has worked and is now working a wonderful influence. And when we take into consideration the future of our own country as it is dimly discerned from the achievement up to this time we know that our history had been not only great, but often heroic. We believe that the English-speaking people are to dominate the world. The great future development of that people must be in North America. The greater proportion of that people will always be moved by the ideals of America—by American history; and if the ultimate destiny of the English-speaking

people is to be realized in the grandeur aspired to, American history is to become predominant in the world.

Coming down to our own country, what would the American people take in money and have obliterated the memory of the glorious struggle for our independence; for that of the conquest of the wilderness; for the establishment here of a government which is the hope of the world's oppressed, a beacon sending its rays of hope into every corner of the earth? What would we accept and obliterate the recollection of the Civil War and the heroism of the American soldier? What would Kansas take and forget Wilson Creek, Pea Ridge, Prairie Grove, the Battles of the Blue, Platte Bridge? Kansas is the Soldier State, and from every famous field came the soldiers to dwell on her fair prairies. For what sum would they forget all the glory of the Army of the Potomac, of Vicksburg, of Shiloh, of Chickamauga, of the Atlanta campaign, of the march to the sea? What would we take and forget Dewey and Manila Bay? And what would Kansas take for the record of the Twentieth Kansas and its brilliant campaign in the Philippines? And how could she exchange for money the memory of Lane, and Robinson, and John Brown; of Blunt, and Mitchell, and Crawford, and Moonlight; of Plumb and Ingalls, Eugene F. Ware and Noble Prentiss, of Governor Glick and John A. Anderson.

All that I have said leads to my desire to impress on the people of Kansas the importance of gathering and preserving adequate accounts of the various phases and details of their own history. This is now so large a duty that private enterprise is not equal to it. It is the function and duty of the state to do it. And it is a happy reflection to remember that Kansas has recognized that duty and acted upon it, as witness our Historical Society with its hundreds of thousands of volumes and priceless documents. In little more than a generation we have already taken first place in many features of historical work, and in size our Society is, taken as a whole, not surpassed by any in America. Our Collections are famous from the Atlantic to the Pacific, and students come from afar and dig and delve in our archives for weeks and months at a time. I wish I could impress on every citizen of Kansas the great value of the work being done by our Historical Society, and enlist the active support of every man and woman of the state in its upbuilding.

I have shown that our state resulted from ideas, conscience, justice. These brought us not peace but bloody war, and our glory is that the fathers put principle above ease and peace, and accepted the gauge of battle—the arbitrament of the sword. There come times in the history of a people when it is a paramount duty to fight—when it is a disgrace to remain at peace. So believed our fathers, and so they acted on that belief. And from that very fact comes the aggrandizement of the state in this day in its relations to this Society. Kansas, though new and undeveloped and poor in the goods of this world, did wonders in those heroic days. She put everything in jeopardy—placed everything on the altar of her country. This devotion was later taken account of by the general government, and such restitution as record could be found of was made to the state. The Kansas people, with their high sense of propriety, and in memory of the sacrifices made by the pioneers of the state, set that money aside to be used in the erection of a magnificent memorial to the soldiers and sailors sent forth to battle for the life of the nation, and also for all those soldiers and sailors who saw in Kansas.

a haven and a home and cast lot with us. God has been gracious to many of these old soldiers. While great numbers of them have passed to that country from whose bourne no traveler returns, many are left with us. With their own eyes they see their trials and sacrifices recognized by a grateful state, and a temple erected spotless and white in its purity, as was their patriotic course, to their use and memory. And with peculiar fitness the Historical Society, which gathers and preserves record of their glorious deeds, is to be housed therein. Who but can glory in Kansas, seeing that she deals so intelligently, liberally, justly, tenderly with her history and the men who made it! The old mistaken idea that a historical society is a place in which to store curios and useless lumber never had footing in Kansas. The Kansas Society is a living, active force in the state, thanks to the public spirit and pride of her people, and so it will ever remain. Its function is to perpetuate the ideals the fathers inscribed with the stars, by preserving their experiences to be a lamp to the feet of their descendants and those who gather to our borders and dwell within our gates.

THE GEORGE SMITH MEMORIAL LIBRARY.

Address by GEORGE W. MARTIN, at the opening of the Library, Junction City, March 17, 1908

WORDS fail me in any attempt to express my gratification as I stand in this presence, upon such an occasion, and on this corner. I am dazed as I look upon this beautiful place, and behold the consummation of a long-drawn-out purpose, with my mind flashing backwards over the unsightly rookery which for more than a generation covered this corner. In looking back over life I guess I was always rather too impatient; it was my idea that everything ought to be done immediately—I had a desire to see all that was possible before joining the majority up on the hill. Indeed I was impatient with the managers of this delightful enterprise for taking three years in reaching this point, lest something might happen and I would not see it. The early-day citizens of the town, as indeed all Kansans, anticipated, in fact were dead certain, that Junction City would be a town of ten thousand, twenty years ago, with double or trebble the advantages we have to-day. Here I am now, turning gray, and said to be an old man, before seeing here a public library, a sewer system, and a street railway.

But things are taking a turn. When I took a notion to go elsewhere, A. H. Bartell, now in Texas, stopped me on the opposite corner and inquired why I did not stay here and boom this town. Pointing to this corner I said: "See that corner—my eyes have feasted on that for a third of a century. See that corner (pointing to the old Ross corner on Eighth street), my eyes have feasted on that place since Coronado departed." Likewise I pointed to the corner of Sixth and Washington, to the hotel (and it was a temperance hotel) where I put up about the time the Smoky Hill river was surveyed; and to Matt Becker's corner, Seventh and Jefferson, where it was first discovered that vicious "red-eye" was an antidote for snake-bite. I understand now that two of these corners are doomed, and my never-flagging love for Junction City is refreshed and strengthened. But I confess I was unreasonable, for the old town has kept pace with other points along the valley.

But to the purpose of this gathering. I am satisfied that no other municipality in the country is so fortunate as you in this line of work. A library building, books and income sufficient to maintain it, all provided without trouble or expense; a citizen living among you for more than a third of a century, with the heart and means to do this for you; and the enterprise carried to completion in his name, not only with businesslike judgment, but with true library spirit. There are places where a public library is considered a collection of books, and that the sole duty of a librarian is to keep the books on the shelves right end up. But those in charge of this enterprise speedily got beyond that, and you have a public library started in perfect order. The only criticism I have to make of George Smith is that he did not do this while in the flesh, for I am certain that he could have had more enjoyment sitting on the opposite corner musing on this unsurpassed monument, or seated within enjoying the education or entertainment of the multitude, than he ever might have found in the scenery of the city park. It has always been a mystery to me why men contemplating great things with their money always hold onto it until death comes, trusting some unknown parties to distribute it or quarrel over it. In probably ninety cases out of a hundred their money is squandered, diverted, or stolen. But in this case, let me here say, George Smith's trust has been kept most faithfully.

But George Smith has placed upon this people a very serious responsibility. I heard a prominent citizen say that he thought in ten years you would be quarreling about how to spend the surplus coming from his estate over and above your requirements. A public library is truly a part of the educational system of the town. Some folks think it will be your duty to accommodate the public. No! not unless you are doing the public some good! You need to be careful of a book. Kingsley says, "Except a living man there is nothing more wonderful than a book." But it must be a good book. The world today is full of trashy books, many of them suggestive only of meanness and absolute immorality. There are plenty of high-standard books for the entertainment of people of leisure, without furnishing the debasing dime novel, the lurid and sensational story of the reckless or the lawless. Beware what you put in the hands of boys and girls. There is a general complaint that public libraries are too much given to that which is trifling in the realm of reading—to the time-killing novel, an aid to people who have not much to do—while the busy man, who wants to know a fact in the least possible time, complains that the public library is not as useful as it might be. I find, however, that in many libraries in different sections of the country, there is a tendency to press down the per cent of fiction, good, bad and indifferent, and make the library an important instrument of public education rather than merely a source of entertainment.

The people do not keep sufficiently informed on public business. I have always been earnestly interested in public documents. How many people in this town keep posted on what the state officials are doing? Three years ago, when it was announced that the Smith Library was a sure thing, the Historical Society filled eight boxes with the publications of the state of Kansas, and they are now in the basement of the state house awaiting your readiness. These publications are growing scarcer with each year, and many of them it will soon be impossible to find. The constitution of the state directs that all transactions of her public officials shall be printed for the information of

the taxpayer, the citizen, and the official. A great printing establishment is maintained by the state, and thousands of dollars are expended annually in carrying out this mandate of the constitution. Seventy-five per cent of this printing is not needed for the routine work of public administration. The general public does not get the use of these documents, though the money is expended largely for this purpose. To make them accessible, it strikes me, should be the very beginning of library work in Kansas—to show the people what they themselves, or their agents, are doing, and how it is being done. The government of the United States, and each state for itself, is publishing volume upon volume concerning public affairs. These are not accessible for all nor possible for all to possess, but they are of exceeding value to every citizen, and when placed in a public library and their use directed by a public custodian, the volumes are worth dollars and dollars to the taxpayer, the citizen and the official; but as at present treated they are so much waste plunder. The legislature of 1907 ordered an expenditure of about \$6,000,000. A member told me he thought about ninety per cent of the representatives and senators go to the capital without the slightest knowledge of the details of this enormous business. Who is to blame if they make mistakes? I believe the public library should assume its share of the responsibility, and the librarian is not doing his or her duty who is not caring for public documents and directing attention to their contents, so that the stockholders in this great state may know their own business as the stockholders in a corporation know theirs.

It is reported that in the great Newberry Library, Chicago, public documents have been found of the utmost use in nearly every line of reference work, and if the public does not appreciate their direct commercial and scientific value it must be due in large measure to ignorance of their contents and lack of appreciation of their importance on the part of the average librarian. Says William Stetson Merrill of the Newberry: "It is the function of the public library to possess and furnish this information, nay, to force it upon the attention of the people who would be benefited by it." And further, "Their function in the future is destined to embrace commerce, statesmanship and applied science to a far greater degree than they have heretofore done, and in performing this service they can not afford to overlook the official publications of our country and other countries." It is a great pleasure to me to congratulate you on starting in with an expert librarian, for you see there is something more to it than to keep the books right end up on the shelves; the inside of the book is of the greater importance.

Never become frightened at the quantity of books. A public library must meet the needs of the community in which it is located—not always the tastes of everybody, mind you—only the demand of all for knowledge or information. It will be but a little while until you will need the second story to your book-stacks, and there are those present who will live to see two-story stacks along out to the east front, and if by that time you have more surplus than you can use just elevate the roof fifteen or twenty feet rather than quarrel. I was at church one night a year or so ago and heard the preacher read from Ecclesiastes, "Of making many books there is no end." That was not included in my Biblical lore, because I really thought some philosopher of the last twenty-five years said that, and so my mind was prepared for the statement that Cicero's library was so large that he employed

regularly a binder to keep his books in repair. I am amazed almost every day at the calls made upon us in the Historical room. A week or so ago we gave a leading lawyer a statement of the number of hours and minutes of full moon in each month during the year 1864. We have forty or fifty volumes of railway guides, and we had a man spend half a day looking through them, interested in how many minutes there were at given points between trains. A \$20,000 damage suit was settled in court on a two-line personal notice in a newspaper. A half a day's search for the age of a person once saved a boy from the penitentiary. Every hour in the day we have callers who want some simple, plain fact, the purpose and effect of which is, in a majority of cases, startling and unusual. So do not despise a book, no matter how insignificant, for it doubtless will contain a fact or more of use to some one at some day.

Do you people of Junction City realize the value and importance of the institution now established, and your good fortune in having it without cost? Probably a few of you know of the rapid and widespread extension of library work throughout the country, and of the demand in densely populated manufacturing districts, since the apprenticeship system has been destroyed by labor unions, for technical books for workers, with educated librarians to handle them. In several places in large manufacturing districts the library has invaded the shops, and the results are most surprising. The time is not long since the idea was that the use of a library was purely mental and moral. I quote from one report of a librarian who says that she heard very much less slang among factory girls than among high-school boys and girls. Every industrial pursuit in this town, or in the country for that matter, as well as agriculture, horticulture, etc., should be represented on these shelves by the best authorities or the latest results in each line of work. One report about this feature of usefulness says that, in four years, while the population increased about sixteen per cent, the use of technical books increased one hundred and forty-five per cent. A textile designer declared that his company was able to beat competition because of the freshness of the designs he obtained from the library. A young mechanic raised his own wages from two dollars and fifty cents to three dollars and fifty cents per day, because of what the books furnished him. The public library of Cincinnati is visited daily by about three hundred persons, most of the men being manufacturers and experts, engineers, chemists, electricians and artisans. In Grand Rapids, Mich., in a couple of months recently two thousand eight hundred and thirty-two persons registered at the public library, and of this number one thousand one hundred and ninety-three indicated their occupations, covering one hundred and sixty-seven different kinds of labor. The public library in the past has been limited to that portion of the public who work with their heads. The public library of the present and the future must look more and more to the demand of those who work with their hands. As one writer puts it: "Coopers and carpenters, tinsmiths and plumbers, should find as much technical help upon its shelves as clergymen and professors; and the mason's apprentice should be treated with as much regard and generosity as the college student. The young man from a pork-packing establishment or a soap factory should not be allowed to go out empty-handed any more than the scholar who asks for the dramas of Euripides or the works of Kant."

Some friends at Aurora, Ill., last January told me a story illustrating this

idea of help from books of special instruction along business and material lines, and of interchange of observations and experience. All realize that we are going at a rapid pace, and that we accomplish much more than our fathers did. A German in that neighborhood in Illinois bought a farm of two hundred acres at fifty dollars per acre. He was thirty years in paying for it. About the time the debt was paid he graduated four boys from the Illinois State Agricultural College. The first thing the boys wanted of the old man was that he buy two hundred acres of land across the road from the old farm, at two hundred dollars an acre. It does not require much imagination to see how high up in the air the old man ascended. But the boys prevailed and he gave a mortgage on the old farm to buy the new. The boys paid for the two-hundred-dollar-an-acre farm in five years. Then the old man placed the interest he had paid and the labor of thirty years against the cost of the schooling he had given those boys, and he will ever be in a bewildered state of mind. Now eliminate any natural advantages the boys might have had over the father—because, you know, some boys take after the mother—and the thing called luck, which some have and others do not, and there is still a wonderful difference in that land deal to be accounted for. Last October I visited a couple of days on a farm in Lincoln county. I was a little curious to know how it was that my friend had but one hundred and sixty acres and the neighbors around each had three or four times as much. He remarked, "A few years ago when we were all land crazy, I concluded to put my surplus in my boys and girls and not land. Two of the boys graduated from the State Agricultural College; I know they can beat everybody in this neighborhood farming, but they don't have to farm—each has a professorship, one down in Massachusetts, and one out west, telling other people how to farm." This is the way the world is whirling along in this age, and this neighborhood must keep up.

You know there are many children in every town who never see great pictures. Modern educators know that pictures help wonderfully. This is another line in which I did much scolding. Of course there have been and are mossbacks everywhere, but our mossbacks in the early days always thought that four square walls, with a few holes for windows were sufficient. There is not enough architecture in the town. You have started off this enterprise very handsomely, especially with this delightful interior finish; but furnish these walls and tables with good pictures.

You see there is no limit to the usefulness of this gift of George Smith. We might talk indefinitely of the advantages of a well-ordered public library.

This place should be a depository of everything of local interest. The biography and photograph of every citizen of the county, male and female, should be preserved here. You have no idea of the constant search going on for lost members of a family, for persons to perfect legal papers or titles, and in the study of genealogy. Every scrap of paper containing anything printed in or about the town, or any person living in the town, should be deposited and faithfully cared for. There can be no record or history without the local newspaper files. During the past ninety days we have written probably three hundred letters addressed all over the country inquiring after men who held various positions in territorial and early days of statehood. In one town in this state, where we had occasion to write ten or a dozen times, the responses invariably came from the public library. They seem to have there

the facts and dates about everybody possible in the community. Here is a splendid place and opportunity to cultivate local pride. A few months ago I had some correspondence in an attempt to locate the site of the first building erected in Junction City. There is some difference of opinion as to whether it was on this corner, or diagonally across the street on the Wiley corner. But I ran across the fact that prior to the days of Junction City, Davies Wilson, representing the Millard Town Company, had a frame shanty on this site. If it was definitely known that it was on this corner the front of this building should bear a bronze tablet showing the fact. There is much of this sort of interest existing all over Kansas, and Junction City should not lag in showing pride in her past. What we have here has cost much toil and sacrifice, and as good people with as pure purpose as ever lived have contributed to what you have to-day.

I am truly glad that Junction City escaped the Carnegie library humbug, and I congratulate you. There are about fifteen hundred libraries upon which the gilded ironmaster has placed his sculptured bust at an expense of some fifty million dollars, and there are several hundred communities also which have turned down the Carnegie gifts for various reasons. In Pittsburg, Pa., the city controller gives the Carnegie system some hard knocks. A Carnegie library in that city which has received from the city more than one million dollars has one hundred and ninety-four thousand volumes on its shelves and a pay-roll as long as the moral law. "Last year," the controller says, "out of one hundred and fifty-eight thousand dollars given it by the city it allotted thirty thousand dollars for books, fifty-two thousand dollars for care of the library, and forty thousand dollars for care of building; or a total of one hundred and twenty-two thousand dollars to care for and circulate 194,000 volumes, a rate of sixty-three cents a volume. As the library stands now it certainly has outlived its usefulness, and outgrown in its demands any fair measure of help this city could be expected to give. Its endowment by private subscription is the only other alternative." And the controller in New York says Mr. Carnegie has succeeded in his six-million-dollar offer in handing Greater New York a pretty sizable gold brick. Louisville, Ky., has placed itself in a position of defaulting on its library contract. A British critic in the London Academy says that Mr. Carnegie ignores the fact that library buildings without books are veritable mockeries, and that the best library administered by a man who is not a librarian can not produce the best results, and he fears that he cares more for the bronze medallion of himself which adorns the libraries which he has built than for the books and the librarians that are their breath of life.

At a recent corner-stone ceremony in Glasgow Mr. Carnegie complained that English librarians were not up to the standard, and a librarian over there came back at him with the statement, "that by building bookless, incomeless libraries he has done more than any man to bring ill-equipped persons into the profession."

But the smaller towns with their fifteen thousand, twenty thousand or thirty thousand dollar library buildings are the ones that will suffer under the system of a building without books or salaries. The Carnegie requirements are that each locality must contract to raise ten per cent of what he gives for maintenance. I despise the practice of a man with millions giving on condition that others, who have but little, give also. It is an unreasonable

and unjust tax for a town of five or six thousand people to raise two or three thousand dollars for library purposes, when the greater portion must go into salaries, leaving but a trifle for books. Such communities are up against it, and sooner or later must fall down, after the enterprising women of the town have worn themselves out with suppers and fairs and teas in support of the fake. I have heard of several ambitious towns where the pain has become acute, and a groan will soon follow. I mention this to emphasize your good fortune.

Junction City started under some disadvantages. It was to some extent a proslavery settlement, and while there were many good fellows in that element, they were not town builders, and things went slow. The government at Washington was determined to force Kansas into the Union as a slave state, to appease the South for its loss of equilibrium in the United States senate through the admission of California as a free state, and the neighborhoods of government posts were affected. You may be surprised to know that threats were made early in 1861 that the flag should not be raised in Junction City, and that a Palmetto flag was raised. There was a bunch of Maine, Massachusetts and New York boys here then who promptly accepted the challenge, and the flag went up and the Palmetto flag came down, resulting in a small riot in which William S. Blakely received an ugly cut from a dirk knife. This excitement culminated in the organization and enlistment of company B, Second Kansas infantry, and the Palmetto boys went south. One of them, W. W. Herbert, became colonel of a South Carolina regiment, and was taken prisoner in one of the battles in Virginia. A member of our first state legislature [1861], only a few months ago, told me with tears in his eyes, that as the Junction City boys marched by on a street in Topeka the legislature quit work to see them, and that he thought then that J. R. McClure at their head was the proudest man that ever strutted down the pike. The boys covered themselves with glory at Wilson Creek. And they were good stuff. The record of the battle of Wilson Creek shows that the First Kansas regiment lost fifty-one per cent in killed and wounded of those engaged, and the Second Kansas held its line as straight as an arrow for six hours, and came off the field in as good order as they went on. And they had been mustered in but about three months. As near as I can recognize the names in the adjutant general's report, there are seven members of company B still living: Major E. S. Stover, Albuquerque, N. Mex.; Alexander H. Lamb, Norwood, Mo.; John Doryland and Theodore Jones, Junction City; William H. Lamb, Lincoln, Neb.; William H. Morris, Pittsburg, Kan. and Jerome Walbridge, of Wakefield. The white stripes of the flag presented to company B at the southwest corner of the park, by the women of the neighborhood, are now in a glass case in the Historical rooms in Topeka.

But this is a digression. The coming of the first schoolhouse, considering the pressing necessity of growing children, was slow and wearisome. But when the schoolhouse came and the business of education got on its feet, your schools speedily took rank with the best in the state, and they have not only uniformly held their own but have gained in strength. No town in Kansas has turned out a finer bunch of graduates than has Junction City. I have looked over the names with a view of mention, but that would be impossible without repeating the entire list. There are more than one hundred, scattered from Boston, New York and Philadelphia west to the

Pacific coast, who have achieved success and prominence in all lines of professional and business activity. And as I have studied the list and followed them they are all clean boys and girls, thank God. On the wall facing the elevator in the Historical rooms is a collection of the pictures of the presidents of the State Teachers' Association, which was used at the World's Fair in St. Louis. There I see H. C. Speer, George W. Winans and G. W. Kendrick, three presidents of the State Association, and two of them also state superintendents of public instruction. Every day as I pass that group I am constrained to say, "Well, old Junction has always done herself proud in that line of work." And everybody concedes that your educational interests are in as good hands to-day.

You have all heard the joke about bringing old people out west to start a cemetery. Junction City, without question, has the handsomest place for the dead of any town in the state. There are on the point of the hill northwest of town from one hundred to one hundred and fifty bodies lost in a feed lot and plowed ground. The shamelessness with which bodies were in those days chucked into the ground would be to-day beyond belief. Forty years ago I was a chronic scold about various things the town should have had, and especially about this burial custom. Nobody had been buried who had left friends sufficiently interested to protest. But the morning after John A. Anderson's mother was buried the son came up to a group standing at the foot of a lawyer's stairway and remarked, "This town must have a cemetery." The four or five men addressed responded, "Let's go upstairs and organize." A charter was drawn up and signed, Anderson was elected president, with authority to go ahead and do as he pleased and all would back him. The first thing the rest of us knew about it he had bought forty acres of land, contracted for the stone fence, and had a landscape gardener on the ground, letting us all in for about three thousand dollars. In a short time Anderson had a public sale on this corner of lots in the cemetery, which brought three thousand and two hundred dollars. For any anxiety or disagreeableness on my part I was amply repaid by an incident which happened in Los Angeles, Cal., about two years and a half ago. My wife and I were doing the Pacific coast, and at Los Angeles were the guests of Mrs. S. M. Strickler. One evening she took us out eight or ten miles to some suburb to call upon Mrs. R. S. Miller, another Junction City widow. Mrs. Miller's first remark was, "I will never forget you." I desired to know why? "You know," she responded, "that you were all the time scolding about a cemetery: you were in the bank one day and the subject came up and you ranted furiously, closing with the statement: 'Well, I suppose that when Sam Strickler's wife or Bob Miller's wife dies we will have a cemetery.'"

But there is one thing still lacking. The church spirit of the town is woefully weak. Give the church the same force and standing enjoyed by other lines of usefulness, goodness and pride. No matter how indifferent you may be toward the church to-day, there is not one of you who would live in a town without it. There are but three churches in the town fit to look at from the outside, and they are the only ones running on full time. The others starve out a preacher once or twice a year, and their buildings are as wearisome to the eye as the dilapidated corners I have already referred to. All these uplifting instrumentalities enhance the value of real estate, advance business, and make life easier and more enjoyable. I believe it is

literally true that as you give so shall it be meted out to you. There are abundant evidences in this world to show that the "tither," the man who obeys the injunction to give ten per cent. of his income to the Lord, is in every case a uniformly prosperous man. But we lack the nerve to whack up and try it. It was Judas who kicked on the extravagance of Mary who anointed the feet of the Savior with ointment of spikenard, because it might have been sold for three hundred pence and given to the poor. And it was Josh Billings, I think, who, discoursing on this incident, said: "Remember the poor—it won't cost anything to remember them." This community should show its love and gratitude by doing something better than it has done. We must get closer to the supernatural—we can not eliminate the religion of Jesus Christ from the affairs of this world. The church is the greatest help to humanity, and the most powerful force in the world to-day. There is such a thing as character to a town as surely as there is character to an individual, and the town makes its own character as does the individual. The church gives that only which is good in influence and character to a community, and always attracts the best element of population. Many of us have seen all there is in Kansas grow from nothing, and we know that some points had a better start and better advantages than others, not only in material things, but in sentiment, morals, and reputable leadership, and that they have profited thereby. Before I die I want to see it demonstrated that a soldier town can be as good and nice as a college or any other sort of town. Put all the branches of the church at work on full time, and on a broad and liberal scale. Many earnest and godly souls have put in good work in Junction City, and we have the best of assurance that some day you will reap. But you must sacrifice and aid. It is not that those interested are not doing all they can, but that in a population of six thousand there ought to be more help.

It is twenty years since I moved away from Junction City, but I never quit her. As loved ones are added to those resting in Highland, the attachment becomes stronger, and so I feel very proud of your invitation to be on the program. I am just as sensitive to any reflection upon the town as when I had to fight her battles. The older ones among you will remember that it was not only my duty to stand up for Junction City, but to everlastingly pound other towns around us. The local rivalry was great. Some four or five years ago I was traveling from Kansas City to Topeka on the Rock Island. I gathered from the conversation of two gentlemen behind me that they were from this neighborhood, and I became desirous of breaking in. "Where are you gentlemen from?" I asked. "From Riley county, near Manhattan," was the response. Then I remarked that I had lived, all told, about twenty-eight years in Junction City. "My, what a tough town that is!" said one of them, and my hair raised the hat off my head. The only impulse I had was to get even. Shortly I remarked, "I see Bill Jones (that was not his name) passed in his checks at Manhattan the other day." "Yes," one said, "Bill had to go." And then as gently as the circumstances would admit I called up an old-time fact: "My, the drug store whisky that man spread over western Kansas was worse than any band of scalping Indians that ever roamed," and the admission came quickly from both of them: "Yes, and he made it all himself—made it all himself."

So the heart is still in me to stay with you. If I scolded long ago, it was for your good. If things did not develop fast enough to suit me I am sure I ought to rejoice that I am still here to celebrate with you on this occasion. Fifty-one years in Kansas has enabled me to see it all, and if I go the time allotted my family, I will be a wonderfully favored man. May you always keep before you the purpose of George Smith, and administer his trust in the interest of knowledge and in the uplifting of the community which he sought to bless.

WOODSON COUNTY COURTHOUSE.

Address delivered by JUDGE LEANDER STILLWELL,¹ at Yates Center, August 9, 1899, on the occasion of the laying of the corner-stone of the courthouse of Woodson county.

Mr. President and Fellow Citizens:

I congratulate the people of Woodson county upon the notable event which you have assembled to witness to-day. The laying of the corner-stone of the beautiful and substantial temple of justice which is to be erected upon this spot marks a most interesting epoch in the history of Woodson county. And I trust that I may be permitted to say, without danger of giving offense to any one, that, all things considered, it was certainly high time for the good people of Woodson, regardless of party or locality, to unite and take the necessary action towards erecting a suitable courthouse for the use and benefit of the people, and for the safety and preservation of the public records. For a period of forty-one years, at least, Woodson county has been organized and doing business. It has been in existence, both in fact and law, for all that space of time, but during all these long years it has possessed no courthouse worthy of the name. And while I am not a resident of your county, and own no property therein, and am not pecuniarily interested one way or the other in the erection of your public buildings, nevertheless I will admit that for many years I have taken a lively interest in the often discussed and much agitated question touching the building of a new courthouse in Woodson county. And if any of you should be curious enough to want to know my reasons therefor, I think I might safely refer you to any of the intelligent and reliable gentlemen who have served as jurors at the June terms of the district court in your county for many years past. I think those gentlemen, by the time their term of service as jurors had expired, were just as fully impressed as the judge of the court ever was with a painful sense of the absolute physical inconvenience and discomforts of our surroundings in the court room.

But to avoid being misunderstood, I wish to say that, apart from the matters just indicated, it has always been a pleasure to me to hold court in Woodson county. The dockets are generally light (thanks to the peaceful disposition of your people), and hence the labor is not so great as it is in the other counties. The lawyers of your bar, like their brethren in other parts of the district, are able and honorable gentlemen, and the personal and official relations existing between them and the present judge have always been of the most pleasant and friendly character. The people of your county in

1. For biographical sketches of Judge Stillwell see Kansas Historical Collections, vol. 9, p. 65, and vol. 11, p. 296.

general, regardless of party distinctions, have always been exceedingly kind to me, and when I come here to hold court, or otherwise, they meet me with smiling faces, and with words of kindness on their tongues. And while all these things were, and are, unspeakably pleasant and agreeable, yet they could not lower the temperature or ameliorate the general physical conditions that obtained at the June terms of court in the court room in the building on the northeast corner of the square, by courtesy denominated a courthouse. I know whereof I speak, for I have been taking what might be called the Turkish bath treatment in said structure at every June term of your court since I went upon the bench.

I said at the beginning of my remarks that Woodson county had been organized and doing business at least forty-one years. Its mere legislative establishment, however, as a county, dates back still farther. It was created and its boundries defined forty-four years ago, by the first territorial legislature that met in the then territory of Kansas. And although since its creation its boundaries have been considerably changed, yet, as one of the political subdivisions of the state, it has had a continuous legal existence under its baptismal name of Woodson from sometime in the summer of 1855 to the present day. There were also about thirty-five other counties created by the same legislature that gave Woodson county a local habitation and a name. As you doubtless all know, this particular body of lawmakers has passed into history under the name of the "Bogus Legislature," in consequence of certain irregularities, to put it mildly, connected with their election. Most of the counties they created were named after prominent statesmen of the South. Among them were Jefferson Davis, then Secretary of War under President Pierce, and later President of the ill-starred Southern Confederacy; John C. Breckenridge, afterwards Vice President of the United States, and who still later held high military and civil rank in the Confederate states; Andrew P. Butler, a United States senator from South Carolina; Robert M. T. Hunter, who held a similar office from Virginia; and Henry A. Wise, governor of Virginia, and who, as such, signed the death warrant of old John Brown.

In the fullness of time, however, the free-state men, as they were called in those days, came into power in Kansas, and controlled the territorial legislatures, and they forthwith proceeded to make sweeping changes in the matter of the names of counties. Many of the names which had been conferred by the "bogus legislature" were changed by the legislature of 1859; others were changed at a later period.

But for some reason which is to me unknown, the pen of the lawmaker was stayed when he came to the name of Woodson; and as I remarked before, the old county still bears the appellation given it when there was not, as I understand it, a resident white man within its borders, with the possible exception of some enterprising Indian trader. There is some conflict among authorities as to whom this county was named after. Andreas, in his "History of Kansas" (popularly known as the "Herd Book"), on page 1189, says the county takes its name from Governor Silas Woodson of Missouri. On the other hand, Webb Wilder, in "Annals of Kansas," says the county was named after Daniel Woodson, who was the first secretary of the territory of Kansas, and who also acted at various intervals as the governor of the territory by virtue of his office as secretary. It has always been my opinion,

and I think it can safely be stated as the historical truth, that the county was named after Daniel Woodson. Ex-Senator John Martin, of Topeka, now the respected and honored clerk of our supreme court, held the position of assistant clerk of the house of representatives of the territorial legislature which created and named Woodson county. He was then a young man only twenty-one years of age, fresh from the back woods of Tennessee, and had come to Kansas a *bona fide* immigrant, intending to "grow up with the country." Believing that he must be familiar with the official acts of the body in which he held the aforesaid position, I recently addressed him a letter of inquiry on the subject of the name of this county, to which I received a reply as follows:

"My dear Judge:

"TOPEKA, July 26, 1899.

"You are entirely right about the name of Woodson. The county was named in honor of Hon. Daniel Woodson, who was secretary of the territory in 1855-56, (and part of 1857, I think,) and frequently acted as governor during those years. He was from Lynchburg, Va., and a most excellent man. Gov. Silas Woodson was not even thought of in connection with the naming of the county.

Truly your friend, JOHN MARTIN."

"HON. LEANDER STILLWELL,
Erie, Kansas."

In 1870 Governor Woodson moved to Montgomery county, in this state, and resided there until his death, which occurred sometime during the year 1895.² Ex. Gov. Lyman U. Humphrey, in answer to a note of inquiry from me, writes about Governor Woodson as follows:

"INDEPENDENCE, KANS.

"Hon. L. Stillwell, Erie, Kansas.

July 26, 1899.

"DEAR JUDGE: Yours received concerning old Daniel Woodson, known here as Gov. Woodson. I knew him quite well. Think he located in this county about 1870, and died at Coffeyville about 1895. He was a poor man (in this world's goods), was a printer and worked at his trade on the local papers at Coffeyville. Also served some time as city clerk of that city. During the years of his residence here he was a very quiet, pleasant-mannered old man, and was quite generally liked and respected by his neighbors.

Yours sincerely, L. U. HUMPHREY."

And now, after the passions of men have subsided, passions wrought to fever heat by the intense strife of those early days, and better and kinder feelings have resumed their gentle sway, it would seem, in the light of history and the testimony of reliable living witnesses, that Woodson county was named after a kind-hearted, upright and honorable man, and therefore has no reason whatever to be ashamed of its name.

When the territory of Kansas was created by the passage of the Kansas-Nebraska bill on May 30, 1854, it had within its limits, exclusive of a few companies of regular soldiers, only about six hundred white people. They, in the main, were clustered around the army posts of Forts Leavenworth, Scott and Riley, and the few missionary stations among the Indians. In geographical extent the territory extended westward from Missouri to the

2. Daniel Woodson died at Claremore, I. T., October 5, 1894. His failure in health dated from early in August. In September, believing a change would be beneficial to him, he was removed from his home in Coffeyville to the home of his son, M. D. Woodson, in Claremore. Governor Woodson was born in Albermarle county, Virginia, May 24, 1824. His remains were taken back to Coffeyville and thence to Leavenworth for interment.

summit of the Rocky Mountains, and northward from the 37th to the 40th parallel of latitude, embracing an area of 126,000 square miles.

As Prof. L. W. Spring, in his history of Kansas, eloquently says:

"The history of this vast, mid-continent region belongs mainly to yesterday. Barely the life period of a single generation has elapsed since civilization touched it otherwise than casually and fugitively."

The state of Missouri was admitted into the Union in 1821, and from that time until the adoption of the organic law for Kansas territory, in 1854, all the immense region west of the state of Missouri to the Rocky Mountains and northward to the British possessions was virtually the home of wild men and wild animals. The name by which it was known in the official archives of the nation was simply "The Indian Country," and in the atlases that the school children used when I was a boy it was labeled "The Great American Desert." When Kansas territory was created, forty-five years ago, small need was there then in all its vast domain for courthouses, or judges, or lawyers, or any of the mechanism of legal jurisprudence. About the only law then known to human beings within its borders consisted of the few stern words which would fall from the bearded lips of the regular officers of the old army, or the gentle moral suasion which the black-robed priests and their Protestant colleagues sought to exercise within the confines of their few and isolated missionary stations. Outside of and beyond this, such a thing as human law to guard the interests of society, or to protect the weak against the strong, simply did not exist.

Carry yourselves back in your imagination, if you please, to some beautiful May morning only forty-five years ago, before the protecting hand of law and all the benign influences of civilization had been extended over this vast scope of country. Place yourselves, at that time, on this broad and elevated plateau where we now stand, and conceive, if possible, the scenes and conditions which would then have met your vision! As far as the eye could reach stretched away what Longfellow has so strikingly described in *Evangeline* as—

" . . . the wondrous, beautiful prairies,
Billow bays of grass ever rolling in shadow and sunshine."

I doubt if the natural forest then existed which now clothes this high divide on which your city stands. But possibly, interspersed along the banks of these neighboring streams, were scattered groves and thin belts of timber that had escaped the destructive prairie fires, which in those days raged without let or hindrance. Herds of buffalo could then be seen quietly grazing on these broad savannahs; and the skulking wolf would spring up from the grass, almost beneath your feet, and swiftly scurry away. Possibly, at some remote point between you and the horizon, following some lonely trail, you would detect a roving party of Indians, mounted on their ponies, bent upon some hunting or marauding expedition. And over all this wild and impressive scene prevailed the most profound silence. Not the song of a bird, the bark of a dog, or the ring of the woodman's axe broke the intense solitude of these mighty prairies. On such an occasion a man is impressed with a crushing sense of his own littleness and insignificance, as he stands solitary and alone, face to face with Nature fresh from the hands of God.

And after you have sufficiently looked upon this picture, come back to

the conditions which obtain here now in these closing days of the nineteenth century. The restless Anglo-Saxon has come. The Indian and the wild animals which gave him nurture and support have vanished forever. The white man has brought with him the hoe, the plow, his school books, and the Bible, all the agencies of civilization; and has established a government based upon law, which is simply the intelligent will of the people as expressed in constitutions and statutes. The thrift, the energy, and the elevating forces of enlightened men have superseded the powers of indolence, ignorance, and barbarism. The wilderness has indeed been made to blossom like the rose, and as the eye now rests on beautiful and highly cultivated farms and thriving and prosperous cities and villages, well may we exclaim, in the language of the prophet of old, "How beautiful are thy tents, O Jacob, and thy tabernacles, O Israel!"

But it is well for us to bear in mind and never forget that our present prosperous and happy condition has been attained only by continuous and untiring fortitude and exertion. The motto of the state of Kansas, "*Ad astra per aspera*," was happily chosen, and is full of significance. I am not a Latin scholar, but I understand these words, freely translated, mean, "To the stars through difficulties." By slightly paraphrasing a verse of a good old hymn we get the same idea in the following words:

"We were not carried to the skies
On flowery beds of ease,
But bravely fought to win the prize,
And sailed through bloody seas."

We are all familiar, more or less, with the desperate and far-reaching conflict between the forces of freedom and slavery that was fought out on the plains of Kansas from 1854 to 1861.

During that eventful period Kansas was the political storm center of the entire nation. The great issue contested was whether these broad and fertile prairies should be consecrated to the intelligent and compensated work and skill of free men, or whether, on the contrary, they should be surrendered to the blighting and palsyng control of ignorant and unrequited slave labor. Freedom won; and I do not suppose that there is a living soul in Kansas to-day who would now have it otherwise.

I shall not undertake to speak at length of those struggles of the territorial days. I shall only allude to a few things which have a local interest. During the six years and a half that Kansas was in a territorial condition we had four different constitutional conventions. Three of these, to wit: those known as the Topeka, the Leavenworth, and the Wyandotte conventions, were controlled by the free-state men; the other, the celebrated Lecompton convention, was proslavery throughout. The framers of the Lecompton constitution, in submitting it to the people, gave them no opportunity to vote against it as a whole; they were only permitted to vote "For the constitution with slavery," or "For the constitution without slavery." The free-state men, therefore, did not vote at all at the election provided for by the convention. But acting Governor Stanton called the territorial legislature together, and that body enacted the necessary legislation to enable the people to vote directly for or against the Lecompton constitution. By virtue of this authority, an election was duly held throughout the territory on the 4th day of January, 1858, the result being nearly all one way, against

the constitution. Woodson county at this election polled just fifty votes and every one was against the Lecompton constitution.

On August 2, 1858, by virtue of certain congressional legislation, Kansas again voted on the Lecompton constitution, and again rejected it by an overwhelming majority. On this occasion Woodson county polled one hundred and twenty-one votes against the constitution, and only two for it.

In the meantime, however, delegates had been elected to a third constitutional convention, which is known in history as the Leavenworth convention. This body framed a constitution which was adopted by the people of the territory, but Congress took no definite action upon it. I find that Woodson county furnished a delegate to this convention of the name of R. Austin. What finally became of this gentleman, and whether he is now living or dead, I do not know. The Wyandotte convention was the next and the last. It met at Wyandotte, July 5, 1859, and framed the constitution under which Kansas was admitted into the Union on January 29, 1861. With the addition of the few amendments which have been made from time to time, it remains the organic law of the state to-day.

Woodson county had a delegate to this convention also, whose name was Samuel E. Hoffman. From Wilder's Annals I learn that he was a lawyer by profession, and quite a young man when elected a delegate, being only twenty-five years of age. About twenty years ago he went to St. Louis, Mo., where he still lives. He engaged in the banking business in that city and is said to have become quite wealthy.

There are many other interesting events connected with the early history of Woodson county which I would like to notice, but the lack of time prevents, and I shall briefly allude to one or two other matters only. I well remember the first time that I attended a sitting of the district court in this county. It was at the November term, 1869. I had come to the state about eighteen months previously, but owing to the fact that I was not overwhelmed with clients in those days I had no legal business to call me to Woodson county until at the term of court just indicated. The county seat was then at Neosho Falls. Court was being held in a ramshackle two-story frame building, which was situated, as I remember, on the east side of the principal street running north and south through the village. The court room was in the second story of the building, and one gained access to it by means of a flight of rickety stairs built on the outside. The stairway was not an entire, solid structure, but was built on the ladder plan, with open steps. I remember that at intervals some of the steps were gone, and consequently where those gaps occurred one had to ascend something after the fashion of a sailor climbing the main mast. The court room proper was small and stuffy, with the ceiling villainously low. No matting or carpet of any kind was upon the floor, but in lieu thereof it had a top-dressing about half an inch thick of fresh, green-timber sawdust. Scattered around promiscuously were a number of improvised spittoons, made of wooden boxes. The contents had boiled over, and ran trickling into the adjacent sawdust, coloring it a rich dark brown. Judge John R. Goodin was upon the bench, and the case on trial at the time was entitled "The Town of Leroy against W. W. P. McConnell and N. S. Goss." It was an action of replevin, involving the right of possession to the printing press, type and materials used in printing a weekly newspaper, the *Frontier Democrat*, I think, then published in Neosho Falls.

Col. W. A. Johnson, of Garnett (now the presiding judge of the Kansas court of visitation), was attorney for the plaintiff, and Judge R. M. Ruggles, of Emporia, for the defendants. The trial resulted in favor of the defendants. The case was taken to the supreme court and the judgment of the trial court affirmed. It is reported in the 8th Kansas reports, at page 273. I have a pretty distinct recollection of every lawyer who was in the court room on that cloudy, chilly November morning. Those from abroad were Colonel Johnson and Judge Ruggles before mentioned, W. B. Parsons of Burlington, and that inimitable old war-horse, Judge Eli Gilbert, of Humboldt. The local attorneys were C. B. Graves, W. H. Slavens, W. E. Grove, Peter Bell, W. A. Atchison, and (I think) a young man by the name of Pettit. Judge Goodin, Ruggles, Parsons, Slavens, Bell and Atchison are all dead. Graves went to Emporia; was elected judge of that district, and served as such for several terms with honor to himself and satisfaction to the people. Grove went to Michigan; was there elected circuit judge, and served in that capacity for some years. I have no recent information concerning him and I do not know if he is now living or dead—and the same is true of Pettit. Judge Gilbert retired from the practice some years ago, and is now living in Lawrence, in this state.

This, my first visit to a sitting of the Woodson county district court, was only a little less than thirty years ago, and it is somewhat saddening to think that so many of the lawyers I met on that occasion have since passed to the great beyond, and that not even one of those who survive is engaged in the practice of law in Woodson county.

The county seat of Woodson, like the dove that Noah let loose from the ark, has in its time done a reasonable amount of traveling, seeking rest. In 1873 it was moved from Neosho Falls to Kalida, and the next year from Kalida to Defiance. In 1876, Yates Center carried off the prize, and from the proceedings of to-day the most casual observer would infer that it is still here.

Just another thought or two, and I shall conclude. So long as we have civilized government, and men are subject to the ordinary vices and frailties of poor human nature, just that long courthouses, and judges, and lawyers, and sheriffs, and jails and penitentiaries too, are indispensable. But has it ever occurred to you, my friends, that it is in the power of enlightened human beings to virtually dispense with all such adjuncts to civil government if every man would only square his actions by the Golden Rule? If we would all tell the truth, and pay our debts, speak no harm of our neighbor, and keep all our evil and hurtful passions under control, this world then, in my opinion, would very nearly approach the standard of the Christian's heaven. You would have comparatively little use for your new courthouse in such a state of society. And it would come very near doing away, too, with those at present useful and indispensable classes of citizens, to wit: doctors and ministers. For if we would only conform to the simple laws of nature and avoid all manner of excesses the doctor's occupation, in the main, would be gone. And if we would, of our own motion, obey the laws of God, and live up to the sublime teachings of the Man who walked the shores of Galilee nineteen hundred years ago, what necessity would there then be, I say it with all due respect, for even the ministers?

It is sometimes the custom to engrave in deeply chiseled letters on the

stone arch over the main entrance of public buildings some appropriate maxim or motto. I do not know whether that will be done in this case, or not; but if that were desired, and it were left to me to make the selection, the words that I would choose to have indelibly sunk in the imperishable stone, to be read by every one as he enters this building, would be that immortal command—"All things whatsoever ye would that men should do unto you, do ye even so to them." As a rule of action for human conduct, this simple, comprehensive injunction virtually covers the entire field. And when the Great Teacher uttered these words, in the same breath he fortified them by saying, "*This is the law and the prophets.*" All the knowledge of legislators and the wisdom of judges, in my opinion, has never improved, and can not improve, this heaven-born code for human conduct.

But we must deal with poor human nature as we find it, and if we are not yet far enough advanced to circumscribe our actions by the Golden Rule, then, as good citizens, we surely can live up to the laws of the land, which we, through our chosen legislators, have ourselves enacted. When a law, no matter what, has been placed on the statute books and its constitutionality has been established or conceded, then the time for cavil or discussion has passed, and it is simply our duty to obey. And I adopt as my own sentiments, and leave with you as my parting words on this occasion, the following forcible and patriotic language of John C. Spencer, one of the greatest of the American lawyers of the present century.

"Not only in theory, but in fact, a republican government must be administered by the people themselves. They, and they alone, must execute the laws. And hence the first principle in such governments, and on which all others depend, and without which no other can exist, is, and must be, obedience to the existing laws at all times and under all circumstances. It is the vital condition of the social compact. He who claims a dispensing power for himself, by which he suspends the operation of the law in his own case, is worse than a usurper, for he not only violates the reciprocal pledge which he has given to his fellow citizens, and has received from them, that he will abide by the laws constitutionally enacted; upon the strength of which pledge, his own personal rights and acquisitions are protected by the rest of the community."

NATIONAL ASPECTS OF THE OLD OREGON TRAIL.¹

By WILLIAM ELSEY CONNELLEY, Secretary of the Kansas State Historical Society.

THE Old Oregon Trail began at Independence, in western Missouri. At that point travel and commerce bound for the Great West left the Missouri river and struck out overland along this famous highway. This royal road traversed the Great Plains, the great interior basin, and the Pacific slope. It wound its tortuous course over prairie and plain, up and over the Rocky Mountains, through the great interior valleys, and emerged in the northwest at Fort Vancouver, on the Columbia, two thousand and twenty miles away.

No other American trail covered such a distance or carried such possibilities of empire. The potentiality of Kansas, Nebraska, Colorado, Wyoming,

1. This paper was to have been read at Hanover, Washington county, Kansas, September 25, 1913, on the occasion of the unveiling of a marker placed on the route of the old Oregon trail. Heavy rainstorms prevented carrying out the program arranged for and caused a postponement of the celebration, which eventually took place May 13, 1914. On account of the unavoidable absence of the secretary of the Historical Society his paper was read by Mr. W. P. Feder.

Utah, Nevada, Idaho, Washington, Oregon and California lay ready to spring into life under its vitalizing development. Its first influence was exerted on that plain forming the east slope of the great central mountain chain. The physical character of man always conforms to his environment, and we must see what manner of country this immense plain was in the last century.

The line defining the eastern edge of the Great Plains is approximately the western boundaries of Louisiana, Arkansas, Missouri and Iowa, and thence north to the Arctic ocean. Elevation is a factor in much of its course in the United States. It will be found to follow generally that demarcation indicating an elevation of one thousand feet above the sea. The western boundary of the Great Plains is the crest of the Rocky Mountains. In fixing these limits I follow closely the lines laid down by William Gilpin, by far the best authority on this subject.

The Great Plains are not uniform in climate in a given latitude, though they partake generally of the nature of the desert and arid lands of the globe. General Pike thought Kansas might support sheep and goats, and it was the judgment of Gilpin that no plow should desecrate the Great Plains outside the areas which could be irrigated. But even in his day they fell naturally into two divisions—

1. The Prairies.
2. The Plains Proper.

A general line north and south through Council Grove and Fort Kearny marked the western limits of the prairies, the fairest country in America. Beyond this line there was a different land. The buffalo grass prevailed. There was little timber—none away from the streams. In that realm was the last stand of the buffalo. It was the home of the Plains Indian. There it lay, wrapped in solitude. It was grass-grown, but desolate. At the horizon it looked like the sea. The harsh aspects of nature were softened in the dim and hazy distance, and at night the stars were brilliant and seemed to hang just above the earth. That land had its own peculiar life—the roving, restless and cruel Indian tribes, the buffalo ebbing and flowing with the seasons, the skulking wolf, the prairie dog, the rattlesnake and the owl. In its higher reaches appeared the elk, the antelope, the deer, the panther, the bear, the mountain sheep. Over the peaks soared the eagle, in the pines fluttered bright-plumaged birds, and in the mountain streams swam the beaver. To the man who once penetrated its recesses and heard its irresistible call it was as fascinating as paradise.

In that day beyond the Great Plains lay another country, new and untrodden by civilized man. It stretched to the Pacific ocean and was traversed by mighty mountain ranges, gashed by bottomless canyons, and watered by some of the great rivers of the earth. Of timber, coal, fish, furs, silver and gold it held unequalled treasure and riches. From the beginning the lines of our destiny ran west, and the entrance and penetration of this unsurpassed empire was by and over the ancient highway which we called the Oregon Trail.

When we fought our revolution and gained a place among the nations we touched our western limits at the Mississippi. Our country was divided by the Appalachian chain. The dwellers along the seaboard had little thought for the great valleys of the overhill portion of our country. To most of them it was of little consequence. The rich man is usually a sluggish and satisfied

man. He rarely troubles himself with exploration and the conquest of the wilderness. The genius and destiny of a country are perceived and carried out by the common people, those who toil and sweat, and with us the strongest men have appeared on the frontier—Washington, the Clarks, Boone, Clay, Lincoln, Benton, Gilpin, the Santa Fe traders and the Rocky Mountain fur trappers who trod the Oregon Trail.

Kentucky was the pioneer in the westward movement. Her people needed the Mississippi river, and when an indifferent government left their demands unheeded, they swore to have it even at the expense of a divided country. To appease them Jefferson bought Louisiana. That was the beginning of our greatness as a nation. The expedition of Lewis and Clark revealed to us the extent and resources of the Missouri and the Columbia and their relations to the Mississippi valley and the Pacific ocean. The men of the frontier made preparations to realize on some of the resources of Louisiana and the country beyond it. They penetrated the wilds in search of the bear and the beaver. That was the beginning of the Oregon Trail as known to the white man. The principal characters of that time were Ashley, the Bents, the Sublettes, Jedediah S. Smith, Beckwourth, Bridger, Campbell, and, finally, Captain Bonneville. They organized a commerce which yet touches the imagination, and which revealed many of the possibilities of the Great West. Their adventures fill volumes with accounts of the most fascinating wilderness-life known to any literature.

This royal highway had three eras, which, like other divisions based on time, overlapped and blended to some extent, but their bounds are substantially as follows:

1. The Romantic period, which ended in 1834, after which it was unprofitable to trap the beaver.
2. The Heroic period, which ended with the Civil War.
3. The Practical period, in which the old Trail disappeared to the use of the railroad.

The limits of this address will not permit an extended review of any of these periods. Brief mention, however, can be made of them. At this point I desire to call attention to a few dates connected with the Trail.

Captain Bonneville passed out over it in 1832. He took the first wagons through the South Pass.

Fort Hall was established in 1834 by Nathaniel Wyeth, who led an expedition from New England to the Pacific coast in 1832.

In 1836 two white women, the wives of Whitman and Spalding, went over the Oregon Trail to Walla Walla.

In 1834 Robert Campbell and William Sublette built old Fort Laramie. In 1849 the government bought it.

In 1842 Jim Bridger built his fort. The old West was then a thing of the past—was gone forever, and the new period was well under way. The Mormons bought Fort Bridger in 1853. In 1857 it became an army post, and so remained until 1890.

The Mormon migration began in 1847. This people founded Deseret and established a Zion in the wilderness.

The Romantic period of the Oregon Trail was the era of fur-gathering in the Rocky Mountains. I shall not stop to give you a history of that time

nor even relate any of the thousand romantic incidents which occurred on this Trail. Ashley and his adventurous associates and successors threaded the plains and mountains. They found every pass and trapped in every stream. They fraternized with or fought every Indian tribe of all the regions of the West. Caravans had annually carried out cargoes of merchandise suitable for the Indian trade, and had packed back the bales of furs taken in the barter of the wilderness. That gave the old Trail its permanent location. Like all other necessary things, it had its origin in the needs of mankind. The buffalo, the elk, the deer and the bear first marked it. They found the easiest grades—the lowest gaps. They learned the routes where water could be always found. They were followed by the Indians—for ages on foot, but later on ponies. This old Trail had been in use ages upon ages before the white man saw America. It was the highway of wild beasts, of savages, of barbarians, and finally of civilized man. What a history it has!

In 1834 it became unprofitable to trap beaver as an organized commercial enterprise. This is a talismanic date in the history of the Oregon Trail and the development of the West. It closed the Romantic period. And in that connection it may be not unprofitable to recall here the progress made by the United States up to that time. In 1834 there was but one state west of the Mississippi—the state of Missouri. Arkansas was admitted in 1836, California in 1850, Minnesota in 1858, Oregon in 1859, Kansas in 1861, Nevada in 1864, Nebraska in 1867, Colorado in 1876. Louisiana, at the mouth of the Mississippi, and on both sides of that river, had been admitted in 1812.

Continuing this generalization we shall find that the first railroad in the United States was the Baltimore and Ohio. It had twenty-three miles of track in 1830, and until 1832 it was worked by horse power. In 1830 all the American railroads had forty miles of track. After that date the growth was more rapid. In 1841 there were 3361 miles. In 1849 there were 7303 miles; and in 1853 there were 14,301 miles. In this year of 1853 the first railroad was built west of the Mississippi river—thirty-eight miles. The Civil War checked railroad construction. In 1865 there were 3007 miles of railroad west of the Mississippi and 29,988 miles east of that river.

The Heroic period of the Oregon Trail began in earnest in 1847 when the Mormons traversed its endless and tortuous course across the Great Plains to escape persecution and find a Canaan. This was the first great movement connected with it. They streamed out over the various branches of the old Trail on the way to Zion. Their action was called madness, but they succeeded. Mishap, hardship, starvation and death stood in their way, but they built a city in the desert and founded a great state.

Before the Mormons had launched their fortunes on the Great Plains the migration to Oregon over this Trail had commenced. Peter H. Burnett, who became the first governor of California, took his family to Walla Walla and Vancouver in 1843. Pioneers had gone before him, and many followed him, all using the Oregon Trail from end to end. They were the pioneer settlers of the Great Northwest, and from their dreary and toilsome days of small things prosperous states have grown. Green valleys have been peopled, and at the margin of the sea stand splendid cities, trading to the ends of the earth.

But the first movement over the old Oregon Trail to assume an im-

mediate national aspect was the migration to California in 1849. The California gold fever was a disease that spread to all the world. It revolutionized America. It produced conditions which precipitated the Civil War. It changed the American from a conservative, contented citizen, satisfied with a reasonable return upon his investment and toil, to an excitable, restless insatiable person who wishes to realize on the resources of the universe in a day. It was the beginning of our national madness—of our insanity of greed. It marks the advent of character decadence and American moral degeneracy. In California a man might wash from a placer more gold in a week than he could accumulate in a life of business. When the placer gold was exhausted he turned to other natural resources, and his greed increased. To-day money is the god of the Americans. Perhaps it would not be too much to say that it is the god of the world. For mammon rules. Even the church lies stranded on the sands and shallows of money-madness. Mankind is affected and involved. Balkan Europe returns to savagery for slim strips of barren territory. And it is not improbable that all Europe will be shortly embroiled for a similiar purpose. And this world movement began in California in 1848. Gilpin said that in a decade the California gold fever had transplanted itself from Australasia to Pike's Peak, and add:

"It has permeated mankind as an electric fluid, to animate, to regenerate, to exalt humanity. Its inspiring democratic genius has, within a quarter of a century, covered the continent with railways and with telegraphs. It economizes navigation by the establishment of steam ferries upon the ocean and telegraphic cables upon its profound bed."

All this was projected upon a war and its results. It is curious to note the effects of wars. They exert latent influences never foreseen by those who engage in them. They loose forces not before dreamed of. In the creation and development of our government and its dependencies, wars have moved in a mysterious way. If called upon to designate the event of most far-reaching consequence in our national life I should feel inclined to name the Mexican War of 1846. It was not counted as much for heavy battles, though there was fierce fighting. But for our purchase of Louisiana it might never have occurred. It certainly would not have come at the time and in the manner it did but for the controversy over Texas. And Texas was really a part of Louisiana. I never could find myself in sympathy with those solemn-visaged Jeremiahs who went about crying condemnation of the United States because of the Mexican War. It was always clear to me that we were fighting for what was clearly our right. As a result of that war, in addition to what was our own, we obtained California, Nevada, Utah, Arizona, and portions of New Mexico, Colorado and Wyoming. In this territory were found the greatest gold fields known to the children of men, and their discovery, immediately after the country came to us, turned the world upside down. The importance of the Mexican War has not been appreciated by the American people. It has been neglected by the students and historians of every land. But it is a world epoch and must soon be so recognized.

Every soldier who had served in the Mexican War who could possibly get there became a placer miner in California in 1849. They had marched across deserts under scorching heat in Mexico, and they became the leaders of the crowds and caravans and companies that wound across plains and over mountains to the land of gold.

Great is the year 1849! There it stands to mark a new era in the annals of mankind.

To reach California in that year the thousands thronged the old Oregon Trail. With following years they still pressed forward over its sinuous windings in ever-increasing numbers. Household wreckage strewed its borders as other wreckage strews the shores of the salt and stormy sea. And these pilgrims, once arrived at their destination, found that their El Dorado did not satisfy them. Gold did not suffice. They could not themselves understand the impulse which had moved them. None really knew why they were stirred. The hidden forces of humanity had burst into spontaneous and irresistible action, which has increased to this day. It became world-wide. Old China, that slept a thousand years, shook off her lethargy. The wisest can not foresee what shall finally be the result of the discovery of gold in California. It may and probably will destroy governments and level monarchies—has indeed already done that. It may wreck our own political structure, and that all our institutions are to be recast is certain. For the spirit loosed in California is democratic and class-destroying.

These are some of the national aspects of the Oregon Trail, or, rather, some of the aspects which had their origin in connection with it. As men toiled over it they saw visions which did not materialize in their day, but the glory of which they transmitted with the promise that they would burst into realization with the coming years. There is no limit to be set to the mind of man. The possibilities of its achievement can not be measured. It is moved first by some concrete example or desire. But its growth is stimulated and brought to sublime power by the objects of nature. As I affirmed before, the genius of a people is carried and fostered, not by statesmen and orators and diplomats, but by the common people—such men as toiled over the Oregon Trail. They see things which the eyes of statesmen can never see. Working through the common mind of the people who labor with their hands, the great natural laws of the universe—little understood by any of us—overturn dynasties, break down nations, elevate to dignity and power new peoples, new systems, and enthrone new conceptions of duty and all the relations of life. Their judgment is destiny.

It is the duty of students to search for causes. By far too little of it has been done. To him who makes an honest effort in this direction very strange things are revealed. Events take on new meanings and their effects are fraught with fascinating interest. We have said something generally of wars. And when we come to consider our Civil War we find that it was a domestic irruption bearing many modifying consequences. It grew primarily out of the question of human slavery. But connected with this principle of our government as organized by the fathers were many others. It finally became a question of constitutional interpretation. The rights of the states as sovereign powers clashed with the idea of nationality. The constitution was an evasive compromise. I think that some of its builders, at least, realized that it contained the germs of civil war. In the Dred Scott case the supreme court gave Kansas, Nebraska, the Dakotas, Minnesota, Montana, Wyoming, Colorado, Utah, New Mexico, Arizona, Nevada, Idaho, Oregon and Washington to slavery. In the pursuit of the presidency Douglas endeavored to modify this decision with his doctrine of "squatter sovereignty." His organization of Kansas and Nebraska as territories repealed the Missouri

Compromise, gave additional power to slavery, and resulted in the Civil War. When that ended the nation was supreme and the sovereignty of the states was dead. We are just now entering actively upon the task of removing the decaying corpse of state sovereignty from our body politic and correcting the only political mistake of importance that Jefferson ever made. The Civil War was an incident in our nationalization—a step in the realization of the noble conception of Alexander Hamilton.

When we consider the nature of war we find that, among other things, it is a school, an immense university wherein events are teachers and armies students. In the Civil War every soldier received a liberal education. His perceptions were quickened, his life broadened, his vision was increased, and his patriotism was exalted. He found himself part and parcel of the solution of questions of the greatest import to the existence of his government—of any and all government. At the close of the war the soldier stood on a higher plane than the citizen. He felt that in him which the noncombatant never can feel. He had burning within him a superior interest in every great political question. He felt that it appealed to him in a sort of personal sense.

When the soldier returned from the field after an absence of four years he found the old homestead cramped and narrow. Or he found the business of his community monopolized by less patriotic men. He turned to the public lands. He spread over the prairies from the Gulf to the Red River of the North. He settled the hills and valleys and woodlands from Missouri to Puget Sound. He erected states from the public domain, and to-day, thanks to his genius, patriotism and enterprise, every foot of land in the United States is included in a self-governing state.

In the soldiers of the Civil War, in their time and prime, America saw her best citizens, her most enlightened statesmen, her builders of empire. They were moved by a combined and common impulse growing out of the discovery of gold in California and the inspiration of the Civil War—the one a universal impetus and the other a national animation. The one was a mighty propulsion of the other. An enterprise that might have staggered a forty-niner was feasible and easy to an intelligent and energetic soldier. The California gold fever, reinforced by the momentum imparted by the Civil War, produced the men with that supreme capacity that enabled them to reclaim the Great West and stretch it over with iron ways. Such another generation we may never see in America.

Thus we find that the movement generated by the California gold fever was mightily accelerated by the Civil War. The events of the Heroic period of the Oregon Trail resulted from this combination of forces. Standing on the Rocky Mountains or on the shores of the Pacific ocean, man had new powers. Things which other men and other times said could not be done seemed possible to him. So, we had over this Trail the great freighters, the Pony Express, the overland stage. Some of these began before the Civil War, and they demonstrated the need of the Pacific railroad, of which Gilpin had dreamed and talked and written—of which he was the father. In its interest he, through Benton, endeavored to organize the state of Nebraska (to include Kansas) in 1853.

The construction of the Pacific railroad destroyed the Oregon Trail as a national highway. And soon railroads spanned the continent. Now we live in the era of the railroad. Transportation is the blood-circulation of the

political body. Webster, and even Benton, objected to extending our borders to the Pacific. They could not see how so vast a country could become homogeneous, and they feared it would break of its own weight. But for railroads their fears might have been realized. San Francisco is now nearer Boston than was Philadelphia in Franklin's day. By the railroads America is rendered a compact political unity.

The most important questions we shall have to grapple with and solve in the near future arise out of railroad management. These questions concern largely the transcontinental lines—successors of the old Oregon Trail. This solution we can not foresee. The tendency now is to socialism and government ownership. These may or may not come. When we decide what shall be done with these lines the problem of railroad management in America will be solved, for the lines of these old transcontinental trails are the lines of American destiny. In support of this position I submit some statistical facts.

In 1910 there were in the United States 240,438.84 miles of railroad. Of this amount 119,237.33 miles were west of the Mississippi river. That is but 1000 miles short of half the total mileage. The area of the United States, including Alaska, is 3,616,484 square miles. That portion west of the Mississippi contains 2,704,866 square miles. These figures make it easy to see where the future railroad building in America will have to be. The Mississippi valley is the strategic point of the world. In considering the Mississippi valley and its destiny we must remember that the world is now turned around. Man has ever traveled with the sun. Westward has been the course of empire. In that sense, there is no longer a West. Having come from the East, mankind has ever looked to the East. But now we see the East from the West. Gilpin is the first man I have been able to find who called attention to the fact that the Pacific slope faced Asia. For four hundred years the Atlantic ocean has been the field of the large operations of the world powers. But the great centers of human activity are now to be reversed. The crisis developed strangely and unexpectedly in the Spanish-American War. Dewey's guns in Manila bay opened for us a conflict with the world. That war made it necessary for us to build the Panama canal, now nearing completion. Whether we would or not, we must now challenge all who cross our path. And whether we would or not, we must now battle for the mastery of the Pacific ocean. There were students and statesmen in the former generation who saw the coming changes and cried them aloud. Chief among these were Gilpin and Benton, but man is slow to see and accept the vast and inevitable changes always in process as the result of inexorable and self-executing laws of nature. The Pacific ocean and its shores must now become the scenes of the world's chief activities. America now faces west, not east. The Mississippi valley is now aligned with California and Alaska—not with New England and South Carolina. In ruling America this great valley will exert an increasing influence on the destiny of mankind.

I have barely referred to the national aspects of this old Trail. What the centuries may hold for us we do not know. It would seem reasonable for us to expect that our government in some form shall exist for many centuries. Also that our population shall attain such proportions and density as we can not now conceive of. In that future many of the primitive usages and institutions of mankind may have to be revived. As well as the highest, we may

have the lowest devices of communication and industry. It is not impossible, nor even improbable, that when we have the railroad with a minimum speed of two hundred miles an hour with more safety than we now have with a velocity of ten miles—when we shall have the flying machine that will in safety cross the continent in a day—we may build again the old Oregon Trail. For we shall always have with us, as Benton said, those to whom toil is little and time nothing, and who will wish to walk with human feet on God's good solid earth. For them roads so splendid that they will vie with the finest streets may be built from sea to sea.

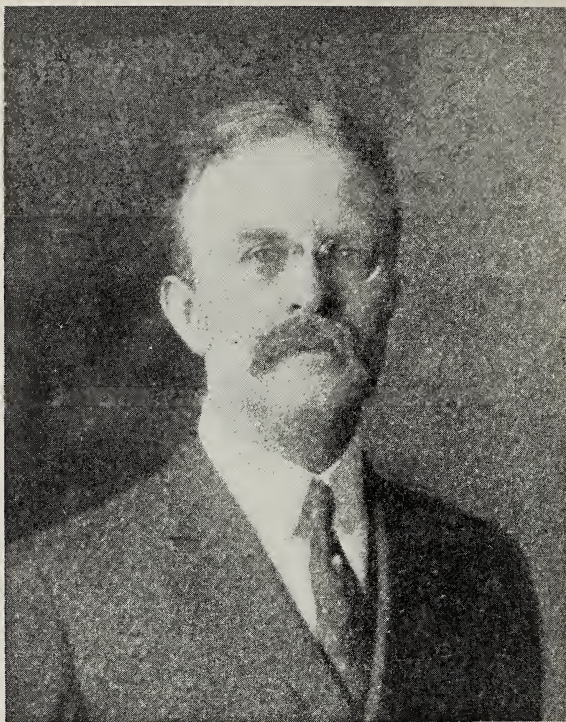
HISTORICAL VERITY.

An address delivered by OSWALD GARRISON VILLARD¹ before the Pan-Hellenic Society, Lawrence, May 12, 1914.

FOR most of you, as for me, I suppose, the salient fact that stands out in one's recollections of Julius Cæsar's Commentaries is that all Gaul was divided into three parts. So for the historian of Kansas territory all Kansas is divided into three parts—that of "Jim" Lane, that of Charles Robinson, that of John Brown. Let him from afar who would enter into this spiritual territory look well to his arms and place his legionaries behind him. For him the Kaw is the Rubicon; let him, if he plunges into it, all accoutred like Cæsar, have his Cassius with him, for the stream rages, the tide is strong, and he may soon, like Cæsar, cry out: "Help me ere I sink." But if he crosses successfully it will then be more than ever that he will need his bodyguard about him. For he has entered into Valhalla, and there are Rhine, or rather Kaw, maidens and dragons and—yes, Siegfrieds, too, on guard over the precious treasures of historical truths. He of the East who comes bent on carrying them off, or ventures to speak his own mind about them, is as daring as any knight of old. For him it will speedily enough appear that he has rushed in where angels fear to tread. In the face of the burst of impressions that come to overwhelm him he must needs recall Mark Twain's definition of a German sentence: "You plunge into the Atlantic Ocean of language and emerge in the North Sea with the verb in your mouth." When you set forth into the Kansas of history you sail your bark into an Atlantic Ocean as raging as the British Channel in a November gale. If all goes well you emerge in a North Sea haven with no worse damage than your topsails blown away, your anchors adrift, your bulwarks broken, and your decks swept fore and aft by the crested seas of controversies that never die down.

If finally you enter Kansas you find a state as proud of its past as any king of his ancient lineage. One of its poets has said that when the mist of

1. OSWALD GARRISON VILLARD, son of Henry and Fanny Garrison Villard, was born in Wiesbaden, Germany, March 13, 1872. Early in his life his parents returned to the United States, where he received his education, graduating from Harvard in 1893; from 1894 to 1896 he was an assistant in United States history in that college. In 1896 he went to the *Philadelphia Press* as a reporter, and since that time has continued in the profession of journalism, being now president of the *New York Evening Post*. During "Kansas Newspaper Week," held at Kansas University May 11-16, 1914, Mr. Villard was one of the speakers. Perhaps his best known historical work is "John Brown—a Biography Fifty Years After." Mr. Villard's interest in Kansas is rather inherited than acquired. His grandfather was William Lloyd Garrison, the abolitionist, and his father, Henry Villard, was an early writer on Kansas affairs. The elder Villard made the trip west with Horace Greeley in 1859, and the next year published a volume entitled "The Pike's Peak Gold Regions." He was greatly interested in the location of the Pacific railroad and wrote much on that subject, and in 1876 was one of the receivers of the Kansas Pacific Railway.



OSWALD GARRISON VILLARD.

time has settled over the first century of the nation's existence, the history of only three individual states will loom forth—Virginia, Massachusetts and Kansas. But when you stand on Kansas soil, and always when you read history written in Kansas, you understand that Ironquill erred—he cited two states too many. He showed a partiality for effete New England, and the decadent South, which will, I fear, be written down to his discredit in Kansas as long as his songs are sung. Whatever may be the matter with Kansas, if it can prevent it, it leaves to no one else the chanting of its heroes' praises, the keeping of their laurels green. No one shall say in Kansas that all republics are ungrateful. To the world at large no singers are like its own, no orators to-day as eloquent as were its "Jim" Lane or its John J. Ingalls. No diplomats compare with Charles Robinson, and no man ever struck terror into the heart of wrong-doers like John Brown. On the field of battle no generals were more gallant than its Deitzlers, its Blunts, and its Ewings; and no soldiers from Agincourt down to Appomattox ever fought as bravely as those who composed the regiments of Kansas or ever had more stomach for the fray. If you think I exaggerate, read ex-Governor Crawford's "Kansas in the Sixties," recently published. In all Kansas none were like his regiments. Indeed the general fired volleys at his old enemies in gray with all the zest and dash of 1861. To him they were traitors still—men who slaughtered all

the blacks they caught in coats of blue, and played foul otherwise more than once, though they fought well enough, as becomes good—or bad—Americans.

Now those who have been loved and lost ever shimmer through the veil of tears and time with more and more of the reflected glory of paradise about them. So, to Kansas the heroes of its birth-struggle shine from on high. However much they may have differed and fought among themselves, the world beyond shall only know that on their side ever fought justice and charity, splendid purpose and right itself. If they killed it was because the Lord of Hosts himself declared the need; or because Justice, tearing the bandage from her eyes, oracled that this or that man's life should go out that very night. So we find that for men of the free soil to loot a proslavery store, as John Brown's men once took \$10,000 worth of goods from one Bernard, was merely to obtain clothing and provisions for the anointed. Or, looked at another way, since a war had been declared, this was the justifiable living on the country that was compelled and allowed. But for Missourians to loot the home of a friend of freedom in precisely the same way was to commit the least defensible of midnight burglaries.

Again, for Northerners to wipe out a proslavery settlement, such as New Georgia, was to rid the country of human vermin; to come from the South and to capture and kill, as in Osawatomie, was to place one's self beyond the pale of humanity. "God sees it," declared choking John Brown as he turned in his flight on the hill beyond Osawatomie and saw the flames and smoke rise from the little town where lay the dead body of his murdered son, "God sees it," and surely God saw thereafter with complete satisfaction the burning of every southern fort which the defender of the free soil fired. So doubtless He looked with satisfaction on the stark dead bodies of John Brown's Pottawatomie massacre—those pitiful boys of Mahala Doyle, with their gaping broadsword wounds—and so He doubtless veiled his face in horror at the massacre of innocent Kansans at the Marais des Cygnes. Is not God always on our side? Is not everything *we* do for our purpose divinely inspired? It is only the intruder from afar, the historian of a distance, who, with his calculating, analytical mind and cold-running veins, insists that theft is always theft, wrong always wrong, and murder ever murder, under whatever banner, on whatever soil.

But in Kansas, as I have said, let him beware. He learns soon that if within Kansas there are "*partes tres*," from without there is but one part. John Brown may have had his faults; Charles Robinson may not have been unacquainted with the Jade Selfishness, while "Jim" Lane may have flirted hard with Dame Opportunity, but as against Missouri or New York, my friends, the ranks of Kansas are to-day as unserried as in 1858. For him that differs there are retorts without end. What shall this dull recorder of facts with his microscope know of what happened sixty years ago? Can he now dissect the settlers' natures, analyze their deeds and pass judgment on their good and bad acts? Perish the thought. Was he there? No. How can he know then how men felt? Was the proslavery knife ever at his throat? Did his bairns ever run shrieking to him that the border ruffians were at the door and Hamelton's murderers down by the river? How can he tell, this man of another generation and another region, where patience ceased and forbearance no longer became a virtue, and men had to strike in order to live or die as free men? How can such an interloper dare to say to-

day that aside from the question of policy there was wrong, shocking cruelty and needless bloodshed on both sides in Kansas from 1855 to 1859?

Well, my friends, the modern historian is not merely a eulogist, nor is the eulogist of the past necessarily an historian. The historian is expected to enter into a subject with no preconceived ideas and no briefs for this leader or that chieftain. Calmly, quietly and logically, writing long after the event, when the white heat of passion has faded out, he examines all sources and applies the true historical tests—those established yardsticks by which men, their characters, their motives and their achievements must ever be measured.

In this day and generation, history, whether in Kansas or elsewhere, can not be written to order on payment of a fee, be it \$5000,² or more or less, for the purpose of undertaking to prove a given thesis or to write down one historic figure and write up another. The would-be historian who sells himself for such a purpose trebly prostitutes his powers; he is untrue to himself, to his state, and to our mistress, History. This has been the trouble with much Kansas writing. There have been far too many briefs for this side or that in the Kansas of the past, each intended not to be nonpartisan and judicial, but part of a bitter controversy in which you entrenched yourself in one of the three parts of our modern Gaul and opened fire on the other two. To convince your neighbor by ascertaining the facts, restating them accurately and drawing just conclusions and fair deductions has not been the purpose or policy. The idea has been to bang your neighbor over the head, metaphorically speaking, with the heaviest club in your possession and bolster up your hero by charging the other man with being a midnight assassin or horse thief, or even to go to such an extreme as to call him a border ruffian or a Missourian—that is, if your life is well insured and your family in need. Take all possible adjectives, then add more adjectives in the ratio of one hundred to each statement of fact, mix well, and then heat to the temperature of the prairies in mid-July—this seems to have been the prescription for producing much so-called history of Kansas.

There has been apparently only a slight conception of the fact that the true historian is but a swimmer borne along on the current of facts as he finds them, letting it take him to whatever destination it will: that he must

2. Mr. Villard refers to the following contract, which is copied from the records in the office of the probate judge of Douglas county, Kansas:

"Mrs. Sara T. D. Robinson, Lawrence, Kansas,

"LAWRENCE, KANSAS, February 16, 1911.

"DEAR MADAM: I hereby propose to write and publish at my own risk and expense, a book of 300 to 400 octavo pages, that will be an effective criticism on the life and character of John Brown.

"In addition to revising and re-writing the copy I have already prepared on Brown's life, I will add considerable new matter thereto relating to him, and will add thereto a review of the principal historical events leading up to the creation of the State of Kansas.

"I will endeavor to publish a highly creditable book; a work that will command the attention and respect of the cultured people of this critical age. I will write the book with the hope that it will reverse a popular verdict recently secured by Mr. Oswald Garrison Villard, in favor of his contention, that the motives governing the actions of John Brown, while in Kansas, and afterwards, were altruistic.

"I also agree to place a copy of the book in the libraries of all our state universities, as well as in the principal public libraries of our country, not exceeding three hundred copies.

"I will do this for the sum of Five Thousand dollars to be paid to me or to my assigns, at such time as will suit your convenience.

Vy Truly Yours

(Signed)

HILL P. WILSON."

LAWRENCE, KANSAS, Feb. 17, 1911.

"\$5,000.00

"Mr. Hill P. Wilson,

"DEAR SIR: I accept your proposal to write the book as herein stated, and will pay you therefor Five Thousand dollars, on, or before January 1, 1913.

(Signed)

SARA T. D. ROBINSON."

plunge in open-minded and without any determination to force the current to guide him into this or that final haven. True, he must have his own point of view, he must write in some measure according to his own philosophy, his own standards of human conduct or misconduct, since these are the yardsticks I have just referred to by which he judges and measures out his conclusions. Beyond this he must be guided in his findings, after sifting the evidence as carefully as a judge and invariably citing his authorities, by the incontrovertible facts—facts in themselves incontrovertible, and not facts *made* as nearly incontrovertible as possible by the author.

Even in the whirlpools of Kansas history, it would seem as if when one writes fifty years after an event the mind of the writer should be as nearly as possible as a slate wiped clean and not one befogged by the spray or the mist of whirlpools or rapids. Moreover, to be not an advocate, paid or unpaid, but a judicial wearer of the historical ermine, in order to review justly the evidence, lead that where it may, is not only to play the nobler, but the only lasting part. Again, this policy alone insures for a writer, whether on the banks of the Kaw or the Hudson, the keenest intellectual joy and satisfaction. Not to insist that you know your problem in advance and set yourself merely to fortifying your position, but to dig into it with all the ardor of the explorer into unknown lands, and then after the completest survey to select your position, is to play a game of infinite fascination. To unroll before one's eyes the moving picture of men's acts and motives, and then to prepare the scenario, to speak the truth unhindered by partisanship, and to draw the moral unhampered by prejudice, is to assure one's self not only the soundest basis for lasting judgments, but, I repeat, the richest rewards for one's labors. If then the judgments be faulty the error must be with the vision; or there must exist within us mental strabismus of a serious nature.

But, however competent or incompetent the writer, he must be of poor stuff indeed if he does not feel the deep thrill of discovery if he but voyage in this spirit. Here one may be washed high and dry, and there one may rock in puzzling, uncertain waters. Here you may discover, as you float by, a hero—yes, your hero—with feet of clay, and accept him, philosophically as may be, as such; and there you may find another worthy of a crown who wears it not. Next you may strip aside the royal robes draped by tradition, to reveal only shoddy, or even a sorry nakedness, underneath. Needless to say, it need not discourage any one to discover that all the figures in the drama are but mortals and not demigods; that adds but zest and makes easier the task of interpretation. Indeed, as the whole panorama sweeps by you the best within you must be stirred by the intellectual freedom of it all, by the charm of resolving the problem into its elements, of recording the give and take of passion and emotion, by setting forth the fresh presentations of the eternal truths that finally force themselves upon your conviction; not, I repeat, because your mind and purpose desired them from the start of your adventure, but because they stand out so clearly from the logic and facts of it all as to be unassailable, irrefutable and to have all the earmarks of truth. Something like this, my friends, is the passion of writing true history, and something like this are its rewards—rewards of which no ill-natured or bribed or hired critic can deprive one!

And so it may be that if one has this conception of history the writer from a distance may, after all, be competent to write the history of a state. A change of venue the lawyers sometimes ask when passions run too high for judge, jury, or populace. The outsider may have just the detachment needed, provided he bring to his task sympathy, comprehension, the ability to inject himself somewhat at least into the time of which he writes, and above all the ability to hold the scales even. That he did not have the knife at his throat, that he never shuddered at the shrieks arising from plundered cabins, or heard the measured tread of men bound on midnight assassination, nor saw the sun obscured by the smoke of flaming villages—perhaps all this makes him not an impertinent but a welcome intruder, and lends to his pulse the calmness needed when one would write truly of such soul-stirring hours and deeds as marked the Kansas of the fifties.

Surely his very self-control should render the outsider well able to apply, in the spirit of the trained scientist, the final test of all—the ethical test. And that is as unfailing, whatever the circumstances, as certain chemical solvents are potent under any laboratory conditions. So in the history of Kansas, these tests bring out to-day deeds in its early days that call for sharpest censure—mistaken policies, yes, deceits and treacheries, to say nothing of the waging of private wars. That is usually the case where any such grim hand-to-hand struggle is reviewed in the light of another generation. They quarreled under the walls of Troy as to who was the greatest, and deceit, and even treachery, were not unknown there. But that was not the whole story at Troy, nor was it in Kansas. There were heroes enough beyond the Kaw in those first fierce years of the territory; there was such bravery, courage and determination that it is not necessary to-day to falsify as to the character of John Brown³ in Linn county and on the Pottawatomie, nor to palliate Charles Robinson's vagaries on behalf of a free state, in order to establish high the claim of Kansas to the gratitude of the nation. My friends, the truth of history never hurt anybody save those who merited injury. It can not hurt the record of the achievements of Kansas to have everything set out precisely as it happened. For the sum total of what was done and what was accomplished is overwhelmingly on the credit side. No lover of Kansas need feel it necessary to romance or to exaggerate or to conceal the exact facts. The exact truth gives glory enough to nearly everybody concerned. The historian is, for instance, certain to perceive that no sooner did those immigrants from almost every northern state set foot on Kansas soil than an indissoluble bond bound them together; their holy purpose inspired them to suffer and to battle for what they knew in their hearts was the right. I wonder if any of you can fully realize what the physical discomfort and suffering of those early winters or summers was on those wind-swept plains in houses that merited not even the name of huts or

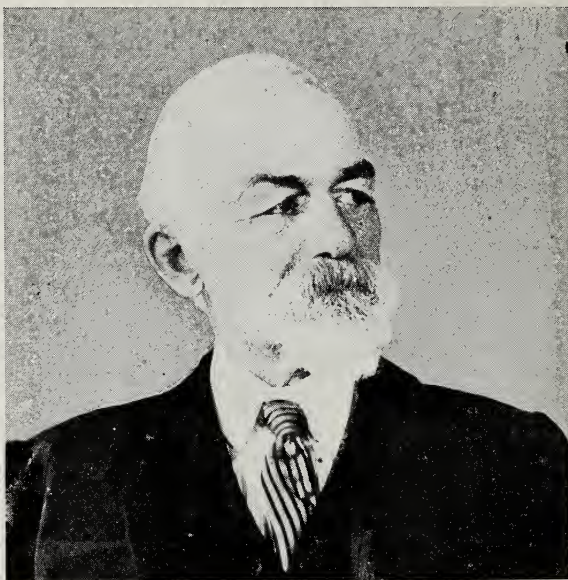
3. "Something after Harper's Ferry created the John Brown whose soul goes marching on—fact in the strange history, not of recent discovery, but definitely announced more than a quarter of a century ago. That something was the heroic, self-sacrificing, transfiguring idealism which emerged in the storm and stress of Charlestown. It had appeared before in letters, in speeches, and even in the discussions at Dutch Henry's Crossing. This idealism Mr. Wilson finds to be only the mask of a successful hypocrisy, and its misinterpretation is the capital and fatal defect of an aggressive and vigorously phrased book. Theories of insincerity—a trait which friends in Massachusetts and enemies in Virginia, with ample opportunities for observation, failed to detect—will not do. A more tenable conclusion, and one which the lapse of time seems to confirm, is that he was "the victim of mental delusions."—*Leverett W. Spring in The American Historical Review*, April, 1914, p. 663.

shacks; within which men and women sank dying of cold and hunger or lay so ague-ridden that their babies perished miserably of starvation before their very eyes. Life would have been grim enough with that fearful cold to contend with had there been no other enemy. But the stout hearts of the whole free-soil population were never daunted. For the historian the spectacle of a people rising against intolerable evils, such a rising as that by which the Italians freed themselves in the last century, is most compelling. In Kansas no writer of the past in presenting the truth of that immortal struggle can fail to award the laurels to the mass of the settlers themselves with profoundest admiration.

Happy the nation or the state that has its Golden Age! Kansas may glory in hers, because it was primarily a struggle of that rare thing, a genuine democracy in which all men were reduced to most primitive equality by the natural surroundings and unnatural conditions of life. And out of that struggle has come a state which, even its critics can not deny, is to-day one of the truest democracies of modern times—now that women are enfranchised. If to some in the East who do not know it Kansas smacks still of the pioneering frontier age, it can rejoice, indifferent to biased criticisms, in the richness of its soil, in the absence of any class feeling or great divergences in material wealth, in its absolute freedom, in the complete equality of all before the law. Its opportunities, social, educational and industrial, are denied to no one, and what it lacks in uplifting and refining influences will be obtained, ere long, as surely as the revolutions of this planet in its orbit. Best of all, there the people rule, privileged to make political mistakes as they will, but to live and die expressing their own convictions, regulating their own conditions of life and facing them with the courage, integrity and high purpose of the fathers from whom they inherited. Who shall say that they are not to-day, by their own conduct of their affairs, setting the highest monument to the intrepidity, the dauntless determination, the devotion to freedom of those whose sufferings the historian, wherever he comes from, can write of only with the same profound admiration of which we speak of our and their Puritan ancestors? To circumvent slavery was not the only motive of thousands who went to Kansas; but once there, even men from the South, as southern leaders themselves complained, manumitted their slaves and became, like their fellow settlers from the North, imbued with the spirit of freedom. Sometimes even in history one can not see the forest for the trees. Let no man, in reviewing Kansas history, fail to see the people because of their leaders, or underrate for a single instant the wealth of sacrifice, suffering and herosim—with the women, it seems to me, the noblest of the heroes—which went into the making of this state. Let us not fail to honor the rank and file of the Kansas pioneers whose tears and whose blood made Kansas a bulwark of the Union.

WHAT I SAW OF THE QUANTRILL RAID.

The personal narrative of a soldier in the ranks of the Ninth Kansas Cavalry, Company A.
Written by ALBERT R. GREENE,¹ for the Kansas State Historical Society.



ALBERT R. GREENE.

THE settling of the slavery question in Kansas was its unsettling elsewhere throughout the country, and in the first dawn of peace along our eastern borders suddenly came the thick darkness of the greater strife of national civil war. In Kansas its opening years were marked by midnight forays of freebooters who espoused the rebel side, for the greater security they found in the hills and brakes of the Missouri river, in the fastnesses of which they could elude pursuit and where, among a sympathetic population, the metamorphosis from red-handed murderers to law-abiding citizens was easy and complete. Thus during the first year of the war the isolated village of Humboldt was sacked and burnt twice within a month. Gardner was sacked ten days later, and about a month after this the hamlet of Potosi was destroyed. Resuming operations in 1862, the village of Aubrey was plundered and three of its citizens murdered. Caravans along the Santa Fe trail were robbed and inoffensive emigrants and citizens shot down in cold blood for protesting. The same was true of the Oregon trail. Outrages of this sort occurred as far west as the Big Blue on the latter, and Diamond Spring on the former. In September of that year Olathe was burnt and several of its citizens brutally slain, and a month later another raid in the vicinity, by the

1. For biographical sketch of Albert Robinson Greene see "Kansas Historical Collections," vol. 8, p. 1.

same gang, added to the horrors of life along the border. And the pity of it is, these outrages were committed without punishment of the perpetrators or any serious attempt of the military authorities to prevent a recurrence of them. The army was busy with larger undertakings, and the few men who remained at home were terrorized and helpless. Early in the war Quantrill and Upton Hays had issued a proclamation warning recruits for the Union army that, wherever found en route to a recruiting station they would be shot on sight. As a result it became literally true that a man's life was safer once in the army than out of it. So that, whether it was Quantrill or one of his lieutenants, Hays, Yeager, Todd, Gregg, Anderson, the Younger, or the James brothers, they raided up and down the border, with a few men or with many, as seemed to them expedient, plundering, burning, killing with impunity, or, as an enthusiastic admirer has written, "Like Knights of the Oldenwald."

The summer of 1863 witnessed the culmination of the bandit raids. The two years preceding had been bad enough, but they proved to have been mere suggestions of the ultimate object. They had served to familiarize the men with the geography of the border, and to inure the rank and file to scenes of violence and bloodshed, but beyond these considerations the net results were inconsiderable. These preliminary incursions had demonstrated the unprotected and helpless condition of the inhabitants, and pointed to an inviting field for further exploits of the pitiless night-riders. Spring and summer had been filled with alarms, and no one had slept with security within a hundred miles of the border, all the way from Leavenworth to Fort Scott. In response to repeated appeals from the settlers, small camps of cavalry had been established at intervals of a few miles along the state line, whose duty it was to patrol from camp to camp daily and nightly and carry the mail by relays from Kansas City to Fort Scott. Thus two men, well mounted and supplied with an extra revolver in lieu of the saber, would gallop their allotted ten miles in an hour and toss the mail pouch to their relief, mounted and in waiting, who would speed away to the next station, and so on down the line to the end. These stations, as I recall them after a lapse of more than fifty years, were Westport, four miles from Kansas City; Little Santa Fe, ten miles further; Aubrey, ten or twelve miles further; Coldwater Grove, about the same interval further south; with Westpoint, Rockville, Sugar Creek, Trading Post, and Fort Lincoln strung along with gaps of ten or twelve miles, to be covered twice every twenty-four hours by the mail carriers, and frequently much oftener by scouting parties who were constantly on the alert.

Early in the summer, and two months before the events occurred which it is the chief object of this article to relate, our regiment was stationed at Paola and in its vicinity. Perhaps it is incorrect to say stationed, for in fact we were in the saddle almost constantly, and usually on some wild goose chase without result except to fatigue the men and kill the horses. We had just returned from an exhausting scout into Cass and Bates counties, Missouri, where our officers had been induced to believe Quantrill was operating, and were preparing for a little rest, when an order came for a detail of one hundred men to go to Kansas City to escort the paymaster down the line. On the 17th of June, as this command was passing through a lane near Westport, almost within sight of the flag at the headquarters of a regiment, a volley

from behind a stone wall emptied twenty-four saddles and fifteen of the victims were shot through the head. As a result of this attack troops were rushed to Kansas City and Westport, and of course the guerrillas appeared in another quarter next. They were kept posted as to every move of the troops by their sympathizers, who claimed the protection of the government for their persons and property and showed their gratitude by setting traps for Union soldiers as they had done at the stone lane just referred to. Doubtless in their efforts to put a stop to this most despicable species of spying, the Union officers may in a few instances have done an injustice to suspected persons who were actually innocent. I remember the case of a schoolmaster who was arrested for this offense, and who escaped the halter through the importunities of his relatives who lived in Westport, and who secured his deportation to New Mexico as a modification of his sentence. He proved to be a sincere Union man and later became a national character in politics. But all remedial measures seemed to be unavailing, and matters were growing daily and nightly worse. On the 10th of August a band of bushwhackers attacked the pickets within three miles of the heart of Kansas City. What did it mean? There were a thousand troops at Kansas City and within supporting distance. There was no rebel army north of Springfield, and yet these bushwhackers, who never fought except under cover or when in overwhelming numbers, came up defiantly to the paved streets of a city at noonday! Here was a bold move in the game of war. Was Kansas City to be attacked, or was it a feint to cover a move in another direction? General Ewing commanded the district and Major Plumb was provost marshal of Kansas City. The former had been colonel of the Eleventh Kansas, and the latter was still a major and in command of the regiment. Both these officers had won renown on the hard-fought field of Prairie Grove, and their regiment was composed of seasoned troops of the best quality. It was this regiment that composed the chief defense of the city, and it was one of its men that had been wounded in the attack I have just mentioned. These officers thought it was the immense military stores accumulated at Kansas City that was the objective, and that a band of outlaws that had never been known to muster more than one hundred men were about to attack a fortified city garrisoned by a thousand men. This may have been a wise conclusion from a military view, but to the rank and file it looked more likely that the guerrillas were up to some devilment in Kansas.

After the attack on the outpost there were several days and nights of quiet; in fact it was ominously quiet. On the afternoon of the 19th of August there was a stir in the old Harris House in Westport, upon the return of Major Linn K. Thacher from Kansas City, and it was soon known that a movement was to be made to develop the enemy. Lieutenant Amzi J. Steele and a squad of twenty-five men on foot were to scour the Sni hills and the intervening country. Major Thacher commanded the battalion of our regiment stationed at Westport, of which our company (A) was quartered in the Harris House. The detail was entirely from our company. When our little line was formed and ready to move the major gave us our orders. He addressed us in a manner that was highly respectful, almost affectionate. He said we were leaving our horses because it was necessary that we move in stealth and silence and might have to go where horses could not go. 'We had been drilled to fight dismounted, and he was sure we would give a good

account of ourselves. "But," he added, and his voice choked as he said it, for he was a kind-hearted man, "this is a hazardous trip, boys, something like a forlorn hope, for if you can't whip them you can't run away." So, supplied with two revolvers and a carbine apiece, and with belts full of cartridges, we were off.

We watched the ford of the Big Blue that night. No one crossed, but there were plenty of horse tracks headed west, and they all had the rebel sign of shoeing—three nails on a side instead of four as is the case of ordinary shoeing.

On the morning of the 20th we took breakfast at the houses of Nate Price and a Mr. Brown. These men pretended to be for the Union, but admitted that they passed for rebels when it was expedient to do so. While they seemed glad to feed us and cordial in a way, it was plain that they knew more of the movements of the guerrillas than they were disposed to communicate. After we left these houses we took to the brush again, carefully examining every road and by-path we crossed. All bore more or less evidence of recent use by horsemen, and the three-nail shoes all pointed in the direction of Kansas. We found several large deserted camps, one where the ashes were still warm. About the middle of the afternoon Steele called a council of war, reserving his say until the rest had expressed themselves. It was the unanimous opinion that there was trouble behind us rather than in front, and in all probability there were more bushwhackers in Kansas at that moment than in Missouri. The expedition was accordingly abandoned and a rest ordered, and at sundown we countermarched in the direction of Westport. At this hour Quantrill, with more than three hundred men, was crossing the Kansas line near Aubrey. At midnight we bivouacked in a lane a few miles south of Westport. In the early morning we were roused by the challenge of our pickets to a large body of cavalymen going in the same direction as ourselves. It proved to be a squadron of the Sixth Kansas which had been scouting in the Sni hills. As soon as the officer in command learned where we had been he remarked with much emphasis, "I'm afraid we are too late—Quantrill is in Kansas right now and Lawrence and Topeka may be in ashes." These troops moved on and we resumed our nap.

At daylight of the fateful twenty-first we were up and hurrying as fast as our sore feet would permit in the direction of Westport. At sunrise we came in sight of the hotel and discerned a party of men on the roof. Coming nearer we made out Majors Thacher and Ransom and some others. Thacher waved his hat to us and then ran to the stairway, and by the time we got there was waiting to give each of us a cordial shake of the hand. He had received word that Quantrill had crossed into Kansas with over three hundred men and that Captain Coleman was in hot pursuit. Turning to Steele he said, "Lieutenant, you and I will go to the city and get orders to pursue at once, and while we are gone your men must get breakfast and be ready when we get back." He had two horses in waiting, and in a moment they were off. Our comrades had breakfast ready, and as soon as it was devoured, for we were ravenously hungry, we pulled off our boots and bathed our swollen feet in cold water. Several of the boys had to cut their boots open to get them off, and all of us were obliged to dispense with socks when it came to putting on the boots again. Then the arms and accouterments were put in the best possible condition, after which the horses were saddled and

led out. The line formed, there was a rigid inspection, and whatever wasn't just right was immediately made right. Long before the officers were expected to return our squadron was in spic-span condition and ready for the fray. Our company had been chiefly raised in Douglas county and largely in the town of Lawrence itself, and the men were naturally anxious to get after the invaders. When the bugle had sounded the assembly I think the formation was complete in one minute. I certainly never saw that company or any other come into line with greater alacrity. Then came the order to "Count fours" and the injunction to "Remember your numbers," and then the officers took their stations and, like the men, faced to the front.

As we stood in line the men indulged in all sorts of conjectures. A few were of the opinion that the rebel sympathizers scattered about the country, even in Kansas, would aid Quantrill, and that he would get out without a fight, but this was scouted by a large majority of the officers and men. It was generally thought that the enemy could not possibly get away; it was a prairie country and the pursuing column would have every advantage. It was a different proposition from maneuvering under cover of the woods and brakes of the Sni hills. Then the troops which had not been sent to follow up Quantrill could rush down the line and head him off as he retreated toward Missouri, etc.

Two hours passed. The sun was getting high and the day intensely hot. Another hour, and still no word from Thacher and Steele. At last, about 9 o'clock we saw them coming. They were not dashing along as we had expected, intent upon saving every moment of the precious time, but with horses in a leisurely walk were discussing some subject in an animated manner. It was more in the nature of criticism and denunciation, as we discovered when they drew nearer, and we could hear every word that was said. They agreed that Ewing was badly at fault and responsible for the ravages that doubtless were being committed in Kansas. Steele was swearing a good deal, and Thacher, who was a strict church man, was mildly remonstrating at the language while agreeing with the conclusion. When they came up there was none of the ordinary reserve in speaking before the ranks, but Thacher blurted out in a disgusted sort of way that there was no hope of getting orders at present, except to stand at attention and look out for an attack.

About noon, when we had been in line for six hours, a detachment of mounted men passed, going toward Kansas. "What outfit is that?" called out our boys as the slouchy, shambling command went by. The men had a careless, unconcerned look and rode in all sorts of unsoldierly positions. They were armed with muzzle-loading muskets, many of which were strapped to their saddles as though they might be a thousand miles from an enemy. To the inquiry they responded with a grin, "Missouri State Malish—how air you, paw paw?" To other inquiries they would reply, "Goin' to Kansas to meet up with Quantrill—what you all doin' here?" This was the class of troops that was being doled out to overtake and punish the best riders and best shots and most desperate highwaymen the country ever produced. Three times Thacher and Steele galloped down to Ewing's headquarters for orders, and returned as before with their horses in a walk. We stood in line and waited all that long, hot afternoon, as we had stood in line and waited all the long forenoon. We were served with coffee, hardtack and strips of

raw bacon, and with these we filled ourselves; but it was largely mechanical and a matter of form, for the mental activities had overmastered the physical requirements and made us oblivious to hunger and fatigue. Gradually the spirit of jest and expectancy gave way to dejection and sullen silence. Once in a while a man would explode with an overcharge of profanity, directing his remarks to no one in particular but just looking to the front and soliloquizing in a torrent of "cuss words" until he was out of breath. These lurid eruptions would be followed by a few moments of silence, and then another part of the line would be heard from similarly. Thus our command of eighty seasoned cavalymen (I speak only of one squadron of the battalion, each of which was equally as good) with the finest mounts and armed with a carbine and two Colt's revolvers to the man, with belts and saddle-pockets filled with ammunition, stood and waited for fourteen hours. Whose fault was it? Ask Ewing's adjutant general!

At sundown of the longest day I ever experienced the welcome order came, and in about the time it takes to relate the fact we were in the saddle and on the march. The horses, fresh and restive, needed no urging, and the swinging gait at the head of the column kept the rear in a trot much of the time. Being very tired I went to sleep as soon as darkness came on, and I afterwards found out that the boys generally who had been on the foot scout had done the same. I was wakened by some one shouting, as he rode up from an opposite direction to our line of march, "Lawrence is in ashes and every man, woman and child in the town is dead!" Our column had halted in the streets of Olathe at the same moment. We had come twenty-miles. In the silence we all recognized the well-known voice of Captain Flesher, of company E. How or by whom he had received the terrible message he delivered I never knew; but this I know, and say deliberately after knocking about the world in all sorts of company by land and sea for half a century since, that I never heard such a storm of profanity and invective anywhere. Such cordial, spontaneous, unaffected, fluent, comprehensive and vociferous "cussin'" is quite indescribable. And Ewing came in for about as many of those elaborate anathemas as Quantrill. This was not so very strange as it may at first appear. We expected this of Quantrill. He was playing his part of the game and of his methods we had received full knowledge. We had no reason to expect anything of him but the dastardly acts of a monster in human form. If Ewing had been one-half the general that he was jurist, he would have prevented Quantrill from making this raid, or, failing in that, have annihilated his command before it could have returned to Missouri. It is a pity for the military fame of Ewing that the record was not closed after Prairie Grove.

Suddenly the voice of Colonel Lynde was heard, in a deprecatory and conciliatory tone, calling out, "Never mind, men, we will make them smoke when we reach Missouri—we'll settle this account with them there!" This was the first intimation that Quantrill was retreating. We had supposed he was on his way from Lawrence to Topeka. From Olathe we turned to the south, confirming the belief that Quantrill was on the back track. Every man's spirits rose as he thought of the probable success of this move to head off the enemy and punish him, not in Missouri, but in Kansas. There was no more sleeping in ranks. We were too much interested in the events near at hand. At Spring Hill another messenger reached us with the word that

no women or children had been killed but that there was not a living man or boy on the Lawrence town site.

A few miles south of Spring Hill is a prairie ridge ranging north and south and dividing the watershed of Bull creek on the west from Ten Mile creek on the east. At that time the road followed the crest of this ridge to its abrupt termination a few miles north of where the village of Hillsdale now stands. Near the southerly end of this ridge is a depression large enough to shield from observation several hundred men from the view of a party looking from the lower ground to the south, the southeast or the southwest. Beyond this depression the ridge rises again to its former level, and ends abruptly as stated. This promontory overlooks the valleys of Ten Mile, Bull and Wea creeks, in the direction of Paola, Somerset and Louisburg. When we reached the depression the command was halted. It was now just sunrise, and those of us at the head of the column had our first good opportunity to estimate our fighting strength. Looking to the rear we saw a column of several hundred men, equal to the reputed force of the guerrillas, and knowing our superiority in arms and discipline felt mighty good at the prospect of a tryout. Just then Major Thatcher rode back and speaking to me said, "Take this glass and ride up to the top of the hill yonder and sweep the southern horizon to see what you can see, but make no sign until you are under cover of the hill again." I rode out, took the glass, and did as I was ordered. When I came to the top of the hill it was not necessary to use the glass, for there below me and within a mile was Quantrill's whole command. They had bivouacked on the east side of Ten Mile creek in a semicircular bend of the stream where a fringe of brushy woods on the west side obstructed the view from that direction and made it a strong position for defense. Something had disturbed the guerrillas before I came in sight. The men were running hither and thither, gathering up horses and saddling them, collecting bundles and slinging them on other horses, and other men, apparently officers, were galloping up and down a line that was being formed, swinging their hats and gesticulating in the wildest manner. For a moment I was at a loss to understand this frantic haste, but adjusting the glass and turning to the west I saw a column of cavalry approaching at a distance of about a mile. There were several company guidons by which I assumed the force to number two or three hundred men and was assured they were Union troops. Turning the glass on the guerrillas, I saw that nearly every man had an extra horse and that these horses were loaded with plunder of every description—what appeared to be bolts of dry goods, bundles of shoes, clothing, etc. All this was noted in less time than it takes to relate it, and being naturally anxious to break the news I rode over the hill and waved my hat in a signal to our column to hurry up. In about one minute the whole outfit was on top of the hill and could see the situation at a glance. To the southeast was Quantrill's command marching on a trot in a column of fours; to the southwest and within half a mile was Coleman's column, 200 strong, hurrying toward us, and in our command not less than 300 men, all spoiling for a fight. It really began to look as if the hour of vengeance had come. By the time Coleman's command had come up, Quantrill was out of sight over a ridge to the east, but was not more than two miles away, and there was yet time to overhaul him before he could reach the woods of Grand river, if matters were pushed. To the everlasting disgrace of the

officer in command this was not done, and, as if to make the escape of the guerrillas doubly sure, Colonel Lynde called a council of war!

With the enemy in striking distance; with the way open and the road plain and unobstructed; with a force superior in numbers, arms and discipline and a majority of the men and horses fresh, just what urgent necessity existed for this appropriation of the precious moments never was and never can be explained. Council of war, indeed! If military etiquette required (which is doubtful) that the senior officer should formally assume command it could have been done in a word, for Lynde was the ranking officer within fifty miles and everybody knew it. What should have been at the most but a short, sharp consultation soon developed into a promiscuous row among the officers and men, or more correctly speaking, a vociferous protest against the delay. Exclamations of "Hit the trail—hit the trail!" were heard on every hand, and not a few loud admonitions that "They'll be in the Grand river timber while we're fooling here," and such like expressions of impatience. Presently Colonel Lynde called "Attention!" and everybody was still in a moment. He said that Quantrill was undoubtedly making for the Grand river timber and that the only thing to do was to overtake him and bring on an engagement. This was received with a shout by officers and men. Then he spoiled it all by adding that we would go over the slope and "unsaddle and graze the horses for an hour." At this pademonium broke loose, and discipline, and even ordinary respect for a superior officer, were thrown to the winds. Captains Coleman and Flesher cursed Lynde to his face for an arrant coward, and repeated it again and again and interlarded the charge with profane adjectives that would have shamed a fishmonger. The colonel colored up and tried to explain that the horses were jaded and must have a rest, but his voice was drowned in a storm of denial. "Horses be d—d; there'll be horses when we are dead," said one soldier. "Suppose it kills every horse in the command, what of it?" said another. "Yes, and half the men," said a third; and each one of the exclamations was received with shouts of approval. And all this time officers and men were milling around in a confused mass, riding against each other, backing up, jerking and spurring their horses, which were improving the opportunity to nip the rank grass, and swearing a blue streak in their impatience to be up and away.

Doubtless the exact spot where this command of five or six hundred men threw away the last chance for annihilating Quantrill and his gang is a meadow or pasture dotted over with white-faced cattle, or it may be the site of some stately farmhouse surrounded with trees and vines and other accessories of a happy home; and it may be that not one of the inhabitants of the region ever heard of the crime committed there; but if the ghosts of the men murdered at Lawrence ever hold indignation meetings to abhor the arrest of the sword of justice and vengeance, it is there. And if the black spirits of the guerrillas ever sally forth for a respite from the torments of hell they should hold high carnival on that spot.

When the men had cursed until they were hoarse and Quantrill had been allowed to put a couple of miles between his command and its pursuers, the bugle sounded "Forward," and for the moment hope revived. It was but for a moment, however, for when the command had reached a favorable spot at the foot of the hill it was formed into line and the order given, "Prepare to dismount." This was given by the colonel, but not an officer of the line

repeated the command, and of course not a man obeyed. The order was repeated by the bugle call, but not a company bugler repeated the call, and of course the men paid no attention to it. Here was mutiny, pure and simple, and the officers of the line had taken the initiative. What an everlasting pity it is that some one of these daring officers had not gone one logical step further and immortalized himself as a leader! I am almost prepared to say that it was the duty not only of the officers to have furnished a man for this purpose, but that it seems an inexcusable delinquency that not one common soldier had the impulse or the daring to do it. Oh for a Sheridan just then! Oh for a Custer! Oh for a Kansas man named Sam Crawford!

When the colonel found that his commands were set at nought by his officers and men, he turned his horse to the front and sat there, mute and dejected. After a few minutes of painful silence a man here and there slid off his horse and went into a cabin a few rods in the front looking for something to eat. It was just a log cabin in the wide prairie with a truck patch at one side and not a fence or any other improvement in sight anywhere. A woman was cooking sweet corn in a wash boiler on a stove, as was the custom of the time, to be used in making succotash. When she saw us looking at the half-stripped cobs strewn the floor she explained that the rebels had set a picket post there in the night and the men had made her get up and cook for them. She said they had cleaned the house of eatables and had about spoiled her show for succotash. While she forked out the hot ears of corn for us she told the most wonderful stories of the "slathers of money and horses loaded down with dry goods and clothing" which the guerrillas had with them. Her descriptions of the wealth she had seen displayed before her very eyes amused Hi Rothrock, and when she saw that he was skeptical she came over to his side of the stove and said, "Mister, you laugh as though you didn't believe it, but I tell you they was just *lousy* with money; why, they had rolls bigger'n my arm," and suiting the action to the word, rolled up her sleeve and exposed an arm like a prize fighter. From this woman we learned, as she had gleaned it from their talk, that the guerrillas were making all manner of threats against Quantrill for not having divided the plunder as he had time and again promised to do. They said he had made a "sure enough" promise to divide at the last camp over on the creek, but had not done so, and they didn't believe he intended to do so. Further, they made dark threats of "getting him" if they ever got into a fight with the "Federals."

This halt lasted about fifteen minutes; then the disintegrated line assumed shape again and the command moved off in a column of two's in a southeasterly direction, company A in the advance. After going half a mile or so we struck the trail of the enemy. It was a short distance east of their bivouac, and the ground rose in a long, easy slope to the top of the ridge over which we had seen them disappear. The country was all open, no fences nor farms in the way and no roads to follow but the broad beaten swath through the rank prairie grass the width of a column of fours, like some great thoroughfare straight as an arrow through the wilderness of bluestem and wild flowers.

Soon after striking the trail Sergeant Davis, a splendid soldier, was called to the head of the column and given orders by the colonel. Then he rode back and whirling his horse to the front said, "First five files ride out." I

was fortunate enough to be included in this detail, for which every man in the battalion would gladly have volunteered. At last it began to look like business. Following Davis to the head of the column each one of us could hear the orders he received, which were as follows: "Take a gallop until you are a mile ahead and then come down to a walk for a short time to let the horses blow, keep this up alternately until you overtake the enemy, and then go for them. Bring on an engagement and send a messenger back for reinforcements." While he was giving these orders the colonel waved his hand towards the scouts Geo. H. Hoyt, Jeff Denton and Andy Hammond, who were riding at his side, and they took position at the head of our squad. Let's see. Five files meant ten men; Davis and the three scouts four more, an aggregate of fourteen men all told, to "Bring on an engagement" with three or four hundred desperadoes. This began to look altogether *too much* like business! But such chances are a part of the game and the boys only laughed as they realized the odds against them. I can recall a number of the names in that detail: Sergeant "Bud Myers and Bob Huston, who had been on the foot scout referred to, and who had simply broken loose from all restraint at Westport and struck out for Lawrence on their own account early on the morning of the 21st and had joined Coleman's command near Baldwin; John Moore, Ed Kinney, Hi Rothrock, Graydon McCune; the last two were little fellows who by right should have been on the left of the line, but who had "swapped numbers" with taller men who would just as soon be one place as another.

Away we went up the trail. Packages of plunder lined the way. Piles of felt hats nested together, bolts of broadcloth, of silk, of calico; shoes tied in bundles; clothing of all sorts and description; shelf hardware and cutlery, table ware, etc. Our horses shied at it, trampled on it, leaped over it; hundreds of dollars' worth of property, but not a man tried to get any of it for we had business of more importance. The chief thought in my mind was, and I think this was the thought of others, that if our horses could hold out we must shortly come up with the enemy. They were impeded by their led horses and if they stopped to change mounts it would be to our advantage. Then too, the packs on their horses must add to their embarrassment and this might account for the mass of plunder that was being cut loose and abandoned. Furthermore, a majority of our men and horses were fresher than theirs. To offset these advantages to an extent, they were full of liquor and desperate and in this condition would urge their horses as long as they had breath in them. When we had made our first mile and had slowed down to blow the horses we came bump against a drunken bushwhacker in the middle of the trail. He had dismounted and was playing circus with a calf that was picketed near a settler's cabin. This fellow had pulled up the picket pin and was exercising the calf by making it run in a circle after the manner of the prize horses at a country fair. He was a picturesque specimen of the border bandit and gotten up in a style that must have made him the envy of the whole gang. His red-topped boots would have befitted a stage villain; his coat was turned wrong side out and thereby displayed the flamboyant linings; around his swarthy neck flowed a red handkerchief, and on his shaggy head perched a stack of felt hats as high as a joint of stovepipe. As we came up he uttered a hiccough and a watery smile, and in attempting a bow lost his balance and fell headlong. Then he let out a wild shriek which proved to be

his last, for on looking back I saw a grinning soldier putting a smoking revolver in his holster and a dead rebel on the grass still holding onto the end of the rope. Not a word was said, and I do not recall that the incident was ever referred to afterward. It was but a short distance to the top of the ridge we had been ascending ever since we had left the column and our horses were still in a walk, when suddenly Davis and the scouts let out a yell and spurred away from the squad with their horses on the run. Orders to follow were unnecessary and we lit out in a wild race down the eastern slope as fast as our horses could carry us. The occasion was plain. In the fence corners of the first farm across the line in Missouri and strung out along a lane at the boundary of a cornfield was Quantrill's command feeding their horses to a treat of corn; again "there was mounting in hot haste" and more rearing horses and scampering down the dusty road, for we had come to an old settled country again. We got a few shots but did no execution. Their rear guard was commanded by a daring fellow, and the horsemanship of the dozen men who covered the retreat was superb. These men carried no plunder and their horses were guided entirely by the legs of the rider, leaving both hands free to use revolvers. When they finally turned to race after their command the riders bent far forward, almost to the necks of their horses, and seemed to be a part of them.

As we came to a halt at the mouth of the lane and bunched up around Davis and the scouts, a puzzling sight was presented. In the fence corners and along the road were piles of corn, partly eaten, which had been fed to the horses, and interspersed among them were bolts of dry goods and packages of plunder in profusion. Cigars by the hundreds lay scattered about, and silks and fine dress goods in great quantity. There were liquor bottles and bottles of liquor, and everything showed that the guerrillas had deliberately stopped to feed and rest their horses and divide the plunder and drink and smoke and have a good time, while an enemy in larger force was within three miles and pressing them as hard as cavalry could move. What was the explanation? Had the liquor given them "Dutch courage" to the extent of making them utterly reckless, or had they seen our column halt back there in Kansas, and with their glasses discovered that a state of mutiny existed? Possibly the clamor for a division of the booty had become a personal menace to Quantrill and he had decided to take chances with the pursuers rather than with his own men. As we looked down at so many good things under our horses' feet it seemed a pity that we couldn't have some of them, but Davis, who had been laughing more heartily than I had ever heard him laugh before, suddenly became serious and swore that he would shoot the first man that dismounted. So, although the men wanted the cigars and the silks and things and the horses wanted the corn and they pawed for it while we begged for a rescinding of the order, neither men nor horses got a thing. It was the only time I ever saw horses paw bolts of silk and boxes of cigars and bottles of liquor in the dust; they seemed to take a delight in it. And by the way, jaded horses do not paw and prance.

The first thing Davis did when he drew reign was to send a man back to hurry up the column. The rebels had invited us to come on and made a number of uncomplimentary remarks reflecting on our courage and scandalizing our ancestry when they saw we were disinclined to accept a challenge

on the basis of twenty-five to one; all of which had a nettling effect and made us impatient of delay.

Just as the first shots were fired by Davis and the scouts a single horseman dashed out from the main body of the rebels and rode to the south several hundred yards, and then turned to the west and rode in a walk parallel to the line we had come and about a quarter of a mile from us. Two of our men acting on their own initiative rode out and brought him in. He proved to be a Lawrence man by the name of Boyce, who had been impressed by Quantrill to drive a carriage containing two guerrillas wounded in the skirmish with Captain Coleman at Palmyra or Brooklyn the day before. He said he had been watching for a show to escape, and when the firing began he sprang out of the carriage while the guerrillas were busy dividing the plunder, and mounting the first horse he saw made a break for freedom. He reasoned that if he had gone straight back and met our squad he would have been shot before he could have made an explanation. Further, he thought it was safer to go away from the firing zone than straight into it. His quick wit doubtless saved his life as his horse was loaded with plunder. He said the guerrillas had been quarreling all the morning because Quantrill had not divided the plunder, and more than once he had heard the threat of "getting even" if they ever got into a fight with the troops. It was to quiet this clamor that the guerrilla chief had made the halt at the roadside.

As soon as we saw the head of the column coming over the divide the pursuit was resumed. We had hardly started when Rothrock screamed out that he saw a roll of greenbacks and was swinging off to get it when Davis repeated his threat, and he swung back again. Then Ed Kinney's horse shied at a bale of bills as they had been taken from a bank and Ed swore that he saw a hundred dollar bill on the outside. He may have done so; but considering the speed at which we were going and the dust we were kicking up, and withal, the limited experience of the affiant in bills of that denomination, I submit that he was mighty quick at figures! What a ticket seller for a three-ring circus he would have made! The road led around the field in a semicircular form, with a rail fence on the left and a small tributary of Grand river on the right until it came to the main stream, which at this point was little more than a creek, near the northeast corner of the field. At the ford we ran into the rear guard, which was covering the escape of the carriage with the wounded and which seemed to be having trouble to get up the bank. In the skirmish that followed one of our men was slightly wounded, but laughed at it. The carriage turned off soon after getting across the stream and followed a wood road down the river. We learned afterwards that two men from our main command, when it came up and saw the tracks, followed them, and overtaking the carriage killed the wounded men in their bed. This dastardly act was condemned by officers and men, who declared that the cowardly wretches ought to be shot; but in the fury over the outrages which had been perpetrated in Lawrence it was condoned.

We skirmished all day with this rear guard, firing a few shots at long range, but as our main command seemed averse to giving us any support and kept out of sight most of the time, we let it go at that. Just at night-fall we were but a mile behind the main body of the guerrillas and their rear guard became more than usually daring. We soon discovered the reason. A short distance beyond them was a party of perhaps a hundred men, drawn

up in line of battle! What could we do? Here, including their rear guard (who were armed with carbines), were eight times as many men as we had, offering us battle. It was uncertain how far in the rear our main command might be; we had only caught a few glimpse of them during the day, and then at a distance of from one to three miles. Davis was a man of instantaneous action—a natural cavalryman. He gave the order to form a skirmish line and we advanced with our horses in a walk and carbines ready for the word to fire. I recal' the grim smile of the sergeant as he glanced along his little line and said, "Quantrill takes no prisoners, boys." When we got within range we raised the yell and began firing, and the rebels did the same and added a few remarks about "Cowardly Yankees," which we did not take to heart, considering the odds against us. Then their line broke and they all galloped forward to their main command and soon after disappeared down a winding lane that turned to the right and ran between a fenced field on the right and a steep wooded bluff on the left. Away we went after them, not thinking of the rashness of the act nor of the fate that might await us when there was no way of retreat. Just as we reached the narrowest part of the lane we heard a bugle call in our rear sounding "Retreat." Almost instantly it was repeated, and then, making a straight cut across the field toward us came our command with horses on a run. The officers were so badly wrought up that they could hardly swear at us for the rashness of our act. It was then explained that by the aid of glasses they had been able to see that we were being led into a trap, and that the precipitate retreat of the rebels a few minutes before was part of the game. Why the command had not made such a spurt earlier in the day was never explained.

It was now dusk, and we fell back half a mile and bivouacked for the night. We had neither food nor water and the orders were peremptory to lie down with our arms on and hold the horses by the bridle. Of course fires were out of the question, although it was chilly before morning. Our location was a good one for defense. We were in a shallow swale, or depression, sloping away from the enemy and semicircular in form. To the rear and below us were scattering blackjacks, but in the front was open prairie and any object passing along the road we had come would be silhouetted against the sky to the east and toward the rebels who were undoubtedly bivouacked within a mile of us. To go a little more minutely into a description of this position, let me say that the road we had been traveling ran in a direction from southwest to northeast; the stream and belt of woods with the lane along its edge, where we heard the bugle call, ran at right angles to the road and therefore from northwest to southeast. Our position was some two hundred yards to the west of the road we had come and the right of our line was somewhat nearer to this road than the left, our front being almost due east. But one picket post was established and this was about one hundred yards to the front and center. Corporal Corwin and privates McCune, Rothrock and myself were the detail. We were sent out on foot, and Major Thacher, who seemed to be running things generally, gave us our orders. The first tour fell to me, the second relief to McCune and the third to Rothrock. Our post was a trifle higher than the line of bivouac, and from its position the ground sloped up somewhat more to the road referred to. The surface was covered with a growth of grass about knee high, and scattered here and there were hummocks of sumac and persimmon brush. When Corwin had

repeated the orders he said with a chuckle, "I'm not likely to fall asleep, so there'll be two of us on watch all the time." This was a kind-hearted warning as well as an assurance. I had no means of knowing the time of day, but daylight was gone and at that time of the year (August 22) it was probably between 8 and 9 o'clock. In spite of the excitement and the probability of a fight before morning I found it very hard to keep awake. For ninety-six hours I had had less than six hours of sleep, and that broken and fitful; had been without food for twenty-four hours except a little half-cooked corn on the cob, and had not been refreshed by so much as a drink of water for more than a half a day. Two hours is a long time when it is counted a minute at a time; and when a man is "dead tired" and his legs are ready to buckle up under him at every step it seems longer than ever. As I paced back and forth in the tall grass the silence was oppressive. True, there were hundreds of men but a few steps away. "But the stillness gave no token," and the feeling of loneliness was almost overpowering. An owl hooted away back in the rear and the uncanny sound startled me. Then I wondered whether it was an owl or whether it might not be a signal of the enemy for an attack. Remembering that there were a few trees in the rear I concluded it was an owl in one of them, and dismissed my fears. Then a horse gave a snort and moved about restlessly, and I could hear its master swearing at the animal as if he had been waked by it. I instantly forgot my fatigue and the alertness of the horse made a good sentinel of me in a second. Cavalry horses seldom make a mistake about the approach of an enemy at night. Just then I heard the swish of the wet grass as Corwin came with second relief. I whispered the instructions to McCune, and as he relieved me started back to where Rothrock was lying. I had gone but a few paces when I heard Mac shout "Halt!" At the same instant he fired his carbine. Turning to look toward the crest of the ridge I could see the whole prairie alive with moving horsemen. They were in column and were marching to the southwest along the road we had come earlier in the evening. Instantly came a command from some one at the head of the column, "Fours right into line, wheel!" Some of our boys, who had been taught by Quantrill when he was a Kansas schoolmaster, said it was he who gave this command for they instantly recognized his voice, and they were undoubtedly right. As the guerrillas came into line they began to fire at will and without orders that we could hear. Then the clear voice of Major Thatcher rang out, "Picket guard lie down!" This was quite unnecessary, as we were already as flat on the ground as we could be. The rebels had fired perhaps a hundred shots before our boys got fairly started. A few straggling shots here and there had been made, but it was not until after Thatcher had told us to lie down that the firing became general. About the same time the swearing became general also. Each side attacked the ancestry of the other with every volley. The rebels fired much too high to do any considerable execution, largely owing, no doubt, to their being so much above us. By the same token our side should have done good execution for we were enough below them to overcome the propensity of soldiers to overshoot and to catch them about right. To some extent this was realized. In the midst of the fracas and in spite of the uproar we could hear the shrill voice of Thatcher calling "Fire lower, men, fire lower!" And again, "Darn it, men, fire lower—you're wastin' your ammunition!" After that it was noticeable that there

were more shrieks of pain on the rebel side and not so much bragging about the way they had done up Lawrence. About this time the tones of the rebel commander carried an appealing sound, and he seemed to be begging his men to stand up to the work and not mind a few wounds. More than once I heard him say, "Never mind, never mind, we'll get 'em yet—let him alone—he's all right," etc. It was all in a begging voice, utterly devoid of the snap and go that appeals so much to the soldier in the commands of his officer. McCune cried out that he was hit, and when I crawled over to him and inquired where it had caught him he snarled out, "Get away or I'll kick you!" He had received a painful wound in the foot, but I don't believe he missed a shot because of it; in fact he may have fired a little faster for all I know. Then there were more shrieks of pain on the rebel side and a few words of sympathy on the part of the officers, and then the command, "Fall back, men, fall back; let's get out of here," and they moved away in confusion to the left and rear the way they had come. By the manner of forming his line Quantrill had thrown his left in front, and in this way they marched from the field, with the commanding officer in the rear. Perhaps this was the way he wanted it in a retreat, but the informal way in which he ordered his men to "Fall back" showed that he knew he had gotten the worst of the affair. This was Quantrill's last stand. He had expected to find us napping and slaughter us in our sleep as he had the unarmed recruits at Lawrence, and then go on his way unmolested.

The first thing, as soon as it was light, was to examine the field. The grass was splashed with blood, and there were a few pools as though men might have died there, but the most significant appearance was the grass beaten flat to the ground in large spaces as though men had struggled there in death agony. It was in these places where the pools of blood were. Whether dead or wounded, the victims had been taken away by the guerrillas. We had a few wounded, one quite severely, but none killed. One of the horses was wounded but not enough to disable it.

Days of running fights ensued between small detachments of troops and a handful of guerrillas, but the band was broken up and never had the least bit of cohesion after that night attack. So closely did the troops follow them that they could not secrete their plunder, and this became the conclusive evidence upon which the sentence of death was executed when men were caught with packs on their saddles. Every man killed, and we finished about one hundred before the pursuit was abandoned, had stolen goods strapped to his saddle. Many of the led horses were abandoned in the flight, and all these had bundles strapped on the saddles. Side-saddles, calico, and men's hats predominated. I recall how one of these bundles led to the discovery of a couple of bushwhackers who would otherwise have escaped. One morning we were passing through a thick woods with underbrush, and had just come to the end of an obscure wood road, when a horse that was tied at the side of it backed out into the open way and we saw a bundle of dry goods strapped to its saddle. The squad was turned into that by-road and the bushwhackers, who were being fed at a house near by, ran out just in time to be riddled with bullets. Thus we ranged the counties of Cass, Johnson, Lafayette, Jackson and Bates. However, this was not done immediately following the first pursuit of Quantrill, with which I have been dealing.

To resume the narrative, I may say that on the 24th of August we dispatched two guerrillas in the village of Blue Springs, both admitting that they were of the Quantrill gang but pleaded that they were "made to go." On the 27th we returned to Westport. That is, our company did. I do not pretend to follow the movements of the other companies of the battalion. We had been in the saddle for more than a week, and during that time had not undressed, had not had an hour of sound sleep, and had not eaten a square meal. Those of us who had been on the foot scout preceding the raid had been under similar hardships for two days more than this, except that we had eaten a full meal on the morning of the 21st at Westport.

The foregoing, compiled as to dates, names and places from a daily journal kept by me during the war, completes what I personally saw and experienced of the pursuit of Quantrill after the Lawrence raid. Perhaps it would be more correct to designate it as *escorting* the bushwhackers out of Kansas and back to their homes in Missouri, for at no time were they pursued with any apparent purpose to overtake and punish them. If there was no wireless telegraphy existing between the officers of the opposing forces that operated to give the guerrillas safe conduct out of Kansas, then certainly such another concatenation of untoward circumstances never conspired to favor the pursued and defeat the plans of the pursuer. If Ewing had been as anxious to punish bushwhackers as he was to scold and disparage the people of Kansas, he could have prevented the raid. If Pike had been as good in generalship as he was on dress parade, he would have hung on the rear and flanks of Quantrill all the way from Aubrey and retarded him until reinforcements could have come to finish the undertaking before they were half way to Lawrence. If the troops that were held all day in Westport, and then sent by the roundabout way of Olathe to intercept the bushwhackers, had been sent straight down the line, they could have beaten Quantrill to the state line and forced him back to fight on the prairie in Kansas. If Colonel Lynde had been half the soldier that he was politician and partisan, he would have struck Quantrill a stunning blow before he reached the cover of the Grand river woods. If Lieutenant Colonel Clark, who had an ample force for the purpose in Paola the night of the 21st, and who knew the location of the bivouac of Quantrill in the bend of Ten Mile creek not more than six miles away, had chosen to do so, he could have surprised the bushwhackers in their camp and slaughtered them like rats. And lastly, if Lynde had supported our little squad of fourteen men, as he promised to do, and sent a couple of hundred picked men with the best horses racing to the front when we struck them on Grand river, Quantrill would have been forced to fight, and when the whole of the command had come up he would have been annihilated. That's the way Sheridan would have done; the way Custer would have done; the way Sam Crawford would have done; the way any cavalry leader would have done.

While not properly a part of the so-called pursuit of Quantrill, this is a good place to tell the rest of the story which leads up to the time the guerrilla chieftain outgeneraled Blunt and went south to receive a colonel's commission in the confederate army as a reward for slaughtering nearly two hundred noncombatants in and around Lawrence.

For nine days after our return to Westport we rested and awaited further orders. During this time an incident occurred which will illustrate the way

it became necessary to fight fire with fire. One day Corporal Huston came to the orderly sergeant and asked for a detail of six men to "go on a little lark into the country." The two went to Captain Earl's headquarters and had a talk, with the result that the corporal got his men. At dark the seven men rode away and in two days they came back, and meantime this was what happened: Quantrill's gang had been reduced in numbers by the loss of six men; it seems that Huston had been doing a little detective work on his own account down in Kansas City, which was then and during the war ulcerated with treason to the Union. What disguise he adopted and the details of the plans he pursued I do not pretend to know, but he found out the rendezvous of a band of bushwhackers, learned their names, and was told of their exploits in killing the unarmed recruits in Lawrence. Satisfied of his ground and acting on the principle that in this case the end would justify the means, he matured his plans. By riding at night and hiding during the daytime he came with his squad to the headquarters of the bushwhackers early in the night of the second day. Leaving their horses at a safe distance they crept to the brink of the ravine where the outlaws were carousing and wiped out the band, six in number, at a single volley.

On the 23d of August, two days after the destruction of Lawrence, Ewing had issued his famous, or infamous (dependent on the point of view), General Order No. 11, which was stigmatized by the people of Missouri as brutal because it depopulated the country, and ridiculed by Kansans because there was a "proof of loyalty" loop-hole for the biggest rebel to crawl through. This order was effective in fifteen days, or on the 8th of September. Lane, who had been more or less conspicuous in the pursuit of Quantrill, chiefly in quarreling with Plumb because the latter declined to surrender the command of the troops to a civilian, had a brilliant scheme for reinforcing the troops in the execution of this order with a Kansas contingent to be under his immediate command. The movement was to start from Paola, and to give it the proper impetus a camp-meeting was called in that town for the 8th of September. So while the troops were resting after their fruitless chase after the rebel raiders and waiting for the limit of grace to expire, there was a lull, and then this shriek from Lane. Meantime, four days before the grand advance, General Schofield issued "General Order No. 92," forbidding the militia of the two states to cross the line which separated them. This was a killing frost on Lane's project, and had the immediate effect of turning back some thousands of refugees and intending raiders from Kansas, headed toward Missouri via Paola. Still, the camp-meeting bout was to be pulled off according to program and the citizens within easy reach continued their course with that objective, orders or no orders.

On the day previous to the date for the meeting Ewing sent Col. Weer of the Tenth Kansas, escorted by company A of the Ninth, to Paola to head off Lane's expedition. After we had been on the march from Westport for several hours Weer told us in his blunt way that we were going to Paola "to head off that d—d fool Lane." The epithet was not relished, since we were all "Lane men," if for no other reason than that our officers were unanimously and bitterly "anti-Lane." However, coming from Weer, whom we all admired, it was not resented, although it was given out straight that there were not enough soldiers on the border to stop Lane. To this Weer replied

that he had only wanted ten men, but that Ewing had insisted on his taking seventy-five.

We reached Paola just as the crowd was assembling in a grove for the first public meeting. An organization had been effected with Tom Osborn as chairman and Web Wilder as secretary, and a number of other prominent men were vice chairman. The platform was filled. Plank seats had been provided from a sawmill in the vicinity, and these were crowded with an expectant audience. Weer dismounted us a short distance away and marched us to the front directly before the speakers' stand. Here he cleared enough seats to accommodate us and told us in a low voice as he passed along the front to "Take no orders from any one but me—d'ye understand?" The men and women who had been required to give up their seats scowled and moved away with bad grace. The men on the platform nudged each other and exchanged significant nods.

When all was ready, Lane, who had been talking with a group at the end of the platform strode up the steps and without prelude or introduction began his harangue. It was on a high, tense key, and was wild, incoherent and bloodthirsty; as a Niagara torrent of invective, profanity and bad grammar. Gamble, Schofield and Ewing were rebel sympathizers and had used the army so as not to injure their friends. Lawrence had been destroyed with the knowledge and consent of these men, and the whole Kansas border would be devastated in like manner. (Here he pulled off his long linen duster.) The remedy was in the people's hands. The way to kill wolves was to hunt them to their dens; the way to exterminate snakes was to crush them in their nests; the way to punish Quantrill and his friends was to make a burning hell of Missouri! (Here went the cravat.) Throwing his bony arms upward to their fullest extent he yelled in the frenzied tones of a Comanche Indian, "Missourians are wolves, snakes, devils, and d—n their souls, I want to see them cast into a burning hell! (Here he tore open his shirt front and exposed a wide expanse of hairy jungle.) Men and women jumped on the benches and fairly yelled their delight and approval, following with groans for the soldiers. Weer moved up a little closer and turned facing the crowd. It was a challenge which Lane understood, the more forcibly when Weer faced about and looked Lane straight in the eye for a full minute. It was a tense minute, too. As Weer took his seat and Lane glanced at the array of shining carbines his manner altogether changed. "But, said he, General Schofield says all these people must go back to their desolate homes empty-handed and with broken hearts." It was a letting down that was pitiful. Many of the audience laughed outright. This worried Lane, for he couldn't stand to be ridiculed. He closed soon afterward and it was generally agreed that his speech had been a failure.

At night Jennison and Hoyt made speeches on the public square up town. Jennison was well known as a fighter, raider and Union guerrilla, but the interest centered around Hoyt who had defended John Brown. He was dressed in a suit of black velvet, red sheepskin leggins reaching to the knees, a red silk handkerchief carelessly thrown around his neck, and a military hat with a flowing black plume. At his waist was an embossed morocco belt carrying a pair of ivory-mounted revolvers. The speeches of these two men were as inflammatory and silly as Lane's had been, but they were received with screams of approval. At the conclusion there were loud calls for Lane.

After a delay sufficient to whet their appetites for him, the "Grim Chieftain" came out. Stepping on the box and striking a dramatic attitude he shrieked, "G—d d—m Missouri: I want to see her destroyed—her men slain and her women outcasts." That was all he said and it was quite enough. The audience was frenzied with excitement, and I fully believe if there had not been a military force present they would have started for Missouri that night. After the speaking Chester Jones and I carried Weer's report of the day's doings to General Schofield at Aubrey. He read it and laughed heartily.

On the 10th of September seven companies of cavalry set out again after Quantrill. We marched to Pleasant Hill, thence to Lone Jack; thence to Chapel Hill where we joined the Eleventh Missouri cavalry. On the 13th we broke camp before daylight and marched to Blue Springs, and on the following day returned to Pleasant Hill. By consulting the map it will be seen that we had described a circle of fifteen or twenty miles in diameter. Quantrill's favorite hiding place was in this exact locality and just east of there along the brakes of the Blackwater river. When we returned to Pleasant Hill we found that he had been following us and burning and killing in retaliation for the punishment he had received and for Order No. 11. Union men who had established their loyalty under the terms of that order had been slaughtered like wild animals and their houses and property destroyed.

On the 15th we made a night march and surprised a band of guerrillas at breakfast in a house in the Sni hills. It was hardly a surprise either, for the barking of a dog flushed the game and they made a break over a bank on which the house stood and escaped down a cliff where it was impossible to follow them, leaving horses and booty behind them. There was enough dry goods, clothing, boots, shoes, hats, etc., in the house and on the captured horses to have stocked a fair-sized country store. It was put in a pile and ruthlessly burned. On the 17th we returned to Westport.

On the 23d we again took the field to help enforce Order No. 11. Three days later we had a skirmish with a band of Quantrill's men on Hog Island in the Osage river in Bates county, killing one of them and having several of our men wounded, one severely. The man killed was riding a large dapple-gray horse which was recognized as belonging to a livery stable in Lawrence. Pressing a wagon into service and making our wounded as comfortable therein as possible, we returned by easy marches to the Kansas line, camping near Trading Post at the site of the Marais des Cygnes massacre.

On October 4 we were over in Bates county again and ran onto the rear guard of Quantrill at the mouth of the Little Miami. We exchanged a few shots without effect, and they got away.

How they got away may be worth the telling. We sighted the game in the wide river bottom and at once gave chase. The country was all open at that time and the rank wild grass was as high as the backs of the horses. Suddenly the rebels swung to the left and seemed to be flanking us. Instantly our column swerved to the left to make a short cut across the base of the semicircle, and came "on left into line," in anticipation of opening fire, but kept at full gallop. Then something happened. We came to an open ditch twenty feet across and nearly that in depth, which had been fully hidden by the tall grass. Only one horse made it, all the rest recoiling, bucking or tumbling half way to the bottom with the momentum. Sergeant Myers' race mare, "Black Bess," took it like a bird and won a cheer of ad-

miration even from the rebels, which served to palliate the offensive epithets they heaped on the rest of us. That's how they got away.

Quantrill was marching by column of fours and his trail could be followed as easily as any highway. On the 6th we came to a deserted camp near Nevada, where four hundred horses had been fed. After a careful examination of this camp it was decided that the trail was too cold to follow, and the pursuit of Quantrill was finally abandoned and the troops returned to their stations along the Kansas line. On the very day we turned back Quantrill annihilated Blunt's bodyguard at Baxter Springs. During the two days between our attack on his rear guard and this fight he had marched at least eighty miles.

It has been said by apologists for Quantrill that he was justified for everything he did by the atrocities which had been committed by Union troops in Missouri. They cite the barbarities of Jennison at Independence and the burning of Ocala by Lane in the first year of the war. They refer also to the indiscriminate seizure of property by soldiers who made out every man a rebel who had a good horse. There is just enough basis for these charges to furnish an excuse, but not enough for a justification of the inhumanity of the guerrillas that shocked the civilized world. For example, between the 2d and 12th of May, 1863, five companies of the Ninth were scouting in Bates and adjoining counties, and when we came out brought fifty-four horses, mules and jacks, two hundred and seventy-five cattle and five hundred head of sheep, all swept up regardless of ownership, as I believe, from the farms along our lines of march. This stock was taken to Paola and confined for a time in an enclosure of several acres surrounded by a very strong and high rail fence. A few of the cattle and possibly some of the sheep were slaughtered for the use of the troops, but by far the greater number "broke out" one stormy night, and while one detachment of troops was sent toward Missouri to recover them, another was sent post haste to drive the stock into Kansas, to the infinite disgust of the soldiers who were used for such a purpose. Possibly the quartermaster's returns in Washington will show that all this stock was properly accounted for, and even that it was paid for at a good round figure; but it is certain that it was never used for a public purpose and that, except as stated, it all went to enrich a few men who would have resented the designation of thieves with a show of righteous indignation. Now such acts as this, and they were not infrequent along the border, naturally roused fighting blood, but not to the extent of justifying the acts of Quantrill. As for Union guerrillas, I never heard of more than two, and Jennison was cashiered and dismissed the service, while Cleveland was shot like a dog by Union soldiers.

I hardly know what to say about Plumb's part in the pursuit of Quantrill. This hesitancy is occasioned by the difficulty in ascertaining the facts, which seem after the lapse of half a century to be still obscured by the clouds of acrimonious discussion that raged about his record in that affair. After a somewhat extended effort to ascertain the truth, it seems to me that whatever is said must necessarily be more in the nature of an apology than a vindication.

The criticism of Plumb is focussed on his failure to engage Quantrill in a general action when he overtook the guerrillas at Brooklyn and to harass

and detain them until reinforcements, which were known to be coming, could intercept their retreat to Missouri.

Plumb left Kansas City with seventeen mounted men of his own regiment. These men had served two years as infantry and had been changed to cavalry on July 11 (forty days before), being still armed with their infantry muskets. The mounts of these men were, as General Ewing states in his report, "Young horses, just issued," but this does not apply to any others in the command of Major Plumb in the pursuit of Quantrill. At Westport he secured thirty cavalymen armed with improved carbines and mounted on seasoned horses. With this force of forty-seven men he set out by forced march to overtake Quantrill. Six miles from Lawrence he overtook Captain Coleman with a force of two hundred cavalry and took command by reason of his being the ranking officer. Seeing by the smoke that the guerrillas were retreating to the south, Plumb changed his direction and marched toward the hamlet of Baldwin on the Santa Fe trail, where he arrived about eleven a. m. and in time to be joined by a posse under Lane, which united force gave Quantrill his first serious touch of opposition on the raid. In this skirmish it was developed that the all-night march of the cavalry and the race from the Wakarusa, where Plumb turned south, to Baldwin, a distance of twelve miles, had fagged the horses so that some had given out completely and nearly half of the remainder were unfit for a charge and only able to drag along in the rear by dint of constant urging. Doubtless it was the forced march of the last twelve miles that disabled them. This saved Baldwin and the vicinity from destruction, and for that reason was worth all its cost, and explains in a large degree subsequent disappointment in the pursuit. Before that gallop of twelve miles the horses of both the pursuer and the pursued were practically upon an equality, the two commands being about equally jaded by an all-night's march, but for the former to overtake the latter involved the closing of this gap between them, which under a scorching August sun put the Union troops at a great disadvantage. Another thing: Coleman's command, which comprised the principal part of the pursuing column, was mounted on horses which had been grass-fed at their stations along the border, and in this respect were big-bellied and bulky, while Quantrill's horses, whether of his original command or the ones he had taken from the livery stables in Lawrence, had been fed chiefly on grain and were as gaunt and ready as greyhounds.

After the skirmish at Baldwin, and when the unfortunate condition of the horses had been demonstrated, Plumb seems to have sifted out his best horses and placed this part of his command under Coleman, while he himself took the siftings and formed a separate command for the purpose of a flanking party and to keep the main column of the guerrillas harried in that quarter, while Coleman should engage the rear as he was able to overtake them. The citizen contingent which had been rallied by Lane went with Plumb. Now comes in what seems to be an irreconcilable discrepancy in the statements of men who would appear to have been in possession of the facts, viz.: that Plumb, who was admittedly at the head of a command inferior to that of Coleman in horses, arms, and discipline of the men, outmarched the fresher horses, overtook the guerrillas at Big Hill in Miami county and engaged them in a sharp skirmish, and then, thinking they were heading for Paola, marched to that town and turned his command over to Lieutenant Colonel



A. W. Benson & Co. Boston

Yours truly *W. H. Wood*

Clark, who knew that the guerrillas were bivouacking within five or six miles and refused to go out and attack them. The other story is that the combined forces of Plumb and Coleman bivouacked not far from Big Hill and joined Lynde's column at sunrise of the next day and engaged in the row already described, at the conclusion of which Plumb, disgusted, withdrew with his command and reported to Clark. It is certain that neither Plumb nor Clark engaged in the pursuit of Quantrill in the command of Lynde on the 22d of August. As to which of these two stories is the true one I am unable to state. Personally I know very little about Plumb's movements in the pursuit, and I may be criticised for saying as much as I have in regard to a matter I know so little about, but I have felt as if my silence might be taken as an implied criticism of one whom I am now convinced suffered unjust reproaches for his part in the Quantrill raid. I do know that as far back as 1880 neither Lawrence nor Douglas county laid blame on Plumb, and that candidates for the legislature who announced their determination to vote for him for the senate were triumphantly elected.

THE REHABILITATION OF THE SANTA FE RAILWAY SYSTEM.¹

By CHARLES SUMNER GLEED.²

THE editor requests of me a brief history of the Santa Fe System from the close of the receivership of 1893-1895 to the present time [December 31, 1912]. This would be a history of the Atchison, Topeka and Santa Fe Railway Company, the new company, which was successor to the Atchison, Topeka & Santa Fe Railroad Company, the old company.

It will be easier to understand the history of the new company if we glance at the history of the old company.

The Atchison & Topeka Railroad Company was chartered by the Kansas legislature in 1859. The name was changed in 1863 to the Atchison, Topeka & Santa Fe Railroad Company. Work was begun, nearly ten years after the charter was secured, on the line from Topeka west under the direction of Thomas J. Peter, of Cincinnati, general manager, who, with his associates in Cincinnati and elsewhere, contracted, in return for certain stocks and bonds, to build the line to Colorado.

Mr. Peter left the company in 1873, and there followed several brief administrations until in 1877 Thomas Nickerson, president, and his associates, of Boston, put the property into the hands of William B. Strong, vice-president and general manager. Mr. Strong became president in 1881.

1. This article was first published in the *Santa Fe Employees' Magazine* for December, 1912. Because of its historical interest and value it is reprinted here with the permission of the author, whose long association as a director of the railway in question gives added weight to what he has written.

2. CHARLES SUMNER GLEED, son of Thomas and Cornelia [Fisk] Gleed, was born in Morrisville, Vt., March 23, 1856. His father died at the opening of the Civil War, and the mother, with her two sons, came west, settling in Lawrence, Kan. Here Charles Gleed received his education and entered newspaper work. He studied law, and was admitted to the bar in 1884, and was afterward associated at different times with the law departments of the Kansas Pacific, the Union Pacific and the Atchison, Topeka & Santa Fe railway companies. He was, for a time, editor of the *Denver Daily Tribune*, and has been for many years part owner of the *Kansas City Daily Journal*. In 1888 he was married to Miss Mabel Gore of Lawrence, and they make Topeka their home. Mr. Gleed maintaining a law office here. Charles Gleed is a prodigious worker, a man of many and varied interests; he is a frequent contributor to magazines, and a most pleasing and convincing speaker.

When Mr. Strong took charge of the property it was nearly all in Kansas. When he resigned the presidency in 1889 the extreme termini of the company's lines were Chicago, Ill., St. Louis, Mo., Galveston and El Paso, Tex., Deming, N. M., Superior, Neb., Denver, Colo., San Diego, Cal., and Guaymas, Mexico.

The mileage, including one-half of all the lines owned jointly with other companies, was 7118.51 miles. The greater part of this mileage had been built or rebuilt under the personal direction of Albert A. Robinson as chief engineer, general manager or vice-president. The work had been done with remarkable thoroughness, considering the early standards and conditions.

In the last year before Mr. Strong's resignation—the year 1888—the revenue of the company amounted to \$15,612,913.25. This was \$2,848,453.01 less than the income for the previous year.

This decrease in earning power was due to two years of bad crops, to adverse rate legislation by the states and the nation, and to an extraordinary amount of competitive building done by western companies, including the Great Northern, the Northern Pacific, the Rock Island, the Burlington, the Missouri Pacific, the Southern Pacific and the Union Pacific.

The new lines built, in the five or six years preceding Mr. Strong's retirement, by the companies named and by others precipitated a most vigorous competition for both through and local business, which, with other causes, made it impossible for the company to continue the seven per cent dividend which had given the stock a market value of 140. As usual in such cases, the wrong move was made by those in position to dictate. The representatives of the bondholders, instead of recognizing the fact that what the property most needed was a reasonable time in which to recover from the conspiracy of circumstances which had temporarily embarrassed it, and that those who had built it could probably do best with it, preferred to blame individuals, and accordingly insisted on a change of management.

Mr. Strong resigned in 1889, and was succeeded by George C. Magoun, chairman, and Allen Manvel, president, several new directors taking the places of old directors.

Under the direction of Mr. Magoun and Mr. Manvel the company's obligations were rearranged without foreclosure so as to accomplish a reduction in fixed charges. This was of assistance, but it did not reach the main troubles, which were bad business conditions generally and ruinous competition.

Rates were cut recklessly in an attempt to force an adequate revenue. New property was acquired, bringing new obligations. The outstanding stocks of the Colorado Midland Railway Company and the St. Louis & San Francisco Railway Company were purchased and the property of those companies added to the system. This overcame the saving in charges which had previously been made.

The end came rapidly. Mr. Magoun and Mr. Manvel died, leaving the property ripe for a receivership. J. W. Reinhart, who had been for some years in charge of accounts, was made president. For a short time he succeeded in deferring bankruptcy, but when the English bankers, chiefly representing the bonds, refused further credit, the end had arrived.

The mileage of the property handed over to the receivers was 9344.57 miles. The stock of the company amounted to \$102,000,000 and the debt was approximately \$265,000,000.

On the twenty-third day of December, 1893, Judge Henry C. Caldwell of the United States circuit court appointed John J. McCook and J. W. Reinhart of New York and Joseph C. Wilson of Topeka as receivers for all the properties. In a short time Aldace F. Walker, a former member of the Interstate Commerce Commission, succeeded Mr. Reinhart.

The properties were operated for the receivers by Daniel B. Robinson, with George R. Peck, general solicitor, in charge of the legal complications. The receivership was concluded in two years, ending December 31, 1895. In the two years of their administration the receivers made substantial improvements in the property.

While the receivers were in charge the work of financial reorganization was carried on by a committee known as the joint executive reorganization committee. The members of this committee were appointed by the several committees previously organized in New York, London and Amsterdam, and were as follows: Edward King, chairman; Victor Morawetz, counsel; R. Somers Hayes, Edward N. Gibbs, George G. Haven, Adrian Iselin, jr., Robert Fleming, C. Sligo de Pothonier and Johannes Luden. These gentlemen, co-operating with the receivers, the directors, the creditors, the shareholders and all other parties in interest, formulated a plan for readjusting the stocks and bonds and floating debts of the old company.

The committee was given possession of a very large proportion of the bonds by their respective owners, with almost unlimited power to use them. Accordingly a plan was made by which the stockholders were permitted to retain their stock, or rather its equivalent in the stock of the new company, on payment of ten dollars per share in cash, this ten per cent cash assessment to be applied for the general betterment of the property. In like manner certain classes of junior bonds were assessed, and all others were to be exchanged for new bonds at certain fixed ratios according to estimated values. Certain bonds and certain stocks of the new company were given for the cash assessment and for old bonds surrendered or scaled down and for new cash or property acquired.

This plan was then underwritten. That is to say, a list of guarantors obligated themselves to take and pay for at certain rates all the new stocks and bonds that the old stockholders and bondholders having the first right to them were either unable or unwilling to take. The plan was underwritten and was carried through successfully.

The new company began business with outstanding common stock of \$101,955,500, preferred stock of \$104,999,530, and bonded debt at four per cent of \$160,848,285.

The directors of the company for the two years pending reorganization were: B. P. Cheney, jr., George A. Nickerson and Samuel C. Lawrence, of Boston; Edward J. Berwind, James A. Blair, Frank K. Sturgis, H. Rieman Duval, John A. McCall, William L. Bull and Thomas P. Fowler, of New York; and Cyrus K. Holliday, Thomas A. Osborn and C. S. Gleed, of Kansas.

The reorganization committee sold the company's interest in the Colorado Midland Railway Company, so that on the first of January, 1906, the new company—The Atchison, Topeka and Santa Fe Railway Company—took over the property of the Atchison, Topeka & Santa Fe Railroad Company, 6435 miles of track, with lands, coal mines and other properties, and the stocks and certain bonds of several other railroad companies, including the Atlantic

& Pacific Railroad Company and the St. Louis & San Francisco Railway Company.

The shareholders of record of the Santa Fe are about thirty thousand in number, but this is little indication of the actual number of persons financially interested. The heavy owners, according to the records, are bankers, brokers and other financial agents, but as a rule these agents hold stock for thousands of investors and only small amounts for themselves.

It is impossible to make any accurate surmise as to the number of bondholders, and of course those who are indirectly dependent on these securities are countless. Probably there is not a high-class life insurance policy in the world that is not dependent, to some extent, for its value on Santa Fe bonds.

It is unfortunately true that very little of the Santa Fe is owned in the states in which the property is situated. Western interest rates are still too high to make Santa Fe securities attractive. This will not long continue to be true.

The board of directors of the new company selected by the reorganization committee was composed of the following: E. P. Ripley, Victor Morawetz, Aldace F. Walker, Edward J. Berwind, Edward N. Gibbs, George G. Haven, R. Somers Hayes, Thomas P. Fowler, H. Rieman Duval, George A. Nickerson William Rotch, B. P. Cheney, jr., C. K. Holliday, Thomas A. Osborn and C. S. Gleed. Mr. Ripley was elected president, Mr. Walker chairman, D. B. Robinson vice president,* and Victor Morawetz general counsel. Those who have since been elected to membership in the board as successors of those who have ceased to be members are: T. De Witt Cuyler, Henry C. Frick, Walker D. Hines, Andrew C. Jobes, Howel Jones, E. D. Kenna, Augustus D. Juilliard, John G. McCullough, Paul Morton, Henry H. Rogers, Byron L. Smith and Charles Steele.

Any attempt to do justice to the Santa Fe official list in the matter of giving credit for work done would require a volume rather than a few lines on a magazine page.

The Santa Fe official organization is substantially like that of American railroads generally. The directors are the lawmakers—the legislature of the company—with authority limited only by the will of the shareholders and the law of the land. In practice the directors delegate their authority largely to an executive committee and to officials.

The chairman of the executive committee in the Santa Fe company, Mr. Walker D. Hines, is also general counsel. As chairman he prepares and presents all routine business to the board or the committee and communicates the wishes of the board or the committee to others. As general counsel he is at the head of the law department of the company, though the practical working chief on the line is Mr. Gardiner Lathrop, the general solicitor, who, aided by the general attorneys, Mr. Robert Dunlap, Mr. Francis T. A. Junkin, Mr. T. J. Norton and Mr. S. T. Bledsoe, administers the extensive legal organizations in the fourteen states into which the system extends.

The chief executive officer is in every respect the president. To him report the vice presidents, Mr. George T. Nicholson, Mr. William B. Storey, jr., and Mr. W. E. Hodges; also the auditor, Mr. W. E. Bailey; the comptroller, Mr. D. L. Gallup; the statistician, Mr. James Peabody; the land commissioner, Mr. Howel Jones; two assistants, Mr. E. J. Engel in Chicago and Mr. A. H. Payson in San Francisco, and sundry other officials assigned to special duties.

The secretary and treasurer, Mr. E. L. Copeland, holds an office required by law as well as by the necessities of the business. He has charge of the records and the money. He succeeded the late Edward Wilder, who held the position nearly forty years—in fact, from the time the company had anything to treasure to 1905.

Vice-president Nicholson has charge of freight, passenger, express and postal business. To him report Mr. F. B. Houghton, freight traffic manager, and Mr. William J. Black, passenger traffic manager.

Vice-president Storey has charge of all operating, maintenance, engineering, construction and mechanical work. To him report the general managers of the several operating grand divisions, the superintendent of telegraph, the superintendent of transportation, the chief engineer, the bridge engineer, the engineer of car construction, the head of the mechanical department, and sundry other officials assigned to special duties.

Vice-president Hodges has charge of mines and oil properties, purchases and stores. To him report the general purchasing agents, mining superintendents, general storekeeper, and managers of oil properties.

The influence of the Santa Fe has long been felt among American railroads. Many of her graduates are in high places. B. F. Yoakum, formerly president and now chairman of the Frisco system, was once in charge of the Texas system of the Santa Fe. Vice-presidents W. C. Nixon and W. B. Biddle of the Frisco were Santa Fe men.

President H. U. Mudge and Vice-presidents J. E. Gorman and John Sebastian, General Manager Sweet, and C. B. Schmidt, general immigration agent, of the Rock Island, were Santa Fe officials.

George B. Harris, formerly president and now chairman of the Burlington system, was once an officer of the Santa Fe.

Mr. George L. Sands, receiver for the Missouri & North Arkansas, was general superintendent of the Santa Fe.

President William A. Gardner of the Chicago & Northwestern was a junior official of the Santa Fe.

A. A. Robinson, who was chief engineer, general manager and vice president of the Santa Fe, went to the Mexican Central as president, taking with him H. R. Nickerson as vice president and C. R. Hudson as traffic manager.

W. B. Jerome, general western passenger agent of the New York Central Lines, was formerly in the Santa Fe passenger department, as was also Edward F. Burnett, representative of the Western Passenger Association in New York.

J. F. Goddard, vice president of the Santa Fe, became chairman of the Trunk Line Traffic Association in New York.

Mr. George R. Peck, formerly general solicitor of the Santa Fe, became general counsel of the Chicago, Milwaukee & St. Paul, and James Hagerman, general solicitor of the Santa Fe, became general solicitor of the Missouri, Kansas & Texas.

Finley J. Shepard of the Missouri Pacific system was general superintendent of the Santa Fe coast lines.

W. B. Scott, president of the Southern Pacific lines in Texas, and W. R. Scott, general manager of the Southern Pacific in California, are Santa Fe graduates.

Mr. J. M. Barr, vice president of the Santa Fe, became president of the

Seaboard Air Line. Frank H. Hamilton, secretary and treasurer of the Frisco system, was formerly with the Santa Fe. J. H. Hill, general manager of the Galveston, Houston & Henderson, was a junior official of the Santa Fe.

This list could be continued to very great length. Enough instances have been named to show that experience with the Santa Fe has come to be considered a good preparation for higher work.

The property taken over involved problems of the first magnitude. When the new directors and officers took charge the line from Chicago to Kansas City, which recently had been constructed in very great haste, was in bad condition and required extraordinary expenditures.

The line extending from St. Louis toward Kansas City for about seventy miles had to be extended or sold. Many new lines in Kansas needed heavy improvements. The Atlantic & Pacific (Isleta, N. M., to Needles, Cal.) had to be bought and then rebuilt. The line Needles to Mojave, owned by the Southern Pacific and held by the Santa Fe under lease and option to buy, was a wretched piece of track.

The new lines in the Indian Territory and Texas were in the poor condition usual to new lines in the west. The equipment was inadequate and the buildings were nearly all of the temporary style characteristic of new lines. The Sonora and some other lines were operating at a loss. The St. Louis & San Francisco lines were in most primitive condition. The old main lines from Kansas City to Denver and El Paso were the only lines in good condition for the service which had hitherto been required of them. Practically all these lines had been well built and greatly improved, considering the standards of that day and the requirements of the traffic, but they were in no condition to accommodate the high speed and the heavy traffic of the time at hand.

This, in brief, describes the condition of the property which came to the hands of Mr. Ripley and his associates.

The reorganization committee of the Santa Fe undoubtedly shared the opinion of a large part of the financial world, that the Santa Fe, when turned over to the new company, was practically a finished property—that its troubles had been due to its overgrowth and that it should expect in the near future to shrink rather than grow. This is evident from many facts.

The greatest difficulty was experienced in getting the reorganization plan underwritten. That is to say, when the committee framed its list of assessments and its ratios of exchange, it was very difficult to find those who would say, "If those with the first right to do so do not take these securities we will." The plan could not find guarantors in this country, or at least only a few, but was finally underwritten in England following the advocacy of Robert Fleming, the eminent London banker.

Another fact pointing in the same direction was the very small provision of new bonds made for improvements and new construction. The general mortgage fours for new work were limited to three million dollars a year for ten years. In the light of what has happened, ten millions a year for fifty years would not have been too great a provision. Fully half of this suggested amount, or in round figures \$250,000,000, has already been spent on the property in the way of capital improvements.

In accordance with the widely entertained theory of overconstruction,

among Mr. Ripley's first undertakings were the sale or abandonment of some lines not considered desirable.

The company owned the stock and a large part of the defaulted bonds of the St. Louis & San Francisco Railroad Company. This interest was sold to other bondholders, who proceeded to reorganize that property separately.

In the case of sundry small branch lines a few were actually taken up, and the operation of some was suspended, but the opposition offered by communities directly interested, together with the steady increase in business, soon led to an abandonment of the original idea.

The last piece of property to be discarded, except perhaps the Sonora, was the St. Louis, Kansas City & Colorado Railway, a line extending west from St. Louis to Union, Mo., a distance of about seventy miles. This line had been acquired by Mr. Strong when he built to Chicago, his plan being to build also to St. Louis. The board determined not to carry out the original plan of building to a connection with the Chicago-Kansas City line, but instead sold the property to David R. Francis and John Scullin of St. Louis. They pushed the construction toward Kansas City until they sold out to the Rock Island company, which completed the line which now forms the Rock Island's Kansas City-St. Louis line.

Opinions differed greatly as to the propriety of giving up the St. Louis-Kansas City line and the St. Louis & San Francisco property, but all are agreed that Mr. Ripley's attitude in the matter of competitive building is absolutely the correct one. With respect to St. Louis, he advised the board that there were already enough St. Louis-Kansas City lines to do the business, and that he did not care to build another unless there was an unoccupied territory which needed service. He doubted if the proposed new territory would produce a due proportion of the traffic necessary to support a new line.

In the case of the Sonora road, while the line seemed to be peculiarly in the Southern Pacific territory, it was not improperly so, because it was built and acquired by the old company before the Southern Pacific bore its present relation to the southern Arizona country.

One of the cleverest railway trades ever made was the exchange of the Sonora Railway, owned by the Santa Fe, for the Mojave divisions of the Southern Pacific.

The Sonora had been built by Boston capitalists, and then had been bought by the Santa Fe in 1883. It extended from Nogales, Arizona, to Guaymas, Mexico, a distance of about three hundred miles.

The Mojave line had been built by the Southern Pacific under Mr. Huntington's management from Mojave to the Colorado river at the Needles.

A contract had been negotiated by Mr. Strong whereby the Atlantic & Pacific or its successors could hold the Mojave line by perpetual lease on payment of six per cent on thirty thousand dollars per mile, or could take over the line at that price. Mr. Ripley negotiated a sale of the Sonora, which was really in Southern Pacific territory, for the Mojave, which was naturally part of the Santa Fe. The two lines were very nearly of the same length, and experts could scarcely determine which was in the worse condition.

The Mojave line has been largely relocated and regraded. Part of it has been double-tracked, and all of it is now in condition to do the heaviest and fastest business.

The actual transfer of the title of the Sonora could not be made until

certain conditions of the Mexican law had been complied with, so that the exchange of properties as at first made was not a completed transaction. The title of each property has now been fully vested in the respective purchasers, according to the contract of exchange.

The numbers of locomotives and cars at the beginning and at the end of the first sixteen and a half years are shown by the following:

	1896.	1912.
Locomotives.....	962	2,081
Passenger cars.....	641	1,515
Freight cars.....	27,719	63,068
Miscellaneous cars.....	269	817
Steam vessels.....		13

The increase in the number of locomotives and cars as shown above but faintly indicates the actual increase in the transportation capacity of the property.

Locomotives have grown more and more powerful, until now engines of the larger type weigh not less than 750,000 pounds. The standard cars have doubled in their capacity, and are now built as nearly as possible to last forever. These changes and the reduction of grades and the improvement of water and fuel conditions have conspired to increase the operating efficiency of the company's property to an extent little indicated by the mere increase in the number of locomotives and cars. The company now has a greater variety of locomotive types than is desirable, but this was naturally brought about by the diligent experimentation which has been carried on to make sure of developing the types fitted to render the best service.

It should be noted that the new company began business with practically the same property which the old company owned at the time Mr. Strong resigned.

The tide which Mr. Strong predicted in his annual reports began to rise even earlier than predicted. The new lines had built up business for themselves, crops had matured, and all conditions had returned more nearly to normal.

Nothing further was needed but good management. Fortunately that had been assured. The proof of this lies in the record. The annual operations for the sixteen and a half years ending June 30, 1912, are shown in the following table and tell their own story:

	Year.	All revenues.	All expenses.	Net income.
Half year to June 30,	1896	\$13,656,899.80	\$11,224,029.74	\$2,432,870.06
Year to June 30,	1897	30,875,729.19	24,814,425.56	6,061,303.63
	1898	39,396,126.41	30,513,553.17	8,882,573.24
	1899	40,762,933.47	29,332,964.11	11,429,969.36
	1900	46,498,899.04	29,414,427.56	17,084,471.48
	1901	54,807,379.78	34,502,039.87	20,305,339.91
	1902	60,275,944.33	36,272,432.45	24,003,511.88
	1903	63,668,390.99	40,635,576.48	23,032,814.51
	1904	69,419,975.41	44,641,434.10	24,778,541.31
	1905	69,189,739.65	47,835,883.50	21,353,856.15
	1906	79,390,749.05	51,035,355.71	28,355,393.34
	1907	94,436,574.68	61,779,916.16	32,656,658.52
	1908	91,289,770.61	65,031,582.67	26,258,187.94
	1909	95,424,091.89	61,458,019.13	33,966,072.76
	1910	107,543,250.16	75,133,314.54	32,409,935.62
	1911	109,772,481.69	75,689,094.83	34,083,386.86
	1912	110,322,328.13	77,001,227.38	33,321,100.75

The net earnings shown in the last column above are applicable first for the payment of interest and then for improvements and dividends.

The track and equipment with which this vast business has been done of course could not long remain what they were at the beginning.

When the new authorities felt sure of the situation they began a process of expansion. While extremely conservative, first, last and all the time, they have yet expanded to an extent which only a few sanguine western people in the beginning dreamed possible.

The system now has a total of over fifteen thousand miles of track—10,732.88 miles of main lines and branches, and over 4000 miles of yard and side tracks and second, third and fourth main tracks. There were at the end of the last fiscal year 762.74 miles of double track owned and 801.90 miles operated, with about 100 miles more under construction in Arizona. The second, third and fourth main tracks have been built in the following sections:

Second main track.	Operated.	Owned.
Dearborn Station to Stewart avenue, Chicago.....	1.43	.....
Stewart avenue to Plainess, Ill.....	39.94	39.94
Plainess to Pequot, Ill.....	15.60	.....
Pequot to East Fort Madison, Ill.....	173.67	173.67
Fort Madison, Iowa, to Carrollton Junction, Mo.....	156.00	156.00
Carrollton Junction to Hardin, Mo.....	16.21	.68
Hardin to Camden Junction, Mo.....	13.44	13.44
Sibley to Congo, Mo.....	17.52	17.52
Big Blue Junction to A. T. & S. F. Junction, Kan.....	6.64	.04
Kansas City, Mo., to Braddock, Kan.....	173.34	173.34
Walton to Mission, Kan.....	12.93	12.93
Trinidad, Colo., to Raton, N. M.....	22.86	22.86
Rio Puerco to Suwanee, N. M.....	15.47	15.47
McCartys to Horace, N. M.....	9.70	9.70
Winslow to Cactus, Ariz.....	14.85	14.85
Flagstaff to Ash Fork, Ariz.....	60.28	60.28
Needles to Goffs, Cal.....	31.10	31.10
Daggett to Barstow, Cal.....	9.52	9.52
Barstow to Cottonwood, Cal.....	11.40	11.40
Total second main track.....	801.90	762.74
Third main track.		
Hardin to Camden Junction, Mo.....	12.89	.56
Kansas City, Mo., to Turner, Kan.....	5.93	5.93
Total third main track.....	18.82	6.49
Fourth main track.		
Kansas City, Mo., to Turner, Kan.....	5.94	5.94
Total additional main tracks.....	826.66	775.17
Total mileage, yard tracks and sidings.....	3,623.17	

The more important extensions of line in the past sixteen and a half years, by purchase or construction, have been:

1. The line of the old Atlantic & Pacific company across New Mexico and Arizona, which was bought at foreclosure sale and taken into the Santa Fe System as the Santa Fe Pacific.

2. The line from the Needles to Mojave, Cal., acquired, as already explained, from the Southern Pacific.

3. The line from Bakersfield to San Francisco, known as the San Francisco & San Joaquin Valley.

4. The line from Ash Fork, Ariz., south to Phoenix, known as the Santa Fe, Prescott & Phoenix.

5. The line from Wickenburg, Ariz., west to the Colorado river and thence to Cadiz, Cal.

6. The line from Williams to the Grand Cañon of the Colorado in Arizona.

7. The lines north of San Francisco, reaching the lumber regions centering in Eureka.

8. The lines through Abo Pass, connecting the Rio Grande valley with the Pecos valley and eastern New Mexico, and western Texas, Oklahoma and Kansas generally.

9. The lines in western Texas, including the lines which will form part of the new through line from Galveston to California.

10. The lines in eastern Texas and western Louisiana, built to reach heavy timber and to develop iron ore and agricultural and oil lands.

11. The lines developing various western and central sections of the new state of Oklahoma.

12. The line in Colorado built parallel to the original line for the purpose of handling the sugar beet business.

13. The line in eastern New Mexico built to develop the Pecos valley.

14. The line from Dodge City southwest, built to develop a large section of western Kansas and to provide the shortest possible through line from east to west.

15. The line from Hutchinson, Kan., south to north central Oklahoma.

16. The line south into Oklahoma from southeastern Kansas.

17. The lines, many in number though of short mileage, built to reach and develop mines, timber lands, oil lands, fertile valleys, resorts and other desirable destinations.

It will be noticed that every extension has been made strictly with reference to new business actually known to exist, or with reference to doing business in a cheaper and more efficient manner. The San Joaquin valley line was not built by the Santa Fe but was acquired after San Francisco capitalists had built it for the express purpose of bringing a new line into San Francisco.

The present property lies in the following-named states, the main and branch line mileage in each state being as stated: Illinois, 290; Iowa, 20; Missouri, 314; Kansas, 2703; Nebraska, 3; Oklahoma, 943; Texas, 2368; Louisiana, 64; Colorado, 513; New Mexico, 1330; Arizona, 773; Nevada, 12; California, 1401.

This property is held by seventy-six live corporations, which are successors in one way or another to two hundred and twenty-two dead or inactive companies.

It is difficult satisfactorily to convey to any reader a good idea of the work done for the general improvement of the line. Between Chicago and Kansas City many millions of dollars have been expended in doubling the track, reducing grades and curves, rebuilding bridges, and increasing yard, station and shop facilities.

The bridge across the Missouri river at Sibley, Mo., is now in process of reconstruction, the work to cost about \$1,600,000.

In and near Kansas City a great expenditure is under way looking to protection against floods.

The line Kansas City to central Kansas has been double-tracked.

Near the summit of Raton mountain a new tunnel has been built parallel to the old tunnel. The new tunnel is used for westbound business and the old tunnel for eastbound business.

The tunnel in Johnson Cañon, Ariz., has been reconstructed so as to be beyond danger from fire.

The line approaching San Francisco passed through a long section of tule lands which refused for years properly to support the track. Careful study by Vice-president Storey at last solved the problem, and that part of the line is now carrying a tremendous traffic with no sign of weakness.

In San Francisco the work done on China basin to make it a fit freight terminal, and other terminal improvements on San Francisco bay, cost many hundreds of thousands of dollars.

The Santa Fe has long been a north-and-south line in Texas. It is now also an east-and-west line. According to Mr. Storey, the new route from Galveston and Houston via Temple, Coleman, Sweetwater, Lubbock, Texico and Abo Pass will be a better line than that of the Southern Pacific. The grades are easier and the distance shorter. The distance from Galveston to Los Angeles will be 1798.9 miles, and to San Francisco 2102.5 miles. The new route has been put in first-class condition to do any amount of business which may be offered to it.

One of the early moves made by Mr. Ripley was to call on the chief engineer of the system, the late James Dun, to report on the shortest practicable line from Chicago to Los Angeles. Mr. Dun made most careful surveys and decided that the required line would be secured by using the present line from Chicago to Dodge City, thence to the main line in New Mexico south of Raton mountains. That link is now under construction, and will probably connect with the main line at Colmor, about sixty miles north of Las Vegas. When it is completed the short-line distance from Chicago to Los Angeles will be about fifty miles less than the present short line, and the grade will rarely exceed six-tenths of one per cent. At present the new Abo Pass line and the old Panhandle line via Wellington are used for through freights, all of which now avoid the heavy grades of the Raton and Glorieta mountains in Colorado and New Mexico.

The present administration has solved many problems relating to fuel and water. Oil has been substituted for coal for the use of locomotives in California, Arizona and Texas, though it now seems likely that some of the sources of supply will fail in the near future and possibly compel a return to the use of coal on some portions of the line. The company owns a very large acreage of oil and coal lands and will be able to command oil as cheaply as any other company so long as it lasts. Its coal land acreage is not known exactly, but the well-defined area is not under one hundred thousand acres, while very much more than this is known to give every promise of developing good fuel. The company has constructed a large number of water reservoirs, which have greatly cheapened the cost of water.

The new station houses and hotels erected by the company in the past seventeen years are a surprise and a delight to all who see them. The best features of modern architecture have been studiously incorporated. No New York hotel is better equipped to care for food and serve it than are the Santa Fe hotels, and the dining-cars and stations are as pleasing to the traveling public as any in the world. The company hotels are located at

points where the care of travelers would not otherwise be duly provided for. At the Grand Cañon a beautiful road has been built along the rim of the canyon westward from El Tovar Hotel, a distance of about ten miles. At the end of this drive a new trail has been constructed to the river, which will greatly increase the attractiveness of the resort. Beautiful station parks have been developed wherever practicable.

The company has entirely reconstructed its telegraph lines and its dispatching methods. The main-line trains are now all dispatched by telephone. The company was one of the leaders in this reform, the work of installing the telephone system being done mainly under the direction of Charles H. Gaunt, until recently superintendent of telegraph (now general manager of the Western Union Telegraph Company), and his assistant and successor, L. M. Jones.

The company has participated in a large number of improvements in which other lines have been interested.

In Chicago the old grade crossing used by the Santa Fe, the Grand Trunk, the Monon, the Lake Shore, the Illinois Central and other lines was made into a two-grade crossing, greatly conducive to safety and convenience. In Chicago an enormous amount of track elevation has been done with other lines, in conformity with the requirements of the city.

At Joliet the tracks of the Santa Fe, the Alton and the Rock Island have been elevated and a new union station has been constructed.

The work of building a new union station in Kansas City was begun more than a year ago and will be finished in the fall of 1913. This work involves an expenditure on the part of the lines entering Kansas City of a sum of between thirty and fifty millions of dollars.

A new union station with elaborate track elevation has been undertaken by the lines entering Wichita.

The new causeway at Galveston has a length of 10,642 feet, and is built of steel and concrete, with a steel lift bridge about half way across the bay. The surface gives room for railway tracks, an electric line and a boulevard roadway for vehicle traffic.

A great many union stations have been built in conjunction with other companies.

The lines north of San Francisco have been built in conjunction with the Southern Pacific.

Several important agreements for joint use of tracks have been made. Among the number are the joint double-track arrangement with the Alton in Illinois, and the Wabash and the Missouri Pacific in Missouri; the Colorado & Southern between Denver and Pueblo; the Southern Pacific over Tehachapi Pass in California, and the San Pedro, Los Angeles & Salt Lake road in California.

The company had outstanding on June 30, 1912, common stock to the amount of \$170,129,500, preferred stock to the amount of \$114,173,800, and bonds to the amount of \$342,645,015, making a total capitalization of \$626,948,245. The funded debt is divided as follows.

Class of bonds.	Rate of interest.	Outstanding.
General mortgage, due on October 1, 1995.....	4 %	\$150,634,500
Adjustment mortgage, due on July 1, 1995.....	4 %	51,346,000
Convertible, due on June 1, 1955.....	4 %	19,661,000
Convertible, due on June 1, 1960.....	4 %	43,686,000
Convertible, due on June 1, 1917.....	5 %	15,213,000
Transcontinental short line, due on July 1, 1958.....	4 %	17,000,000
California-Arizona lines, due on March 1, 1962.....	4½ %	18,299,695
Serial debenture, \$2,500,000, due on February 1 of each year until 1914.....	4 %	2,978,000
Eastern Oklahoma Division, due on March 1, 1928..	4 %	9,603,000
San Francisco & San Joaquin Valley Railway, due on October 1, 1940.....	5 %	6,000,000
Chicago & St. Louis Railway, due on March 1, 1915,	6 %	1,500,000
Santa Fe, Prescott & Phoenix Railway, due on September 1, 1942.....	5 %	4,940,000
Miscellaneous divisional.....	....	1,783,820
		<u>\$342,645,015</u>

The preferred stock received its first dividend of $2\frac{1}{4}$ per cent in 1899. In 1900 it received 4 per cent, and since that date it has received its full 5 per cent. The common stock received its first dividend of $1\frac{1}{2}$ per cent in 1901; after that 4 per cent to and including 1906; in 1907-1908, $5\frac{1}{2}$ per cent; in 1909, 5 per cent, and since then 6 per cent.

In the sixteen and one-half years of the company's life, ending on June 30, 1912, it has earned \$1,168,260,172.90. It has paid out, for wages and material, \$746,545,727.70; for taxes, \$38,064,724.96; for interest, \$161,102,908.66, and for dividends on stock \$143,779,136.25.

That part of the amount earned and not paid out for operating expenses, taxes, interest and dividends is on hand in cash or has been applied for the expansion and betterment of the property in addition to the amount of expansion and betterment money received from the sale of the bonds.

It will thus be seen that the money invested in the property and represented by stocks and bonds has received an average of only a shade above four per cent per annum.

The common stock, which received nothing for four years and a half, is the only security that has received as much as six per cent per annum, and that only for the past three years.

Nearly all the bonded debt bears interest at the rate of four per cent per annum.

The annual operations of the company per mile of main and branch line track are shown by the following:

	Average operated mileage.	Gross operating revenues.	Operating expenses.	Taxes.	Operating income.	Other income net.	Net income available for int. on bonds, dividends, etc.
•Six mos. to June 30, 1896,	6,464.13	\$2,102.41	\$1,579.09	\$105.55	\$417.77	\$41.40	\$376.37
Year to June 30, 1897,	6,443.81	4,752.04	3,548.71	211.60	991.73	51.09	940.64
1898,	6,936.02	5,653.69	4,109.90	204.75	1,339.04	58.40	1,280.64
1899,	7,032.62	5,760.80	3,925.52	207.70	1,627.58	2.30	1,625.28
1900,	7,341.34	6,297.50	3,748.84	210.26	2,338.40	11.24	2,327.16
1901,	7,807.31	6,977.41	4,132.40	215.35	2,629.66	28.85	2,600.81
1902,	7,855.38	7,527.97	4,316.69	221.97	2,989.31	66.37	3,055.68
1903,	7,965.13	7,827.92	4,825.67	220.73	2,781.52	110.19	2,891.71
1904,	8,179.59	8,334.31	5,161.88	234.26	2,938.17	91.14	3,029.31
1905,	8,305.40	8,232.70	5,480.46	231.98	2,520.26	50.82	2,571.08
1906,	8,433.99	9,253.55	5,750.25	251.20	3,252.10	109.94	3,362.04
1907,	9,273.15	10,102.65	6,348.21	269.88	3,484.56	37.08	3,521.64
1908,	9,415.01	9,624.82	6,460.32	344.62	2,819.88	30.91	2,788.97
1909,	9,794.86	9,624.00	5,869.94	307.84	3,446.22	21.52	3,467.74
1910,	9,916.33	10,587.91	7,035.05	404.02	3,148.84	119.50	3,268.34
1911,	10,350.13	10,392.63	6,837.42	335.71	3,219.50	73.54	3,293.04
1912,	10,627.92	10,138.61	6,706.22	395.79	3,036.60	98.64	3,135.24

A careful scrutiny of these financial statistics will show among other things:

First: A low return on the capital invested.

Second: An enormous improvement of the property along lines desired by the public.

Third: An economical administration.

Fourth: A great increase in operating efficiency, by which net earnings per mile have been substantially maintained in spite of reduced rates resulting in reduced earnings per ton mile and per passenger mile.

The market price of Santa Fe securities has been remarkably steady. A long rise naturally followed the increase of dividends and the demonstration of earning power, but there have been few violent fluctuations, and then only when violent changes occurred in the general market. The preferred stock has remained for years at near par, the common has held steadily in the past year at about 110, though since the beginning of six per cent dividends the stock has been quoted as high as 125¼. The bonds have held steadily at certain prices, indicative of their high standing with thoroughly conservative investors.

According to Vice-president George T. Nicholson, the freight carried one mile in the last fiscal year was 6,970,719,824 tons. The number of passengers carried one mile was 1,274,188,385. These figures do not include company business.

The freight business earned seventy-one and a half millions and the passenger business twenty-seven and a half millions, in round figures.

Of the total tons of revenue freight 6.85 per cent were grain, 22.18 per cent were flour, hay straw, cotton, fruit, vegetables and other products of agriculture, 7.33 per cent were products of animals, 30.95 per cent were products of mines, 10.24 per cent were products of forests, 17.70 per cent were products of manufactories; 0.48 per cent were miscellaneous, not included in the above.

The first three items, amounting to 36.36 per cent, should really be classed as agricultural products—which item alone is sufficient to show clearly of what great importance agricultural prosperity is to the system.

The passenger business shows a large percentage of first-class through travel. The four regular daily through trains between Chicago and California, augmented in winter by the Santa Fe De Luxe and many extra sections, carry an army of fugitives from the cold of the east. In the spring these return "to the place of beginning."

It makes a difference what kind of man is in command of a hundred thousand employees engaged in doing the work of an industrial enterprise.

Mr. Ripley is a plain, unassuming man, whose only boast is that he has nine blacksmiths in his ancestry.

A native of Boston, he early entered the railway service, and was for many years in charge of the traffic of the Chicago, Burlington & Quincy Railroad in Boston and New York, coming west as general freight agent of that road in 1878. Later he became general manager of the Burlington, and then went as vice president of the Chicago, Milwaukee & St. Paul.

As president of the Santa Fe he began by walking straight into the affections of the men engaged in the practical operation of the property. It became known that he had no following of favorites who would take the places

of the men who had built up the already wonderful property. Paul Morton, long an intimate associate, and three or four men in newly created positions, were the only employees who came with him. He was always ready to listen, always judicial and always fair. Though possessed of very positive opinions, he was at all times ready to modify them on a sufficient showing of facts or reasons. These characteristics gave him at once the enthusiastic and unqualified support of the army under his command.

Economy has been with the present management not a hobby to be talked about, but a science to be studied and practiced assiduously.

There has been no attempt to save a conspicuous dollar at the expense of thousands of dollars wasted in the dark.

Most perfect care in the purchase and custody of supplies, the saving and careful marketing of scrap, the cultivation of right of way, the chemical treatment of water to save engine boilers, the chemical treatment of ties, piling and bridge timbers to prolong their periods of usefulness, the careful inspection and thorough testing of materials used, the augmentation of the train load to reduce the train mileage, the careful solutions of the problems of the cheapest fuel, the making of cars and engines according to the most scientific standards for securing long life and good service, the construction of fine station houses, shops and new offices in order to accomplish cheap maintenance—these and a thousand other contrivances for treating the company's property as a man is supposed to treat his own have been characteristic of the Ripley administration, and all the while there has been to the eye of the traveling public no suggestion of parsimony or offensive cheapness in any direction.

A large number of experiments have been made in the development of power, particularly under the direction of Vice-president J. W. Kendrick during his term of service. These experiments have settled many questions and have given the company an almost perfect knowledge of what classes of engines, cars and machinery will do the most work for the least money. The great Mallet compound engines, weighing with fuel and water over eight hundred and fifty thousand pounds, are probably the finest freight locomotives in the world. The demonstrations made on the Santa Fe have led to the adoption of this class of power by many other lines.

Mr. Ripley has always made most strenuous efforts to avoid litigation. He has felt that lawsuits mean enemies, no matter what the justice in each case may be. He has insisted on the prompt payment of all just claims, and has insisted that great consideration should be paid to any claim honestly contended for, even when the law and the facts seem clearly in favor of the company. There is possible, of course, a vast difference in the practice of individuals and corporations, between those having plenty of money and those unable to pay, but there can be no doubt that many individuals and some corporations perfectly able to pay promptly make a practice of paying only when compelled to do so. The Santa Fe may have no better record in this respect than many other railroads, but it certainly has much to boast of as compared with some.

Under Mr. Ripley's direction the company has been absolutely out of politics in one sense and absolutely in politics in another sense.

No attention has been paid to individual candidacies, no favorites have

been backed for office, and no attempt has been made to control the votes of the employees.

On the other hand, most strenuous efforts have been made to put before the people all the facts pertaining to the railroad business in its relation to the public. The officials of the system have been encouraged to make a business of meeting the people for the full and free discussion of all questions of mutual interest. In the past two or three years hundreds of meetings have been held where the heads of various departments have met thousands of citizens for the purpose of exchanging views, explaining unsatisfactory situations, comparing methods, and otherwise doing whatever is necessary to bring about a perfect mutual understanding. Extensive use of the printing press has been made, to the end of expounding the difficult problems in rates and operation.

The national railway commission and the various state commissions have all been most active since their creation. Some commissioners have been extremely fair; others have been equally unfair. In all cases the company has met these official investigators with the utmost frankness and cordiality. Nothing has been withheld and nothing has been discussed otherwise than with a disposition to arrive at the truth and to do right by all concerned.

The company has courted publicity in every respect.

In the first place, its annual reports are full and clear. In the next place, independent auditors are retained to make a careful survey of the whole accounting work of the year.

The commissions of all the states and the national commission are furnished with all the numerous reports they require. Full official information is given of all accidents and disasters of every kind in which the company has any special interest. The inventories and valuations for taxing purposes are voluminous and explicit. The station agents, trainmen and other employees are required to furnish the public any information to which they are in any way entitled. In fact, the degree of publicity given its affairs by the company is far beyond any accommodation of the kind given the public by the government in the postal or any other department. The *Santa Fe Employes' Magazine*, edited by Albert MacRae; *The Earth*, edited by F. L. Vandergrift; *The Red Ball*, by J. F. Jarrell, and the numerous publications of the passenger department, edited by William H. Simpson, are designed to make public all the facts relating to the business of the company and the territory tributary to its lines. The periodical press of the country always has found a liberal patron and a hearty co-worker in the Santa Fe.

The present administration began early to lend all its influence in the direction of a careful conservation of the natural resources of the country tributary to the company's lines.

Practical help was given to the ablest agitators of the cause of irrigation in the southwest. The present laws, under which were built the Roosevelt dam in Arizona, the Elephant Butte dam and the Carlsbad dam in New Mexico, and other similar water-conservation schemes, were enacted largely through Atchison, Topeka & Santa Fe influences.

The same is true of the legislation concerning the practical work in forestry. The company has left nothing in its power undone to encourage the best care and the most genuine conservation of forests in the southwest.

Of still greater importance has been the work of encouraging improved methods in agriculture, horticulture and stock raising.

The remnant of a land grant in Kansas was sold by advice of Mr. Ripley at the earliest possible moment. He felt that the company should escape from the land business as well as the commercial coal business and every other outside line. He desired the company to confine itself to the railroad business. The millions of acres owned by the company in Arizona have never been salable. Land Commissioner Howel Jones has been able by tireless and persistent work to dispose of several thousand acres, but the grant as a whole is an enormous problem. It is hoped that in time the company will be able to sell it for what it has cost to carry it.

One of the most remarkable business institutions in the world is the Harvey system of lunch and dining rooms, hotels and curio stores. The system was founded by the late Fred Harvey, whose sons and partners now conduct the business.

Wherever the lines of the Santa Fe extend, there, in dining cars or dining rooms or lunch rooms or hotels, may be had food as good and service as good as can be had in any city in the country.

The railroad coöperates fully by furnishing first-class buildings and dining cars and giving preference in transportation, if any is necessary, to insure the most prompt delivery of supplies. Mr. Ripley has favored this branch of the public service of which he is at the head with as much enthusiasm as if he had the inclinations of a luxurious spendthrift instead of those of an extreme caretaker. He has given the system a series of exquisite hotels such as no other railroad system in the world can boast. There are occasional fine specimens of hotel architecture on many lines, but nothing equals the series which the company has built for the Harveys to operate. Among the most noted are the Bisonte at Hutchinson and the Sequoyah at Syracuse in Kansas, the Cardenas at Trinidad, Colo., the Castañeda at Las Vegas, El Ortiz at Lamy, Los Chaves at Vaughn, the Gran Quivira at Clovis and the Alvarado at Albuquerque, in New Mexico; the Fray Marcos at Williams, El Tovar at Grand Cañon, the Escalante at Ash Fork, in Arizona; El Garces at Needles and the Casa Del Desierto at Barstow, in California. The houses at Emporia, Wellington, Newton and Dodge City in Kansas; Temple and Amarillo in Texas; La Junta in Colorado; Deming and San Marcial in New Mexico, and at Winslow in Arizona, if not so picturesque as the others are fully as satisfactory in every other respect.

As will be noted, the hotels nearly all are named for old Spanish explorers, and in many cases the old Spanish architecture has been most skillfully reproduced.

Nothing within reason has been left undone to insure the welfare of the employees of the company.

The hospital association maintains a series of hospitals which have no superior in the country.

The reading rooms, recreation rooms, lodging houses, bathhouses, lunch places and audience rooms for religious and other gatherings are provided most liberally at all points where employees are gathered in considerable numbers.

Libraries, concerts and rational games are meant to take the place of the various dissipations which once brought grief to so many railroad men and their families.

In many places the company conducts its welfare work through the Young Men's Christian Association.

The company employs Mr. S. E. Busser to supervise the work of conducting the libraries and reading rooms and arranging for religious addresses, musical entertainments and other helpful, instructive or amusing attractions.

A monthly magazine is conducted under the auspices of the company in order to provide a clearing-house for news and for discussions of peculiar interest to the employees, and the schools for apprentices are doing a great work.

A pension plan has been adopted which has met with great favor among employees. It provides for a commission to pass on all cases of retirement from service on account of advanced age. The purpose of the plan is to reward long and faithful service by a continuance of the pay after the service has ceased. The plan adopted reflects Mr. Ripley's opinion that, while every worker gets in his regular salary a full recognition of his services as measured by the prevailing rates of pay, it is yet true that no man can make it seem right for one who has spent the best years of his working days in the service of the company ever to be cut off from such connection while he lives. Most men who serve long could have accepted more money from some other company and would have done so but for a feeling of loyalty which is scarcely paid for in the stated salary.

What is to be the future of this great property no man can tell.

It may continue for many, many years to be substantially what it now is, with only such changes in detail as naturally come.

It may become a government property and be as nonprogressive as government properties usually are.

It may remain a private corporation but be regulated by government into a mere reminiscence of what it now is.

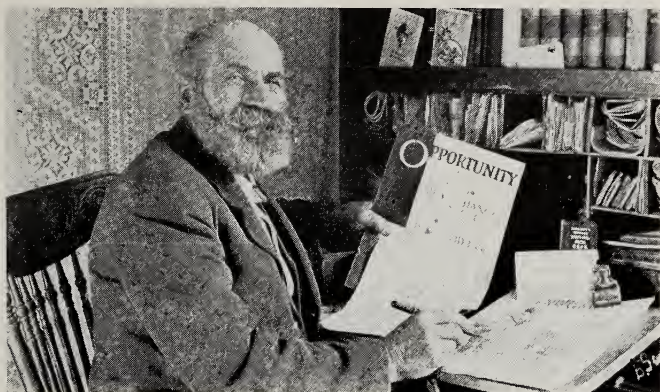
It may be annihilated by some new methods of transportation.

It may be run down by a series of modifying enterprises, public and private (like the great new canal), which will reduce it to right of way and streaks of rust.

Or, better, it may remain in good hands like those now directing it. It may continue to have the benefit of inventive and ingenious minds, backed by good judgment and indomitable courage, and to exemplify the highest form of industrial effort. It may go on, year after year, decade after decade, century after century, gaining in efficiency and usefulness, ministering magnificently to the wants of a growing civilization. This is what we hope will happen.

BOHEMIANS IN CENTRAL KANSAS.

Written by FRANCIS J. SWEHLA, for the Kansas State Historical Society.



FRANCIS J. SWEHLA.

IT is truly said that the best memory is fact recorded. "Black on white" —*cerné na bílem.*"¹ The human mind retains early impressions with wonderful indelibility. But that power of the mind weakens in old age, and we do not become alarmed or aware of the fact till much of our past experience and knowledge has slipped or faded away from us. Recollections are of great variety as to value. We value them according to the amount of happiness they yield us, or knowledge that renders us intelligent, wise, powerful for good. Unhappy recollections serve as a warning lesson.

"Oft in the stilly night
 Ere slumber's chain has bound me,
 Fond memory brings the light
 Of other days around me.
 The smiles, the tears of boyhood years,
 The words of love then spoken;
 The eyes that shone, now dimmed and gone,
 The cheerful hearts unbroken;
 Thus in the stilly night,
 Ere slumber's chain has bound me,
 Fond memory brings the light
 Of other days around me."

I was born November 5, 1845, at number 42 in the large village of Albrechtice, near Vltava-Tyn, in southern Bohemia—the heart of Europe. My father was a master wheelwright or wagon maker. My mother, whose maiden name was Elizabeth Moudrá, died when the subject of this sketch was less than four years of age, he being the first born—and his younger brother,

1. In the Bohemian language the accented *c* stands for the sound of *ch* as in church, and accented *s* for *sh* as in English; *j* has the sound of *y*, and *z* accented takes the sound of *zh*. It has not been possible to use the proper accent marks in all cases, therefore italics have been resorted to.

less than two years old, died with the mother—the Asiatic cholera decimating the country.

Father, whose first name was also Frantisek as written in the Cesky tongue, soon married again. So young Frantisek attended the village school under the care of his stepmother, Anna, till the spring of 1854, when the family with a number of other families from near-by villages moved to the United States of America. We came down the rapid river Vltava [Moldau] to the capital city of Prague, there taking the railroad train by way of Leipzig to Hamburg, and from there by a small steamer to Liverpool, where a three-masted sailing ship was boarded.

After four weeks of fairly good sailing, having experienced only about three days of storm, the colony arrived at New York City and proceeded by railroad train via Philadelphia to Pittsburg, Pa., where a stop of a few weeks was made. From there we went to Cleveland, Ohio, where a longer stop was made; but this city was not the goal of the colonists. Their desire was to acquire land for themselves, and they had been advised by well-informed persons that the new state of Iowa, just beginning to be settled upon its eastern border, was a favored country to go to. Therefore the next move was via the Great Lakes on a rear-end turbine propeller to Chicago, Ill., thence by railroad cars northwest to Galena, as far as any cars ran at that time; from there the journey was made by wagons, to haul the baggage, the women and the children; men had to walk. Thus the colony proceeded to the Mississippi through the dense forest.

An accident which might have been very serious, happened one evening as it grew dark, and before we reached a lowly tavern in the woods. The driver of one of the wagons, seeing a big mud-hole before him, and trying to avoid it, turned too far to the right into the dense trees and upset the wagon in the mud. We were all thrown out; children screamed, women prayed, and the driver cursed; trunks burst wide open, spilling the linen and extra clothing into the mud and water. The men came up to the catastrophe and dragged the besmeared ones out of the mud, set the wagon right side up, and, each finding his own, started on pulling the dear ones along by hand, for no one wanted to get on the wagon again. When dad wiped the mud off my eyes I could see a light ahead. It was the tavern in the woods. Washed up and with a steaming supper in the glare of the candle lights, we saw and felt we were not hurt as bad as we were scared.

Next day reaching the Father of Waters, a steam ferry took us to Dubuque, Iowa. The colonists, rented houses on the outskirts of the small town, placing two or more families in each house, and the men looked for work, as the finances of most of them were nearly exhausted by the long journey. My uncle Frank, or Francis Swehla (the same name as father's, they were cousins), took a trip to Winneshiek county, Iowa, where a Bohemian settlement had been started early that summer (1854) near Calmar, then called Whisky Grove. It was on the border of a large settlement of Norsemen, or Norwegians, which reached far beyond Decorah, the county seat. My uncle bought out the rights of a Norwegian settler and secured a section of land for himself and relatives. So after a few months' sojourning in the town of Dubuque, and working for fifty cents per day, part of the colony moved to their destination by a river steamer up the river to Lansing, when they should have gone to McGregor, that being the shortest route. On reaching

Lansing no one could be hired to haul the party west, about fifty miles, so the baggage had to be stored and the party started on foot. We followed a wagon track, according to directions given my father, who was the guide and interpreter for the party on the whole way from home in Ceske Vlasti. He was the only one who could speak German, and he was able to find Germans everywhere thus far. But on our second night's lodging in a primitive little log cabin, and they were scarce, he found good people that he could not talk with, as we had struck the Norwegian settlement, but they understood our wants all right. They were a white-haired but a warm-hearted people—those Norsk. Waking up in the morning, we found snow covering the ground, and made our first footprints in snow in America, November 1, 1854. And so the summer was spent, and with it our small capital, in traveling over the greater part of the civilized world to land in the wilderness. A great change of circumstances wrought in half a year's travel!

As it was too late for each family to dig itself a habitation in the hillside as the Norwegian settlers had done, several families combined to build a house out of slabs bought from a rude and primitive sawmill on Turkey river. Uncle had bought a yoke of oxen and an old wagon to haul the slabs and get the baggage left at the river's landing. He built a stable of split rails and old dead grass for hay, but winter was too severe for that kind of quarters, and the oxen froze, or half froze and half starved. In a few days after our arrival I became nine years of age. That was a memorable winter in that home of slabs. We had two cook stoves, one on each side of the aisle that led through the middle of the room from the door at one end to a window at the other. The bedsteads were placed on each side of the aisle like cots in a hospital. But there was no bedstead for me. I slept on the woodpile behind one of the stoves, shivering with cold every night till Mrs. Ján Hájek took me under her feather bed. My oldest sister Katerina was born there that winter, and another girl for our neighbor. She was named Maria Hájek. I can not give dates, as that is over fifty-nine years ago and I have nothing but my memory to go by.

When spring came in 1855 father, with the help of mother, dug a hole in a hill on land bought of the government at \$1.25 per acre. Over the hole, which was about 10 x 12 feet, father built our home, logs on the four sides with three beams for girders to hold the dirt roof. There was a door and one window in one end. Father being a woodworker, found work among the settlers whereby he made a living for his family, which consisted of a wife and three children. Brother Josef was about two and a half years old, and I was the nurse for baby Katerina. Mother made garden, hoeing it right in the sod, and fencing it with brush which I helped to pull together from the hillsides. This brush fence was made from the branches left by those who cut trees and took only the trunks. I was soon found a place to work for my own board and lodging, with \$24 per year besides to father. My employer was Mr. Lawrence Glass, a German-French farmer; here I began to learn German.

The Bohemian settlement kept increasing through new arrivals from Bohemia; they built a Catholic church first in Spillville, in 1860, and later another in Protivin. I soon became tired of working "bound out" by dad, and struck out on my own hook, learning a trade outside the Bohemian settlement. After spending two winters in public schools at Fort Atkinson,

Iowa, I took up the harness-making business, not from choice but from necessity, as no other job could be found in Decorah, whither I went.

October 6, 1862, I, a lad of sixteen years and eleven months, enlisted in company D, Sixth Iowa cavalry. It came about this way. Timothy Finn, a hardware merchant of Decorah, approached me as a recruiting officer, telling me that I would pass anywhere for eighteen, I was so big. There had just been an outbreak of Indian hostilities with a terrible massacre in Minnesota, and the Civil War was raging in the South. I was fired with enthusiasm. I had heard the old folks in town reading and talking about the war and I wanted to go. I was especially anxious to go in a cavalry troop—a cavalryman and a hero seemed synonymous to me then—not now. My father, finding it out, objected bitterly, telling me that he had left the old mother country to keep me clear of military duty, and now I wanted to volunteer. Horrible! But this was the country of my choice. I had heard the sound of the fife and drum, I had seen the flying flags and the recruits marching up and down the streets, and I had caught the war spirit, so to the war I went. That is how I happen to be an old veteran now; three years of war service for Uncle Sam before I was twenty years of age.

Pioneer life in the wilds of Iowa during childhood; pioneer life again after fighting the wild Indians in the Dakota wilderness. Three years in company D, Sixth Iowa cavalry. An honorable discharge from service at the end of the war, October 17, 1865, at Sioux City, Iowa.

On May 18, 1868, I married Miss Anna Kuchta in church at Spillville, Iowa. I put my bride into a prairie schooner, a brand-new covered wagon drawn by two yoke of oxen, and leading a caravan of such westward over the swamps and prairies of Iowa into eastern Dakota we arrived in Saline county Nebraska. I located and surveyed claims for many new settlers in Nebraska, mostly in Saline county, and helped to build up one of the best Bohemian settlements in the state between the years 1869 and 1874.

In the fall of 1869, while gone thirty miles to a grist mill near Lincoln, to get some wheat ground, a trip which with oxen took two days and nights, prairie fire destroyed all my summer's work except the dugout we lived in. On an election day in October, 1873, while at Pleasant Hill, then the county seat of Saline county, electioneering for Anton Herman a young man, son of Bohemian parents, running for the office of county treasurer, prairie fire for the second time swept away all my possessions. And this time it was more than the toil of *one* summer for me and my family. I was a heavy loser in property, but not in life. Starting on Swan creek, driven with the fury of a south wind, the fire swept a district over six miles wide and about nine miles long. In this fire a lady school teacher and some of her pupils perished.

I was standing in the main street of Pleasant Hill when I spied the clouds of smoke in the direction of my home. In the wink of an eye I was in the saddle and splitting the wind with my gray mare. She leaped through the air, blind to danger and knowing no fear, and I was in my own dooryard as my wife came out of the house with our first-born son, Victor, in her arms, meeting me with lamentations. But I wasted no time in that. I grabbed sacks and wet them, determined to stop the fire fiend at the road. Neighbors came running to help, but the wind carried bunches of flaming grass through the air over our heads and in this way lit five big stacks of wheat at the tops.

The fire consumed stacks of hay, a stable, a grain drill, the first in our

settlement of "Empire," a log granary and two ricks of bound oats. All that was left was our log house, a wagon and a dug well, I am not sure whether the bucket was burned or not. The wagon carried me to Kansas the next spring.

The loss of my property drove me to teaching school—my first school—and I furnished my log cabin for the schoolhouse. As I taught that school I did some things besides—I did some thinking as I read my weekly papers, "*Saline County Post*," "*Pleasant Hill News*," and "*Pokrok*," a *Cesky casopis* published in Cleveland, Ohio, and "*Pokrok Zapadu*" (Progress of the West), published in Omaha, Neb. That winter of 1873-'74 was hard also on the laboring class in the cities of the United States. So I undertook to solve the problem of how to better conditions for myself and as many others as possible. I had but eighty acres of a homestead, and that was because Congress had given all odd-numbered sections of land to the Burlington & Missouri River R. R. Company, so the settlers were given only one-half as much as where there was no land grant. We had preëmpted our land before Congress allowed ex-soldiers to take an additional eighty for a homestead. Later the land was all taken up, for I worked hard to settle my fellow countrymen on government land. So I still had a right to an additional eighty besides one hundred and sixty acres under the timber act, two hundred and forty acres in all, wherever I could find it. Many were agitating for western Nebraska, but I dreaded it and preferred to go south and only as far west as I had to, to find a location for a new Bohemian settlement.

I bought a section map of Kansas, discovered the land offices of the United States government, and when spring came and my school was out I led a caravan of covered wagons, on May 5, 1874, in the direction of Kansas. We crossed the line at its intersection of the sixth principal meridian, going through Belleville to Concordia. There we stopped to examine plats at the government land office, but there was a grab game played there. I had to hire a lawyer to get any attention. I spent a few dollars for plats, but was repulsed, and not finding sufficient government land for a colony, went on to Salina, Kan. The south wind blew so hard every day and night that I lost all my followers but one young single man, or rather boy, who got off of one of the retreating wagons and went with me just for the grub, and the love of roving adventure.

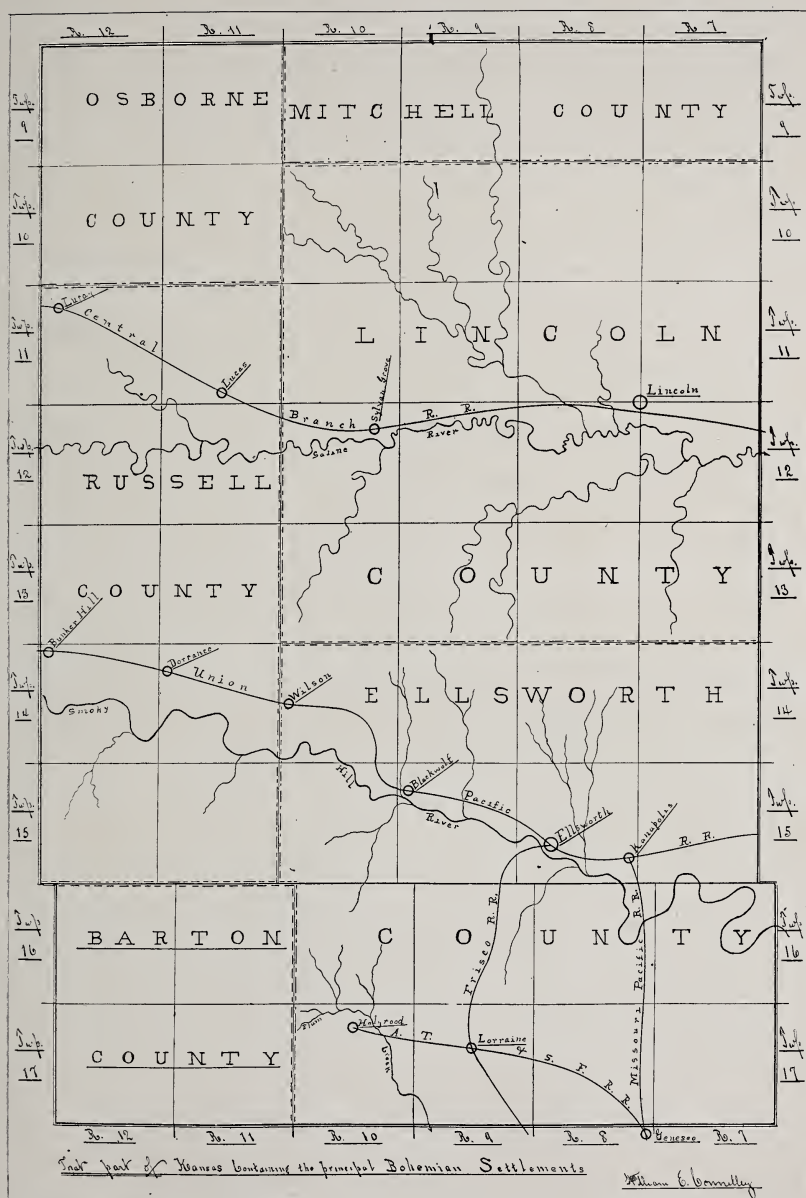
Nothing could turn me from carrying out my plan—nothing less than death. At the Salina land office I found fair and gentlemanly treatment. I could have found land enough for myself in Saline county, but not enough for a colony without buying, so I did not investigate that chance. I bought three or four plats of townships that had railroads in them—Kansas Pacific, and Atchison, Topeka & Santa Fe—and went to examine the lands. The eastern part of Ellsworth county, that I passed through, seemed too rough for farming. On May 12, 1874, I passed through the town of Ellsworth. I don't know whether any of its citizens made out the writing on my wagon cover or not. It read: "*Ceská Osada*." Those words, meaning "Bohemian Settlement," conceived first in my brain, were later put on canvas, and afterwards worked into reality—a grand success. May 14, 1874, I arrived at Wilson. Jacob Sackman, an old veteran, was the first man to give me a welcome. But later I found comrades of my own regiment, and company, even, in Ellsworth county. So I decided to seek no further.

While teaching my first public school in my log cabin on my claim in Nebraska, I was reading in my newspapers of our people organizing companies in the large cities to move out and settle on land, to go to farming, because there was a financial panic in this country. Wages were low and many thousands were out of work in every city. One such company of Bohemians in New York City was organized and had secured reduced rates to go west to settle on land; another in Chicago, Ill.; and each club or colony voted to send a committee to explore some western state. Some went to Wisconsin; some to South Dakota and northern Nebraska; some came through Kansas on the Atchison, Topeka & Santa Fe railroad as far as Larned, I believe, but there was trouble in each and every direction. Discord and disagreements followed. It seemed very hard for the exploring parties to find, to their satisfaction, the "Promised Land, flowing with milk and honey"; and still harder to please all the home-seekers. It is no wonder when we consider where these people had been all their lives. In Bohemia, as in most other parts of Europe, all the people live in cities, towns and villages except a few foresters, who, sixty years ago, with some of the millers, lived in remote places as the American farmer does here. Hence they had never seen isolated farm dwellings.

Customs and habits are second nature, and solitude seemed to frighten such people. An American farmer in a well-settled country seemed to them a poor human lost in a wilderness. How then would a pioneer, miles from his nearest and also lonesome neighbor, look thirty to sixty miles from the nearest little station? Horrible! Unbearable! Buried alive!

Hunger is the hardest task-master, and it seemed to be a case of "root hog or die!" So after I decided to locate a Bohemian settlement in and around Wilson, Kan., then called "Bosland" by the Kansas Pacific Railroad Company, I wrote up the location showing everything I could in its favor. The main things were, temperate climate; good soil; free land from Uncle Sam, or cheap relinquishments of improvements by previous settlers; railroad land at from \$2.50 to \$5.00 per acre; good and plenty of water from never-failing springs and wells at from thirty to sixty feet; plenty of building stone of fine quality, and an accessible railroad station. A paradise for poultry, cattle, horses, sheep, hogs, etc. I kept my pen going, publishing my reports in Bohemian-American papers until I drew the attention of the farm clubs formed in the cities and of all that reading public. Soon letters came pouring in wanting answers, and I had lots of writing to do, but that was all it cost—my time, stationery and postage stamps.

The first homestead entry of government land ever made in the Salina land office by a Bohemian-American was on May 16, 1874, and I made the entry. I bought a breaking-plow, on time, of Mr. S. P. Himes and Albert Jellison, hardware dealers in Bosland; with it I broke prairie, camping by a pond on my newly selected home site. One day, as I was turning over the green sod, I saw a great herd of Texas steers being grazed from Smoky Hill river two or three miles north up to the hills of the divide, and back again to the river, where a camp of herders—"cowboys"—was located. As they came back near noon, while I was out of sight, the cowboys swept down from the hills, with the great herd, right through the ravine over my best hay grass, and by the pond where my covered wagon stood. When I came to take dinner in my prairie schooner I missed my old army six-shooter I had



bought of Uncle Sam when discharged from service. My pocketbook showed signs of inspection, too. But my surveying instruments were not molested. As my exploration trips had cost me about all the money I had with me, the boys did not get a very big haul.

After breaking eighteen acres of sod—buffalo-grass sod—which, owing to lack of rain, got so hard it was with some difficulty that I finished about the middle of June, I did some surveying for Mr. Van Orden, who kept the hotel at Wilson, and Mr. Hutchinson, on section 28, township 14, range 10, where they planned to start a sheep ranch. On June 17, 1874, I started back to my log cabin in Nebraska, where I had left my dear wife and the three children we raised there, Klara, Mary and Victor. Leaving my breaking-plow with the men I bought it of, I struck out north by way of Wolf Creek on the Saline river, a shack of a country store they called Pottersburg, Cawker City, past Jewell Center to Hebron in Nebraska, arriving home in Saline county, Nebraska, on the longest day of the year. As I had written to my wife that I had made a new start, and we would sell out all we could n't carry away in our schooner, she had a buyer there ready waiting for me, Mr. Josef Freof, from Iowa. The sale was made in a short time, without any dickering, at \$12 per acre. I thought I had done well; I had bought eighty acres from the B. & M. R. Rly. Company at \$6 per acre only two summers before, and the other eighty was a preëmption. Especially did I think so a short time after the sale was closed, and about half of the purchase money paid, for I could then square up and get myself and family photographed.

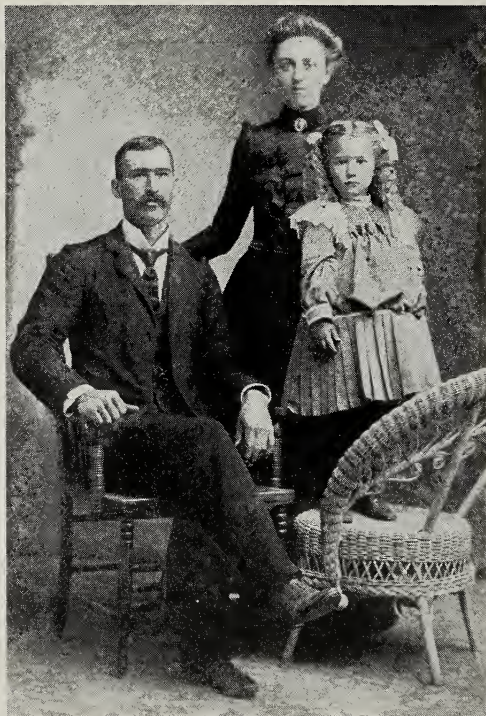
In August, 1874, a great calamity happened to both Kansas and Nebraska—the greatest invasion the new states ever experienced in their history. How many thousands of families could write the darkest chapter of their lives commencing on that date! I think there are very few Kansans who see the date 1874 but will know of what invasion or calamity I write. It was an invasion of cavalry—flying cavalry! I will introduce here a little play of words that may be interesting to a student of languages. The word cavalry is derived, as you know, from the Latin word *caballus*, a horse. Now in the Bohemian or Czech language a horse is *kůň* (the *ň* having sound as in cañyon). Horses—*Koňě*; diminutive, *Koňici*—little horses or ponies. Now *Koňici* is also the name of locusts or grasshoppers in our Bohemian vernacular. When this grand arm of flying cavalry lit on our luxurious cornfield, it was riddled in a few hours. The corn prospect had been very good, the ears filling out and in the milk stage. Gardens and orchards went just as fast as the cornfields; even forest trees were defoliated in a day or two. This great host of locusts reminded me of my first experience with them in Dakota territory, when I was with General Sully's command fighting the hostile Sioux Indians up in the "bad lands," and building Fort Rice. It was our last of the three years of Indian hunting, 1865. The country was invaded that year by the above-mentioned cavalry, outnumbering us a million to one. But we had no crops to be devoured by them, and as we were in the enemy's country we regarded them as our allies rather than a plague. And this word plague in that connection reminds me of the olden times when this kind of cavalry was sent by the Great Jehovah as a reinforcement to Moses in Egypt. So much for the flying cavalry. We still have them with us at this writing—July 22, 1913. Many thousands of dollars have been expended by different counties of the state this summer for the purpose of exterminating them.

Though I was back on my farm in Saline county, Nebraska, I soon read the reports of how Kansas was invaded also. Crops, orchards and nurseries were devastated. And I was already located in that desolated country, just ready to move my family there! Now came a severe test of character. Would I turn with the tide of exodus pouring out of the unfortunate state through every road and by-way—going east? Many of my best friends argued to persuade me to stay with them in Nebraska, saying that Kansas was the native home of the grasshoppers. Ján Rosicky, of Crete, Neb., late editor of three Bohemian-American papers in Omaha, my intimate friend, tried hard to dissuade me, but no argument could change my mind from my plan of planting a Bohemian settlement in the very center of Kansas. Mr. V. Shantin, having also sold his farm near Crete, and being a good friend of ours, decided to go with us to see, and if pleased, to settle in our new colony in central Kansas. So we got our prairie schooner ready and sometime in the early part of September we proceeded to move into the new land of promise. Meandering southwest, we entered Kansas at the corner of Washington and Republic counties, going through Republic, Jewell, Mitchell, and Lincoln counties into Wilson township, Ellsworth county. But what a pitiful sight was presented to our astonished view every day. Trees nearly all bare of leaves, grass eaten short everywhere, in some places dead and burned off. But the most discouraging spectacle was the numerous caravans that moved in a contrary direction to ours. And how they looked! My pen is powerless to do justice to the description. I even shrink from giving it such a description as I am able. It is too shocking for tender-hearted persons. It is too pathetic—the human beings we saw and their outfits. I delight in beauty, harmony, thrift; in power for spreading peace, plenty, happiness; comedy rather than tragedy.

Mr. Shantin and family mustered only enough courage to come along till we reached the promised land—that was all! They went back. So my family and I had no company. We started in a strange land, among strangers. But hope kept our courage up, and we went right on building a new home in the then desolate wilderness. But there was a little railroad station in sight, where loomed up a curious-looking tower, all enclosed, with a curious windmill on top, the fans revolving horizontally instead of vertically. That was "Bosland," now Wilson, on the Kansas Pacific railroad. There lived Mr. Jacob Fowle the postmaster, Albert Jellison and Sol Himes, general merchandise, and Mr. Adam Jellison the lumber man. I bought lumber to build a house, designed for a wheat bin, but to serve as our dwelling till it was needed for the winter wheat which I expected to raise the next year. It was small but cost big money. I lined it all with matched flooring that cost \$60 per thousand; shingles, \$6 per thousand.

That fall through county commissioners the Kansas Pacific Railroad Company furnished those settlers who remained on their farms seed wheat and rye on time, to be paid for a year after. So I got some seed wheat and rye to put out on my sod. The first sowing of winter wheat and rye was done under great difficulty. The difficulty consisted in the ground, it being so dry that a proper seed bed could not be prepared. That was before the invention of the disk-harrow. I tried to stir the dry sod with the breaking-plow, but found it impossible, for it had baked hard instead of rotting. I could only turn over the two inches of sod that had been cut and turned

top side down in June. If I tried to cut a slice deeper, I had to go four inches to make the plow stay in the ground at all, and that was too hard a pull on my pair of old mares. Besides, the ground turned up in nothing but clods—like so many rocks. I made a harrow of oak timber with thirty-six big teeth three-quarters of an inch square, twelve inches long, set one foot apart each way. But it was like harrowing rocks; clods rolled over and over and lost nothing in size. Finally I gave up and sowed the seed on the ground just as it was broken in June, trying to cover by harrowing. I put an old railroad tie on the harrow for weight. There was no grain drill in the country



MR. AND MRS. F. A. SWEHLA AND DAUGHTER ROSA.

then, none could be found on farms or in the towns, so I sowed the seed by hand, just as grandfather used to do in the old country long ago. When I went over the sod with that big weighted harrow, it barely scratched it, it was baked so hard. I could scarcely tell where the harrow had been dragged, and repeated harrowings would not cover all the seed. It was like harrowing a road in a dry time. Then the big flocks of birds, English sparrows, were a pest; they picked up the seed before it could get even one dragging. Of course the crop was according to the work.

That autumn, November 22, 1874, was born Frank Swehla, the first child of Bohemian parents born in central Kansas, and our fourth child. When this boy became a man he married, on August 16, 1897, Miss Anna Martinek,

who was the first girl born of Bohemian parents in Russell county, Kansas. She was born July 20, 1877. The first couple married in the Bohemian colony were Mr. Anton Oswald and Miss Mary Kvasnicka, sometime in 1877.

Fortunately the winter of 1874-'75 was very mild. If it had not been it perhaps would have killed what little live stock there was left here. There was scarcely any feed of any kind, and the prairie grass—the good, nutritious buffalo grass, was burned off. Mr. Wullum on the Cow creek flats had a fireguard plowed around the northeast quarter of section 23, township 14, range, 10, so the grass on that one hundred and sixty acres was saved. My two mares and a colt ran away from the hay I had bought at a high price, from John Jellison of the same flats, but I did not wonder at the dumb brutes. It was the poorest excuse for hay I ever saw—short, moldy, mixed with weeds and other dirt.

I was the only head of a family that spent that winter in the proposed colony. I did some writing. Notwithstanding the desolation caused by drought and grasshoppers and fire, I had a vision of the future greatness of this land of promise, and I never gave up putting into execution my plan to found a Bohemian colony there. I wrote about the possibilities of the country and of its being the best escape for the unemployed of the congested cities, as well as an escape from the cruel tyranny of the Austrian Empire. I wrote to all the different Bohemian papers published in the United States. This brought me many inquiries, letters coming from persons in different parts of the country wanting some special particulars. I had as high as a dozen letters at a time in the post office at Wilson, and answered them all, and nearly always had to use my own stamps. Be it here remembered, I had no pecuniary interest in the project as I was not agent of any land company or individual and got no commission or salary. By correspondence I found an organization in New York City that wanted to get into an agricultural country, but didn't know where; and still another just like it in Chicago. They had spent money on committees, sending them to discover locations for colonies, but all in vain. The committees traveled by railroad and other ways, but found nothing to suit. So my messages were very timely, and very welcome—were in fact messages of great joy, of deliverance from low-wage slavery, and from worse—enforced idleness.

As soon as the spring of 1875 opened emigrants began to flock in from all directions. The first couple that came were not a married couple, but two old bachelors, brothers, Josef and Václav Klima, from the Sable pineries, Michigan, where they had worked some three years and raised a stake of about \$800 each. Detroit had been their headquarters, and they had friends and acquaintances there who soon followed in their wake. Ján Cizek, another old bachelor and a chum of the Klima brothers, came next, with two families, Jacob Jedlicka and Martin Miegl, both having marriageable daughters, and boys big enough to be of great help on a farm. The club in New York City, above mentioned, decided to come to my colony, and secured reduced rates on the railroads through the assistance of the city authorities, with the privilege of a car for themselves. I found free homes for them all near me in Wilson township, Ellsworth county. The three bachelors and Jacob Jedlicka and family I located on section 28, township 14, range 10 west, between one and two miles from Wilson in a direct line. Martin Miegl settled on the northeast quarter of section 34, Wilson township, Josef Dyma-

cek on the north half of the northwest quarter, and Ján Brasna on the south half of the northwest quarter of the same section, 34.

One man of the New York City club, after writing me a letter, broke away from his club and came out some time ahead of them, trying to play sharp, and get first choice of homestead. He landed his family in Ellsworth, our county seat, and came on to Wilson, walking to my cabin two miles due east of town. I met him with a handshake and a smile, and he asked me, "To je pan Swehla?" "Ano," I said, and I asked him his name. "Hu! did n't I write you?" he asked—much surprised that I did not recognize him because he had written to me. I had never seen him, or a picture of him, before. He confidentially told me that he was an "Odd Fellow," which I took for granted; he appeared very odd. His treachery to his fellows left behind did not recommend him to me as being a very desirable neighbor, so I agreed with his brother Odd Fellows who advised him to settle on Buffalo creek near Ellsworth. After many years of hardships on his homestead, I met him as I was surveying a state road through the county, running close to his place, and he complained to me of the great ingratitude of his only son!

The rest of the New York City club reached Wilson safely, and I located them all on section 26 in Wilson township, as follows: Martin Honomichl on the northwest quarter; Adolf Honomichl on the north half of the southwest quarter; Ján Krasnicka on the south half of the southwest quarter; Ján Merchl on the northeast quarter; Josef Krofta on the north half of the southeast quarter; Frank Hubka on the south half of the southeast quarter. I divided up the land for them, showing each his corners and boundary lines, made out the description and preëmption papers, and charged them fifty cents apiece. The Chicago club was a much larger club, and the larger part of it came to Wilson later on. The New York City club had many stragglers who came in small groups, as did the Chicago club also. They kept coming out after they had received letters from their friends telling of the great expanse of nice land that became all their own just for the asking, and a small fee to the government.

In a scattering way the following families arrived: Josef Dymacek from Nemaha county, Nebraska; Ján Brasna and family, consisting of two sons, Ján and Rudolf, and four or five girls, came from Detroit, Mich.; Ján Zaloudek with a good sized family; J. F. Tampier, widower, with one son Josef and one daughter Mary, and Martin Fifer and wife, all came from Saginaw, Mich. Later came one more family from Saginaw; the head of it was named Jakup Hanzlicek. He bought raw land in Wilson township, of the Kansas Pacific Railway Company, at about \$5 or \$6 per acre, choosing the southwest quarter of section 15. Ján Zaloudek settled on the southeast quarter of section 6, in the same township. Ján Dlabal and family came from Toledo, Ohio, as did Ján Krejci (pronounced Krāchee) with his family the same spring. Krejci settled on the northeast quarter of section 12, township 14, range 11, Plymouth township, Russell county, and Dlabal settled on the northeast quarter of section 10, township 15, range 10, now in Noble township, Ellsworth county. Josef Vancura settled on the northwest quarter of section 12, township 14, range 11, Plymouth township, Russell county. He brought his family from New York City, as did his two brothers-in-law, Ján Stoka and Václav Hubicka; these last two bought out Jack Crawford on the northwest quarter of section 18, adjoining the town of Wilson; they

divided the land equally. Anton Sabrava and family, of the same party from New York City, bought out Marvin Brown on the northeast quarter of section 18, adjoining Stoka and Hubicka. Vaclav Gregor, a New York City cigar maker, bought the relinquishment and rights to improvement of Frank Brown on the northeast quarter of section 20, Wilson township, taking the west half of it for his homestead and letting Ján Pokorný, also of the New York party, take the east half gratis. Ján Miskovsky was the first Bohemian in Russell county. Josef Hrabik bought out the rights of John Stoltenburg on the northeast quarter of section 24, Plymouth township, Russell county. He and Miskovsky were in the same New York party and were related, their wives being sisters. The wives of Ferdinand Krulis and Josef Martinek, who bought out the rights of Philip Gabel on the southeast quarter of section 14, Plymouth township, Russell county, were also sisters. Krulis and Martinek divided the quarter between them, Martinek taking the east half.

Early in the spring Anton Matous and Josef Junk, from Milwaukee, Wis., came to see the country first before bringing their families. They came, they saw, and were conquered, sending back to Milwaukee a favorable report, and not only their families but many others followed soon after. I was kept busy hunting and showing them locations on free homestead land—so busy that I had to neglect opening up of my own farm. Amongst those who followed from Milwaukee were the following: G. W. Richter, a single man; Josef Rézac, married; Ján Klus, married; V. Chrudinsky; Ján Vesely, married; Joe Junk's parents and other brothers; the family of Anton Matous and his mother and her children.

All settlers mentioned up to this time came by railway. But in the late spring there arrived a caravan of prairie schooners from Minnesota, not drawn by ox teams as I left Iowa eight years before, but by horse power. The caravan arrived in time to help the first settlers, who had preceded them one year, to gather the first harvest of winter wheat. In this addition to our settlement came Ján Sekavec and wife and their sons, W. F. Sekavec, a single man, and Frank Sekavec, married; Josef Zajic (Zäyeetz) married, and Frank Zajic, single—brothers—and their parents and younger sisters and brothers.

Harvesting in the centennial year was done by reaping, self-raking, machines drawn by two, three or four horses or oxen. Behind them, five or six good hands—men or women—would keep up if they were well trained. Two expert binders riding on the Marsh harvester could bind all the grain into bundles and throw them on the ground.

As settlers came, the available free homestead land in the vicinity of Wilson grew scarce, so I had to take the newcomers farther into the domain of the cowboys and their long-horned Texas cattle herds. And here was a conflict of interests. But the law was on the side of the settlers, and the free rangers had to go farther west into the wilderness, as the pioneer turned the buffalo grass under in preparation for the golden harvest.

"Plum Creek Flats" is a level expanse of country, but between it and the Smoky Hill river the land is rough. As the home-seekers came I took them out to show them what vacant land there lay open for entry, and going south from the Smoky and through that rolling prairie land I had difficulty in keeping my prospective settlers patient enough to wait for the beautiful prospect beyond. One time I had a load of land seekers and was

going to show them free home sites in the direction of Plum Creek Flats. Plum creek heads in Palacky township, and runs down through Valley township into Rice county. Nothing suited my party for ten miles along the way. I had told them there was a level country farther on, but they were so disgusted with the travel and the looks of the wild land that they wanted to go back, and made me turn when we were near the divide, from the summit of which they could have seen a most beautiful land of promise. They did not settle in my colony at all. Whether they regret it or not I never found out. The founding of the settlement in Palacky township occurred in June, 1876, when I took the Sekavec party over the crest, or summit, that divided the waters of the Smoky Hill from those of the Arkansas river, and showed them the "Plum Creek Flats."

The largest party of Bohemian home-seekers came September 1, 1876, from Chicago. It was one of the organized clubs or colonization societies mentioned earlier in this article. The Chicago party which arrived in Wilson was but a small fraction, however, of the people who had been attending the meetings held in that city to organize an agricultural colony to settle on cheap lands or government homesteads. Since the panic of 1873 many people in the cities were in real distress, employment was scarce, and wages had been greatly reduced, therefore numbers had attended the meetings and joined the association. But when it came to raising a sum of money to defray the expenses of a committee to be sent out to discover a favorable location for the colony few were willing or able to pay their share of the necessary sum, and the majority withdrew. Out of the two hundred members but seventy-five remained in the club, and finally in 1875 sent three members as a committee to look up a location. The committee, after a trip over the Atchison, Topeka & Santa Fe into central Kansas, returned, reporting in favor of Barton county. But the club for some reason disorganized, and nothing was done until by the efforts of Jan Oliverius, editor of a Bohemian weekly paper, "*Vestník*," then published in Chicago, Ill., a new company was organized. The secretary of this new company wrote a letter of inquiry to me at Wilson, Kan., and receiving a favorable answer to questions, the following members of the club and their families came to Wilson on September 1, 1876: Frank Malir, Matej Libal, Ján Lilák, Josef Fisher, Frank Stehno, sr., Frank Bricháček, V. Schánelec, Ján Schánelec, Frank Dolezal, Ján Cikánek, Frank Novák, V. Mares, all these with families, and Jos. Bricháček, Frank Habart, V. Vanis, Jos. Zamrzla and Frank Stehno, jr., young men of age, but single. More than the above named came, but did not remain to settle and develop the country, so their names are omitted. Later others came, following their relatives and friends; of these I mention the parents of Jos. Zamrzla with their children; Jos. Cikánek, Anton Slechta, V. Slechta, Jos. Smolik, Ján Vlcek, V. Zvolánek, Jos. Bachura, ——— Horejsi, Frank Branda, Frank Harach, V. Dolezal, Frank Lilák, and Frank Boushka. These new settlers located in all directions from the starting point—Wilson township.

For the first arrivals from Chicago I took my big farm wagon, and my two-seated spring wagon, both full. I drove them south of the Smoky Hill river, into what is now Noble township, and located Frank Malir on the southwest quarter of section 8, township 15, range 10, and V. Vanis on the south half of the northwest quarter, and M. Libal on the north half of the

northwest quarter of the same section; Jos. Fisher on the northeast quarter, of section 18, township 15, range 10, Frank Stehno, jr., on the southwest quarter, and V. Mares on the northwest quarter of the same section; Jos. Bachura later on settled on the southeast quarter of section 6. Frank Dolezal bought a relinquishment from Ira E. Danner, a veteran of the Civil War, of the southwest quarter of section 24, township 14, range 10, in Wilson township. Ján Cikánek settled on the northwest quarter of section 30, township 14, range 9, now in Columbia township. Frank and Jos. Bricháček, Ján Schánílec, and Frank Novak and brother settled near the Saline river in Lincoln county, close to Sylvan Grove, where also located the Frank Urban family that came from Washington county, Iowa, in 1882, and from Strejchov near Bechyne, Bohemia, in 1867. Starting in Iowa city as a laborer, Mr. Urban now owns a fine residence in Wilson, to which he retired from his farm in Lincoln county, where he and his sons own land to the amount of 1760 acres. This is by no means an isolated example of thrift, and it should be remembered that there were no free homesteads to be had when the Urban family came to this section of Kansas. Mr. and Mrs. Josef Veverka, sr., came from Chicago, on the 17th day of January, 1878, with a family of small children, all too small to do much work, and a small capital. They bought the relinquishments to the southwest quarter of section 2, township 14, range 11, in Plymouth township, Russell county, of Vac Chrudimsky. Mr. Veverka, being located on the ridge that divides the waters of the Smoky Hill and Saline rivers right where there are building-stone quarries in abundance, made good use of them, putting up all farm buildings, and even a corral, of the magnesia limestone. Mrs. Veverka was an excellent business manager and her husband a hard worker; so they could not help but prosper, raising four sons and three daughters. They now live in a fine residence in Wilson, and recently sold a four-hundred-acre farm. Their sons own upwards of one thousand and forty acres of land. There are many more who have acquired much land, in fact the thrifty are too numerous to name.

The colony's first sad misfortune occurred December 21, 1875, when Mr. Frank Hubka, who built in the ravine near the big curve of the Kansas Pacific railroad, was digging a well, and his neighbor, Mr. Josef Krofta, was helping. They had reached a depth of about twelve feet, going through sand, when what should have been expected happened. The sand caved in onto Mr. Krofta, burying him in the hole. A messenger was sent over two miles on foot to tell the writer of the accident. Knowing that the people near there had no material necessary in such a case, I lost no time in driving my wagon to Wilson, two and a half miles, getting what lumber I estimated to make the hole in that sand safe for a human being.

When I arrived at the hole with my tools, lumber, and the three railroad section hands I had impressed into service, I found the wife of the unfortunate Krofta down in the hole frantically trying to extricate her young husband from that treacherous and persistent sand and from the awful fate of being buried alive. Every move she made and every handful of sand she lifted from over her loved one's head brought down much more on all sides of her. She, herself, looked to me in the very jaws of death, the sand piling about her ready to swallow her on top of her beloved husband. Her mad efforts only succeeded in uncovering Krofta's head so as to let the air to his mouth, but

that was unavailing as it could not get into his lungs. The weight of the sand was so great on his chest as to make expansion impossible. In a short time, with the help of the section hands, I had two regular polygons made out of the two-by-four-inch timber, reinforced by sections of six-inch fencing, just big enough to go into the hole and allow a fence board to be stuck between them and the surrounding ground and sand. But it was useless; Mr. Krofta was dead.

The funeral was held on December 24. The procession was not very large, as there were but few who had horse teams in those days. It was indeed a sad Christmas for the new settlers. Especially was it a sad time for the bereft wife and child and for the mother of the dead man, for they could not have the comfort of their religion in the burial service. They were Roman Catholics and we had no Roman Catholic church in the settlement then, and no priest. Mr. Jos. Krofta's mother was Mrs. Merchl, and this sad accident brought her to her death bed, and in less than a month she died, heart-broken, and her remains were laid to rest by the side of her beloved son.

The bereaved Mr. Merchl and his unmarried son, disheartened now, and no longer contented with their free home, wished to go back to New York City, and Frank Hubka, whose unfortunate well-digging had caused all this, naturally sought to help them realize their desire. The parents and brothers and sisters of Mrs. Hubka were still in their native place, Loza, near Kralovice, Bohemia. The Hubkas wrote them of their new home and that they were landowners and farmers, and that their eighty-acre farm, when compared to the area of the biggest farms in their native village, would cover several of them. That kind of news from Kansas or any part of America always creates a great stir in the congested Old World. So it made a stir in Loza, and Mrs. Hubka's parents, Anton Soukup, his brother Josef Soukup, Ján Kepka, Jakub Vopat and his brother Ján Vopat, Josef Jánecek, Frant. Soukup, Prokop Spousta, all heads of families, began to sell what they could not bring along with them to the new Bohemian settlement in Kansas.

But it was not so easy to sell. Money is extremely scarce in a land impoverished by militarism and ruled as the Austrian government misgoverns the kingdom of Bohemia. Therefore it was not until the spring of 1877 that our colony received its first increase direct from our native land, Cechy. Mr. Hubka's father-in-law, Anton Soukup, bought out the relinquishment of Mr. Merchl on the northeast quarter of section 26, Wilson township, and Mr. Merchl returned to New York City, a broken-hearted old man.

From Loza, near Kralovice, in 1880, came Jos. Kroft, Vaclav Hynes and Havel Soukup. The last two were miners by occupation, and very poor, as all miners are the world around, but Jos. Kroft and his son-in-law Podlena, who also came with them, were well to do. By that time no free homes were to be found except where it was possible to buy some one's relinquishment, and railroad land. Mr. Kroft bought the relinquishment of the southeast quarter of section 10, township 15, range 10, of Mr. Nadeje, a cigar maker from New York City, who returned there. Podlena bought railroad land, the southeast quarter of section three in Noble township.

In the spring of 1877 came two brothers, Stěpán Vaňásek (Waňásek) from Racine, Wis., a shoemaker, and Josef Vaňásek from New York City, a cabinetmaker. Stěpán bought the northeast quarter of section 27, and

Josef the northwest quarter of section 27, Wilson township, of the Kansas Pacific Railroad Company, at about \$5 per acre on eleven years' payments. Josef Vaňásek, a few years later, bought the south half of section 27 from some speculators in the East. Mr. Stěpán Vaňásek had two married daughters and one single daughter in Racine, Wis. One of the married ones, Mrs. Ján Charvát, and her husband, came later and built a large hall at the northeast corner of section 27 on a fraction of her father's quarter section which the railroad cut off from the rest. This was called "*Ceská Siň*," or "*Bohemian Hall*," and it formed the social center of the colonists for many years.

Colonists were accustomed to use this hall for all kinds of meetings; for such recreations as dramatic performances, athletics, dancing and singing; for cultural purposes, as a library club meeting; Mutual Aid Association meetings; political meetings. Here the settlers were taught their first lessons in "*home rule*," in republican form of government, and the value of American citizenship. And they were not slow in the ambition to be represented by one or more of their own nationality in the offices of the school district, township, and county as the records will show.

The first Bohemian elected to a public office in Ellsworth county was the founder of the colony, your humble scribe. That was in 1875, by unanimous vote—there being no opponent—for the office of county surveyor. The next year, 1876, I was elected justice of the peace for Wilson township. In 1877, my time having expired as county surveyor, I was reelected to succeed myself, getting three to one votes against Rev. Mr. Williams, of Green Garden township. In 1878 I was again reelected to succeed myself in the office of justice of the peace. My old comrade, Josef Drabek of company I, Sixth Iowa volunteer cavalry, who served with me three years, 1862-'65, and who came here to settle on a homestead on the northeast quarter of section 6, Wilson township, was elected one of the constables. I was kept in two offices at the same time; it brought me lots of trouble but no profit—nothing but loss.

Public office and farming do not work together well. A sample civil case is the following reminiscence:

Sargent and Dillman, partners in threshing-machine, plaintiff, vs. Mr. Bard, farmer, defendant. Mr. Richard Lafferty, attorney for plaintiff, Mr. Ira E. Lloyal, attorney for defendant. A jury trial demanded.

Defendant lived over seven miles east of my house and had about half a dozen witnesses from his neighborhood. Nearly all of the town of Wilson was summoned for jury. I held that trial in my house, as most country justices did. We only had two rooms besides the summer kitchen, and both were full to overflowing. The people were but just gathered for trial by noon, and of course they got hungry. Nothing was said, no questions asked as to how they were to satisfy their hunger. It looked as though it were going to be an involuntary fast, but my good wife came to the rescue and surprised the court and "*courtiers*" with a big dishpanfull of doughnuts and a big pot of coffee, sufficient for all. A verdict for the plaintiff was the result, and all went home rejoicing. From their smiles I judge they were praising the good cooking of "*his honor's*" better half. Of course she collected no fees, and I did n't get as much for that day's trial as an ordinary farm hand gets now.

Just one more, a sample of a criminal action. Those were the days of tramps. Many were heeding Greeley's injunction, "Go west, young man, go west!" And they were traveling on the railroad, too—counting ties. I then lived three-eighths of a mile north from the Kansas Pacific, now the Union Pacific, railroad track, and the travelers did not pass me unnoticed—not much. It was almost an everyday occurrence that some of them came to ask for a "bite to eat," occasionally two or three together. One morning a bunch of nine hungry men—all young—came. Of course we were in the habit of turning no one away hungry. They ate and went on their way rejoicing. In a few hours word was sent me that Ben Fowle, a deputy sheriff, had arrested a bunch of tramps, and wished me to come and give them a trial. I held court in town—short and sweet. A German kept a saloon in Wilson, and those same fellows we had fed in the morning went into it to treat each other, but none wanted to foot the bill, and the old German in trying to collect made some of them so angry that a row and broken bottles resulted. I examined the tramps one at a time and sent them to the county jail to be boarded by my friend Sam Hamilton, my fellow "courthouse rat," as the county officers were called sometimes. But the county commissioners got tired of boarding free so many able-bodied men, so they sent them on their journey.

Marrying young couples pleased me best of all my official duties. That was easy money. "I pronounce you man and wife"—three dollars and good luck! Here are some of the couples I had the pleasure of putting under the matrimonial yoke: Václav Oswald and Miss Mary Kyasnicka; Václav Vanis and Miss Katerina Zamrzla; Václav Zvolanek and Miss M. Urban; Ján Cizek and Miss Mary Krejci; Frank Branda and Miss Anna Urban.

Societies in the colony were organized from the first. In the fall of 1875 the first local association was formed by my urgent efforts. I called a meeting one Sunday at the house of Mr. Adolf Honomichl, where the settlers assembled in good number, and we organized a union of the Bohemian-American settlers, and called it "Blahobyt." The following were elected officers for the first year: Francis J. Swehla, chairman; Jos. Klima, secretary; Jakub Jedlicka, treasurer. A committee of three was appointed by the chairman to draw up a constitution.

The object of the union was mutual aid in sickness and distress caused by misfortune; the cultivation of a fraternal feeling; mutual up-lif; mental, moral and physical coöperation, and the burial of dead members.

There being no public hall, no schoolhouse or church building, the society adjourned its meetings from the home of one member to that of another, generally upon invitation. The meetings were held regularly each month, a special meeting being called by the secretary only upon urgent necessity and at the request of some members. Dues were twenty-five cents per month, but in case of emergency a collection was made at a meeting. This union did a great good while it lasted, and it was active five or six years. Perfect harmony prevailed in its meetings, as all religious propaganda was forbidden by the constitution. We aimed at temporal welfare only, leaving freedom of conscience to all.

Besides the good services this union did locally to its members, we sent all the money we could spare to aid the widows and orphans of the Bohemian settlers who were massacred by the Northern Cheyennes in September, 1878,

the last Indian raid in Kansas. After hearing of this outrage and learning the names of our countrymen, though we ourselves were needy, we sent all we had in our treasury to be divided *pro rata* to widows and orphans of the murdered Bohemians.

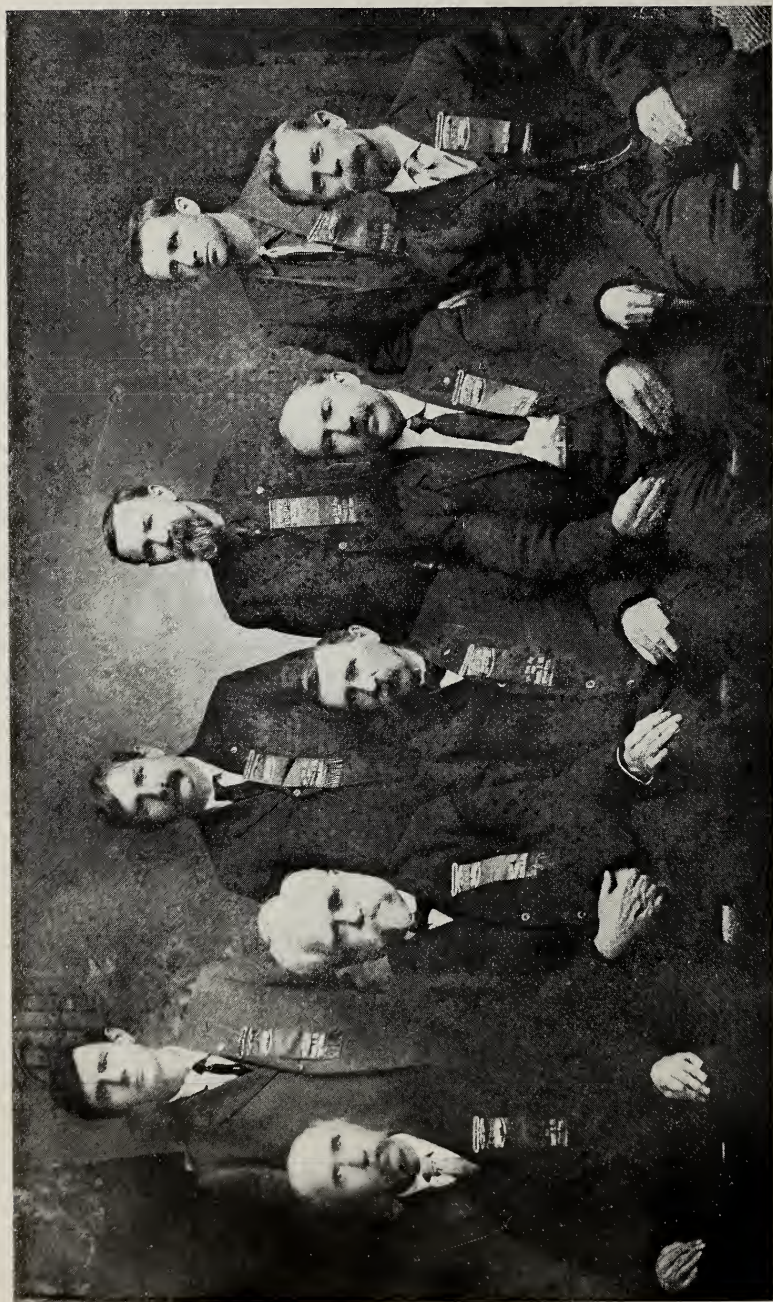
Thus we worked together until a Roman Catholic priest came to call his sheep to the fold, and separate "Ovecky od beranu," the "faithful from the unfaithful," or unbelievers, as the liberals or free-thinkers were called here in America. "Berani" was an appellation of reproach given to all adherents of reformed churches in Bohemia, such as the Evangelical church of Europe, but there were very few settlers here who had belonged to that church. A great majority of the "Berani" were formerly Catholics who had lost their faith in that doctrine, but had not attached themselves to any other church.

Before this first local society began to die a second one was organized in the "Bohemian Hall" built by Ján Charvat. This had a different object, a library or reading club with a dramatic and athletic branch. It was started May 2, 1880. We began collecting money for the library by charging membership fees at time of joining, and by monthly dues. Also we made donations of books. I started this by donating my "History of the Jesuits," and others followed the example. However, we were all poor in the supply of books that could be spared.

This club was called "Stanvov Spolkn Ctenárskeho," the Wilson Bohemian Library, and was instituted by the Bohemian settlers of central Kansas, chiefly farmers and mechanics. It was done with cheerful enthusiasm and rare unanimity, and the library, though small in the beginning, grew to hundreds of volumes, furnishing entertainment and instruction of a far nobler kind than card playing. The rules of the club were printed by the *Slavie*, a Bohemian paper of Racine, Wis. Membership fee was one dollar, payable on entrance into the club; the dues were ten cents a month, payable quarterly. The club held monthly meetings the second Sunday of each month. The constitution and rules consisted of some eight articles, and contained a provision for the burial of members. Any member of the club failing to attend the funeral of a deceased member was obliged to pay a fine of fifty cents into the treasury, and the society, upon the agreement of the family and relatives, conducted the funeral of its deceased members.

This association at the start aimed to have exclusive use of its library, and one section of the original constitution forbids the loaning of books to non-members. I deemed this too narrow and selfish and persuaded the majority of members to adopt my view of it, so the library was offered to the reading public at a nominal fee of five or ten cents a volume. This privilege was very generally made use of, especially after W. F. Sekavec, one of our most earnest members, moved from his farm in Palacky township, where he ran a store and kept the post office of Palacky, to Wilson, where he built a store building with his residence attached in the rear and maintained a hall on the second floor. We elected him our librarian, putting our library into his store. That made it more convenient for all patrons, and it was also a good attraction for his store. Besides, his hall was used for meetings; there the farmers met and organized the Farmers Elevator Company.

Sekavec's hall was rented for many years by a Bohemian lodge organized January 1, 1885, in the Odd Fellows hall. It is a local lodge of an extensive



MEMBERS KANSAS GRAND LODGE BOHEMIAN-SLAVONIAN BENEVOLENT SOCIETY.

order that had its start in St. Louis, Mo., on March 4, 1854, the year I came to America. It is a fraternal order securing to its members both sick benefits and life insurance. Aside from this it aims to cultivate and perpetuate the mother tongue; to promote and elevate the general standing of social, moral and spiritual life, by means of lectures, schools and libraries; and to use its best influence to assist our newly arrived countrymen to become good American citizens in as short a time as possible. This order has spread from a little local association at St. Louis, Mo., to two hundred and twenty-six or more local lodges scattered all over the United States, besides a Grand Lodge in each state. Our state of Kansas has at the present time, 1914, eight subordinate lodges, and a Grand Lodge located at Wilson. The local lodge at Wilson is called "*Rád Vesmir*" number 115. The initials of the national order are C. S. P. S., standing for "*Cesko-Slovanský-Podporující-Spolek*," meaning Bohemian Slavonic Benevolent Union or Society. The whole membership of the order in the United States is about twenty-six thousand. The National Supreme Lodge at the present time is located at Chicago, Ill.; Ján Pecha, president; Jos. A. Smejkal, vice president; J. V. Luňák, secretary; A. J. Jambor, assistant secretary; Ján Klous, treasurer. Officers of the Kansas Grand Lodge are Ferd Pecival, president; W. F. Sekavec, secretary; Anton Matous, state trustee; Fr. A. Swehla, treasurer.

The following are the names and numbers of the subordinate lodges in the state of Kansas, and the location of each: Kalich (Eucharist) No. 74; president, Jos. Dressler, Holyrood; secretary Fr. J. Novotný, R. F. D. No. 1, Holyrood. This lodge has its own hall at Holyrood, which cost \$8000. Kansas, No. 76; president, Fr. Pánek; secretary, Fr. Kraisinger, R. F. D. No. 1, Rush Center. Nový Tabor, No. 89; president, Václav Voltman; secretary, Anton Stránský, Belleville. Zizkov, No. 100; president, Mat Knedlek, Hanover; secretary, Ján Brychta, Bremen. Zizkuv Dub, No. 109; president, Fr. Plucar; secretary, Jos. Kopsa, Cuba. Vesmir, No. 115; president, Karel Pekráek; secretary, Ferd Pecival; financial secretary, F. A. Swehla. Ant. Dvorák, No. 135; president Jos. Petrácek, Jennings; secretary, Jos. F. Pavlicek, Oberlin. Ellsworth, No. 189; president, Fr. Dolecek, Ellsworth; secretary, Step. Sekavec; financial secretary, J. M. Vondra.

Now, my dear reader, I do not mean to tire you by spreading here the constitution, by-laws and ritual of this great organization. It is too lengthy and dry for any one not directly interested—it covers sixty-two pages. But if any person is interested he can get a copy free for the asking—in either the Bohemian or the English language, or he can see a copy in the library of the Kansas State Historical Society.

Do not think that Bohemians are a very clanish people. Not at all—we are on the whole pretty good mixers. I'll point to one instance which can be proved by records. There are a half dozen or more American societies, lodges, clubs, companies, churches, corporations, etc., in Wilson, and you will find Bohemians in nearly all of them. Years ago when a lodge of the A. O. U. W. was started in Wilson they extended their recruiting among our people and soon had started a regular stampede, the like of which we could never get up in one of our own national lodges. In a short time they had more Bohemians than our own lodge, which had been struggling to increase its numbers for many long years, and with but small results. Bohemians mix

everywhere, learn all languages, travel to all countries, practice all trades, and possess all vices as well as virtues.

We have here plenty of organizations, and still the most useful or necessary may be lacking. But there is no scarcity of noble, exalted, high-sounding principles in any of them. And if those principles were practiced fully by all of the human family we would not need any more lodges or organizations, nor even all of those which we already have.

In 1904 there came into our grand society of C. S. P. S. a disruption, causing a withdrawal and the founding of a new order called the Western Bohemian Brotherly Union, Zapadni Cesko-Bratrská Jednota. At the present writing this order has a membership of 18,055. The lodge of Antonin Dvůrák of Z. C. B. J. was organized at Wilson on June 10, 1904, by Dr. J. P. Pecival, with twenty male and fifteen female charter members. The first officers were: past master, Ferd Pecival; president, Dr. J. P. Pecival; vice president, Marie Veverka; secretary, Joseph Tampier; financial secretary, John Hoch; treasurer, Josef Libal; guide, Ján J. Florian; inside guard, Josef Hoch; outside guard, Amalie Tobias.

On January 1, 1914, the same lodge had seventy-two male and fifty-two female members. The following were elected officers: past president, Zdenka Cerný; president, John Helus; vice president, Marie Stehno; secretary, Ferd Pecival; financial secretary, J. H. Cerný; treasurer, F. A. Swehla; guides, Fr. Bohata and Marie Hoch; guard, Anton and Václav Brant; trustees, Jos. Zbornik, Fr. Kaitman and Frant. Bohata.

I must now break the thread of my story about organized societies to introduce a further statement relating to early settlements, so as not to omit our brethren from Moravia.

The Moravian brothers have from the earliest European settlements in the New World left "their footprints on the sands of time." As Moravia is located to the southeast of Bohemia (Cechy), so their settlement in Ellsworth county occupies the same relative position to our Bohemian settlement. The first families from the unhappy land of Moravia came to the settlement in 1878, from the village Pisarova, near the town of Schilburg, department of Olomouc. They were Josef Macek, Fr. Kroboth, Fr. Jilka, and Ján Steiner. From Hustopece, near Brunn, Moravia, came Martin Hoffmans and Karel Urbanek. These six families came via Bremen, Germany, on the ship *Leipzig*, arriving at Baltimore, Md., in sixteen days. The above-named families were the first direct from Moravia. Other settlers arrived from Ringgold county, Iowa, among them the Dolecek brothers, Leopold and Vit, both having large families. Leopold settled in Russell county, near Dubuque; Vit Dolecek, in Noble township, Ellsworth county, adjacent to the Moravians. I am informed that there are but three Americans in all Noble township, the rest of the inhabitants being Bohemians or Moravians and their descendants.

It should be stated here that our colony did not buy land collectively, but individually. The greatest possible freedom of action prevailed. No individual was bound to any taxation or cast-iron rules of subordination. That would increase the hardships of pioneer life. On the contrary, a helping hand was always ready for the needy as far as was possible.

No attempt was made to introduce Old World methods of dividing land. No settling in the old method of villages. The American way of living, each on his farm land, we made our way; the only deflection being of not build-

ing beside the public road in all cases, but rather seeking other conveniences. But that may be excused in many instances by citing the fact that there were no roads, public or private; in most cases the first settler made the virgin tracks—both footprints and wagon roads.

In the year 1878, direct from Stoupnice, Litomysle, Bohemia, came Vaclav Peterka, wife, and nine children, and settled on Cow Creek Flat, nine miles northeast of Wilson, in Lincoln county. All the family now live on farms. Josef Satran and his brother, Benjamin Satran, settled in that same neighborhood about the same time, but they came from the state of Wisconsin to this settlement, and took up homesteads. Josef Satran located on the southwest quarter of section 32, township 13, range 9, in Golden Belt township, Lincoln county.



HOME OF JOSEPH PETERKA, LINCOLN COUNTY, KANSAS.

Our early settlers were not very conspicuous by their dress, as our mode or style of dressing does not differ from the rest of the civilized people of western Europe or the United States. A great many of our people speak the German language. Many Germans settled in Bohemia since A. D. 1310, when John of Luxemburg was elected King, and they increased very much between 1620 and 1648, during the reign of anti-reformation or the Thirty Years' War.

The long list of teachers of Bohemian descent is good evidence that our people believe in universal education. I am indebted to Prof. H. Coover, superintendent of public instruction of Ellsworth county, for the following list. Many of the teachers named have taught in other counties and states than ours. F. J. Swehla, Victor Swehla, Romeo Swehla, Katy Krachy, Mary Knakal, Josef Jedlicka, John Dlabal, Mary Falb, Anna Falb, Rose Jarus, Edward F. Jarus, Albina Dlabal, Josef Vesely, Mary Kolacny, F. G. Novak, Albina Hanzlicek, Mary Hanzlicek, Anges Hanzlicek, Emma Zavodnik, Matilda Vaňásek, Amelia Varta, Theresa Varta, Vaclav Cipra, John S. Schánilec, Rose Kejr, Mary Vanis, Louis Ptacek, Eleanor Soukup.

Helen Soukup, Bessie Soukup, Emma Cipra, Josephine Koci, Pauline Koci, Pauline Cipra, Leona Doubrava, Lydia Kejr, Edna Dolecek, Josef Novák, Esther Karban, Nina Stehlik, Edward Artas.

A list of Bohemian graduates from the Wilson high school is here submitted: 1890, John Tobias, now a practicing lawyer. 1891, Frank Jedlicka, dead; John Dlabal, farmer. 1893, Mary Knakal; Henry Tobias. 1897, James Somer, merchant. 1898, Rose Straka. 1900, Mary Sibrava; Albina Dlabal, school teacher. 1901, Ernest Tobias; Emil Jedlicka; Kamila Vaňásek and Matilda Vaňásek. 1902, Vlasta Sekavec. 1903, Emma Zavodnik and Rose Jarus. 1904, Mary Vanis. 1905, Anna Falb, school teacher; Albina Hanzlicek, school teacher; Rose Vancura; Del Zeman, druggist, and Louis Ptacek, school teacher. 1907, Joe Vanis, butcher; Richard Zeman, druggist; Mary Hanzlicek. 1908, James Brouk and Jas. Jarus. 1909, Charles Brouk. 1911, Helen Sekavec, Eddie Jarus, and William Peterka. 1912, Esther Karban, Edna Dolecek, and Adolph Hanzlicek. 1913, Frank Mieg.

At present we have thirty young Bohemians who are college students at Kansas University and the various colleges of the state. Some fourteen or fifteen others have gone to institutions outside of Kansas.



EAST SCHOOL DISTRICT No. 10, ELLSWORTH COUNTY.

Business life in the settlement in early days is of a good deal of interest, and I shall touch upon it briefly. Ellsworth had been a shipping point for Texas cattle, and central Kansas had furnished free pasture land for the cattlemen. Stores in town had on hand such things as were in demand by the herders, or cowboys: saddles, blankets, revolvers, knives and camp cooking utensils. But when I asked for a stone sledge in John Bell's hardware store in Ellsworth Captain Hoseman told me they didn't keep them on hand. It was the same thing when I asked for a road scraper and a cross-cut saw for two men. These articles had to be sent for. The cross-cut saw was needed to saw up the trunks of the many dead cottonwood trees left rotting by wood-choppers, I presume during the building of the Kansas Pacific railway. But as the new settlers began to flock in, crowding out the "long-horns," the merchants began to change the character of their goods in stock. And

in June, 1875, I was able to buy even a Kerby self-rake reaper that John Bell had let a near-by farmer try out. The next year, 1876, "Centennial year," Mr. Martin Honomichl went to Salina with his team of horses and brought home a reaper, the Walter A. Wood "self-rake." Many settlers followed his example and bought the same kind. This harvesting machine was favored by our pioneers because it made a nice, square, compact sheaf, ready to be bound by hand without having to rearrange it. Our first implement dealer, Jan Tobias, wisely kept these machines for sale until binders and headers put them out of market.

In the fall of 1875 I bought the only wheat drill John Bell had, and, as far as we knew, no other merchant in our vicinity had one for sale. It was the Hoosier drill with grass seeder (for which we had no use), costing \$85. I loaned it to everybody far and near, even as far as eleven or twelve miles; and it was the same way with my reaper. Jan Tobias, who was a shrewd business man, soon began to keep Hoosier drills for sale.

Joseph Tampier, a young lad of promise, clerked for Mr. H. Stassen, and later for Mr. Nesmith, thus getting a good training in merchandising. His father, J. F. Tampier, becoming lonesome on his farm in Russell county, without a wife, sold the farm and bought a little grocery store in Wilson, where Mr. Jacob Fowle had kept post office, groceries, and sometimes fresh meat. Soon after Tampier bought the store he had the old rotten building torn down to make room for a large stone building, which later he enlarged. Besides this store room Tampier built another adjoining it on the east side.

Just east of Tampier's second store building the "Sokol" club built the opera house, or what is more frequently called "Turner Hall." Mr. Tampier donated the cost of the west wall of this building, besides giving a ten-foot strip the length of the lot, so that our "Sokol" club might have more room. The contract for the building was let April 29, 1901. It has a frontage of fifty-three feet, is one hundred and three feet long, and two stories high with a nine-foot basement. The stage has a curtain opening of fourteen by twenty-two feet, and floor twenty by fifty feet. The gymnasium under the stage is twenty by forty-nine feet, with a fourteen-and-a-half-foot ceiling. The seating capacity of the hall is five hundred. The building has furnace heat and electric light and its approximate cost was \$15,000.

The Bohemian athletic organization, analogous to the German turnverein, is named "Sokol" (Falcon). Vincent Hubalek, a young Cech fresh from "Ceske Vlasti" (our native land), full of enthusiasm and energy, organized a club of Sokol upon his arrival here in 1892, and in a short time they were able to give public exhibitions of their skill and strength at picnics held in the groves on the banks of the Smoky Hill river.

The first "Sokol" club was organized at the Bohemian Hall in the country, located at the northeast corner of the southeast quarter of section twenty-two, Noble township, Ellsworth county. The second club was organized at Wilson, Vincent Hubalek being the first training master for both clubs. In 1896 was built our National Hall at Wilson. For it was used the best building rock—the magnesia limestone found on the bluffs dividing the watershed between the Saline and Smoky Hill rivers. The Wilson "Sokol Karel Jonás," was the second club of athletics, and they undertook the building of the hall. They secured donations of many kinds from both countrymen and merchants of Wilson, countrymen generally donating work,

hauling the building rock from the quarries, scraping out the basement, etc. The merchants, besides subscribing money, donated articles of merchandise for the "Bazaar" conducted by the "Sokols." Nevertheless a great indebtedness remained on the hall after all efforts to raise money were exhausted. And this indebtedness was a greater burden than the net proceeds from all sources could bear.

This being exclusively a farming community, everything depends on the farmer and his products; and in this part of the "foot-stool" we do not get a bumper crop every year. When the crops are short the farmer is prone to make some retrenchments; then all other enterprises, except banks and loan agents, have a shrinking profit. So it came to pass that "Sokol Karel Jonás" was in imminent danger of a mortgage foreclosure, the building to pass into private hands. To prevent such a disgraceful event lodge Vesmir No. 115 of C. S. P. S. came to the rescue by becoming joint owner, raising money by soliciting more subscriptions as loans on long time, and also securing an extension of time on the mortgage indebtedness. Later on the joint societies admitted a third society to become a joint owner with them, lodge "Antonin Dvorák," of Z. C. B. J. This last lodge was to contribute a sum of money sufficient to pay for the completion of the building and the finishing work. The three societies joining saved the building, and now the mortgages have been wiped out.

Most of our people settled on the raw prairie and made farm homes of it. Very few had ever farmed before. They were in most cases of some mechanical craft, and had to take their first lessons in agriculture under the tutorship of Experience. The most needed trades here in the beginning were blacksmiths, masons and carpenters; to these may be added shoemakers, well diggers and tanners. Anton Somer, a member of our colony, ran the first blacksmith shop in Wilson. In 1878 Vaclav Zavodnik came from Iowa, and started a blacksmith and wagon shop, which he is still running. His nephews, Frank and Fred Michaliceks, came from the mother country, and learning the blacksmith trade from their uncle, ran the north side blacksmith shop for some years. Josef Kalina started a blacksmith shop in Ellsworth in the '70's, he being the first Bohemian resident there. Another Bohemian, Frank Varta, was a tailor in Ellsworth. Anton Slechta, from Chicago, Ill., was the first Bohemian shoemaker in Wilson, but was soon followed by Frank Kucesa from Allegheny, Pa., who ran a shoe shop after Slechta turned to farming in Noble township on the northeast quarter of section 17. Both are now gone, which shows how shops are driven out of business by factories. In the track of the victorious march of industrial development we find the ruins of former handicrafts and trades. The only one I think of now that has not been ruined is the barber. So we had Karel Jadrnicek to ply the tonsorial art in Wilson, but he moved to Cedar Rapids, Iowa, and Mr. Vocasek officiates in his place.

Owing to the large number of settlers who preferred to speak their mother tongue, and many of them had no choice in the matter, all the merchants in town employed clerks of Bohemian nationality. Now many of those former clerks are storekeepers themselves; as Joseph Tampier, Frank Knakal, Anton Somer, J. W. Somer, Frank Gregor, Mike Somer, James Somer. In the bank we have J. F. Tobias as cashier, and Ferd Pecival, jr., bookkeeper. The Bohemian business men in Wilson are as follows: Jos. Pelishek, now

postmaster; Tampier & Knakal, groceries and hardware; Fred Sekavec, groceries; Tampier, Somer & Kyner, dry goods and clothing; Frank Gregor, dry goods and clothing; Anton Somer, hardware; Hoch Brothers, lumber; Jarus & Ptacek, groceries; W. W. Klema, farm implements; Frank Klema, garage and auto cars; Vaclav Vanis, meat market; Frank Zernan, pharmacy, drugs; Jos. Vocásek, barber shop; Smetana, meat market; Mrs. Cipra, Central Hotel; George Richter, notary public; Joseph Kvasnicka, manager of farm elevators; Jos. Rezábek, thresher and repair shop; Frank Vlcek, thresher and brass band leader; J. H. Cerny, music teacher and cigar maker, also local editor or agent of a paper, *Kansasky Pokrok*; Albert Mieg, agent and reporter for *Kansaské Rozhledy*. Both of these Bohemian weeklies are published in Omaha, Neb. Jan Herink, picture frames; F. Pohl, cobbler; J. R. Hoch, insurance agent; Frank Sibrava, manager opera house; Vaclav Gregor, janitor of opera house and librarian of Bohemian library; Vaclav Závodník, leader Wilson symphony orchestra. Jan Florian ran a cigar factory in Wilson for years, but quit and returned to Chicago, Ill. Vaclav Gregor ran a cigar factory in the '80's and '90's.

In matters of politics as well as religion the settlers were divided into different parties, but the Democratic party predominated. Ellsworth county under normal conditions is Republican, but a Bohemian candidate, whether Republican or Democrat, generally gets elected. This is because of national affiliation. When a countryman is on the ticket the Bohemians will do some scratching. This fact is evident from the repeated elections to county offices of W. F. Sekavec, when most of the offices were filled by Republicans.

On the question of equal rights for women I must confess that our people have been slow in interest and sympathy. The women themselves do not clamor for the right to vote. Of course there are exceptional cases. Personally I was an odd sheep in the fold because I advocated both temperance and women's rights, and neither of these doctrines found favor among my people. But the spirit of universal liberty and of helpfulness to humanity has penetrated even the most conservative minds. We now have Bohemian women's clubs, and women's lodges. As far back as 1870, in the city of Cleveland, Ohio, was organized a Society of the Bohemian Dames. This organization has since spread over all the Union wherever there is a Bohemian settlement, and we have the society here in Ellsworth county.

The Wilson lodge, Luna, No. 134, "*Jednota Cesych Dám*," or J. C. D., was installed May 3, 1909, with the following-named ladies as charter members: Marie Cerny, Josefa Cipra, Marie Jiricek, Marie Stehno, Marie Kaitman, Anna Swehla, Marie Hoch, Matilda Bouska, Marie Jenik, Marie Pecival, Frantiska Svoboda, Minnie Vopat, Frantiska Kranpac, Ann M. Bronk, Josie Somer, Zdenka Cerny, Anna Vlcek, Amalie Soukup, Anna Hinkson, Marie Helns, Josefa Kvasnicka, Marie Stehno, jr., Anna Mieg, Marie Klema, Marie Chrudimsky, Anna Mares, Sofie M. Dolecek, and Emma Sterela; twenty-eight to start with, and now (1914) they have forty-four members. The entire order over the United States has some 20,485 members. It is a benevolent society similar to the C. S. P. S. already described, and was brought into existence, I presume, for the reason that C. S. P. S. at first excluded women from equal membership although it insured them. Now, since 1909, the C. S. P. S. as well as the other Bohemian

Brotherhood gives the fair sex equal rights with men, soliciting their membership.

This change as to sex equality has come slowly over the minds of our people. In the same way, in the course of another quarter of a century, the liquor question will be looked at very differently by our grandchildren, also the labor question. People must first become familiar with a new idea and be educated up to it before they embrace it.

The object of the organization of Bohemian Dames is culture gained by progressive ideas, and by noble endeavor for humanity's welfare. They urge that children be taught to speak and to respect the mother tongue. They support schools. Aid is given to members of their society in sickness and distress; sick benefits and \$600 death benefit are paid. A local lodge of the order is in Holyrood and is said to be stronger than the lodge at Wilson.

The Catholics of our settlement began in the early '80's to call meetings, urging upon the struggling pioneers the need of caring for their spiritual welfare as well as their physical wants. On the first call thirty-two men attended a meeting to discuss the question of building a house of God. At a second meeting only twenty men were present, and at the third, thirteen, but these thirteen were the lucky number. They were of the faithful, who were not only willing to keep up the struggle of keeping soul and body together but at the same time desired to insure eternal happiness to the soul. A building committee was organized composed of the following men: Jakub Soukup, Jakub Jedlicka, solicitors to raise money; J. F. Tampier, treasurer; Ján Zalondek, building superintendent; Ján Ptacek, assistant solicitor. In two days' canvassing the settlement over \$300 was collected and much more subscribed.

In 1883 Henry Esche, a young man of German descent who had just arrived with his parents from Pennsylvania, was hired to put up the walls. I had already surveyed the lots, which the Kansas Pacific Railway Company had donated. I also set the stakes for the foundation. Owing to the poverty of the early settlers, and the poor crops that we got sometimes, the church building could not be finished all at one time. At first the walls were built out of our nice building stone, and the shingle roof put on, without the belfry. In the latter part of 1885 the first pastor, Rev. Karel Dragoun, arrived from Louvain, Belgium, where he had finished his divinity studies. He was born October 30, 1861, in Kojetin, Moravia.

In a few years the church was finished. But the priest did not give satisfaction to some of the more zealous churchmen, so he was succeeded by Rev. Father Nováček. Under his administration a larger and more pretentious edifice was built, and many years of happiness were realized by the devoted congregation before their house of God, in which they took such pride, was reduced to ashes. The parish then bought a school building of the public-school board, one no longer needed after the large brick schoolhouse was built, and held their meetings and services in that for years, until the present magnificent brick edifice was dedicated in November, 1912.

The Catholics have two societies now (1913): "The Catholic Workman," with a membership of fifty-four men. Jan Kratky, President; Josef Vopat, vice president; Fr. Matas, secretary.

The second society is "The First Central Union of Bohemian-American Women," with nineteen members. Mrs. Marie A. Soukup, president; Mrs.

Josefa Kepka, secretary. There was another organization but it went out of existence for lack of patronage.

Reverend Father Nývacek's administration was a long and successful one for the parish, but for causes unknown to the writer his time had come in the succession of pastors and Father Olesh took his place for a very short time, until Father Weber, the present pastor of the parish, came. As the congregation was of several nationalities it was desirable that its pastor be able to speak the different tongues of his parishioners. Rev. Father Josef Hesoun, of St. Louis, Mo., the latter-day apostle to the Bohemians of the United States, has great credit for the prosperity of not only this parish but all of the Bohemian parishes in the Middle West. Yes, even throughout the whole United States. In his honor, on the event of the celebration of his jubilee of twenty-five years of service in one parish (St. Louis, 1865-1890), there was published a great historical book to commemorate the event. This book, a large octavo volume of 552 pages, is filled with the highest commendations from every nook and corner of our new country, wherever even a few faithful live.

The Catholics of Wilson have built three church buildings on the same lots, within twenty-nine years, each one grander than its predecessor. They have also built a large hall about five miles east and one mile south of Wilson, on the farm of Anton Soukup, where they hold their social gatherings, dances, fairs, basket suppers, or bazaars for church benefits.

At this time (1914) our settlement has spread far and wide from that very small nucleus made in 1874 by a single family. It reaches to Ellsworth, Kanopolis, Geneseo, Luray, Lorain, Holyrood, Dorrance, Lucas, and Sylvan Grove. Of course neither these towns nor the country intervening is composed of Bohemians or their descendants exclusively; other nationalities are mixed with them more or less. In Holyrood, Valley township, there are Bohemians, Irish and Germans. In a population of 380 there are 130 Cechs who are represented in business, Joe Dolecek, Joe Vesely, Jan and Adolf Dolecek, Louis Soucek, Jos. M. Vaňásek, F. E. Horejsi, Dr. G. F. Zerzan, A. J. Pokorny, J. V. Junger, A. Strela, F. A. Vesely, F. Hromadnik, W. F. Jenicek. Jos. Rezac is a retired farmer living in Holyrood, also Jos. Lank and Anton Matous. The latter served for many years as township trustee of Palacky township; he is a bookworm and owns the best library in that part of the country. In 1888, when I taught their school, I frequently visited him, and he then had a good-sized bookcase full of good works.

About all the government land in Palacky township was settled in 1878. And the settlers, mostly Bohemians, some of whom had come in 1876, are here listed. Tobias Doubrava, our present county commissioner, gives me a brief sketch of his father, which is inserted here.

Francis Doubrava, born July 21, 1834, in the village Sloupnice, near Litomisl, department Chrudimsky, Bohemia, immigrated to the United States April 25, 1873. He came directly to Vining, Tama county, Iowa; from there, in 1878, he moved his family to Ellsworth county, Kansas, where a Bohemian settlement had been started, and settled on the northeast quarter of section 10 in Palacky township. Here he lived and farmed, pushing the Great American Desert farther west until December 4, 1894, when he was summoned to pay his last debt to nature, leaving six sons and two daughters to console their widowed mother, who is still living on the old homestead.

The Bohemian homesteaders of Palacky township were: Frank Svaty, Josef Lank, Jan Barta, J. Junger, Anton Borecky, Lukas Sebesta, Fr. Skalecky, Peregrin Kodytek, Josef Rezac, Jan Vesely, Jan Klus, Fr. Doubrava, Jan Nemecek, A. Talsky, Jan Jira, Jos. Socha, Jos. Zelenka, Vac Kolouch, W. F. Sekavec, Jan Sekavec, Frank Sekavec, Fr. Zajic, Josef Zajic, Jan Dressler, Frank Cipra, Josef Sekavec, Jakub Zajic, J. Stejskal, Anton Matous, ——— Sulc, J. Kaplicky, Anton Matous, sr., Josef Matous and Edward Matous.

The following are those who bought railroad land: Jos. Barta, Jos. Kraft, Fr. Toman, T. Doubrava, Vaclav Riha, Anton Borecky, Josef Haska, Jan Adamek, Anna Adamek, Jan Vacek, Albert Harbacek, Josef Harbacek, Josef Jezek, Fr. Zavesky, Joseph Socha, jr., Ignac Skalecky, Jan Kozisek, Jos. Novotny, Jan Doubrava, Jos. Z. Sekavec, Fr. Dlouhy, Fr. Jirik, jr., Vaclav Zajic, Vaclav Doubrava, Hynek Horejsi, Frank Horejsi, and Jan Kozisek. Many of the original homesteaders have sold their farms and moved. Practically all the rest of the land in Palacky township is owned by Germans or their descendants.

Expansion has been the motto in this settlement. Our people are prolific as well as industrious. And as the large families grew to adult age more new homes were started on raw land bought from the railroad company or some neighbor willing to sell. At first it was the American who was willing to sell his land, but after years of growing and crowding, even Bohemians sold out to some fellow countryman who wanted a particular location worse than the owner did. Usually the former proprietor went a little farther out from the crowded neighborhood and bought cheaper and a much larger tract of land. Often it was just as good, or even better, than the land he sold. In this way, as well as by new arrivals from Europe, our colony has spread in all directions, but more to the northwest. And now it has reached to the southeast corner of Osborne county, in a continuous stretch of varying width. The Bohemian settlement in Delhi township is made up of families who earlier located near Wilson, but sold their land and moved on. Among them I name Josef Libal, Fred Rabas, Vaclav Aksamet, and Frank Kvasnicka.

In May, 1885, Matej Novak (born January 6, 1836, and died 1911), settled on land near what is now the town of Lucas, Russell county. He bought a relinquished homestead, the southeast quarter of section 22, township 12, range 11. His widow and their son, Frank Novak, still live in the old home.

There was no Lucas then, nor was there a railroad, and they had to drive to Wilson, the nearest trading place, over sixteen or eighteen miles of rough roads, really no roads worthy the name. But soon they got more of their countrymen to settle in the township, and now the following Bohemians are located there: Josef Siroky, Tom Urban, Jan Siroky, Fr. Nadeje, Joseph Votruba, Jan Votruba, Frank Brichacek, Jan Florian, Jos. Brichacek, Joseph Pertl, Jos. Aksamit, Jan Novak, Matej Baur, Vaclav Libal, Jan Rezabek, Josefa Florian, Frank Kvasnicka, sr., Fr. Kvasnicka, jr., Jaros Libal, Jan Novak, jr., Emil Aksamit, Ciril Aksamit, Jan Honomichl, Jos. Rezabek. In the next township west of the above live J. Jilka, Vaclav Novak, Josef Strilecky, Jan Rabas, Jaroslav Sladek, and Vaclav Brant.

Lucas on the Union Pacific branch from Salina is a great marketing point for the Bohemians; they own a farm elevator there. Mr. A. F. Vopat is

cashier of the Farmers' State Bank, and also president of the Lucas Telephone Company. To Lucas the following Bohemians from the southwestern part of Lincoln county come to market: Tom Volak, Josef Stodola, Martin Kral, Mr. Hrabik, Vaclav Krofta, Vaclav Siroky, Vaclav Kozel, Matej Siroky, Vaclav Strilecky, and Will Pulec. Old Mr. Vaclav Aksamit, formerly of Noble township, Ellsworth county, retired from farming, lives in his comfortable residence in Lucas with his better half, enjoying a well-deserved rest in the evening of their long and varied life.

About all of the settlers joined the Farmers' Union, and have in town, besides the grain elevator and coal shed, their own creamery. South of town three and a half miles they have built a "National Hall," which they make their social center. Athletic club "Vysehrad," twenty-two members, and the dramatic club here demonstrate their activity and skill. It is also the meeting place of lodge Z. C. B. J., with forty members of both sexes.

Gymnastics to the young Cechs are as baseball and football to young Americans—almost a national mania. As the French gymnasts and the German turnverein, so the Bohemian "Sokol" pursues the training with an ardor almost approaching worship. Physical training is as old as the human race. The system has been developed as gradually as evolution has pushed the march of civilization. In ancient times Greece had its Olympic games, when the nation was at the zenith of its culture. And when the doctrine of mortification of the body for the salvation of the soul became a dominant practice, the decline of the culture of both body and mind took place. Then "*Mens sana in corpore sano*" proved its truthfulness.

The revival of learning brought refinement of manners, of sports and games, and systems of physical culture. From dancing, fencing and equestrian exercises, the select practice of the nobility and the ruling classes, was developed our modern system of gymnastics in Bohemia. It gradually spread among the common people, and ceased to be confined to nobility, professional men and others of the privileged classes.

The greatest credit for bringing this culture to the whole nation is due to Tyrs and Fügner. In the year 1862, in Prague, the capital of Bohemia, on the 16th of February, they called a meeting to organize a society for physical culture, having a permit from the government. They had exhibited their constitution to the ruling authority, and it had been found satisfactory. For over a year prior to this date they had agitated the subject and awakened some interest in it, so that seventy-five persons attended their meeting. R. Fügner was elected chairman, and on May 13, 1862, Miroslav Tyrs was elected trainer or commander, and quarters for training were secured in Apollo Hall.

From this hall, on June 1, 1862, marched forth the first "Sokol" of Prague to public outdoor exercises. In May, 1863, R. Fügner surprised his members by announcing that he had bought a site on which to build their own hall. Great enthusiasm followed, and when excavation for the foundation was in order, two hundred members of the club appeared with shovels and picks, donating their labor. Following the suggestions of Mir. Tyrs, architect Ullmann drew the plans, and the "Sokol of Prague Building" is distinguished by its architectural beauty and convenience of arrangement, and is a credit to its builders.

From this beginning organization of local clubs spread to cities and towns all over the kingdom, and the first public exhibition of strength and prowess

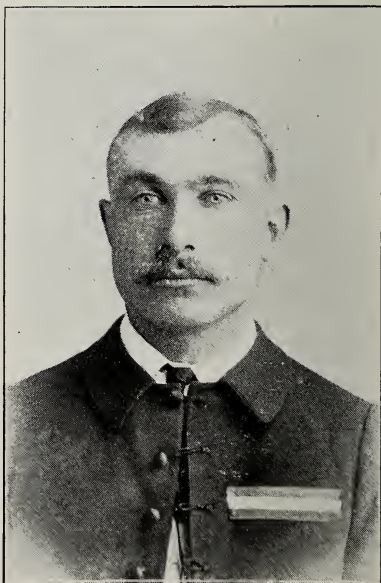
was held July 5, 1864, at Kutná Hora, where three hundred trainers from five country locals participated. Similar gatherings followed in other cities, until after twenty years of zealous work Prague saw the first congress of the locals of the land in 1882. While eighteen years before there were only three hundred training Sokols, now Prague looked upon a procession of sixteen hundred men from seventy-six locals. By the end of 1883 there were one hundred and four units scattered over Chechia and Moravia. This was accomplished in the face of difficulties, and in spite of the early loss by death of their worthy chairman on November 15, 1865. He was so beloved by all members that they called him "Father of Sokolii." In chairman Fügner's death they lost a tireless worker for their cause and the up-lift of the masses, a warm, unselfish friend, a loving father, a magnanimous character.

In 1869 was begun the organization of women's clubs for the culture of patriotism, mind and body, ethics, esthetics and atheletics. They are called "Sokolky," the feminine of "Sokol."

The second general congress at Prague, in 1891, showed some growth. There were seven thousand participants from two hundred and ten units or local clubs. Of guests or visitors there were three hundred Polaks, two hundred Chorvats or Croatians and Slavonians, besides a deputation of French gymnasts.

The third congress at Prague, in 1896, shows a still greater growth. It was attended by three hundred and forty-six units or local clubs. This included locals from Dresden, Berlin, Hamburg, Paris, Munich and other cities. In the procession there were seven thousand five hundred and thirty-three men, of which three thousand two hundred and eighty-seven belonged to four hundred and thirty-nine drilled units. Congratulatory cablegrams were sent from America. The distinctive specialty of this assembly was the exhibit of the training of five hundred juniors.

In the fourth congress at Prague, June 28 to July 1, 1901, there were guests and visitors from every Slavonian nation on earth, as well as from France and Denmark. Of the "Sokols" eleven thousand one hundred (men), eight hundred and sixty-seven "Sokolek" (women), and one thousand and eighty-eight juniors formed the procession; one thousand seven hundred of the juniors participated in the drilling and exercises. The "Sokol" movement had spread to us here in the United States, and five delegates were present at this meet. Organization of "Sokol" clubs in the United States began in the early '60's and had their "ups and downs." The clubs are mostly composed of the laboring class and fluctuate with their financial condition.



VINCENT HUBALEK.

The Wilson Sokol Club was the forty-ninth organized. The Black Wolf Sokol, No. 48, preceding it one year. In 1897 Wilson Sokol Club was admitted to the Sokol Union of the United States, but it had been organized and chartered by the state of Kansas September 7, 1895. The charter members were, V. Hubalek, Frank Michalicek, M. Somer, J. W. Somer, Henry Tobias, A. Pokorny, Frank Gregor, Fred Michalicek, J. A. Somer, Joseph Podlasek, Frank Swehla and Romeo Swehla.

"Na Zdar"—"May success attend thee"—is the hailing salutation of the "Sokol." May their number increase.

I have come now to the close of my story, which I shall end with some personalities. The years 1893 to 1896 were made up of days that tried man's ingenuity in making both ends meet. There was crop failure after crop failure, and the result was not seen at once but had its influence for a long time after. Mortgage foreclosures were frequent occurrences, and public sale posters were seen on every corner. We all suffered, the big farmer as well as the small one. I lost my farm and all my live stock, and began again under sore affliction and a heavy load of debt.

In May, 1893, our home was destroyed by fire and two of our children burned to death. From this my wife received a mental shock from which she never recovered; she died May 29, 1912. During all these misfortunes I was under medical treatment for an affection of the eyes. At times I suffered untold agonies and was practically blind. I have recovered from the disease, but my sight can never be entirely restored.

Now, in conclusion, I must say that I heartily regret a more able writer could not have been secured for this worthy task of recording something of our Bohemian settlers. But, be it ever so poorly done. I think it is better than not to have done it at all, and I at least have shown good will, if not great ability in the art of writing. This effort may be an incentive to some capable person who will write the story of our settlement properly, and in the near future, before we old pioneers leave for "that bourne from which no traveler returns."

"Lives of great men oft remind us,
We can make our lives sublime;
And departing, leave behind us,
Footprints in the sand of time."

May my "footprints" mislead no mortal, but guide him in the path of virtue. That is the last and best wish of the writer.

RUDOLF J. SMISCHNY.¹

RUDOLF J. SMISCHNY, member of the house of representatives for Ellsworth county in 1913, was born March 27, 1871, in Bohemia. In April, 1873, his parents immigrated to the United States of America, coming to Chicago, Ill. In 1874 they moved to Elgin, Ill., where young Rudolf attended public school four years. When he was ten years of age they moved to South Dakota, going by rail as far as Mitchell, that being the end of the line; then traveling by wagon sixty-five miles to the central part of Brule county,

1. These sketches of representative Bohemians came to the Historical Society through Mr. Swehla and therefore follow his paper.

where they were the first settlers, and where they started a Bohemian colony of thirty-five families. Here young Rudolf helped his father and mother with farm work and attended school.

In 1887 the family moved to Arkansas, settling in Washington county. Young Smischny worked on the farm until 1891, when, being then twenty years of age, he struck out for himself. Having an uncle in a Bohemian settlement in Ellsworth county, Kansas, he came to visit him. Finding work he remained, and in July, 1892, he rented a two-hundred-acre farm. That year all farmers raised bumper crops of wheat, and this encouraged Smischny so much that he decided to get married. Consequently in the spring of 1893 he married Miss Clara Mogg, daughter of John Mogg of Black Wolf creek. Hard times came and a young family added to the cares of the couple, but by grit and pluck they have won out. Starting as a farm laborer, Mr. Smischny now owns a farm of five hundred and sixty acres of good land besides considerable personal property. In 1894 he was elected road overseer of his district. After holding that office five years he was elected township trustee. There he served eleven years, and in 1912 was elected representative for Ellsworth county. In 1911 he organized the Black Wolf Grain and Supply Company, and is president of the company. In 1913 he organized a local Farmers' Union of which he is secretary and treasurer.

Mr. and Mrs. Smischny have ten children—six sons and four daughters. A son and a daughter married a daughter and a son of Frank Zajic one of the early Bohemian settlers from Minnesota.—F. J. S.

AUTOBIOGRAPHY OF VIT HANZLICEK.

I was born in Bohemia June 15, 1863, in a little village called Lomicka, belonging to Dolno Belle in the vicinity of Pilsen. In that little village my father owned forty acres of land which was divided into eleven pieces.

When I was eighteen months old my mother died. Twelve and one-half years after my mother's death my father took a notion to go to America. He had received a letter from his brother in America, who wrote that he owned a half section of land at Plymouth, Iowa, and that he would sell my father one quarter section if he would come to the United States. I did not want to go to America, because my mother's parents were pretty well off, and I thought I would stay with them.

After my father found out how everything was, he wrote to his brother in Plymouth, Iowa, and told him all about it. Shortly after this I myself received a letter from my uncle. He wrote me to come with my parents to America and that he would do all he could for me. I told my grandfather and grandmother what my uncle wrote me, and they said they would not try to stop me from going, and if it should happen that I would not like it they would send me enough money to return to Europe. After my father found out that I was willing to go with him he sold all his property, and on the 16th of May, 1878, we left our little village of Lomicka to make our future home in the United States.

On leaving our little village we drove a one-horse lumber wagon to Pilsen, which was about fifteen miles away, and was the nearest railway station. At Pilsen we took the train for a seaport; thence we sailed to New York, which took us eleven days. From New York we traveled by train to Plym-

outh, Iowa, where we arrived June 6. My uncle was there waiting for us, and took us to his place, seven miles in the country.

After my father saw the land he entered into a deal with his brother making him a part payment on it; his remaining few dollars he saved for improvements. It did not take very long for me to find out that my uncle wasn't the kind of man I expected him to be, and I began to feel sorry that I came to America. But I remembered what my grandparents had promised me, and wrote them a letter asking them to send me enough money to return to Europe.

Shortly after this my father found out that he could not get a clear title to the land, so an agreement was made in which my uncle was to take the farm back. But he did not have the money my father had paid him, therefore he further agreed with my father that he would send him the money when he needed it in his new home.

My father had a cousin in Butler county, Nebraska, and we calculated on making our new home in that state; so on March 1, 1879, we left Plymouth, Iowa. During all this time I received no answer from my grandparents in Europe, and having no funds of my own whereby I could return to Europe, I had to leave Plymouth with my parents.

We arrived in Butler county on March 3, and father's cousin located eighty acres of land for us, which father bought, paying part with what money he had left, the balance to be paid after he received his money from my uncle in Plymouth, Iowa.

Hard times now came, and my father's money which he brought from Europe, amounting to \$1000, being all gone, and no work to be got at hand for even small wages, I decided that I was big enough to take care of myself. I had heard that a well-known schoolmate of mine from Europe, three years my senior, was in Douglas county, Nebraska, so I left home for Douglas county to try my own luck. On August 1, 1879, I took the train for Omaha, and on arriving there I had five cents left. You can imagine how I felt, unable to speak English, and no cash in my pocket. But I found my friend, who was working on a farm by the month, five miles west of Omaha.

I stayed at this farm for two weeks, working for my board, before my friend could find me a place to work. He got me a job on another farm for ten dollars a month until spring; after that I got fifteen dollars a month for the whole season on the same farm. By spring I had saved a little money, and owning only one suit of clothes, which I took when I left home and which were now nearly all gone, I was glad to have enough to buy me a new suit. I was now seventeen years of age.

A little later on I received a letter from my parents in Butler county, Neb. They wrote me that they could not get the money my uncle owed them because he had lost everything he had, and that they were forced to leave their farm because they could not get the money to pay for it, and that they had moved into a little sod house. All they had left was one ox team and one cow, and with these they wanted to farm a small piece of land by the sod house. They had no seed nor any money to buy seed with, so they wanted to know if I had any money which I could send them. I had some, but not enough, so I overdrew a little from the farmer for whom I worked and sent the money to my parents.

I also wrote them that it would be better for them if they would move to Omaha, after they harvested their crop, because help was scarce in Omaha.

But they even did not wait so long, for they sold the crop in May, 1881, and moved to Omaha, where they bought half of a lot and built a small house on it. Then my father, brother and two sisters got steady work, and it was not long before they had everything paid for.

I was now working for another farmer and was getting twenty dollars a month. During this time my oldest sister came from Europe. After she came to Omaha, I also made my home there. Here I found out from her why I didn't receive an answer from my grandparents when I wrote to them asking for enough money to return to Europe. It was because they had never received my letter.

While I stayed in Omaha I worked at the Smelter, and also found work there for my brother-in-law. But neither of us liked the work very well, as it was against our health. My brother-in-law always wanted to go on a farm, and on hearing that our other uncle was in Kansas, we quit our jobs in Omaha and went to Kansas. I did not go on any business, but just to see what it looked like. We arrived at Wilson, March 3, 1882. My brother-in-law bought a quarter section of land about five miles north of Wilson, known to all as "Hell creek."

I did not like the land here in Kansas very much and could get no work that would pay over twelve dollars a month, so I left, and on April 1, 1882, was again in Omaha.

There I got another job on a farm for twenty-two dollars a month for the whole season. Before my time was up I began to feel lonesome for my sister, and in 1883 I was once more in Kansas. This time I got a job on a farm for fifteen dollars a month, but it wasn't steady. So in the fall I went to the eastern part of the state to husk corn. After the corn was husked and I could find nothing to do, I went and stayed with my sister for two months.

In the spring of 1884 I again got a job on a farm for seven months at eighteen dollars a month. By that fall I had enough money to buy me a team of horses and a wagon, with which I drove to eastern Kansas and Nebraska to shuck and shell corn. After I finished all the work I could find in Nebraska and eastern Kansas, I returned to Wilson, and stayed with my sister until the spring of 1885.

I then rented me a farm four miles south of town and started to "bach." I planted some corn that spring, and in the fall I put in my first wheat crop. After my corn was husked I hauled coal to Wilson from the Wilson coal bank, and worked at what other odd jobs I could get. About this time I received a letter from my parents in Omaha, Neb., stating that they had sold their house and lot there and bought a quarter section of land in Nuckolls county.

During the year 1886-'87 my wheat crop was fair but my corn crop was a failure, so in the fall of 1887, after my wheat crop was in, I took a notion to drive to Nebraska to see my parents. All the way from Wilson, Kan., to Nuckolls county, Nebraska, I found that the corn crop was a failure. After I arrived in Nuckolls county I had to go about twenty miles farther north into Clay county to get a job of husking corn. At the end of each week I returned to my parents' home and always brought a load of corn with me for them, for the corn crop was a failure there too. After all the corn husking was finished I stayed with my parents until spring. Then I drove to my rented

farm at Wilson, Kan. This year [1888] my wheat crop wasn't so very good and the corn crop was again a failure.

In the fall, after all my work was done, I made up my mind that this would be my last trip north to husk corn. Also I did not go as far north as I had on my previous trips. I went up into Republic county only, where the corn was good. There I husked but one week, when I became ill. Before I got well again I was in a hole. Now being closer to my parents in Nebraska I made a trip there and stayed with them until the next spring. In Nebraska the corn crop was pretty good, but I was unable to husk any that winter.

Early in the spring of 1889 I again drove from Nebraska to Wilson, Kan. I said before this that I was never going to make any more trips to Nebraska, because I figured on getting married. So on April 22, 1889, I married Anna Robas, of Wilson, Kan., and on April 23 I brought my wife to my rented farm, and from that time on I had a partner to share my troubles.

All the property I owned at this time was a team of horses, one wagon, two cows and a few farm implements. That year the wheat crop was pretty good, but in 1890 it didn't amount to much. During the year the owner of the farm I was renting wanted to sell the place, but I had no idea of buying it. A little later on I heard of another farm for rent out on the Cow Creek Flats, seven miles northeast of Wilson, and I leased it for three years. So after our wheat crop was harvested we moved to the new farm on Cow Creek Flats. During that summer and fall I plowed with a walking plow seventy acres of ground for wheat.

In 1891 I received a letter from my father telling me that my stepmother was dead. He wanted me to go to Nebraska and farm his land for him. This I did not want to do because I wanted to try my chance in Kansas. Later my father thought the matter over and sold his farm. The money received for it, after deducting enough for his living, was divided among his children, and in 1893 he and his two youngest sons came to Kansas.

After my father came he wanted me to buy a farm of my own, and he told me that he would lend me his money, also the money of his youngest son who was only thirteen years old, and that by giving my brother a mortgage on the farm for nine years I could keep his money until he was of age. So under these circumstances I bought a farm. Right across the road from me was a tract of land for sale. It contained one hundred and sixty acres, with one hundred and five acres in wheat, and I figured that this, with the one hundred acres in wheat on my leased land, ought to give me an average crop. But—my wheat crop was a failure—off of the two hundred and five acres I did not receive one bushel of wheat.

My father began to feel sorry that he had come to Kansas after he saw how everything was, and one day in 1894 he asked me if I could give him the money that he loaned me on the farm. I did not have it, so I told him to take the farm, but he would not do that. He wanted me to sell the place, but I told him that after the failure of crops I would not receive enough money for the farm to pay my debts, and that the money I had put in would be a total loss. After studying the matter over I offered him a second mortgage on the farm for five years, which he accepted. Then he went back to Omaha, where he bought a house and lot with money belonging to his daughter and son who were not yet of age. While in Omaha he lived off the interest which I paid him annually for the use of his money.

I was deep in debt, still I did not give up. I had an idea that some day I would own my farm clear of debt. As the years roll on some are happier than others. This happened to me. As, for instance, when I sold nineteen hundred dollars' worth of products off my farm in one year. This helped me to pay off the second mortgage to my father before it expired. A few years after he received this money from me he died in Omaha. After my father died I could not pay off the first mortgage until my youngest brother became of age, which was in 1902. So it was not until 1902 that I owned my quarter section of land clear of debt.

To-day I own two hundred and eighty acres of land and have some money on hand. I have to thank my father for it. For he was the one who brought me to the notion of buying a farm by offering to loan me his money. Without him I never could have done it. Alone I could never have thought of facing such a large debt as I was forced to face after I purchased the farm.

Now, in the year 1913, I am fifty years old, I weigh two hundred pounds and I have raised a family of four boys and two girls. At the present time, after taking into consideration all the trouble I had to bear in order to accomplish what I have, I will say that I do not feel a bit sorry that my grandparents in Europe never got my letter and that therefore they did not send me money to return to Euorpe. Kansas has changed considerably since I first saw it, and I intend to remain in Kansas the rest of my days.

AUTOBIOGRAPHY OF JOSEPH SATRAN.

On the 4th of July, 1851, the writer was born in the hamlet of Wesec at the foot of historic Mt. Rip in north-central Bohemia, which is a province of the Austrian Empire in Europe. I was the first-born of nine children—three boys and six girls—all of whom are alive at this writing, which goes to show that we came of good, hardy stock. My father, Frank Satran, was a shoemaker by trade, but his trade did not suffice to keep a family, so he had to eke out a living by farming a few acres of land he owned, in addition. Laboring and living conditions in those days were very hard, laborers' wages averaging only 10 to 12 cents a day, with board. This made my parents very discontented with their lot, so shortly after their third child was born they resolved to sell their little holding and emigrate to the United States. As soon as they got a buyer they sold, and the last days of August, 1856, found them at the seaport of Bremen, Germany, where they embarked in the steerage of a small sailing vessel bound for New York. At that time there were very few steamships crossing the ocean, and the rates of passage, as a matter of course, were exorbitant and out of the question for my parents. There were over two hundred and fifty human beings, herded together like cattle, in the steerage of their little vessel, and no cabin accommodations except for the ship's crew, consequently living conditions were frightful, and the food served out to the emigrants was so coarse and unpalatable that young children could not digest it and cried with hunger. In addition, the drinking water doled out was barely sufficient to keep down the thirst of the people—there was none whatever for washing except salty sea water which was entirely unfit for that purpose. Looking back now it would seem unendurable, but we and the others stood it for seven long weeks, until we reached New York. In these days of fast travel it appears unreasonable

that an ocean voyage of less than four thousand miles, even by sailing vessel, could last that long, but there are plenty of cases on record where it has taken between eight and twelve weeks, owing to storms and head winds. In such cases the privations and sufferings of the passengers through lack of sufficient food and water, must have been horrible.

Before I go any farther I must explain that at the time of our departure from Europe I was only five years old, and that my recollections of my first home are very faint indeed, I suppose on account of their being so commonplace. But our long journey marked a new era in my life, and some of our experiences then are still as vivid in my mind as though they had happened last week. Our final destination was Milwaukee, Wis., where my father's brother with his family had preceded us five months before. We left New York for Buffalo, via Albany, on the New York Central railway, and come to think of it now, it strikes me that the management of that road labored under the impression that emigrants, negroes and cattle were in the same class, for we rode in common box cars furnished with rude plank benches without any backs, and a mere excuse for toilet necessities. The track was so terribly rough and the jolting so terrific that the children, and even the adult passengers, would fall off of those miserable benches; so by the time we reached Buffalo we were all sore and raw.

From Buffalo to Detroit we traveled by side-wheel steamer, and while on that trip I saw deck hands rolling barrels of something alternately from one side of the deck to the other. All this was extremely puzzling to me at that time, and it was nearly twenty years later, on Lake Michigan, when I saw the same performance taking place, that it dawned on my mind that the object was to keep the boat on a level so both paddle wheels would dip the same depth into the water. The journey from Detroit to Milwaukee by rail was without incident, except that on the Northwestern railway, between Chicago and Milwaukee, we rode at great speed in first-class new passenger coaches, which in contrast to the New York Central cattle cars looked and felt palatial indeed.

We arrived in Milwaukee the last of October, just before President Buchanan's election, with times and trade exceedingly dull and stagnant. The country then was on a "free trade" and "hard money" basis, and there seemed to be mighty little of the latter in circulation, because even if a person was lucky enough to secure employment the wages were miserably low and the workingman was expected to trade out most of his earnings. I have heard my parents say that there were weeks and weeks when my father's wage averaged less than five dollars per week, but we lived through it all because my mother was an exceedingly economical and hardworking housewife. Recalling the money of that period, a copper cent was almost as large as a half dollar now; then there were silver three-cent pieces, half dimes, dimes, quarters and half dollars, and very probably a dollar, but I do not recall ever seeing one. The silver coins were about the same size as now. As for the gold coin, there was the gold dollar, so diminutive as to be a mere curiosity, the quarter eagle, half eagle, eagle and double eagle.

Shortly before the Civil War we had the wildcat banking era, the most vicious and irresponsible money system this country was ever cursed with, which impoverished and pauperized thousands of people. Luckily just as the great war broke, and as if by magic, all coin vanished from circulation,

and like the coward it is went into hiding and stayed hidden until long after the war was over. Then at the most critical time in this country's history came the greenback, the paper dollar that saved us from humiliation and defeat; the dollar that was always worth one hundred cents, the dollar that paid all debts, public and private, and always was at par with the gold dollar until our vicious money power succeeded in putting the exception clause on it in order to create a strong demand for their hoarded gold and silver. This is the only dollar, before which I take off my hat, the dollar that never had to have a redeemer back of it! The coming of the greenback brought back prosperity to all the working people. Every man, woman or child that wanted to work had steady employment at good wages, and everybody felt happy.

During the war my father tried to enlist in the army, but was rejected on account of valgus in both feet. Later on he was drafted into service but again rejected. At that period we were living in the city of Milwaukee, where I attended the ninth ward public school from my sixth to my twelfth year. Then, against the advice of my teacher, for I was an apt and obedient pupil, my father took me out of school and set me to work in the large boot and shoe factory of Bradley & Metcalf, where I started in at a wage of \$3.50 a week and worked there steadily for three years. At the end of that time I was getting \$1.25 per day. But the confinement at my work in the shop told on my health and I yearned for outdoor work and exercise, so my parents allowed me to apprentice myself to a house carpenter to learn that trade. Just about that time my father got a chance to sell his house and lot and invested the money in a small truck farm of eighteen acres four miles north of the city, for he too was getting very tired of working in the factory. Although I had a great liking for my trade I soon learned that the work was not at all steady and some seasons there were long periods of idleness; therefore I began taking up with any kind of outdoor work during those dull spells in the building trade, for I had regained my former health and strength.

When I reached my twenty-first year my parents allowed me to keep my savings; up to that time they had gone into the family savings bank. It was then that I conceived the idea of saving up eight hundred or a thousand dollars to start farming for myself. Having always been in a great measure self-reliant, I sailed in and worked and saved, which after all was not difficult, for my health and appetite during outdoor work have always been rugged, and I had never acquired any bad habits. After a while it struck me that by watching for chances to get free transportation on railways I would be enabled to reach other states and sections of the country, which would help me to find a choice location for my farm, as land was altogether too high priced near Milwaukee. Accordingly I hunted up jobs of railway construction and bridge building, whereby I was enabled to view and study the lay of the land and the character of the soil, besides other features pertaining to farming, in the states of Michigan, Indiana, Wisconsin, Illinois, Missouri, Iowa and Minnesota. Thus time passed and things moved along in proper order, until I bumped up against it on a railroad construction job in the extreme southeast corner of Missouri, at New Madrid, in the winter of 1876. I, with a bunch of others, had been sent there by an employment agency in Chicago under promise of good wages and an all winter's job. We arrived there the last day in November, and found the contractor, E. P. Sweeney, a little humpbacked Irishman who looked more like a pack peddler than a railroad

contractor. The most remarkable thing about him was his gift of gab. He certainly must have kissed the Blarney stone not once, but a number of times. Well, to make a long story short, he succeeded in getting three months' work out of nearly one hundred men for their board, a few rags and some tobacco from the company store, and then skipped out when the job was as good as completed. That jolt set my mind to working, and I resolved if ever I worked for anybody again that man would be myself.

When I got home and studied the situation over, I came to the conclusion that I must homestead my farm, for I had only a little over \$600 saved up. I determined on Kansas as my choice, since I had a prejudice against starting a farm in a timber country. I had learned through our Bohemian family paper that F. J. Swehla was just starting a Bohemian colony on government land in Ellsworth county on the line of the Union Pacific railway in central Kansas. I arrived at Wilson, in the center of the colony, May 18, 1877, and was very favorably impressed by what I saw; but on looking around a few days, I discovered that the choice locations had all been taken up by the earlier settlers. Therefore I bought a relinquishment of a timber culture entry on a fine quarter section of partly improved land and homesteaded an adjoining eighty acres in addition, nine miles northeast of Wilson. That station at the time was not very good to look upon, for it consisted of a frame shack for a depot, a two-story hotel of native stone, a small grain storage warehouse, two grocery stores, a hardware store, a beginning for a lumber-yard, blacksmith shop, a dozen or more dwelling houses and the inevitable saloon. Certainly not a very inviting beginning, but most of the settlers were middle-aged and young people, full of hope and determination, and quite willing to rough it at the start.

At the beginning I engaged board for a couple of weeks with Thomas Beadle, of whom I had bought the timber claim. I also bought from him a yoke of oxen for \$85 with the privilege of working off half the amount. I was to work out my board too. Upon investigation I found forty acres of my land in good cultivation, part planted to corn and several hundred forest-tree seedlings set out, but no well or building of any kind on the place. I bought a wagon for \$85, hooked on my oxen and hauled out the lumber to build me a light shack twelve by fourteen by eight feet. Being a carpenter it did not take me long to build, and when my house was finished I drove to town, bought a small stove and the most necessary kitchen utensils, bedding, plow and harrow, some groceries and provisions, and started "baching." At first my housekeeping caused me some vexation and trouble, but finally I broke myself to it. Whenever opportunity offered I worked for wages, but there was not much doing because the great majority of the settlers were as poor as myself and could not afford to hire. In those early days ox teams were used on many farms because of their low cost. Their up-keep was low compared with horses, and besides, when not needed any more they could easily be turned off for beef. It was a common sight in those days to see a number of ox teams in town with farm produce, but now the sight of an ox team hitched to a wagon would create as much excitement as a band of Indians. I drove my ox team for over two years; some of my neighbors drove theirs five and six years; but young men of the present generation would die before they would use an ox team.

My entire crop the first year consisted of about ninety bushels of corn,

mostly "nubbins," and several tons of hay for the oxen. Before freezing weather came I laid up a sod stable which I covered with coarse bluestem hay laid on poles. These I had cut in the nearest wooded creek, on vacant land, and had also hauled my firewood from the same place. I had sowed broadcast ten acres of wheat and five acres of rye, which got a good start before cold weather and made some pasture. The real winter weather, however, did not arrive until the middle of January, when several heavy snowstorms in quick succession piled up big drifts which lasted pretty well into spring. The first summer of my stay here my parents in Wisconsin had become so interested in Kansas land that they authorized me to purchase for them a fine half section of unimproved railroad land lying just alongside of mine. With the opening of spring my father and eldest sister came out here and made their home with me temporarily. Father bought a yoke of well-broken oxen and a milch cow, while sister Ann kept house for us. This took the most disagreeable task off my shoulders, and enabled me to devote most of my time to the building of my father's dwelling house, a substantial one-and-a-half-story stone structure twenty by thirty by fourteen feet. I also built for him a small barn. And thus the second summer rapidly passed away.

In the late fall the rest of the family, having sold off everything in Wisconsin, moved into their new home here, and so the entire family were united again. In the meantime new settlers had been pouring in in a steady stream. By this time all the available government land, as well as the more desirable sections of railroad land, had been taken up. In 1878 all the proceeds from my farm which I could spare sold for \$93.40, and the 1879 crop brought me \$161.55. In the summer of 1879 I exchanged my oxen for a horse team and paid a difference of \$85.

The following spring I took the most important step in my life, when I married Catherine Peterka on the 20th day of March, 1880, being then in my twenty-eighth year and my wife in her twenty-fourth. This event put new life into me, and as my wife was a willing worker and helpmate, we both buckled down to our work with hearty good will. That spring and summer we planted and kept in good growing condition thirteen thousand forest-tree seedlings, started an orchard of seventy-five apple, cherry and peach trees, besides tending to our other farm work. My wife also milked two cows and kept a flock of chickens. Our income that year from all sources was \$271.20. The following spring our daughter Rose was born, and in September of that year my father died after a short illness. This year also witnessed a new departure in the harvesting of small grain with a header, when I, my father and father-in-law purchased a ten-foot-cut Hodge header for \$280. With it we cut all of our grain and enough of our neighbors' to amount to two hundred and seventy acres. The sum total of our farm products that year was \$374.30, and the year following \$385.58.

The year 1884 found me, my brothers, father-in-law and neighbor Vincent Ptacek, partners in a new twelve-horse Belleville threshing rig, horse power, which cost us over \$850. For the next eight years we did all of our own threshing and that of the entire neighborhood besides, with this machine.

All statements up to this time have been taken from my diary, but after I went into the threshing business, as well as farming, I was a very busy man and discontinued my journal. Therefore all further statements are from memory only.

Thus the years sped rapidly on. Some brought good crops, others bitter disappointment. The lean years always outnumbered the fat ones. At one time three very lean years came in succession, which tried our patience, resourcefulness and staying powers to the very utmost. That was the critical period, when so many Kansans mortgaged their homes and later on were sold out by the sheriff. Quite early in life I had made it a strict rule to always live within my income, and above all never to venture into any hazardous undertakings, and I suppose that is why we weathered all the storms that beset us. 'Tis true that our living was rather plain in the early years, but we always had enough, and there never was a time when we or our children went hungry. And so we went along, step by step, slow but sure, always getting a little farther ahead each year, raising a numerous family in the meantime. When our youngest child was born, in 1893, we had one girl and six boys, all of them hearty and healthy children. It is undeniable that this circumstance was much in our favor.

In 1889 I built a commodious dwelling house one story and a half high, and four years later built the most substantial and roomy stone basement barn in this vicinity. Several years after I added a large, well-built and convenient granary; also fenced and cross-fenced the entire farm with stone posts and wire, never going a dollar's worth in debt for the improvements. As a matter of fact, debts were always an abomination in my eyes. As my sons grew older and more capable, I enlarged my farming operations, until now we farm five hundred and sixty acres. Seven years ago, when the older boys expressed a desire to go into the threshing business, I procured for them a small steam outfit, and when I saw that they made good at it, I exchanged it for a large modern up-to-date steam threshing outfit, and also an engine gang plow, and we have made a decided success of both threshing and plowing. I have invested in a small portable gasoline engine to elevate grain into the granary. I use it also to shell corn with power self-feed sheller; to run a fanning mill and feed grinder; to saw firewood, for our timber claim has developed into a fine grove; to run a drill, lathe and grindstone in the blacksmith shop; it runs a washing machine with wringer, and a churn and cream separator in a separate washhouse. Along with the threshing business the boys have picked up a large amount of knowledge about machinery and blacksmithing, so now we do all our own machine repairing and general blacksmithing. Just before we engaged in threshing I had bought a fine partly improved farm of half a section in Gove county, but the boys do not seem inclined to farm it at present, so I presume it will have to wait a while yet.

I have never been an office seeker, but I have held minor offices of trust continuously since I first came here, and have always endeavored to administer them faithfully and conscientiously, using the Golden Rule for my guide. What I consider my crowning achievement was when I, with two other successful farmers, resurrected a defunct Farmers Coöperative Elevator Company after the members had all lost faith in it. It was started eighteen years ago to remedy the flagrant abuses practiced upon the farmers by the combined elevator and mill men. Through ignorance, mismanagement, and other causes, the stockholders lost all faith and confidence in it, so in a few years' time it had passed into the hands of three town residents who held the majority of stock, and the abuses were as bad as ever. When the time was ripe for it we three stepped in and made a thorough canvass of

the surrounding territory to secure the necessary amount of farmer stockholders to make a successful start. The task proved to be much harder and more discouraging than we had anticipated, for there still rankled much ill feeling and prejudice in the breasts of the old stockholders. It taxed our powers of persuasion to the utmost to arouse confidence in our plan, although it required only \$1600 to take over the property, such as it was. Once started, we met with fair success in the business, though we had bitter opposition from the grain dealers. At the end of the first year we were enabled to declare a liberal dividend, but at the beginning of the second year a serious backset awaited us in the shape of an order from the railway company to enlarge our storage capacity to fifteen thousand bushels or get off the right of way. This meant the building of an entire new elevator in place of our rotten old shack, which held only four thousand and five hundred bushels. So we started out again hustling for more farmer stockholders, for the plans of the new elevator called for a building of twenty-five thousand bushels' capacity at a cost of \$8000. This time, however, we found our task easier, for the old prejudice was dying out and confidence returning. We kept hammering away until we had \$5000 subscribed, then we started in and pushed the building to completion as fast as possible, borrowing the rest of the money needed for the business. Shortly after this we had the good fortune to hire a manager who was a born business man, and who, with the coöperation of the members, made the business an unqualified success. To-day we have over one hundred farmers as stockholders, have added large coal sheds and a feed warehouse, are entirely out of debt, have accumulated a working capital of \$4000, and besides, have each year paid a liberal dividend to the stockholders. We have raised the price of wheat three cents a bushel and give absolutely honest weight to our patrons, whether they are stockholders or not. As a consequence our business has rapidly increased year by year. In consideration of our services as promoters the company has honored us by a unanimous vote for the directorate ever since the organization of the company.

I have neither regrets nor apologies for anything I have done or left undone; the mistakes I have made have been due to error of the mind and not of the heart. I am now in comfortable circumstances, and though there are some fellow pioneers around here who have accumulated more property I do not envy any one, for I know it all came by hard work, good management and strict economy. My family has always enjoyed the best of health, which is a great boon indeed, and they are all alive to-day, with the exception of my youngest son, Victor, who was killed by lightning on the 19th day of August, 1912, in his nineteenth year.

I have always taken an active part in reform movements for the benefit of the working classes, especially the farmers, because as a class they are the least organized and therefore imposed upon to a great extent. In my religious views I have been extremely liberal, and in politics an avowed socialist of eighteen years' standing.

THE GERMAN ELEMENT IN CENTRAL KANSAS.

Written for the Kansas State Historical Society, by JACOB C. RUPPENTHAL.¹

IN the study of the diverse ethnical and racial elements that have made the United States the nation that it now is, considerable attention has very properly been given by several writers to the Germanic influence, including therein all European sources whose people are by race and language essentially German whatever be the nation or government to which they yield allegiance. But such works are necessarily general in their nature and presentation of facts. Each state and region deserves a more intensive study to secure in detail the elements which produced the larger influence. In central Kansas are found representatives of practically all Germanic peoples on earth. Not only Germans from nearly all kingdoms, grand duchies, duchies, principalities, electorates and free cities, present or past, but Germans of a common origin, common speech, customs, religion, traditions, traits and characteristics from beyond the German Empire; Germans from various parts of Austria, as, *e. g.*, Styria, Tyrol, Croatia, Bukowina; Germans from Poland, whether in the German Empire or in Austria or Russia; Germans from southern Russia, particularly the provinces of Saratov and Samara; along the river Volga, and from Kherson (Odessa) and from Bessarabia; Germans from Switzerland; Germans from South America and from South Africa, children of immigrants thither from Russia, who in turn left the Fatherland for the Russian steppes in the time of Catherine the Great; also Luxemburgers, Hollanders who are Germanic in origin and in the basis of their speech.

Even among the current names many may be noticed that unquestionably show a German origin when the bearer no longer knows anything of the ancestor's descent. Numerous simple German names are speedily Anglicized, and thus the owner's German forbears are forgotten. Such a Teutonic name as *Schoen* (Schon) is by careless school teachers, ignorant or indifferent public officials or by merchants, scribes of legal documents, or by its possessor—unfamiliar with the fearful and wonderful intricacies of English spelling, transformed into the decidedly Hibernian form of *Shane*. *Viereck* becomes *Fearhake*, *Steinmetz* changes to *Stimits*, *Pfannenstiel* to *Fanestil*, *Schwarz* to *Swartz* and *Swarts*, *Heim* to *Hime* and *Himes*, *Weinbrenner* to *Winebrenner*, *Krehbiel* to *Kribel*, *Mühlberger* to *Milberger*, *Lehmann* to *Lamon* or *Layman*, while *Weis*, *Weiss* and *Weisz* become *Wise*, *Bauer* becomes *Bower*, *Gauer* becomes *Gower*, and *Hauer*, *Hower*, *Junker* turns to *Younger*, *Jung* to *Young*. The ending *dorf* gets an added *f* (*-dorff*); the word *Eisen* turns to *Isen*, etc., *Braun* becomes *Brown*, *Müller* becomes *Miller*, *Bühler*, *Beeler*.

Back in the formative days, when Kansas was gradually taking political form and shape, the Germans of the country farther east took a profound

1. JACOB C. RUPPENTHAL was born in Philadelphia, Pa., January 16, 1869. In August, 1877, his parents came to Kansas, settling in Lincoln county; in 1881 they removed to Russell county, and there the subject of this sketch grew to manhood. His education was received in the public schools of Lincoln county, the Salina Normal University and the University of Kansas. He followed many lines of industry before he was admitted to the bar, in 1895, and began the practice of law in Lucas. In 1896 he moved to Russell and was elected county attorney, and reelected in 1902; in 1906 he was elected judge of the 23d judicial district, which office he still holds. On January 1, 1895, he was married to Miss Sarah Spalding, who died January 15, 1914, leaving him three children.

Judge Ruppenthal is active in many societies and has contributed many articles along various lines to magazines and newspapers.

interest in the contest to organize Kansas and Nebraska and to make them free. Especially the idealists, whose democracy in 1848 led to their expatriation, either by choice or by force, from the Vaterland, looked to Kansas as the battle ground of world-forces where, to their minds, freedom and not slavery must prevail, and from the time of the free-soil conflict down to the present the state has had the attention of the Germans. Among the early papers established in the new territory was the *Kansas Zeitung*, which apparently issued its first weekly number at Atchison, K. T., July 15, 1857, since number two of volume one together with later issues are on file in the Historical library, and number two is dated July 22, 1857. Much of the volume is in duplicate, though unfortunately the first number is missing from each file belonging to the state. The sub-title of the paper boldly announces itself "An organ for free speech, free soil and free men." Dr. Karl Fr. Kob was editor and publisher; the price, \$2 a year, with twenty-six cents for postage if to be sent by mail. In English in number two appears this: "The '*Kansas Zeitung*,' the only German paper in the territory; and on the Missouri river, will have a larger circulation than any other journal printed in the Territory. The settlements of Germans spread over almost every part of the Territory, every city contains more or less Germans, mechanics and business men; in all the cities and towns up and down the Missouri, the German element is a very considerable part of the population." What was then stated, whether upon the basis of hope or of actual fact, has been, as to the population, largely true ever since. The same paper in its issue of September 9, 1857, describes "Humboldt in Allen county, laid out by Germans and Americans on the Neosho river with streets parallel to the river; the cross streets are: Uhland, Herder, Schiller, Tritschler, Goethe, Robert Blum, Wieland, Jean Paul Lenau Strassen." The paper's Manhattan correspondent on September 16, 1857, says, "About 20 German families and mechanics here." Apparently at this early date Germans had pushed out well toward the center of the future state of Kansas. Within the next ten years, Germans had taken a strong, though unsung and inconspicuous, part in the building of the state, especially in a material way. The rolls of volunteers of the Civil War as recorded for Kansas regiments read in some places like Uhlans or Hussars in their wealth of German names. But the descendants of men who at the beginning of the Christian era, in the Teutoburger Wald, broke the power of Rome and wrenched from Augustus Cæsar the despairing lament: "Bring back my legions, Varus," have devoted themselves to the task at hand from day to day and have not glorified in words their race nor preserved in song and story the splendor of German achievement in helping bring civilization and culture to the prairies. Germans were in the armies that garrisoned the forts and posts over the state; Germans were in every gang that built the railroads as well as the settlements. When the Union Pacific graders, in June, 1867, were cutting and filling through Russell and Ellis counties, a German named Theodore Goekler was a sacrifice to the spirit of conquest, as the Indians in a raid shot him on the site of the present town of Gorham, Russell county, while he was bringing a load of limestone with his ox team from the quarries to the north to be used at a culvert. Two years later, in May, 1869, when the Indians again raided Russell county, among the men of the railroad track hands or section gang who were wounded was Adolph Roenigk, a native of Germany, now of

Lincoln, Kan., who has told the story of that fray. One of the men killed at the same time was Alexander Keefer, whose name suggests a possible German origin (*Kiefer, Kuefer, or Küfer?*), and the pump man who came out of his dugout on the present site of the city of Russell, and with his rifle caused the savages to fall back from the fleeing men on a hand car, was John Koch, a German.

Among the sixty or more German newspapers founded at some time in Kansas, several have been in central Kansas, such as *Kansas Staats-Zeitung*, Dr. L. Rick, editor, Edwards county, 1878-'79; the *German-American Advocate* (partly English), Hays, Ellis county, 1882-'86; *Zur Heimath*, David Goerz, editor, Halstead, Harvey county, 1875-'81; *Nachrichten aus der Heidenwelt*, Halstead, 1877-'81; *Das Neue Vaterland*, H. von Langen, editor, Newton, 1879; *Newton Anzeiger*, 1887-'92; *Das Kansas Volksblatt*, Newton, 1897-'98; *Der Hausfreund*, Newton, 1889-'90; *Der Burrton Anzeiger*, October 31, 1892; *Emporia Zeitung*, 1888-'92; *Freundschafts-Kreis*, Hillsboro, Marion county, 1885-'86; *Hillsboro Anzeiger*, 1888-'97; *Freie Presse*, Hillsboro, 1890; *Der Kansas Courier*, Hillsboro, 1891-'93; *Zionbote*, Hillsboro, 1895-'98; *Der Farmer's Anzeiger*, Marion county, 1883; *Kansas Staats-Zeitung*, Marysville, Marshall county, 1879-'81; *Kansas Herold*, Hutchinson, Reno county, 1888-'90; *Kansas Rundschau*, La Crosse, 1897-'98; *Stern des Westens*, Wichita, Sedgwick county, 1879; *Wichita Herold*, 1885-'98; *Kansas Volksfreund* Great Bend, Barton county, Philip Schmidt, editor, current in 1879; *Monats-blaetter aus Bethel College*, David Goerz, editor, Newton, 1909, to date (a monthly as its name states); *Post und Volksblatt*, Newton, H. P. Krehbiel, editor, current 1909; *Der Deutsche Westen*, H. J. Martens, editor, McPherson, McPherson county, current 1909; *Hillsboro Journal*, current 1909; *Der Marshall County Courier*, John Hoenscheidt, editor, current 1909-'11; *Der Wichita Herold*, John Hoenscheidt, editor, current 1909; *Hillsboro Vorwärts*, current 1911 to date, Entz & Enns, publishers; *Barton County Presse*, Ellinwood, John Hoenscheidt, editor, current 1911; *Kingman County Telegraph*, John Hoenscheidt, editor, current 1911, Kingman; *Der Herold*, 1911 to date, H. P. Krehbiel, editor, Newton; *Zionbote*, current 1911, McPherson. All the foregoing are on file in the State Historical library at Topeka. Doubtless many more periodicals have been printed in German, but forgotten. A number of papers printed in English have responded to the needs and wishes of a large element in some communities by printing a German page or German column. The *News-Republican*, of Hays, has done this for several years. A few sometimes use German plate matter, but this does not meet the demand for local news and local flavor. At present the German newspapers and magazines of Kansas are found largely in the central section of the state, although the greatest among them in circulation and perhaps influence are farther east and in the large cities. Those now current are: *Der Kansas Kinderfreund* (monthly), Winfield, Cowley county; *Pittsburg Volksfreund*, Crawford county; *Lawrence Germania*, Douglas county, Henry Albach, editor; *Monatsblaetter aus Bethel College*, Newton; *Der Herold*, Newton, Harvey county; *Hillsboro Vorwärts*; *Tabor College Herold*, monthly, D. E. Harden, editor-in-chief, Hillsboro; *Zionbote*, Hillsboro; *Der Wichita Herold*; *Kansas Staats-Zeitung*, Kansas City, Wyandotte county. These publications reflect nearly every shade of political opinion, and also include educational, religious and independent expression. The long list of German papers and

their short lives suggest eloquently that the zeal and enthusiasm of learned and able editors did not always find the necessary backing in subscriptions and advertisements. Two newspapers that flourished for a short time about 1900 were *Der West Kansas Bote* and *Der Russell Recorder*, both issued at Russell, and having a circulation in a half-dozen central counties.

Each federal census discloses many facts about the Germanic influence in Kansas. In 1880 it showed that there was not a single organized county in the state but had German inhabitants in considerable proportion to its whole population. It may be added that great numbers of settlers who appear as natives of Pennsylvania, Ohio, Indiana and Missouri, as well as other eastern states—even Kentucky, Virginia and North Carolina—were Germans of the first generation born in America. The great colonies of Pennsylvania-Germans who settled in Kansas from 1870 to 1880 or later, in Dickinson, Saline, Ellsworth, Russell, Lincoln, Osborne, Barton and other counties, are of course German in origin, although their ancestors for two of three or four generations had been on this side of the Atlantic.

The census of 1880 in its report on foreign-born gives the following figures: German Empire, 28,034; Russia, 8032 (it may safely be said that these people were Germans almost to a man, as the Slav immigration into Kansas has been very light); Switzerland, 2668 (nearly all of these are Germans and German-speaking, and very few from the French or Italian cantons of the little old republic); Poland, 1200 (these are no doubt largely Germans and but few Slavs); Austria, proper, 1285 (this probably excludes Czechs and all Slavs); Luxemburg, 310. In an analysis of the figures from Germany we find evidence of a condition that is everywhere true in central Kansas, that the Germans from Germany have not come in great colonies but in small groups, single families and individuals. Not a few of them settled originally in states farther east, and later removed to Kansas. Indeed it is safe to say that very few came direct to Kansas, but rather that they reached this state mediately by way of earlier settlement in Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Missouri, and various other commonwealths. In detail the 28,034 natives of Germany who in 1880 were found to have settled in Kansas were distributed to the German states as follows: Prussia, 10,720; not specified as to locality, 8213; Hanover, 1812; Bavaria, 1696; Württemberg, 1665; Baden, 1638; Hesse, 741 (whether electoral Hesse or Darmstadt or both is not stated); Saxony, 725; Mecklenburg, 374; Oldenburg, 191; Nassau, 82; Brunswick, 82; Hamburg, 89; Weimar, 4; Luebeck, 2. This diversity of birthplace made easier a wide dispersion of the Germans over the whole state and was a strong obstacle to the development of an insuperable clannishness. It also made very easy the absorption of Germans into the general body of the people. Inter-marriage of Germans with natives of other countries or of long American lineage has been everywhere common among the first generation of those born here, or even who came when in childhood, and not a few German immigrants have married spouses of different extraction. The district court records of all central counties show a heavy proportion of applicants seeking and securing American citizenship to be Germans. To illustrate: In the counties of Ellis and Marshall to the end of the year 1911 there had been granted final citizenship papers to applicants to the number of 704 in Ellis county and 1051 in Marshall. Out of these the Germanic element was: Ellis county: Russia 391, Germany 115, Austria

(chiefly German) 45, Switzerland 7. In Marshall county: Russia 3, Germany 406, Austria 85, Switzerland 58. Since then to the end of 1913 there have been 92 applicants for citizenship in Ellis county, nearly all of them Germans, largely from Russia, and 13 more filed in 1914 up to June.

The Germans by race, blood and speech, whatever their allegiance nationally in Europe, have been very slow in Kansas to press for recognition in a public way. They have been content to build railroads, establish settlements, erect houses and other structures, till the soil, enter mercantile pursuits and then banking, and have left to other races the professional careers and preferment in public office. There has been no pulling together by the race for a specific object, although much effort had been made at times, especially by interested nonresidents, to arouse all Germans in hostility to the prohibitory amendment and prohibition of the liquor traffic. The results can not be very gratifying to the agitators, for opposition even by the older generation is nowadays but rarely voiced anywhere, and the rising generation accept present conditions without protest when indeed they are not themselves enthusiastic supporters of the Kansas idea in relation to intoxicants. Gradually the ranks of the teaching profession in the state have been much augmented by Germans, the children of Germans, Russians, Austrians, Swiss, etc. In pioneer days the fierce struggle for existence too often limited pitifully the chances of these Germans' getting even a common-school education, but year by year the rolls of the classes of common-school graduates in each county show an increasing proportion of Germans. A natural result is a gratifying proportion of Germans enrolled in the high schools, and then in the colleges, with a decided tendency for many of these to become teachers—possibly a working out of the primal instinct which philologists allege to be the original of the name by which Germans know themselves—*Deutch*, from *deuten*, to indicate, explain, interpret, expound, declare. A number of German youths have entered the Christian ministry—almost all of them Catholics and Lutherans—a few have studied law or are doing so, and fewer still have turned to the medical profession. As for public office, their tastes have been such as to make little demand for the share to which by numbers they might deem their race entitled. In the legislature of 1913, perhaps a half dozen senators are of German extraction, only one or two from the central region—and about seventeen representatives, nearly all of them from the center. Very few state officers could claim German ancestry; probably not a single member of the supreme court since its organization, and only a handful of district judges out of more than 200 who have occupied the bench. Of all these latter, it is said that only one could understand, speak, read and write German. The average county of central Kansas usually has from two to four county officials who are German or of that race, counting the representatives and the commissioners. Ellis county is an exception in that all of its officials except representatives (of Irish descent) and one commissioner (of Bohemian descent) are German from Russia, Germany or Austria, or children of such. Kansas has never gone to the length of some states. Ohio, for example, which permits legal publication notice in lawsuits to be printed in German papers.²

An epochal movement for Kansas was the immigration from Russia 1875-'78, and in less degree thereafter, of great colonies of Germans. The main

2. Report Proceedings Kansas Bar Association, 1911, p. 101.

features of this migration have been so well described by the scholarly Capuchin Father, the Reverend Francis S. Laing of Victoria, in his article on German-Russian Settlements in Ellis county, published in Kansas Historical Collections, volume eleven, that it would be a work of supererogation for the writer of this sketch to attempt to add thereto. These immigrants came to America largely, if not wholly, from the Russian provinces of Samara, Saratov, Kherson and Bessarabia—chiefly the two first named. Bessarabia lies along the west side of Russia, bordering on Moldavia or Rumania, and has been in Russian hands only since 1812. Kherson lies just east of Bessarabia, along the north shores of the Black sea and between the Dniester river on the west and the Dnieper river on the east, and contains the large port of Odessa, by reason of which the settlers from that region who are in Kansas are usually called Odessers or Odessans. Saratov and Samara are much farther east and somewhat north, lying on opposite sides of the great river Volga, chiefly between fifty and fifty-five degrees north latitude, on the immense plains or “steppes” of Russia. Samara lies eastward from the river and colloquially is known as *Wieseseite* (meadow side) as more level and even, while Saratov to the westward of the river is similarly called *Berg seite* (hill side) because of greater undulation. The immigrants from Samara came mostly from the district of Nowousensk (in German *Bezirk*, in Russian *Ujest*, is the word translated “district”). Possibly a few may have come from the district of Nikolajewsk, lying next to Nowousensk northward. Those from the province of Saratov are probably all from district Kamyschin, though a few may have come from the district of Saratov to the north or district of Atkarsk to the northwest. Such of these villages as are peopled by Germans have two names, one local, colloquial and German; the other, formal, official and Russian. The settlements date back to the time of Catherine the Great, about 1760, when colonists from Germany, streaming together by families and as individuals, rather than in masses, emigrated to Russia.

The names of the villages are here given both in German and in Russian, but this is meant to be exhaustive of the villages on the several districts, and is not designed to be either assertion or guaranty that immigrants came from each such village. A strange feature of the topography of the country is that although the province of Saratov lies for so many miles along the Volga river and extends many miles westward to the country of the Cossacks and the province of Tambov, only a little of the land is in the valley of the Volga, and the most part is in the valley of the Don river, and drains to the Black sea instead of to the Caspian. The watershed between Don and Volga is very close to the latter river.

PROVINCE OF SARATOV, OR SARATOW.

DISTRICT OF ATKARSK.

German name of village.	Russian name of same.	Religion of village.
Walter.....	Gretschinnaja Luka.....	Lutheran.
Frank.....	Medweditzko-Krestowoi- Bujerak.....	L.
Kolb.....	Peskowatka.	

DISTRICT OF SARATOV.

German name of village.	Russian name of same.	Religion of village.
	Belinkaja.....	Russian (Greek).
	Jagodnaja Poljana.....	L.
	Kurdjum.....	R.
Neu Straub.....	Neu Skatowka.....	L.
	Pobotschnaja.....	L.
	Pristonpoje.....	R.
	Sinenk.....	R.
	Saratov (city).	
	Tschardym.....	R.
	Usowka.....	R.
	Uwek.....	R.
	Wolsk.....	R.
	Woskresenskaja.....	R.

DISTRICT OF KAMYSCHIN.

	Achmat.....	R.
Alexanderthal.....	—————	L.
Anton.....	Sebastjanowka.....	L.
Balzer.....	Goloi-Karamysch.....	L.
Bauer.....	Karamyschewka.....	L.
Beideck.....	Talowka.....	L.
Degolt.....	Kamenoi Owrag.....	Catholic.
Dietel.....	Oleschna.....	L.
Dreisnitz.....	Werchna Dobrinka.....	L.
Dobrinka.....	Nijni Dobrinka.....	L.
Dönhof (Doenhof).....	Gololobowka.....	L.
—————	Dubowka.....	R.
Erlenbach.....	Remennaja.....	L.
Franzosen.....	Rossoschy.....	L.
Galka.....	Ust Kulalinka.....	L.
Göbel (Goebel).....	Ust Gräsnucha (Graesnucha)..	C.
Grimm.....	Lesnoi-Karamysch.....	L.
Hiedmann.....	Panowka.....	C.
Holstein.....	Werchna Kulalinka.....	L.
Huck.....	Splawnucha.....	L.
Husaren.....	Jelschanka.....	C.
Hussenbach.....	Linewo Osero.....	L.
Josephsthal.....	—————	C.
Kamenka.....	Kamenka.....	C.
Kamyschin (city).....	Kamyschin.....	—
Kauz.....	Werschinka.....	L.
Köhler (Koehler).....	Karaulay Bujerak.....	C.
Kratzke.....	Potschinnaja.....	L.
Kutter.....	Popowka.....	L.
Landgut Awilowa.....	—————	L.
Leichtling.....	Jlowatka.....	C.
Marienfeld.....	—————	C.

German name of village.	Russian name of same.	Religion of village.
Merkel.....	Makarowka.....	L.
Messer.....	Ust-Solicha.....	L.
-----	Mordowoje.....	R.
Moor.....	Kljutschki.....	L.
Müller (Mueller).....	Krestowoi Bujerak.....	L.
Neu Balzer.....	-----	L.
Neu Dönhoff (Doenhof).....	Neu Gololobowka.....	L.
Neu Messer.....	Lysanderdorf.....	L.
Neu Norka.....	Neu Norka.....	L.
-----	Nischni (Nijni) Bannowka....	R.
Norka.....	Norka.....	L.
Overdorf.....	Kupzowo.....	L.
Pfeifer.....	Gniluschka.....	C.
Rosenberg.....	Umet.....	L.
Rothammel.....	Pamjatnaja.....	C.
-----	Scherdakowka (or Tscher-)...	R.
Schilling.....	Sosnowka.....	L.
Schuk.....	Gräsnawatka (Graesno-).....	C.
Schwab.....	Buidakow Bujerak.....	L.
Semjenowka.....	Semjenowka.....	C.
Sewald.....	Werchowje.....	C.
-----	Solotoje.....	R.
Stephan.....	Wodjanoi Bujerak.....	L.
Tscherbakowka.....	Tscherbakowka.....	Lutheran.
Unterdorf.....	Unterdorf.....	L.
Vollmer.....	Kopenka.....	Catholic.
Werchna Dobrinka ³	Werchna Dobrinka.....	Lutheran.
Werchnaja Gräsnucha.....	Werchnaja Graesnucha.....	L.

PROVINCE OF SAMARA.

DISTRICT OF NIKOLAJEWSK.

-----	Balakowo.....	Russian.
Beauregard.....	Beauregard.....	Catholic.
Boaro.....	Boaro.....	Lutheran.
Beckerdorf.....	Ernestinendorf.....	L.
Bettinger.....	Baratajewka.....	L.
Biberstein.....	Glarus.....	L.
Bohn.....	Hockenberg.....	L.
Eckert.....	Zürich.....	L.
Gattung.....	Zug.....	Catholic.
Hummel.....	Brockhausen.....	L.
Kana.....	Kana.....	L.
Katharinenstadt.....	Baronsk.....	L.
Kind.....	Baskakowka.....	L.
Kratz.....	Basel.....	L.
Meinhard.....	Unterwalden.....	L.

3. This is a different village from Dreispitz, which lies very close to the Volga river, while the other Werchna Dobrinka lies to the northwest beyond the rivers Llowka and Karamysch and near the headwaters of each.

German name of village.	Russian name of same.	Religion of village.
Nab.....	Räsanowka.....	L.
Nieder Monjou.....	Bobrowka.....	L.
Ober Monjou.....	Ober Monjou.....	C.
Orlowskoi.....	Orlowskoi.....	L.
Philippsfeld.....	.....	L.
Römler.....	Luzern.....	C.
Schaffhausen.....	.....	L.
Schoenchen.....	Paniskaja.....	C.
Winkelmann.....	Susannenthal.....	L.
Witmann.....	Solothurn.....	C.

All these villages in Ujes Nikolajewsk lie along the southeast bank of the Volga river, extending from its tributary, the Grosser Jrgis at the north, southward between the Volga and its branch the Kleiner Karaman, except Nieder Monjou, Philippsfeld, and Beckerdorf, which lie on the south bank of the Kleiner Karaman well toward its mouth. In Ujest Nowousensk, too, the villages lie near the streams. In the northern part they are close to the Grosser Karaman and its branches the Metschet and the Nachoi. Through the center of the district and flowing to the southwest is the river Jerusslan, and its arm the Busjuk. Far eastward are the Grosser Usen and Kleiner Usen. All the data mentioned and the names of villages as well as their religions are taken from a "Map of the Volga Colonies, 1910," given as supplement to the calendar *Volksfreund*, and printed in the city of Saratov, Russia, at the printing office of the periodical *Energie*. In general the lettering is in Roman, but a few words occur in Russian, and more in German (Gothic).

DISTRICT OF NOWO USENK.

German name of village.	Russian name of same.	Religion of village.
Alexanderhöh.....	.....	Lutheran.
Arenfeld.....	Kratzke.....	L.
Alt Weimar.....	.....	L.
.....	Baltijskaja.....	"Estnische."
Bangert.....	Saumorje.....	L.
Blumenfeld.....	.....	L.
Bravander.....	Kasitzkaja.....	C.
Brunnenthal.....	Kriwijai.....	L.
Dinkel.....	Tarlykowka.....	L.
Eckheim.....	.....	L.
Enders.....	Ust Karaman.....	L.
Estonia.....	.....	"Estnische."
.....	Fedorowka.....	Russian.
Fischer.....	Thelausa.....	L.
Frankreich.....	.....	L.
Fresenthal.....	.....	L.
Friedenberg.....	.....	L.
Friedenfeld.....	Berutschik.....	L.
.....	Gonetzskaja.....	"Estnische."
Gnadendorf.....	.....	L.
Gnadenflur.....	.....	L.

German name of village.	Russian name of same.	Religion of village.
Gnaden-thau	_____	L.
Graf	Krutojarowka	Catholic.
Hahnsau	_____	Mennonite.
Herzog	Susli	C.
Hoffenthal	_____	L.
Hohnendorf	_____	Mennonite.
Holzel	Kotschetnaja	C.
Hussenbach	Gaschon	L.
Jost	Popowkina	L.
Kana	_____	L.
Katharinenthal	_____	L.
_____	Konstantinowka	L.
Koppenthal	_____	Mennonite.
Kosakenstadt	Pokrowskaja Sloboda	(Railroad station.)
_____	Krasnojarsk	L.
_____	Krasny-Jar	Russian.
_____	Krasny-Kut	L.
Kukkus	Wolskaja	L.
Langenfeld	_____	L.
Laub	Tarlyk	L.
Liebenthal	_____	C.
Lippersthal	_____	L.
Lichtenfeld	_____	L.
Louwe	Jablonowka	L.
_____	Livlandka	"Estnische."
Lui	Otrogowka	C.
_____	Malousensk	Russian.
Mannheim	_____	L.
Marienberg	_____	C.
Marienburg	_____	C.
Marienthal	Tonkoschurowka	C.
Mohr	Gnadenfeld	L.
Morgenthau	_____	L.
Neu Bauer	_____	Lutheran.
Neu Beideck	_____	L.
Neu Boaro	_____	L.
Neu Galka	_____	L.
Neu Jagodnaja	_____	L.
Neu Priwalnoje	Kustarew	C.
Neu Schilling	_____	L.
Neu Urbach	_____	L.
Neu Tarlyk	_____	L.
Neu Weimar	_____	L.
Nowousensk	_____	(City.)
Orloff	_____	Mennonite.
Paulskoi	Paulskoi	L.
Preis	Krasnopolie	C.
Reinhard	Ossinowka	L.

German name of village.	Russian name of same.	Religion of village.
Reinwald.....	Stariza.....	L.
Rohleder.....	Raskaty.....	C.
Rosendamm.....	Mortzowo.....	L.
Rosenfeld.....	——— (on river Nachoi)....	L.
Rosenfeld.....	Norka (on r. Jerusslan)....	L.
Rosenheim.....	Podstepnaje.....	L.
Rosenthal.....	———.....	L.
St. Jerschow, railroad station.		
St. Mokrous, railroad station.		
St. Nachoi, railroad station.		
St. Pless, railroad station.		
St. Urbach, railroad station.		
Schaefer.....	Lipowka.....	L.
Sawinka.....	Sawinka.....	L.
Schoendorf.....	———.....	L.
Schoenfeld.....	———.....	L.
Schoenthal.....	———.....	L.
Schulz.....	Lugowaja Gräsnucha.....	L.
Schwed.....	Swonarewka.....	L.
Selman.....	Rownoje.....	C.
Sichelberg.....	Marljewschka.....	L.
Stahl.....	Stepnaja (on Volga).....	L.
Stahl.....	Swonarewkut.....	L. (on the Grosser Karaman.)
Strassburg.....	———.....	L.
Strassendorf.....	———.....	L.
Straub.....	Skatowka.....	L.
Streckerau.....	———.....	C.
———.....	Star Poltowka.....	L.
Teller.....	Beriosowka.....	C.
Warenburg.....	Priwalnoje.....	L.
Weizenfeld.....	Nachoi.....	L.

The immigration of Germans from Russia has been particularly heavy to the counties of Ellis, Russell, Barton, Rush, Marion, Harvey, and to many other counties has been considerable, including Shawnee, Ellsworth, Ness, Trego, Gove, Logan, Graham, Sheridan, Cheyenne, and probably others. Only a few times since the '70's have they come in great numbers, but every year has witnessed the arrival of a few in perhaps each of the counties named. In addition to those who came direct, not a few have arrived here after an unsatisfactory sojourn in some other land. About 1902 a colony that had been induced to settle in southeastern Mexico came to Russell county, by the aid of their countrymen and public-spirited citizens of Russell. They had been led to Mexico by glowing stories of land agents, but the climate killed many of them and enfeebled nearly all the rest. So noticeable was the effect of heat and fever that for several years after the colony reached Russell it was possible to recognize the "Mexicaner" (as they were for a while called by the Germans) by their saffron complexion, which gradually became nor-

mal again. Some who settled in South America, especially Argentine and Paraguay, and perhaps a few from Brazil, came to central Kansas. A few families who settled in South Africa also came. Although of German blood and race, knowing little or nothing of any language but German, and having forms of worship, whether Catholic or Protestant, as they took them from Germany on migrating, these people are usually called Russians by most people. They are themselves usually careful, however, on all proper occasions, to call attention that though born in Russia they are not Slav but German. Among the first colonists in Kansas but very few were familiar with the Russian language, and fewer still could read or write it. The later comers, however, have shown constantly increasing familiarity with Russian, indicating that in the forty years since the first comers arrived here the Russian government has been trying to teach Russian to its German settlers, somewhat after the fashion that they learn English here. A study of the German language as used by the Russians here presents an interesting study in many ways. The writer has made a study of the German used, with a special view to ascertain how much of the Slav the colonists absorbed in their sojourn since 1760 on the Volga, and has been able to find only about fifty foreign words, *Fremdwörter*, mostly Slav, but a few that seem rather French or Latin or both. It is safe to say that if these Russians were to remove in a body to some other land, as they did from Russia hither, they would for hundreds of years to come possess and use English words picked up and absorbed into their German in less than forty years here. The number of these words is many times as great as they absorbed in Russia in a hundred and fifty years. Such is the difference in the capabilities of the two nations to absorb a people, and to such degree is America the "melting pot" of nations. The words in use more or less in the German speech of the Russians of Kansas, particularly in Ellis and Russell counties, are:

RUSSIAN.

ENGLISH.

ambar.....	granary.
arbus; erbus.....	watermelon.
baldo; paletot.....	overcoat.
brosch.....	land once cultivated, but gone back to grass.
bantke.....	glass jar.
boltschupke.....	short overcoat.
betta.....	awful! (exclamation).
galosche.....	overshoes of rubber or leather.
gofta.....	short jacket for woman.
gas.....	petroleum; also its products.
grulitz; gruelitz.....	a small closed porch.
gumia, gumja, gumya..	partner, pal, pard (comrade).
kalotsch.....	loaf of white bread baked in a big outdoor oven.
knout.....	whip.
kardus.....	a cap (possibly from Carthusian garb).
konieren.....	to torment, to ill treat a sentient being. (French, counieren?)
jemtschick.....	driver of a vehicle.
manischka.....	shirt with ironed bosom.
manschetten.....	cuffs on shirt.

RUSSIAN.

ENGLISH.

messit.....	bran and straw mash for feeding live stock.
klapot.....	a lawsuit; hence, any trouble.
nubi.....	a part of apparel, perhaps a fascinator.
natschelnik.....	a kind of court officer.
ninate.....	a negative, as "by no means."
preciz.....	precise.
paletot.....	cloak or overcoat.
parschol.....	go away!
parscholista.....	go away (village of Catherine, Ellis county).
papyrus.....	cigarette.
plet.....	a wide whip or riding quirt.
presumiren.....	presume.
plodnik.....	a carpenter.
pachschu.....	a garden plat.
pressiert.....	pressing.
rendezvous.....	rendezvous.
radnik.....	recruit.
sarai.....	a small building to a house, but disconnected.
stuf.....	a measure of about a quart.
simlinka.....	a dugout.
samovar.....	tea steeper or self-cooker.
sotnik.....	a constable.
sedilka.....	bridge or back band on harness for draft animals.
scharmand.....	pretty; fine garment; considerable in amount.
steppe.....	prairie.
tulup.....	a garment; a greatcoat.
tuppk.....	leggings; felt shoes.
verkolumpiren.....	lapse of tongue; slip of tongue.
vergallopiren.....	slip of tongue.
winna.....	a plant like wild morning-glory.

The Russians so far have been largely farmers. In Ellis county they occupy most of the farm lands south of the Saline river, and in several townships are almost the exclusive inhabitants. They are mainly from Samara, with a few from other provinces, and are almost all of the Roman Catholic faith. In Russell county they occupied the southern townships at first, but have spread so that to-day every township in the county has some Russians. Lincoln township is almost wholly inhabited by these people, and in this township the first settlement was made in October, 1876. The Russians of Russell county are nearly all from the province of Saratov, though a few are from Samara and several families from Bessarabia. Along the west border where the settlers of Ellis county have extended eastward the Russians are Catholic, but most of the settlers in Russell county are Lutheran. At first nearly all were, but the German Methodist gained a number of adherents among former Lutherans. In the eastern part of the county are some few Mennonites and kindred believers, chiefly Baptist in practice, but who can hardly be said to have a distinctive denominational name. In Ellis county the rising generation has remained practically to a man with the church of their ancestors, but in Russell county a considerable number of youths have be-

come affiliated with various English-speaking congregations of Methodists, Congregationalists, Baptists, United Brethren, etc. While the Russians are very largely Lutheran, the several congregations to which these belong adhere to at least three different synods, namely, the Missouri, the Iowa and the Nebraska synods of the Evangelical Lutheran church. Parochial schools were early established in nearly all Russian settlements, wherein German was taught and the catechism and religious matters, as well as the fundamentals of common-school training; but these schools have gradually diminished in numbers and activity in Russell county, and are now often limited chiefly to giving such religious instruction as is essential for confirmation of the youths into the church. In Ellis county, on the other hand, the parochial schools are large and strong, well attended and vigorous in every village. It should be mentioned that the Russians settled in villages in Ellis county in much the way that they dwelt in Russia, but that very early the settlers in Russell county went out on their homesteads, and that the village or form of communal life never took hold in Russell county. Numbers of young people, especially the young men of Ellis county, go away to various colleges, in addition to those who attend the Catholic College at Hays, which has been established about five years and has grown rapidly. Probably a smaller relative proportion of Russian youths of Russell county go off to college, but their enrollment in the high schools of the several towns of the county is quite large.

In eastern Trego county are Russians similar to those of Ellis county, while near the center of the county are others chiefly from Russell county or from the same villages in Russia. Others about Collyer are of the Odessa, or more properly Kherson, province. The town of Park, formerly Buffalo Park, in Gove county, and the township of Payne, are settled largely by Russians from Samara or Odessa. They are Catholics. In Graham county is a settlement of Catholic Russians at St. Peters, while some Lutherans are found elsewhere in that county. In Sheridan county, at Angelus, is also a Catholic colony. In Logan county, about Oakley and Monument, are Lutheran Russians. In Cheyenne county is a colony that laps over into Colorado, most of them from Odessa. The settlements and villages of northern Rush county are similar to those of adjacent Ellis county. Barton county has large numbers of Russians, especially in the northern part toward Russell county, and Ellsworth county has some too. Most of the Barton county Russians are from the province of Saratov, and Lutheran, though there is one church of Calvinist faith, the Evangelical Reformed or *Reformirte* church, which contested with the Lutheran for the adherents of the Protestants of Germany since the days of Luther and Melancthon. One family of Russians in Russell county, if no more, Philip Ochs, was reared in that faith.

In the early days of central Kansas very many of the Russians and quite a number of other Germans worked upon the railroad, as section hands or track laborers, to help eke out an existence when the country was new and when crops failed and markets for the little produced were poor. Many men, especially in Ellis county, left the wife and children upon the farm or government homestead, and labored on the Union Pacific railroad far westward in the state and even over into Colorado, and thereby made a living for the family when hot winds blew. When native-born Americans by thousands left the region, these people indomitably held on, and as a result are to a

great extent in fair to affluent circumstances. The average number of children in any German family of central Kansas, whether Russian, Austrian, Swiss, or from Germany, is quite large, but perhaps larger among the Russians than among other Germans. As a result, not only have the Russians steadily reached out farther and farther to buy good lands about them in all these counties and to start newer settlements here and there in neighboring counties, but they are continually contributing a stream, light indeed, but unceasing, to other states and to Canada. To those who have arrived in America within the past ten years, the beet fields and sugar industry of southwestern Kansas and of Colorado offer allurements in the work offered and the occupation therein of men, women and children. Some few families make periodic excursions to work a while in the beet industry, and then to return to central Kansas.

The natives of Germany are found in every county and in almost every township and community. Almost every school district in central Kansas has one or more families of Germanic origin. People of Hanover are most numerous of those from any one state of Germany, and also form more compact settlements than most other Germans. These settlements are found in Lincoln county about Sylvan Grove, in Ellis county near Walker, in Gove county near Grinnell, and also in Mitchell, Osborne, Ellsworth, Russell, and other counties. They usually maintain a church and a parochial school in the community. Some of them are Catholic and some Lutheran. *Plattddeutsch*, or Low German, is usually the dialect in colloquial use in these communities among themselves, although all the Germans of Kansas, whether from Germany, Russia, Austria, Switzerland or elsewhere talk High German substantially as is in use in Germany. In addition to his knowledge of High German, the official and literary language of Germany, almost every German is familiar with the dialect of his people or the community from which he came in Europe. They are all thus diglottic if such a term may be used in speaking of the dialects of a common language. The student of German can readily tell the part of Germany from which an immigrant has come, by his speech when he drops into the dialect or provincial usage, just as an educated American can tell the Southerner, the New Englander, the Westerner and the Pennsylvanian, one from another. Even those Germans who have spent their lives, or where their ancestors have done so, in settlements in Austria and Russia and elsewhere, still show by their speech, to some degree, the ancestral home in Germany. The softened speech, the general absence of the burring *r*, the less guttural pronouncing of *ch* and *g*, the less rough sibilation of *s* and *z*, and the general tendency to incline from the harsher to the softer cognates in all cases, shows plainly that the Russians are south German in origin, even where they have forgotten from whence their ancestors migrated to Russia.

On the latter point, it may be said that only a small part of the people know what was the home of their ancestors before their removal to Russia. There is considerable evidence that many, or possibly most of those who have inherited the Catholic faith, came from Bavaria, but others among them came from Alsace, and possibly along the Rhine. Some of the Protestants are from Württemberg. There are also family histories, and traditions as well, that suggest a French origin to some. The well-known name of Basgall in Ellis county is said to be originally French, as *Paschal*. The name Dewald,

or DeWald, in Russell county bears some appearance of having the French prefix *de* before the German *wald*, a wood, a forest. A few names, Slav in form, are encountered, but not often. Otherwise the family names or surnames of all the Germans of this region of Kansas are pure German. There is, too, a sameness of given or Christian names that is almost monotonous, though these vary somewhat according as the peoples are Catholic or not. John, Jacob, Peter, Henry, George, for boys, and Mary, Anna, Elisabeth, Paulina, Amalia, Catharine, for girls, are almost universally used, and the family in which none of these is found would perhaps be an unusual one. Among Russians, Alexander appears quite often, as well as Nicholas, and also for girls, Barbara. Christian, Frederick, William, Augustus, David, Samuel, are frequent among Protestants, and Alois or Aloysius, Ignatius, Cornelius, Francis, Anasthasius, among Catholics, while Philip and Andrew and Michael appear among both.

It has been noted by philologists that in colonies the speech of a people as brought from the mother country tends to remain unchanged much longer than in its native land. The French of Canada to-day is said to be rather that of the seventeenth century than that of France to-day. In confirmation of this principle, it is apparent that the German of our Russian immigrants is rather that of the middle eighteenth century than of a later period. Various words and phrases are in use that are no longer readily recognized in Germany to-day, and a number of words retain senses which were common two centuries ago, but have become obsolete in Germany. This has led to the need of some little care in translation in court. In nearly every county of central Kansas, and at nearly every term of court, some one or more witnesses appear who are not sufficiently familiar with English to be able to trust themselves to testify in that language. In the use of interpreters it has been found necessary to have them remember some differences between recent and older German; for example, the word *freund* (friend) is very generally used in the older sense of relative, rather than the modern sense of friend, and with a literal translation as *friend* by an inexperienced person the real meaning is wholly lost. *Halb-bruder* is used, not in its literal signification of half-brother, but as cousin, that is, half of the blood relation that the parents had to one another as brothers.

Among the villages listed above, the names Zürich, Basel, Luzern and Unterwalden are so thoroughly Swiss as to suggest such influence, while Lui, Louwe and Strassburg direct attention to possible French or border sources. Whether Schwed has to do with Sweden, and whether Estonia is also Scandinavian, is a query. The recent work of Dr. M. D. Learned of the University of Pennsylvania in cataloging the sources of American history, especially of its Germans, found in the German State Archives and published by the Carnegie Institution of Washington, D. C., leads to a belief that a similar work as to migrations eastward from Germany to Austria, Russia and elsewhere would have great historical value to us of Kansas. Indeed, Dr. Learned says that in his work of research he came across much matter that concerns those migrations of the seventeenth century. It may be possible even yet to find in those old archives the story of the streaming together of the various human units from far and wide to form the caravans that went from Germany out upon the eastern steppes, and who by a stern grapple with adverse climate, hostile Kirghis and other obstacles were

tempered to subdue the plains of Kansas and to change the short-grass prairie to the waving wheat fields of the golden belt.

The Germans from Austria are not very numerous. The largest settlement is probably that in western Ellis and eastern Trego counties, near the town of Ellis. These people are from the duchy of Bukowina (beech woods) at the extreme east end of the crown lands of Galicia. Bukowina contains about four thousand square miles—as much as four or five average Kansas counties. Only a small part of its inhabitants are Germans, and they are immigrants thither in some former time. These settlers of Trego and Ellis counties are mostly from the villages of Pojani, Nikoloi, Illischesti, Fuerstenthal, Schwarzhthal, and Tereblestie. Most of them are Catholic, but some are Lutheran. Other than these, Germans from Austria are not so often encountered in central Kansas. Among the Bohemians, who have large colonies in Ellsworth, Russell, Trego and other counties, German surnames are occasionally found, and some few persons who speak German as well as Czech, but whether this indicates German blood is not certain. However, very many Bohemians and Moravians of central Kansas ethnically, seem by size, stature, build, hair and complexion to be Germanic rather than Slav.

The Germans of central Kansas can not be said to belong to any single type within the Aryan family. There has probably been a very slight admixture of Latin blood, and still less of Slav. One or two individuals have been observed among the Russians whose stature, and limbs, and hands, suggested, in their short, square stockiness, the possibility of Hun, Tatar or other influences in incursions from the East. In size the Germans of this section probably are as the average of Americans, though the Hanoverians may be somewhat larger. Once in a while a brachycephalic skull is seen, but in general the head is the long head of the north of Europe. The nose is usually straight, but there are a few convex or Roman noses, and a much larger proportion of concave noses, especially among those who come from the extreme north of Germany. The similarity of many north Germans to Scandinavian types is very evident. The color of the hair in most cases is light, from the tow or flaxen "whitehead" to shades of deep brown; others are darker to jet black, and there is a sprinkling of red of all shades from light to dark. Eyes in most cases are deep blue to gray, but there are very many dark eyes, from a light yellow gray or light brown to the deep black. Like the color of hair and eyes, the complexion varies from the fairest blond to the most swarthy.

A few Swiss are scattered here and there in nearly every county, and nearly every county has one or two or more people from Luxemburg. In Gove county near Grinnell a colony of Hollanders settled in the early '80's, but scarcely one is left. It may be that the change required to adapt themselves to their new environment was too great. Of Germans who immigrated from eastern states, the Pennsylvania Germans are by far the most numerous, most compact in settlement and most prominent, although Germans from Indiana, Illinois, Ohio, Missouri, Wisconsin, Virginia and elsewhere are noteworthy.

Tacitus, many centuries ago, writing of the *Æstii* or *Æstyî* of eastern Prussia, along the Baltic (Suevic) sea near the Vistula river, said: "They are more patient in cultivating corn and other produce than might be expected from the general indolence of the Germans." But whatever the old Roman

thought of the Germans of that day, the charge of indolence has not justly survived, and especially not to the Germans of central Kansas. Beginning with the more urgent work of the pioneer settler and of railroad building and operation, they next aided largely in breaking the prairies and reducing the soil to a high state of cultivation. Then considerable numbers engaged in mercantile pursuits. They have contributed artisans out of all proportion to their total numbers. Wherever a blacksmith, stone mason, plasterer, carpenter, cabinetmaker, shoemaker, tailor or weaver is found, he is almost invariably a man of skill, a mechanic "who needeth not be ashamed" of the work of his hands. It is equivalent to a certificate of excellent workmanship to say that any of these are German. In nearly every town, however small, Germans are merchants in all legitimate lines of industry. Nearly every bank numbers Germans among its stockholders, its officials and employees. A knowledge of German is found useful by every one who possesses it in even a slight degree anywhere in central Kansas. The German influence is strongly reflected in the curriculum of many high schools in the evident tendency to increase attention to German and decrease the study of Latin. The word *Dutch* as a term of reproach or deprecation is but little heard in recent times, though not uncommon a generation ago. The word *Rooshan* (Russian) for a time took its place, but in turn is passing out of vogue. The complaint, bitterly made for a while, of the ability and will of all these various kinds of Germans to live cheaply and work for very low pay, has gradually stilled. It has steadily become apparent to even the most unthinking, that stern necessity and not arbitrary choice led to such of these practices as made many native Americans look upon Germans as unfair competitors. The Germans who by industry and thrift have gained comfort and affluence, and even quite a degree of wealth, are no longer feared as working too cheaply. Almost every German has had an insatiable desire to own his own home, to be a landowner if farmer, and a lot owner if a town dweller. Accordingly he has secured much of the choicest of farm land as well as good town property. In many counties these immigrants are among the very richest of the inhabitants. In Russell county, if Henry Krug is not to-day the wealthiest man in the county—largely in lands, though possessing other property, cattle, bank stock and houses—he is among the first two or three. In 1876 he landed at Russell, a young man, from Saratov province in Russia, with little means. The same story is duplicated in most counties. When once a tract of land was secured, the German soon built a good house and good barns and other farm buildings. If he borrowed money, it was to buy more land. The improvements made were very largely as permanent as human skill could make them. Stone and cement were always preferred to frame or wood, as more enduring. After the house was built, bare and uninviting as it often was at first, furniture and furnishings were added as rapidly as the means of the owner permitted. Dealers tell with what persistence their German customers demanded the best and most durable furniture, quality rather than show, quite regardless of expense. Bedroom sets, wardrobes, tables, chairs, pianos, organs, cabinets, cupboards—all kinds of household furniture were added to the house as soon as the owner was able to buy and pay for it. If the larder was lean at first, a change came with good crops and better times. Automobiles may be found on many farms of Germans. The taste for music, art, education, literature, books, grows daily

and rapidly. Almost every German family subscribes to one or more newspapers, and often to several, in each language. Very many families take English local papers and learn the news through their children, when the elders can not read English. The linguistic ability of nearly all Germans is worth remarking. The examination of hundreds of Germans in the court of the twenty-third judicial district, upon application for final citizenship, shows that nearly all of them can speak, read and write German, and most of them can read and write English in addition to speaking it. Almost invariably their knowledge of English has been gained by the most severe study on their own part out of school, as few who came here above the age of ten ever had opportunity to study in an American school. One can not but wonder how many native Americans, who glibly talk of the ignorance of foreigners, would learn to speak, read and write any foreign language without going to school, if they were transplanted to a foreign country after reaching maturity and gained their daily livelihood by hard manual labor. The German, accustomed too to the simplicity of his own language with its phonetic spelling, has had to contend with the fearful and wonderful combinations of letters, quite often wholly irrelevant to the sound to be expressed—which make up English words according to conventional spelling. But in addition to generally knowing German and English, many of them know other languages. Those from Russia often know more or less of Russian, from ability to talk it a little to skill in speaking, reading and writing it. Those from Austria generally know another tongue somewhat. The men from Bukowina often know a little Roumanian. The Russians who spent some years between Russia and here in South America generally know Spanish or Portuguese, or both. A bitter complaint was lately made by an applicant for citizenship in Russell county district court, whose application was dismissed at behest of the United States government on the ground that he could not speak English, as required unconditionally under the naturalization law of 1906. He said he had learned to speak, read and write German as his mother tongue in Russia; had learned to speak, read and write Russian at the desire of the Russian government in the schools of his province; had learned in early manhood to speak, read and write Spanish in Argentine, South America, and finally arriving in the United States at middle age, he found himself no longer able to learn languages as in earlier years; and now, after his children had gone to Kansas schools and had become fairly well educated in English, their father was unable to confer citizenship upon them because he himself could not learn English.

The proverbs, quaint sayings, current jokes, riddles, etc., are much the same among all these German peoples. Rivalry of race runs high among them, though perhaps much more good-natured than in the old country, and they tell with enjoyment rather than seriousness the anecdotes that are supposed to indicate the characteristics of the different peoples, the wit or shrewdness of one nation and the dullness of another. The feeling of unity due to language and blood, and perhaps influenced too by the unity of forty-eight states in our federal Union, is stronger than in Germany itself, although in thinking of conditions abroad, jealousy of Prussia sometimes manifests itself among Hanoverians and Bavarians. The alleged arrogance of the Prussian on his own soil is not, however, reproduced at all on this side of the water. The ancient jokes on the Hessians being dull-witted, *Blinde Hessen*,

are at times repeated, especially the one about drawing an ox up to the church roof to enable him to eat the grass on the roof which the villagers did not know how otherwise to dispose of, and of tying the rope about the ox's neck in elevating him. When he stretched out his tongue in choking, the bystanders remarked that already he was reaching out his tongue for the grass on the roof. Sometimes another region may be the butt of the joke. The taste for trees, flowers, shrubbery is perhaps not so general among those reared on the plains of Austria and Russia as among those from Germany. The love of music, great among all of them, may possibly be more general, too, with those from Germany.

Marriages are made young. At first they are chiefly within the clan, that is, the settlement or community, or with very close kindred thereto. There have been some intermarriages of cousins of the first degree. After a few years' residence here, the marriages much more often occur with persons of other communities, and then of quite different nations, or stocks; but among Catholics they are almost always within the membership of the church. In Ellis county it has been noted that where Low Germans, or *Plattdeutsch*, from Hanover have lived side by side with Germans from Russia, members of the same church, intermarriage between Hanoverians and Russians has come about but recently, despite many years of association. Non-Catholic Germans have married into other races with great freedom, especially with other strains of Germans. This is greatly accelerated by the acquaintance gained with other peoples in the public schools, in the English-speaking churches, in the colleges and in business, as well as acquaintance with various other Germans of similar tastes and faith, at church, at parochial schools, etc.

Our Germans, whatever their origin, almost universally cherish the great virtues of honesty, industry, thrift, temperance, piety, love of children, respect for elders and those in authority. Teachers everywhere bear testimony that pupils in all German communities are easily governed because they have been always taught at home to obey parents and teachers. To make a living in any other way than by honest labor subjects the person to suspicion. Gambling makes no appeal to them. Excesses in the use of intoxicants are not frequent and are constantly rarer, though never more plentiful than among hard-working Europeans in general. A drunkard is despised or pitied according to his need. Violators of the liquor laws are not respected. Race suicide is viewed with horror as a grave evil, and in some forms as a fearful crime. The vices of Americans are regarded as including sloth, love of ease, desire to gain wealth without useful labor, ambition to hold office as a sinecure, going to extremes in almost everything, excess either in drinking or in abstinence, a passion for risk or the gambling instinct, irreverence, disrespect and disregard for age and authority, lack of purpose, lack of perseverance, unwillingness to do anything thoroughly, lack of training and want of skill in most handicrafts, living beyond means, extravagance, love of display, impatience to get results, impracticality, and race suicide. The younger generation differ more or less. Some of them forget the great virtues of their people, see only the ephemeral faults and foibles, and seek to become American by aping the vices rather than the virtues of the land. In this they succeed equal to the most sanguine expectation when they try. These are comparatively few. The steadier element among the youth are eager to become fully Americanized by absorbing everything that America has to give

that is worth while, and at the same time, with firm hand they hold to the solid virtues of their German ancestors, and seek to spread these virtues among all with whom they come in contact. These are the young Germans who are becoming leaders in business, school, church and politics. They resent any and every sort of aspersion or reflection upon them because of race, and leave nothing undone to remove all things that might seem to justify adverse criticism. It is hardly necessary to say that, except in a few instances and in case of recent comers, the average traveler going through central Kansas is wholly unable to tell by garb, looks, speech or otherwise, when he meets a youth, whether his ancestors came over the sea twenty-five years ago or three hundred. In fact, it may be questioned whether there is any similar area in the United States where the English language is so well spoken, so free from solecisms, colloquialisms, dialect, provincialisms and strange accent as in central Kansas. There is no mouthing, no nasality, no whining. The Germans have always been open-minded. They have been painfully conscious of their limitations in a strange land, hence always eager to learn the best way and the right way in everything, as far as they could. In the matter of voting, it is a common observation in central Kansas that ballots are very rarely spoiled and votes rarely lost in any German precinct, because all the voters apply themselves painstakingly to learn what has to be done and how to do it; after this they make no mistake.

The German American National Bund has organized at several places in central Kansas, such as Salina, Great Bend, Ellinwood, Wichita, Hanover, Wamego and Alma. The turners have not done so much in the central parts of the state as in the large cities on the border.

Within the Lutheran church, the German Evangelical Lutheran Synod of Nebraska claims perhaps the largest following in central Kansas. Its reports, from the sixteenth in 1905 to the twenty-second in 1911, are in the State Historical Library. In 1905 it reported congregations in Kansas at Hanover, Dubuque, Greenleaf, Home, Russell, Stickney, as well as other places. In 1906 it reported a congregation at Milberger in Russell county; in 1907 another at Dorrance; in 1908 at Glasco, Cloud county, and Hoisington, Barton county; in 1909 a preaching station at Oakley in Logan county. In 1910 the synod was held at Russell. Two additional stations or congregations were reported, in Paradise and Fairfield townships, respectively, in Russell county. All of these have arisen to activity in recent years. The German Methodists organized in Dickinson county in 1860. The church edifices erected at so many points in this section are almost always of stone when Catholic, and generally of frame when Lutheran, Methodist, Baptist or Mennonite, etc. There are probably more well-built, commodious stone churches within Ellis county than in any other county of the state, outside of large cities. There are twelve or more in as many towns and villages, not including one in Gorham just across the line in Russell county, and among them is the great church at Victoria in the village of Herzog, one of the large places of worship west of the Mississippi river.

Many of our Germans—chiefly from Germany—fought for the Union in the Civil War. A number have been since in the regular army. A few were in the Spanish-American War. Considerable numbers have served in the armies of Germany, Austria or Russia. Russians now in central Kansas fought the Turks in 1877, or the Japanese in recent years. Others did gar-

rison duty in Siberia, and some in Samarkand in the heart of Asia. Various Germans wear the Iron Cross for excellent service in the Franco-Prussian War of 1870-'71, and others were engaged in the Schleswig-Holstein War, the Seven Weeks' War, etc. Others served under arms in Austrian service.

An ancient Roman writer said of the Germans: "In all important matters, they consult their women." This is not the popular conception of Germans of to-day by other people. But certainly the adoption of the suffrage amendment to the constitution of Kansas in 1912 will work some results. Already it is apparent that the German women will to a very large extent exercise the right of the elective franchise. The belief is general that the Germans have never insisted upon taking their full share of what is due them in public affairs, and that unless their women vote the rightful influence of the Germans will be unjustly reduced.

THE EIGHTEENTH KANSAS VOLUNTEER CAVALRY, AND SOME INCIDENTS CONNECTED WITH ITS SERVICE ON THE PLAINS.

Written for the Kansas Historical Society, by HENDERSON LAFAYETTE BURGESS,¹ of Olathe.

AT the close of the Civil War a large amount of territory embracing what is now central and western Kansas, eastern Colorado and the Indian Territory was inhabited by numerous tribes of hostile Indians.

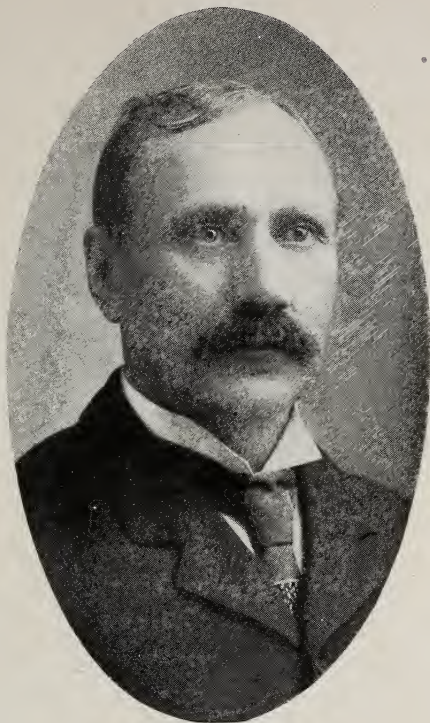
The general government at Washington had turned its attention to the development of the West, the opening up of a public thoroughfare across the continent to the Pacific coast. To this end aid was being granted by the government in the construction of a line of railroad across the plains, and the Eastern Division of the Union Pacific railroad, in the spring of 1867, had been completed to Fort Harker, Kansas, and was in course of construction from that point west.

The hostile Indians, and especially the Cheyenne, Kiowa, Arapahoe and Comanche tribes, were upon the warpath and determined to prevent the building of the railroad and travel and transportation across the plains by the method then in use, to wit, ox and mule teams with long wagon trains. The United States mails were interrupted. Men, women and children were being massacred, stock stampeded, wagon trains captured and contents burned and destroyed by these hostile tribes to such an extent that the United States government troops then on the frontier were inadequate to afford protection. Therefore, by order of the War Department at Washington, the first battalion of the Eighteenth Kansas volunteer cavalry was organized and enlisted between the 5th and 15th days of July in 1867, and on the 15th

1. HENDERSON LAFAYETTE BURGESS, son of Nelson Burgess and Rebecca Brisbine Burgess, was born at Hubbard, Trumble county, Ohio, July 13, 1849. His father was a Methodist minister, and soon after his son's birth was sent to Pennsylvania.

In 1856 the family moved west, stopping in Wisconsin, Iowa and Illinois, eventually reaching their objective point, Kansas, in 1866, ten years after their first westward move. They settled at Olathe in December, 1866. The next year, July, 1867, young Burgess enlisted in company D, Eighteenth Kansas cavalry, for service on the frontier against the Indians. He served with his regiment until it was mustered out in November.

After his Indian service was over he returned to Olathe and there began the study of law in the office of John P. St. John. He was admitted to the bar in 1874, and has practiced in Olathe ever since. Mr. Burgess was married in 1874 to Miss Sadie M. Shreve, of Johnson county, Kansas. Five children have been born to them, four of whom are living, Lucy E., Susie L., Hazel L., and Marion N.



H. L. BURGESS.

day of July was mustered into the United States service at Fort Harker, Kansas. It was armed, uniformed and equipped by the United States government, and within three days after it was mustered into service, under command of the late Horace L. Moore, of Lawrence, Kan., entered upon an active campaign of four months' duration against these hostile Indians.

On the day the regiment was mustered in the command was attacked by Asiatic cholera, and a number of deaths occurred at Fort Harker on the 15th, 16th and 18th days of July, 1867. Major Moore, who had recently been mustered out of the United States service as Colonel of the Fourth Arkansas cavalry, being a man of excellent judgment, and having at heart the interests of the troops under his command, took the best method of preventing a greater loss by disease by putting the command immediately into active service and moving it from Fort Harker across the country by way of Pawnee Rock to Fort Larned.

While en route to Fort Larned under the command of Lieutenant Henry L. Hegwer of company D a detachment of twenty-two men was sent in pursuit of a band of hostile Indians that had stampeded a train and run off some stock belonging to freighters. Three fine horses were recaptured and later returned to the owners by the government.

At Fort Larned we lost the regimental surgeon and one commissioned officer, Lieutenant Samuel L. Hybarger of B company, and a number of en-

listed men from cholera. However, the troops fit for duty were immediately sent forward from Fort Larned to Fort Hays to coöperate with the Seventh and Tenth United States cavalry regiments in an expedition against the Indians in the north and northwest part of the state.

At our camp on Walnut creek, while en route to Fort Hays, more deaths occurred from cholera. I remember at this point a boy belonging to company C was sick with the cholera. When the four companies broke camp early in the morning this young soldier was breathing his last, and as company D passed by where he lay on a stretcher, he expired. A detail was made to dig a grave, he was taken from the stretcher, wrapped in his blanket and buried on the banks of Walnut creek, and the four companies continued the march to Fort Hays, where we sustained no further loss from cholera.

About the middle of August companies B and C, under the command of Captain Edgar A. Barker and Captain George B. Jenness, with company F of the Tenth United States cavalry, the entire command being under Major George A. Armes of the regular army, were ordered on a scouting expedition to the northeast in pursuit of Indians who were making raids from the northwest, killing and scalping those engaged in surveying and building the Union Pacific railroad. A number of men had been killed near what is now Bunker Hill station, west of Ellsworth, and along the line of the road, and a large force was necessary to drive these Indians out of the country.

Major Moore, with companies A and D under command of Henry C. Lindsey and Captain David L. Payne, was sent upon this expedition, his command to move to the northwest from Fort Hays. The troops carried three days' rations, and the two commands under Major Armes and Major Moore were to coöperate in the campaign against the hostiles. The rations proved to be entirely insufficient for the raid, which lasted for eight days. The buffalo had been driven out of the country by the Indians and a large part of the prairie burned over to prevent our obtaining forage for our horses and mules. The herds of buffalo that usually ranged through this district would have afforded an abundance of fresh meat. Both men and animals suffered greatly for want of food and water, it being exceedingly hot and dry during the entire summer.

After reaching the Saline river Major Armes with his three companies of cavalry proceeded to follow the river until he formed a junction with Major Moore with A and D companies of the Eighteenth. Major Moore with his command proceeded to the northwest, while Major Armes with his three companies took a northeasterly course, each of the two commands intending to cut off the possible escape of the Indians, and to form a junction on the Solomon river.

By this movement the Indians were driven farther to the northeast, where a part of Major Armes' command engaged them, and the battle of Beaver Creek ensued.² This battle was a most bloody fight. The small detachment of troops separated from the command were placed at every disadvantage and exposed to the greatest danger from their relentless and savage foes. Captain Jenness was severely wounded in the thigh. The chief scout, Captain A. J. Pliley, was twice wounded by the Indians, and a number of the troops were wounded, some dying from their wounds, while several were

2. For an extended account of this battle see *Kansas Historical Collections*, vol. 9, p. 443, "The Battle on Beaver Creek," by George B. Jenness.

killed. The soldiers fought bravely, and when finally joined by Major Armes and the rest of the command succeeded in forcing the Indians to retire with a severe loss in killed and wounded. The exact number, of course, could never be ascertained, as Indians carry their dead and wounded with them when it is by any means possible to do so. On the other hand, they rarely fail to torture and kill their enemies when they fall into their hands.

This account of incidents of the service of the Eighteenth Kansas cavalry is prepared from memory. It is impossible now to recollect the names of all those killed and wounded. In fact I never knew the names of all the brave men who fell during the campaign, but I remember, in addition to Captain Jenness and Chief Scout Pliley, the name of Thomas G. Masterson, of company C, who was killed in the fight on Beaver or Prairie Dog creek, and of James H. Towell of the same company, who was wounded several times and afterwards died of his wounds in the latter part of August at Fort Hays; also the name of Thomas Anderson, of company B. Of those who died of cholera at Fort Harker I remember the names of Bailey McVeigh and William P. Maxwell, of company D. Maxwell was a fine young man and had been promised promotion; he was in perfect health, a man of splendid physical development. He was taken sick in the evening and was dead and buried the next morning. I helped to care for comrade Maxwell during his very short illness. His body is buried at Fort Harker on the Smoky Hill river, as is also the body of Bailey McVeigh and many others belonging to the battalion who died of the cholera. Others are buried at Fort Larned on Pawnee creek, on Walnut creek, at Fort Hays, and on the Beaver. Some were killed in action; others died of wounds received in action in various places between the Republican river on the north and the Arkansas river on the south. The Eighteenth was constantly engaged in drilling, marching by day and by night, fighting Indians, guarding government trains, making its basic operations at Fort Hayes, Fort Larned and Fort Dodge, from which government posts it received its rations, ammunition and supplies. It marched over two thousand miles in four months and engaged the Indians on several occasions, affording protection to government property and the United States mails, as well as to private citizens. It greatly aided in making safe the then unoccupied plains for settlement by the sturdy and industrious farmers who have for the last forty years planted and reaped golden grain over the graves of these brave men who gave their lives in the protection of the frontier. They suffered all the hardships endured by the soldiers of any war. The last service rendered, in October and early part of November, 1867, was in guarding a train of provisions, arms and ammunition, together with four hundred head of native cattle, sent by the government to the peace council at Medicine Lodge for the use of the Indians. Here most of the Indians agreed to the unmolested occupation by white men of this great agricultural territory. But this agreement was wholly disregarded and violated the very next year by these same hostile tribes.

The Eighteenth Kansas cavalry served with the Seventh and Tenth United States regiments during the summer of 1867. These were brave soldiers and entitled to a large degree of credit. At one time the entire command was with the Seventh cavalry in the northwest part of the state, and under the command of General Custer pursued the Indians and drove them out of the country. The Seventh cavalry afterwards, on June 25, 1876, made

a record as a fighting regiment that can never be exceeded. Like old Roman Nose, every man in the command laid down his scarred body fighting the Red Man.

The uncoffined clay of the soldiers of the Eighteenth Kansas cavalry who died of disease, who were killed or died of wounds in the summer and fall of 1867, have been moldering back to mother earth for forty-seven years, and although this command served its country faithfully from the day it was mustered into the United States service until it was mustered out and discharged on the 15th day of November, 1867, a grateful government has never provided a service pension for its members, nor for the soldiers of the Nineteenth Kansas volunteer cavalry. The soldiers of every other war from the time this government was organized down to the present have been most generously dealt with.

Be it said, however, to the credit of the representatives of the state of Kansas now in Congress, that at least three bills are now pending before the Committee on Pensions in both the House and Senate the object of which is to do justice to these soldiers by placing them on the pension rolls of the United States and extending the laws now in force applicable to other soldiers to them, their widows and minor children. The government can not afford to do less. It is due to the state of Kansas. It is due to the officers and soldiers who so bravely and earnestly defended the frontier and made it possible that broad fields of waving grain should be grown over this territory, then inhabited by a hostile and relentless foe.

Under the present law every soldier who served in the Mexican War for a period of sixty days and was honorably discharged from the United States service is entitled to a service pension. Every soldier who served in the late Civil War, 1861-'65, for a period of not less than three months is entitled to a service pension, and every soldier who served in any Indian war up to and including the year 1860, for a period of not less than thirty days, is entitled to a service pension.

Another session of the Congress of the United States should not be permitted to pass without placing the survivors of the Eighteenth and Nineteenth Kansas volunteers and all other soldiers who have served in any Indian war not included under our present pension acts on the pension rolls of the United States.

REMINISCENCES OF AN OLD CIVIL ENGINEER.

Written by *GEORGE M. WALKER.*

IN my school days the facilities for obtaining an education were exceedingly meager compared with those of the present day. Algebra was not required to be taught in the public schools of Pennsylvania until about 1848; even after the law was passed few teachers of country schools were required to have any mathematical knowledge above arithmetic.

Prior to October, 1850, when I was offered a position in the engineering department of a railroad to be constructed from Cleveland to Toledo, Ohio, I had a fair knowledge of algebra and had commenced geometry. Before being received I was required to understand geometry, plane trigonometry and surveying. I completed this course in a village academy, and in July, 1851, joined the corps, and was given the position of chainman on preliminary surveys. Much of the line from Cleveland to Sandusky had previously been located. In August I was given the position of rodman, and for a time also performed the duties of axman on construction.

The chief engineer required accuracy and efficiency on all work, and to this end saw that each man was properly instructed in his duties. He also gave these general instructions: "The engineer is the umpire between the railroad company and the contractor. He is to see that the work is properly done, giving the company the benefit of any reasonable doubt as to quality and quantity of work specified, and to the contractor the benefit of any such doubt as to quantity, quality and price of such work when completed."

I was continued as rodman until in February, 1853, serving under three assistant engineers and getting experience on three subdivisions. I had in the meantime studied such works as "Mahan's Civil Engineering," Borden on "Railroad Curves," Haupt on "Bridge Construction," etc. I was then considered capable of having charge of light construction, and was sent to Port Clinton to open up the work between Sandusky and Toledo. My work extended from west of Sandusky Bay into the Black Swamp, a distance of twenty miles. The only important piece of work on the division was the bridge over Portage river, requiring a concrete pier for a drawbridge in twenty-two feet of water.

I was on this work until the completion of the road to Toledo in 1854, and on other work in Ohio until April, 1856, when I came to Iowa, and in May, 1857, to Kansas. From 1856 to 1862 my work was entirely local, being county surveyor of Breckenridge (now Lyon) county, Kansas, most of the time. I enlisted in C company, Eleventh Kansas volunteer infantry, August 20, 1862, and served in rank and line until mustered out, September 28, 1865. I reconstructed my home in Lawrence, Kan., June, 1866, and in September reëntered railroad engineering, making preliminary surveys and maps for the Union Pacific Railway, Southern Branch (now Neosho Valley division of the Missouri, Kansas & Texas Railway Company). In 1867 I explored routes to Fort Gibson, Indian Territory (now Oklahoma).

In 1868 a company was formed in New York to construct the road from Junction City, Kan., to the south line of the state. Asa P. Robinson was chief engineer. His principal assistant and instrument men were from New

York. I was assigned a minor position in the corps. By January 1, 1869, about twelve miles of line were located. The principal assistant and level-man were then discharged and I was promoted to fill both places. The location was continued to Council Grove during that winter under direct supervision of the chief engineer. I was directed to run a preliminary line to Emporia, then return to Junction City to take charge of the first division of construction. While the road was being built from Junction City to Council Grove, Sanford Robinson, son of the chief engineer, arrived from the East and continued the location through Emporia, Burlington and Neosho Falls to near Humboldt, Kan.

The railway company had in the meantime acquired lines chartered from Hannibal through Moberly, Boonville, Sedalia, Clinton and Nevada, Mo., to Fort Scott, Kan., and from Holden through Harrisonville, Mo., to Paola, Kan., and named the combined system the Missouri, Kansas & Texas Railway.

Mr. Asa P. Robinson resigned, and was succeeded by Mr. Arrowsmith, who soon resigned in favor of Major O. B. Gunn, of Kansas. Sanford Robinson desiring to be relieved, I was appointed locating engineer. The line as located at Burlington was too far from the business section to suit the citizens, and the line south to Turkey creek was very crooked. I was ordered back to Burlington with instructions to run the line nearer the business section, which increased the length and added near thirty degrees to curvature, and then to straighten the line south. The line as located had been approved by the chief engineer.

This being my first independent location I felt a delicacy in changing the line south. For nearly seven miles, the most objectionable part of the line, I had to follow the located route, but succeeded in reducing curvature about two hundred degrees without materially increasing the work; thence to Turkey creek I changed the route, giving heavier work but with a total saving of three hundred degrees in curvature and three thousand feet in distance in fifteen miles. I continued surveys south until in May, 1870, having over forty miles located in the Indian Territory to south of Rock creek. I was then ordered to Harrisonville, Mo., to continue location of Holden and Paola branch of the M. K. & T. Ry. On arriving at Harrisonville I found the contractors clamoring for their location. A contract had been let on the basis of the preliminary line. I had a well-drilled and efficient corps. Two days after arrival we gave the needed line. On completion of the location to Paola, I was ordered to Fort Scott to continue location of the main line to connection with the Neosho Valley division in Labette county, Kansas. When this was completed, in September, I was ordered to continue location through the Indian Territory. A preliminary line had been surveyed south the previous winter, crossing the south line of Kansas about ten miles west of the located line. We had connected with this line north of Rock creek. On arriving at the end of the previous location we found grading about completed and grading camps three miles ahead waiting for work. We camped eight miles ahead, examined preliminary eight miles farther, calculated a sixteen-mile tangent, next morning took up location, and were not again in the way of contractors until the location was completed to Denison, Texas, in 1872.

I located and assisted in the construction of several hundred miles of lines for other railway companies, some of which I may refer to hereafter to illustrate methods.

It is often stated that the location and construction of railroads have been greatly improved during the past twenty or thirty years. That, in a measure, is correct. As compared with those built in 1864, it is generally correct; compared with those built from 1850 to 1860 (judging by the Cleveland & Toledo R. R.) I consider the statement incorrect. Although that road is now a part of the main line of the Lake Shore & Michigan Southern Railway, yet its location was such that no material change has been made in the alinement except at Sandusky, where a change was made desirable by growth of the city. The maximum curve used was four degrees (one thousand four hundred and thirty-three feet radius), maximum grade in raising lake bluff at Cleveland, Ohio, seventy-five per cent compensated for curvature, thence to Toledo, Ohio, five per cent; embankments were fifteen feet and cuts twenty feet wide at sub-grade; all slopes except rock cuts were one and one-half horizontal to one vertical; bridges were placed at grade, allowing for eighteen inches of ballast above sub-grade. Where practicable, first-class masonry was used in all permanent openings—some of these were quite heavy. I recall one arch culvert of thirty feet span that was about two hundred feet long. An engineer of the road told me a few years ago that most of that masonry was then in use and in good condition. The bridges were the Howe truss, the best then available; the track fifty-six-pound T rails resting on two thousand six hundred and forty cross-ties per mile of track. These rails were rolled in England, as practically no rails were rolled in the United States prior to 1864, and might not have been done then had not Congress required that all subsidized roads should use only American rolled rails. The substitution of Portland for natural hydraulic cement has greatly improved masonry—of steel for wood and iron in bridging has added both to quality and availability, and the long steel rails with the improved joints has made the track what it never could have been with the short iron rails and chair joints. But these improvements should be credited to the inventor and manufacturer.

Another improvement, seldom used then and not in as general use as it should be now, is grade compensation for curvature. I will refer to this later. Another late innovation on American roads is the spiral at beginning and end of curves. This is even now ignored by many engineers. I consider it important.

I would not compare the Cleveland & Toledo R. R. as first constructed with the reconstructed lines of our great systems, but I believe it was fully up to the average of new railways built within the past twenty or even ten years. I can not say so much for a large portion of the railways built since 1864 between the Mississippi river and the mountains. On many of these the location has been so changed that an original location map would hardly be recognized now. Many of these changes could have been made before construction with slight addition to cost. Some of these errors were caused by lack of foresight and calculation; others to save a little in cost. The chief engineer of a west Missouri and Kansas road said to its president, when criticising the locating engineer whom the president had placed on the work,

"Mr. ——— locates a better line but I the cheaper." Draft and maintenance were not considered.

The Kansas Pacific Ry. (now Union Pacific, Kansas division) was let to a construction company to locate and construct at a stated price per mile. Their interest was to get light work and long mileage. From my observation, 1867-'70, I judge they were successful—so successful that much of the road has had to be relocated and rebuilt by the railway company since.

A chief engineer whom I knew prior to 1856 was offered the position of chief engineer of a road on which the building company was to do the engineering. He refused. He said he could not afford to have charge of work where either his assistants or himself might be tempted to do dishonest work.

Some useful lessons may be deduced from the personnel of some of my assistants. I recall one on the Missouri, Kansas & Texas Railway surveys. He was finely educated, but failed in every position I gave him. I had to discharge him for lack of ability to use his knowledge. He was not practical. An assistant on the Kansas City, Clinton & Springfield Railway had the field practice but lacked the elemental knowledge. He was efficient in what he had learned by practice, but beyond that was lost. I have often heard such men referred to as practical engineers. Are they practical?

On a location survey in southern Illinois as transitman was a graduate of the Yale School of Engineering with two or three years of field practice. In most respects he was a very efficient man, but he had imbibed certain ideas and methods in school that he placed paramount to the principles on which they were based. About thirty miles of the location was difficult, being hemmed in by bluffs and hampered by high water. Spirals were used at terminals of all curves of two degrees (two thousand eight hundred and sixty-five feet radius) and sharper. In many cases spirals and parts of curves were in water and points had to be set in line ahead by triangulation, requiring careful calculations for distance and alinement. His methods did not suit these exigencies and greatly abridged his usefulness.

I will refer to one more case. An undergraduate of Washington University, St. Louis, was sent to me. He stated that he would not accept any position under levelman. I will take these up later.

"Efficiency" might be termed America's watchword. From the many articles in our magazines, some may think it is something new. When Benjamin Franklin went to England as a journeyman printer he gave the British a lesson in efficiency. I was taught efficiency as a boy on a farm. Great honor is due Harrington Emerson, not for the discovery, but for what might be termed the codifying of efficiency.

We are inclined as a race to follow precedent—habit. It is easier to continue a habit than to think out a new way; it is the line of least resistance. Many persons who would resent being called lazy are so lazy mentally that they will do double physical labor to save working their minds. Some venerate the "old way." The Chinese have carried this so far that they have made little advancement in the past three thousand years. They worship the "old way"—the grandfather's way. Confucius taught that the wisdom of the ancients should be adheared to. Jesus Christ taught principles applicable through all ages! Far be it from me to belittle the influence of a grandfather; but that influence should be incentive rather than precedent. We should give our children and grandchildren the benefit of our experience,

but that experience should be used not as a rule to be adhered to, but as a round of the ladder to enable them to reach higher.

Recurring to the personal assistants: From the first two, learn not only the need of theory but with it the ability to use it—a practical knowledge. Do not infer from the third that I oppose methods; they are very important as ways of applying the principle, but only as ways—not to supplant principle. Instead of commenting on the fourth case I will give two cases in contrast. In the spring of 1880 a gentleman said to me, "A few years ago I came to Topeka with a diploma from the Engineering School of Michigan University, and a letter to a prominent official of the Atchison, Topeka & Santa Fe Railway Company. They were organizing several field parties. I presented the letter and he asked, 'What position do you consider yourself capable of filling?' I replied, 'Either of the instruments.' He said, 'You are a fool.' I thought this rather rough on an Ann Arbor graduate, but I had reason to respect his judgment, and replied, 'I will take any position you think best.' I accepted the place offered and am now assistant chief engineer of the Atchison, Topeka & Santa Fe Railway lines in Kansas, Colorado and New Mexico."

About 1880 a young man graduated from West Point second in the class, entitling him to be Lieutenant of Engineers, United States Army. Armed with his commission he reported to Colonel Merrill, U. S. Engineers, at Cincinnati, for duty. Colonel Merrill said to him, "The most unfortunate thing about you is that you are a Lieutenant of Engineers; if you can subordinate that fact you may succeed." "I am here to learn," he replied. Colonel Merrill started him as rodman. He worked his way up. This young Lieutenant of Engineers, George W. Goethals, is now Colonel of Engineers in charge of one of the greatest works of modern time—the construction of the Panama Canal. Many millions of cubic yards of excavation had to be moved, not contemplated in original estimates, caused by slides of mountain at Culebra cut, yet this work is being completed a year ahead of time and at a saving of many millions of dollars, by a man who was willing to commence at the bottom and learn the practical details.

I have received considerable credit for the location of the Missouri, Kansas & Texas Railway lines, also for lines for other railway companies. My early training taught me to look ahead, choose the most direct, feasible route, take such notes on preliminary surveys as would show obstructions to be avoided and improvements to be made. From these notes I calculated where the line should be located, avoiding all unnecessary deviations or extra curvature.

When locating the Missouri, Kansas & Texas railway I had no data showing the resistance of curvature to draft. The first chief engineer of that road said to me in 1869, "That it was so slight as not to be considered." Other engineers have said practically the same. I believed they were mistaken and as far as possible avoided maximum grades on curves.

In 1876 I made a resurvey of the Hannibal & St. Joseph railroad from Hannibal and Quincy to St. Joseph and Kansas City. I learned from engineers where they had the hard pulls. While on this work I got an English table of grade equivalents for curvature for trains of English vans having long stiff wheel-base. With this and the data obtained on survey I approximated an equivalent for the American short wheel-base truck of .05 foot of

grade for one degree of curvature. I have used this equivalent since. I learned in 1880 that the Atchison, Topeka & Santa Fe Railway Company had formulated such a table by tests. When I received a copy of this table I found the average very close to what I had obtained. So far as I can learn, this was the first table of grade equivalents for curvature for American equipments.

I have spoken of calculating the location from the preliminary notes. This includes all the details, such as intersections of tangents and the connecting curves. Most engineers and some railway companies require that where possible the intersecting tangents for curves be run out. This, in some cases, is beneficial. In my work I often found it impracticable, and in nearly all a consumer of time. I only used it in extreme cases. For this I have been severely criticised by other engineers as being unscientific. I admit it is not according to precedent, but as to its being unscientific I take issue. I have used it on several hundred miles of line with uniform success. In many cases, notably on Spring river, Arkansas, I had to choose between two methods—calculate or repeat lines—commonly called “cut and try.” I calculated, with the following results:

In 1881 I located fifty-four miles of the Kansas City, Fort Scott & Memphis railway through Howell and Oregon counties, Missouri. Another man was to locate thirty-six miles along Spring river, Arkansas. The south half of the Spring river line was so difficult that the chief engineer pronounced it impracticable until the preliminary line was run. When the other corps commenced thirty-six miles southeast of state line, I was about twenty-eight miles northwest. As we were to locate and construct I did not want to infringe on the other man's territory, but on arriving at the state line I was ordered to proceed until meeting the other corps. I did so, and met them eighteen miles below the state line, thus locating forty-six miles to their eighteen. I claim this as the result of the calculating over the repeating methods. This, I admit, was an extreme case.

Some of the statements and details given above may appear egotistical; others puerile. My excuse is that I am an old engineer who loves the profession he followed nearly sixty years, whose school equipment was far below what it should be or is now attainable, but who has, I think, been fairly successful.

I have given a sketch of my life and experience, hoping it may tend to promote honesty and efficiency in those about to enter this noble profession.

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