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THE  
Province and the States

A HISTORY OF THE PROVINCE OF LOUISIANA UNDER  
FRANCE AND SPAIN, AND OF THE TERRITORIES  
AND STATES OF THE UNITED STATES  
FORMED THEREFROM

IN SEVEN VOLUMES

ILLUSTRATED WITH NUMEROUS MAPS AND PORTRAITS

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Weston Arthur Goodspeed, LL.B.

*Editor-in-Chief*

VOL. IV

V. 4

MADISON, WIS.  
THE WESTERN HISTORICAL ASSOCIATION  
1904.



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# State of Missouri

From Its Territorial Days to 1904

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Hon. David R. Francis

*Associate Editor*

PRESIDENT OF THE LOUISIANA PURCHASE EXPOSITION COMPANY,  
FORMERLY GOVERNOR OF MISSOURI, AND FORMERLY  
SECRETARY OF THE INTERIOR

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Charles M. Harvey

*Author*



# Missouri

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## CHAPTER I

### The Territory of Missouri

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WHEN, by the act of congress signed by President Madison on June 4, 1812, all of the Louisiana province outside of the newly created state of Louisiana was called the Territory of Missouri, the latter name made its first appearance as the title of a political community.

The Louisiana province had been divided by congress on March 24, 1804, two weeks after the transfer, in St. Louis, of Upper Louisiana to the United States. The province's lower section, with boundaries almost identical with those of the present state of Louisiana, was named the Territory of Orleans, and all the rest of it was called the District of Louisiana, and was placed under the control of the officials of Indiana Territory. The name of the District of Louisiana was changed to the Territory of Louisiana by an act of congress signed March 3, 1805, and it was taken out of the jurisdiction of the officials of Indiana Territory, and was given a governor, a secretary, and three judges, all appointed by the president, with the consent of the senate, the legislative power, as in all territories of the lower class, to be vested in the governor and the judges, or a majority of them, the laws to be subject to congress' approval.

Jefferson appointed Gen. James Wilkinson the first governor of Louisiana Territory; Dr. Joseph Browne, a brother-in-law of





Aaron Burr, was made secretary, and John B. C. Lucas was appointed chief justice. Wilkinson was disliked and distrusted by most of the residents of the Territory and was deep at this time in the conspiracy, or supposed conspiracy, by which Burr was believed to be aiming to separate Kentucky, Tennessee and the Territory of Orleans from the Union and add them to Mexico, which Burr hoped to wrest from Spain, and thus to set up a southwestern empire, with himself at the head. Wilkinson soon got into trouble with some of the leading personages of the territory, was removed from office, and Capt. Merriwether Lewis was put in his place in 1807, the year after he returned from the exploring expedition to the Pacific in company with Clark. Lewis held the post of governor of Louisiana Territory until his mysterious death by murder or suicide, probably the latter, near Nashville, in 1809, when he was succeeded by Benjamin Howard, who remained in that office until after the territory's name and status were changed in 1812.

The admission of the Territory of Orleans as the State of Louisiana on April 8, 1812, and the rapid increase of population in the upper province necessitated the dropping of the name Louisiana in it and its advancement to a higher status. For these reasons the name of Louisiana Territory was changed by the act of June 4, 1812, to the Territory of Missouri, and that community was given a measure of local self government, St. Louis being made its capital.

Missouri Territory was a land of magnificent distances. It stretched westward from the Mississippi to the Rocky mountains, which were the eastern boundary of the domain of Ferdinand VII. of Spain, whose possessions extended as far north as the northern line of the present states of California, Nevada and Utah, and who laid claims to the region farther to the northward. The same mountain barrier was the eastern line of that No Man's Land, then in dispute between Spain, Russia, England and the United States, comprising the present states of Oregon, Washington and Idaho. The northerly line of Missouri Territory was George III.'s province of Canada.

By the national census of 1810, the region comprised in the Territory of Missouri was found to have 20,845 inhabitants (doubling since the transfer of Upper Louisiana to the United States in 1804), 17,227 of whom were whites and 3, 618 were negroes. All but about 1,500 of this total (which were in the present Arkansas) were in the present state of Missouri. The



Indians of the Territory, of course, were not enumerated. Most of the settlers were from the slave states—Kentucky, Tennessee, Louisiana, Virginia and the Carolinas. This accounts for the large proportion of negroes, most of them slaves, among the inhabitants. Not until after the completion of DeWitt Clinton's Erie Canal in 1825, which opened a path by way of the northern lakes, did any considerable number of emigrants from New England and New York begin to reach Missouri.

The population of that part of the Territory of Missouri comprised in the present state of that name more than tripled between 1810 and 1820. Its oldest permanent settlement was Ste. Genevieve, founded about 1735; its next oldest town of importance was St. Louis, planted by Laeclde Liguist and Auguste Chouteau in 1764; and the third most important settlement of those days was St. Charles, established in 1769, at first called Les Petites Cotes (Little Hills), which name was changed to St. Charles in 1784.

Missouri's growth was impeded for a few years by the uncertainty as to the land titles of the French and Spanish period, the troubles from the Indians, and, to a smaller degree, by the earthquake of 1811-12, which did great damage at New Madrid, Big and Little Prairie and other points along the Mississippi. The land title matter was virtually settled by an act of congress in 1814, which confirmed all the concessions made in the French and Spanish days. The Indian disturbances were minimized by President Madison's appointment of Lewis's partner, Gen. William Clark, as governor of Missouri, who assumed that post in 1813, a year after the creation of the Territory, and who held it during the entire period until the admission of Missouri as a state in 1821.

Just before the organization of the Territory, the region along the Missouri as far as the scattered little settlements extended, eighty or a hundred miles from its confluence with the Mississippi, and also a little farther westward, in the present Howard county, was harrassed by Indians. Bodies of rangers were formed and a line of stockades was built, into which the people of the surrounding territory would fly at the appearance of danger. Many whites, however, were killed outside of those defences. General Clark, the commander of the military forces in the department, was active in trying to prevent these attacks and in endeavoring to punish the offenders when they occurred, but



as the number of men under his control was inadequate he was able to accomplish but little.

At the beginning of May, 1812, however, he gathered a large number of the leading men of the Sacs, Foxes, Shawanese, Delawares, Great and Little Osages, and other Indians at a council in St. Louis, and proceeded with them to Washington to consult President Madison and arrange for peace between them and the settlers in the war with England which all saw to be impending, and which was formally declared about the time they reached the capital. The mission was successful. Presents were distributed lavishly among these Indians, they returned to their tribes gratified at the treatment given to them by Clark and the government, and in most cases they carried out their pledges and maintained the peace.

Clark was the man for the situation in this most exposed part of the national frontier at this crisis. Forty-two years of age at the time he went to Washington with the Indian deputation in 1812, a soldier by profession, a younger brother of Gen. George Rogers Clark, the conqueror of the British at Kaskaskia and Vincennes, in the war of independence, and the winner of the region between the Alleghenies and the Mississippi, young Clark had seen some military service before he was appointed in 1803 by Jefferson as Lewis's partner in the exploring expedition of 1804-06 from the Mississippi to the Pacific. He was in the army afterward for a few years, was then successively Indian agent and brigadier general of the forces of upper Louisiana under Governor Lewis, held the latter post under Howard's governorship after Lewis's death, and won a reputation as an active, resourceful and diplomatic officer, which reached Washington long before he himself did.

Madison offered Clark an assignment as brigadier general in the field in the war against England and urged him to take the command at Detroit, which was held by the aged Hull, but he declined, saying he could do better work for his country at St. Louis than he could on the northern frontier. Probably he was correct. With Clark in command at Detroit the collapse which came under Hull would probably have been averted. But Clark had gained an experience among the Indians of the trans-Mississippi country which was of vital consequence to the nation in that crisis. His journey from the mouth of the Missouri to the mouth of the Columbia, supplemented by his service subsequently at St. Louis as Indian agent and as head of the Ter-



ritory's military force, had given him a closer acquaintance with all the important tribes between the big river and the Pacific than any other white man had before or since.

When Clark declined the command at Detroit, Madison appointed him governor of Missouri Territory, and he remained in that office until Missouri became a state in 1821, after which Monroe made him superintendent of Indian Affairs, with his headquarters at St. Louis, a post which he held until his death in 1838. Knowing frontiersman as well as Indian, grasping the forces which precipitated the irrepressible conflict of interests between them, and sympathizing sincerely with each, he had the confidence of each to a larger degree than any other man in any similar position whom the country has seen. The intelligent supervision of the Red Head Chief, as the Indians affectionately called him, at St. Louis, did more during that third of a century's westward march of empire to preserve the peace between red men and white, and red men and red than could have been done by half a dozen regiments of troops on the frontier. For close on to forty years, William Clark was one of Missouri's and the West's foremost citizens.

Hurrying back from Washington in the early days of 1813, Governor Clark found St. Louis in hourly expectation of an attack by British and Indians, which might repeat on a far larger scale the atrocities of the Indian and British assault on that town in 1780. Tecumseh, the Shawanese, maddened at the crowding of his race westward by the settlers' advance, had, in 1810 and 1811, been appealing to the Indians of Illinois, Michigan, Wisconsin, Alabama and Georgia to unite to sweep the whites into the lakes and the Gulf of Mexico, and his red emissaries and white agents of the British government had crossed the Mississippi and carried his war belts among the red men of the present Missouri, Iowa, Minnesota and the Dakotas. His plans had been baffled by the rashness of his brother the Prophet in provoking the attack by Harrison which resulted in the Indian defeat at Tippecanoe in the closing part of 1811, but the war between England and the United States which was declared in June, 1812, sent him and thousands of Indians over to the British side; Fort Dearborn, on the site of the present Chicago, was captured and its garrison massacred, Hull was forced to surrender at Detroit; Fort Bellevue, on the Mississippi, was besieged several days by the Winnebagoes; an assault on St. Louis by the Sioux, Pottawatomies, Kickapoos, Winnebagoes





nado's daring with Talleyrand's adroitness, had  
ance with the Indians of the Missouri river th  
who lived before or since, and had better succe  
them. Clark appointed Lisa United States s  
the formidable red men on that stream from  
ish, and he did his work in characteristically eff  
Indian village of Prairie du Chien, on the si  
Wisconsin city of that name, was a rendezvous  
and a radiating center of influences hostile to t  
and also commanded the upper Mississippi. Cl  
Captains Yeizer and Sullivan and Lieutenant  
hundred volunteers, went up in armed barges  
built Fort Shelby at that point, and, leaving  
it, returned to his post.

Notwithstanding Clark's precautions, howev  
Hearing that an attack in large force on tha  
impending, he sent Lieutenant Campbell and al  
soldiers in three keelboats up the river to re-enf  
but they allowed themselves to be led into a  
river, were attacked by the Sacs and Foxes,  
the river with considerable loss of life. Mea  
son at Prairie du Chien, on July 17, 1814, was  
British and Indians from the lakes, under Colo  
tain Yeizer and his gunboat were driven dow  
Fort Shelby surrendered on the 19th.

There had been considerable fighting in the  
souri during the war. Capt. Sarchell Cooper, o  
Lick country, a leading spirit in his locality, w  
house, which formed part of Cooper's fort, on  
night, was killed by an Indian who had crept  
for that purpose. On March 7, 1815, Capt.  
the commander of the rangers in his vicinity,  
of his men, near Prairie Fork, in the present Mo  
killed by the Sacs and Foxes. Cooper and Cal



counties were afterward named, were the most prominent men who were killed in Missouri by the Indians during the war.

The news of the Hague treaty of peace reaching St. Louis soon after this time, Clark called a great council of all the Indians in Missouri Territory and on the upper Mississippi, which took place at Portage des Sioux, on the neck of land between the Mississippi and the Missouri, a compact of peace was signed, and the war in the West was formally ended.

After the close of the war of 1812-15 an inrush of immigrants into Missouri began, and old settlements were extended and new ones founded. A fever of land speculation set in, and raged many years. Timothy Flint, a New England Congregational clergyman, who was in the Territory at the time, gives a graphic picture of the craze for wild lands which prevailed. "I question if the people of Missouri," he said, "generally thought there existed higher objects of interest than Chouteau and a few other great landholders of that class. A very large tract of land was cried by the sheriff for sale while I was present, and the only limits and bounds given were that it was thirty miles north of St. Louis. A general laugh went through the crowd assembled at the court house door. But a purchaser soon appeared, who bid off the tract thirty miles north of St. Louis, undoubtedly with a view to sell it to some more greedy speculator than himself."

The same writer gives a vivid account of the inpouring of settlers during those days. "Between the second and third years," he says, "of my residence in the country, the immigration from the Western and Southern states poured in in a flood, the power and strength of which could only be adequately conceived by persons on the spot. We have numbered a hundred persons passing through the village of St. Charles in one day. The number was said to have equalled that for many days together. From the Mamelles I have looked over the subjacent plains quite to the ferry, where the immigrants crossed the upper Mississippi. I have seen in this extent nine wagons harnessed with from four to six horses. We may allow a hundred cattle, besides hogs, horses and sheep, to each wagon, and from three or four to twenty slaves. The whole appearance of the train; the cattle with their hundred bells; the negroes with delight in their countenances, for their labors are suspended and their imaginations excited; the wagons, often carrying two or three tons, so loaded that the mistress and children are strolling carelessly along, in a gait which enables them to keep up



tary for four years, and judges and justices of for four years, were appointed by the president of the senate, all being subject to removal during their term, and all were required of the Territory. The house of representatives every second year by the people of the Territory of one representative for every 500 free white of the Territory, the number of members, though twenty-five. All free white male citizens of the above the age of twenty-one, resident in the Territory for six months, who paid a territorial or county tax, were eligible to vote for members of this body. The council consisted of nine persons, to be selected by the president, with the consent, from a list of eighteen persons named by the president of representatives, resident in the Territory, each owning 40 acres of land, to continue in office five years, and to be removed by the president. A delegate was to be elected by the Territory's voters to the national house of representatives at Washington, to have the privilege of talking and proposing measures, but not of voting.

Missouri Territory's first delegate to congress was John W. Hempstead of St. Louis, who was elected in 1812. He was succeeded by Rufus Easton, of St. Louis, in 1815, and then followed by John Scott of Ste. Genevieve in 1817. He remained in office until Missouri became a state in 1821. Scott went to congress for three terms under the state government, serving from 1821 to 1827.

While agriculture was the largest of Missouri's interests, lead mining was the earliest of all its industries. La Motte, in the present Madison county, was the first. La Motte and Renault in 1720, in the early days of French occupation. Later on, especially after the transference in 1762 to Spain, lead discoveries were made in Missouri—in the present counties of Ste. Genevieve, Lincoln, Washington and Jefferson—south and southwesterly.

<http://stores.ebay.com/Ancestry-Found>

By the beginning of the territorial days the lead mines were being worked with considerable success, adding to the region's resources and population. The iron, coal and zinc industries were later developments. In St. Louis, Ste. Genevieve, St. Charles and other towns mercantile houses were being opened; the fur trade, which was the most important of St. Louis' interests for many years, was being extended, and banks were being established.

St. Louis got two banks, which were the pioneers for that part of the Territory, in 1816. These were the Bank of Missouri, opened for business on September 30, and the Bank of St. Louis, which began operations on December 12. With one or other of these institutions most of the prominent business men of St. Louis and vicinity—Col. Auguste Chouteau, one of the founders of St. Louis; Lilburn W. Boggs, afterward governor of the state; Louis Bompert, Thomas F. Riddick, Thomas H. Benton, afterward senator and representative in congress; Thomas Hempstead, Charles Gratiot, John P. Cabanne, Matthew Kerr, John B. C. Lucas, Bernard Pratte, Moses Austin, the promoter of the American colonization of Texas; Bartholomew Berthold, Joshua Pilcher, Frederick Dent and others—were identified.

On July 12, 1808, four years before Missouri Territory was created, Joseph Charless started at St. Louis the *Missouri Gazette*, which, after passing through several changes of name, is the present *St. Louis Republic*. This was the first newspaper published west of the Mississippi, but not the first in the Louisiana Province. New Orleans had one fourteen years before that time. In 1819 Nathaniel Patton established in the town of Franklin the *Missouri Intelligencer*, the first newspaper which appeared west of St. Louis.

The newspaper and the steamboat, which appeared about the same time, brought in the new era in the West. In 1811, four years after the launching of Fulton's Clermont on the Hudson, Fulton, Livingston and Nicholas J. Roosevelt, President Roosevelt's granduncle, completed the New Orleans at Pittsburg, and it went down the Ohio and Mississippi to the town after which it was named, and established a route between that place and Natchez. On August 2, 1817, the General Pike, the first steamboat which went up the Mississippi past the mouth of the Ohio, tied up at the foot of Market street, in St. Louis. On October 2, of the same year, a larger steamboat, the Constitution, arrived at St. Louis, the arrival of each attracting to the river the greater part of the residents of the town and of the





By this time the movement for statehood was well on its way in Missouri. The Arkansas district, comprising the present state of Arkansas and a large part of Indian Territory and Oklahoma, was cut off from Missouri in 1816 and made into a separate territory. Missouri Territory had advanced to the third or highest grade in 1816, its people enjoying the privilege of electing the council, or upper branch of the legislature. They wanted complete self rule, however, and a memorial of the Missouri legislature asking for the right to form a state government was offered in the house of representatives at Washington by John Scott, the Territory's representative. The conflict which this request precipitated, and which was the longest and most exciting that ever took place in the history of the Territory, will be given in detail in the next chapter.



## CHAPTER II

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### Missouri's Fight for Statehood

TO the bill to allow Missouri to frame a state constitution, which was reported to the house on February 13, 1819, James Tallmadge, a New York Democrat, offered the following amendment, copying the phraseology of the sixth article of the ordinance of 1787: "And, provided, that the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes whereof the party shall have been duly convicted; and that all children born within the said state after the admission thereof into the Union shall be free at the age of twenty-five years."

This precipitated a contest in congress which lasted two years, convulsed the country, incited threats of secession from both north and south, but principally from the south, divided congress and the country on sectional lines, and called out this exclamation from Jefferson, in a letter to John Holmes, one of the senators of the then newly created state of Maine, written April 22, 1820: "This momentous question, like a firebell in the night, awakened and filled me with terror. I considered it at once as a knell of the Union." Then, in words which future events proved to be prophetic, he added: "It is hushed, indeed, for the moment, but this is a reprieve only, not a final sentence. A geographical line coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every new irritation will make it deeper and deeper."

Slavery was the issue which incited the contest on Missouri's admission. The institution had existed in the province of Louisiana from the early days of the French occupation. It had



been recognized by the laws of France and Spain, its successive owners. Slavery had been in Missouri from the opening of the lead mines in the Meramec region, a century before statehood was asked. In effect it was guaranteed by the Bonaparte-Jefferson treaty of Louisiana cession of 1803, and had not been disturbed by any of the acts of congress organizing any parts of the province—Orleans, Missouri or Arkansas—into territories. A majority of Missouri's inhabitants were from the slave states. Though probably less than a fourth of them owned or held slaves in 1819, most of them, including some who were enemies of the institution of slavery then or afterward, took the ground that the prohibition of slavery in Missouri by congress would be an arbitrary exercise of federal power, which would impose limitations on it that were not placed on the other communities, and thus deprive it of that equality with the rest of the states which was guaranteed to all of them on their entrance into the family of commonwealths.

The desire to preserve the balance between the slave and the free sections of the country put the South on Missouri's side on this issue. At the time the constitution went into operation in 1789 the Union consisted of seven free and six slave states, giving the original thirteen states the classification accorded to them subsequently. Delaware, Maryland and all the states south of these were classed as slave states. Those to the north of the two named, although nearly all of them had some slaves for years after the adoption of the constitution, were designated as free states. In 1790, when the first national census was taken, there were 698,000 slaves in the United States, of which 40,000 were in the seven northern states and the remainder in the six southern states, Virginia having 293,000. All the northern states, except Massachusetts, had some slaves at the time. Slavery soon disappeared in the North, but it increased in the South, and there were 3,954,000 slaves in the south in 1860, five years before the institution's final extinction by the thirteenth amendment.

From the beginning the North drew ahead of the South in population (chiefly on account of the existence of slavery in the South), and consequently in its number of votes in the house of representatives. To offset this preponderance by the North, the South early in the nineteenth century began to insist that the states should be admitted in pairs, a slave state being linked to a free state. When Louisiana was admitted in 1812 there were eighteen states in the Union, nine free and nine slave. Five—the free states of Vermont and Ohio and the slave states of Ken-



tucky, Tennessee and Louisiana—had been added to the original thirteen by 1812. Indiana was admitted in 1816, Mississippi in 1817, Illinois in 1818 and Alabama in 1819, Indiana and Illinois belonging to the free column and the other two to the slave. There were thus twenty-two states before the contest on Missouri's admission began. The division between the sections was still even. True, Alabama had not been actually let in when the strife on the Missouri question started, but her early entrance was seen to be inevitable. Alabama's enabling act was passed March 2, 1819, and her admission took place on December 14 of that year.

This was the situation when the Missouri admission bill started the contest between the North and South in congress. In substance, the argument of the slavery exclusionists was that the constitution, in empowering congress to admit new states to the Union, permitted congress to refuse to admit; that this power to exercise its option in admitting or in refusing to admit states included the power to admit them on such conditions as it should prescribe—a power which it exercised when it required Ohio, Indiana and Illinois, as a condition of their admission to statehood, to prohibit slavery, as provided by the ordinance of 1787 shutting it out from the region which included those and other states—and that slavery was inconsistent with the republican government which the constitution obliged congress to guarantee to every state.

The opponents of slavery exclusion argued, in effect, that the restriction prescribed by congress in the case of the three states named was unconstitutional; that congress had no power to impose conditions on new states which were not required from the original thirteen, unless the authority to do this was plainly set forth in the constitution; that the original states, before and after the adoption of the constitution, exercised the power to admit or exclude slavery; that the constitution had not taken this power from them, and that the imposition of distinctions by congress between the terms on which the new states should enter the Union and those on which the old states came in destroyed the equality of the states in powers and privileges.

In general, the division in congress on the Tallmadge slavery exclusion proviso was on sectional lines, most of the members from the North voting in favor of the prohibition, and most of those from the South voting against it. Hamilton's, Adams' and Jay's Federalist party was dead at that time, and only one great political organization was in the country—Jefferson's Republican party,





which was sometimes called Democratic then, which adopted the latter name permanently in Jackson's days, and which has retained it ever since. The best speeches which were made in congress on the slavery prohibition side were by Tallmadge himself and by John Taylor, also a New Yorker, in the house, and by Rufus King, from the same state, in the senate. The strongest speeches made against the restriction were by John Scott, Missouri's delegate, Philip Barbour of Virginia, Louis McLane of Delaware, Henry Clay of Kentucky, and John Holmes of Massachusetts (who belonged to the section of Massachusetts which became the state of Maine in the admission act passed just before Missouri's), all in the house, and by William Pinckney of Maryland in the senate.

Tallmadge's anti-slavery amendment to the Missouri admission bill, proposed on February 13, 1819, was accepted by the house, in which chamber the North was predominant by reason of greater population. The bill, with the amendment, passed that body on February 17, by a vote of 87 to 76. In the senate, in which the vote of the sections was nearly even through the balance between the states, the Tallmadge proviso was stricken out, and the bill passed without it on March 2. In the disagreement between the two branches, Missouri was still a territory when the Fifteenth congress expired on March 3.

When the Sixteenth congress met on December 6, 1819, the Missouri admission question came up early. Maine at this time, separating from Massachusetts, asked to be let in as a state, and the house passed a bill to this effect on January 3, 1820. On February 18, the Maine admission bill passed the senate by a vote of 28 to 20. With it, however, the senate had linked a bill admitting Missouri without the slavery restriction, but with an amendment, proposed by Jesse B. Thomas, an Illinois Democrat, excluding slavery from all the Louisiana province north of latitude 36 degrees and 30 minutes (Missouri's southerly boundary line), except Missouri. The house rejected the Missouri admission rider and the Thomas amendment, and sent the Maine admission bill back to the senate. Each branch sticking to its position, the matter was referred to a conference committee of the members of both houses, which reported that the bills be separated, that both be admitted, Missouri to come in without the Tallmadge restriction but with the Thomas amendment. Both branches accepted the report, and the bills went to President Monroe, who signed the Maine bill on March 3, 1820, and the Missouri bill on March 6. The Thomas proviso—that slavery be



excluded from all the region purchased from France in 1803 north of latitude 36 degrees and 30 minutes, save Missouri—was the Missouri compromise proper.

Another compromise had to be adopted, however, before Missouri came in. Missouri's state constitution which was framed a few months after congress passed the enabling act of March 20, 1820, contained a provision making it the duty of the legislature to pass laws preventing free negroes or mulattoes from coming into the state. This provision caused an exciting contest in both branches of congress, and a deadlock ensued which threatened to defeat the bill and leave Missouri in the territorial stage for an indefinite time.

Henry Clay then came forward with the first of his great adjustments to maintain peace between the sections. Clay, who had previously served several terms as speaker, which post he had resigned a few months previously, and who was by far the most influential member of the house, proposed, on January 29, 1821, a special committee of thirteen, of which he was made chairman by the speaker, John W. Taylor of New York. The committee reported a resolution to admit Missouri on the fundamental condition that it should never pass any law preventing any persons' settling in the state who were citizens of any state—that is, that the discrimination in Missouri's constitution against free negroes in Missouri should never be put into operation—but the resolution was rejected on February 13. But Clay was not discouraged at this reverse. On February 23, on his motion again, a committee of twenty-three members was appointed in the house, to which the senate added seven members, and this body made a report substantially similar to that of the first committee. As the country by this time was tired of the struggle, and alarmed at the possible consequences of failure, the house accepted the report on February 26, and the senate did it two days later. Missouri, through its legislature, accepted congress' fundamental condition, and, on Monroe's proclamation, it entered the Union as a state on August 10, 1821. This second compromise was Clay's part in the Missouri admission adjustment.

In view of the South's subsequent position on the slavery question in the territories, and the consequences to which it led, it will be of interest here to mention two queries which President Monroe put to his cabinet just before he placed his signature on the Missouri bill on March 6, 1820. Those were: (1) Has congress the constitutional power to exclude slavery from a territory? (2) Does the word "forever" in the Thomas amendment shutting



out slavery from all the Louisiana region north of 36 degrees and 30 minutes of latitude, except Missouri, prohibit slavery in the states which may be found out of that locality, or does it apply to the territorial condition only?

To the first of these queries all the members of the cabinet, including Calhoun, the secretary of war, answered in the affirmative. On the second query the secretary of state, John Quincy Adams, declared that the "forever" applied to states as well as territories, and the same view was advanced in 1854 in the house of representatives by Thomas H. Benton, in the contest which led to the repeal of the Missouri compromise. Calhoun, Crawford, the secretary of the treasury; and Wirt, the attorney general, thought it applied to the territorial status of the locality only, but when, on Calhoun's suggestion, the query was altered to, Is the eighth section of the Missouri bill (the part which contained the whole compromise provision) constitutional? all the cabinet took the affirmative side.

Calhoun changed his ground on these points in after years. From 1847 until his death in 1850 he contended that neither congress nor the legislature of a territory had the constitutional power to shut out slavery from a territory, and that this power could only be exercised by the people when framing their state constitution, or afterward when they became a state. Chief Justice Taney, in the Dred Scott case in 1857, sanctioned this later Calhoun view, so far as an obiter dictum can give sanction to anything. Douglas and his allies, stopping short of the extreme position taken by Calhoun in 1847 and afterward, contended that congress had no right to interfere with slavery in a territory, but insisted that the people of a territory, through their legislature, possessed this authority, and this was the ground taken in the Kansas-Nebraska act of 1854 which repealed the Missouri compromise of 1820.

Missouri was the eleventh state admitted since the foundation of the government, and brought the entire number of states up to twenty-four. It was the first state entirely west of the Mississippi. No other state was let in until fifteen years after Missouri's entrance, and the state then created, Arkansas, had formed part of Missouri territory until a short time before Missouri was advanced to the statehood dignity.

Among the Missouri adjustment's consequences were these: It convinced the South that the salvation of slavery demanded a strict construction of the constitution, and that locality at once abandoned the broad construction of that charter which it adopted



during the war period of 1812-15; and afterward most of it opposed protective tariffs, the United States Bank, internal improvements at the national expense, and the other assertions of power which would strengthen the federal government at the expense of the states. It made the new northwest free territory, just as the old northwest had been made free by the ordinance of 1787, put off for a generation the inevitable conflict between freedom and slavery, and thus allowed the North and the West to gain the strength which gave freedom the victory when the conflict came.

## IV—3





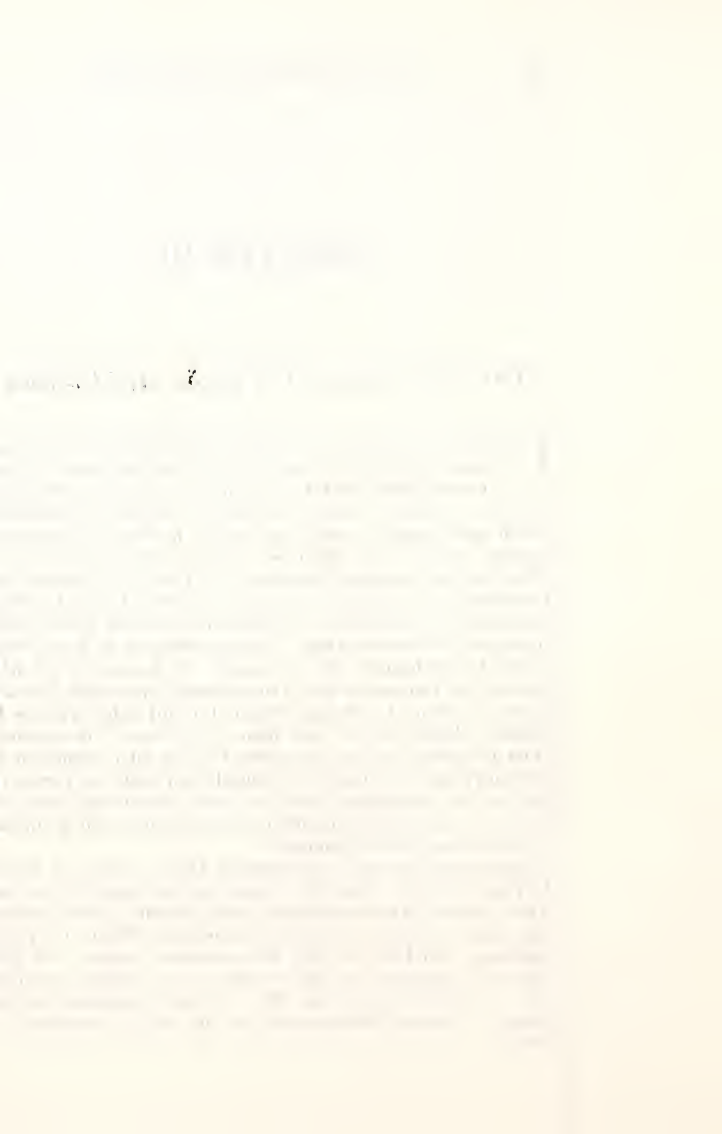
## CHAPTER III

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### The New State, Its People and Politics

UNDER the authority of congress's enabling act of March 20, 1820, delegates were elected in May of that year to a convention which met in June in St. Louis, the territory's capital, to frame a state constitution. Missouri's population, which was 20,845 in 1810, was 66,557 in 1820, 10,569 being negroes, nearly all of whom were slaves. Its five counties of 1810 had been expanded to fifteen—St. Louis, St. Charles, Ste. Genevieve, Cape Girardieu, Cooper, Franklin, Howard, Jefferson, Lincoln, Montgomery, Madison, New Madrid, Pike, Washington and Wayne—in 1820. The population of St. Louis, Missouri's largest town, in 1820 was 4,598. St. Louis county's delegates to the convention were David Barton, Alexander McNair, Pierre Chouteau, Jr., Bernard Pratte, Edward Bates, Thomas F. Riddick, William Rector and John C. Sullivan. The members from the other counties who were then or later prominent in Missouri's business or politics included John Scott, the territory's delegate in Washington, who was sent there by the state for three terms afterward; Alexander Buckner, Duff Green, Benjamin H. Reeves and Daniel Hammond.

The convention met in the Mansion House, one of St. Louis' best known hotels of that day, situated on the corner of Vine and Third streets, forty-one delegates being present. David Barton was made president of the convention and William G. Pettis secretary. On June 12, 1820, the convention opened. On July 19, the constitution was signed and the convention adjourned. The constitution went into effect without submission to the people. It lasted till superseded by the Drake constitution of 1865.



An election for state officers, a legislature, a representative in congress and other officials was held on August 28. Alexander McNair was elected governor by 6,575 votes, as compared with 2,556 for Gen. William Clark, who had been the territorial governor from 1813 until the state's admission in 1821. William H. Ashley was chosen lieutenant governor, and John Scott was elected to congress without opposition.

Alexander McNair was born in Pennsylvania in 1774, removed to St. Louis in 1804, held several minor political posts during the territorial days, was a merchant in that town at the time of his election as the first governor of the state of Missouri, served as such until the end of his term in 1824, and died in St. Louis in 1826.

William H. Ashley, who was born in Virginia in 1778 and came to St. Louis in 1802, was head of the Rocky Mountain Fur Company, organized in 1822, was elected to congress, serving from 1831 to 1837, and died in 1838.

John Scott served ten years as Missouri's representative in the lower branch of congress, four years during the territorial stage and six years in the state, retiring in 1827. He was born in Virginia in 1782, graduated from Princeton college, removed to Ste. Genevieve in 1806, and died there in 1861.

Gen. William Clark, a younger brother of George Rogers Clark, was born in Virginia in 1770, was a minor officer in the army for a few years, resigning in 1796, after which he removed to St. Louis, which was his home from that time onward; was Lewis' partner in the exploration of 1804-06, and afterward successively an Indian agent, a brigadier general in command of upper Louisiana, governor of Missouri Territory for eight years ending in 1821, and superintendent of Indian Affairs until his death in St. Louis in 1838.

The general assembly, or legislature, consisting of fourteen senators and forty-three representatives, met in the Missouri Hotel in St. Louis, on the corner of Main and Morgan streets, on September 19, 1820, and chose James Caldwell, of Ste. Genevieve, speaker of the lower chamber, Lieut. Gov. Ashley presiding over the upper body. Governor McNair appointed and the senate confirmed Joshua Barton as secretary of state, Edward Bates as attorney general, Peter L. Didier as state treasurer; and William Christie as auditor of public accounts.

The most prominent of all of these was Edward Bates, who was born in Virginia in 1793, removed to St. Louis in 1804, studied law with Rufus Easton, one of Missouri Territory's repre-



sentatives in congress, and was a member of the convention of 1820 which framed the state constitution. After a brief service as state attorney general he was in the legislature several times, was a member of congress in 1827-29, was attorney general under Lincoln in 1861-64, and died in St. Louis in 1869.

Among the work of the legislature at its first session was the organization of the counties of Boone, Callaway, Chariton, Cole, Gasconade, Lafayette, Perry, Ralls, Ray and Sabine; the choice of a site for the state capital, which the constitution stipulated should be on the Missouri within forty miles of the mouth of the Osage; and which was established at St. Charles until 1826, and then removed to its present location, which was named Jefferson City in honor of the author of the Louisiana purchase; and the election of two United States senators. The last named turned out to be by far the most difficult and exciting of its tasks.

David Barton, a Kentuckian by birth, long a resident of Missouri, prominent and popular, who had presided over the convention which framed the state constitution, and who was about 35 years of age at the time, was chosen unanimously as one of the senators. Barton remained in the senate until 1831, before which time the state had turned against him on account of his entrance into Adams' and Clay's National Republican party, which was one of the ingredients of the Whig party, organized in 1834. He was subsequently defeated as a candidate for congress, but was afterward elected to the legislature. In the last years of his life his mind was clouded. He died near Boonville in 1837.

The choice of the second senator led to a long and exciting contest. There were many candidates—John B. C. Lucas, who had been land commissioner and chief justice under the territorial government; John R. Jones, Henry Elliott and Thomas H. Benton. Lucas was the most prominent and popular of these. Benton, who was born in North Carolina in 1782, removed to Nashville in early manhood, where he was admitted to the bar; was an officer under Jackson in the fighting against the Indians during the war of 1812-15; and removed to St. Louis shortly afterward, where he won reputation for his legal knowledge and eloquence. But Benton, in a duel on Bloody Island, in the Mississippi off St. Louis, in 1817, had killed Charles Lucas, United States attorney, son of Judge Lucas, and had thus aroused the hostility of the judge and of a large number of persons in St. Louis.



Benton, however, had some influential friends, including Col. Auguste Chouteau, Laclède's principal subordinate in founding St. Louis in 1764, and the first and one of the best known of the great family of St. Louis Chouteaus; Bernard Pratte, George Sarpy, Sylvester Labadie and others, all of whom were among the leading citizens of the place, and on their side Barton, the other senator, was enlisted. By their aid, and by carrying a sick member—Daniel Ralls, of Pike county, who died a few days later—into the meeting room to answer to his name, Benton won the election. In the drawing for seats, Benton got the long term and Barton the short term. Benton served in the senate until 1851, thirty years; became one of the great national figures; was defeated for re-election to the senate in 1851 by the pro-slavery section of his party; was elected to the house of representatives in 1852 as an opponent of the extension of slavery into the territories; was defeated on the same sort of ticket as candidate for governor in 1856, and died in 1858.

The contest in congress, however, over the anti-free negro provision of Missouri's constitution, which is given in detail in the preceding chapter, delayed her admission until August 10, 1821. Barton and Benton did not take their seats until December of that year, more than twelve months after their election.

Missouri entered the Union with her present boundaries except in two particulars. By the "Platte purchase" of 1836 the triangle in the northwestern end of the state, comprising the present counties of Atchison, Andrew, Buchanan, Holt, Nodaway and Platte, was annexed. A dispute with Iowa as to Missouri's northern boundary, due to the vagueness of the phraseology of the act of congress of 1820, threatened to lead to war between the two communities, and the militia on each side of the line was called out, but the matter was referred to the supreme court, which decided in Iowa's favor, and an act of congress in 1848 laid out the state's present northern line on the basis of this decision.

A year after Missouri entered statehood her principal industrial and commercial center, St. Louis, was incorporated by the legislature, and on the first Monday of April, 1823, William Carr Lane was chosen the city's first mayor. Archibald Gamble, James Kennerly, Thomas McKnight, James Lacknan, Philip Rocheblave, James Lopez, William H. Savage, Robert Nash and Henry Von Phul were elected aldermen. St. Louis' population at that time was 4,800.

Especial attention is called to the persons mentioned in this





and the preceding chapters in connection with offices in the territory the state and the city of St. Louis, as well as those named in connection with the banking and other interests. They are cited particularly to show those who figured conspicuously in the founding of Missouri, and in starting it on its great career. Many not yet named, however—the Gratiots, the Cabannes, the O'Fallons, the Carrs, the Sublettes, the Biddles, the Mullanphys, the Kennetts and the Geyers, Manuel Lisa, Wilson P. Hunt, John F. Darby, David Musick, Francis Cottard, Bernard Berthold, Andrew Henry, James Bridger, Thomas Fitzpatrick, Joshua Pilcher, Jedediah S. Smith, and Robert Campbell—were active in the development of Missouri in its early days. Some of those last mentioned were prominently connected with the fur trade, which was the largest single interest in St. Louis and Missouri during the territorial days and in the state's early years, which represented a business of over two hundred thousand dollars a year even in the first two decades of the nineteenth century..

An earlier resident of the state than any named thus far except the first of the Chouteaus, and one or two others, and a more distinguished personage than any other Missourian except Benton, is still to be mentioned. This is Daniel Boone, who moved from Kentucky in 1795 into Missouri, then Spanish territory, became a loyal subject of Charles IV. and Ferdinand VII., settled in the Femme Osage region, about forty-five miles west of St. Louis, in the St. Charles district, was a military and civil officer under the Spanish regime, and gladly renewed his allegiance to the United States on the transfer of Louisiana to this country in 1803-04. The old pioneer died in 1820 at the residence of his son, Major Nathan Boone, on the Femme Osage creek, in St. Charles county, but his body was disinterred and taken to Frankfort, Ky., in 1845. Boone's Lick, a locality in the central part of the eastern section of the state in the early days, Boonville and other Missouri names commemorate the old frontiersman and some of his descendants are among the prominent Missourians of today.

St. Louis' first city directory, published in 1821, shows that the place was well provided with the resources and accompaniments of a high order of civilization on the eve of its advancement in municipal dignity. According to that authority, St. Louis in 1821, "besides the elegant Roman Catholic cathedral, contains ten common schools; a brick Baptist church . . . built in 1818; an Episcopal church of wood; the Methodist congregation hold their meetings in the old Court House, and the



Presbyterians in the Circuit Court room." It cites these as among the business interests of the town: "Forty-six mercantile houses which carry on an extensive trade with the most distant parts of the republic in merchandise, produce, furs and peltry; . . . three weekly newspapers, viz., *St. Louis Inquirer*, *Missouri Gazette* (progenitor of the present *St. Louis Republic*), and *St. Louis Register*; and as many printing offices; one book store; two binderies; three large inns, together with a number of smaller taverns and boarding houses; six livery stables; fifty-seven grocers and bottlers; twenty-seven attorneys; thirteen physicians; three druggists," with a brewery, a nail factory, a tannery, three soap and candle factories, two brick-yards, and other sorts of business establishments. The directory also said that the town, in its northern part, contained 154 brick and stone dwelling houses and 196 of wood, and in the southern part there were 78 of brick and stone and 223 of wood, or 651 in all.

The year 1822, which saw the granting of a charter as a city to St. Louis, witnessed the establishment there of the Western Department of Astor's American Fur Company and the organization, in the same town, of the Rocky Mountain Fur Company, under the direction of William H. Ashley and Andrew Henry. The old Missouri Fur Company, established by Manuel Lisa, Andrew Henry, Pierre Chouteau, Sr., Auguste Chouteau, Jr., Gen. William Clark, Sylvester Labadie, Pierre Menard, William Morrison and Andrew Henry, in 1809, with a capital of forty thousand dollars, had passed through several reorganizations before 1822, but it was still actively at work under the direction of Joshua Pileher, Manuel Lisa having died in 1820.

But Ashley's Rocky Mountain Fur Company had a larger capital than Lisa's concern, did more business, and had under its direction a greater number of men than or subsequently conspicuous in the fur trade and other activities—James Bridger, William L. Sublette, his brother Milton G. Sublette, Robert Campbell, Thomas Fitzpatrick, Jedediah S. Smith, David E. Jackson, Samuel Tulloch, James P. Beckworth, Etienne Provost and many others—than were ever connected with any other organization in this field.

Astor's American Fur Company, which was chartered in New York in 1808, and which went into operation in 1810, had a longer life than either the Missouri or the Rocky Mountain companies, had a greater amount of capital than either, and, with its successors, it monopolized most of the fur trade of the West



from 1830 onward for a score of years, although Astor himself retired from it in 1834, after half a century of labor as a fur trader. The establishment of the Western Department of Astor's company in St. Louis in 1822 put that town far ahead of all rivals in that field, and it was the radiating center of the fur trading influence in the United States until 1864, when the Northwest Fur Company, headed by J. B. Hubbell, of St. Paul, absorbed most of this trade for this country, and shifted the headquarters to that place.

If the residents of the St. Louis of 1822 could have taken a glance forward a few decades, they would have been surprised and gladdened at the favors which fortune was to lavish on their city. They would have seen that, notwithstanding the cholera of 1832, the panic of 1837 throughout the country, the Mississippi flood of 1844, the cholera visitation of 1848, the great fire of 1850 and the war of secession, part of which took place in that city, St. Louis' population grew from 6,000 in 1830 to 185,000 in 1860, 311,000 in 1870, and 575,238 in 1900, when it was the fourth in rank of the country's cities. This great expansion has been due chiefly to the city's location close to the country's geographical center, and to the sagacity, energy and general intelligence of its citizens.

The state of which St. Louis was the principal business and social center was destined to double in population during several successive decades, increasing from 66,000 in 1820 to 3,106,665 in 1900, advancing from the twenty-second place among twenty-two states in 1821 to the fifth place among forty-five states in recent years.

In politics Missouri has been Democratic, with an occasional short intermission, from the beginning. When it entered the Union in 1821, during Monroe's "era of good feeling," there was technically only one party in the country, Washington's, Hamilton's and Jay's Federalist party having passed off the stage a few years previously. This was Jefferson's Republican party, which, broadened and nationalized, largely through the influence of the West, gradually assumed the Democratic name, which definitely adopted that designation during Jackson's days in the presidency, and which has retained it ever since. In 1824, when there were four presidential candidates, all calling themselves Republicans, Missouri gave its electoral vote to Clay, who became one of the leaders of the National Republican party founded shortly afterward, and who became the master spirit of the Whig party, which was formed in 1834 from a coalition of the National



Republicans, the Anti-Masons and elements which Jackson's strenuous rule sent out of the Democracy.

After 1824 Missouri's electoral vote was always given to the Democratic party except in 1864, when it went to Lincoln, and 1868, when Grant received it. Many Whigs were sent to the popular branch of congress from Missouri. In the feud of 1851 between the Benton and the anti-Benton factions of the Democratic party, the Whigs elected Henry S. Geyer to the senate, and he was the only avowed Whig who was ever chosen from Missouri to that chamber, although others chosen as Democrats became Whigs afterward. The Whigs had many votes in the legislature at one time and another, and were becoming an element of considerable consequence in the state just before the repeal of the Missouri compromise in 1854 killed the Whig party all over the country and created the Republican party of today as the opponent of the Democracy.

The Republicans and War Democrats controlled Missouri during most of the civil war period. In both branches of congress the Missouri Republicans were strong during the war and early reconstruction days. Thomas C. Fletcher, elected governor in 1864, and Joseph W. McClurg, chosen in 1868, were Republicans. All the rest of Missouri's elected governors were Democrats except Benjamin Gratz Brown, Liberal Republican, who was supported by the Democrats, elected in 1870, defeating McClurg. With the election of Silas Woodson, chosen in 1872, the Democrats regained control of the state, and they have held it ever since, except that in the Republican national tidal wave year of 1894 the Republicans carried the state for minor state officers, elected one branch of the legislature, and chose ten of the state's fifteen members of the popular branch of congress.





## CHAPTER IV

## Starting the State's Political Machinery

AUGUST, 1821, which ended Missouri's three years' struggle for admission, saw the state's political machinery soon running smoothly. Before the state's representatives had a chance to take their seats in congress in December of that year, the country had forgotten the excitement of the contest, and all its disturbing influences had passed away.

The year 1824, which brought the presidential contest for a successor to Monroe, also brought to Missouri the necessity for the election of a new governor, McNair's term ending in that year. The choice was between Frederick Bates of St. Louis (a native of Virginia and brother of Edward Bates, Lincoln's Attorney General of the after time), one of the most prominent Missourians of the day, who had held several offices in the territory, state and city, and William H. Ashley, whose exploits by this time as head of the Rocky Mountain Fur Company had given him a reputation all over the country. Bates was elected, but he died on August 1, 1825, before he had been in office a year. John Scott was re-elected to congress. In the latter part of 1824 the legislature re-elected David Barton to the senate for the term beginning March 4, 1825.

In the presidential contest of 1824 four persons—Andrew Jackson, John Quincy Adams, William H. Crawford and Henry Clay—all calling themselves Republicans, or Democrats, received electoral votes, Jackson getting 99, Adams 84, Crawford 41, and Clay 37. Missouri's three electoral votes were cast for Clay. In the absence of a majority for any of the candidates, the contest went to the house of representatives in February, 1825 which had to choose from the three highest, thus excluding Clay



from the list. Clay threw his support in the house to Adams and elected him.

Missouri's representative in the house, Scott, voted for Adams and thus aroused the wrath of Benton, who contended that as Jackson had more of the popular and electoral vote than any of the other aspirants, he was entitled to the office. "For nine years we have been closely connected in our political course," wrote Benton to Scott the day before the voting in the house took place, but after Benton had learned Scott's choice. "At length the connection is dissolved, and dissolved under circumstances which denounce our eternal separation." "Tomorrow," he added, "is the day for your self-immolation. If you have an enemy, he may go and feed his eyes upon the scene; your former friend will shun the afflicting spectacle." Senator Barton favored Scott's course, and thus brought his own political overthrow at the end of the term in 1831, for which he had just been elected.

Scott's vote for Adams ended his political career, despite his ability, high character, and the value of the service which he had rendered to Missouri as a Territory and State. In the election of 1826 Scott was beaten for congress by Edward Bates, who was also an Adams man in the partisan divergencies of the time, as distinguished from a Jackson man, Jackson having already been placed in the field by his friends for the election of 1828, to succeed Adams. Scott retired to his home in Ste. Genevieve at the end of his service in 1827, gained a wide reputation as a lawyer during the next third of a century, and died at the beginning of the civil war.

Lafayette's visit to St. Louis was the chief event in that city's and Missouri's social annals for 1825. In obedience to a resolution adopted unanimously by congress in 1824, President Monroe invited this gallant friend and ally of the Americans during the war of independence to pay a visit to the United States, and he arrived in an American vessel at New York on August 15 of that year. He was received with distinguished consideration by congress, visited each of the twenty-four states and most of the important cities in the next twelve months; was received everywhere with manifestations of delight; was voted by congress two hundred thousand dollars in money, as a return for his great expenditure in the American cause in the Revolution, and a grant of a township of 24,000 acres of the public lands; celebrated his sixty-eighth birthday anniversary in the White House on September 6, 1825, as the guest of President Adams, and sailed on the following day on the new American



frigate *Brandywine* down the Potomac and off to France, arriving at Havre on October 5.

From New Orleans, at which he arrived in April, 1825, Lafayette went up the Mississippi by steamboat, stopping at Carondelet, which was a separate town from St. Louis until 1871, on April 28, and reached St. Louis on the 29th. More than half of that city's 5,000 people, still largely of Lafayette's nationality, greeted him as he landed from the boat, accompanied by his son, George Washington Lafayette. A carriage awaited him, into which he entered, attended by Mayor William Carr Lane, Col. Auguste Chouteau, the father of St. Louis; and Stephen Hempstead, an officer of the Revolution, and father of Edward Hempstead, one of Missouri Territory's delegates in congress. Escorted by a company of cavalry and infantry, the distinguished visitor rode to the residence of Pierre Chouteau, Sr., at the corner of Locust and Main streets, the finest dwelling house in the city, where he had a brilliant reception. The most notable feature of the festivities during his stay in St. Louis was the banquet and ball at the Mansion House, the city's largest hotel, which was attended by the leading residents of the city and by many of those of the rest of the state.

The death of Gov. Frederick Bates on August 1, 1825, made Abraham J. Williams, the president of the senate, ex-officio governor. He called a special election, to be held shortly afterward, at which Gen. John Miller, received 2,380 votes, William C. Carr 1,470, and Judge David Todd 1,113. General Miller being elected, served as governor through the remainder of the term, which ended in 1828, and then was re-elected for the ensuing four years, thus serving longer, seven years, than any other governor in Missouri's history.

General Miller was born in Virginia in 1781, received only a rudimentary education, removed to Steubenville, O., in early manhood, edited a newspaper there, was made a general in the state militia, was a colonel in the army during the war with England in 1812-15, rendered gallant service, much of the time under the command of Gen. William Henry Harrison, was on duty in the army in Missouri Territory subsequently, left the army in 1817, and held the post of register of lands for a few years just previous to his election as governor in 1825. Four years after leaving the governorship, or in 1835, he was elected to congress as a Democrat, served until 1843, and died near Florissant in 1846.

Before Governor Miller was in office a year, or on November



20, 1826, the legislature met for the first time in Missouri's permanent capital, Jefferson City. Previous to this time the seat of government had successively been in St. Louis and St. Charles; but, in the pushing of settlers into the interior of the state, even the latter place quickly ceased to be sufficiently central, and the site of the present Jefferson City was selected. The town was surveyed and laid out in lots in 1822, and the state house, which was on the spot now occupied by the governor's residence, was begun in 1823 and finished in 1826, at a cost of twenty-five thousand dollars. The state house was burned down in 1837; the new one, on its present site, was started in 1838, was completed in 1841, enlarged in 1887, has cost about six hundred thousand dollars in the aggregate, and has few superiors in architectural beauty among the state capitals of the country. Jefferson City, which consisted largely of log houses when the legislature first met there in 1826, today has all the modern ideas in the way of buildings and methods of transportation, and had 10,000 inhabitants at the time the census of 1900 was taken.

One of the most important of the legislature's acts during its first session, in 1826, in the state's new seat of government, was the re-election of Benton to the senate, in which body, through successive extensions of tenure, he remained until 1851.

The year 1828, in which a president, state officers, and a representative in congress were to be chosen, saw the most exciting canvass which Missouri had known along to that time. Though the popular designations in national politics were still "Adams men" and "Jackson men," a definite division into parties was beginning to take shape. The strong central government section of Jefferson's Republican party—the section which would have been Federalist if there had been a Federalist party at that time—had rallied around Pres. John Quincy Adams and his secretary of state, Henry Clay, in 1825-28, and began calling themselves National Republicans, while the larger element of Jefferson's party, taking Jackson's side in the contest, began calling themselves Democrats early in Jackson's presidency, which was a name which had been used interchangeably with Republicans for many years before that time. The National Republicans became the nucleus of that coalition of Anti-Masons, Anti-Jackson Democrats and the rest of the elements of the opposition who, in 1834, adopted the Whig name.

Jackson's adherents, in January, 1828, put up Dr. John Bull of Howard county, Col. Benjamin O'Fallon of St. Louis, and





Ralph Dougherty of Cape Girardeau, for Missouri's three presidential electors, while the supporters of President Adams in March of that year nominated Benjamin H. Reeves of Howard, Joseph G. Brown of St. Louis and John Hall of Cape Girardeau as electors. In the election in the latter part of that year, Jackson carried Missouri by a large majority, his electors receiving 8,272 votes, as compared with 3,400 for the Adams men. The Democrats carried Missouri for the presidency in every election to this day except in 1864, when the state went to Lincoln, and in 1868, when it gave its support to Grant. In the country at large in 1828 Jackson's electoral vote was 178, against 83 for Adams.

In the election for governor in 1828, Adams' party's candidate left the field before the close of the canvass, and Governor Miller, the Jackson nominee, was chosen by a virtually unanimous vote. In the same year Spencer Pettis, Democrat, defeated Edward Bates, National Republican, for congress. Bates stepped down on March 4, 1829, and though he served in the legislature and held other posts afterward, he did not re-enter national office again until he went into Lincoln's cabinet in 1861.

The Democratic wave, which took on powerful impetus at this time, swept David Barton, National Republican, out of the senate, in an election held in the legislature in November, 1829, and put Alexander Buckner, Democrat, in his place. When Barton left the senate in March, 1831, his career ended. He was a candidate for the house of representatives against Pettis in 1830, and was beaten, and the man who a few years earlier was the most potent of Missourians dropped into obscurity, and died near Boonville six years after he left the senate.

In a duel shortly after the election of 1830 between Pettis and Maj. Thomas Biddle, paymaster in the army, and brother of Nicholas Biddle, head of the United States Bank, which Jackson fought, and also brother of Commodore Biddle of the navy, both were mortally wounded. This necessitated a special election, in which Gen. William H. Ashley (then a National Republican, and a Whig when the Whig party was founded in 1834), the fur trader, and a man of vast personal popularity, was chosen to succeed Pettis, and, by re-elections, served from 1831 to 1837.

Jackson was always stronger than his party in Missouri, as he was in several other Western states. He carried Missouri by a large majority in 1832. In that election the state had four



electoral votes, one being gained under the apportionment based on the census of 1830. The national enumeration of that year showed that Missouri had 140,455 inhabitants, as compared with 66,557 in 1820. The state had much more than doubled in the decade, and had advanced from the twenty-third place among the states to the twenty-first. The negro population had increased even faster than the whites, expanding from 10,569 in 1820, to 25,660 in 1830, all but 569 of whom were slaves.

In the election of 1832 Daniel Dunklin, Democrat, of Washington county, was elected governor to succeed Miller. Dunklin was born in South Carolina in 1790, emigrated to Kentucky in 1807, moved to Missouri in 1810, settling in Potosi, held one or two local offices in his county, and was a member of the convention of 1820 which framed Missouri's constitution, and was chosen lieutenant governor in 1828, in the year in which Miller was chosen governor the second time. Governor Dunklin resigned a month before the expiration of his term in 1836, to take the post of surveyor general of Illinois, Missouri and Arkansas, offered him by President Jackson, held that office for several years, and died in 1844.

Dr. John Bull, of Howard county, a former Jackson man, but now acting with the National Republicans, was elected to congress in 1832 as a colleague of Ashley, the apportionment under the census of 1830 giving Missouri an additional member of the house of representatives. He served only one term, however, and was succeeded by Albert G. Harrison, Democrat.

In the summer of 1832 St. Louis had its first visitation of Asiatic cholera. It crossed the Atlantic from Europe, ravaged New York, Philadelphia, Baltimore and other cities on the coast, invaded the South and West, and lasted five weeks in St. Louis. During part of this time the deaths averaged thirty a day, the aggregate mortality out of the city's 8,000 inhabitants being about 500. Other places in Missouri, notably St. Charles, Ste. Genevieve and Cape Girardeau, were assailed by the malady in 1832 and 1833. It returned to St. Louis in the summer of 1836, but did less damage than in 1832, and made another visit in 1840, in which season the total deaths from the scourge in St. Louis were over 4,000 out of a population of about 70,000.

Among the deaths from the cholera of 1832-33 was Sen. Alexander Buckner, who had held office only two years. Buckner was born in Indiana, removed to Missouri in 1818, was a member of the convention of 1820 which framed the state con-



stitution, served in the legislature, and was one of the best known of the state's citizens at the time he was elected to succeed Barton in the senate. Buckner was succeeded in the senate by Dr. Lewis F. Linn, also a Democrat, who was born in Kentucky in 1796, who served as a surgeon in the latter part of the war of 1812-15 against England, removed to Missouri soon afterward, settling at Ste. Genevieve, and served in the legislature for several years. During ten years, until his death in 1843, while he was a colleague of Benton, he was one of the most active and efficient representatives Missouri ever had in the United States senate.

The first dozen years of the life of Missouri as a state, which saw the community make great gains in population, wealth and the extent and variety of its industries, also saw the creation of its oldest representative of the higher learning, the St. Louis University, which dates from 1829. The University of the State of Missouri, the largest of its educational institutions, was established at Columbia in 1840, and Washington University was founded in St. Louis in 1853. Of the other prominent Missouri universities or colleges of today, William Jewell, of Liberty, was founded in 1849; Westminster, of Fulton, 1853; Central, of Fayette, 1855; La Grange, of the town of that name, 1858; Central Wesleyan, of Warrenton, 1864; Pritchett, of Glasgow, 1868; Drury, of Springfield, 1873; Park, of Parkville, 1875; Pike, of Bowling Green, 1881; and Missouri Valley, of Marshall, 1889. In ratio of colleges to inhabitants Missouri has always stood below Ohio, Illinois and one or two other states in the Mississippi valley, but she ranks fairly well with the rest of the Western states.

By the end of those dozen years Missouri's steamboating interests began to assume proportions of some importance. The General Pike, Capt. Jacob Reid, which tied up at the foot of Market street on August 2, 1817, and the much larger vessel, the Constitution, Capt. R. T. Guyard, which arrived just two months later, the first and second steamboats, respectively, which ascended the Mississippi beyond the mouth of the Ohio, blazed a path which many vessels of their class followed in the next few years.

The *Missouri Republican*, of St. Louis (successor to the *Missouri Gazette* and predecessor of the *St. Louis Republic* of today), on April 19, 1822, said at that time five steamboats were engaged in the trade between St. Louis and Fever river, in the lead mining region--the Indiana, Shamrock, Hamilton, Mus-



kingum and Mechanic. The number and tonnage of the steamboats from St. Louis kept on growing from that time till the civil war closed the lower Mississippi and made navigation on the Missouri dangerous. The Virginia, the first steamboat to reach the Mississippi's upper waters, arrived at Fort Snelling, in the present Minnesota, in May, 1823. That was twenty-six years before the organization of Minnesota as a territory and thirty-five years before its admission as a state.

On the Missouri the development of steam navigation was necessarily much slower, on account of its comparative lack of important towns, than it was on the Mississippi. The Independence, the first steamboat which entered the Missouri, left St. Louis on May 15, 1819, arrived at Franklin, on the Missouri, on May 28, and, after a few days delay, went on to old Chariton, and was back in St. Louis on June 5, from which she took freight to Louisville. The Western Engineer, with the Jefferson, Expedition and Johnson, entered the Missouri a few days after the Independence had left it, and the first named boat went up as far as old Council Bluffs, in Nebraska, a few miles beyond the present Omaha. This flotilla carried Maj. Stephen H. Long's exploring expedition. Until after 1830, however, the steamboat was a rare sight beyond the mouth of the Kaw, where the present Kansas City is built, and the earlier boats after that year were almost all engaged in the fur trade.

In 1831, Astor's American Fur Company, which had its western headquarters at St. Louis, sent its steamboat, the Yellowstone, with Pierre Chouteau, one of its officials, aboard, up to Fort Pierre (named for him), near the present city of Pierre, in South Dakota. This was the first steamboat to ascend the Missouri higher than old Council Bluffs. In 1832 the Yellowstone went from St. Louis up to Fort Union, the company's post at the mouth of the Yellowstone, on the present North Dakota's western border. On this trip the boat had among its passengers George Catlin, the painter and traveler, then making his first visit to the Indian country, in which he resided many years. The next step in the navigation of the upper Missouri was made in 1859, when the first steamboat reached Fort Benton, in the present Montana, at the head of navigation on that river.

The steamboat did not immediately drive out the flatboat (used for going with the current only), the keelboat and the barge, but these gradually diminished in number relatively to their formidable rivals, and virtually disappeared by the time, at the





opening of the civil war, steam navigation on the Mississippi and its chief tributaries had reached its highwater mark. From the advent of the steamboat, with the great reduction in cost of transportation and the increased speed, safety and comfort which it brought, dated the beginning of the real expansion of St. Louis and the rest of the important towns on the waterways of the West.



## CHAPTER V

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### Missouri as a Builder of the West

WHEN, on March 3, 1825, President Monroe placed his signature on a bill prepared by Sen. Thomas H. Benton appropriating ten thousand dollars for the survey of a road from Missouri's western frontier into New Mexico, and twenty thousand dollars to be given to the Indians on the line for permission to use the road, the country learned that Missouri was reaching out for commercial conquests beyond the nation's borders. That was during the early days of Frederick Bates' term as governor. The road indicated was that which afterward became popularly known as the Santa Fe trail. It was the highway over which commerce between St. Louis and New Mexico's capital and adjoining Mexican settlements was carried on, the trail's eastern terminus being at a point on the Missouri river—first at Franklin, then at Independence, and afterward at Westport Landing, the site of the present Kansas City.

Petitions had been sent to congress during the governorship of Bates' predecessor, McNair, from leading citizens of St. Louis and other points in the state, re-enforced by appeals from the Missouri legislature, for the survey of a road into New Mexico, for treaties with Indians on the route, and for the establishment of a military post at the point where the trail crossed the Arkansas river. Benton, always intelligently alert for the welfare of his state, and enthusiastically devoted to the cause of western expansion, quickly pushed the project to enactment. By the treaty of 1819 with Spain, the Arkansas river formed part of the boundary between the United States and Spain's dominion in the Southwest: Mexico and its colonies. That domain gained



its independence from Spain in 1822. Thus New Mexico and all the rest of the territory south and southwest of the Arkansas river formed part of the Mexican republic at the time that Benton's Santa Fe trail bill was enacted.

The opening of that highway had social and political consequences for the United States which neither its projectors nor anybody else in the United States or Mexico dreamed of at the time that Monroe put his signature to the Benton bill.

Missouri's influence had been active in inciting western expansion long before the United States government took a hand in the opening of the highway to Santa Fe. It was against the wishes of Wilson P. Hunt, a prominent St. Louis business man then and afterward, and also against the wishes of the rest of the Missourians attached to Astor's colony at the mouth of the Columbia, that the sale of Astor's post at Astoria to his old rival, Canada's Northwest Fur Company, took place in 1813. Had Hunt, who was the chief officer in the Pacific Fur Company, next to Astor himself, been present at the time, the transfer to the Canadian company never would have been made, and the capture of the post by the British war ship shortly afterward would have been prevented. Thus the British fur traders would have been shut out of contact with the Pacific at that point, the dispute with England about the possession of the Oregon country would have ended in our favor earlier, and the territory on the Pacific which we would have gained would have been much larger than was that which came to us under the Anglo-American treaty of 1846 (the present states of Oregon, Washington and Idaho and parts of the states of Montana and Wyoming).

Moses Austin, for many years a resident of Missouri, and a large stockholder in the Bank of St. Louis for two years, conceived in 1818 the plan, subsequently carried out by his son, Stephen F. Austin, also a resident of St. Louis, whereby an American colony was established in Texas, then Spanish territory, and the series of events was started which culminated in Texas' independence in 1836, her annexation to the United States in 1845, and the war of 1846-48 with Mexico on account of the Texas boundary dispute, by which the United States won the present California, Nevada, Utah, parts of Colorado and Wyoming, and the Territories of Arizona and New Mexico.

Thrust outward from the Mississippi toward the sunset as a promontory of civilization into a sea of savagery, with vast plains on three of its sides, dotted here and there with forests, and backed by a more formidable mountain chain than any which



white men had yet encountered in the United States, extending from the Rockies onward to the neighborhood of the Pacific, much of this vast expanse being peopled with as fierce and powerful tribes of Indians as were found anywhere on the continent at any time, Missouri was the gateway to the wilder and wider West. Its situation gave it a larger variety of people than those who had been on the frontier's firing line on its march from the Alleghenies to the Mississippi. Plying their trade on the Ohio, the Mississippi and the Missouri, with their base of operations at St. Louis, were gay and grinning *couteurs des bois* from Canada's lakes, with swaggering and riotous flatboat, barge, keelboat and pirogue men of American and other nationalities.

Men of the old frontier met and mingled there with a new species of borderers. Boone, of the advanced guard of pioneers and commonwealth builders who wrested Kentucky and Tennessee from the red men, was residing at Charette, on the Missouri, near St. Charles, when the trade from St. Louis to Santa Fe was first projected. Around that time Robert McLellan, Wilson P. Hunt and other Missourians were pushing their way across the continent to assist in establishing Astor's colony on the Pacific—the McLellan who had fought under Wayne at Fallen Timbers back in 1794, while the British were still contemptuously holding a line of United States posts from Michilimackinac and Detroit along the great lakes to Oswegatchie, on the St. Lawrence. Manuel Lisa, George Drouillard, Andrew Henry and their companions of the newer order were up the Yellowstone and off at the Three Forks of the Missouri, in the service of the Missouri Fur Company, trapping beaver, trading with Omahas, Arickarees and Mandans, running the gauntlet of the thieving Crows, and alternately treating with and fighting the Sioux and Blackfeet. William H. Ashley, Jedediah S. Smith, William L. Sublette, Robert Campbell, Etienne Provost and James Bridger (who died in Kansas City as recently as 1881), all of the Rocky Mountain Fur Company, from their base in St. Louis, were getting ready to open the paths to the Pacific for the gold seekers and the settlers who came after them and occupied the land. The Bents and the St. Vrain, of St. Louis, famous in the Santa Fe trade and in the annals of the West and the Southwest, were about to begin their work, and the boy Kit Carson, throwing aside his saddlers' tools and fleeing from Franklin, on the Missouri, was soon to join one of Charles Bent's Santa Fe caravans, and to begin the career, extending through





the Mexican war and the war of secession, which romancers of the past two generations have embalmed in wild western legend.

The men of the latter class, beginning with Lisa, Henry and their associates—the plainsmen and the mountaineers who, with canoes or on horseback, traversed vast distances and met and combated many varieties of Indians and many extremes of climate and topography—necessarily developed traits which were absent from the make-up of the frontiersmen of Boone's and Kenton's days, who were impeded by the dense forests of the older states between the Alleghenies and the Mississippi, and who could make little use of horses. The newer order were lighter hearted, and more alert, enterprising, audacious and resourceful.

Of course a majority of Missouri's 100,00 residents of 1825, the year in which Monroe signed Benton's Santa Fe highway survey bill, did not differ materially in character and proclivities from the dwellers at that time in Kentucky, Illinois and the other Western states. Most of them were engaged in agriculture, with a sprinkling in lead and iron mining, in a few varieties of manufactures, and in general commerce with the rest of the United States. The elements, however, which are here singled out for especial mention were, in a considerable degree, peculiar to Missouri, and formed an important and rapidly increasing ingredient of the state's inhabitants. Obviously in such a society there must have been many men ready for any sort of hazardous enterprise, and eager to take desperate chances for the sake of money, fame or adventure. Manifestly, too, there must have been in such a community in that era many men who cared little for the Indians' rights to the soil, and who, having contempt for the Spaniards and their successors the Mexicans, and coveting the rich territory—rich, reputedly, in gold and silver—from the Arkansas to Rio Grande, were ready, on slight provocation, to act on the theory that the world's lands belong to those capable of getting the most out of them.

Moreover, these elements injected a dash of adventurousness into the make-up of the more conservative ingredient of the state's population. A regiment of Missouri mounted volunteers, commanded by Col. Richard Gentry, fought under Zachary Taylor in 1837, and aided materially in bringing the Seminole war to an end. Missourians died with Bowie and Crockett at the Alamo, and, with Sam Houston, helped to win Texas independence at San Jacinto. Nearly a dozen years later their brothers were with Taylor from Palo Alto to Buena Vista, and marched and fought with Scott from Vera Cruz to Santa Anna's capi-



tal, while the dash of Doniphan's Missourians through New and Old Mexico in the same war, was one of the century's most brilliant military achievements. The warriors of Lyon, Price and other Missouri commanders on each side were among the sturdiest of the fighters of 1861-65.

It is necessary to point out those conditions and characteristics in Missouri's society at the time the trade with Mexico's outlying territory began to be opened—which conditions continued for several decades afterward—in order that the dominant part which Missouri played in the winning and building of the greater West, stretching from Texas and New Mexico onward to California and Oregon, may be grasped.

The story of the evolution of the trade between Missouri and New Mexico and of the political effects which it brought can now be readily understood. At Santa Fe and other points on or near the Rio Grande's upper waters the Spaniards had established permanent colonies long before the earliest settlers erected their log cabins in the Mississippi valley. As the distance between Santa Fe, the most important of these colonies, and the nearest seaport of any consequence in Mexican territory, Vera Cruz, was twice as far in miles and three times as far in time as from Santa Fe to St. Louis, it was obvious that Missouri could supply those colonies' wants in the way of merchandise cheaper than could be done by Mexico. There were chances, therefore, for great profits in the trade with New Mexico, the amount, of course, of the profits depending largely on the duties and other restrictions which the home authorities—Spaniards previous to the revolution of 1822 and Mexicans afterward—would impose on the commerce. The fact that St. Louis had water communication with all parts of the outside world, and that goods could be transported along the Missouri to points 250 or 300 miles west of St. Louis before beginning overland transportation, would necessarily decrease the cost of the traffic and increase the profits.

Spaniards and Frenchmen had occasionally traversed the course between Santa Fe and the Missouri river before Jefferson bought Louisiana, but the road was known only vaguely until long after that annexation. In 1804 William Morrison, of Kaskaskia, Ill., who afterward figured prominently in many Missouri enterprises, sent a French creole, Baptiste Lalande, with a small stock of merchandise, up the Platte, with instructions to push his way to Santa Fe and open trade with that region. Lalande reached there in safety, disposed of Morri-



son's goods, kept the money, and remained in the New Mexican capital. Pike, when captured by the Mexicans in 1807, while trying to reach the sources of the Red river, met Lalande in his new home. Pike also met another American there, James Purcell (Pike called him Pursley), a trapper from St. Louis, who reached Santa Fe in his new capacity as a trader in 1805, and resided there for many years. The return of Pike from New Mexico in 1807, and his report, published a few years later, revived interest, particularly in Missouri, in the trade with Spain's colony.

Morrison's ill luck in his Santa Fe experiment was repeated in other ways in the case of the Missourians Samuel Chambers, Robert Knight and James Baird in 1812, by Auguste P. Chouteau and Julius DeMunni in 1815-17, and by others from the same locality in the next few years. William Becknell in 1822, the year in which Mexico gained its independence from Spain, with a party of seventy men, carried a stock of goods to Santa Fe, made a very profitable trade there, and from this expedition dates the beginning, in a systematic way, of the commerce between Missouri and New Mexico. This was two years before Benton's survey bill was enacted.

Though the route traced out by the United States engineers under this statute was not followed throughout its entire length, the traders' own experience evolving a better one in some parts of the course, the government's practical interest in the scheme, the military posts on or near the route which it provided, and the military escorts which it occasionally furnished, were of great advantage to the trade. Benton received high praise for his work both in Missouri and the rest of the United States, and also in Santa Fe, whose people were much benefited by the cheaper and better goods which they obtained from the Americans than they had been getting along to that time from their own countrymen. The jealousy of Mexico's traders, however, incited the home authorities to increase duties and place other obstructions on American importations, but these kept on growing, nevertheless. It was at the time of the separation from Spain that the actual trade between Santa Fe and Missouri began.

In the few years following Becknell's first successful expedition, that of 1822, the men who figured prominently in the Santa Fe trade included, among others, Jacob Fowler, Hugh Glenn, several of the Chouteaus, Braxton Cooper, James O. Pattie, William L. Sublette, William Bent, Ceran St. Vrain, Jedediah S. Smith (killed on the Cimmaron river by the Comanches in 1831),



Meredith M. Marmaduke (elected lieutenant governor of Missouri in 1840, who became acting governor in 1844 through the death of Thomas Reynolds, and father of John S. Marmaduke, a noted confederate officer in 1861-65, who was chosen governor of Missouri in 1884), Charles Bent (governor of New Mexico in 1846-47, who was assassinated by Mexicans in Taos in the latter year), and Josiah Gregg (author of the "Commerce of the Prairies," published in New York in 1844, which is the principal authority on the rise and development of the Santa Fe trade), Gen. William Clark, the explorer, and superintendent of Indian affairs at St. Louis for many years, was also interested in this commerce. Almost all the persons mentioned in this connection were residents of Missouri, and most of them lived in St. Louis.

The traders carried to Santa Fe calicoes, silks, cotton goods of various sorts, shirtings, hardware and other articles, and brought back gold and silver chiefly, and some furs. Until 1824 the trade was carried on principally by pack horses or mules, by pack animals and wagons from that time till 1826, and by wagons exclusively afterward, these being drawn mostly by oxen in the latter days. This commerce ranged in value from fifteen thousand dollars in 1822, and one hundred twenty thousand dollars in 1830, to four hundred fifty thousand dollars in 1843, the latest year quoted by Gregg. After New Mexico's annexation in 1848 it went to still higher figures, and was nearly one million dollars a year just before the advent of the railroad.

Franklin, in Howard county, Mo., which was swept away by the Missouri river afterward, and which was located opposite the site of the present Boonville, was the Santa Fe trail's eastern terminus until about 1831. Then the overland starting point was shifted farther westward, to Independence. Subsequently it was located at Westport Landing, at the mouth of the Kaw river, the site of the present Kansas City, at Missouri's western border. The sharp swing to the northward which the Missouri takes at that place made it the nearest river point to New Mexico, and Westport Landing remained the fitting out station until the railroad abolished the caravans. From Kansas City southwestward to Santa Fe the distance was about 775 miles. It was the scene of many battles with Pawnees, Kiowas, Comanches, Apaches and other red raiders of the plains. Throughout the greater part of its length the Atchison, Topeka and Santa Fe Railroad follows closely the line of the old trail, and when, in 1880, the locomotive first dashed into New Mex-





ico's capital, the oldest and most famous of America's prairie thoroughfares passed into history.

Politically, this overland commerce between Missouri and the settlements along the upper Rio Grande valley acted in this way: It made the inhabitants of the most important part of New Mexico better acquainted with the United States than they were with their own country. Missouri, nearer to them in distance, and far nearer to them in time, had much greater interest for many of them than could be aroused by any of the states ruled from the City of Mexico. Social and business relations were established between the two peoples which proved more potent than the ties of language and blood. The trail from the Missouri through Kansas and down to Santa Fe and beyond, which provided a broad and well marked highway along which marched Kearney's, Doniphan's, Price's and St. George Cooke's soldiers in the summer of 1846, at the breaking out of the war with Mexico, led them to a people who had become Americanized in sentiment in a considerable degree already, and the conquest of New Mexico was speedy and permanent.

Westport Landing was also for many years the beginning of all the other great overland thoroughfares—to Oregon, to California, and to the Salt Lake basin. In the settlement of all those localities, particularly Oregon, Missouri wielded an important influence. From the beginning it took a leading part in the work by which Oregon was won. In the several decades of controversy between England and the United States in which England asserted a title to all the territory west of the Rocky mountains from Russia's province of Alaska at latitude fifty-four degrees, forty minutes, down to the line of the Columbia, and in which the United States declared its ownership of all the region from California's northerly line up to Alaska's southern boundary, Scott and other Missourians in the house and Benton and Linn in the senate were among the earliest and sturdiest of the champions of the American claims.

The bill introduced by Floyd of Virginia in the house in 1821 authorizing the president to occupy Oregon, to extinguish the Indian title in it and to provide a government for it, had Scott of Missouri as one of the three members of the special committee which pushed it through that body. The strongest speech made in its favor in the senate was delivered by Benton, but it failed to pass that chamber. This was the Oregon question's first appearance in a practical way in congress.

On several grounds there was powerful opposition in congress



to the passage of any measure looking to Oregon's acquisition. Many persons, particularly in the Eastern and Southern states, opposed it because of their belief that the territory was valueless for agriculture. Others, chiefly in the East, were against its annexation because this would have a tendency to ultimately swing the country's center of political gravity still further westward than it had already been shifted by the Louisiana acquisition. Still others, all of them in the South, were hostile to it because Oregon would strengthen the free territory at the expense of the slave region, and destroy the balance between the two great sections.

Benton, a representative of a slave state, an owner of slaves, and a leading member of a party popularly supposed to be more strongly devoted to the slave interest than were that party's successive opponents, was against all this sectional and parochial narrowness. A Westerner rather than a Southerner in sentiment, he was an American and a nationalist first of all. Everything calculated to enlarge the country's boundaries in any direction and add to the country's prestige and power always found in Benton a stalwart champion. On Benton's platform on this general issue stood Benton's colleague in the senate from 1833 to his death in 1843, Lewis F. Linn. For several years a bill was introduced by Linn in each session of congress, each differing from the others either in scope or phraseology, but all looking to the assertion of United States authority over Oregon, and at last, in 1843, just before his death, one of his measures passed the senate, but it failed in the house. Linn's reports in the senate, his bills in that chamber, his and Benton's speeches in their favor, and the general discussion which they called out in congress and through the press, had an educative influence on the country which incited the emigration to that territory which forced England to renounce her claims to Oregon, and that region was won in the Anglo-American treaty of 1846, though the Oregon which we obtained was the Oregon which was bounded by the forty-ninth parallel, and not the Oregon for which Benton and Linn and the rest of the Missourians in congress contended, extending up to latitude 54 degrees, 40 minutes, Alaska's southern line.

Oregon showed its appreciation of the work done by Missouri in her favor. One of her counties is named for Benton and another for Linn. To the population of Oregon in that territory's early and critical days Missouri made a far larger contribution than did any other single community in the United States. Even



as recently as 1900 the census enumerators found 17,000 native Missourians residing in Oregon, and 16,000 in Washington, part of the Oregon territory of the old days. In the same year there were 101,000 native Missourians in Kansas (a much larger number than from any other state), 69,000 in Illinois, 51,000 in Texas, 47,000 in Oklahoma, 45,000 in Arkansas, 35,000 in California, 34,000 in Iowa, 33,000 in the Indian Territory, 31,000 in Colorado, 26,000 in Nebraska, and many in all the rest of the states on each side of the Mississippi and between that waterway and the Pacific. Missouri from the beginning has been a potent force in the winning and the building of the greater West.



## CHAPTER VI

## The Mormon Troubles

BEFORE the end of Governor Dunklin's service in 1836 there was the beginning in Missouri of the most serious domestic troubles which the state ever saw until the civil war days thirty years later. These were the Mormon disturbances, which, however, did not reach their most serious stage until Dunklin's successor, Gov. Lilburn W. Boggs, was in office.

The year 1836 saw a very exciting canvass for governor in Missouri, but the contest for president attracted less attention than did that of 1832. The Democrats swept the state in both campaigns, electing Boggs for governor and Franklin Cannon for lieutenant governor. The Whig nominees for these two posts, respectively, were Gen. William H. Ashley, the fur trader, who represented one of Missouri's two districts in congress, and James Jones. Van Buren, the Democratic candidate for president, never aroused anything like the enthusiasm in Missouri or any other part of the West that his predecessor Jackson excited. As he was Jackson's political heir, however, he polled a large vote, 10,995 in Missouri as against the Whig nominee. In that year the Whig party, which had taken that name in 1834, and which had not yet amalgamated, did not unite on a ticket, but divided its strength among the states on four candidates—William Henry Harrison, Daniel Webster, Willie P. Mangum and Hugh L. White—hoping thus, by utilizing all the shades of opposition to Jackson and his disciple, to throw the election into the house of representatives, in which there might be a chance to make deals against Van Buren. This device failed signally, for Van Buren's electoral vote in the country at large was 170, against 124 for the four Whig aspirants in the aggregate.





Kentucky, which furnished so many of Missouri's eminent men, also contributed Lilburn W. Boggs, who was born there in 1796. After serving in the war of 1812 he emigrated to Missouri, arriving in St. Louis in 1816, and residing in several other parts of the state in the next thirty years. He was engaged in the fur trade, served in the legislature, and in 1832 was elected lieutenant governor on the ticket with Dunklin, succeeding Dunklin as governor in 1836. After his retirement from that office in 1840 he was in the state senate for a time, removed to California in 1846, and died in 1861.

Governor Boggs' administration was the most stirring which Missouri had yet seen. It sent a regiment of mounted volunteers in 1837, at the request of President Van Buren, under command of Col. Richard Gentry, to Florida to assist in conquering the Seminoles, who had been making a long and fierce fight, baffling all the soldiers who were brought against them; it witnessed the extension of the state's authority over the "Platte Purchase," the newly annexed region in the northwestern corner of the state, comprising the present counties of Andrew, Atchison, Buchanan, Holt, Nodaway and Platte; and it brought civil war in the state for a time during the Mormon troubles. The Seminole affair and the Platte purchase will be set forth in another chapter. An outline of the Mormon disturbance will be given here.

April 6, 1830, in the little town of Manchester, N. Y., Joseph Smith, his brother Hyrum and Samuel H. Smith, Oliver Cowdery, David Whitmer and his brother Peter Whitmer organized, under the laws of the state of New York, the Church of Jesus Christ of Latter Day Saints. This was the religio-political corporation which in the after time came to be popularly known as the Mormon church, which was destined to figure prominently for many years in the country's annals. The founder of the church was the Joseph Smith here named, who was born in Sharon, Vt., in 1805, and who about ten years of age, with his father, a farmer, removed to Palmyra, N. Y., and four years later to the neighboring town of Manchester. At that place, according to the story of Smith, who at an early age began to have visions, the angel Moroni came to him one night in 1823 and told him about a written revelation which would be found on gold plates near by, and in 1827 the plates were delivered to him, and with them were two transparent stones, called the Urim and Thummim, through which the plates could be deciphered. The story that the plates told, which Smith read off and Oliver Cowdery wrote, which is a rather clumsy imitation of the scripture style, and which was printed in



a paper in Palmyra in 1830, was what was called the Book of Mormon.

The Book of Mormon, however, is a history only, and not a creed. The Mormons' articles of faith are set forth in a volume called "Doctrines and Covenants," first published in 1835. In this body of doctrine, as first promulgated, polygamy was forbidden. Polygamy did not formally become a Mormon tenet until 1852, five years after the hegira from Nauvoo to Utah, when it was proclaimed by Brigham Young, the then head of the church. As, however, the authorized interpretation of the Mormon doctrine is in the head of the church, and comes to him through what he calls revelations from God, the articles of faith are subject to change. Under the theory of "spiritual wives" and the doctrine of "sealing," cohabitation, it was charged by the Mormons' enemies, was practiced by many of them several years before polygamy was formally announced as an article of faith. Of course all the Mormons' pretensions about the plates and the divine revelations to their prophets were combated by their Gentile neighbors.

In obedience to a so-called revelation from God to Joseph Smith, which said that their gathering place should be at Kirtland, O., they removed from Manchester, N. Y., to that place in 1831. This figures in the Mormon annals as the first hegira. Proselytes, however, began to come so quickly and troubles with their neighbors were so numerous and embarrassing that Smith soon began to look for a larger and freer field of operations.

Early in 1831 Oliver Cowdery, Z. Peterson, Parley P. Pratt, Peter Whitmer and Frederick G. Williams, missionaries (the Mormons' missionary system was organized in the infancy of the church and was active and powerful from the beginning), went on a prospecting and proselyting tour westward from Kirtland, travelling as far as Independence, Jackson county, Mo. The report which they made of the situation sent Smith and other magnates of the church there later in that year, and though Smith went back to Kirtland, lands were purchased in 1831 and 1832 and settlements were established in Independence, and a drift of Mormons to that locality soon set in. For several years longer, however, Kirtland remained their Zion, a temple was built there, costing \$40,000, which was completed in 1836, but crooked transactions charged against them in real estate purchases and in the management of a bank which was under their direction, culminated in the expulsion in 1838 of Smith and Sidney Rigdon, who ranked next to Smith in influence in the church in the early



years, and the flight to Missouri was complete. This was the Mormons' second hegira. Revelations to Smith before the flight told him that Jackson county, Mo., was to be the faithful Zion and New Jerusalem.

In 1831, when the Mormons made their first settlement in Missouri, Jackson county, which had a population of only two thousand eight hundred and twenty-three by the census of 1830, was on the frontier's verge. Independence, just west of which they located, the largest town in Jackson county, had only a few hundred inhabitants. In that sparsely settled country, with only a few whites and many Indians (in the present Kansas, Iowa and Nebraska, and in the Platte Purchase, the six counties in the state's northwest corner, annexed to Missouri in 1837) as near neighbors, the Mormons felt that they were safe from molestation.

But they found the Missourians even less hospitable than were the Ohioans, and personal collisions and the destruction of property on both sides soon began to take place. At length a meeting of Gentiles was called for July 20, 1833, at the court house in Independence. The call, which was signed by hundreds of names, closed with a statement of grievances, all of which was printed in the *Evening and Morning Star*, the Mormon organ at Independence, published monthly, which was Jackson county's first newspaper. These sentences from that manifesto (cited in Linn's "Story of the Mormons," pp. 170-72) show the Missourians' principal grounds of complaint:

"We, the undersigned, citizens of Jackson county, believing that an important crisis is at hand as regards our civil society, in consequence of a pretended religious sect of people that have settled, and are still settling, in our county, styling themselves Mormons, and intending, as we do, to rid our society, 'peaceably if we can, forcibly if we must;' and believing, as we do, that the arm of the civil law does not afford us a guarantee, or at least a sufficient one, against the evils which are now inflicted upon us and seem to be increasing, by the said religious sect, we deem it expedient and of the highest importance to form ourselves into a company for the better and easier accomplishment of our purpose. . . . It is more than two years since the first of these fanatics, or knaves (for one or the other they undoubtedly are), made their first appearance among us, and, pretending as they did and now do, to hold personal communication and converse face to face with the most high God; to receive communications and revelations direct from heaven; to heal the sick by laying on hands; and, in short, to perform all the wonder-working miracles wrought by the



inspired apostles and prophets of old. . . . More than a year since, it was ascertained that they had been tampering with our slaves, and endeavoring to rouse dissension and raise seditions among them. . . . In a late number of the *Star*, published in Independence by the leaders of the sect, there is an article inviting free negroes and mulattoes from other states to become Mormons and remove and settle among us. . . . They declare openly that their God hath given them this county of land, and that sooner or later they must and will have the possession of our lands for an inheritance; . . . we believe it a duty we owe to ourselves, our wives and children, to the cause of public morals, to remove them from among us, as we are not prepared to give up our pleasant places and goodly possessions to them, or to receive into the bosom of our families, as fit companions for our wives and daughters, the degraded and corrupted free negroes and mulattoes that are now invited to settle among us."

The meeting, which was attended by about 500 persons, representing every town in the county, resolved that no more Morimons should be allowed to move into the county; that those then there who would pledge themselves to get out should be allowed a reasonable time in which to sell their property and depart; that the editor of the *Star* should close his office forthwith, and never publish another issue of his paper in the county; and that "those who fail to comply with the requisitions be referred to those of their brethren who have the gifts of divination and of unknown tongues to inform them of the lot that awaits them."

These were harsh terms, but as the Black Hawk war had taken place just east of the Mississippi, in Illinois and Wisconsin, the previous year, 1832, as there were many disaffected red men on the borders of Missouri, and as some of the Mormons had boasted that they would form an alliance with them, the Gentiles felt that self-preservation warranted decisive action.

The Mormon leaders in Independence, to whom this ultimatum was immediately presented, and who were allowed fifteen minutes in which to make up their minds, naturally refused to agree to the terms, whereupon the *Star's* press and type were thrown into the Missouri, and the Mormon Bishop Partridge and a member of his flock were tarred and feathered on the public square of Independence, after which the proceedings were adjourned for three days, or until July 23. A treaty was then entered into, in which the Mormon leaders agreed to keep other Mormons out of





the county, and to begin leaving it themselves on January 1, 1834, the owner of the printing office to be reimbursed for the loss of his office and his printing outfit when he was ready to move out.

Revelations, however, to Prophet Smith at Kirtland incited the Jackson county Mormons to disregard their agreement, other Mormons came in, and new houses were erected. Several armed conflicts took place in October and November, and as the Mormons were the chief sufferers, and as they saw they could get no redress either from the courts or from Governor Dunklin, public sentiment being strongly against them, they accepted the inevitable.

They moved out of Jackson county in 1834, suffering terrible hardships from loss of property and general privation, crossed the Missouri, established settlements in Clay, Ray, Carroll, Caldwell and Daviess counties, and built the town of Far West in Caldwell, which was their headquarters during the remainder of their stay in Missouri, and which was the entire sect's Zion, from the time that Smith and Rigdon were driven out of Kirtland in 1838 until the hejira from Missouri to Nauvoo took place. The Mormons numbered about 2,000 at the time they were driven out of Jackson county in 1834, and the work of their missionaries in the various states, in Canada and in some of the European countries was rapidly adding to this number.

In a year or two public sentiment north of the Missouri began to be as hostile to the Mormons as it had been south of the river. It was incited by charges that they robbed and burned the houses of their enemies among the Gentiles, passed counterfeit money, which was not a difficult task in those days of wildcat banks, and committed secret assassinations. It was learned afterward that a secret murder society, the Danites, or Sons of Dan, sometimes called the Destroying Angels, was founded among the Mormons of Missouri around 1836 or 1837, to kill such Gentiles as would be particularly obnoxious to the Mormons. The assassinations committed by the Danites were justified by some of the Mormon writers on the ground of retaliation. Other Mormons, however, denied that there was any such society.

Missouri's feeling against the Mormons at this time was intensified by the secession from the order of Harris, Cowdery and Whitmer, the witnesses to the Book of Mormon, who declared that their previous testimony regarding the authenticity of the plates and of Smith's translation and revelations was false; together with the apostacy of Orson Hyde, Thomas B. Marsh and other leading spirits in the church, some of whom deposed that



Smith declared his prophecies and the doctrines of his sects were superior to the laws of the land; that he would tread down his enemies, and that if he were persecuted further he would cause a sea of Gentile blood to flow from the Rocky mountains to the Atlantic.

At the state election on August 6, 1838, the Mormons' Missouri troubles came to a head. In Gallatin, Daviess county, on that day, William Penniston, a Gentile candidate for the legislature, denounced the Mormons as horse thieves and robbers, and threatened that none of them would be allowed to vote in that county. Samuel Brown, a Mormon, said the charges were false, and that he would vote. He was struck by a Gentile, and a general melee began, which continued at intervals throughout the greater part of the day. Exaggerated reports of the trouble spread, both Mormons and Gentiles armed throughout the counties, in which the Mormons resided, and a miniature civil war ensued, in which there were many collisions, in which cattle were killed and much property was destroyed on both sides and a few lives were lost.

The outcome was that Governor Boggs called out the militia in the disturbed regions, under Gen. David R. Atchison, afterward a United States senator; Gen. Alexander W. Doniphan, a Mexican war hero of the after day; Gen. John B. Clark, and others. Several demonstrations were made by the militia, the efforts of Doniphan and Atchison being chiefly to preserve the peace between the Missourians and the Mormons. A fight, however, took place at Crooked river, in Ray county, between a small number of Missouri militia and a Mormon force under Captain Patton, a Danite leader, who was called "Fear Not," in which the militia were defeated by the loss of one man killed, but in which three Mormons, including Patton, lost their lives. Long before this time Smith, Rigdon and the rest of the leaders had arrived from Kirtland, and Smith took direct command of the Mormons in Missouri.

In this crisis Governor Boggs issued his famous "exterminating" order, for which he was criticised somewhat at the time by Atchison and a few other Missourians, and for which he was condemned more generally afterward. Under date of October 27, 1838, the governor addressed Gen. John B. Clark, saying:

"Since the order of this morning to you directing you to cause four hundred mounted men to be raised within your division, I have received . . . information of the most appalling char-



acter, which entirely changes the face of things, and places the Mormons in the attitude of an open and avowed defiance of the laws, and of having made war upon the people of this state. Your orders are, therefore, to hasten your operations with all possible speed. The Mormons must be treated as enemies, and must be exterminated or driven from the state if necessary for the public peace. . . . I have just issued orders to Maj. Gen. Willock, of Marion county, to raise five hundred men and to march them to the northern part of Daviess, and there unite with General Doniphan, of Clay, who has been ordered with five hundred men to proceed to the same point for the purpose of intercepting the retreat of the Mormons to the north. Brig. Gen. Parks, of Ray, has been ordered to have four hundred men of his brigade in readiness to join you at Richmond. The whole force will be placed under your command."

Three days later, on October 30, the most destructive fight of the whole campaign took place at Haughn's Mills, on Shoal Creek, a few miles south of the present town of Breckinridge, in Caldwell county. About forty Mormons were gathered there on that day when one hundred mounted rangers from Daviess and Livingston counties rode up, under command of Col. Thomas Jennings, who had fought under Jackson in the war of 1812-15, and who was to figure in the Mexican war afterward, the rangers being part of an independent force organized in the disturbed region to fight against the Mormons. Most of the Mormons immediately fled into a log blacksmith shop in the town, but this proved to be a trap instead of a fortress. In the battle which ensued an assault was made upon the shop, and many of the rangers pushed their rifles through the cracks between the logs and killed or wounded their enemies on the inside, without the loss of a man by themselves. No prisoners were taken. All were killed or so badly wounded that they were supposed to be dead, and both wounded and dead were thrown into a well near by. Reports as to the number of dead range between eighteen and thirty-three.

Meanwhile, on November 1, Gen. S. D. Lucas, with a large military force in advance of General Clark, who had the main body of the troops, reached Far West, the Mormons' capital. Smith, seeing the hopelessness of further struggle, accepted the terms offered by Lucas. The Mormons gave up their arms, surrendered their leaders for trial, including Smith, and promised to leave the state. Brigham Young, who had joined the Mormons in 1832, who had advanced swiftly in the church, and who



was one of its leading dignitaries at the time, left Missouri in 1838 just before the general collapse came, going to Quincy, Ill., where many Mormons had already gathered.

Smith and most of the other prisoners were taken to Richmond, Ray county, from which Smith and a few of his companions were transferred to Liberty, Clay county. Indictments for treason, murder, robbery, arson and a few other offences were brought against most of them. A few of the prisoners in both Richmond and Liberty escaped, others were acquitted, and Smith and those left with him were being taken from Liberty to Boone county on a change of venue when, on April 15, 1839, they got away from their guards (it was charged that the guards were bribed to let them escape) and fled across the river to Quincy. Several attempts were made in the next few years by the Missouri authorities to have Smith extradited, but all failed.

During all this time the rank and file of the Mormons were disposing of their property as best they could, usually at a ruinous loss, and leaving the state, some going to Iowa Territory and others to different parts of Illinois. On April 20, 1839, five days after Smith's escape, the last of the Mormons left Far West and abandoned the state. The number of Mormons in Missouri at the end of 1838, at the time the decree of banishment was passed against them, was placed by their own authorities at about fifteen thousand. On the site of the Far West of the Mormons' days is built the present town of Kerr.

In his report to Governor Boggs soon after the surrender of Smith and the rest of the leaders at Far West, General Clark placed the losses in the campaign at forty Mormons killed and several wounded, and fifteen citizens badly wounded and one killed. In a memorial sent by the Mormons to congress while they were in Nauvoo asking for pecuniary redress, the losses from their expulsion from Jackson county were placed at one hundred and seventy-five thousand dollars,, and two million dollars were the damages they sustained in the whole state. Congress took no action.

As the Mormons had about the same feeling for Boggs that the Jews who escaped the massacre at Jerusalem had for Titus, the attempt on his life in 1842, in which he was shot while sitting near the window of his residence at Independence, was naturally laid to them. This was two years after Boggs retired from the governorship, and while the Mormons were domiciled at Nauvoo. It was learned afterward that O. P. Rockwell, a Mormon, went from Nauvoo to Independence, worked in the latter place until





he got what he supposed was a favorable opportunity to carry out his design, when he made his way in the night to Boggs' house, fired at him through the window, inflicting a serious wound, from which, however, he recovered. Rockwell was arrested, but the evidence against him was deemed to be defective at certain points, and he was acquitted.

After being driven from Missouri the Mormons established themselves in Nauvoo, Ill., in 1840, prospered for a few years, and then tribulation came as in Ohio and Missouri. Joseph the prophet and his brother Hyrum Smith, imprisoned on a charge of levying war against the state of Illinois, were assassinated while in a jail in Carthage in 1844 by a mob composed of disguised members of a militia regiment. In 1846 the Mormons under Brigham Young, who succeeded the prophet Joseph, fled from Nauvoo, crossed the plains, established themselves on the borders of Great Salt Lake, built up Utah, expanded along the great Cordilleran mountain system through states and territories down into Mexico and up into Canada, and have evolved one of the most marvelous social organization which the world has seen.

Nevertheless, through all their mutations of fortune, the Mormons still believe that they will one day return to Jackson county, set up the kingdom of the Lord on the spot near Independence from which they were driven when Dunklin was governor of Missouri and Jackson was president of the United States, bring in the millenium, and spread their sway over all the peoples of the earth.



## CHAPTER VII

## Fixing the Permanent Boundaries

THE enabling act of congress of 1820 under which Missouri entered the Union in 1821 fixed the state's boundaries on most of its west end and on all of its east and south sides as they are to-day. On the northwest corner, however, and along the north line the state's limits have been altered since those days. In the first case, which was an expansion of the state's area, the change came through the so-called "Platte purchase," which was made in 1837. In the second instance, in which the state gave up some territory which it claimed, the alteration was a result of the dispute between Missouri and Iowa, which was settled finally by an act of congress which was in line with a decision of the supreme court previously rendered. In each of these instances the question of the Indian occupation of the state was involved.

After Governor Clark's great council at Portage des Sioux, near the confluence of the Missouri with the Mississippi, in 1815, at the end of the war with England, Missouri was not seriously disturbed by the Indians until Black Hawk's rising in 1832. Black Hawk, one of the chiefs of the Sacs and Foxes, who was born in Kaskaskia in 1767, four years after Pontiac's revolt, who became a noted warrior at an early age, and who, with Tecumseh, fought for the British in 1812, was sixty-five years of age at the time his own rebellion took place in 1832.

In 1804 most of the chiefs of the Sacs and Foxes signed a treaty at St. Louis with William Henry Harrison, governor of Indiana Territory, which comprised the present states of Illinois, Michigan and Wisconsin, as well as Indiana, and to which upper Louisiana was for a short time attached for administrative purposes by which, for the sum of one thousand dollars a year, they



agreed to transfer to the United States government certain lands on each side of the Mississippi, principally on the east side, and in the present states of Illinois and Wisconsin. Black Hawk did not sign this compact, declared that the signers were drunk, and repudiated it. Thus he was in the mood to join the British when Tecumseh's war belts were being sent among the Indians just before and after Tippecanoe, fought a few battles on their side, fraternized with them for a time afterward, and held aloof from the subsequent treaties of his and other tribes confirming or extending the scope of the agreement of 1804, although he is said to have signed one of them. When most of the Sacs and Foxes, under the lead of Keokuk, moved to the west side of the Mississippi in 1823 Black Hawk and his band stuck to their old lands. As they refused to move even after the treaty of Prairie du Chien in 1830 by which all the Indian lands east of the river were finally ceded to the United States, a force of regulars and Illinois militia moved against them in 1831, but they returned in 1832, attacked the white settlements, and the war began.

The fighting administration at Washington—Jackson, president, and Lewis Cass, a veteran of 1812, secretary of war—took prompt action. From Jefferson Barracks, a military post established shortly before that time just south of St. Louis, Gen. Henry Atkinson, with a force of regulars, was sent up the Mississippi. The Illinois state troops were put in the field. General Scott was sent from the East with a large force, but was hampered by the cholera, which attacked his troops. The hostiles were driven into the present state of Wisconsin, were defeated by General Dodge at the Wisconsin river on July 21, 1832, and, on August 2, they were struck heavily by Atkinson at the point where the Bad Axe river flows into the Mississippi. Black Hawk and the last of his men who were under arms surrendered on August 27. He was taken to Jefferson Barracks and thence through the east, was imprisoned a short time in Fortress Monroe, and died at his camp on the Des Moines in 1838.

Among the men afterward famous who participated in the Black Hawk war were Abraham Lincoln, who was one of the Illinois volunteers; Robert Anderson, who commanded the federal troops at Fort Sumter at the outbreak of the war of secession, and Jefferson Davis, the head of the confederacy. Both Anderson and Davis, then recent graduates of West Point, were stationed at Jefferson Barracks.

While Atkinson and his men from Missouri were fighting Black Hawk on the east side of the Mississippi the Missouri state



troops were busy in their own territory, guarding against possible invasion from bands of hostiles from Illinois, Wisconsin or Iowa. General Clark, United States superintendent of Indian affairs, from his lookout in St. Louis, was more interested in the outbreak than any other person in the country, and his counsel was sought at the capital of Missouri, at the capital of Illinois, and at the capital of the nation. On General Clark's advice Governor Miller, himself a soldier of the War of 1812, ordered Maj. Gen. Richard Gentry, of Columbia, Mo., in May, 1832, to raise one thousand mounted volunteers, to march at a moment's notice. Gentry gave orders to Brig. Gens. Benjamin Miens, Jonathan Riggs, and Jesse T. Wood to furnish their quotas, and they did it promptly. Companies were raised in Boone, Callaway, Clay, St. Charles, Montgomery, Lincoln, Pike, Marion, Monroe and Ralls counties. Two companies under Maj. Thomas W. Conyer, accompanied by General Gentry, who had James S. Rollins as one of his aides, pushed at once for the mouth of the Des Moines, intending to range the country between that point and the main Chariton. Other troops under Col. Austin A. King, afterward governor of the state, marched up as far as Fort Pike, in the present Clark county. As there were no demonstrations of any consequence by the Indians the troops were recalled in September, were mustered out of the service soon after the capture of the old chief on the east side of the river, and the Black Hawk war was ended.

In the summer of 1836 a force of militia was again called out on account of an alleged Indian invasion of the present Mercer and Grundy counties, one company of which was commanded by David R. Atchison, who about this time began to figure as a militia commander in the Mormon troubles, and who occasionally acted as a counsel for the Mormons. It was quickly learned, however, that the culprits this time were not the Indians, but a band of desperate characters, many of whom belonged to the Hetherly family (which was related to the Kentucky bandits Big and Little Harp), living in that locality, who stole from whites and Indians alike, as opportunity offered, and who often added murder to robbery. They were arrested, some of them turned state's evidence, one of them was sentenced to ten years in the penitentiary, and the gang was broken up. This affair figured in the annals of the time as the "Hetherly war."

A year later, 1837, in that tempestuous era for Missouri extending from the closing year of Governor Miller's service through that of Governor Dunklin and to near the end of that of





Governor Boggs, President Van Buren, knowing the martial fame of the Missourians, asked Senator Benton if a force of mounted volunteers could be raised in his state to assist in fighting the Seminoles. Benton answered that the Missourians were ready for any duty assigned them by the government, whereupon Secretary of War Poinsett asked Governor Boggs for troops, the governor issued a call for them, and a regiment of mounted men was raised, of which Richard Gentry, mentioned in a preceding paragraph, was elected colonel. The work of Gentry and his men forms a very interesting episode in Missouri history.

By a treaty between the United States government and a majority of the Seminoles, signed in 1832 and ratified by the Senate in 1834, these Indians agreed to give up their Florida lands and move west of the Mississippi. Some of their chiefs, however, including Osceola, Micanony, Jumper, Alligator and others, refused to sign the treaty or to be bound by it. On December 28, 1835, Gen. Wiley Thompson, the Indian agent in Florida, with Lieutenant Smith, of the army, were killed near Fort King by a party of Indians under Osceola, and other whites in the vicinity were also murdered. On the same day Major Dade, with one hundred and ten soldiers, on their way to Fort King, were ambushed by Indians commanded by Alligator, Micanopy and Jumper, and all except three privates were killed.

This was the beginning of the Seminole war, which lasted seven years, and which was one of the most destructive of all the Indian struggles in American history. Though the soldiers were usually victorious their losses largely exceeded those of the Indians, who were generally able to hide themselves in the swamps, jungles and morasses of their locality, and who had their families and their food supply secure in their hidden fastnesses. Many generals who before or afterward were famous—Clinch, Gaines, Call, Jesup, Taylor, Armistead and Worth—were in command in Florida successively in the war. The Indians' losses in killed and captured, however, could not be repaired, and at last, reduced to a remnant, all that were left alive surrendered in 1842, and were shipped to the west side of the Mississippi and joined their brethren who had crossed the river earlier. The descendants of those Seminoles constitute one of the five civilized tribes now residing in the Indian Territory.

Thus only two of the seven years of the Seminole war had expired when the Missouri volunteers entered it. The counties of Chariton, Ray, Boone, Howard, Callaway, Marion and Jackson contributed to Gentry's regiment, and two companies of Dela-



ware and Osage Indians were in it, commanded by white officers. John W. Price was lieutenant colonel and Harrison W. Hughes was major, both of Howard county. Colonel Gentry's men were mustered into the service at Jefferson Barracks, near St. Louis, by Gen. Henry Atkinson, the commander of the department, early in October, 1837, they went down the Mississippi by boats to New Orleans, from which point they sailed to Florida, landing at Tampa Bay on November 15. Ordered forward on December 1 by Col. Zachary Taylor, the commander in Florida at that time, they advanced on Okeechobee Lake, one hundred miles from Tampa, and there, on December 25, the Seminoles were encountered in large force, and in a position of great natural strength.

In the battle Colonel Taylor placed the Missouri volunteers in the center and at the front, with the regulars on each flank, all the troops, by the nature of the ground, being compelled to fight on foot. After a fierce battle of several hours' duration the Indians were gradually driven across a swamp and at last retreated precipitately. The killed and wounded in the battle of Okeechobee was one hundred and thirty-eight, most of whom were among the Missouri volunteers. Among them was the heroic Gentry, who, mortally wounded in the battle, died that night.

As the campaign for the season ended with that fight, the Missouri troops were sent home early in 1838, and were mustered out of the service. The bodies of Colonel Gentry and of three regular army officers—Captain Van Swearingen and Lieutenants Brooke and Center—were interred at Jefferson Barracks, the government erecting a monument over them.

Colonel Taylor's official report to Secretary of War Poinsett of the battle of Okeechobee said that the Missouri volunteers fled from the field early in the fight, and that his aides had been unable to rally them. Indignant at this charge the Missouri legislature appointed a special investigating committee, headed by David R. Atchison, which summoned many of the officers of Gentry's regiment before it, all of whom swore that Taylor's accusation of cowardise was grossly untruthful and unjust. The legislature, by a unanimous vote of both branches, passed a series of resolutions denouncing Taylor's charges, and asking President Van Buren to order an official investigation of the conduct of the Missouri volunteers, but Van Buren took no action on it. Gentry county, organized in 1841, was named in honor of the intrepid Missouri commander.

Just before Colonel Gentry's Missouri volunteers marched to



fight the Indians of Florida, a treaty was made with some of the red men of Missouri, which added to the area of the state the locality in its present northwest corner then called the "Platte country." The law under which Missouri entered statehood fixed the state's westerly boundary on a north and south line "passing through the middle of the mouth of the Kansas river where the same enters into the Missouri river." That direct north and south line ran from the state's southerly boundary to its northern border. An agitation began in 1835 (Col. William F. Switzler, in his "History of Missouri," p. 230, says Gen. Andrew S. Hughes started it in a speech which he delivered at a militia muster near Liberty, in Clay county, in that year) to annex to the state the triangle northwest of the present Kansas City, the "Platte country," and extend the boundary of the state in that corner out to the Missouri river. The idea met with immediate favor throughout the state, and a memorial asking the annexation was sent to congress in 1836.

As Benton ("Thirty Years' View," vol. 1, p. 626) points out, the difficulties in the way of this project were threefold. "1. To make still larger a state which was already one of the largest in the Union. 2. To remove Indians from a possession which had just been assigned to them in perpetuity. 3. To alter the Missouri compromise line in relation to slave territory, and thereby convert free soil into slave soil." The third of these obstacles was rendered especially formidable at that moment by the excitement throughout the country caused by the fight in the house of representatives on the abolition petitions, by the agitation by Garrison and other emancipationists, the organization of abolition societies throughout the country, and the transmission of anti-slavery literature through the mails into the South against the wishes of a large majority of that section's people. In the house of representatives the free states had a heavy preponderance. They had half of the senate, while a treaty which would have to be got with the Indians before the lands in the coveted district could be annexed would need a two-thirds vote for its ratification.

Nevertheless, success came quickly. Benton introduced a bill reciting that when the Indian title to that territory should be extinguished the jurisdiction over said tract should be "ceded to the state of Missouri." Benton's vigor, Senator Linn's adroitness and personal popularity and the enthusiastic aid of Missouri's representatives in the other branch of congress, Ashley and Harrison, together with the North's complaisance, did the



work. No serious opposition was offered in either branch and Jackson placed his signature on the bill on June 7, 1836. Missouri's legislature assented to that act on December 16, the Sacs and Foxes agreeing to the terms for the relinquishment of their lands on September 17, and on March 28, 1837, President Van Buren proclaimed that that territory had become part of the state of Missouri.

Benton exultantly declared that the area of Missouri had thus been expanded "by an addition equal in extent to such states as Delaware and Rhode Island, and by its fertility equal to one of the third class of states." The new territory, which is one of the richest parts of Missouri, comprises the counties of Andrew, Atchison, Buchanan, Holt, Nodaway and Platte. Weston, in Platte county, figured prominently in the raids across the border in 1854 and for a few years afterward when the free and the slave states were fighting for the control of the Territory of Kansas. The "Platte purchase" also contributed St. Joseph, the third city in Missouri in population and wealth.

Shortly after the annexation of the Platte region a dispute with Iowa Territory in regard to Missouri's northerly boundary threatened to result in something like war between the two communities. Each had a small army of militia on its own side in the disputed territory for a few weeks, but the absurdity of the situation quickly appealed to both parties and peaceable methods of settling the difficulty were resorted to. This controversy, which began during that convulsive administration of Governor Boggs, in 1838, lasted till that of Governor King, ten years later. The matter at last was referred to the supreme court, by an act of congress in 1846, that tribunal ruled in favor of Iowa, thus depriving Missouri of some territory which she claimed, and the decision was confirmed by an act of congress in 1848, after which the boundary line was run as it stands to-day.

The panic of 1837 hit Missouri as it did all the rest of the country, but it was less disastrous here than it was in most of the other western communities. That convulsion was due to several causes—the overthrow of the United States Bank by President Jackson, which died at the expiration of its charter in 1836; the establishment of "wildcat" banks around the same time, the currency by which was inadequately secured; the wild speculation in public lands; President Jackson's specie circular of 1836, directing that nothing except gold or silver should be received in payments for lands, and the general discredit which came to those





banks as a consequence, resulting in the wreck of many of them, and severe losses to the holders of their notes.

A branch of the United States Bank had been established in St. Louis in 1829, with Col. John O'Fallon as president. Great loss had been inflicted on St. Louis and other parts of the state through the earlier banks of that city, especially the Missouri and the St. Louis, but the branch of the big federal bank secured the confidence of most of the community from the start. On this account there was great indignation in business circles in St. Louis when Jackson, in the summer of 1832, vetoed the bill to grant a new charter to the United States Bank and thus to extend its existence for another twenty years. The opposition, moreover, was not confined to the enemies of Jackson's party, but was shared in by most of the business people of St. Louis and vicinity. On the other hand, many persons in city and county expressed decided approval of Jackson's act. In the election, of course, later on in that year, Jackson received a large majority of the votes of the state. Nevertheless, when the branch bank disappeared at the expiration of the charter of the parent institution of 1836 there was profound regret in financial circles, and the commercial convulsion which came a year later, soon after Van Buren entered office, was attributed by many persons to this act of Jackson and to the recklessness of some of the state institutions which flourished for a time afterward.

On the whole, however, Missouri's loss was less through the financial crash of 1837 than was that of most of the other communities west of the Alleghenies, and its recovery was quicker. The majority of the constituents of "Old Bullion" Benton, who aided Jackson in overthrowing the United States Bank, were conservative in financial matters, and were believers in the use of gold and silver as far as possible in the circulating medium.

In 1837 the state house at Jefferson City was destroyed by fire, with all the papers in the office of the secretary of state, all the furniture and half the library. Many valuable papers which could not be replaced were thus lost. The new capitol was begun in 1838, occupied in 1841, and cost about three hundred fifty thousand dollars.

About this time commissioners were superintending the sales of lands whose proceeds were to go to the establishment of a state university. Columbia was selected for the site, the corner stone was laid on the Fourth of July, 1840, at which occasion an address was delivered by James L. Minor, and the



beginning was made in the creation of one of the greatest educational institutions to be found in the West.

A great social event in the life of St. Louis in that period was the visit of Daniel Webster to that city in 1837. Webster was then at the height of his fame, and was already prominently mentioned in connection with the Whig candidacy for 1840. St. Louis and Missouri did not have a chance to see so many celebrities in those days as they have greeted in more recent times, and the advent of the "expounder of the constitution" drew to St. Louis hundreds of people from the rest of Missouri and many from Illinois. He was entertained at the National Hotel, on the corner of Third and Market streets, remained in the city about a week, and on one of those days he attended a barbecue in his honor in J. B. C. Lucas's woods, on the present Twelfth street, near Olive. At that affair Gen. William H. Ashley, the well-known Whig congressman, presided, and William Carr Lane, John B. Sarpy, James Clemens and other conspicuous local personages of that day were among the vice presidents of the gathering. The speech which the guest made was worthy of the author of the "reply to Hayne."

David Barton died in 1837 and Gen. William Clark in 1838. Barton, who was one of the most conspicuous and popular of Missourians at the time of his election as the first senator whom the state chose, had been driven out of office by his drift over to the Whig party, and was in eclipse and forgotten for several years before his death. Clark, on the other hand, retained his prominence and his prestige to the end, and his death removed Missouri's oldest and best beloved citizen.



## CHAPTER VIII

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### Lull Preceding the Conflict with Mexico

THE exciting days in Missouri covered by the administrations of Governors Dunklin and Boggs were followed by still more stirring times. Texas annexation and the Mexican war which followed it, and which brought the acquisition of New Mexico and California, were only a few years in the distance when Boggs retired, and the influences which led to these events were already beginning to shape themselves. In all of them Missouri bore a prominent part. A few years were to pass, however, before these forces started to assert themselves in a concrete way.

Missouri's most interesting canvass along to that day was the one which she saw in 1840. At a convention in Harrisburg, in December, 1839, eleven months before the election, the Whigs of the nation nominated William Henry Harrison for president and John Tyler for vice president. In May, 1840, at a convention in Baltimore, the Democrats renominated President Van Buren.

Although Clay had been the favorite of a large majority of the Whigs of the country for the candidacy of 1840, Harrison's nomination quickly aroused great enthusiasm in his party everywhere, including Missouri. "The American people like the smell of gunpowder on the clothes of their candidates," said Benton long afterward, referring to the election of Jackson, Harrison and Taylor, successful soldiers. Harrison's defeat of the Prophet, Tecumseh's brother, at Tippecanoe, in 1811, and his overthrow of Tecumseh himself and his British allies at the battle of the Thames, in Canada, in 1813, the latter being the biggest victory gained by the Americans in the war of 1812-15 on land except that shortly afterward by Jackson at New Orleans,



gave him a military reputation which proved a valuable asset for him and his party in the campaign of 1840. Benton, of course, opposed Harrison in that election. Harrison, however, as governor of Indiana Territory, had for a short time been the executive of upper Louisiana, which had been joined to Indiana for administrative purposes in 1804, and Missouri felt a sort of proprietorship in him. His candidacy gave the Whigs of the state great encouragement to make an active canvass.

At a convention held in Rocheport, Boone county, in June, 1840, which body was addressed by Fletcher Webster, son of the great Massachusetts statesman, Gen. Alexander W. Doniphan, Col. John O'Fallon, James S. Rollins, and other well-known men, the Whigs nominated John B. Clark for governor. The Democrats put up Thomas Reynolds for governor and Meredith M. Marmaduke for lieutenant governor. A heavy vote was polled and the Democrats, as usual, swept the State.

The panic of 1837, which began a few weeks after Van Buren entered office (which, however, did less damage in Missouri than it inflicted in most of the other states), was disastrous to his fortunes. He carried only seven of the twenty-six states, but Missouri was one of the seven. He received only 60 electoral votes, as against 234 for Harrison, but Missouri contributed 4 of the 60. In Missouri Van Buren's vote was 29,760, a majority of 6,788 over Harrison. Reynolds' vote was 29,625, a lead of 7,413 over Clark. The Democrats' two candidates for congress, John Miller and John C. Edwards, were also elected.

One act of especial importance of which he was the author, and in which he took a just pride, was passed during Governor Reynolds' service. This law, which read, "Imprisonment for debt is hereby forever abolished," ended for Missouri a barbarous practice which had been in vogue in most of the states previous to that time, and which operated in some of them at an even later day.

Missouri's growth in industries, population and wealth had been notably rapid from 1830 to 1840. Its inhabitants, which numbered 140,455 at the beginning of the decade, jumped to 383,702 at the end of ten years. Of this total, 59,814 represented the negro population, nearly all of whom were slaves. St. Louis' population increased from 6,694 in 1830 to 16,469 in 1840. Under the apportionment based on the census of 1840 Missouri's representation in the popular branch of congress was more than doubled, and in 1842 these men were elected to that body: James





B. Bowlin, James M. Hughes, James H. Relfe, Gustavus B. Bower and John Jameson. All were Democrats. Lewis F. Linn was, in 1842, re-elected to the senate for the six years beginning on March 4, 1843, but he died in October of that year, after ten years' service, at the age of forty-eight.

Benton, during his twenty-one years of service in the senate along to that time, had overshadowed all his colleagues in that chamber from his State except Linn. With much of Benton's courage and energy, Linn had more versatility than Benton, much greater adroitness and immeasurably greater personal popularity. Two eulogies were delivered on Linn in the senate. One was by a representative of the state of Linn's birth, Kentucky, John J. Crittenden. The other was by the member from his residence state, Benton. The last named tribute, which came from a man who never dealt in idle panegyric, was notably effective. Benton closed his address by telling of a conversation he had with Linn shortly before the latter's death, in which Linn spoke of the duties of the living toward the dead. "He spoke," said Benton, "of two friends," meaning Benton himself and Jackson, "whom it was natural to believe that he should survive, and to whose memories he intended to pay the debt of friendship. Vain calculation! Vain impulsion of generosity and friendship! One of these two friends now discharges that mournful debt to him. The other has written me a letter expressing his 'deep sorrow for the untimely death of our friend 'Dr. Linn.'"

Governor Reynolds appointed David R. Atchison to succeed Linn in the senate, and he was subsequently elected and re-elected by the legislature, serving from 1843 to 1855. A native of Kentucky, which furnished a large proportion of Missouri's great men of the period before the Civil war days, and which contributed many of those of a later time, Atchison emigrated to Missouri at an early age, served several terms in the legislature, was judge of the Platte county circuit court, and was a man of influence and distinction before he became a colleague of Benton. During his dozen years of service in the senate, he was for a time president of that body. He was the only senator from Missouri during Benton's service who dared to set himself up in opposition to Benton. In the division in the Democratic party in Missouri which came soon after the Mexican war, Atchison led the pro-slavery and pro-southern element, as against the old Jacksonian and Unionist ingredient of the party which had Benton for a chieftain.



Early in 1844 Governor Reynolds committed suicide in the executive mansion at Jefferson City by shooting himself with a rifle. Ill health and violent abuse by his enemies were the causes of the deed. He was born in Kentucky, resided in Illinois for a few years, where he was a supreme judge of the state for a time, emigrated into Missouri in 1828, was successively a member of the lower branch of the legislature, speaker of that body, and district judge previous to his election as governor, and was a man of ability, character and personal popularity.

From Reynolds' death in February, 1844, to the end of the term in November of that year, Lient. Gov. Marmaduke acted as governor. Marmaduke had a long and diversified career before reaching that office. Born in Virginia back in 1791, he commanded one of that state's regiments in the war of 1812, served as United States marshal of the state's eastern district afterward for a few years, settled in Missouri in 1824, was prominent in the Santa Fe trade for a few years, and held several offices in the state previous to his election as lieutenant governor in 1840. During the war of secession he was, until his death in 1864, a stalwart Unionist, although most of his relatives were on the Confederate side, including his son, John S. Marmaduke, who was elected governor of Missouri in 1884, and who died in office in 1887.

In the early summer of 1844, through the swift and unexampled rise of the Illinois, the Missouri and other tributaries of the upper Mississippi, the flood in the big stream was memorable for the height which it reached and the destruction which it caused. There is reason to believe that it surpassed the rise of 1785, which was known in the Mississippi valley's annals as the "year of the great waters." It was undoubtedly higher than the big freshets of 1811 and 1826, and every other rise which has taken place since then. The present East St. Louis and other towns on the east bank of the Mississippi were flooded, the American Bottoms, opposite St. Louis, were a vast sea for many miles north and south, and the waters passed far above the top of the levee in St. Louis. Many farm animals were drowned, a great amount of other property was destroyed, and some human lives were lost. In 1844 the Mississippi at St. Louis rose to a height of 41.5 feet on the government gauge. The highest rise at the same point since then was in June, 1903, when the 38-foot mark was touched.

The election in 1844 in Missouri was notable because of the



circumstance that the Whigs made no nominations for state officers. Missouri had always elected its members of congress on a general ticket, but congress shortly before that time had passed an act directing Missouri to divide the state into congressional districts. Missouri's legislature refused to recognize congress's authority to interfere in the matter and made no division. The Whigs on this account, professing to believe that an election held under the old conditions would be illegal, declined to make nominations for any offices. With the pressure of organized Whig opposition removed, the Democrats split among themselves into "Hards" and "Softs," the former representing the stalwart gold and silver money champion, "Old Bullion," Thomas H. Benton, and the latter being Benton's Democratic enemies, who declared that his supremacy in his state had lasted long enough, and demanded a change for the senatorial term beginning in 1845. Beginning with 1846, however, Missouri has elected its congressmen by districts.

John C. Edwards was nominated for governor by the "Hards," while the "Softs," who favored an increase in bank currency, partly because they believed that that would benefit the state and partly because they wanted to hit Benton, refrained from making any nomination of their own, but supported Charles H. Allen, an independent candidate, who was favored by the Whigs. In the election Edwards received 36,978 votes, or 5,621 more than Allen.

The "Hards" were jubilant at their triumph over the combined opposition of the Whigs and anti-Benton Democrats, and gave Benton another term, which was to end in 1851. It was Benton's last victory, but neither he nor anybody else could have foreseen this at the time. The Democrats swept the state on congress, electing the five members. Two of those, John S. Phelps and Sterling Price, then entering public life on the national stage for the first time, were to figure with great prominence in the after day.

Phelps, who was born in Connecticut but who removed to Missouri in early manhood, and who served in the legislature for a short time, was thirty years of age at his election to congress in 1844; he remained there until 1863, commanded a regiment on the Union side during part of the war of secession, was made military governor of Arkansas by Lincoln for a short time, was elected governor of Missouri in 1876, and died in St. Louis ten years later. Price, a Virginian by birth, who removed to Missouri in early life, was speaker of the lower branch of the Mis-



souri legislature for several years, was thirty-three years of age when elected to congress in 1844, resigned from that body in 1846 to take command of the Second Missouri Cavalry, rendered brilliant service in the war against Mexico in that year and in 1847, was elected governor of Missouri in 1852, fought on the confederate side in high command in Missouri and other places in the civil war, and died in St. Louis in 1867.

Missouri's position in the presidential canvass of 1844 was peculiar. The Democratic party, which was dominant in Missouri, declared in its platform of that year that "our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; and that the re-occupation of Oregon and the re-annexation of Texas, at the earliest practicable period, are great American measures, which this convention recommends to the cordial support of the Democracy of the Union."

The reference to Oregon in this deliverance was intended for use in the North chiefly. That about Texas was designed to strengthen the party in the slave states, there being no such thing as a solid Democratic South in those days. Notwithstanding the desire of the country for national expansion, a desire inherent in the people of all young, virile and growing communities, slavery acted in this juncture as a barrier to expansion, so far as it had any influence. Slavery existed in the republic of Texas. Its annexation would enlarge the slavery vote in the senate by two, and possibly by more than that, for that vast country, as the North at that time feared, might be divided up into several states. Therefore, a majority of the people of the free section of the country, Democrats and Whigs alike, were opposed to Texas acquisition at that particular time. The fact, too, that annexation, on account of the dispute between Texas and Mexico as to the western boundary of the former, Texas placing it at the Rio Grande and Mexico putting it at the Nueces, far to the eastward of the big river, would involve the United States in a war with Mexico, made many persons averse to annexation who would otherwise have favored it. On the other hand, despite its expansionist aspirations in the abstract, the South was rather averse to the acquisition of Oregon, which would strengthen the vote of the free section and menace slavery.

But although a slave state herself and on the border line between the slave and the free sections, Missouri wanted national expansion in any quarter, North or South, in which it could be had legitimately. Manifest destiny—the feeling that Providence





had decreed that we were to spread all over the continent, give its peoples a better government than they could create for themselves, and open for them a brighter future than they, single-handed, could ever achieve—had enthusiastic champions in Missouri. Missouri favored the “re-occupation of Oregon,” and shouted “Fifty-four-forty or fight,” which was a slogan among the Democrats of the free states in 1844, the northern line of the Oregon country, as claimed by the United States being 54 degrees 40 minutes of latitude, which was the southern boundary of Russia’s territory of Alaska. England claimed all of Oregon down to the mouth of the Columbia, or farther south. Missouri likewise favored the “re-annexation of Texas,” the United States’ claim to which had been given up in the treaty of 1819 with Spain as part of the concession which we made for Florida, which, it was contended, was ceded to us in that compact.

Clay was the candidate of the Whig party for president in 1844 and he was personally very popular in the West, especially in Missouri, which gave him its electoral vote in 1824. Polk, in whose record or name there was no magic, was the Democratic nominee. But Clay, chiefly on account of the war with Mexico which it would bring, declared in 1844 against Texas annexation. Polk, on the other hand, was an avowed annexationist. Although Polk gained only a small majority in the electoral college, he swept Missouri triumphantly, getting a lead of 10,118 in the state, or 3,330 in excess of that given to Van Buren in Missouri four years earlier. Missouri’s enthusiastic approval of the Democratic platform of 1844, both in its Oregon and Texas features, was an eloquent presentation of its views on the issue of the broadening of the nation’s boundaries.

Among the five members of congress which Missouri elected in 1846 were two—James S. Green and Willard P. Hall—who attained distinction later on. Green, a native of Virginia, who was twenty-nine years of age when elected to congress from Missouri in 1846, served in the house of representatives several terms, and then went to the senate, from which he retired in 1861. Hall, also a native of the Old Dominion, likewise served several years in congress after his first election in 1846, but, unlike Green, he was an enemy of slavery, and also, unlike Green, he was a devoted supporter of the Union in the Civil war days, and acted as governor after the death of Provisional Gov. Hamilton R. Gamble in 1861 until the regularly elected governor, Thomas C. Fletcher, was inaugurated in 1865.

In the politics of 1846, aside from the election of members of



congress, the leading event in Missouri was the vote on the proposed state constitution, which had been framed in a convention held in 1845, composed of many of the ablest men in the commonwealth, Whigs as well as Democrats. In the election of 1846 the constitution was beaten by a majority of 9,000 votes out of an aggregate poll of about 60,000. It was the vote of St. Louis which defeated the constitution, the opposition in that city being chiefly directed against the provision which would make supreme and circuit judges elective instead of being, as then, appointed by the governor. Aside from St. Louis, the state evidently favored the change. Outside of that town the proposed constitution received a majority of the votes cast. Moreover, shortly afterward the change was brought about by constitutional amendment, which received the sanction of the people, and since then the judges have been elected, as they are in most of the states.



## CHAPTER IX

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### Texas Annexation and the Mexican War

SEVERAL months before the election of 1846 which killed the proposed state constitution, Missouri had something more exciting to deal with than the framing of a new organic law. The war with Mexico began in the first half of that year, and Missouri took an especially prominent part in that struggle. The war came as a consequence of the annexation of Texas in 1845, which Missouri had ardently favored.

For many reasons Missouri had a profound interest in the welfare of Texas and its addition to the American Union. The creation of Texas as an Americanized community had its inception with two Missourians: Moses Austin and his son Stephen F. Austin, both residents of St. Louis at the time their connection with Texas began. Many emigrants to Texas went from Missouri. Scores of Missourians were in the ranks of the armies of Houston and the other commanders at the time Texas won its independence from Mexico in 1836. Missouri was a champion of national expansion in any quarter in which it could be had, irrespective of the influence which it would exert on the balance between the free and the slave sections of the country. Benton and other representatives of Missouri in congress had often denounced the treaty of 1819 with Spain by which the country was led to surrender all its claims to Texas, which some understood to have been part of the Louisiana which Bonaparte sold to Jefferson in 1803. Through the trade with New Mexico over the Santa Fe trail and its extensions in different directions Missouri furnished a convenient highway by which Mexican territory could be invaded from the north, and at the same time it established the trade and social relations which began the



work of Americanizing New Mexico long before Kearney, Doniphan and Price, in the war of 1846-48, made the military conquest of New Mexico which Texas annexation precipitated.

President Tyler sent a treaty to the senate in April, 1844, for the acquisition of Texas, which that body rejected. The victory gained by Polk, however, on an annexation platform, a few months later, was taken by the country as a mandate in favor of annexation, and a measure, supported by Benton, Atchison and the rest of the Missourians in congress, and signed by Tyler on March 1, 1845, just before his retirement from the presidency and Polk's accession, the terms of which were agreed to by Texas, brought annexation on December 29 of that year, nine months after Polk entered office, and Texas became the twenty-eighth state of the Union.

A settlement of the Oregon controversy came soon afterward. As insistence on the possession of the whole of Oregon up to the Alaska line would have brought war with England, and as war with Mexico on account of the Texas boundary dispute was imminent, Polk receded from the "Fifty-four-forty-or-fight" position, and proposed a compromise, under which the forty-ninth parallel, which was the boundary between the United States and England east of the Rocky mountains, should be extended westward to the Pacific. This was a repetition of a proposal previously made by Tyler, but which England rejected. England, however, after some hesitation, now acquiesced. Polk signed the Oregon treaty on June 14, 1846, the senate ratified it on the 18th, it was accepted by the British government later on, and the territory comprised in the present states of Oregon, Washington and Idaho, and parts of the states of Montana and Wyoming, came under the flag.

Several weeks before Polk placed his signature to the Oregon annexation treaty, war with Mexico began. Shortly after Texas, on December 29, 1845, became United States territory, Polk ordered Gen. Zachary Taylor, commander of the southern division of the western department of the army, to enter the disputed region west of the Nueces and march to the Rio Grande, which was the boundary that Texas claimed and which the United States government was determined to defend. Taylor, with a force of about 4,000, promptly complied with this command, and reached the Rio Grande opposite Matamoras, on March 28, 1846. A reconnoitering party of Americans, under Captain Thornton, was surprised by a larger body of Mexican soldiers on the Texas side of the river on April 24, and some of





Thornton's men were killed and the rest captured. Word of the fight was immediately sent by swift messengers, and the news soon reached Washington.

As Taylor refused, when ordered by the Mexican commander, to retire to the Nueces, General Arista, with six thousand men, crossed to the east side of the Rio Grande to move against him. Taylor attacked Arista on May 8 at Palo Alto and defeated him, and assailed him on May 9 and beat him still more severely, after which the Mexicans retreated to the west side of the river, and were shortly afterward followed by Taylor, who occupied Matamoros.

Meanwhile Polk, learning of the attack on Thornton, sent a war message to congress. That body recognized a state of war as existing with Mexico, and passed an act on May 13, 1846, authorizing a call for fifty thousand volunteers, and made an appropriation of ten million dollars for the prosecution of hostilities.

About the middle of May, Governor Edwards of Missouri called for volunteers for the Army of the West, which was the name of the column that, assembling at Fort Leavenworth, in the present Kansas, was to march to Santa Fe and strike New Mexico, Mexico and California.

Here, as on many other occasions before and afterward, the military spirit of the people of Missouri asserted itself: Under the law of 1825 a complete militia system, to include all able-bodied men in the state between eighteen and forty-five years of age, except ministers, teachers, civil officers and one or two other classes, was established. Primarily the law was enacted to afford protection against the Indians, who were something of a menace to the state in 1825 and for years afterward, but the system which it created grew to be one of the most valued and popular institutions of the state. Companies, battalions, regiments, brigades and divisions were organized, all officers up to and including colonels being elected by the privates, and brigade and division commanders were chosen by the officers. Regular muster days were set apart in which the militia was organized into companies and drilled, and other days into which the formation into battalions, regiments, brigades and divisions was attended to. On many occasions previous to the service of Edwards, Missouri's Mexican war governor, Missouri's militia did good work. Parts of it figured in the Black Hawk and other Indian troubles, in the various Mormon disturbances from 1833 to 1838, and in the boundary dispute with Iowa, while a



regiment under Col. Richard Gentry won glory in the Seminole war in Florida.

There was a prompt response to Governor Edwards' call of May, 1846, for volunteers to serve in the war against Mexico. In a book named "Doniphan's Expedition," written by John T. Hughes, a member of Doniphan's command, the story of the part which Missouri bore in the war is told, and the record is very creditable to the state. Mounted companies from the counties of Jackson, Lafayette, Clay, Saline, Franklin, Cole, Howard and Callaway had arrived at Fort Leavenworth by June 18, the First Missouri Cavalry was organized, and Alexander W. Doniphan was elected as colonel, C. F. Ruff as lieutenant colonel, and William Gilpin as major. Two of these—Doniphan and Gilpin—figured with prominence before and afterward.

Colonel Doniphan, who had enlisted as a private in one of the companies of his regiment, was born in Kentucky, settled in Missouri at an early age, became a lawyer, served in the legislature as a Whig, figured in the troubles of 1838 against the Mormons in Missouri as a brigadier general of militia, was thirty-eight years of age when the Mexican war began, made a brilliant record in that conflict, was conspicuous in the state's politics subsequently and died in Richmond, Mo., in 1887. Gilpin, a graduate of West Point, participated in the Seminole war in Florida as an officer of the regular army, resigned just afterward, edited the Missouri Argus in St. Louis for a short time, went to Oregon for a year or two, and was back in Missouri in time to enlist in the first regiment, being only twenty-five years of age at the time of his election as major. He made a fine record in the Mexican war, was appointed governor of the Territory of Colorado by Lincoln in 1861, and died in 1894.

Before the Army of the West was formed at Fort Leavenworth in the early summer of 1846 the St. Louis Legion, six hundred and fifty strong, commanded by Col. A. R. Easton, left by way of the Mississippi for Mexico to join General Taylor's Army of Occupation, but was mustered out after a service of a few months.

With the First Missouri there also assembled at Fort Leavenworth two batteries of light artillery from St. Louis, two hundred and fifty strong, under Captains R. A. Weightman and A. W. Fischer, the battalion being commanded by Maj. M. L. Clark. The Laclede Rangers were there also from St. Louis, about 100 in number, under Capt. T. B. Hudson, and a battallion of infantry, 145 men, from Platte and Cole counties, under Captains W. Z. Augney and Murphy, the former being the ranking officer. The Laclede



Rangers were attached to the First Dragoons of the regular army, whose colonel was Stephen W. Kearney, and who numbered about 300 men, under the immediate command of Maj. E. V. Sumner, who participated in the Kansas territorial troubles a few years later, and who was a distinguished officer on the Union side in the Civil war. Another officer in the dragoons was Capt. Philip St. George Cooke, who was afterward a well known general in the Union army in 1861-65. The aggregate strength of the Army of the West was one thousand six hundred and fifty-eight men, with sixteen pieces of artillery, twelve being six pounders and four being twelve pound howitzers. All were from Missouri except the regulars. All were mounted except the battalion from Cole and Platte counties. Kearney, who was advanced to the rank of brigadier general, was fifty-two years of age at the time. He had served in the war of 1812, had been in the army continuously afterward, was made commander of the Army of the West, did good service in the war then about to begin, and died in St. Louis in 1848, a few months after the war's close.

Meanwhile Sterling Price resigned from congress just after the declaration of war against Mexico, was appointed by President Polk colonel of another regiment of Missouri cavalry, which assembled at Fort Leavenworth, to re-enforce the Army of the West, and was elected colonel by his men. They were recruited from the counties of Boone, Benton, Carroll, Chariton, Linn, Livingston, Monroe, Randolph, Ste. Genevieve, and St. Louis. D. D. Mitchell was chosen lieutenant colonel and Captain Edmondson was made major. To Colonel Price's force was attached an extra battalion of mounted men under Lieutenant Colonel Willock, consisting of four companies, recruited from the counties of Marion, Polk, Platte and Ray. Price's entire command numbered about one thousand two hundred men.

In August 1846, Governor Edwards made another call for one thousand volunteers, this time for infantry, to re-enforce Price. The regiment was raised quickly, and Maj. John Dougherty of Clay county was chosen colonel, but before marching orders were received Polk countermanded the call under which they were raised, and they were mustered out of the service.

Kearney's Army of the West, on June 26, 1846, started for New Mexico over the Santa Fe trail which the Missouri traders had opened many years earlier, and which furnished a well marked highway to the New Mexican capital. It reached Santa Fe, nine hundred miles from Fort Leavenworth, on August 18. The Mexican governor, Armijo, fled at the approach of the



American troops. On the 19th Kearney issued a proclamation absolving the people of New Mexico from their allegiance to Mexico and annexing the territory to the United States.

Under Kearney's instructions Colonel Doniphan and Willard P. Hall, both lawyers, framed a provisional constitution for the government of New Mexico. Then Kearney appointed a full set of civil officers for the territory, among whom were Charles Bent, governor, and Francis P. Blair, Jr., United States district attorney. Most of the other officials were New Mexicans who had been partly Americanized by the social and business relations established with New Mexico by the Missouri traders, and who promptly swore allegiance to the United States on the arrival of the troops on August 18. Willard P. Hall, who was mentioned in the preceding chapter as having been elected to congress from Missouri in 1846, was a private in Doniphan's command, and was chosen to congress while in the military service. Bent was a well known Missourian and a prominent Santa Fe trader, who built the post on the Arkansas called Bent's Fort. Blair, also a private in the war, and then twenty-five years of age, was just beginning that career which made him the most illustrious of Missourians next to Benton himself.

On September 25, General Kearney, with part of his force, started for California to aid in completing the conquest of that region which was well under way at that time by Fremont, Benton's son-in-law, leaving Doniphan at Santa Fe until Price's arrival. Price, who traversed the same course from Fort Leavenworth which had been followed by Kearney and Doniphan a few weeks earlier, reached Santa Fe on October 1, 1846. Soon afterward Doniphan, leaving Price in command in New Mexico, began his march to Chihuahua, where he was to re-enforce General Wool. Doniphan dealt with the Navajoes on the way, reducing them to a semblance of subjection, and then left Valverde on December 12, pushing due southward into the heart of the enemy's country. On Christmas day Doniphan met and defeated one thousand one hundred Mexicans at Brecita, in which fight thirty Mexicans were killed and one American was killed and seven wounded, and two days later he entered El Paso del Norte, in the department of Chihuahua. On February 8, 1847, after being re-enforced by Major Clark with 117 men and six pieces of artillery, Doniphan resumed his march for Chihuahua, 250 miles distant, through a sterile and mountainous country, and on February 28, when seventeen miles from his objective point, he suddenly found his course blocked at the pass of the Sacramento by





General Herredia and 4,000 Mexicans, who were intrenched in a position of great natural strength. Doniphan's effective force numbered only 950 men at that time, yet he attacked the Mexicans with great vigor and drove them out of their fastness with a loss, it was estimated, of 800 killed or wounded, while his own casualties were one killed, Maj. Samuel C. Owens, and eleven wounded, several of these mortally. This was one of the most marvelous victories of a war which had many marvels. The next day, March 1, Doniphan entered Chihuahua, a city of 25,000 people which capitulated at his approach.

Wool was not in Chihuahua, but had just taken part in the battle of Buena Vista, February 22, 1847, the last and most brilliant of all Taylor's conflicts. Doniphan opened communication with Wool, and was ordered to march to Saltillo, seven hundred miles to the southeast, which distance was covered between April 28 and May 21, where Wool was found, who complimented the Missourians highly on their brilliant work. As the war in that part of Mexico was over, General Taylor, commander of the Army of Occupation, after passing a high encomium on their conduct during the campaign, ordered Doniphan and his men to Brazos Island, at the mouth of the Rio Grande, which they reached on June 9. From thence they sailed for New Orleans, where they were mustered out of the service, and, sailing up the Mississippi, most of them arrived at St. Louis on July 1. An enthusiastic reception was given to them on July 2 by the people of that city, at which there was a parade of all the city's military companies and its fire department, and an address of welcome and congratulation was delivered by Benton and a reply by Doniphan.

Doniphan's heroic men had marched about three thousand miles through a hostile country, had braved hardships, hunger, thirst and all the extremes of heat and cold, had fought Indians, Mexicans and guerrillas of both races, had been uniformly successful in all their battles, and had completed a campaign as daring and successful as any in the annals of the wars of the period.

While Doniphan, in the latter part of 1846 and the early half of 1847, was marching and fighting on the southern verge of New Mexico's line and far into old Mexico, Price, with the other little army of Missourians, with his headquarters at New Mexico's capital, was having exciting times in that quarter and near the territory's northern border. A revolt had been planned by some of the New Mexican leaders, to take place on Christmas day, 1846, the same day as Doniphan's fight at Brecita, two hundred miles to the southward, but Price, learning of the plot, arrested



some of the chief spirits in it, and the rising did not take place. The revolt was only delayed, however, not averted. On January 19, 1847, Governor Benit and his escort of a few soldiers were murdered by insurgents at San Fernando, near Taos, in the northeastern part of the territory.

Price, as soon as he learned of the outrage, marched with three hundred and fifty men against the rebels. Close to the village of Canada he met them on the march toward Santa Fe, and defeated them, although they largely outnumbered his force. This was on January 24. Early in February, after being re-enforced by a company of cavalry and a 6-pounder cannon, his force then numbering four hundred and eighty men, he pursued the rebels to their stronghold at Taos, part of the way being through two feet of snow, which had to be shoveled away in order to get the artillery and the baggage wagons through. At Taos the Mexicans retreated to the Pueblo, where they were besieged two days, and then their position was carried by storm. About one hundred and fifty of the Mexicans were killed, many were taken prisoners, and the rest retreated and dispersed. The American loss was seven killed and forty-five wounded.

A few sporadic risings took place in the territory in the next two or three months, but none of them were as formidable as the one which was crushed at Taos, and Price and his men were ordered home, reaching Missouri on September 25, 1847, having lost over four hundred men in battle and by disease. Other volunteers from Missouri had reached New Mexico from Fort Leavenworth by this time, and General Price returned to that point, having in his new command about three thousand men.

In the meantime Scott, with his base at Vera Cruz, after a wonderful series of successes between March, 1847, and September, entered the City of Mexico on the 14th of the latter month, and the war was virtually ended. All the nation's new territory was pacified before the treaty of peace at Guadalupe Hidalgo, on February 2, 1848, placed the present New Mexico, Arizona, California, Nevada, Utah and portions of Colorado and Wyoming under the stars and stripes.



## CHAPTER X

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### The Slavery Issue in Missouri

THE new territory which this state took a leading part in winning for the United States in 1846-48 began to make serious trouble for the latter, and particularly for Missouri, even before that conquest was completed. To a bill introduced in the house of representatives on August 8, 1846, for an appropriation of two million dollars to enable Polk to buy territory from Mexico, David Wilmot proposed an amendment shutting slavery out of all that region. This figured in the politics of the day as the Wilmot proviso. The date of its introduction was three months after the beginning of the Mexican war. Wilmot was a Pennsylvania Democrat, and his amendment had been agreed on by many of the Democratic members of other northern states.

Though the Wilmot proviso was not enacted until 1862, in the second year of the Civil war, it passed the house of representatives in 1846, in which body the North was predominant on account of population, but it failed in the senate, in which there was a balance between the free and the slave states, and in which, at that particular time, the slave states were slightly in the lead in the division.

In the vote in congress the Wilmot prohibition, in a general way, split the country sectionally rather than by parties, reintroduced the geographical line in politics, like that seen in the division on the question of Missouri's admission in 1819-21, and which reappeared momentarily in the Democratic national convention of 1844, when the South turned against Ex-President Van Buren, whom Benton favored, and defeated him for the presidential nomination because he was against Texas annexation. One of the Wilmot restriction's immediate consequences was that Cass of



Michigan, in 1847, invented the popular sovereignty doctrine (that the people of the territories should have the privilege of deciding whether they would admit or exclude slavery, regardless of congress's wishes in the matter), which Douglas patented and applied in the Kansas-Nebraska territorial act of 1854, which repealed the Missouri compromise.

The principle of the Wilmot proviso (that slavery should be shut out of all the territories) formed the basis of the creed of the Free Soil party, which was organized in 1848, and was the principal article of faith of the Republican party, which was founded in 1854.

Naturally Missouri had a peculiar interest in the contest caused by the Wilmot proviso. Slavery had existed in Missouri from the earliest settlement, back in the days of the French and the Spanish occupation. The determination of Missouri to retain slavery in 1821 was partly due to resentment at the attempt of the North to shut slavery out, and to thus prescribe conditions for Missouri's entrance into the Union which, as it reasoned, would destroy, for Missouri, that equality for the states which was necessary to their dignity and independence. This contest made Missourians, even those who were in the abstract opposed to slavery, particularly sensitive on that issue, as one of their domestic concerns. It was one of the reasons why Rev. E. P. Lovejoy's anti-slavery paper of 1833-36, in St. Louis, the *Observer*, aroused the wrath of an element of the populace, which drove him to Alton in the latter year, where he was murdered by a pro-slavery mob in 1837.

Nevertheless, there was a chance at one time that emancipation in Missouri might have been accomplished by peaceable means. At a meeting of the Missouri Historical Society in St. Louis in 1877 Albert Todd presented a letter written by John Wilson to Thomas Shackelford, both well known Missourians, of an earlier day, in which Wilson said that in 1828 he was one of a company of twenty persons, representing both parties and all sections of the state, among whom were Senators Benton and Barton, who came together to consider how they could get rid of slavery in Missouri. They unanimously determined, wrote Wilson, to urge emancipation upon all candidates at the approaching election, and resolutions were drawn up and printed in secret and distributed "amongst us, with an agreement that on the same day these resolutions, in the shape of memorials, were to be placed before the people all over the state, and both parties were to urge the





people to sign them. Our combination, too, then had the power to carry out our project. Unfortunately, before the day arrived it was published in the newspapers generally that Arthur Tappan of New York had entertained at his private table some negro men, and that, in fact, these negroes had rode out in his private carriage with his daughters. Perhaps it was not true, but it was believed in Missouri, and raised such a furore that we dared not nor did not let our memorials see the light. And, as well as I can call to mind, of the individuals who composed this secret meeting I am the only one left to tell the tale; but for that story of the conduct of the great original fanatic on this subject we should have carried, under the leadership of Barton and Benton, our project, and began in future the emancipation of the colored race that would long since have been followed by Kentucky, Maryland, Virginia, North Carolina, Tennessee, etc. Our purpose further, after we got such a law safely placed on the statute book, was to have followed it up by a provision requiring the masters of those who should be born to be free to teach them to read and write." (Cited by Col. William F. Switzler in the "Commonwealth of Missouri," p. 222.)

Viewed to-day this looks like a very small cause on which to defeat a great reform. As in all important questions, however, we must test this conduct by the standards of the time and the place. The Missouri of that day, most of whose residents came from the slave states, had a strong prejudice against the black man, not altogether because he was a slave, but because he was black. Irrespective of his status his color was a brand of degradation. One clause of Missouri's constitution of 1820 required the legislature to shut out negroes and mulattoes from the state, and although congress compelled her to nullify this mandate, the existence of the mandate was an eloquent expression of the state's hostility to the idea of negro equality, which seemed to be involved in the affiliation of Tappan, New York's abolitionist, with black men. Before we condemn the Missouri of 1820 and 1828 for holding this feeling toward the negro let us consider the attitude taken by the entire ex-slave region to-day regarding the Booker T. Washington-White House episode of 1902. Moreover, a little of the same sort of negrophobia has been exhibited rather conspicuously in recent years by many communities which never held any slaves, and in which the black element is relatively insignificant in number.

Had the emancipation idea of Benton, Barton and their asso-



ciates been carried out at that time it would have been a work of immeasurable value to Missouri, and might have had a powerful influence on the rest of the border slave states, in some of which, especially Kentucky and Virginia, there was much sentiment in favor of manumission and colonization. Several things, however took place in the next few years which intensified the feeling in Missouri and the rest of its section against the negro, and prevented all possibility of a peaceable freeing of the slave. One of these was the establishment of the *Liberator* in Boston at the beginning of 1831, in which William Lloyd Garrison advocated immediate, unconditional and uncompensated emancipation. Another was the rising, a few months later, of Nat Turner, the negro, in Virginia, in which he and his fellow slaves murdered sixty-one whites before they were subdued. Still another was the formation of the New England Anti-slavery society in 1832, that of the American Anti-slavery society, a national organization, in 1833, and the establishment of affiliated associations in many of the State of the North and West in the next few years. Garrison was accused, though unjustly, by the south of inciting the Nat Turner revolt. Attempts were made in some of the Southern states to exclude anti-slavery literature from the mails. A long fight was precipitated in congress to suppress petitions directed against the south's peculiar institution. In all the states below Mason and Dixon's line the name abolitionist began to carry with it as much opprobrium as the term anarchist did throughout the whole country just after the assassination of President McKinley.

This feeling found emphatic expression in Missouri. One of the charges which the citizens of Jackson county brought against Joseph Smith's followers in 1833 was that "they had been tampering with our slaves," and had been "inviting free negroes and mulattoes from other states to become Mormons and settle among us." This accusation, even if it stood alone, would have gone far toward bringing that edict of expulsion which was pronounced against the Mormons a little later in that year.

When also in 1833, Elisha P. Lovejoy started his anti-slavery crusade in St. Louis in his newspaper, the *Observer*, he tempted fate. Lovejoy was a man of courage, ability and high character. He had the future on his side, as many persons in St. Louis and the rest of Missouri must have seen at the time. His work, however, carried peril to himself without advancing his cause in Missouri, though it unquestionably aided the cause ultimately in the Northern states in general. Compared with the burning utter-



ances of Phillips on the platform, of Weld with voice and pen, and of most of the other abolition agitators of a later day, Lovejoy's expressions were mild. They were innocent, too, contrasted with the fiery assaults on slavery which were being made at that time by Garrison's *Liberator* and by the *Emancipator*, controlled by Arthur Tappan. But Lovejoy's propaganda was being carried on in a state in which slavery was a vested interest, although it was small compared with the state's aggregate interests. Missourians who were opposed to slavery in the abstract then and afterward, among them being Hamilton R. Gamble, the Unionist Provisional governor thirty years later, during the civil war, attempted to dissuade him from his course, but in vain. At last, in 1836, a mob attacked Lovejoy's office, he was driven out of St. Louis, and he went to Alton, where he was murdered a year later.

Nevertheless, the slave ingredient of Missouri's population was beginning to shrink at that time. The slaves numbered a little less than one out of every seven of the state's inhabitants at the end of the Spanish domination, and they increased somewhat faster than the free element along to 1830, owing to the heavy preponderance of the emigration from the South and were slightly in excess of one out of six in 1830. The opening of the Erie canal in 1825, and the appearance of the railroads a few years later, increased, relatively as well as absolutely, the number of arrivals from New England, the old Middle states and the communities north of the Ohio, the proportion of the slaves in the state began to decline, and they had dropped to a little less than one out of ten of Missouri's aggregate population by 1860.

When confronted with the larger issues of national concern, Missouri proved that it could easily rise above the exigencies of the slavery interest. This was shown impressively on the question of Texas annexation, and, sixteen years later, on that of secession. A set of resolutions passed by the Missouri legislature early in 1845, when the Texas bill was before congress, recited that the question of slavery ought to be left to the decision of that community when it should be admitted to the Union. Yet the people of Missouri, speaking through that declaration, took care to make it plain that "so essential do they regard the annexation of Texas to the interests of the state and of the United States that, rather than fail in the consummation of this object, they will consent to such just and reasonable compromises" as "may be indispensably necessary to secure the accomplishment of the measure and preserve the peace and harmony of the Union."



In 1846, when the Wilmot slavery prohibition for the territory to be gained from Mexico came up Benton opposed it on the ground that such a restriction was unnecessary and a needless irritation to the country. Slavery, he contended, had been abolished in that territory by Mexican law, and could not be revived in it except by an act of congress, to which he was opposed, and which, moreover, had not the slightest chance to pass the house, whatever might be its fate in the senate. Here Benton probably diverged from the bulk of his party in his state. That majority was against the Wilmot exclusion amendment, because, as is likely, it preferred at that time to have slavery extended into the new acquisition.

Necessarily the discussion of slavery in congress which Wilmot's measure precipitated had some effect on the voting in 1848, in Missouri as well as in the rest of the country, though this influence is not discernible in the poll on state officers in Missouri. The Democrats carried the state for both governor and president, but their majority on the former was twice as large as it was on the latter. Austin A. King, the Democratic gubernatorial nominee, had a lead of fourteen thousand nine hundred and fifty-three, although his Whig opponent was James S. Rollins, one of the ablest and most popular men in the state. The Democrats also elected the state's five members of congress.

Governor King, a Tennessean by birth, who settled in Missouri at an early age, was forty-seven years old at the time of his election for governor in 1848, and had previously served in the legislature and as circuit judge. During his four years as the state's chief executive he gave satisfaction to his party and his constituents in general. In the political division of 1861-65 he was a stalwart adherent of the national government, was elected to congress as a war Democrat in 1862, and died in St. Louis in 1870.

In the election for president in 1848, which took place a few months later than for governor, the margin for Lewis Cass, of Michigan, the Democratic candidate, was only seven thousand four hundred and six over Zachary Taylor, of Louisiana, the Whig nominee, who carried the country through a split in the Democratic party in the decisive state of New York. General Taylor was a slaveholder, and also had won a brilliant record in the Mexican war which had greatly enlarged the nation's boundaries, two things which would naturally appeal to Missouri under the conditions of the time.





Though the slavery issue did not figure prominently in the division in Missouri's vote on governor in that year it had a decisive influence on the course of affairs in the legislature, and affected the politics of the state during his whole term and for years afterward. This will be shown in the following chapter.



## CHAPTER XI

## Break in the Democracy and Fall of Benton

ON January 15, 1849, Claiborne F. Jackson, of Howard county, from the committee on federal relations of the senate branch of Missouri's legislature, reported a series of resolutions to that body which marked an epoch in the state's politics, and which had much influence on the politics of the United States. With some alterations these were resolutions introduced two weeks earlier by Carty Wells, of Marion county, the author of which, it was understood, was Judge W. B. Napton, of the state supreme court. The resolutions, which were six in number, virtually denied the power of congress to legislate so as to affect slavery in the states, the District of Columbia or the territories; asserted the "right to prohibit slavery in any territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitutions for a state government or in their sovereign capacity as an independent state;" declared that if congress should pass any act in conflict with this principle "Missouri will be found in hearty co-operation with the slaveholding states in such measures as may be deemed necessary for our mutual protection against the encroachments of Northern fanaticism," and recited that "our Senators in Congress be instructed and our Representatives be requested to act in conformity to the foregoing resolutions."

All three of these persons were Democrats, all were men of character and standing, and Jackson, as governor of the state in 1861, who endeavored to take it with him over to the confederacy, became a figure of national consequence.

Several causes incited the presentation of these resolutions. One of them was the honest belief on the part of many Democrats of Missouri and of some Whigs that congress had no right to



interfere with slavery in the territories, and that the legal right to shut it out belonged to the people of the territories when forming their state constitutions. Another was the assumption, sincerely entertained by a considerable number of persons, among whom were a few Whigs, that the spirit of Wilmot's proviso which had found strong favor in the North, would after slavery had been finally and permanently excluded from the territories, inspire an attack upon it in the states in which it existed, which nobody at that time urged except the more radical of the corporals guard of abolitionists, whose political branch gave Birney 63,000 votes in 1844 for president, and who composed a small element of the Free Soil party that gave 291,000 votes to Ex-President Van Buren in 1848, on a platform of exclusion of slavery from the territories. Still another cause was personal hostility to Benton by many members of his own party, whose term at that time was near its end, who was a candidate for another election, who was known to be anxious to preserve the territories to freedom, and therefore opposed to the spirit of these resolutions, and who, in his long period of autocratic sway in his party had aroused the jealousy of many of its ambitious men and incited the dislike of many who were not ambitious.

Benton's position on the slavery extension question was made clear two years before the fateful pronouncement of 1849 was reported to the Missouri legislature. Calhoun, in February, 1847, presented a set of resolutions in the senate at Washington to the effect that slaves could be carried into a territory regardless of the action of congress or the territory's legislature, that the courts were bound to furnish the same measure of protection for them that they provided for all other sorts of property, and that they could not be interfered with except by the people of the territory when forming a state government, or afterward. This contention was soon adopted by the South. Calhoun's position of 1847 was, practically, sanctioned by the Jackson deliverance in Jefferson City in 1849.

Calhoun's resolutions were promptly denounced by Benton as being calculated to inflame the extremists on both sides, and as being disunionist in their tendency. Calhoun said he had expected Benton's support, as being a representative of a slave state, and added that he would know where to find Benton in the future. To this the intrepid Missourian retorted: "I shall be found in the right place, on the side of my country and the Union." Writing long afterward about this affair Benton impressively said: "This answer, given on that day, and on that spot, is one of the inci-



dents of his life which Mr. Benton will wish posterity to remember."

Every member of the Missouri legislature of 1849, in both branches of which the Democrats were largely in the majority, knew that the Jackson resolutions, as they were afterward popularly called, would be offensive to Benton. Most of the members knew that Benton would refuse to be bound by them. Anxious to avert a rupture in their party many of Benton's Democratic friends opposed the reporting of the resolutions. Some voted against them. They passed both branches, however, by large majorities, most of the negative votes being cast by Whigs. A considerable number, though, who voted for the resolutions did not believe that they were disunionist in their tendency. Many who voted for them clung to the Union side in 1861. A few of them joined the Republican party.

Benton's colleague, Atchison, accepted the resolutions promptly, and promised to be bound by them. But Benton denounced them, declared that the disunion that Calhoun's manifesto of 1847 would bring "directly" Jackson's would bring "ultimately," and appealed from the legislature to the people of Missouri. He made a tremendous canvass of the state during the spring and summer of 1849. That campaign was memorable for the number of men then famous or who afterward became so who participated in it. Among the Democrats who opposed Benton on the stump in 1849 were Atchison, Jackson, who reported the resolutions; Carty Wells, who introduced them; James S. Green, Louis V. Boggy, Trusten Polk and Robert M. Stewart. Among the Democrats who took Benton's side then or in the subsequent contests were Francis P. Blair, Jr., Benjamin Gratz Brown, Richard A. Barrett, Bart Able, John D. Stephenson and Arnold Krekel.

Benton's term would not end until March 4, 1851, and the election of a senator by the legislature would not take place until the early part of that year. Some exciting things were to come up in congress before that time, and Benton was, as usual, to figure conspicuously in them.

Marshall's gold discovery in the raceway of Sutter's mill on the American fork of the Sacramento on January 24, 1848, incited an influx from the four quarters of the globe which peopled California so quickly that it was knocking for admission as a state before the politicians in congress had organized it as a territory. On October 13, 1849, a convention at Monterey finished a constitution which the people of California ratified on November 13, and they immediately asked admission under it. As this constitution





prohibited slavery the Southern members of congress opposed admission. There were thirty states at the time, fifteen free and fifteen slave. California would break the balance which the South had laboriously maintained along to that time, and give the free section a preponderance in the senate, which was bound, as the South saw, to grow with the admission of Oregon, Minnesota, and other communities in the Northwest which would soon be asking to be let in. This started a conflict in congress between the North and South which impelled Clay to come forward with the third and last of his political adjustments, the compromise of 1850.

The measures which collectively came under this designation were the admission of California as a free state, the enactment of a more drastic fugitive slave law than that then on the statute book, the abolition of the slave trade in the District of Columbia but the existence of the institution there to remain undisturbed, the organization of the territories of New Mexico and Utah without applying the Wilmot proviso in them, and the payment of ten million dollars to Texas to induce her to abandon her claim to certain territory in New Mexico.

This contest was notable for the large number of historically great addresses (Calhoun's, which he was unable physically to deliver, and which was read to the senate by Mason, of Virginia; Webster's "seventh of March" speech; Seward's "higher-law-than-the-constitution" speech, and addresses by Benton, Chase Clay and others) which it called out. All these diverse measures passed congress after a long and exciting contest, by various combinations and coalitions, and received the signature of President Fillmore, the vice president who went to the higher office on the death of Zachary Taylor, which occurred on July 9, 1850, shortly before the passage of the first of these bills.

Benton opposed several of the measures of the compromise of 1850. He was tetotally against the principle of that adjustment. There was no sense, he intimated, in inflicting punishment on Massachusetts, through a fugitive slave law, as compensation to South Carolina for allowing California to come into the Union as a free state. He would consider each of these questions as it arose, without regard to the connection which the politicians sought to establish between it and the other issues. And he would make no concession of any sort to Calhoun and the rest of what he called the disunionist cabal. He was also against Texas' claims to any of the territory of New Mexico, and he would resist that claim even if the army had to be used in defending New Mexico against it. California he would admit as a free



state immediately, and let all the other issues be dealt with as they came up in due course. While Northern Whigs like Webster and Fillmore supported the compromise, this stalwart old Democratic paladin of freedom from a slave state denounced the adjustment, in principle and practical effects, during the time it was before congress and after its enactment, and made against it one of the strongest speeches called out by the whole contest.

Naturally Benton's assault on the compromise of 1850 intensified the hostility of the pro-slavery men in Missouri toward him, and probably turned a few additional votes against him in the legislature when, a few months later, the contest for senator began. This fight which retired Benton from the senate was the most exciting senatorial contest which Missouri ever had, the only one closely approaching it in dramatic features being the one, thirty years earlier, in which Benton was chosen the first time. Beginning on January 10, 1851, thirty-nine ballots were taken without a result. On the fortieth the end came, on this vote: Benton, 55; B. F. Stringfellow, Anti-Benton Democrat, 18; Henry S. Geyer, Whig, 80; Geyer being elected.

B. F. Stringfellow was the more active of the two men of that name, brothers, who figured in the Kansas raids a few years later. Henry S. Geyer was the first and only avowed Whig who was ever elected to the senate from Missouri. Barton drifted into opposition to the Democracy during his service, but he was elected as a Democrat and was recognized as such during a large part of his service. Geyer was born in Maryland, settled in Missouri in 1815, served in the convention of 1820 which framed the state constitution, was in the legislature several terms, during part of which time he was speaker of the house, and he was fifty-three years of age at his election to the senate in 1851 to succeed Benton. He was one of Missouri's most accomplished lawyers, was one of the counsel in the Dred Scott case of 1856-57, and died in 1859. As a senator, however, he added nothing to his reputation, and he was easily overshadowed in activity and industry by his colleague, Atchison.

The defeat of Benton had a larger aspect than that which was connected with the fortunes of any one man, however large he might be. Directly and immediately it meant the rupture of the Democratic party in Missouri, which had dominated the state from the beginning, except as the state's vote for Clay in 1824 for president could be said to be a divergence from that faith. In the chaos of politics throughout the country in 1824, when four candidates—Clay, Crawford, Adams and Jackson—received elec-



toral votes for president, Benton at the outset leaned toward Clay, but he soon went over to Jackson, and he remained in harmony with that chieftain from that time onward to Jackson's death. He was in harmony with the Jackson ideal of robust, unhesitating and uncompromising nationalism until his own death.

But that fight of 1849-51 in which Benton was overthrown was merely the Missouri extension of the conflict between the Calhoun and the Jackson elements of the Democracy, which raged through most of the slave states, but which was particularly fierce in the border tier, in which the Jacksonians had been largely in the preponderance in the beginning. In the commonwealths farther south the Calhoun faction gained the ascendancy early, and maintained it until the Civil war, which, abolishing slavery and the doctrine of secession at the same time, wiped out the chief cause of the division.

The cleavage between the Calhounites and the Jacksonians did not coincide precisely with the division on slavery and secession. Not all the former were friends of slavery, though they believed in the legality of its introduction into the territories. Nor did all of them favor disunion, though nearly all of them believed in it as an abstract right. All the Jacksonians were not opposed to slavery extension, though a majority were. All were not unionists, but the unionists among them were overwhelmingly in the preponderance. Benton, though unjustly, stigmatized all the Calhounites as disunionists.

In the Democratic national convention of 1844, when Ex-President Van Buren was defeated for the nomination, the Calhoun element of the Democracy gained a distinctive victory over the Jackson end of the party. In contests in many of the slave states for nominations for each branch of congress and for state officers the Calhoun idea immediately or ultimately won. Even in Mississippi in 1850, when Foote, the nominal unionist, defeated Jefferson Davis, the disunionist, Foote's majority in a total vote of over 55,000, was only 1,000, and Davis carried one branch of the legislature and Foote the other. Moreover, the issue, chiefly, was the advisability of disunion and not its legality.

One of the effects of this contest in the Democratic party, in which, in one of the states, Benton was a leading figure, was that it helped to force forward the slavery and disunion issues into their portentous phase, and thus hastened the civil war which abolished disunion and slavery. Another was that, in splitting the Democracy in the nation, it ended temporarily the dominance of the political school which had ruled the country



since 1801, except during two short periods of interruption; and sent a strong Democratic re-enforcement to that coalition with the Whigs and the Free Soilers which founded the new political organization in 1854—the party of Seward, Chase and Lincoln—which governed the country during the civil war, and which has been in control of it most of the time since then.

Jackson died in 1845, a year after the defeat of his political protégée Van Buren in the convention which nominated Polk. At the time of his contest for re-election in the Missouri legislature in 1851, Benton was very nearly the last of the old Jacksonian unionist and nationalist chieftains of the Democracy who were left in any position of power in any of the slave states. All these are the principal circumstances which give the rupture of the Democratic party in Missouri and Benton's overthrow an importance as a great date mark not only in the annals of that commonwealth but in the political history of the United States.

After a service of thirty years in the senate, the longest in the history of the country at that time, Benton retired in 1851. He kept up his fight, however, against slavery extension and in favor of the Missouri compromise under which his state was admitted into the Union, was elected to the house of representatives in 1852, was defeated for that chamber in 1854 and for the governorship in 1856, and died in 1858. Benton's appearance in the canvasses of the two last named years will be touched upon in more detail in a subsequent chapter.

Naturally the principle of the Jackson resolutions continued to figure in Missouri politics for several years, though chiefly in the contests for congress. In 1852 the Democrats nominated the Mexican war hero, Gen. Sterling Price, an enemy of Benton's, for governor, and against him the Whigs put up James Winston, a man of ability and personal popularity, who, however, was beaten by 13,461 by Price. The most exciting contest for the house of representatives at Washington which was waged in any part of Missouri in that year was in the St. Louis district, in which Benton was elected after a hard fight. Among Benton's colleagues in the house for that term who were then well known to the country or who afterward became so, were John S. Phelps and Mordecai Oliver. Missouri's population of 383,702 in the census of 1840 had increased to 682,044 in 1850, and the state's five representatives in the popular branch of congress had expanded to seven, beginning with the election of 1852.

The election for president in 1852, in which Franklin Pierce was the Democratic candidate, and Pierce's old commander in





the Mexican war, Gen. Winfield Scott, an excellent soldier but a poor politician, was the Whig nominee, was easily won by Pierce, who carried twenty-seven states, as against four (Vermont, Massachusetts, Kentucky and Tennessee) which went to Scott. In Missouri far less interest was taken in the presidential contest than had been aroused in that for governor, and the vote on each side was much smaller. Pierce's poll was nearly 8,000 less than was that for Sterling Price, and Scott's vote was 3,000 short of that for Winston, the Whig candidate for governor. Pierce's lead over Scott in Missouri was 8,369, as compared with 7,406 for Cass over Taylor in 1848, and 10,118 for Polk over Clay in 1844.

The legislature which passed the Jackson resolutions early in 1849 enacted two other measures of great importance. Under one of these the construction of the railroad which afterward became known as the Missouri Pacific was authorized, to extend from St. Louis to the state's western border. Under the other the state's public school system was extended and greatly improved.

The Missouri Pacific's charter provided for a capital of ten million dollars; its corporators included Thomas Allen, John O'Fallon, James H. Lucas, Lewis V. Bogy, Henry M. Shreve, Wayman Crow, James E. Yeatman, Henry Shaw, Pierre Chouteau, Jr., Robert Campbell, Bernard Pratte, John B. Sarpy, Louis A. Benoist and other well known citizens of St. Louis and other parts of the state. Thomas Allen was chosen president and James H. Lucas vice president, and ground was formally broken for the construction of the road by Mayor Luther M. Kennett on July 4, 1850, on the south bank of Chouteau's pond, on Fifteenth street, in the presence of Gov. Austin A. King and a large assemblage. That road, which was opened to Franklin in 1853, to Jefferson City in 1856, to Sedalia in 1861, and to Kansas City in 1865, was the beginning of the permanent railway system of Missouri.

A railroad convention was held in St. Louis as early as 1836, and many lines of road were projected, on paper, in the next dozen years. One road, about five miles in length, was built from Richmond to a point on the Missouri opposite Lexington between 1849 and 1851. It was operated by horse power and its rails were made of wood. Benton shares with Asa Whitney of New York the honor of being the pioneer in the movement for a trans continental railway. This was part of Benton's plan of colonization of the Pacific coast by which he proposed to win



the Oregon country in the controversy as to title which the United States had with England. Several meetings in furtherance of the transcontinental road were held in St. Louis in the 40's of the nineteenth century. Missouri's actual railway scheme, however, dates from the beginning of work on Allen's and Lucas's road in St. Louis in 1850.

The year 1849 is memorable in St. Louis's annals on account of the occurrence of the most destructive fire in the city's history and the most serious visitation of the cholera which it has seen. The latter is treated in a previous chapter in connection with the earlier appearance of this malady. The fire started on the steamboat *White Cloud*, lying at the wharf near the foot of Vine street, on the night of May 19, and quickly communicated to twenty-three other vessels, to a large amount of material lying along the levee, and to buildings on the streets adjoining. The fire had a front of a mile in length, several lives were lost, and property to the amount of over three million dollars was destroyed, two-thirds of which was covered by insurance. That conflagration and the cholera which started immediately afterward make 1849 a year of unpleasant associations for St. Louis and vicinity.



## CHAPTER XII

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### Repeal of the Missouri Compromise

**D**URING the four years, beginning with January, 1853, of the term of Gov. Sterling Price, Missouri made great progress in a material way, as the census figures of 1860 were to show, in population, business activity, general development and wealth. Construction on several new railroads was started, and work on other roads, which were begun or projected during the service of Governor King, was pushed. Steamboating on the Mississippi, the Missouri, the Illinois and the Ohio rapidly expanded, and added to the sum of the interests of St. Louis and the other Missouri towns on or close to the rivers. While Missouri increased in population from 383,000 in 1840 to 682,000 in 1850, and was destined to make a still longer leap between 1850 and 1860, St. Louis's gain was in a far higher ratio than that of the state as a whole. Her population very nearly quintupled from 1840 to 1850, expanding from 16,000 in the former year to 77,000 in the latter, and it was to swell to 160,000 in 1860.

In Missouri's legislature the years of Price's incumbency saw many exciting contests, both in the work of organizing the house and in that of legislating in both branches. The slavery question, in the shape in which the Jackson resolutions presented it to the people of Missouri, split the dominant Democratic party, precipitated feuds between its two elements, made each of them less hostile to the Whigs than it was to the rival Democratic faction, and gave some triumph to the Whigs, who had just succeeded, through the rupture in the ranks of their enemies, in electing a United States senator, Geyer, to succeed Benton. But even with the aid which this Democratic vendetta gave them,



the Whigs were unable to elect a senator to succeed Atchison (but they elected several representatives in congress) or to choose a governor to follow Price. In the contests in the legislature the Anti-Benton Democrats had the influence of Governor Price on their side.

The names of the leading contestants comprise many of the most prominent Missourians of the day. In the alignment in the legislature the most active of the Anti-Benton Democrats were Robert M. Stewart and Claiborne F. Jackson, each of whom was afterward governor; Lewis V. Bogy, afterward a senator; John W. Reid, J. H. Britton, William C. Price, George C. Medley and others. The Bentonites had for their spokesman Francis P. Blair, Jr., Benjamin Gratz Brown, John D. Stevenson, Bart Able, Judge Arnold Krekel and others, most of whom afterward reached higher station. Among the most active and influential of the Whigs in these contests were Thomas Allen, James S. Rollins, James O. Broadhead, Col. Alexander W. Doniphan, Henry T. Blow, Samuel H. Woodson, and Charles H. Hardin, who was chosen governor twenty years later, but who, long before that time, had become a Democrat.

It was in Washington, however, and not in Jefferson City, that the contest took place which had the closest interest for Missouri, and Missourians figured prominently in it. Willard P. Hall, of St. Joseph, a Benton Democrat, and consequently an opponent of slavery extension, introduced in the popular branch of congress on December 2, 1852, just after the election of Price as governor and Franklin Pierce as president, but before either of them had entered office, a bill for the organization of the Territory of Platte, which would include several of the present states, among them Kansas and Nebraska. As reported to the house from the Committee on Territories by William A. Richardson, of Illinois, Stephen A. Douglas's personal representative in that chamber, with the name of the proposed territory changed to Nebraska, the bill passed that branch on February 10, 1853. Reported to the senate by Douglas, without amendment, it was, by Southern votes, laid on the table in that body on March 3, the last day of the term of congress and of Fillmore as president.

Neither Hall's bill nor Richardson's modification of it made any reference to slavery. As the proposed Territory was all north of the Missouri compromise line of thirty-six degrees thirty minutes, it was dedicated to freedom by the Missouri slavery





prohibition of 1820. The organization of a territory there meant an in-rush of settlers from the North and from Europe which would quickly result in the creation of one or more free states, thus increasing the preponderance of the North that had been gained through the admission of California as a free state in 1850. Neither Douglas nor anybody else yet seriously pretended that the compromise of 1850, which had organized the Territories of New Mexico and Utah out of parts of the Mexican cession of 1848, without any reference to the slavery question, superseded the Missouri adjustment of 1820, which applied to the territory gained from France in 1803. This is why the Hall-Richardson measure encountered the hostility of the South which defeated it in the senate.

Senator Atchison, one of the most pronounced of the pro-slavery men, declared in congress while the Hall-Richardson bill was pending, that the Missouri compromise had been a blunder, but he confessed that he did not see any chance of its repeal, and therefore he was willing to accept that Nebraska bill, with slavery shut out of the territory. "I have always been of opinion," he said, "that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this territory now as next year, or five or ten years hence."

These words by Missouri's senior senator were spoken early in 1853. Less than twelve months afterward, however, Douglas and many others were to assert that the principle of the Missouri restriction of 1820 had been removed by the legislation of 1850. And about the same time that prohibition itself was to be abolished by the Kansas-Nebraska territorial act. Moreover, only a few years later the supreme court (in 1857) was to decide that the Missouri slavery prohibition had been unconstitutional all the time.

It was the last day of the last congress of the Taylor-Fillmore administration which, on March 3, 1853, saw the Hall-Richardson Nebraska territorial bill laid on the table in the senate through Southern hostility. Early in the first session of the first congress under Pierce—on December 14, 1853—Augustus O. Dodge, an Iowa Democrat, introduced in the senate a bill for the organ-



ization of that territory which had a different fate. The Nebraska in this measure, as in that of Hall, comprised virtually all the region stretching from the western line of the states of Missouri and Iowa and the Territory of Minnesota westward to the crest of the Rocky mountains.

With some important changes, this bill was reported to the senate from the Committee on Territories by Douglas, its chairman, on January 4, 1854. In Dodge's bill, as in Hall's, there was no reference to slavery, but as all the Nebraska region was north of the Missouri compromise line of thirty-six degrees thirty minutes, from which slavery had been shut out since 1820, the presumption was that the territory was to remain free soil. As reported by Douglas, however, the bill contained this clause: "When admitted as a state, the said territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitutions may prescribe at the time of their admission."

This clause startled the North. It had profound interest for Missouri also, but for an opposite reason. At that particular time the North was especially sensitive on the slavery question. It feared that Texas might seize the option allowed in the joint resolution of 1845 by which it was annexed to the United States, divide itself into four additional states, and increase the pro-slavery vote in the senate by eight. Schemes, too, were on foot at that time to gain Cuba by purchase or conquest, and thus, as the North supposed, to add two or more to the number of the slave states. Filibustering expeditions had been organized from 1849 to 1854 by adventurers in the United States, natives and Latin-Americans, to take Cuba. The later demonstrations, from 1854 to 1860, were directed chiefly against Mexico, Costa Rica, Nicaragua and other points in or near Central America, all of which were believed in the Northern states to be in the slavery interest.

Missouri felt a deep interest in the bill in the shape which it had when Douglas reported it. With the free state of Illinois on its eastern border and that of Iowa on its northern line, Missouri would, if slavery were shut out from the new territory, be beset by adverse influences on three sides. The temptation and the opportunity for slaves to attempt to escape from their masters would be largely increased. In nearly the entire North the enforcement of the fugitive slave law of 1850 encountered many obstructions. The underground railway had branches in all the free communities. This aspect of the question made a



direct appeal to all of Missouri's slaveholders, who, of course, were only a small portion of the state's population.

Other Missourians who neither owned slaves nor employed them felt an interest in the bill with the Douglas modification. Even before the Jackson resolutions of 1849 were presented in Jefferson City, a considerable number of the state's Democrats and many of her Whigs began to believe that it might be well, as a matter of policy, to let the territories have the same privileges as regards the admission or exclusion of slavery that the states enjoyed. This position was taken by many persons who belonged to the Benton wing of the Democracy, who were personally opposed to the extension of the institution. It was held by some who were against slavery everywhere, and who would thus be glad to see it completely swept away. Most of these became Republicans afterward. Benton himself, of course, not only held that it was the right of congress to shut slavery out of the territories, but also held that it was congress's duty to do this.

But to the free states in general this Nebraska bill with its slavery option had a portentous meaning. Though it did not rescind the Missouri slavery exclusion of 1820 in express terms, the effect of the measure would be a removal of that prohibition. Moreover, the express terms were quickly supplied. Archibald Dixon, a Kentucky Whig, Henry Clay's successor in the senate, gave notice on January 16, 1854, twelve days after Douglas reported the bill, that he would move, as an amendment to it, the abolition of the Missouri barrier. Douglas then got the bill referred back to the Committee on Territories, and when he reported it on January 23, a second time, it contained a stipulation repealing the Missouri restriction.

This section of the bill recited that "the constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said territory of Kansas as elsewhere within the United States, except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principle of non-intervention by Congress with slavery in the states and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; 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." The bill also provided for a division of the proposed Nebraska territory, the part south of latitude 40 degrees, that state's present northern boundary, to be known as Kansas.

According to some of his close friends, Douglas's object in dividing the territory was to give one state to the North and the other to the South on the balance-preservation principle of earlier times, when slave states and free states were yoked together in admission. This seems to have been the understanding of Senator Atchison, Benjamin F. Stringfellow, his brother J. H. Stringfellow, and most of the rest of the pro-slavery chieftains of Missouri. They assumed at the outset that Kansas ought to be surrendered to slavery, while Nebraska, for which the South was to make no contest, was to be allowed to remain free. This will help to partly account for the promptness and earnestness with which raiders from Missouri surged across the border into Kansas after the territorial act was signed.

As the bill put into the hands of the residents of the territories the power to admit or exclude slavery, it gave slavery, in the Kansas-Nebraska case, an equal chance with freedom in a region from which it had been shut out by the Missouri restriction of 1820. The North was alarmed and angered. Protestations in the shape of resolutions from most of the legislatures of the free states, and of memorials from representative citizens of all of them, against the bill were sent to congress. Speeches were made by most of the anti-slavery leaders in congress against it. The most impressive of these was by a representative of a slave state—Thomas H. Benton, of Missouri, then serving his single term in the popular branch of congress, after his long career in the senate.

Said a recent historian, in speaking of the great Missourian at that crisis in his life: "No man in either house of Congress brought so much intelligence and experience to bear upon his vote as did Benton. He had come into political life on the Missouri compromise. His state had kept him in the Senate for thirty years; and when the legislature would no longer elect him, he had appealed to the people of his district and they had sent him to the House. He was not only a statesman of experience, but he was writing a history of the events in which he had been an actor and on which he had looked as a spectator. Certainly his protest should have been regarded. He spoke as a statesman whose memory and judgment were enlightened by the investigation of an historian." (Rhodes' History of the United States, vol. 1, p. 488.)





Benton declared that the movement for the annulment of the Missouri compromise had been initiated "without a memorial, without a petition, without a request from a human being." He denounced Douglas for re-opening the slavery question, and said that the Missouri compact had been forced on the North by the South, that it was "not a mere statute to last for a day," but "was intended for perpetuity, and so declared itself." He said he had stood upon the Missouri compromise for thirty years, and intended to stand upon it until he died.

This spectacle of Benton, then seventy-two years of age, the oldest man in point of service then in national office, a representative of a slave state, standing up for freedom when many members from free states were making concessions to slavery, was one of the great historic pictures of the age.

Nevertheless, Benton and all the rest of the opponents of the Kansas-Nebraska bill were beaten at every point in the voting. That congress (1853-55) consisted of 38 Democrats, 22 Whigs and 2 Free Soilers in the senate, and 159 Democrats, 71 Whigs and 4 Free Soilers in the house. David R. Atchison was president pro tempore of the senate and Linn Boyd of Kentucky was speaker of the house. The bill passed the senate on March 3, 1854, by a vote of 37 to 14, all the southern Democrats except Sam Houston of Texas, and all the southern Whigs except John Bell of Tennessee, declaring for it. Fourteen northern Democrats also supported the bill. The two Free Soilers, of course, voted against it. The rest of its opponents were northern Whigs and northern Democrats. Senator Atchison of Missouri was one of the bill's most ardent champions.

In the house, of which Benton was a member, the bill passed on May 23, by a vote of 113 to 100, 69 of the affirmative votes (57 Democratic and 12 Whig) being furnished by the South, and 44 (all Democratic) by the North. Ninety-one (44 Whig, 44 Democratic and 3 Free Soil) of the 100 votes against the bill were from the North, and 9 (7 Whig and 2 Democratic) from the South. The two Democrats from the slave states who set themselves against the overwhelmingly predominant sentiment of their section were John S. Millson of Virginia and Thomas H. Benton of Missouri. Every other representative of Missouri—James J. Lindley, John G. Miller and Mordecai Oliver, Whigs, as well as Alfred W. Lamb and John S. Phelps, Democrats, voted for the bill. Samuel Caruthers, of Fredericktown, Whig, was not recorded in the voting. Willard P. Hall had left congress on



March 4, 1853. President Pierce signed the bill on May 30, 1854.

The Kansas-Nebraska act of 1854 was a fateful piece of legislation. By putting the slavery question at the front and driving out all other issues it destroyed the partisan affiliation between the South and the West which had existed from the early days of the government; it started an armed struggle in Kansas between the free and the slave states for the possession of that locality; it killed the Whig party by driving its southern end, through the half-way houses of the American (Know Nothing) party in 1856 and the Constitutional Union party of 1860, over to the Democracy; it united the Free Soilers, the old Liberty party men, or political abolitionists, the majority of the northern Whigs, the majority of the northern Know Nothings and a large element of the northern Democrats, in a new organization, formed specifically to fight slavery extension, which quickly adopted the Republican name; it split the Democracy, first in the Lecompton constitution fight in Kansas in 1858 and then in the Charleston national convention of 1860, thus giving the Republican party the victory which sent the South into secession, and this precipitated the civil war, which overthrew slavery, put a solid North and a solid South in politics, and kept them there until a very recent day.



## CHAPTER XIII

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### The Struggle for Kansas

THE repeal of the Missouri compromise was a momentous thing. To Benton and many others—a few in his state and millions throughout the North—the removal of this ancient landmark was like the death of an old and indispensable friend. That compact had stood guard over the territories so long that it seemed to be a part of the checks and balances of the constitution. A generation of men had grown up since its enactment. Even to many of those whose memory went back beyond the beginning of the Missouri admission contest it had acquired an aspect of permanence as one of the established institutions of the government. To the vast majority of the residents of the free states and to some of the people of Missouri it seemed as if one of the props of the Union had suddenly been swept away.

But most of the people of Missouri were glad that it had been removed. Among these were enemies as well as friends of slavery. Each felt that the South had been treated unfairly by the exclusion of the South's peculiar institution from the country's common territory. Now, by the removal of what they considered to be an injustice, each section would be on an equality with the other in the struggle for the possession of the new lands, and neither would have any cause for complaint against the government for the result, whatever it might be.

Of Missouri's 682,000 inhabitants in 1850, as shown by the national census, 87,000 were slaves. The slaves were not keeping pace in growth with the whites, but out of the aggregate of 1,182,000 population which was to be shown in 1860, the slaves were to contribute 115,000. At an average valuation of four hundred dollars for each slave, the amount of property which Mis-



souri in 1854 felt would be imperiled by the erection of Kansas into a free state was over thirty-five million dollars. This amount was small compared with the aggregate value of the property of the state, and the slaveholders constituted an even smaller proportion of the state's total voting population. The slavery interest, however, had a powerful influence over the state's politics. Moreover, when the contest between the North and the South actually began for the control of Kansas, and when Missouri's prosperity and prestige seemed to be imperiled, local pride and passion incited many Missourians to take the pro-slavery side in the fight who neither owned slaves nor had any sympathy for slavery as an institution.

The counties on or near the Kansas border would be especially exposed to adverse influences if the North should get possession of that territory. They had a vital concern in making Kansas a slave state. It was from the western counties that most of the raiding parties into the territory in 1854-57 were recruited. Platte county, on the Kansas line, which had 2,800 slaves out of a total population of a little less than 17,000 in 1850, took the leading part in these incursions. In these demonstrations David R. Atchison, a resident of Platte City, in that county, was the master spirit. Atchison, Missouri's senior senator, president pro tempore of his branch of congress; then forty-seven years of age and in the height of his powers, physically and intellectually; able, generous, eloquent and magnetic; an aspirant for the presidential nomination in 1856, to succeed Pierce, was admirably qualified for leadership in that cause. At that particular moment he had some of the ascendancy in his party in his state which Benton wielded at an earlier day, and which he had now lost.

Associated with Atchison in that crusade were Ex-State Attorney Gen. Benjamin F. Stringfellow, his brother Dr. John H. Stringfellow, James N. Burnes, Col. John W. Reid, a gallant officer in Doniphan's regiment in the Mexican war; Claiborne F. Jackson, sponsor of the resolutions of 1849 which split the Democratic party of Missouri, who was destined to be governor of the state at the outbreak of the war of 1861-65; Colonel Boone, a descendant of the Kentucky and Missouri pioneer, and others then or afterward prominent in the state's political or social affairs.

The organs through which the struggle for the control of Kansas was started were the Emigrant Aid Company on the part of the free state men and the Blue Lodges on that of the pro-slaveryites. The former was founded in Massachusetts in March, 1854, just after the Kansas-Nebraska bill was passed in the senate,





but several weeks before it went through the house, whose leading spirit was Eli Thayer, an educator and member of the Massachusetts legislature. The genesis of the opposing organization was given by the congressional committee (Howard of Michigan and Sherman of Ohio, Republicans, and Oliver of Missouri, a former Whig, who was then acting with the Democrats) which investigated the Kansas disturbances in 1856, and which made a report to the house. According to the committee, before any election was held in Kansas Territory in 1854 "a secret political society was formed in the state of Missouri. It was known by different names, such as 'Social Band,' 'Friends' Society,' 'Blue Lodge,' 'The Sons of the South.' . . . It embraced great numbers of the citizens of Missouri, and was extended into other slave states and into the territory. Its avowed purpose was not only to extend slavery into Kansas, but also into other territories of the United States, and to form a union of all the friends of that institution." The report added that this society "was altogether the most effective instrument in organizing the subsequent armed invasions and forays."

The object of each side was to get as many men as possible into the territory, so as to carry the election for delegate to congress and for members of the legislature, under the popular sovereignty, or squatter sovereignty, principle. Making all reasonable allowance for exaggeration on both sides, each party sometimes violated the spirit of the law and occasionally its letter. Each sent many men to the territory who were not bona fide settlers. The Blue Lodges undoubtedly were the greater offenders in this respect. Their acts, however, should be tested by the importance of their stake and by the passions and the standards of the time and place. This explains their conduct, but, of course, does not excuse it. The greater part of their work, though, was legitimate.

While the Emigrant Aid Company on the one hand and the Blue Lodges on the other established in Kansas the first settlements of any consequence which were planted in the territory, affiliated societies took the work up quickly, and unorganized effort was a powerful factor eventually. This was especially true of the free state party, which had the entire North to draw upon. The bulk of the work on the slave state side, at the outset at least, had to be done by Missouri. At the outset in 1854, from their nearness to the battleground in the case of Missouri, the pro-slaveryites had the advantage. The free soil men, however, had a far larger field from which to gain recruits, had immeasurably greater resources at their command, and, what in the long run was



still better, they had the time spirit, civilization, the eternal order of the universe, on their side.

Some prompt work was done by the pro-slavery leaders in Missouri. A speech made by General Atchison in Weston, Platte county, in 1854 is thus summarized, in part, by the *Platte Argus*:

"The people of Kansas in their first election would decide the question whether or not the slaveholder was to be excluded, and it depended upon a majority of the votes cast at the polls. Now, if a set of fanatics and demagogues a thousand miles off could advance their money and exert every nerve to abolitionize the territory and exclude the slaveholder when they have not the least personal interest in the matter, what is your duty? When you reside within one day's journey of the territory, and when your peace, your quiet and your property depend upon your action, you can, without any exertion, send five hundred of your young men who will vote in favor of your institutions. Should each county in the state of Missouri only do its duty the question will be decided quietly and peaceably at the ballot box. If we are defeated, then Missouri and the other Southern states will have shown themselves recreant to their interests and will have deserved their fate. . . . If these abolitionists steal your negroes they gain nothing. The negroes are injured. You are ruined. So much greater is the motive for activity on your part. . . . If abolitionism, under its present auspices, is established in Kansas, there will be constant strife and bloodshed between Kansas and Missouri. Negro stealing will be a principle and a vocation. It will be the policy of philanthropic knaves, until they force the slaveholder to abandon Missouri. Nor will it be long until it is done. . . . It was not sufficient for the South to talk, but to act; to go peacefully and inhabit the territory, and peacefully to vote and settle the question according to the principles of the Douglas bill."

Similar exhortations were delivered at many points on or near the Kansas frontier by Atchison and others. Weston, however, was the principal radiating center of the aggressive pro-slavery influences of the time. At a meeting at that point on July 29, 1854, which was addressed by Atchison, B. F. Stringfellow, Burnes and others, resolutions were passed, declaring that all emigrants sent to Kansas by northern emigrant aid societies should be turned back, and the Platte County Defensive Association was formed. The Kansas League, a subsidiary institution, and composed largely of the same persons, was founded about the same time, to carry into effect that society's decrees.



But a large number of the Missourians even of the western border were against the purposes of Atchison and his comrades. On September 1, 1854, a law and order meeting was held in Weston, which protested against the resolutions of the Platte County Defensive Association, and pledged loyalty to the government and fair play to Kansas. The declaration was signed by one hundred and thirty-six citizens of Platte county. This law abiding element existed in large numbers throughout the whole of Missouri, but naturally it was the doings of the other and aggressive ingredient which attracted the country's attention and got into the newspapers and the histories.

On June 13, 1854, two weeks after Pierce signed the Kansas-Nebraska bill, at a meeting in Weston, at which General Atchison was present, thirty-two pro-slavery men formed an association which laid out Leavenworth, the first town founded in Kansas. On July 27 Burnes, Dr. J. H. Stringfellow and others formed the association which created Atchison, which was named, of course, for the leader in the colonizing movement in Missouri. Lawrence, the first of the towns formed in Kansas by the free state party, was not established until after these two pro-slavery settlements were formed, or on July 30. Leavenworth, Atchison, Kickapoo, Lecompton and a few other towns, all established by Missourians, were the centers of the slavery influence in the early days of Kansas. The Missourians also printed the first newspaper which appeared in Kansas, the *Leavenworth Herald*, started on September 15, 1854. Doctor Stringfellow and Robert S. Kelley, a practical printer from Parkville, Mo., started a paper in Atchison soon afterward, the *Squatter Sovereign*. Stringfellow was one of the leading residents of Atchison, and was chosen to the house of representatives of Kansas' first legislature, becoming speaker of that body. From the beginning the Missourians have been the largest single ingredient in the Kansas population, until recent years, when Illinois has gained a slight lead.

On November 29, 1854, on March 30, 1855, and at other times when territorial delegates to congress, or territorial legislatures were chosen, large bodies of armed Missourians, generally under the lead of Atchison, B. F. Stringfellow, James N. Burnes, John W. Reid or others, and often under the direction of several of these, invaded Kansas and polled fraudulent votes, and in some cases these elections were set aside. Said the congressional investigating committee, in its report in 1856: "Every election has been controlled, not by the actual settlers, but by the citizens of Missouri; and as a consequence, every officer in the territory, from



constable to legislators, except those appointed by the President, owe their positions to non-resident voters." Mordecai Oliver of Missouri, however, the minority member of the committee, dissented from some of the statements of the majority report. Atchison and Stringfellow, with many other Missourians, were in the attack on Lawrence on May 21, 1856, in which the Emigrant Aid Company's hotel, the office of the *Herald of Freedom* and other property was destroyed.

But some of the shrewder members of the pro-slavery party in Missouri began to see by this time that their cause was lost. Said the Emigration Society of Lafayette county, Mo., in an appeal to the South issued on March 25, 1856:

"The western counties of Missouri have for the last two years been heavily taxed, both in money and time, in fighting the battles of the South. Lafayette county alone has expended more than one hundred thousand dollars in money, and as much more in time. . . . Missouri, we feel confident, has done her duty, and will still be found ready and willing to do all she can fairly and honorably for the maintenance of the integrity of the South. But the time has come when she can no longer stand up single-handed, the lone champion of the South, against the myrmidons of the entire North. . . . Settle the territory with emigrants from the South. The population of the territory at this time is about equal—as many pro-slavery settlers as abolitionists. . . . Those who cannot emigrate can contribute money to assist those who can. . . . The great struggle will come off at the next election, in October, 1856, and unless the South can at that time maintain her ground all will be lost. We repeat it, the crisis has arrived. . . . We tell you now, and tell you frankly, that unless you come quickly, and come by thousands, we are gone. The elections once lost are lost forever."

This told the story. It was virtually Missouri against the entire North, and not all of Missouri was interested in the control of Kansas. Some of the re-enforcements of settlers from the South came for which Missouri appealed, but not in anything like the number which would have been required. The free state men quickly obtained the preponderance when fair elections began to be had in the territory, they increased their ascendancy as time passed, and Kansas was admitted as a free state on January 29, 1861, after a large number of the southern senators had left congress and joined their states in secession.

Meanwhile Missouri's home politics were cyclonic. In the most exciting congressional contest in the state in 1854 Benton who





ran as an Independent Democrat, was beaten for the house of representatives in the St. Louis district by Luther M. Kennett, American. The Whig party had practically disappeared as an organized force in most of the states by the fall of 1854, and most of its members in the border slave states began to call themselves Americans, or Know Nothings, while the great body of the Whigs in the slave states farther south joined the Democratic party either then or soon afterward. Most of the men whom Missouri elected to congress in 1854 called themselves Americans.

Atchison's term in the senate expired in March, 1855, and notwithstanding his prominence both in Washington and in the home affairs of his state, he failed of re-election, nor did the legislature, after repeated attempts, succeed in electing anybody in 1855, and for two years Missouri had only one representative in the senate, Henry S. Geyer, whose term was to end in 1857. After a service of twelve years in the senate, during which he was the most powerful man in Missouri next to Benton, and in the latter part of which time he led Benton in influence, Atchison stepped down into private life in 1855. He retired to his farm in Platte county, continued his interest in the Kansas raids until the free state men in the territory gained the upper hand permanently, was in sympathy with the confederacy during the civil war, and died in 1886.

The election of 1856 was of peculiar interest in Missouri, as it was in many of the other states. The Benton schism cut off many votes from the Missouri Democracy, but not enough to endanger its supremacy in the state. For president the contest in Missouri was between Buchanan, the national Democratic candidate, and Ex-President Fillmore, the former Whig, who was now the candidate of the American party. That organization had dropped the designation Know Nothing by this time all over the country. A new national party, the Republican, which had its rise in the repeal of the Missouri compromise in 1854, appeared in the canvass of 1856, with John C. Fremont, the pathfinder, as its presidential candidate. For two reasons the Republican party had attractions for the Benton section of the Democrats. The cardinal principle of its creed was the Benton doctrine of the exclusion of slavery from the territories. Its candidate, Fremont, was Benton's son-in-law, having married Jessie Benton a dozen years earlier.

Nevertheless Benton, although he had been out of harmony with every Democratic president since Van Buren, and was decidedly hostile to Pierce, the president of that day, particularly on account



of his leaning toward the pro-slavery faction of his party in the Kansas struggle, refused to support the Republicans. He did this chiefly because he believed—and truly, of course, as the Lincoln election of 1860 proved—that the success of the Republicans would send the South into secession, and Benton's first regard was to save the Union whatever else might be lost.

Moreover, the Republican party had not effected an organization in Missouri in 1856. Blair, Benjamin Gratz Brown, Arnold Krekel and many others of the Benton section of the Democracy, were in thorough sympathy with the Republicans, and joined the party in 1857, when a regular organization was formed in the state. Restricted to a choice between Buchanan and Fillmore, many of Benton's friends, particularly the German element of St. Louis and vicinity, threw their support to the latter. Said Henry Wilson of Massachusetts, in a speech in the senate at Washington on December 19, 1856: "In the city of St. Louis nearly three thousand Germans, to show their devotion to liberty, went to the ballot boxes, when they could get up no state ticket for Fremont, and voted for Millard Fillmore, the Know Nothing candidate, with the word 'Protest' printed on their ballots." Gamaliel Bailey, an old abolitionist, Free Soiler and original Republican, early in 1856 proposed Benton for president by the Republicans in that year and Seward for vice-president.

Missouri cast a heavy vote for president in 1856, Buchanan's poll being 58,164, or 20,000 greater than Pierce's four years earlier, and Fillmore receiving 48,524, or 10,000 more than Scott, Pierce's Whig opponent, obtained. Buchanan's majority in Missouri was 9,640.

But Missouri took much more interest in its canvass for governor than it did in that for president. There were three candidates for that office. The regular Democrats nominated Trusten Polk; the Americans, or Fillmore party, put up Robert C. Ewing, and Benton led the Independent Democrats. Benton, then seventy-four years of age, but still wonderfully vigorous physically and mentally, was making his last battle for the nationalist cause, and his canvass attracted the attention of the whole country. It was a canvass memorable for the excitement which it aroused in the state, for the great number of meetings which were held by the opposing parties, and for the uncertainty as to the result in the triangular campaign. Benton himself boasted that he traveled over one thousand two hundred miles throughout the state, and that he made forty speeches of an hour or over in duration besides many short ones. He was serenely confident to



the last, expressing contempt for Polk and the rest of his local enemies, and predicting the overwhelming and permanent overthrow of the disunionist, or what he called the dismissionist, section of the Democracy in Missouri. The result, however, showed that of the three elements in the canvass, his Democratic enemies were the first in the poll, the Americans were the second, and he was the last.

As between Benton and his Democratic enemies, the Americans would have preferred Benton. But Benton had been fighting that element under its old Whig name for a quarter of a century. The bitterness of his assaults had raised up personal foes to him among influential men in all the state's political sects. He despised the arts of conciliation in which his friend Linn of the olden days was a master. In dealing with antagonists his aim was not to placate but to crush. Then, too, the Americans of 1856 had some hope, through the split in the Democracy, of gaining a governor, as they, as Whigs, had won a senator, Geyer, from the same cause, in 1851. In the poll for governor of 1856 Polk, the regular Democrat, received 46,003 votes; Ewing, American, 40,580; and Benton, Independent, 27,618; Polk's lead over Ewing, his principal competitor, being 6,404.

That was the end. Benton indulged in no repinings over his misfortune, and expressed no regret for his course, but promptly finished the literary work which he started immediately after retiring from the senate in 1851, and which comprised, chiefly, the "Thirty Years' View" and the "Abridgement of the Debates of Congress." This task and an attack on Taney in the Dred Scott case, he prosecuted with fierce energy, his life and the last lines of the "Abridgement" closing simultaneously in 1858; he passed away at the age of seventy-six.

His state, despite the passions which his later conflicts aroused, has not neglected to do honor to Benton's memory. This greatest of all Missourians, with his distinguished disciple Francis P. Blair, are Missouri's contributions to the gallery of the celebrities of the various states in Statuary Hall, at the nation's capital at Washington.

The contest for senator began to excite the state immediately after the voting for governor and president had taken place in 1856, and in 1857 the legislature filled the vacancy which had then existed for two years, and chose James S. Green to succeed Atchison for the term to end in 1861. As Geyer's term was to close in 1857 the legislature had two senators to name, and it put Polk, the new governor, in Geyer's place, for the term which was to close in 1863.



Polk resigned the governorship, the lieutenant governor, Hancock Jackson, served as governor for a few months, and in a special election in 1857 Robert M. Stewart, an anti-Benton Democrat, defeated the old Whig leader James S. Rollins. Stewart, a native of New York, and a lawyer by profession, had resided in Missouri from an early age, served in the state senate before becoming governor in 1857, was a staunch Union man in 1861-65, and died in St. Joseph in 1871, at the age of fifty-six.

The career of both Polk and Green in the senate was cut short by expulsion. Polk, a native of Delaware, an old resident of Missouri, and a lawyer of great ability, held one or two local offices in St. Louis before his election as governor in 1856, was turned out of the senate on a charge of disloyalty to the government in 1862, and died in St. Louis in 1876, aged sixty-five. Green, who died in the same town in 1870, at the age of fifty-three, was born in Virginia, was a man of eloquence and acuteness, served in the popular branch of congress before going to the senate, and was expelled from that chamber early in 1861, shortly before the close of the term, for talk in favor of secession.

By the beginning of Governor Stewart's service, in December, 1857, the raids from Missouri into Kansas had ended. Geary, the third governor which Kansas had in the territorial days of 1854-61 (Reeder and Shannon preceding him and Walker, Denver, Medary and Beebe following him), informed President Buchanan shortly before Stewart became governor of Missouri that order had been completely established in the territory. Doctor Stringfellow, from his home in Atchison, wrote to the Washington Union, Buchanan's organ at the national capital, in January, 1858, against the admission of Kansas as a state under the Lecompton pro-slavery constitution, which Buchanan was endeavoring to force on the people of Kansas, against the wishes of what some of the pro-slavery men on the ground, like this ex-Missourian, knew to be a majority of the bona fide residents of the territory. "To do so," said Stringfellow, "will break down the Democratic party in the North, and seriously endanger the peace and interests of Missouri and Kansas, if not of the whole Union. The slavery question in Kansas is settled against the South by emigration."

Both the Stringfellows, whose names occur oftener in the border troubles of the time than any other Missourians, excepting Atchison himself, accepted the situation cheerfully. Benjamin F. who had been a member of the legislature and attorney general in Missouri, moved from Missouri to Atchison in 1858, returned to





Missouri later on, resided in Kansas City for a time, became a Republican after the Civil war, helped to build up every town in which he resided, was attorney for the Kansas City, St. Joseph and Council Bluffs Railway for a few years, and died in Chicago in 1891, aged seventy-five. Doctor Stringfellow, who was three years younger than his brother, was, like him, born in Virginia, and also, like him, was a public spirited and personally popular man. He practiced medicine in several places in Missouri before he helped to found Atchison in 1854, moved to St. Joseph, Mo., in his latter years, and is living there still (1903).

But although the raids for political purposes into Kansas had ended by the beginning of Governor Stewart's service, the troubles on the frontier were far from being over. Lawless bands—border ruffians from Missouri and jayhawkers from Kansas, the designation border ruffian, however, being popularly applied to the political raiders as well as to the predatory bands of Missourians of a later day—crossed the line in each direction and murdered, robbed and burned in a desultory way until near the beginning of the Civil war, of which the Kansas struggle was the opening skirmish. One of these incursions into Missouri is historically important from the fact that John Brown was a leader in it.

Brown, who had been in Kansas most of the time from October, 1855, and who had participated in several demonstrations on the free state men's side, invaded Vernon county, Mo., with a few men on December 20, 1858, liberated eleven slaves belonging to Hicklan, LaRue and Cruise, all residing close to the Little Osage. Cruise was killed, but not by the party under Brown's immediate command. Brown carried the slaves into Kansas, and, baffling his pursuers, eventually led them to Canada and freedom. This was less than a year before his last and most sensational act, the attack on Harper's Ferry and his execution. Brown's raid into Missouri incited the passage of an act by the legislature, approved by Governor Stewart on February 24, 1859, appropriating thirty thousand dollars for the suppression of the banditti and the protection of the people of the frontier counties, and empowering the governor to use his discretion in the way he should put this statute in operation. Prompt and joint action by Governor Stewart, Governor Medary of Kansas Territory, and by the federal military authorities in 1859, checked the guerrilla warfare on the frontier, and a semblance of peace was had until it was broken by real war in 1861.



## CHAPTER XIV

## Social and Political Situation in 1860

THE year 1860, which saw the most important political canvass that the country has known, and which was the eve of the country's greatest war, showed a population of 1,182,012 in Missouri, of which 114,931 were slaves and 3,572 were free negroes. In 1850 the state's aggregate population was 682,044. From the twenty-third place among the states in inhabitants in 1820, the year of the passage of its admission act, Missouri had advanced to the thirteenth place in 1850 and to the eighth in 1860, leading all the rest of the slave states except Virginia, which still, of course, included West Virginia.

In both population and wealth St. Louis had grown much more rapidly than the rest of the state during the decade. From 77,860 inhabitants in 1850 her total had increased to 160,773 in 1860. St. Louis was the eighth on the list of the country's cities in population in that year, being led, in this order, by New York, Philadelphia, Brooklyn (which dropped off the roll in 1897 by its absorption by New York), Baltimore, Boston, New Orleans and Cincinnati. In that year Kansas City, St. Joseph, Hannibal, Springfield, Jefferson City, Sedalia, Independence, Boonville, Cape Girardeau, Lexington, Louisiana, St. Charles, Macon and Weston were also thriving communities.

Though Missouri's growth in inhabitants in the decade had been notably large, her expansion in wealth was much faster. While, according to the national census returns, the valuation of her property, real and personal, was one hundred thirty-seven million dollars in round figures, in 1850, it was five hundred one million dollars in 1860. This amount, which was equivalent to two hundred one dollars for each man, woman and child in the state in



1850, reached a per capita of four hundred twenty-four dollars ten years later.

Missouri had attained a high rank as an agricultural state by 1860. The value of her lands (this, however, including the unimproved lands as well as the improved) was put at two hundred thirty-one million dollars in that year, and nine million dollars additional represented farming implements, and fifty-four million dollars stood for the value of her live stock. She had twenty million dollars invested in manufactures, which worked up annually about twenty-four million dollars in raw material, employing a little over 2,000 persons, and yielding a finished product of forty-three million five hundred thousand dollars. The output of her lead, coal and iron mines was also beginning to reach important figures.

There were 817 miles of railroad in Missouri in 1860, and the cost of the railroad building in the state along to that time was put at about forty-two million five hundred thousand dollars. The most important of these roads were the Pacific (the present Missouri Pacific, the construction of which began in 1850, as mentioned in a previous chapter of this history, but which, in its extension westward from St. Louis, did not reach Kansas City until 1865), the Hannibal and St. Joseph, the North Missouri, the Iron Mountain, and the Southwest Branch of the Pacific, afterward known as the St. Louis and San Francisco.

The completion of the Pacific railroad to Jefferson City, one hundred and twenty-five miles from St. Louis, in 1855, was attended with a disaster which was one of the memorable occurrences of the time. An excursion train comprising nine crowded coaches went over the road to celebrate the event on November 4 of that year, and on crossing the Gasconade river a span of the bridge gave way, and the locomotive and several of the cars went down. Forty-three persons were killed and many more were injured, while the locomotive and cars were a complete wreck. Among the persons who lost their lives were Thomas S. O'Sullivan, chief engineer of the road; Mann Butler, author of a history of Kentucky; Henry Chouteau, a well known St. Louis business man; Rev. John Teasdale and Rev. Dr. Bullard, also of St. Louis; and one or two members of the legislature.

To the railroads which have just been named and one or two others the state, as was the custom of the time throughout the west, guaranteed bonds issued by them, the extent of the obligation being about twenty-four million dollars. The Hannibal and St. Joseph was the only one of the roads which preserved its



faith. All the other defaulted and were sold by the state soon after the Civil war, the proceeds of which sales, however, reaching only six million dollars, leaving a balance, on principal and interest, of twenty-five million dollars due by the roads, which the state had to assume.

Missouri got direct railway communication with the Atlantic seaboard in 1857 by the junction of the Baltimore and Ohio, the Northwestern Virginia, the Marietta and Cincinnati, and the Ohio and Mississippi roads, the western terminus of the last named line being at East St. Louis, opposite St. Louis.

That was not the first point at which the Mississippi was touched by railroad from the East. Rail connection (from Boston as well as from New York) was opened from the East with Chicago in 1853. In 1854 the Mississippi was reached at Rock Island by the completion of the Chicago and Rock Island road. The Mississippi was also touched at Memphis in March, 1857, by the opening of the Charleston and Memphis line. It was June 5 of the latter year when the connections between Baltimore and East St. Louis were established, and St. Louis received its first through communication by rail with the Atlantic coast. It was 1874, however, before the first bridge, the Eads, across the Mississippi at St. Louis was finished.

The completion of the railroad connection from the Atlantic coast to the Mississippi opposite St. Louis had a larger recognition than did any other railroad event of that period except the opening of the Erie to Dunkirk six years earlier. The exercises in St. Louis, which were participated in by many national celebrities, as well as by local magnates from every important point on or near the connecting lines, began on June 5, and lasted three days. During that time St. Louis was the gayest of the United States' cities. The opening day of the world's fair in 1904 will hardly be more ecstatic. Hundreds of visitors, some from points as far distant as New York, Boston, Philadelphia and Baltimore, were present. Among them were cabinet officers, governors, congressmen, mayors and other dignitaries. At midnight on Thursday, June 4, the first train arrived. Then started a round of festivities, consisting of military and civic parades, banquets, speechmaking, drives through the city and its surroundings, and sails up and down the Mississippi. The theaters were open each night to the visitors, and special entertainments were given in their honor. Receptions were also extended to them at the residences of many of the prominent citizens.

The railroads which touched the Mississippi opposite St. Louis





connected three states (Maryland, Virginia and Missouri) technically belonging to the South with three (Ohio, Indiana and Illinois) belonging to the North. That circumstance, in that era of secession threats which were soon to be put in practice, had a significance which some of the orators (Mayor Wimer of St. Louis, Edward Bates and others) on that occasion took pains to point out.

Two years after the railroad from the East reached the Mississippi opposite St. Louis the Missouri was connected with the Mississippi by rail by the completion of the Hannibal and St. Joseph to the last named place in 1859. From St. Joseph as its easterly terminus the pony express line to San Francisco started in 1860.

Missouri's great transportation agencies, however, in 1860, were the steamboats and not the railroads. The steamboats on the watercourses of the Mississippi valley reached their highest number and splendor on the eve of the Civil war. The rivers were then at the height of their activity and importance. By way of the Mississippi, north and south, the Missouri, the Ohio, the Illinois and other streams, St. Louis was in direct water communication in 1860 with most of the important points in the great valley, from the Gulf of Mexico to the Falls of St. Anthony, and from Pittsburg, near the Alleghanies, to Fort Benton, in the shadow of the Rocky mountains.

Moreover, in other than the strictly material things Missouri was also in a fairly satisfactory condition in 1860. In number, pecuniary support and attendance its churches compared favorably with those of the average Western state. Its public school system had just made rapid and premanent advances over its previous condition. A school fund of a rudimentary sort was established by act of congress in 1812, back in the territorial days. Thomas F. Riddick, one of Missouri's most public spirited and valuable citizens, originated the act, and Edward Hempstead, the territory's first delegate, presented it in congress. Governor Dunklin, who served from 1832 to 1836, did good work for the school system of the state's early era. James S. Rollins, the father of the State University, at Columbia, performed an important service in the same general field. All that had been done in this sphere was materially supplemented by an act of the legislature signed by Gov. Sterling Price on February 24, 1853.

Under the law of 1853 twenty-five per cent of the revenues of the state were set apart for the benefit of the common schools, and added to the previous annual accruing funds. These reve-



nues were distributed among the counties according to the number of children of school age in them. The highest amount which the public schools of the state received under the old conditions was sixty-five million dollars in 1853, just before the act of that year went into effect. In 1854, the first year of the operation of the new law, the school fund was swelled to one hundred seventy-two million dollars. It steadily increased with the growth of the state's revenues, and amounted to two hundred sixty-two million dollars in 1860. Suspended most of the time during the Civil war period, the allotment of the fund was resumed just afterward, and has continued ever since.

Among the institutions of the higher education which were in active operation in 1860 were the State University at Columbia and the St. Louis and the Washington universities in St. Louis.

There were 173 newspapers and periodicals in Missouri in 1860, with an estimated annual circulation of 30,000,000 copies. Naturally the most widely read and influential of the state's papers were published in its principal city. These were the *Missouri Republican*, the *Missouri Democrat*, the *Evening Bulletin*, and the *Westliche Post*. The *Missouri Republican* (the present *St. Louis Republic*) dated back, through changes of name, to the *Missouri Gazette*, established in St. Louis in 1808, which was the first newspaper published west of the Mississippi river. Its editor in 1860 was Nathaniel Paschall, and its business manager and largest stockholder was George Knapp. The *Republican* had been a Whig paper, but with the collapse of the Whig party as a consequence of the repeal of the Missouri compromise in 1854 it became a Democratic journal. It supported Buchanan in 1856, but in the division in the Democratic party in 1860 it went to Douglas, who was opposed by the Buchanan administration.

The *Missouri Democrat* (one of the progenitors of the present *St. Louis Globe-Democrat*) had been founded by a few of Benton's supporters in 1852, who had just previously purchased the *Signal*, a Free Soil paper, and who just afterward, in 1853, bought out the *Union*, both papers being thus merged in the *Missouri Democrat*. The *Democrat's* earlier stockholders included William McKee, Francis P. Blair, Jr., Benjamin Gratz Brown (afterward governor of Missouri and vice presidential candidate in 1872 on the Greeley ticket) and other influential citizens. It advocated Benton's election to congress in 1852 and 1854 and to the governorship in 1856, supported Buchanan in



1856 for president, as did Benton, but it went to the Republicans in 1857, on the organization of their party in Missouri, and remained with the Republicans afterward, through all its changes of name, proprietorship and editorship. The *Democrat's* successive editors along to 1860 were William S. McKee (1852-54), cousin of William McKee, Benjamin Gratz Brown (1854-57), and Peter L. Foy (1857-61). It supported Lincoln in 1860. Daniel M. Houser, who has been at the head of the *Globe-Democrat* for many years past, began his connection with the *Democrat* in 1862.

In that year the *Evening Bulletin* was a Breckinridge paper, and took the extreme Southern ground on the dominant issue of the day. Its principal writer was Col. Thomas L. Snead, a man of ability, character and courage, who was a member of the staff of Gov. Claiborne F. Jackson in 1861, served on the staff of Gen. Sterling Price, was a member of the confederate congress, and was the author of the well-known book, "The Fight for Missouri." The *Westliche Post*, which was only three years old in 1860, was the spokesman of the German residents of Missouri, almost all of whom were stalwart Unionists. It was a champion of Lincoln and the Republicans in 1860, and under the editorship of Dr. Emil Prectorius, is still the best known newspaper printed in the German language west of the Alleghanies.

Among the newspapers of ability and influence outside of St. Louis was the *Columbia Statesman*, edited by William F. Switzler, the historian, a former Whig, who was a member of the legislature for several years, including the time when the Jackson resolutions were before that body, and who opposed the resolutions. The *Statesman* supported Fillmore, the candidate of the American party, in 1856, and went to Bell, the Constitutional Union party's nominee, in 1860.

An analysis of Missouri's population returns brings out several important facts. The increase in inhabitants from 682,000 in 1850 to 1,182,000 in 1860 was, taking into consideration the warfare on the Kansas border during the greater part of the decade and the general disturbance which it caused in a large part of the state, a very remarkable gain, though, of course, the expansion in wealth from one hundred thirty-seven million dollars in the decade's first year to five hundred one million dollars in the last year, was still more notable.

About two thirds of Missouri's population of 1860 was born in the state. Of the population born in the United States and outside of Missouri, the South was still ahead of the North, Ken-



tucky being the largest single contributor among the states. The North, though, was soon to take the lead.

While the slave element of Missouri's population had increased 27,000, or 31 per cent, during the decade, the white ingredient of its inhabitants had expanded 471,000, or 80 per cent. This was a portentous fact. It meant that even if the war between North and South could be averted, slavery's days in Missouri could not be long in the land. Possibly the masters had not yet begun to sell their slaves "down the river," a place which had a superstitious terror for Missouri's bondmen before and after the days of "Roxana" and "Tom" in Mark Twain's "Pudd'nhead Wilson," but things were drifting in that direction in 1860. The underground railroad was actively at work on three sides of the state by that year. John Brown's raid from Kansas into Missouri in 1858, which was preceded and followed by other slave stealings and slave runaways along the Kansas border, transmuted the prophecies of Atchison, Burnes and the Stringfellows of 1854 and 1855 into fact. The forty-six million dollars represented by Missouri's 115,000 slaves in 1860 was a very precarious asset.

Of the 160,000 foreign residents of Missouri in 1860, 88,000, or more than a half, came from Germany. This was a circumstance of vast consequence in that crisis. While many of the other foreign ingredients of the state's population leaned to the extreme Southern view in the division which opened early in 1861, and some of them went into the confederate armies, the Germans were Unionists almost to a man, and furnished the bulk of the troops which Missouri contributed under Lincoln's first calls.

From the time that Gottfried Duden settled in the present Warren county in 1824 and the parties of immigrants under the lead of Frederick Muench and Paul Follenius located in the same quarter ten years later, Missouri had been an attractive spot for Germans, though it did not receive so many of them as did some of the states east of the Mississippi. But the real inflow did not begin until after the failure of the risings in Prussia, Bavaria, Baden and the other German states in 1848-49. The names of Krekel, Schurz, Prectorius, Sigel, Osterhaus, Haarstick, Daenzer, Niedringhaus, Nagel, Rassieur, Sessinghaus, Bernays, Taussig, Busch, Soldan, Kayser, Fisse, Rommel, Husman, Baumgarten, Brockmeyer, Boernstein, Finkelnburg and Stifel represent a few, and only a few, of Germany's contributions of a few decades ago to the business, political or social life of Missouri.





Most of the Germans of Missouri joined the Democratic in preference to the Whig party at the outset, but they went to the Benton section of the Democracy as soon as slavery became the dominant question, and furnished Benton a large portion of the vote which he received in 1852 and 1854 when he was a candidate for congress. When the Republican party, founded on the issue of hostility to slavery extension into the territories, was established in Missouri, most of the Germans joined it.

This was the situation in Missouri at the time the national canvass of 1860 opened. Four presidential tickets were placed in the field. The Kansas question, especially that phase of it which was involved in the Leecompton constitution fight of 1858, in which Douglas opposed the Buchanan administration and the Southern element of the party, split the Democracy in the Charleston convention in April of that year. At conventions held in other places a little later the Northern section of the party nominated Douglas for president and Herchell V. Johnson of Georgia for vice president, and the Southern element put up John C. Breckinridge for the higher office and Joseph Lane of Oregon for the second post. The Republicans nominated Lincoln and Hamlin, while the old Whigs who had not as yet joined the Democracy or entered the Republican party put up John Bell of Tennessee and Edward Everett of Massachusetts, and adopted the name Constitutional Unionists. The bulk of this element, who were called Americans or Know Nothings, at that time, supported Fillmore for president in 1856.

In Missouri the contest, both for governor and president, was between the Democrats and the Constitutional Unionists, or Americans. Notwithstanding the violence of the feud between the two sections of the Democracy on president and on the general policy of the party, they united on Claiborne F. Jackson for governor, but when Jackson announced that he would support Douglas, a section of the Breckinridge stalwarts put up Hancock Jackson. Sample Orr was nominated for governor by the Americans and James B. Gardenhire was selected by the Republicans.

The Douglas candidate, Claiborne F. Jackson, carried the state for governor, receiving 74,416 votes, as compared with 64,583 for the American, Orr. The Breckinridge men and the Republicans were far in the rear, Hancock Jackson's poll being 11,415, and Gardenhire's 6,135. This was in August, 1860, three months before the voting for president took place. As Lincoln received 11,000 more votes than Gardenhire, it is evident that many Republicans supported Orr, who received 8,000 more ballots than Bell,



and perhaps a few of them voted for Claiborne F. Jackson, on account of his imagined devotion to Douglas. Jackson, however, and Thomas C. Reynolds, who was chosen lieutenant governor, were primarily Breckinridge, or Southern Rights, men, and accepted Douglas as a means of uniting the Democrats against their real antagonists, the Bell men. Jackson and Reynolds showed their attachment to the Southern cause at their entrance into office.

In November Douglas received 58,801 votes in Missouri, Bell 58,373, Breckinridge 31,317, and Lincoln 17,028. Missouri was the only state carried by Douglas. Its nine electoral votes and three of New Jersey's seven, the other four going to Lincoln, were the only votes in the electoral college secured by the candidate of the Northern section of the Democracy. Though Lincoln in Missouri received very little more than half as many votes as Breckinridge and not much over a quarter as many as Douglas or Bell, he received almost twice as many in this state as he got in all the rest of the slave states in the aggregate.

The Democrats elected five of Missouri's seven members of the popular branch of congress, the Republicans chose one (Blair, of the St. Louis district), and a coalition of the Republicans and the Bell men elected one (Rollins, of Columbia, the old Whig leader). Two of the Democrats (John B. Clark and John W. Reid, the Mexican war hero) were expelled in 1861 for joining the confederacy.

When the news of Lincoln's election (Lincoln received 180 electoral votes, all from the free states; Douglas 12, from Missouri and New Jersey; Bell 39, from Virginia, Kentucky and Tennessee; and Breckinridge 72, the vote of all the slave states except those already mentioned) on November 6, 1860, reached the country the next day, South Carolina took immediate steps looking toward separation from the Union, passed an ordinance of secession on December 20, and issued an address asking the rest of the South to "join us in forming a confederacy of slave-holding states."

Missouri's response to this appeal was not long in coming.



## CHAPTER XV

## Missouri Stands by the Union

THE character of Missouri's answer to South Carolina's appeal would necessarily be of vast consequence not only to Missourians but to the people of the whole country. Missouri stood close to the geographical center of the United States. Half way between New York and California, she was also about half way between the Gulf of Mexico and the Canadian boundary. She was on the direct line of overland immigration from Europe, the East and the central West to the Rocky mountain region and the Pacific slope. Arkansas and Texas would, it was seen, join South Carolina and the rest of the cotton states in secession. Apart from Texas and Arkansas there were 2,600,000 people residing in the states and territories wholly west of the Mississippi at the end of 1860. Missouri had not far from half of these. If Missouri should be won over to secession—and the South in the opening days of 1861 made a serious attempt to do this, and at the outset had some hopes of success—the confederacy might have been able to control the Mississippi permanently for much more than half of its length, and the Union might be overthrown.

South Carolina's reasons for secession were reasons which appealed with force to separatists in Missouri and all the rest of the slave states. That state, in her official declaration of the causes which impelled her to dissolve her relations to the Union, started out by presenting the arguments in favor of state sovereignty, and then said that the North had elected a man to manage "the administration of the common government because he has declared that the government cannot endure permanently half slave and half free, and that the public must rest in the



belief that slavery is in course of ultimate extinction;" stated that nearly all the Northern states, mentioning them by name, had passed personal liberty laws, nullifying or impeding a guaranty in article 4 of the constitution and the fugitive slave act which was part of the compromise measures of 1850; averred that, through the slavery prohibition in the territories which the Republicans were pledged to secure, the South was to be deprived of its equal rights in the common domain, and cited the tariff acts as having been passed for the benefit of the North and as burdensome and unjust to the South.

Alexander H. Stephens, however, the vice president of the Southern confederacy, said in his "War Between the States," published in 1867, that the discrimination against slavery, actual or expected, was only a minor cause of secession—that this, notwithstanding the two billion dollars of property which was endangered, was but as the "dust in the balance compared with the vital attributes of the rights and of independence and of sovereignty on the part of the several states."

As a legal right secession was based on the theory that the constitution was a compact between states acting in a sovereign capacity, which could be abrogated at any time by the people of any state, so far as regards that state's relations to the Union. This claim had often been asserted in the North as well as in the South. It was voiced by Madison and Jefferson, respectively, in the Virginia and Kentucky resolutions of 1798; openly proclaimed by Josiah Quincy, a Massachusetts Federalist in congress in 1811, in retaliation for the admission of the state of Louisiana; was plotted, it was charged, in the Hartford Convention of New England Federalists in 1814; contemplated by South Carolina in Calhoun's and Hayne's nullification movement in 1832; was vaguely threatened, just before the annexation of Texas, by Ex-President John Quincy Adams and other Northern members of congress, if annexation should take place, and was many times asserted by representative Southern men, and also by Garrisonian abolitionists, between the Palmetto state's nullification in 1832 and her actual secession in 1860.

On the other hand, a powerful element (which was steadily increasing up to 1861) of the American people, chiefly in the free states, rejected the contract theory of the government from the beginning. They believed that "We, the people of the United States," who declare in the constitution's preamble that they do "ordain and establish this constitution," meant the people of the country collectively. That is to say, the United States is a





nation, and not merely a league. This view was immeasurably strengthened and the love of the Union intensified by Webster's speeches in the Hayne debate in 1830.

In his first inaugural, March 4, 1861, Lincoln set forth the national idea by saying that the Union, as expressed in the constitution, was manifestly meant to be perpetual, and by asking that if the federal government be in the nature of a contract merely, "can it, as a contract, be peaceably unmade by less than all the parties who made it?" He declared that the idea of perpetuity was confirmed by history. "The Union," he said, "is much older than the constitution. It was formed, in fact, by the articles of association in 1774. It was matured and continued by the Declaration of Independence of 1776. It was further matured, and the faith of all the then thirteen states expressly plighted and engaged that it should be perpetual by the articles of confederation in 1778. And, finally, in 1787 one of the declared objects for ordaining and establishing the constitution was to 'form a more perfect Union.'"

But the theory of the legality of secession, except, of course, under the right of revolution, found very little favor in Missouri or any other part of the West. The fourth article of the ordinance of 1787 for the government of the Northwest Territory, comprising the present states of Ohio, Indiana, Illinois, Michigan, Wisconsin and that part of Minnesota east of the Mississippi, declares: "The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States." All the states outside of the original thirteen were the direct creation of congress. The claim made by some of the original members that they were older than the Union, and that they themselves delegated to the federal government all the power which it possessed, could not be urged in favor of any of the other states. Moreover, Missouri and all the rest of the states comprising the Louisiana region of 1803, were bought by the United States government, and paid for out of the United States treasury, and, as Governor Stewart of Missouri said, they certainly had no right to leave the Union except by the consent of all the members of it at the time of their admission.

The Ohio, the Illinois and the upper Mississippi, supplemented by the railroads, had, by the time of Lincoln's election, created a stronger physical bond between Missouri and the states north of the Ohio and the Potomac than the lower Mississippi had established between her and the South. The free states furnished the



principal home market for Missouri's products and provided most of the commodities for which these were exchanged. By that time, too, the majority of her emigrants from the rest of the country were coming from the middle West and East. Missouri's affiliations by the latter part of 1860, notwithstanding the numerical and social preponderance which was still maintained by the Southern element of her population, began to be principally with the anti-slavery, nationalist and Unionist group of states. All these influences asserted themselves decisively when the supreme test came.

On December 31, 1860, Missouri's newly elected legislature met in Jefferson City, and to it, on January 3, 1861, Governor Stewart sent his farewell message. A New Yorker by birth though a resident of Missouri for over twenty years, an old enemy of Benton and a believer in the right of the South to carry its slaves into the territories, Stewart was an opponent of slavery personally and a Union man who appealed to Missouri to "hold on to the Union as long as it is worth an effort to preserve it." He condemned South Carolina for seceding, was against all endeavors by the federal government to coerce South Carolina back into the Union, hoped that she and the rest of the states which might join her would soon return to their former position under some "honorable readjustment of the federal compact," and urged Missouri to maintain an "armed neutrality" against the combatants and to "hold herself in readiness at any moment to defend her soil from pollution and her property from plunder by fanatics and marauders, come from what quarter they may."

Stewart was a Union man, but a Union man under conditions. His position was that which was held by a large proportion of the people of Missouri in the closing weeks of 1860 and the opening weeks of 1861. Of far more consequence, however, in that exigency were the views of the incoming governor.

Gov. Claiborne F. Jackson, in his inaugural on January 4, averred that he had some hope that an "adjustment alike honorable to both sections would be effected," said that "it is our duty to be prepared for the worst," and declared, in the spirit of his resolutions of 1849 in the legislature, that "the destiny of the slaveholding states of this Union is one and the same." Their tastes, customs, origin, territorial contiguity and commercial relations "all contribute to bind them together in one sisterhood," and added that Missouri would "best consult her own interests and the interest of the whole country by a timely declaration of



her determination to stand by her sister slaveholding states, in whose wrongs she participates, and with whose institutions and people she sympathizes." He urged the legislature to call a state convention immediately, "in order that the will of the people may be ascertained and effectuated," and recommended a thorough organization of the militia.

Jackson, at this time fifty-four years of age, and at the height of his physical and mental powers, possessed more audacity and fervor than he had a dozen years earlier when he was fighting Benton and free-soilism, for now, elected governor by a large plurality, he believed that the bulk of the people of his state was behind him.

Acting on Jackson's recommendation, a bill for a convention passed the legislature (consisting of 15 Breckinridge Democrats, 10 Douglas Democrats, 7 Bell Constitutional Unionists and 1 Republican in the senate, and 47 Breckinridge Democrats, 37 Constitutional Unionists, 36 Douglas Democrats and 12 Republicans in the house) on January 18. The bill provided for an election on February 18 for a convention to consider the relations between Missouri and the United States, and to "adopt such measures for vindicating the sovereignty of the state and the protection of its institutions as shall appear to them to be demanded." This meant secession. The legislature's prompt action encouraged Jackson and the rest of the Southern rights men and depressed the Unionists.

Meanwhile the St. Louis secessionists, at a meeting on January 7, started the organization of Minute Men, among whose officers were Basil W. Duke, Overton W. Barret, James R. Shaler, Colton Greene, Rock Champion and others, some of whom rose to high command in the Confederate army afterward. The Minute Men had their headquarters in the old Berthold mansion on the corner of Broadway and Pine street, and drilled their recruits there and in other parts of the city. They formed part of Governor Jackson's and General Frost's state troops, who were captured at Camp Jackson by Lyon and Blair four months later.

But even before Duke, Greene, and their fellow secessionists began to move toward organization, the Unionist leaders in St. Louis, of whom Francis P. Blair was the most active and aggressive, started to transform the Wide Awakes, or uniformed Lincoln campaign marching clubs of 1860, chiefly composed of Germans, into Home Guards for the defense of the government. On Blair's initiative, a few days later, on January 11, 1861,



the first of a series of Union meetings took place, which had an important influence on the national cause.

Blair, forty years of age, daring, eloquent and resourceful, an ex-soldier of the Mexican war, a disciple of Andrew Jackson and Benton in Democratic politics, who fought for Benton in that chieftain's losing battle in and out of the legislature, who became a Republican as soon as that party was organized in Missouri, who served several years in congress and was then a member, was admirably qualified for the leadership which he assumed in Missouri's cyclonic days at the opening of 1861.

To show the connection between events in Missouri and in the nation, a glance backward for a few weeks will here be taken. Lincoln's election on November 6, 1860, precipitated South Carolina's secession on December 20, Mississippi's on January 9, 1861, Florida's on January 10, and Alabama's on January 11, the day of Blair's St. Louis meeting. Alabama at the same time inviting all the slaveholding states to send delegates to a convention to be held in Montgomery on February 4, to concert action for their defense in that crisis. Meanwhile Maj. Robert Anderson, commanding the United States troops in Charleston harbor, knowing that without strong re-enforcements he could not maintain himself, abandoned Fort Moultrie and moved his force of 7 officers and 61 non-commissioned officers and privates to Fort Sumter on the night of December 26, 1860, at which South Carolina occupied Fort Moultrie and Castle Pinckney on December 27 with state troops, and seized the United States arsenal in Charleston with its 75,000 stand of arms on December 30. Seizures of forts and other United States property were made immediately afterward by Georgia, Alabama, Florida and Louisiana. On January 9, 1861, the steamer *Star of the West*, sent by President Buchanan with troops and supplies for Anderson, was attacked by the batteries in Charleston harbor manned by South Carolina troops, and driven back to sea, and the first shots in the civil war were fired.

This was the national situation at the time of Blair's St. Louis rally of January 11, 1861. The meeting was held in Washington hall, at the corner of Third and Elm streets; it was called by Republicans, and most of its participants, who numbered 1,200, according to the *Missouri Democrat* of January 12, belonged to the Republican party. As the Republicans, as shown by the poll two months earlier (Douglas, 58,801; Bell, 58,373; Breckinridge, 31,317; Lincoln, 17,028), constituted only a little over





a tenth of the voters of Missouri, they would have to get aid from the other elements, especially from the Douglas and Bell men, or else they would be powerless. In his address to the meeting—the principal speech at which he delivered—Blair said only two parties were left in the country, one for the Union and the other for disunion, and that every man who loved his country should strike hands with every other man, no matter what his past political associations had been, who favored the Union's perpetuation. Some Republicans opposed the dropping of their own organization. "Let us see that we have a country first before talking of parties," was Blair's answer. That meeting was historically important because—

(1) It was the first gathering held in Missouri, and the first of any practical consequence held anywhere in the United States, to combat secession.

(2) It disbanded the Wide Awakes, a Republican partisan organization, and started in its place a Central Union Club, in which any Union man of good character—Breckinridge Democrat, Douglas Democrat, Bell and Everett Constitutional Unionist and Lincoln Republican—was eligible to membership, which attracted men from all these parties, and it established branch clubs in each ward of the city of St. Louis and in each township of the rest of St. Louis county.

(3) It temporarily dissolved the Republican organization of Missouri and formed a Union party in its place, open to men of all partisan affiliations who would adopt as their creed Andrew Jackson's motto of the nullification days, "The Union, it must and shall be preserved."

(4) It led to the founding of the Committee of Safety, which comprised Oliver D. Filley (mayor of St. Louis), Francis P. Blair, James O. Broadhead, Samuel T. Glover, John How and Julius J. Witzig, Filley being chairman and Broadhead secretary, Blair, however, being the dominant spirit, which upheld the cause of the national government in the city, county and state.

(5) It gave shape, courage, direction and unity to the sentiment and influences which baffled the plottings of the state's secessionists, and held Missouri firmly in the Union.

The next day, January 12, a meeting of conditional Union men—men who, while opposing secession, also opposed the coercion of seceded states— took place at the east front of the court house on Fourth street, which was many times larger than Blair's gathering, in which 15,000 persons participated, chiefly supporters of Douglas and Bell in the preceding election, with a sprink-



ling of Breckinridge men and Republicans. Hamilton R. Gamble, Lewis V. Bogy and others made speeches. Among the vice presidents of the meeting were Col. John O'Fallen, Wayman Crow, James E. Yeatman, John F. Darby, Luther M. Kennett, Nathaniel Paschall, Erastus Wells, Daniel G. Taylor, James H. Lucas, Isaac H. Sturgeon, John G. Priest, and others prominent in the business activities and social life of St. Louis and vicinity. Many of the conditional Union men were won to the unconditional Unionists—the men who would preserve the Union by force if necessary—even before Sumter fell, and most of the rest of them were gained not long afterward. Gamble, for example, was the Unionist provisional governor after Jackson was deposed for going over to the confederacy in July, 1861.

When, on January 18, 1861, a week after Blair's Washington hall gathering, the legislature passed the bill for holding a convention which would decide whether the state should secede or not, the most important issue ever presented to the voters of Missouri had to be met. As February 18 was the day set for the election the canvass was short, but it was the most exciting which the state ever saw. There were three elements in the contest—the conditional Union men, who were much more numerous than the other two ingredients put together; the out and out Union men, and the Southern rights advocates, or secessionists. The conditional Unionists were led by Gamble, Paschall and their associates already mentioned, as well as by Gen. Sterling Price, Gen. Alexander W. Doniphan, John S. Phelps, James S. Rollins, William A. Hall and others from the rest of the state. The unconditional Unionists, with the Republicans as a nucleus, had as leaders Blair, Broadhead and their colleagues of the Committee of Safety, with Edward Bates (who was already selected to be attorney general in Lincoln's cabinet), Benjamin Gratz Brown, William Mc Kee and others. The secessionists were marshalled by Governor Jackson, Lieutenant Governor Reynolds, United States Senators James S. Green and Truett Polk, Ex-Senator Atchison, John B. Clark and John W. Reid, of the other branch of congress, and by many of the members of the legislature, in which body there were a great number of Southern rights advocates.

In the election the Unionist side (the conditional and the unconditional taken together) was overwhelmingly victorious, gaining a majority of about 80,000 in the aggregate vote on delegates to the convention. Not a single avowed secessionist was chosen, although four fifths of the delegates were natives of the



slave states. Many of the delegates, however, secretly favored secession, and a few of them, like Sterling Price, who presided over the convention, went to the confederacy when the final division came after Lyon and Blair captured Camp Jackson. The bulk of the people of Missouri even as late as February 18, at the time of the election of delegates, believed that some sort of an adjustment would be reached which would avert war.

The ninety-nine members of the convention comprised some of the strongest men in the state. Among them were Hamilton R. Gamble, S. M. Breckinridge, John How, Henry Hitchcock, John H. Shackleford, James O. Broadhead, and Hudson E. Bridge, from St. Louis city and county; while those from the rest of the state included John Scott, Charles S. Drake, Sample Orr, Joseph W. McClurg, Vincent Marmaduke, Alexander W. Doniphan, Willard P. Hall, Robert M. Stewart, Robert Wilson, James H. Moss, William A. Hall, Sterling Price, Thomas Shackleford, John T. Redd, John B. Henderson and many others then or subsequently well known throughout the state. These were drawn from all parties and represented all shades of political thought, except that the secession sympathizers among them had not yet announced their views on that issue openly.

Thirty of the members were natives of Kentucky, 23 of Virginia, 14 of Missouri, 10 of Tennessee, 3 each of New York, New Hampshire and North Carolina, 2 each of Pennsylvania, Illinois and Germany, and 1 each of Maryland, Alabama, Maine, New Jersey, Ohio, Ireland and Austria. Lawyers predominated among them, though the number of farmers was large. The numerical ascendancy of the southern born delegates (82 from slave states, 13 from free states and 4 from abroad) was marked.

The convention met at Jefferson City on February 28; chose Sterling Price president, Robert Wilson, vice president, and Samuel A. Lowe, secretary; and soon adjourned to the more congenial atmosphere of St. Louis, where a committee promptly reported against secession, though it also favored an adjustment on the general lines of the Crittenden compromise, which had just been before congress, and which proposed a division of the territories between slavery and freedom on the thirty-six degrees thirty minutes line.

But before the convention met, Jackson, Green, Polk, Atchison and the rest of the Southern extremists saw that they had blundered. The convention, which had been hailed with delight at the time of the passage of the bill for it in January, proved a trap for them and their cause. By relegating the whole mat-



ter of Missouri's relations to the Union to the people of the state, where, of course, it belonged, the wave of Southern sentiment in the state had a chance to subside under the sober second thought which came when South Carolina, on January 9, fired on the *Star of the West*, which, under orders from President Buchanan, was attempting to enter Charleston harbor with re-enforcements of troops and supplies for Major Anderson, and as Lincoln's accession to power neared. Jackson, who felt all along that war would come, was prevented, by the submission of the question to the people, from taking the action which would precipitate a crisis in Missouri that would give him an excuse to seize the arsenal, which was at first virtually undefended, before the Unionist side became organized. The delay until the election on February 18 would favor Blair and the Union cause. Delay of any sort would necessarily be on Blair's side. Moreover, the convention was captured by the Unionists instead of by the secessionists, as Jackson and his friends expected. A bill urged by Jackson, for the arming of Missouri's militia, ostensibly in defense of the state against encroachment from the South or North, but really in favor of the South, was before the legislature at the time of the election of February 18, but the overwhelming victory for the Unionist side in the voting on that day frightened the secessionists, defeated the bill, notwithstanding Jackson's personal appeals for its enactment, and the legislature adjourned without taking any measure for putting Missouri in a condition of defence.

A wave of jubilation swept over the North at the news of Missouri's Unionist victory of February 18, 1861. New heart was put into the Union men of East Tennessee. The loyal sons of Virginia's mountain counties—the counties which separated from their state when it joined the confederacy, and formed themselves into the commonwealth of West Virginia—were encouraged to stand out against secession. A powerful factor was contributed to the sum of the influences which held Maryland and Kentucky in the Union.

But the St. Louis Committee of Safety saw that bullets might have to re-enforce ballots before Missouri could be permanently saved. Blair, just before his meeting in Washington hall on January 11, 1861, began to secretly organize and drill the Home Guards, just as Duke, Shaler, Colton Greene, and others of the younger secessionists did the Minute Men, but the Minute Men, having the state authorities on their side, did this openly. The nucleus of Blair's Home Guards was the Wide Awakes,





chiefly Germans. The aid which the Germans rendered the Union cause in St. Louis and Missouri in that crisis, and to the end of the war, cannot be too highly praised. There was a lack of guns for the Home Guards at the outset, though some were got from private sources, and a few from Governor Yates of Illinois.

In the United States arsenal at St. Louis, however, were 60,000 stand of arms, together with cannon, powder and other munitions of war. Blair, like his great antagonist Jackson, knew that war was inevitable. Both Blair and Jackson felt that the side which got possession of the arsenal would control St. Louis, and the side that controlled St. Louis would, sooner or later, command Missouri. The struggle for the arsenal between these two clear-sighted, audacious and resourceful men was an episode on which big events hinged. The story of this contest compels a glance backward of a few days.

On January 5, 1861, Isaac H. Sturgeon, assistant United States treasurer at St. Louis, fearing for the safety of the four hundred thousand dollars of government money in his hands and also for the arsenal, wrote to President Buchanan asking him to send troops for the protection of this property. In response, Buchanan ordered Lieutenant Robinson with forty men from Newport Barracks to St. Louis. They arrived on January 11, on the evening of which day Blair's Washington hall meeting took place, and were quartered in the sub-treasury, custom house and postoffice building. The presence of the troops there caused protest, from the southern sympathizers and from some lukewarm Union men, incited a special message from Jackson to the legislature, and in the presence of this demonstration Gen. William S. Harney, commander of the Department of the West, ordered the troops to the arsenal. The headquarters of the Department of the West were in St. Louis.

Harney was a gallant soldier and a patriotic man. He had been more than forty years in the army at that time, had fought in the Black Hawk, the Florida and the Mexican wars, doing good service in each. Moreover, he was against secession. But he was old (sixty-one years), was conservative, did not realize that war would come, had many friends among the southern radicals, and his loyalty, though unjustly, was distrusted by Blair and the rest of the Unionist chieftains. The sort of a man whom Blair wanted in St. Louis was nowhere in sight at the time. That man, nevertheless, was destined to appear earlier than any of the Unionist leaders dared hope for. This was Nathaniel



Lyon. The day, February 6, 1861, that Captain Lyon and his company from Kansas marched into St. Louis is an important datemark in the struggle which held Missouri in the Union.

Lyon, who was born in Connecticut, who was graduated from West Point in 1841, who served with credit in the Florida and the Mexican wars, and was stationed in Kansas during most of the territorial struggle of 1854-60 between the pro-slavery and the free state men, where he, though a Democrat along to that time, had acquired a strong antipathy to slavery and a profound distrust of the intentions of the southern leaders, was forty-three years of age when he and his company arrived in St. Louis. Prompt, sagacious, resolute, resourceful, he was the man for the crisis. Blair immediately apprized Lyon of the conditions. He instantly grasped the situation, and these two chieftains worked in harmony from that day onward till Lyon's death at the head of his troops six months later at Wilson's Creek.

Blair and Lyon, however, were not yet in control of affairs in St. Louis. Lyon immediately entered with Blair into the work of supervising the organization and the drill of the Home Guards, but the arms in the arsenal were out of their reach. Maj. William H. Bell, a North Carolinian by birth, an old and able soldier, was, with a few men, in command at the arsenal in January, 1861, at the time when Assistant Treasurer Sturgeon wrote to Buchanan to send more troops to St. Louis to protect the government's property. Bell was in sympathy with Jackson and the Southern cause, and entered into an agreement with Gen. Daniel M. Frost, commander of a brigade of state militia, to turn the arsenal over to the state troops in case of any demonstration against it by the Unionists. Frost was a graduate of West Point of 1844, who served creditably in the Mexican war, but who left the army shortly afterward, married a St. Louis lady, entered into business in that city, served in the legislature a few years, was an anti-Benton man, and commanded a brigade of state troops from 1858 to 1861.

Rumors of Bell's disloyalty reaching Washington, he was ordered to New York, but resigned instead of going there and retired from the army, and Maj. Peter B. Hagner assumed command at the arsenal on January 24. This was two weeks before Lyon's arrival in St. Louis. A native of Washington, D. C., whose wife was a slaveholder's daughter, and who himself had many friends among the Southern rights men, Hagner became an object of suspicion to Blair, and also to Lyon as soon as Lyon arrived, and they tried to have him displaced and Lyon put in



command. A demonstration by the Minute Men in St. Louis about the time of Lincoln's inauguration on March 4 worked in the Unionist interest, and on March 13 Lyon was put in nominal command at the arsenal, and early in April was placed in actual command. As Harney hampered Lyon somewhat in his acts Blair had Harney ordered to Washington to explain matters. Harney left St. Louis on April 23, and Lyon immediately assumed temporary command of the Department of the West.

A law passed by the legislature a month earlier authorized the governor to appoint a board of four commissioners, who, with the mayor, would have control of the St. Louis police, volunteer militia and other guardians of the peace. This was done in order to take these out of the hands of the Republican and Unionist forces, O. D. Filley, of the Union Safety committee, being mayor. The commission which Jackson appointed consisted of three secessionists—Basil W. Duke, of the Minute Men, and James H. Carlisle and Charles McLaren—and one conditional Unionist—John A. Brownlee. Moreover, in the election immediately afterward, on April 1, the Unionist candidate, John How, of the Safety committee, was beaten for mayor by Daniel G. Taylor, and the civil machinery of St. Louis's government was put in Governor Jackson's hands. Nevertheless, Blair, Lyon and the Unionists were masters of the St. Louis situation.

Meanwhile, in the national field, Mississippi, following South Carolina's lead, seceded on January 9, 1861, Florida on the 10th, Alabama on the 11th, Georgia on the 19th, Louisiana on the 26th, Texas on February 1, and the confederate government was established on February 4. The abortive peace congress met in Washington on the same day, at which Missouri was represented by A. W. Doniphan, Waldo P. Johnson, A. H. Buckner, J. D. Coalter and Harrison Hough. Buchanan stepped out of the presidency on March 4 and Lincoln stepped in, and on April 14 Sumter fell before Beauregard's guns. Lincoln issued a proclamation on April 15 for 75,000 troops to put down the rebellion.

To the demand for four regiments as Missouri's quota of the 75,000 Governor Jackson responded that Lincoln's object was "illegal, unconstitutional and revolutionary," and he added that "Not one man will Missouri furnish for such an unholy crusade." Blair, arriving in St. Louis from Washington, wired Secretary of War Cameron on the 10th to telegraph to Captain Lyon to muster Missouri's quota into the service. Blair's word was promptly made good. The arms in the arsenal, now under Lyon's control, were put in the hands of the new regiments, the first one of which



had Blair for its colonel, George L. Andrews for lieutenant colonel, and John M. Schofield, who rose to high command later, for its major. After a sufficient amount of arms were laid aside for immediate emergencies, Lyon sent the rest to Governor Yates of Illinois, to be out of reach of possible capture by the secessionists, for Jackson and Frost, in conclaves with the St. Louis Southern sympathizers, had been plotting to this time to get possession of the arsenal.

Events in Missouri now moved rapidly to the catastrophe. Acting under Blair's promptings, Secretary Cameron, on April 30, 1861, two weeks after Sumter's fall, and one week after Harney left St. Louis for Washington, sent this command to Lyon:

"The president of the United States directs that you enroll in the military service of the United States loyal citizens of St. Louis and vicinity, not exceeding, with those heretofore enlisted, ten thousand in number, for the purpose of maintaining the authority of the United States and for the protection of the peaceable inhabitants of Missouri; and you will if deemed necessary for your purpose by yourself and Messrs. Oliver D. Filley, John How, James O. Broadhead, Samuel T. Glover, J. J. Witzig and Francis P. Blair, Jr., proclaim martial law in the city of St. Louis."

This order bore the following indorsement from Winfield Scott, commanding general of the army: "It is revolutionary times, and therefore I do not object to the irregularity of this. W. S." The order also bore this attestation: "Approved April 30, 1861. A. Lincoln."

Under this authority five more regiments were mustered into the service, four before Camp Jackson's capture and one afterward. In the aggregate in these regiments the Germans were largely in the preponderance.

Before Lyon mustered in these later regiments some of Jackson's militia gathered in a camp in the western part of St. Louis, about one thousand strong, including most of the Minute Men organized in that city. Jackson's original intention was that this force should make a dash on the arsenal, and seize the arms there, but Lyon's occupation of the arsenal with part of his troops, and his shipment to Illinois of all the arms not immediately needed, defeated this purpose. The militia camp, which was named for the governor, was in Lindell's Grove, a tract then extending from Channing to Vandeventer avenue, and from Laclede avenue to Olive street, and it was to last a week, beginning on May 6. Frost was in command.

Lyon entered the camp in disguise, ascertained the situation,





and he and Blair determined to capture it. Harney, then temporarily in Washington, would, they rightly feared, prevent the move if he were present. The camp would end on Saturday, the 11th, and the militia would disperse, taking their arms with them. The Unionist commanders struck with their accustomed promptness and intrepidity. They surrounded the camp on Friday, May 10, with a large force, Blair, Boernstein, Sigel, and Schuttner commanding the regiments which participated, compelled Frost to surrender immediately and unconditionally, without the firing of a shot, disarmed his men, and paroled them not to bear arms against the United States until regularly exchanged. Grant and Sherman, neither of whom was in the military service at the time, witnessed Lyon's exploit.

Camp Jackson's capture, attended after the surrender by a lamentable collision between some secession sympathizers on the streets and part of Lyon's men, in which twenty-five lives were lost, was an important datemark in the war of 1861-65. Coming three days before the Union troops occupied Baltimore and two weeks before they marched from Washington into Virginia, it was the first resolute blow dealt to the confederacy anywhere in the country. It held Missouri firmly on the side of the government, to which she contributed one hundred and nine thousand troops from first to last. By doing this it helped to turn the scale against secession in Kentucky, strengthened the hands of loyalists in Tennessee and the other border states, assisted in forcing the sphere of confederate influence in the Mississippi valley down near the Cumberland and the Arkansas; contributed toward opening the Mississippi to the passage of the government troops; defeated the confederates' purpose to cut off connection between the East and the Pacific slope by the overland route, and was a powerful factor in making this nation, in the words of Chief Justice Chase afterward, an "indissoluble Union composed of indestructible states."



## CHAPTER XVI

## Missouri in the Civil War

THE Unionists said that the war in Missouri was precipitated by the seizure of the United States arsenal at Liberty, in Clay county, on April 20, 1861, by Governor Jackson's order, whereby one thousand five hundred muskets, twenty small cannon and eleven thousand pounds of powder were appropriated by the secessionists. The Southern sympathizers declared that the war dated from the capture of Camp Jackson, on May 10. This is a dispute about an unimportant detail. Sumter came before either. Nobody, however, had any right to doubt that Camp Jackson's capture meant war.

Nevertheless, the civil affairs of the state, though subordinate, for the time, to the military movements, commanded some attention. On March 4, 1861, Edward Bates entered Lincoln's cabinet as attorney general. In March the legislature elected Waldo P. Johnson, a Breckinridge Democrat, to succeed James S. Green in the senate for the term beginning at that date. "It is a noteworthy fact," said the secessionist Snead, in his "Fight for Missouri," "that Green, who was relegated to private life because he was a secessionist, did not raise his hand or his voice in behalf of the South during the war, while Johnson, who had been elected because he was a good Union man, quickly resigned his seat in the Senate, entered the army, and fought for the confederacy till the end of the war." In the case of several other prominent Missourians also the war's alignments made a strange commentary on the professions and expectations of the days immediately preceding the outbreak.

Johnson and Missouri's other senator, Trusten Polk, joined the confederacy in 1861, and were expelled by the senate in January,



1862. Provisional Lieutenant Governor Willard P. Hall, elected by the convention, and acting in the absence of Hamilton R. Gamble, the provisional governor, appointed Robert Wilson, of St. Joseph, to succeed Johnson, and John B. Henderson, of Louisiana, to succeed Polk. Wilson held office only a short time, and the legislature elected B. Gratz Brown to succeed Johnson, serving until 1867. Henderson, by election and re-election, served until 1869. John B. Clark and John W. Reid, of the other branch of congress, who also entered the confederate service, were expelled in 1861, and William A. Hall, of Huntsville, was elected in place of the former, and Thomas L. Price, of Jefferson City, was chosen to succeed the latter.

Meanwhile the convention, which was elected on February 18, 1861, to decide whether Missouri should secede or should stand by the Union, and which declared for the latter, did not expire when it did this work, as most of the people of the state and most of its own members at the outset expected it would do. Events forced it to remain in existence more than two years longer. It adjourned on March 22, met again on July 22, on October 10, on June 2, 1862, and on June 15, 1863, remaining in session a week or two each time, and being always subject to call from the provisional governor. Through the officials whom it elected to take the place of Jackson and others whom it deposed for disloyalty, the convention managed the civic affairs of the state until Thomas C. Fletcher, chosen governor by the people in 1864, went into office.

The legislature, which adjourned in March, met in extra session under Jackson's call on May 2, eight days before Camp Jackson's capture, and immediately after getting news of that event it passed a series of war measures creating a Missouri state guard, authorizing expenditures by the governor aggregating about two million dollars, and directing him to take such steps as his judgment dictated to "repel such invasion and put down such rebellion," the invasion and rebellion being the demonstration of the federal forces under Lyon and Blair at St. Louis, and those which were expected under the same leadership. Sterling Price, who resigned from the convention and went over to the governor's side immediately after Camp Jackson, was appointed by Jackson commander of the Missouri state guard, with the rank of major general, and afterward he went into the regular confederate service. Jackson appointed John B. Clark, M. M. Parsons, A. E. Steen, James H. McBride, Thomas A. Harris, James S. Rains,



N. W. Watkins and W. Y. Slack to be brigadier generals in the guard.

Harney returned to St. Louis shortly after Camp Jackson, resumed the command, issued a proclamation justifying the capture, and on May 21, yielding to the solicitations of many Union men who vainly hoped to avert war in Missouri, entered into an agreement with Price, the state guard's commander, with the object of "restoring peace and good order to the people of the state in subordination to the laws of the general and the state governments." This displeased Lyon and Blair, who believed nothing could be accomplished by it, and on their advice and that of the members of the St. Louis Safety Committee, Harney was removed by Lincoln on May 30, and on June 1 Brigadier General Lyon was placed in command.

Lyon had a free hand at last, but before he began his advance against the enemies of his government in the interior of the state William A. Hall and a few other peace loving persons made another attempt to avert bloodshed, and arranged a meeting between Jackson and Lyon. It took place in the Planters' House on June 11, was participated in by Jackson, Price and Snead on the side of the South and Lyon, Blair and Maj. Horace L. Conant on the side of the Union, and after it had been under way several hours it was closed abruptly by Lyon, who said. "Rather than concede to the state of Missouri the right to demand that my government shall not enlist troops within her limits, or bring troops into the state whenever it pleases, or move its troops at its own will into, out of, or through the state; rather than concede to the state of Missouri for one single instant, the right to dictate to my government in any matter, however unimportant, I would (rising as he said this and pointing in turn to every one in the room) see you, and you, and you, and you, and you, and every man, woman and child in the state dead and buried." Then turning to the governor he said: "This means war. In a hour one of my officers will call for you and conduct you out of my lines." (Snead's "Fight for Missouri," pp. 199, 200.)

Snead adds that then, "without another word, without an inclination of the head, without even a look, he turned upon his heel and strode out of the room, rattling his spurs and clanking his saber, while we, whom he left, and who had known each other for years, bade farewell to each other courteously and kindly and separated—Blair and Conant to fight for the Union, we for the land of our birth."

This did, indeed, mean war. The seven states—South Caro-





lina, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas—which comprised the confederacy at the date of its establishment on February 4, 1861, at Montgomery, had been joined by Virginia on April 17, by Arkansas on May 6, by North Carolina on May 21, and by Tennessee on June 8, three days before Lyon's conference with Jackson at St. Louis. The confederacy's capital had been removed to Richmond, the United States troops had marched into Virginia, McDowell had assumed command, Ellsworth had been killed in Alexandria, and the battle of Big Bethel, in which Major Winthrop lost his life, had been fought. From Illinois, Iowa, Minnesota, Kansas and the rest of the loyal states in Missouri's region as well as all over the country troops were being hurried to the defence of the Union.

As soon as Jackson reached Jefferson City, on June 12, he issued a proclamation calling for fifty thousand troops to repel "invasion and for the protection of the lives, liberties and property of the citizens of this state." At the same time he evacuated Jefferson City, which he was destined never to see again, fell back to Boonville, where he believed he would be in a friendly country, and General Price went on to Lexington to supervise the organization of state troops at that point.

Lyon struck quickly. Dispatching Sigel, B. Gratz Brown and Solomon, with their regiments, under Brig. Gen. Thomas W. Sweeney's command, toward Springfield, to head off Jackson and Price if they tried to retreat to Arkansas and to intercept confederate aid from Arkansas for them, Lyon pushed up the Missouri by boat with two thousand men for Jefferson City, left Colonel Boernstein with three hundred men there on June 15, and he himself with the great body of his troops steamed onward to Boonville, where he defeated Col. John S. Marmaduke. This demonstration put the state capital, and the entire line of the Missouri in Lyon's control, sent Jackson and Price in retreat southward, and closed, except in spots and for short times, the whole of Missouri north of the river as a possible recruiting ground for the confederates.

The Marmaduke here mentioned was the son of M. M. Marmaduke, who was governor in 1844; was a graduate of West Point who resigned from the army at the outbreak of the war; gained a high reputation in Missouri and elsewhere by his operations in that struggle, and was himself governor of the state in 1885-87.

But in the southwest the Union troops met disaster. A delay of two weeks by Lyon at Boonville, most of it unavoidable, enabled Jackson and Price to retreat in safety to Southwestern Missouri,



their object being to form a junction with Gen. Ben McCulloch, the old Texan ranger, who, with a large body of confederate and Arkansas troops, was in Northwest Arkansas, to guard that state and the Indian Territory from invasion. Unexpectedly to both, Jackson, with a largely superior force, fell on Sigel near Carthage on July 5 and defeated him. Then Jackson's men joined Price, who, in perfect safety, was organizing and drilling state troops at Cowskin Prairie, in the extreme southwestern corner of the state, with McCulloch only a few miles away.

Lyon, after issuing a proclamation at Boonville to the people of Missouri, promising not to harm anybody who, then under arms against the government, should return home and remain loyal, started after Jackson, but was too late to overtake him, and entered Springfield on July 12. Realizing that he was greatly outnumbered by Price's and McCulloch's forces in his front, Lyon made several urgent appeals to Fremont, then in command of the Western Department, with headquarters at St. Louis, and to Scott in Washington, for more troops, but these were not furnished in time, and even if they had arrived when Lyon wanted them they would have been inadequate. The panic throughout the Union because of the confederate victory at Bull Run on July 21, and the demand from Washington for all the troops which could be spared to be pushed to the defence of that city, is probably partly accountable for the failure to furnish aid to Lyon.

Knowing Lyon's strait, and encouraged by the Bull Run victory, Price—a far abler and more dashing officer than McCulloch, and who was, indeed, the most skillful confederate commander who operated in Missouri at any time during the war—induced McCulloch to cross into Missouri and march on Springfield, the advance beginning on July 31.

Believing that a fight meant defeat, but also believing that retreat would enable Price to overrun most of the state outside of St. Louis and its immediate neighborhood, Lyon on August 10, with four thousand five hundred men, advanced on double as large an enemy at Wilson's Creek, nine miles southeast of Springfield. Lyon sent Sigel with one thousand two hundred of his men to attack them on the right flank and in the rear, and he himself to move on their left and front, and a desperate assault was made on the confederate position. McCulloch crushed Sigel, and then turning to the aid of Price, who was being hard pressed, overwhelmed Lyon, who himself was killed in leading a charge in the hope of being able to drive Price off the field before the re-enforcement came. The losses in killed, wounded and missing



on the Union side were 1,317, and among the confederates 1,230. In proportion to the numbers engaged Wilson's Creek was one of the bloodiest battles of the war. Among the officers in the Union ranks in that battle who subsequently rose to high command were Sigel, Schofield, Stanley, Steele, Osterhaus, Herron and Granger, who became major generals, while Sturgis, Plummer, Carr, Mitchell, Sweeney, Totten, Gilbert and Powell Clayton, rose to be brigadier generals. The men among Price's Missourians on that day who ultimately rose to high rank were Joe Shelby, Colton Greene, M. M. Parsons, William Y. Slack, John B. Clark, Jr., and Francis M. Cockrell, the present senator.

The losses among the higher officers on the Union side had been so great that the command, after Lyon's death, devolved on Major Sturgis, who conducted the retreat to Springfield, and afterward to Rolla. McCulloch, on the plea that he was a confederate officer, was charged with the defence of Arkansas and the Indian Territory, and had no authority to invade a state still in the Union, refused to join in the pursuit, although pressed urgently by Price to do so, and as Price felt that he would be too weak to accomplish anything alone, Sturgis' forces retired practically unmolested. Lyon's body, buried in Springfield soon after the battle, was removed a few weeks later, and interred in Eastford, Conn., his native state.

Lyon's death sent a wave of sorrow through Missouri and all the rest of the loyal states. Undoubtedly, with his ability, daring and dash, a brilliant career would have been his had he lived to the end of the war. But he had already done a great work for state and country. Said Col. Thomas L. Snead, who fought under Price at Wilson's Creek, in speaking of Lyon's death: "By wisely planning, by boldly doing, and by bravely dying, he had won the fight for Missouri."

But much was to be done yet before the work gallantly begun by Lyon was finished. On July 22, 1861, the day after the Union defeat at Bull Run, and three weeks before the Wilson Creek disaster, the convention which adjourned in St. Louis in March met at Jefferson City, declared vacant the seat of Sterling Price, who had become commander of Governor Jackson's state guard, and put Robert Wilson in his place as president of the convention; deposed Governor Jackson and Lieutenant Governor Reynolds, who had also gone over to the Southern side, and made Hamilton R. Gamble provisional governor and Willard P. Hall provisional lieutenant governor; declared the seats of the members of the legislature, a large majority of whom had taken the South-



ern side, vacant, and annulled the laws passed by that legislature which had enabled Jackson to make war on the national government. All these were revolutionary proceedings, but they were justified by military necessity, they recognized facts, averted anarchy, protected life and property, and saved the state to the Union. During nearly all the time until after the election of Thomas C. Fletcher as governor in 1864 the convention exercised executive and legislative powers, and, considering the difficulties of the situation, it did this with courage, ability and rare public spirit.

Governor Gamble issued a proclamation on August 3, a week before Wilson's Creek, reciting that the act of the legislature which had created Jackson's and Price's state guard had been set aside by the convention, ordering the state guards to disband, and telling all Missourians who were in arms against the government that they would be protected if they surrendered and lived peaceably thereafter. By a proclamation on August 24 Gamble called for thirty-two thousand troops to enlist for six months, to defend the lives and property of the citizens of the state.

Jackson retaliated by issuing a declaration of independence for Missouri and by calling the legislature in session at Neosho, in the southwest part of the state, where it could be under the protection of Price's troops. There a rump body, comprising less than a quorum of each branch, met on October 21, passed what it called an ordinance of secession, which was recognized by the government at Richmond, which went through the form of admitting Missouri into the confederacy, and the legislature elected John B. Clark, Sr., and R. L. Y. Peyton to the confederate senate, and seven persons, including George G. Vest (who served from 1879 to 1903 in the United States senate) to the confederate house.

The state convention held one more session in 1861, beginning on October 16, in St. Louis, at which it passed an act under which the Missouri state militia was organized on the Union side, and it also enacted a law exempting from punishment those who, having borne arms against the government or given aid and comfort to its enemies, should, within sixty days, take an oath to support the national government and obey the government established by the convention.

During all this time the military situation in Missouri was undergoing swift changes. Gen. John C. Fremont, who arrived in St. Louis on July 25, 1861, to take command of the Western Department, comprising Illinois, Missouri, and all the states and





territories between the Mississippi and the Rocky mountains, issued a proclamation on August 30, three weeks after Lyon's defeat and death, in which he declared martial law throughout the state, and prescribed that the property of all persons who had taken up arms against the government should be confiscated and their slaves set free. Lincoln asked Fremont to modify that part of the proclamation relating to the confiscation of property and the freeing of the slaves, as he feared this would have a bad effect on the loyal slaveholders of the border states, particularly of Kentucky, and as Fremont declined to comply, Lincoln set that aside himself. Lincoln's action, though wise under the circumstances, angered many anti-slavery men in Missouri and elsewhere, drew them toward Fremont, and was one of the causes that put Fremont forward as a candidate for president by the radical Republicans in 1864 in opposition to Lincoln, though Fremont withdrew from the canvass in that year several weeks before the election.

But the Union men of Missouri were soon furnished with something more exciting to talk about than Fremont's proclamation. McCulloch, not long after Wilson's Creek, dropped back into Arkansas and the Indian Territory, and Price marched northward with about 8,000 men, captured Lexington, on the Missouri, on September 30, garrisoned by General Mulligan with 3,000 troops, and then swung southward when he learned that Fremont was marching in his direction with 20,000 men. Fremont followed Price as far as Springfield, near which place Major Zagonyi, a Hungarian, commander of Fremont's cavalry bodyguard and of White's Prairie Scouts, made a gallant charge on a larger force of confederates, and defeated them. On November 2, while at Springfield, Fremont was relieved by an order from Washington, Gen. David Hunter being put in his place. Hunter himself was superseded by Gen. Henry W. Halleck on November 7, and the army soon afterward fell back to Rolla. Fremont received an enthusiastic reception when he reached St. Louis. He had many admirers, then and afterward, in that city. On November 7 Grant and Polk fought their indecisive battle at Belmont, in Southeast Missouri, which was Grant's first important fight of the war.

Pushing southwestward from Lebanon, Laclede county, early in 1862, Gen. Samuel R. Curtis, with ten thousand Union troops, drove Price into Arkansas, where effecting a junction with McCulloch, the entire force of confederates and Missouri state guards, with Gen. Albert Pike's force of Indians and half breeds, numbering fourteen thousand, all under command of Gen. Earl Van Dorn,



attacked Curtis at Pea Ridge, in the northwestern part of that state. In a battle lasting through March 6, 7 and 8, in which both sides lost heavily, Curtis drove his enemies from the field. McCulloch and McIntosh of the confederates and Gen. W. Y. Slack of Jackson's state guard, were killed.

Shortly after this defeat Price and his division of Missourians entered the confederate service proper, ceased to be Missouri state guards, fought under the stars and bars on many fields, principally east of the Mississippi, and remained in the service until after Appomattox. With the change of status of Price and his men Jackson's state troops virtually ceased to exist. Jackson himself, deposed by the convention, and an exile from his state, entered the confederate service with the rank of a brigadier general was compelled to resign on account of ill health, and died near Little Rock on December 6, 1862, but resolute and loyal to the South to the last.

After Pea Ridge the confederates were never a serious menace to Missouri except during the few weeks in the fall of 1864 during which Price was on his raid through the state. Marmaduke, Shelby, Poindexter, Jeff Thompson, and others made forays into the state from time to time, and guerrilla warfare was waged in a desultory way on both sides of the Missouri. The official records indicate that from the capture of the federal arsenal at Liberty, on April 20, 1861, to November 20, 1862, over three hundred fights of various dimensions, most of them of course, being skirmishes, took place in Missouri. Probably more than that number were fought in the next two years, or to the end of 1864. The greater part of these fights had no effect whatever on the general result.

The most and worst of these fights were waged on the western border of the state, and were a legacy from the Kansas territorial conflicts of the years immediately preceding secession. There were raids in each direction, many of them by persons who wore neither uniform, and who were not entitled to wear either. The most hideous of these atrocities was the dash by Quantrell and three hundred of his guerrillas, all mounted, into Lawrence, Kan., on August 21, 1863, in which nearly two hundred people, men, women and children, were murdered, stores and banks were robbed, and a large part of the town was burned.

In retaliation, on August 26 Gen. Thomas Ewing, whose headquarters were at Kansas City, issued Order No. 11, commanding everybody living in Cass, Jackson, Bates and part of Vernon counties to remove within fifteen days out of the counties, except



those residing in the larger towns, but those who could prove their loyalty were allowed to stay at the nearest military post or to move into Kansas. All grain and hay were taken to the military stations, for which payment was given, and the rest of the produce was to be burned. This order, which was designed to stop the bushwacking, had no such effect, and inflicted great hardship on thousands of persons, most of them loyal Unionists. The artist Col. George C. Bingham was a member of Ewing's staff, and protested against the edict, though vainly. He afterward painted a picture called "Order No. 11," which had a great vogue for years, a few copies of which are still in Missouri households.

The state convention's session at Jefferson City which began on June 2, 1862, and lasted to June 14, adopted a test oath preventing anybody from voting in any election in the state until he had taken an oath to defend the constitution of the United States and Missouri's constitution, until he had promised to give no aid and compact to the enemies of the United States or of the provisional government of Missouri, and until he had sworn that he had not borne arms against the United States or Missouri's provisional government since December 17, 1861.

In the elections, therefore, which took place in Missouri in 1862 and in subsequent years while this test stood, none but Union men could vote. Emancipation was the chief issue in the contests in that year, and the emancipationists won in the voting for congress and for the legislature. Blair, Rollins, H. T. Blow, J. W. McClurg and W. A. Hall were among the nine members chosen by Missouri to congress in 1862.

As the freeing of the slaves could not be decreed for several years, however, under the constitutional method of procedure, one of the things which the convention of 1863 did when it met, pursuant to the call of Governor Gamble, on June 15 of that year, was to pass an ordinance on July 1, decreeing emancipation on July 4, 1870, with these qualifications: The slaves over forty on that day should be subject to the control of their owners through life, those under twelve until they were twenty-three, and those of all other ages until July 4, 1876. But manumission came before either of those years. By operation of an ordinance of the constitutional convention which met early in Governor Fletcher's term every slave in Missouri was freed on January 12, 1865.

July 1, 1863, which saw the passage of the emancipation ordinance, also brought the convention to an end. It had been elected on February 18, 1861, to determine whether Missouri should



secede or stand by the Union; declared overwhelmingly for the Union; met in Jefferson City on February 28, and by successive assemblages in that place and St. Louis, it continued to govern the state, preserving order, and contributing most of the one hundred and nine thousand soldiers which Missouri furnished to the armies of the Union in the four years of the war, but on July 1, 1863, it adjourned sine die. Its power continued beyond that date, moreover, for the executive which it elected controlled the state until the regularly chosen governor, Thomas C. Fletcher, entered office in 1865.

The year 1864 was a stirring time for Missouri. It brought Governor Gamble's death, Price's raid, and the election of a governor and a president. Gamble died on January 31, 1864, and Willard P. Hall, the lieutenant governor, acted as governor for the eleven months intervening before Fletcher's accession. Gamble was born in Virginia, removed to Missouri at an early age, settling in St. Louis a few years after he entered the state, was a successful lawyer, was successively secretary of state, member of the legislature and chief justice of the state's supreme court, and was elected to the convention in 1861, and made governor when Jackson was deposed. He was sixty-six years of age at the time of his death. Hall, also a Virginian by birth, but twenty-two years younger than Gamble, was also an old resident of the state, was a soldier in the Mexican war, was a Benton Democrat, was several terms in congress, and was one of the members of the convention chosen in 1861.

Price's raid into Missouri in 1864 was the most formidable confederate military demonstration which had been made in the state since the fall of 1861, when the same daring and skilful soldier advanced to the Missouri, won several victories, and captured General Mulligan and his force at Lexington. Many of the Union troops located in Missouri had been withdrawn in the spring and summer of 1864 for employment elsewhere, and those who were left in the state had a large territory to cover. General Rosecrans, the commander of the department, however, had learned about Price's intentions beforehand and had obtained some re-enforcements, chiefly Gen. A. J. Smith and his division.

With Shelby, Clark and others who had been operating in and near the state since early in the war, Price, with about twenty thousand men, whom he expected to increase by recruiting as he advanced, struck Southeastern Missouri in September, 1864, and made a dash northward and westward, intending to capture the great supply depots of the national forces at Pilot Knob, Jefferson





City, Rolla and Springfield, and to menace St. Louis. The first obstruction which he encountered was at Pilot Knob, where he was gallantly resisted by Gen. Hugh S. Ewing, with one thousand two hundred troops. To escape capture, however, Ewing abandoned his position after spiking his cannon and blowing up his magazine, and retreated westward to Rolla, where he joined General McNeil.

Pushing northward Price crossed the Meramec, reached a point within forty miles of St. Louis, which he evidently feared to attack, and then swung westward, advanced on Jefferson City, into which Rosecrans had thrown all the troops that he could spare from other points. Finding the capital prepared to resist him Price moved onward to Boonville and Lexington, his subordinates Shelby and Clark capturing Glasgow and other towns on the way, and he himself defeating Curtis at Little Blue on October 21. Meanwhile Pleasanton, from Jefferson City, with a large force, chiefly cavalry, and A. J. Smith with another body of troops, chased Price, who, however, delayed his pursuers by burning the bridges behind him. Pleasanton defeated Price at Independence, when the latter, fearing capture, immediately started southward, pursued rapidly by the Union forces, and escaped into Arkansas.

The raid failed of its object. Price marched 1,434 miles, fought forty-three battles and skirmishes, received 6,000 recruits where he had expected to gain 25,000, destroyed according to his estimate, ten million dollars of property, but lost heavily in men by death and capture, and left the Union forces in the state much stronger and more effective than he found them. This was the last despairing effort of the confederates to make headway in Missouri. Guerrilla fighting was kept up till after Appomattox, bushwhackers and jayhawkers continued their demonstrations, and Bill Anderson and his bandits on September 27, 1864, robbed, burned and murdered at Centralia, the victims of the murders being twenty-three unarmed Union soldiers, followed by Anderson's annihilation of one hundred and forty armed soldiers, but when Price fled across the line into Arkansas in November of that year the serious operations of the war in Missouri were ended.

While the marching and fighting of 1864 were under way, one of the most interesting political campaigns which the state ever saw was in active progress. That was the one in which Lincoln was re-elected president and Fletcher was chosen to be governor. There was a great deal of very complicated politics in Missouri from the beginning of the war. To a delegation of radical Repub-



licans from Missouri who called on him in October, 1863, to ask him to remove General Schofield, who was charged with favoring disloyalists, and to put General Butler in command in the state, Lincoln said, after referring to the peculiar conditions there: "It thus becomes a question not of two sides merely, but of at least four sides, even among those who are for the Union, saying nothing of those who are against it. Thus, those who are for the Union with, but not without, slavery—those who are for it without but not with—those for it with or without, but prefer it with, and those for it with or without, but prefer it without. Among these again is a subdivision of those who are for gradual, but not for immediate, and those who are for immediate but not for gradual, extinction of slavery."

These cross currents affected every political contest in Missouri during the war. In the campaign of 1864 there were two divisions of the Union party of Missouri. Both sent representatives to the national convention which met in Baltimore on June 7, and which renominated Lincoln and put up Andrew Johnson for vice president. War Democrats were eligible to representation in that convention. It was called a Union convention, though a large majority of its delegates were Republicans, and the Republicans cast most of the votes which elected its ticket. One of the two bodies of Missourians which demanded admission to the national convention of 1864 was called the Radical Union and the other the Unconditional Union delegation. The Radicals took Fremont's side when Lincoln in 1861 abrogated Fremont's emancipation edict. They wanted the immediate liberation of all the slaves in every state, outside as well as in the confederacy, even before Lincoln issued his emancipation proclamation of 1863 which applied only to the slaves in the confederate region. After a contest the Radical delegation was admitted to the convention by a vote of 440 to 4, and the Unconditional Unionists were shut out. The delegates at large of the Radicals were Chauncey I. Filley, Charles D. Drake and J. F. Benjamin of St. Louis, and Benjamin F. Loan of St. Joseph. They undoubtedly represented a large majority of the Union people of the state. In the ballot for president in the convention, the Missouri delegates, in accordance with instructions from home, cast their votes for General Grant, and then transferred them to Lincoln and made his nomination unanimous.

In Missouri the Lincoln and Johnson ticket received 72,991 votes, as compared with 31,026 for McClellan, the Democratic candidate. Thomas C. Fletcher, the Union candidate for gov-



ernor, got 71,531 votes, as against 30,406 for the Democrat, Thomas L. Price. Governor Fletcher, who entered office on January 2, 1865, was thirty-eight years of age at the time, was the first native born governor (his birthplace was Jefferson county) which Missouri ever had, was a Republican from the foundation of the party, and served in the army during most of the war, rising to the rank of a brigadier general.

The peace which came to the country during the early months of Governor Fletcher's term, and which took Price, Cockrell, Marmaduke, Vest, Clark and the other ex-confederate leaders back to the state, brought up issues almost as exciting as any that had been precipitated during Jackson's and Gamble's service. These will form the chief theme of the next chapter.



## CHAPTER XVII

## Reconstruction in the State

MISSOURI had stood patriotically and intrepidly by the Union. She had furnished several thousands more than her quotas of troops under Lincoln's various calls. Yet immediately after the war Missouri was put through a process of reconstruction which caused great commotion at the time, which destroyed, in the case of thousands of good Union men, the partisan affiliations established during that struggle, and which has affected the course of politics in the state to this day.

On January 6, 1865, four days after Governor Fletcher entered office, a convention provided for by an act of the legislature of February 13, 1864, which had been ratified by 29,000 majority by a vote of the people on November 8 of that year, the same days as Lincoln's and Fletcher's election, met in the Mercantile hall, in St. Louis. As recited in the act of the legislature, the objects of the convention were to arrange for the emancipation of the slaves in Missouri and to amend the constitution in such a way as to insure the franchise to loyal citizens of the state and to promote the public good. The convention in St. Louis in 1865, however, like that in Philadelphia in 1787, which was called to amend the articles of confederation, framed an entirely new charter.

The convention was composed of sixty-six delegates, thirty-five of whom were natives of slave states, and twenty-one of free states, while ten were born outside the country. Among its numbers who were then well known, or who subsequently became so were Argall Kreckel, of St. Charles; Charles D. Drake, Chauncey I. Fillee, Henry A. Clover, George P. Strong and Wyllis King, of St. Louis; and Col. William F. Switzler, the veteran





editor and historian, of Columbia. Arnold Krekel was elected president of the convention, and Charles D. Drake vice president. The latter was the master spirit of the whole assemblage.

Quick work was made with slavery. Mr. Strong, chairman of the special committee on emancipation, reported this ordinance, and urged its adoption: "Be it ordained by the people of the state of Missouri, in convention assembled: That hereafter, in this state, there shall be neither slavery nor involuntary servitude, except in punishment of crime whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free."

After voting down all the amendments which were proposed, the convention passed the ordinance on that day by a vote of 60 to 4, two delegates being absent. A copy of it, duly signed and attested, was sent to Governor Fletcher immediately, and he, on January 12, issued a proclamation reciting that "henceforth and forever no person within the jurisdiction of the state shall be subject to any abridgement of liberty, except such as the law shall prescribe for the common good, or know any master but God."

This was a grand enactment. January 11, 1865, is a great datemark in the history of Missouri and of human freedom. Lincoln's emancipation proclamation of 1863 applied to the confederate states only, and thus, of course, did not touch Missouri. The proposition for the thirteenth amendment to the federal constitution, which was to legalize Lincoln's edict, and to make slavery abolition universal and permanent throughout the United States, had not yet passed congress when Missouri acted. But slavery had practically been dead in Missouri even before the convention of 1865 met. In 1860 the census enumerators had found almost 115,000 slaves in the state, an increase of 27,000 in ten years. Probably the number who had escaped, who had been freed by their masters or who had been taken into the confederate states between the capture of Camp Jackson in May, 1861, and Price's final retreat from Missouri in the latter part of 1864, had more than offset the increase through births. The fact, however, that Missouri alone among the slave states voluntarily rid herself of the institution, and that she did this eleven months before the thirteenth amendment was proclaimed in operation throughout the country, is a distinction for their state which Missourians should remember.

After passing the slavery abolition ordinance, the convention set to work to consider a new organic law to meet the altered



conditions of the time. Missouri was still living under its original charter, that of 1820, which had been amended from time to time. The convention of 1865 framed an entirely new constitution. Some of its provisions, especially those relating to banks and corporations, to the militia and to general education, were wise. The constitution, too, shortened the term for governor to two years, making him ineligible to office for more than four out of six years, the governor under the original constitution serving four years, and being ineligible to two terms in succession. But the provision which attracted most attention, and which made serious trouble for its framers, was that relating to the suffrage.

This stipulated that no person should be allowed to vote or to hold any state, county or municipal office, to teach school, to practice law, to "be competent as a bishop, priest, deacon, minister, elder or other clergyman of any religious persuasion, sect or denomination, to teach or to preach or to solemnize marriages," unless he should take a prescribed oath that he had never been in armed hostility to the United States or to the government of Missouri; that he had never given any aid, countenance or sympathy to persons engaged in such hostility; that he had never in any manner adhered to the domestic or foreign enemies of the United States, or had given them money, letters, information or sympathy; and that he had never committed any other one of a very long list of prescribed offences. The list was so long, so minute and so sweeping in its scope that it would have excluded a large number of the Unionists of any prominence in the state, whether in private life or in the military or civil service of the government.

By an odd coincidence the convention which framed this enactment that precipitated something like a social convulsion throughout the state adjourned sine die on the same day, April 10, 1865, that the news arrived of Lee's surrender on the 9th and the collapse of the confederacy. Missouri had been a serious sufferer from the four years of conflict. Several hundred battles and skirmishes had been fought on her soil. She had contributed over 109,000 troops to the service of the Union, almost 14,000 of whom had perished in the service from wounds or disease. About 30,000 of her sons were in the confederate armies. Some of the survivors of these never returned to the state. At the regular four hundred dollars valuation per slave, her loss in this species of property was over forty-six million dollars. Large amounts of other sorts of property were destroyed



in the state by both combatants, aside altogether from that swept away by the bushwhackers, jayhawkers and other sorts of irregulars on each side. Tens of thousands of Missourians in the guerrilla-infested counties migrated to other states where life and property were more secure, and many of them remained away permanently. The disorder, demoralization and general dislocation of society incident to war, especially to civil war, entailed losses which are not easily estimated in terms of dollars and cents. Neighborhood feuds, murders, train robberies of the James and Younger order, and other species of criminality flourished for many years in the state as one of the legacies of the war.

For several years the appropriations for the benefit of the public schools of the state were suspended on account of the need of money to meet others of the state's demands which were deemed to be more immediately urgent. In many of the counties the schools were closed during the greater part of the war, especially in those regions which were overrun by guerrillas. The destruction of bridges and rolling stock and the interruption of traffic destroyed all incentive for the extension of the railroads for the time. The bushwhackers along the Missouri and the lower Mississippi made steamboating perilous, and virtually closed these streams to traffic such as had been known in the flush days of the decade or two before Sumter's fall.

Before the state had a chance to begin to rally from the war's adverse effects its people were called upon to decide by ballot whether they should accept or reject the constitution. June 6, 1865, was set for the election, and that charter itself stipulated that nobody should be allowed to vote upon its acceptance or rejection unless he would be a "qualified voter according to the terms of this constitution if the second article thereof were then in force," the second being the article on the suffrage. The test oath, or the "iron-clad" oath, as it was commonly called in the canvass, was rigidly applied. The canvass was short but tumultuous. Yet even with all these conditions in its favor the constitution was won by only a narrow margin, 43,670 votes being cast in its favor, and 41,808 against it. Out of an aggregate vote of over 85,000, the majority in favor of the constitution was only slightly in excess of 1,800. The constitution went into effect on July 4.

An ordinance adopted by the convention three weeks before its adjournment, or on March 17, 1865, vacated the offices of the judges of the supreme, circuit and other courts, the ordinance to go into effect on May 1, the governor to fill the offices by



appointment for the remainder of the term. One of the supreme court judges, Bates, resigned, but Judges William V. N. Bay and John D. S. Dryden refused to step down, declaring that the convention had no authority to remove them. Governor Fletcher ordered the St. Louis police to forcibly eject them, which was done, and his appointees, David Wagner and Walter E. Lovelace, took their places. The governor's other appointee, Nathaniel Holmes, succeeded Bates. The ejection of Bay and Dryden took place on June 14, eight days after the voting by which the constitution was ratified.

Many lawyers, teachers, clergymen of all denominations and others refused to take the test oath. Gen. Francis P. Blair, the leader of the Unionists during the war, demanded to be allowed to vote without taking the oath, and on being denied that privilege, brought suit against the registering officers in the local courts, but was defeated. Rev. John A. Cummings, a Catholic priest, preached and taught in his church in Louisiana, Mo., regardless of the test oath, which he refused to take. He was convicted in the courts of the state, fined five hundred dollars, and was to be committed to jail until the fine and the costs were paid; but he appealed to the supreme court at Washington, and on January 14, 1867, that tribunal decided that this requirement was in violation of that provision of the federal constitution which prohibits any state from enacting a bill of attainder or ex post facto law, and was therefore null and void.

Said Justice Field, who delivered the opinion of the court: "The oath prescribed by the constitution, divided into its separable parts, embraces more than thirty distinct affirmations or tests. Some of the acts against which it is directed constitute offences of the highest grade, to which, upon conviction, heavy penalties are attached. Some of the acts have never been classed as offences in the laws of any state, and some of the acts, under many circumstances, would not even be blameworthy.

. . . The oath thus described is without any precedent that we can discover for its severity. In the first place, it is retrospective. It embraces all the past from this day, and if taken years hence it will cover all the intervening period. . . . It was in the midst of the struggle (the rebellion) that the present constitution was framed, although it was not adopted by the people until the war had ceased. It would have been strange, therefore, had it not exhibited in its provisions some traces of the excitement amid which the convention held its deliberations. It was against the excited actions of the states, under such





influences as these, that the framers of the federal constitution intended to guard."

A new registry law, however, was enacted by the legislature which met in January, 1868, that gave to the governor, with the senate's consent, power to appoint a superintendent of registration in each senatorial district, these to select a board of registration in each county, the entire electoral machinery of the state being in their control. These boards made lists of all the legal voters of the state, none could vote whose names were not on the lists, and an oath of loyalty to United States and state had to be taken by the citizen before he could be enrolled, while a large latitude was allowed the boards in deciding who should be enrolled and who, even if they offered to take the oath, should be excluded. This law, which, to a numerous element of the citizens of Missouri, was as offensive as the iron-clad oath had been, was the leading issue of the state canvass of 1868.

He who writes—and likewise he who reads—the history of an era should attempt to project himself intellectually into it, to look squarely at the conditions which confronted its people, and to test things by their standards and not by those of his own day. This injunction is especially imperative in regard to Missouri's annals in the half dozen years immediately following Appomattox. The war had left a heritage of passion, hatred and violence, particularly in Missouri, in which real war had been waged for four years, and in which, for several years before Lincoln's election and South Carolina's secession, there had been a condition closely approaching actual war on the Kansas frontier.

The convulsive conditions in Missouri had been intensified by the national situation. Aside from the acceptance of the thirteenth amendment abolishing slavery, Lincoln's reconstruction policy virtually gave the ex-confederate states a free hand in restoring their local governments and in re-establishing their relations to the rest of the Union. After Lincoln's assassination President Johnson, without any of Lincoln's tact, or any of his influence over the Republican party, then overwhelmingly in the supremacy in each branch of congress, attempted to carry out Lincoln's plan. The states of the old confederacy, except Tennessee, rejected the fourteenth amendment. Nearly all of them elected prominent ex-confederates to congress. Almost all of them enacted laws copied in a general way after statutes in force in some of the Northern states, directed against vagrants, white or black, but which the South obviously intended to apply to blacks chiefly, which were very objectionable to the North, and



which many people of the North thought would restore something like slavery in the old seceded states. In every particular this conduct of the South was natural under the circumstances, but it was unwise.

Confronted by these conditions, which were welcomed by some extremists in the North as affording a pretext for harsh legislation, and in the contest between Johnson and congress, which took place at the same time, congress gradually evolved its reconstruction scheme, insisted on the ratification of the fourteenth amendment by the South, and enacted the law of March 2, 1867, the original reconstruction act, all being carried over the presidential veto by the constitutional two-thirds vote. The act of March, 1867, divided the ex-confederate states into military districts, under the command of generals of the army, enforced the exclusion of ex-confederates shut out by the fourteenth amendment, established negro suffrage, restored the states to their old places in the Union, and brought carpet-bag rule for a few years in ten states, Tennessee escaping it by being restored to its old place in 1866.

Though Missouri was not directly touched by the reconstruction acts of congress, for she had stood by the Union, they affected Missouri politics, as they did the politics of most of the states for a few years. Before the campaign of 1868 began, Francis P. Blair, James O. Broadhead, Samuel T. Glover and other Missouri Republican leaders, largely as a consequence of the proscriptive features of the Drake constitution, as the charter of 1865 was popularly called, had left their party and allied themselves with the Democracy, although Blair, on some points, began to diverge from the Republicans before 1865. In retaliation for Blair's defection, and especially for his hostility to the Missouri constitution, the Republican congress in 1866 rejected his nomination by President Johnson for collector of internal revenue in St. Louis and for minister to Austria.

A letter from Blair to Broadhead, dated Washington, June 30, 1868, declared that the president who would be elected in that year, and who, he supposed, would be a Democrat, ought to set aside the reconstruction law, "compel the army to undo its usurpations at the South, disperse the carpet-bag state governments, and elect senators and representatives." "It is idle," he added, "to talk of bonds, greenbacks, gold, the public faith and the public credit. What can a Democratic President do in regard to any of these with a Congress in both branches controlled by the carpet baggers and their allies? . . . We must restore



the constitution before we can restore the finances, and to do this we must have a President who will execute the will of the people by trampling into dust the usurpations of Congress known as the reconstruction acts. I wish to stand before the convention on this issue, but it is one which embraces everything else that is of value in its large and comprehensive results."

This revolutionary utterance, which must be read in the light of the tumultuous politics of the time, especially in Missouri, which was made public just before the Democrats met in national convention on July 4, in New York, obtained for Blair the nomination for vice president on the first ballot, Horatio Seymour of New York being the presidential nominee. Grant and Colfax were the Republican national ticket.

In one of the most exciting campaigns which Missouri had ever known, the Republicans swept the state in 1868, rolling up a majority of 25,883 for Grant and one of 19,327 for Joseph W. McClurg, of Camden county, for governor. E. O. Starnard, of St. Louis, was the Republican nominee for lieutenant governor and was also elected. McClurg's Democratic opponent was ex-Congressman John S. Phelps, of Springfield, whose time as governor was to come a few years later. Missouri's total vote for president was only 145,459 in 1868, or 20,000 less than the state's aggregate in Lincoln's first canvass, in 1860. The disfranchising of the ex-confederates and the operation of the registration act had shut out tens of thousands of voters. Of the nine Missouri members of congress chosen in 1868, the Republicans elected six and the Democrats three. The Republicans also carried a majority of the legislature.

Joseph W. McClurg was born in St. Louis county, was a lawyer and also a merchant, served as a colonel of cavalry for a short time during the war, then went to congress, where he remained six years, and was fifty years old when he entered the governorship. He served only two years in that office, being beaten by B. Gratz Brown in 1870, and held the post of register of the land office at Springfield, Mo., for a few years under an appointment by President Harrison in 1889.

In 1867 Charles D. Drake was elected to succeed B. Gratz Brown in the senate, serving till 1870, when he resigned to take the post of chief justice of the court of claims, under an appointment by President Grant. Drake was born in Cincinnati in 1811, removed to St. Louis in early manhood, was a lawyer of note, a member of the legislature just before the outbreak of the war, was a member for a short time of the Gamble con-



vention which governed the state during nearly the whole of the war, and was the most influential personage in the convention of 1865 which framed the constitution of that year.

Carl Schurz was elected senator in 1869 to succeed John B. Henderson, who had aroused the opposition of some of his party by voting to acquit President Johnson in 1868, whom the Republicans impeached and attempted to remove. Schurz, who, like Drake and Henderson, was a Republican, was a native of Germany, was prominent in the risings of 1848-49, immigrated to the United States in 1852, was a delegate to the convention of 1860 which nominated Lincoln, held the post of minister to Spain for a short time under Lincoln's appointment, was a major general of volunteers in the war of secession, became one of the editors of the *Westliche Post* of St. Louis in 1867, and was temporary chairman of the convention of 1868 which nominated Grant the first time. He served out his term in the senate, was secretary of the interior in 1877-81 in the cabinet of President Hayes, and has resided in New York most of the time since.

In the vote in 1868 on the question of striking out the word "white" from the provisions of the constitution relating to the suffrage, there was a majority of nearly 19,000 cast against the change—that is, against negro suffrage. Missouri, however, which ratified the thirteenth amendment in 1865, cast a large majority in 1867 for the fourteenth amendment, which, practically, brought negro suffrage, and it gave a large majority for the fifteenth amendment in 1870. Possibly some of these amendments would have failed in Missouri had the disabilities imposed by the constitution of 1865 on ex-confederates and others been removed at the time.

The victory of 1868 was destined to be the last triumph which the Republican party was to gain in Missouri for many years in a state election, but neither Democrats nor Republicans could have foretold this at the time. In his inaugural message to the legislature in January, 1869, Governor McClurg recommended several changes in the state constitution, among them the removal of all the disfranchising provisions which the war had inserted in it. McClurg had been against these all along. His predecessor Governor Fletcher had also been opposed to them. The legislature, overwhelmingly Republican in both branches, but affected by the altered feeling of the time, submitted several amendments to the people of the state at the general election





on November 8, 1870, on the same day as that on which a governor and state officers were to be chosen. These amendments proposed to abolish the test oath for voters, to dispense with the oath of loyalty for jurors, to render the oath no longer necessary as a condition precedent to the holding of office under the state government or in private corporations, and to remove the political disabilities attached to the ex-slaves, while other amendments related to banks, to corporations, to courts and to education.

On this issue of the restoration of the ballot to ex-confederates and others shut out by the test oath and other restrictions, the dominant party split. In the Republican state convention which met in the house of representatives hall in Jefferson City on August 31, 1870, what was called the "radical" section of the party declared in favor of "re-enfranchising those justly disfranchised for participation in the late rebellion as soon as it can be done with safety to the state." What was called the "liberal" section of the party demanded re-enfranchisement immediately. When the "radicals" carried the convention for their resolution the "liberals," to the number of about 250 delegates, withdrew from the convention and went to the senate chamber, under the lead of Senator Schurz and Benjamin Gratz Brown, and nominated a ticket headed by Brown for governor and J. J. Gravelly for lieutenant governor. The "radicals" renominated Governor McClurg, and for lieutenant governor they put up A. J. Harlan.

Among those who left the Republican party in the schism of 1870 was Charles P. Johnson, of St. Louis, who had been chairman of the emancipation committee of his branch of the legislature in 1863; who, while remaining in the party, had opposed the proscriptive features of the Drake constitution; who was in the legislature in 1865-66; who served as circuit attorney, first by appointment of Governor Fletcher and then by election by the Republicans in 1868; and who, two years after the separation of 1870, was elected lieutenant governor on the ticket with Woodson in the fusion between the Democrats and the Liberal Republicans on the state ticket.

The Democrats, who were far in the minority under the disfranchising clauses of the constitution, saw their salvation in this division; among their enemies, declined to put up a ticket of their own in 1870, and threw their support to the "liberals." The coalition swept the state, carried all the amendments, and elected Brown by a majority of 41,917. The aggregate vote on gov-



error in 1870 was 166,625, or only about 1,000 in excess of that of 1860 for president, although the census showed that the state's population had expanded 539,000 during the decade. To congress, four Democrats, three "radical" Republicans and two "liberals" were chosen. The coalition also gained control of the legislature.

The amendment abolishing the test oath had 127,000 votes in its favor and only 16,000 against it. With the adoption of the amendments virtually all the proscriptive legislation incited by the war was swept away.

By the election of 1870 the Republican party, which practically dominated Missouri during the days of the Gamble-Hall convention, from 1861 to Governor Fletcher's entrance in 1865 into power, and which absolutely ruled it during Fletcher's and McClurg's terms, was removed from office, and it has never carried the state since except for minor officers in 1894.

In the suffrage provisions of the constitution of 1865, the Republicans of Missouri made a grave mistake. Framed while the war was still raging, and in a state which had seen war's horrors in peculiarly savage shape, the things which incited the mistake are, of course, plain. The mistake's social effects, however, convulsed the state at the time, and its partisan consequences have been felt through every minute of all the years which have passed since. Passion commonly is a bad counsellor, and passion blazed hotter in those days than it ever did before or afterward in the United States. In such volcanic times as those moderation would have been easier in preachment than in practice, but moderation in 1865 would have saved the conquerors' party from the disruption which assailed it immediately afterward, would have held such conservatives as Brown, Glover, Broadhead and Johnson in the party, though probably Blair and others would have been lost in any case, and would, perhaps with occasional intermissions of Democratic rule, have retained Republican sway in Missouri to this hour.



## CHAPTER XVIII

## The Democratic Party's Return to Power

FOR Missouri the year 1870 was as notable industrially and economically as it was politically. The census showed that the state's population, which was 1,182,012 in 1860, had grown to 1,721,295 in 1870, an increase of 539,283. The true value of the state's property was placed at a little over five hundred one million dollars in 1860, and this had expanded to one billion two hundred eighty-four million nine hundred twenty-two thousand eight hundred ninety-seven dollars, considerably more than doubling in the decade. While the state's per capita wealth had been four hundred twenty-four dollars in 1860, it was seven hundred forty-six dollars ten years later. Considering the destruction of life and property in the state during the four years of war and the demoralization which had resulted therefrom, and which projected itself into the half a dozen years immediately following the surrender of the last of the confederate soldiers in the state, these were surprising gains. The population increase was altogether in the white element. The 118,071 negro population found in the state in 1870 represented a falling off of over 400 from 1860, which is partly accounted for by the escape of slaves from the state to the free region during the war days. Relatively to the whites, there has been a steady decline in the negro ingredient of the population in Missouri to this day. From the eighth place among the thirty-three states in 1860, Missouri had advanced to the fifth among thirty-seven states in 1870.

A far larger proportionate gain, however, had been made in Missouri's principal city during the decade. St. Louis' population had increased from 160,773 in 1860 to 310,864 in 1870. The



only cities ahead of it were New York, Philadelphia, and Brooklyn. Chicago, however, which was just below St. Louis in 1870, got ahead of St. Louis in the next few years, and has been increasing its lead since then.

Practically all of this increase had come since the middle of 1865. Immigration from the Eastern states and from Europe flowed into Missouri in a large volume in the three or four years immediately preceding 1870. The farms which had been abandoned during the war were reoccupied, and vast tracts of wild lands were put under cultivation. Villages that had been wholly or partly destroyed during that conflict were rebuilt, and some of the larger towns had expanded into cities. All the elements of the state's population were giving their attention to the promotion of her interests and prosperity.

In time and conditions of service Governor Brown was more fortunate than were his forerunners during the preceding decade and a half. The issues were less disturbing to the peace of the state than they had been since the beginning of the Kansas territorial troubles in the term of Gov. Sterling Price. The governor was a man of ability, experience and character. A Kentuckian by birth, he was one of Missouri's earliest Free Soilers and Republicans, edited the *Missouri Democrat* for a few years, served for a short time in the army, and was sent to the senate in the middle of the war, and was there until 1867, three years before his election as governor, at which date he was forty-five years of age.

The railway issue came up in a very embarrassing way during Governor Brown's administration. Previous to the war the state guaranteed the payment of bonds issued to the railways to the amount of twenty-three million seven hundred one thousand dollars, the companies agreeing to pay the interest on their bonds as it accrued. All except the Hannibal and St. Joseph defaulted in the payment, and the roads were sold by the state soon after the war, together with 1,824,000 acres of land which had been granted to some of them by congress, the debt at that time due to the state by them being thirty-one million seven hundred thirty-five thousand eight hundred forty dollars. The sales realized only six million one hundred thirty-one thousand four hundred ninety-six dollars, leaving a net loss to the state of twenty-five million six hundred four thousand three hundred forty-four dollars.

But a far greater railroad burden was impending. Within a few years after the war's close fifteen million dollars had been





subscribed by the counties of the state to aid in building railroads, and county courts, at the bidding of two-thirds of the voters, were permitted to issue bonds binding the counties to the payment of these sums. As a large portion of the persons who would have to pay the taxes were disfranchised under the operation of the constitution of 1865, and as the spirit of speculation, especially in railroad building, was particularly wild at that time in many Western states, there was a reckless prodigality in voting bonds in Missouri which inflicted serious burdens on the people subsequently. In most cases only a very small part of the proposed roads were built. In some cases none were built. As the United States supreme court held that these bonds, or such of them as had been sold to presumably innocent purchasers before maturity, should be paid, heavy debts were saddled upon many of the counties.

An outbreak took place as a consequence at Gun City, in Cass county, on April 24, 1872, in which a large body of masked men stopped a railroad train and killed three men who were aboard of it—J. C. Stephenson, one of the county judges; James C. Cline, county attorney, and Thomas E. Detro, one of Cline's sureties—who had been parties to the issue of bonds in that county. Governor Brown called out the militia, order was restored in the county, but all attempts to identify and bring the guilty persons to justice failed. Litigation on account of the bonds lasted for years. In most cases compromises were eventually reached and payments were made, but some of these debts are still outstanding.

Meanwhile some stirring politics was developing in Missouri, especially that which gave Messrs. Schurz and Brown's Liberal Republican movement a national status. The resignation of the Radical Republican Charles D. Drake from the senate gave the Democratic legislature in 1871 a chance to elect his successor, and it chose General Blair, who was then one of the legislature's members. This was Blair's last office. He served to the end of the term, in 1873, was a candidate for renomination, but was defeated by Lewis V. Bogy, who had been a pro-slavery Democrat during slavery days, and died in 1875, just fourteen years within about one month after the demise at Wilson's Creek of his illustrious co-worker in the national cause, Nathaniel Lyon. Blair's memorial, standing with Benton's as Missouri's two contributions to the great figures of the commonwealths in Statuary hall, in the national capitol, shows the regard in which the great Unionist chieftain is held by his compatriots in his state.



The Liberal Republican schism of 1870 was considered by some Republicans at the time to be only a temporary division in their party. The logic of their position, however, forced Governor Brown and his associates into an alliance with the Democratic party, which in the case of some of them became permanent, although Senator Schurz for a time a few years later was back in the Republican party. There was a difference of sentiment between the two sections of the party which was certain to create a gulf between them, and to widen it after it was made. The Brown and Schurz element were hostile to the harsher provisions of the reconstruction scheme as it had been developed by the legislation of 1867-70. As the Republicans supplemented them by new legislation in the same direction in 1871, the Kuklux act, the seceders were compelled to seek new affiliations.

At a gathering of Liberal Republicans in Jefferson City on January 24, 1872, a call was issued to all persons in the United States who favored the ideas there set forth to send delegates to a convention to be held at Cincinnati on May 1, to nominate candidates for president and vice president. This broadened Missouri's Liberal Republican movement into a great force in national politics.

The convention at Cincinnati, of which Senator Schurz was made permanent chairman, opposed the reopening of the questions settled by the three war amendments, demanded universal amnesty, impartial suffrage, local self-government, the maintenance of the writ of habeas corpus, and civil service reform, and straddled the tariff because of the necessity of bringing as many Republicans as possible into the alliance with the Democrats which was seen to be essential if the movement was to have any chance of success. The majority of the Missouri delegates wanted Governor Brown for president, but Horace Greeley was selected for that post, and Brown was put in the second place on the ticket. The Democrats, in national convention in Baltimore in July, accepted the Liberal Republican ticket and platform, but in the election the Republican candidates, Grant and Wilson, swept the country.

In Missouri the coalition was heavily in the preponderance. Greeley and Brown, with a vote of 151,434, had a lead of 32,238 over the Grant ticket. For state officers there was a fusion between the Liberal Republicans and the Democrats, the latter getting the candidates for governor, treasurer, auditor, attorney general and judges of the supreme court, while the Liberal Republicans got the lieutenant governor, secretary of state and regis-



ter of lands, Silas Woodson, of Buchanan county, being the nominee for governor, and Charles P. Johnson, of St. Louis, for lieutenant governor. Ex-Sen. John B. Henderson was nominated for governor by the Republicans. The entire fusion ticket was elected, Woodson's lead over Henderson being 35,442. Of the thirteen congressmen to which Missouri was entitled under the apportionment based on the census of 1870 (she had nine congressmen under the 1860 census allotment), the Democrats elected nine and the Republicans four. The Democrats and their allies gained a majority in each branch of the legislature. Two constitutional amendments were ratified at the same election, one increasing the number of supreme court justices from three to five, and the other stipulating that no part of the school fund should be invested in the stocks or bonds of any other state, or in those of any county, city, town or corporation.

The number of votes cast for governor in 1872, 279,000, was 112,000 in excess of the poll of 1870. Some of this immense gain was, of course, due to the increase in the population in the interval, but by far the larger part of it represented the number of disfranchised persons who were restored to full citizenship by the removal in 1870 of the proscriptive provisions of the constitution of 1865.

Liberal Republicanism, as such, did not figure in any subsequent canvass in Missouri. A few of its adherents drifted back to the Republicans before the election for governor in 1874, but most of them, except in the case of the Germans, had merged themselves permanently in the Democracy by that time. The year 1872 is notable in Missouri's annals from the fact that it placed the Democratic party again in the ascendant in the state, and it has remained so till the present time except that the Republicans in 1894 elected the minor state officers and most of the congressmen. Governor Brown, who never held another political post after he stepped down in Jefferson City at the beginning of 1873, resumed the practice of the law in St. Louis, remained a Democrat to the end of his days, and died in 1885.

Silas Woodson was born in Kentucky, practiced law there and served in its legislature several years, and was a comparatively recent arrival in Missouri, settling in the state, at St. Joseph, in 1854, the year of the repeal of the Missouri compromise. Elected a circuit judge in 1860, he served through the war period, was chairman of the Democratic state convention of 1872, and in the deadlock between several aspirants, was nominated for governor. As he was the first Democrat elected to the gov-



ernorship since Claiborne F. Jackson in 1860, and as his entrance into office signalized the return of the Democratic party to a sway in the state which was destined to last for a third of a century at least, he, on that account, has a distinguished place in Missouri's annals.

But Governor Woodson had troubles such as beset none of his predecessors since Hancock Jackson, the lieutenant governor who went to the executive office early in 1857 on the resignation of Trusten Polk when the latter entered the senate. The losses during the war, supplemented by the wild speculation of the years immediately afterward, particularly the excessive railroad building, precipitated a financial crash in 1873. This was more extensive than the panic of 1857, lasted a longer time, and did more damage. "Runs" on banks took place, mills closed or reduced their working time, wages were cut, and tens of thousands of persons in Missouri were thrown out of employment.

One of the immediate effects of the panic of 1873 was the rapid extension of the Patrons of Husbandry (whose members were popularly called Grangers, from the granges, or lodges, of which it was composed), founded in 1867 to enable farmers to purchase their supplies at first hand, to advance their education and to promote their general interests. This order, which had three-fourths of its strength in agricultural communities, quickly quadrupled in numbers as a consequence of the crash of 1873, and had 1,500,000 members in 1875, when at the height of its power. It was strong in Missouri, and though it never gained the potency there that it won in Illinois, Wisconsin and other states in which it incited extreme legislation cutting down railroad rates, it impelled Governor Woodson to urge a large reduction in the expenditures for the support of state and county offices, and it influenced the legislature to carry out his recommendations in that direction. Though much of the Granger legislation was subsequently repealed, an ultimate effect of it was to induce congress to enact the interstate commerce law of 1887.

An important act of the legislature in 1873 was the establishment of the Southeast Missouri Normal school at Cape Girardeau. This was one of the evidences of the extension of education which began in Missouri soon after the close of the war. Pritchett college was organized in Glasgow in 1868. By act of the legislature the State Agricultural college was located at Columbia in 1870, and the School of Mines and Metallurgy was placed at Rolla in the same year. In 1873 Drury college and





in 1875 Park college were opened, the former in Springfield and the latter in Parkville.

By far the most important piece of legislation of Governor Woodson's time was the act of 1874 to authorize a vote of the people to decide whether or not a convention should be held to revise and amend the Drake constitution, the vote to take place on November 3, 1874, the same day as that on which state officers were to be chosen.

In the campaign of 1874 the Democrats had Charles Hardin, of Audrain county, as their candidate for governor, and Norman J. Colman, of St. Louis, for lieutenant governor. The Republicans did not participate in the canvass under their own name, but joined the Grangers and other elements of the opposition to the Democracy. The coalition called itself the People's party, or the Reform party, but the Republicans composed its chief ingredient, and for governor it put up William Gentry, a prominent farmer of Pettis county.

The Democrats swept the state, electing their entire state ticket by large majorities, their lead on governor being 37,462. In the vote on the question of holding a convention the majority for the convention was only 283. The aggregate vote on that issue was only 222,315, which was 39,000 below that on governor, which itself was 18,000 less than the vote cast on governor two years earlier, when Woodson was chosen. The assured supremacy of the Democrats caused a diminution of interest on their side as well as on that of their opponents, Hardin's vote in 1874 being more than 7,000 below Woodson's, although the population of the state was rapidly increasing. The Democrats elected every one of the state's thirteen members of congress, one of whom was Richard P. Bland, first elected in 1872, and obtained a large majority in each branch of the legislature. A surprising decline in Republican strength was shown in that canvass, as well as in the special election for members of the convention which took place a little less than three months later, in which they chose only one-tenth of the delegates.

Charles H. Hardin was a Kentuckian by birth, but was taken to Missouri at an early age by his parents, served in the legislature several years before the war as a Whig, became a Democrat in the war period, was a Unionist at that time, was in the legislature again after the war, and was fifty-four years of age at the time of his election as governor in 1874.

The legislature's first important task in Governor Hardin's term when it met in 1875 was to choose a successor in the sen-



ate to Carl Schurz, who had returned to the Republican party soon after the defeat of the Liberal Republican-Democratic coalition of 1872, and who was to receive the post of secretary of the interior in 1877 in President Hayes's cabinet. Gen. Francis M. Cockrell was chosen. General Cockrell was born in Missouri in 1834; was the first native born Missourian elected to the senate except Lewis M. Bogy, who was chosen in 1873, and who was to be General Cockrell's colleague for two years; won a brilliant record on the Southern side in the war of secession, in which he rose to the rank of major general, participating in the battles of Wilson's Creek, Pea Ridge and many other important fights; never held a political office along to the time he was chosen to the senate; will, at the end of his present term, in 1905, have served as long in that body as did Benton, and has been an exceedingly industrious, public spirited, efficient and popular legislator.

But the constitutional convention attracted much greater interest than did any other Missouri event of 1875. Its delegates were chosen at a special election on January 26 of that year; sixty of them were Democrats, six were Republicans, and two were classified as Liberal Republicans; among them were ex-Sen. Waldo P. Johnson, of St. Clair county, William F. Switzler, of Columbia (who had served also in the convention that framed the constitution of 1865), Thomas Shackelford of Howard county, James O. Broadhead, Joseph Pulitzer (the proprietor of the *New York World* since 1883), H. C. Brockmeyer (lieutenant governor in 1877-81), and George H. Shields, all of St. Louis. The convention met at Jefferson City on May 5; chose Waldo P. Johnson for president; did its work with great care; framed an entirely new constitution; finished its labors on August 2; and the constitution was submitted to the people at a special election on October 30, 91,205 votes being cast in favor of ratification, and only 14,517 against it. On November 30, 1875, it went into operation.

The constitution of 1875 doubled the length of the term of governor and of almost all the rest of the state officers, making it four years, as it was under the constitution of 1820, which that of 1865 superseded, and it provided that the governor and state treasurer could not be chosen as their own successors. It enumerated a large number of subjects on which the legislature could not enact special laws; prohibited the contracting of debts by the legislature for more than two hundred fifty thousand dollars in any one year unless the act should be approved by a



two-thirds vote of the qualified voters of the state at an election held for that purpose; forbade the creation of corporations save under a general law; and stipulated that the only restrictions which should be placed on the voting privilege of male citizens of the United States and of males of foreign birth over twenty-one years of age who declared their intention of becoming citizens should be a residence of a year in the state and of sixty days in the county, city or town.

Under authority granted by the constitution of 1875 the city of St. Louis (which had annexed the city of Carondelet in 1871 under an act of the legislature of 1867) separated itself from St. Louis county, enlarged its territorial limits, erected itself into an independent municipality, and adopted a special charter which theoretically went into operation on October 22, 1876, but which did not actually take effect until March 5, 1877, when the St. Louis court of appeals officially ascertained the result of the vote on the charter and proclaimed the birth of the new city.

In the latter part of the term of Governor Hardin a conspiracy to defraud the federal government of a large part of the revenue due on whiskey was unearthed at St. Louis. The plot extended to Milwaukee, Chicago and other places, but St. Louis was its radiating center. Simultaneously, on May 10, 1875, government officers in St. Louis and the other towns seized sixteen distilleries and as many rectifying houses, aggregating about three million five hundred thousand dollars, others were taken possession of in different parts of the country afterward, and 238 persons were indicted. President Grant indorsed the papers in one of the cases with the injunction, "Let no guilty man escape." Many of the trials took place in Jefferson City, beginning in the fall of 1875, and a great number of convictions were secured, the most important of which were those of John A. Joyce, internal revenue special agent; John McDonald, supervisor of internal revenue, and W. O. Avery, chief clerk in the treasury department. The prosecutions were vigorously pushed by Benjamin H. Bristow, secretary of the treasury. D. P. Dyer was district attorney, and ex-Sen. John B. Henderson was one of the counsel for the government. Although Bristow was unable to proceed with his work as far as he desired, the whiskey ring was killed.

The constitution of 1875, the third in the history of the state, which, with its amendments, is in operation to this day, swept away the last vestige of the legislation incited by the war, and brought in a new era for Missouri.



## CHAPTER XIX

## From Phelps's Days to those of Francis

CARLYLE'S aphorism, "Happy the people whose annals are blank in history books," would, for the decade and a half after the adoption of the constitution of 1875, be as applicable to Missouri as it could be to any great and growing community in the United States. The series of distracting issues which had convulsed the state from the introduction of the Jackson resolutions in 1849 in the legislature onward to the close of the reconstruction days had all been settled, and for Missouri the charter of 1875 completed the readjustment. Missouri was busy expanding her industries and accommodating the great influx of settlers who were flowing in from the Eastern and middle Western states and from Europe. The acute effects of the panic of 1873 had, in a large degree, disappeared. Her crops of 1875 were heavy, despite the ravages of the Colorado beetle, which had invaded the state in that year, and something like prosperity was restored to the community.

Missouri took a larger interest in the national canvass of 1876 than it had done in any preceding one since 1860. Tilden, the Democratic candidate for president, who was nominated in St. Louis, was very popular throughout the state, and he carried it by a plurality of 58,000 over Hayes, the Republican nominee. John S. Phelps, the Democrat, beat G. A. Finkelnburg, of St. Louis, the Republican candidate for governor, by 52,000. The Democrats carried the legislature, but the Republicans won four of the state's thirteen representatives in congress. H. C. Brockmeyer, of St. Louis, was elected lieutenant governor. The term now for governor and most of the other state officers was four years.





Governor Phelps was the veteran ex-congressman and ex-Union soldier. He was fifty-two years of age when he entered the governorship, he gave the state a very creditable administration, and he died in St. Louis in 1886, five years after he retired from office.

On the death of Sen. Lewis V. Bogy in 1877 while in office, Governor Phelps appointed David H. Armstrong, a prominent St. Louis politician, in his place, to serve till the legislature met. That body in 1879 elected Gen. James Shields, the Mexican and civil war hero, to fill out the unexpired part of Bogy's term, which was only a few weeks. Thus General Shields had the unique distinction of successively representing three states in the senate, for he had been one of Illinois' members in that chamber in 1849-55, and one of Minnesota's in 1858-59.

The legislature in 1879 elected George G. Vest for the new term in the senate. Mr. Vest, a Kentuckian by birth, was in the Missouri legislature in the opening days of 1861, was a pronounced Southern rights man, served in each branch of the confederate congress, returned to Missouri in 1867, resumed the practice of the law, held no office until he was elected to the senate in 1879, and, by successive re-elections, he remained in that chamber until 1903, in which body he won national fame as an orator and as a statesman of ability, courage and public spirit.

During the term of Governor Phelps the legislature was active in dealing with questions relating to the revenues and taxation, but some of its work was declared unconstitutional by the courts. Among the most important of the legislation of the term were acts passed in 1879 to stock the streams of the state with choice fishes, under the direction of three commissioners; to create a bureau of labor statistics; and to establish a bureau of immigration. These laws, incited by the industrial expansion and the growing prosperity of the state were in line with that of 1875, during the term of Governor Hardin, creating a state railroad commission.

On April 11, 1877, the Southern hotel, in St. Louis was burned, and eleven lives were lost. This recalled the burning of the Lindell hotel, in the same city, on March 31, 1867, which was the finest building of its class in the United States at the time it was put up, in 1863. No lives were lost, but the building itself was totally destroyed. The most memorable hotel fire in Missouri after that of the Southern hotel was that of the Planters' house, on April 3, 1886, in which four lives were lost.



In the election of 1880 Missouri cast, in round figures, 208,000 votes for Hancock, the Democratic presidential candidate; 153,000 for Garfield, Republican, and 35,000 for Gen. James B. Weaver, Greenbacker. As compared with the Hayes-Tilden canvass in Missouri, this was a gain of 5,000 votes for the Democrats, of 8,000 for the Republicans, and of 31,000 for the Greenbackers, Peter Cooper, the Greenback nominee of 1876, getting about 4,000 votes in the state.

The vote for the heads of the respective state tickets in Missouri in 1880 varied but slightly from that of the presidential candidates. Thomas T. Crittenden, Democrat, had a plurality of 54,000 for governor over D. P. Dyer, Republican. Robert A. Campbell, Democrat, was chosen lieutenant governor. The Democrats won a large majority in each branch of the legislature. Of the state's thirteen members of the popular branch of congress chosen in 1880 the Democrats elected eight, the Greenbackers four and the Republicans one.

Governor Crittenden was a native of Kentucky and a nephew of John J. Crittenden, who was a conspicuous figure on the national stage for almost half a century; removed to Missouri at an early age; served in the militia on the Union side during part of the civil war; was attorney general of the state in 1864-65 under an appointment by acting provisional governor, Willard P. Hall; was in the national house of representatives subsequently, and was forty-eight years of age when elected governor in 1880.

The national census of 1880 showed that Missouri had 2,168,380 inhabitants, an increase of 447,000 in the decade, holding the fifth place on the roll of states in population, as it did in 1870, and as it has ever since. The true valuation of Missouri's property was one billion five hundred thirty million dollars, the per capita of the state's wealth being seven hundred twenty dollars. As the per capita was placed at seven hundred forty-six dollars in 1870, a jump from four hundred twenty-four dollars in 1860, in the decade in which forty-six million dollars represented by slaves was swept away and a vast amount of other property destroyed by the ravages of the war, there is a probability that the census bureau's estimate of aggregate wealth in Missouri in 1870 was too high. Under the apportionment based on the census of 1880, Missouri gained one member of congress, its total being raised to fourteen. St. Louis's population, the census figures being 310,861 in 1870 and 350,518 for 1880, showed the smallest proportionate increase for the ten years ever made by that city in a decade, before or since.



Industrially the growth of Missouri and St. Louis was greater than was the increase in population. The state's coal, iron, lead and zinc mines made heavy gains in their output in the decade. The production of the city's mills and factories gave it a prominent place among the country's manufacturing communities. Steamboating was on the decline, but the transportation by rail was growing at a speed not previously touched. There were were 4,000 miles of railway in Missouri in 1880, as compared with 2,000 in 1870. Every county north of the Missouri had a road, but the counties south of the river were not so well supplied. The gross earnings of the railroads of the state in 1880 was twenty-one million dollars, a figure not far short of the taxable valuation of the roads. The opening of the Eads bridge at St. Louis on July 4, 1874, which was the first structure spanning the Mississippi at that point, and which ranks to this day as one of the greatest pieces of engineering of its class in the world, added much to the state's railroad facilities and to the extent of the traffic.

Among the important legislation during Governor Crittenden's term were the Downing high license law; the establishment of a state board of health and the creation of a commission of three judges to relieve the supreme court, all enacted during 1883. The Downing act fixed the maximum state and county tax on licenses for dram shops at twelve hundred dollars a year, and required that a petition should be signed by two-thirds of the taxpayers of the community before it became mandatory on the county court to issue the license. One of the notable financial transactions of the term was the payment, principal and interest, of the three million dollars on bonds due by the Hannibal and St. Joseph railroad to the state, for the loan of the state's credit to that amount just before the civil war to aid the railroad company in constructing that line.

A feat which attracted much attention throughout the country at the time was the overthrow of the James gang of train and bank robbers and murderers in 1881-82. Jesse James, the leader of the band, was killed by one of the Ford brothers, members of his gang, at St. Joseph, on April 3, 1882, to get the reward which was offered. Others of the gang had been killed previously, and the survivors surrendered soon afterward and were tried. The Meyers, the Mason and the Lewis bands of outlaws, who had operated in different parts of the state, were also overthrown in those years. Referring to the discredit which these gangs of bandits had inflicted on the state, Governor Crit-



tenden, in a message to the legislature in 1882, said: "Missouri is today one of the most peaceful states in the Union. Fewer crimes are committed within her borders than in those of surrounding states."

The Democratic national tidal wave year of 1884, in which Cleveland gave his party the first victory which it had gained in a presidential contest since Buchanan's election in 1856, brought triumph to the Democrats in Missouri. In the state Cleveland led Blaine, the Republican candidate, by 33,000 votes, and the Democrats carried twelve of the state's fourteen members of congress, the Republicans getting two—William Warner, of Kansas City, and William H. Wade, of Springfield, nicknamed "Farmer" Wade, who was re-elected afterward several times. This, however, was a gain for the Republicans, as the Democrats had carried all the state's districts in 1882.

Gen. John S. Marmaduke, the Democratic candidate for governor, beat Nicholas Ford, the nominee of the Republican-Greenback coalition by 11,000 votes in 1884. Albert P. Morehouse, Democrat, was elected lieutenant governor. Governor Marmaduke was the well-known Missouri confederate soldier, who operated actively in and out of the state during 1861-65. He was a native of Missouri, was a son of Meredith M. Marmaduke, the lieutenant governor who became governor on the death of Thomas Reynolds in 1844; was a graduate of West Point in the class of 1857; served under Gen. Albert Sidney Johnston in the Utah campaign; resigned from the army and entered the confederate service in 1861; rose to the rank of a brigadier general; became commission merchant and proprietor of a farmers' journal in St. Louis after the war; was chosen railroad commissioner in 1876, and at the time of his election as governor in 1884 he was fifty-one years of age.

As was the case during the term of Mr. Chittenden, the regulation of the liquor traffic excited much interest throughout Missouri through the service of Governor Marmaduke. Under a local option law enacted in 1887, fifty counties of the state voted in favor of prohibition, and twenty-eight declared against it and for the sale of liquors under the terms of the Downing law of 1883. Though the number of dramshops in the state fell off, as compared with the period before the enactment of the Downing law, the revenue from the sales of liquor largely increased.

The strike on the Missouri Pacific Railway system in 1886, which began in March of that year, which lasted till May, which





involved nine thousand persons, which interrupted transportation for several weeks, and in which the strikers lost, was one of the important events in Missouri during the Marmaduke administration. As the militia had to be called out to suppress the disorder and to enforce the laws the governor's military education and experience showed him some serious defects in the statutes relating to the citizen soldiery, particularly the lack of any provision to pay them while in the state's service, and the absence of methods for enforcing discipline. These he pointed out to the legislature, and urged remedies.

In 1887 the law began to assail the bands of secret, oath-bound, night-riding regulators, known as the Bald Knobbers, who had been whipping, burning and killing in Christian, Douglas, Taney and Ozark counties, in Southwestern Missouri. For a murder in Christian county in March of that year several suspects were arrested, some of whom confessed, and on the strength of this information many persons were indicted. Some were tried on the charge of attending unlawful assemblages, and were fined. Others were tried for whippings and murders, and severer punishment was inflicted on them, the leading spirits being sentenced to death. Stays of proceedings and appeals to the supreme court put off the execution for a time, and meanwhile a band of friends of the condemned men, on the night of November 14, 1888, in Christian county, seized five of the witnesses in the case, and hanged them, and an attempt was made to rescue the prisoners, some of whom did get away. Appeals for clemency were made to Governor Francis, when he entered office at the beginning of 1889, by many prominent citizens of the state, including a majority of the legislature. He refused, however, to interfere, directed that the verdict of the court be carried out, and David Walker, William Walker and John Matthews suffered the death penalty on May 10 of that year. This broke up the organization, and nothing like it has appeared in Missouri since then.

An interesting social event for Missouri was the visit of President and Mrs. Cleveland to St. Louis in October, 1887. This was Mr. Cleveland's first glimpse of the region on the sunset side of the Alleghenies. Their stay in St. Louis was made especially pleasant, and on the trip they went as far west as Kansas City and Omaha, and as far north as St. Paul and Minneapolis.

On December 28, 1887, a few days before the completion of three years in the governorship, General Marmaduke died. He was a capable and popular official, and gave his state a very creditable administration. Lieutenant Governor Morehouse suc-



ceeded him, and served out the remaining twelve months of the term. Mr. Morehouse, who was an Ohioan by birth, was a lawyer of ability, and was in the legislature several years before his election on the Marmaduke ticket in 1884.

In the canvass of 1888 President Cleveland, who had been renominated at St. Louis in that year, won Missouri, as against General Harrison, by a plurality of twenty-five thousand, Harrison, however, carrying the country. The Democrats elected ten of the state's fourteen congressmen, the Republicans got one, and the fusion of Republicans and Labor party men elected three.

There were three tickets—the Democratic, the Republican and the Labor party—in the canvass for state officers, exclusive of the Prohibitionists who polled a few votes. The Democratic candidate for governor, David R. Francis, led E. E. Kimball, the Republican nominee, by thirteen thousand two hundred and thirty-three votes. Stephen H. Claycomb, Democrat, was elected lieutenant governor. The Democrats won large majorities in each branch of the legislature.

Mr. Francis carried a high reputation with him when he entered office. Born in Kentucky in October, 1850, but a resident of Missouri from his boyhood days, a graduate of Washington University in St. Louis, a successful merchant, and mayor of St. Louis from 1885 to his accession to the higher post nearly four years later, he was the youngest man (thirty-eight years of age) except Thomas C. Fletcher, ever elected as governor of Missouri. As mayor he did much for the interest of the people of St. Louis. He succeeded in getting the price of gas lowered from \$2.50 per 1,000 feet to \$1.25; obtained from the Municipal Assembly an appropriation of one million dollars which was placed at his disposal for the purchase of the ground now owned by the city at the Chain of Rocks and for a right of way for a conduit from there to the present settling basins at Bissell's Point; and devoted much time and effort to the refunding at a greatly reduced rate of interest of the bonded debt which matured during his administration, the outstanding 3.65 per cent bonds of the city also, through his personal efforts, being placed among the financial institutions of St. Louis.

One of Governor Francis's first public acts after he entered office in January, 1889, was to send four hundred of Missouri's national guard, at his own expense, to New York city, to take part, in April of that year, in the centennial celebration of Washington's inauguration as the country's first president, the legislature having refused to provide any money therefor. Realizing,



however, the service which the governor had thus rendered the state, that body soon afterward passed an appropriation reimbursing him. This demonstration of a well disciplined military force had an effect at home and abroad. It enabled the governor, at the next session of the legislature, to get an appropriation of forty thousand dollars for the maintenance of the state militia, which was the first provision for that purpose since the close of the civil war. Coming just after the suppression of the James gang and the Bald Knobbers, the appearance of its militia in the New York celebration showed the country that Missouri was well equipped for the maintenance of the law within its limits, and thus advanced the state's prestige and gave it new attractions for settlers and for the investment of capital.

When the federal government in 1891 refunded to the states the direct tax collected from them in the civil war, Governor Francis recommended that the sum to be returned to Missouri, which was six hundred forty-seven thousand dollars, should be given to the state university as a permanent endowment instead of devoting it to the reduction of the state debt, then about nine million dollars, and although the proposition aroused much opposition, it was finally adopted. In 1892, when fire destroyed the state university's main buildings the governor called the legislature in special session, and on his urgent recommendation, the money collected from the insurance companies, together with forty thousand dollars transferred from the state insurance fund, and fifty thousand dollars contributed by the city of Columbia, was expended for the restoration of the buildings. The expansion of the university since then, and largely as a consequence of these two pieces of legislation, has greatly increased the number of its students, that of 1902-03 being one thousand six hundred and eighty-one, and vastly extended its usefulness.

In carrying out the policy of his administration to encourage the building of railroads through the state, Governor Francis induced the Missouri, Kansas and Texas road to buy the Missouri Central, which was projected from St. Charles to Kansas City, when it was abandoned for want of funds after being constructed for about twenty miles. He himself negotiated the transfer of the road from those who had bought it under foreclosure to the Missouri, Kansas and Texas, and all without any compensation for his services. The new owners extended the line west to Boonville and south and east to St. Louis, and it is now the main line of the Missouri, Kansas and Texas.

In 1890, in the second year of his service, Governor Francis,



learning that the state treasurer was a defaulter, removed him from office, had him prosecuted and punished, and compelled his bondsmen to make good his shortage, about thirty-two thousand dollars, within thirty days after its extent was officially ascertained. The governor appointed Lon V. Stephens (who was to be governor from 1897 to 1901) in place of the deposed state treasurer, to serve out the remainder of the term, which was to end in January, 1893.

Among the legislation of importance during that governor's term was the enactment of a law in 1889 establishing the Australian ballot in all the towns of the state of five thousand inhabitants or over, which was extended in 1891 to all the rest of the state, Missouri being one of the earliest of the states to adopt this reform; the creation of a bureau of geology and mines; the forming of a board of mediation and arbitration for the settlement of disputes between employers and employes, to consist of the commissioner of labor statistics and of two members of each of these elements engaged in similar occupation to that in which the dispute exists; and the passage of a bill appropriating one hundred and fifty thousand dollars to defray the expense of a Missouri exhibit at the Columbian fair of 1893 at Chicago.

As ascertained in 1890, Missouri's population in that year was 2,679,184, as compared with 2,168,380 in 1880, an increase of 510,804 in the decade. Its wealth, as estimated by the census authorities, was two billion three hundred ninety-seven million nine hundred two thousand nine hundred forty-five dollars, an expansion of eight hundred sixty-eight million dollars from that of ten years earlier. Its wealth per capita was eight hundred ninety-five dollars, an advance from seven hundred twenty dollars in 1880. The state had 8,977 miles of railroad in that year. Its industries were growing with great rapidity. St. Louis's population in 1890 was 451,770, an increase of almost 100,000 in the decade. Kansas City, St. Joseph, Springfield, Sedalia, Hannibal and the rest of the state's important towns, showed, by the figures of 1890, that Missouri was in a highly flourishing condition.

Missouri's social and industrial importance was recognized in 1889 by two presidents, a Democrat and a Republican. Mr. Cleveland, shortly before his retirement in that year appointed Norman J. Colman head of the newly created Department of Agriculture, and he had the honor of being the first incumbent of that office. Mr. Cleveland's successor, General Harrison, selected Gen. John W. Noble for the post of secretary of the interior, which he held till the close of the term in 1893.





The state's work as a path breaker was shown in 1892 when the street car mail service, the invention of Maj. John B. Harlow, then postmaster at St. Louis, was put in operation in that city, the mails being collected, sorted and distributed in transit. The innovation has since then been introduced in all the important cities of the United States, and in some of those of Europe.

Before the end of Governor Francis's term, which closed at the opening of 1893, Missouri began, as more than once in the past, to furnish an issue on which the nation was compelled to divide. This was the silver question, which had a Missourian for its first and best known champion, which incited the silver coinage act of 1878 and the silver bullion deposit law of 1890, which split all the parties, great and small, in the canvass of 1896, and which continued to dominate the country until after the election of 1900. The story of the evolution of this issue, in its national phase and in its connection with the politics of Missouri, will be told in the next chapter.



## CHAPTER XX

## The State During the Silver Movement

SEVERAL things—silver demonetization by the United States government; the panic; the vast increase in production by Nevada's bonanza mines of Mackay, Fair, Flood and O'Brien; the drop in silver's commercial value, which sent it below the 1000 gold level at the 16 to 1 ratio; and the entrance of Richard P. Bland of Missouri into congress—converged in 1873, which, isolated, the one from the other, at the time, were forced by subsequent events into a close relationship. Out of these things, plus the influences which incited the Greenbackers' crusade of the previous half a dozen and the succeeding dozen years, was evolved the silver movement which afterward convulsed American politics.

The tracing of the genesis of the greenback idea in politics compels a glance backward to the civil war days. The war, which increased the demand for agricultural products, which prevented a proportionate expansion in supply by putting hundreds of thousands of farm workers into the army, and which cheapened the country's currency by injecting hundreds of millions of dollars of legal tender notes, or greenbacks, into it, thus forcing gold and silver out of circulation, sent prices far upward, as expressed in the money of the period. This created an appearance of prosperity, some of which was real, but most of which was fictitious. When the war closed and the armies were disbanded the demand for farm products shrank, the supply swelled, a retirement of greenbacks was started, prices of farm products fell, and the prosperity, fictitious and real, ended, or seemed to end. The conjunction of an expanding currency and prosperity on the one side, and of a contracting currency and hard times on the other, made



the former in each case appear to bear to the latter the relation of cause to effect. Therefore, it was assumed, the way to regain prosperity, and to make it perpetual, was to resume the issue of the greenbacks, and to continue it without cessation.

The farmers are selected here for especial mention because their products were affected more quickly than were other commodities by the rise and fall in prices, because they constituted then, and constitute still, the largest single interest in the country, and because the greenback expansion idea seized them before it did any other element, and held them longest and tightest. In the farming region, especially in the West, greenbackism had its principal habitat, though Maine, throughout the whole agitation, was a radiating center for this aspiration, and furnished several of the most prominent spirits in the party which it created.

Both the great political organizations were affected by the greenback crusade, but it swayed fewer Republicans than it did Democrats. The Republican was the country's dominant party. It had greater discipline and coherency than did its rival, which was demoralized by the discord and the disaster inflicted upon it by the war. As the element chiefly intrusted with the welfare of the nation the Republican party was obliged to practice the conservatism which responsibility commonly brings.

In the Republican state of Ohio—which, however, was carried by the Democrats oftener for state officers and the legislature than it has been in the past dozen years—the “more greenbacks” propaganda was early and active. The leading exponent of the so-called “Ohio idea,” George H. Pendleton, made a strong run for the presidential nomination in the Democratic convention of 1868, and through Horatio Seymour, a hard money man, was nominated, the soft money demand forced itself into the platform. As Democratic state conventions began to reject the soft money propositions the inflationists in 1874 started to take steps to form a distinct party. This determination was strengthened by the passage by the Republican congress in 1875 of the resumption act, which committed the country to the redemption of the greenbacks in specie in 1879. The new party took definite shape in 1876 when the Democrats nominated the hard money man Tilden. At first it called itself the Independent, and then the National, but it soon became popularly known as the Greenback party. For president it nominated Peter Cooper in 1876, James B. Weaver in 1880, and Benjamin F. Butler in 1884, after which it disappeared. A year before Weaver's nomination, or in 1879, the resumption act brought all the country's currency up to the gold level, and all of it has been held up to that line ever since.



Greenbackism had a profound influence, ultimate as well as immediate, on the politics of the country, and this was especially potent in Missouri. Weaver in 1880 had a larger vote in Missouri, thirty-five thousand, than he had in any other state. Missouri in that year furnished four of the eight congressmen elected by the Greenbackers in the country at large. Greenbackism's immediate effects have been outlined here. Its ultimate consequences were that it re-enforced the influences which incited the silver propaganda, and practically all of its adherents, even while its own party was active, joined hands with the silver element in every fight in congress in which silver was an issue.

Two decisions of the supreme court heightened greenbackism's influence as a force in the silver movement. One of these, delivered in the December, 1870, term, was that the greenbacks were a legal tender for all debts, whether contracted before or after the issue of these notes, unless where the debts were especially excepted. The other, delivered in 1884, set forth that congress has the constitutional power to issue legal tender notes in time of peace as well as in war.

An additional element of disturbance was injected into the situation by the panic of 1873. About the same time the price of silver declined so that the amount of the metal in the dollar dropped in value below the 100c gold mark. The panic lasted several years. The drop in silver also continued. Soon it was discovered that the act of congress of February 12, 1873, a few months earlier than the panic and the drop in silver discontinued the coinage of the silver dollar. The charge was made that the demonetization of silver was the cause of its decline. The coincident drop in the price of wheat and other articles was likewise laid to demonetization.

All this was an error. The panic and the increase in the wheat supply sent wheat prices down. Prices of silver dropped because of the sudden and immense increase in silver production in Nevada's bonanza mines, which quickly doubled the entire country's silver yield, and greatly increased the world's supply. Neither silver nor gold was in circulation in the United States in 1873. Both went out of circulation in 1862 when greenbacks came in. They did not return to the circulation until the resumption act went into operation in 1879. Moreover, under the ratio established by the coinage act of 1834 the amount of silver in the dollar was a little greater than 100c in gold, and but little silver was carried to the mints. Only a small fraction of eight million dollars in silver pieces was coined between the establishment





of the mint in 1792 and 1873. The dropping of the silver dollar, therefore, in 1873 was merely the statutory recognition of something which had been a physical fact for thirty-nine years. Nevertheless, the "crime of 1873" began to figure a few years later in the political discussion of the day.

On November 5, 1877, Richard P. Bland, of Missouri, moved to suspend the rules of the house of representatives and pass a bill directing the coinage of silver dollars of the weight of 412½ grains of standard silver, to be a "legal tender at their nominal value for all debts and dues, public and private, except where otherwise provided by contract," and stipulating that any owner of silver bullion might deposit the same at the mints to be coined into such dollars for his benefit on the same terms as gold bullion. With this motion Mr. Bland became a national character, and the silver question was made an absorbing issue in American politics.

The bill which was for free coinage, passed the Democratic house, but was changed in the Republican senate into a limited coinage measure. It provided that not less than two million dollars nor more than four million dollars of silver bullion should be purchased each month and coined into dollars of the weight prescribed in the House bill, the profit from the coinage to go into the treasury, and not, as in the House measure, into the pockets of the silver bullion owners. Mr. Bland opposed this transformation of his bill, but it was accepted by the house, was vetoed by President Hayes on February 28, 1878, and was passed by each branch of congress over the veto on the same day, and became a law.

Bland's free coinage bill of 1877, the modified Bland law of 1878, and his repeated and earnest attempts in the succeeding years, while the price of silver was steadily falling, to enact a law on the lines of his original measure, attracted international attention, aroused an especial interest in Bland's state, profoundly affected its politics, and gave the state's name a world vogue. Bland's propaganda—for he was the leader in it and the most persistent champion of it, though he had many powerful supporters, Republicans and Democrats, among the statesmen of the time—led the Republicans, as a means of heading off free coinage, which had a strong hold on many of the Western members of their party, to pass the bullion deposit law of 1890, popularly called the Sherman law, which President Harrison signed. This law directed the secretary of the treasury to purchase four million five hundred thousand ounces of silver each month at the market price, and to issue in payment for it treasury notes, these to be a



legal tender for all debts, public and private, except where otherwise provided in the contract, the notes to be redeemable in gold or silver coin, at the discretion of the secretary.

Meanwhile hard times among the agriculturists incited the union of kindred societies into the National Farmers' Alliance in 1890, which elected a few persons to congress, and the alliance, with other elements, entered into a coalition in 1891 which adopted the name of People's, or Populist, party, which in 1892 nominated for president Gen. James B. Weaver, the Greenback party's candidate of 1880. The Populists absorbed most of the surviving Greenbackers; adopted the Greenbackers' idea of unlimited full legal tender notes; assailed the banks; declared for free silver, and also for the purchase and operation of the country's railroads, telegraphs and telephones by the government; and demanded the issue of loans by the government at low rates on deposits of farm products.

John S. Phelps was governor of Missouri when, in 1877, Missouri's and America's silver leader introduced his first free coinage bill in congress. David R. Francis was governor when Bland's crusade forced the Republicans to pass the Sherman silver law of 1890. William J. Stone was to be governor at the time, in 1893, when congress, in President Cleveland's called session, repealed the purchase clause of that act.

In the campaign of 1892 Cleveland, who carried the country, had a lead of about 41,000 over President Harrison, the Republican nominee, Missouri giving James B. Weaver, the Populist, a vote about equal to Cleveland's plurality. The Democratic candidate for governor, William J. Stone, beat ex-Congressman William Warner, Republican, of Kansas City, by a little less than 30,000. The vote for Leonard, Populist, was 37,000, and that for Sobieski, Prohibitionist, was 3,400. John B. O'Meara, Democrat, of St. Louis, was elected lieutenant governor.

Out of Missouri's fifteen congressmen (she gained one under the apportionment based on the census of 1890) the Democrats in 1892 elected thirteen and the Republicans chose two—Richard Bartholdt and Charles F. Joy, both of St. Louis. Mr. Bartholdt, then elected for the first time, has been chosen continuously ever since. In the legislature elected in 1892 the Democrats had a long lead in each branch.

Mr. Stone was born in Kentucky, was educated at the University of Missouri, was prosecuting attorney of Vernon county in 1873-74, was an elector on the Tilden and Hendricks ticket in 1876, served in congress from 1885 to 1891, and was forty-four



years of age at the time of his election as governor in 1892.

The most important state legislation during Governor Stone's term comprised the corrupt practices law and that creating the office of excise commissioner, both enacted in 1893. The first named act provided that every person who offered a bribe or otherwise illegally attempted to influence a voter's conduct should be deemed guilty of a felony, and be punished by a fine of five hundred dollars and imprisonment in the penitentiary for not less than five years. Under the law also the publication of all campaign disbursements, both by candidates and committees, was required under oath, maximum expenditures for candidates for the different offices being prescribed. The law creating the excise commissioner made that official appointive by the governor, and took the licensing power out of the hands of the collector at St. Louis.

But national politics exercised the minds of Missourians during Governor Stone's administration to a far greater degree than did the strictly home concerns, and national politics, and likewise the politics of Missouri, was profoundly affected by the panic of 1893.

In April, 1893, a month after President Cleveland entered office the second time, and three months after the beginning of Governor Stone's term, the net gold in the federal treasury, for the first time since the resumption of specie payments in 1879, dropped below the one hundred million dollar gold line. During the five months of 1893 ending with May the net gold exportation from the United States was sixty-one million dollars, and the outflow still continued. Alarm seized the people, "runs" were made on banks in many cities; large numbers of banks suspended or collapsed; great business houses went down in the leading centers, carrying with them numerous smaller concerns in every state; mills and factories closed; wages were reduced, and a panic was "on."

The Republicans ascribed the panic to the Democratic victory of 1892, and to the fear of an attack on the tariff which that victory rendered imminent, but some of the Republicans believed that the dilution of the currency by silver under the Bland-Allison law of 1878 and the Sherman law of 1890 was partly accountable for the cataclysm. The Cleveland administration Democrats attributed it solely to these two silver laws. The free coinage Democrats said the panic was due to the discrimination against silver at the mints -- the refusal of the government to throw the mints open to silver on the same terms as to gold.

In a message to congress on August 7, 1893, at the opening of the special session which he called to deal with the financial con-



vulsion, Mr. Cleveland urged the repeal of the purchase provision of the Sherman law, which the Republicans passed in 1890. Sherman and all the rest of the Republicans except the free coiners joined the Cleveland section of the Democrats, and a few of the free coinage Democrats who were coerced into line by the president's patronage club, and, after a hard fight, repealed this clause on November 1, 1893, and silver absorption by the government ceased and has never been resumed.

Beaten in their fight to save the Sherman act or to put a free coinage law in its place, and also defeated in their purpose to add a large sum to the silver element of the currency through the seigniorage coinage bill of March, 1894, which Mr. Cleveland vetoed, the silverite section of the Democracy, led by Mr. Bland, declared war on the president. Mr. Cleveland's veto message was a model of courage and clearness, and compared favorably with the one by which Grant killed the greenback inflation bill of 1874 and with Hayes's veto of the Bland-Allison bill of 1878, the Hayes barrier being overridden by congress, however.

In the canvass of 1894—for congress in the country at large and for minor state officers and members of the legislature in Missouri—the Democrats were seriously assailed by several influences. These were the panic of 1893,—for panics always hit the party in power in the national government, whatever that party may be; by the hauling down of the United States flag, by Mr. Cleveland's order, in Hawaii in 1893, which act offended many Democrats as well as most of the Republicans; by the wrangle among the Democrats on the Wilson Gorman tariff bill of 1894, which the president denounced as a "party perfidy and party dishonor" measure, and which he refused to sign, allowing it to become a law by the expiration of the ten days' time limit; and by the feud in the party on the silver issue. The Democrats had each branch of congress at that time, but in the election in 1894 they were overwhelmingly beaten, the Republicans regaining the senate and rolling up a majority of 142 in the house.

As a result of the Democratic wreck of 1894 the Republicans elected all the state officers who were chosen that year in Missouri, the Democratic vote, as compared with 1892, declining sharply. These were W. M. Robinson, for supreme court judge; John R. Kirk, for superintendent of public instruction, and Joseph Flory, for railroad commissioner. The Republican lead was short in the case of each candidate. Judge Robinson's was 3,194, and Mr. Flory 6,337. In the lower branch of the legislature the Republicans gained a large majority, while the large number of





holdover members which they had was all that saved the Democrats in the other branch. The Republicans elected ten of the state's fifteen members of the popular branch of congress. Among the defeated Democrats was Mr. Bland, who had been elected without interruption from his first canvass, that of 1872.

The election of 1894 in Missouri is notable because of the fact that it was the Republicans' only victory in a contest for state officers since 1868, when McClurg was chosen governor. In 1870 the Republican seceders (the Liberal Republicans), supported by the Democrats, elected B. Gratz Brown as governor, and in 1872 the Democrats chose Silas Woodson. Beginning with 1872 the Democrats have been in uninterrupted sway in Missouri to this day except in the case of the minor officers elected in 1894 and in one branch of the legislature chosen in that year.

Bland's defeat in 1894 did not injure his prestige, however, either in his state or in the free coinage section—which subsequent events proved was by far the larger section—of his party in the country at large. He was sent back to congress in 1896, and remained there until his death. In the two years in which he was out of congress he gained the most brilliant triumph in state politics which he ever won. This was in connection with the Pertle Springs convention of 1895, which started the series of events that ended the straddling of the Republicans and Democrats on the silver question in their national conventions, and forced a square fight on the issue of gold versus silver between the two parties in the canvass of 1896.

Not all of the Democratic party of Missouri favored free silver. A strong element, chiefly in the big business centers—St. Louis, Kansas City, St. Joseph and one or two other towns—whose most conspicuous leader was ex-Governor Francis, was hostile to that policy, and opposed it in and out of conventions. This ingredient of the Democracy was the lineal descendant of Benton and the "hards" who were powerful in Missouri in the divisions on the money issue in the days before the civil war.

The ex-governor was triumphant in the convention which met in Kansas City on May 15, 1894, to nominate candidates for minor state officers. Mr. Francis made his position plain from the outset. "Declare adherence to the double standard," he said; "make your plank sustaining the integrity of the white metal as strong as you please; but don't let us attempt to put the Missouri Democracy in advance of the party, and against the national administration, by insisting that we are for immediate free coinage at the ratio of 16 to 1." This determination he maintained



throughout the convention. He compelled Mr. Bland to accept this view, and though the platform demanded free coinage, it did not do this so imperatively as Bland wanted; it omitted all mention of 16 to 1; and it insisted that though silver and gold coinage should be free, they "should be coined at such ratio as will maintain the two metals in circulation." That was the concession which the ex-governor forced into the platform which was adopted by the convention.

Mr. Bland's inability to get what he wanted in that assemblage, the widening divergence between the party's two wings, as shown by the contests in congress and in many states, and the growing strength of the silver wing in the South and West, impelled him to work for the holding of an off year convention, at which he could accomplish his purpose. This convention, which was opposed by the sound money men, chiefly because of its irregularity, no election taking place in the state in that year, met at Pertle Springs, near Warrensburg, on August 6, 1895, and was presided over by Mr. Bland.

Comparatively few of the sound money men went to the Pertle Springs gathering. The convention added nineteen (one additional member from each congressional district and four at large) to the existing fifteen members of the state committee, thus putting the sound money element far in the minority in that body; instructed the state committee to call a convention not later than April 15, 1896 (and the committee called it to meet in Sedalia on that date), to select delegates to the national gathering, which was to open in Chicago on July 7; and demanded the free coinage of silver at the 16 to 1 ratio, "without waiting for the action or approval of any other nation." The object in holding the state convention at such an early date was to make its radical free silver declaration a "keynote" for the other Democratic state gatherings of the West and South, so as to force the national convention to demand free coinage without waiting for any international agreement on the question (which the national convention did, indeed, do in very nearly the words used at Pertle Springs); to put Bland in the field for the presidential candidacy.

At a largely attended meeting of sound money Democrats, held at St. Louis on February 29, 1896, which was participated in by ex-Governor Francis, ex-Atty. Gen. Daniel H. McIntyre, Col. James O. Broadhead, R. Graham Frost, Sam M. Kennard, Frederick W. Lehman, Frederick N. Judson, and other prominent members of this element of the party, an address to the Democratic voters of Missouri was adopted, protesting against this



course of the free silver majority. The address recited that: "This unprecedented action, calling for the election of delegates three months in advance of the meeting of the convention to which they are to be accredited has been had with the avowed purpose of influencing the party in other states and committing the national Democracy to the free and unlimited coinage of silver at a ratio of 16 to 1 of gold, regardless of the relative commercial value of the two metals, and regardless of the action of the other commercial nations of the world."

The address also pointed out that : "The repudiation of the only Democrat elected and inaugurated to the presidency within forty years, and the lowering of the existing standard of values upon which public and private credit and all business prosperity are based, are sought to be made the tests of state and national Democracy, and every Democrat who refuses to submit thereto is to be proscribed," and it called upon the Democrats of the state to "make an open, active and organized opposition to the effort to commit the party to a policy which can only end in disaster."

The convention at Sedalia on April 15, 1896, in which the silver men were overwhelmingly in the predominance, adopted a resolution drawn up by Governor Stone, reciting that the "Democracy of Missouri takes pride in presenting to the national convention at Chicago the name of Richard Parks Bland, a name known throughout the world, for nomination to the office of President of the United States; and the delegates from this state to said convention are instructed to use every honorable means to promote his nomination." Its platform declared for the free coinage of silver at "16 to 1, without waiting for the action or approval of any other government." Not only was all this in harmony with the views of Governor Stone, but it was favored by nearly every other Democratic state officer of Missouri, and also by Senators Cockrell and Vest, by most of her Democrats in the popular branch of congress, and by a large majority of the party in the legislature.

By holding its Democratic convention earlier than almost any other state, and by declaring for the immediate and unconditional opening of the mints to silver coinage at the 16 to 1 ratio, Missouri influenced most of the rest of the Western and Southern states in the same direction, and aided in nerving the silver delegates to the Republican national convention at St. Louis two months later, in June, 1896—the convention which nominated McKinley and Hobart—to stand out for free coinage, thus forcing a "walk-out" of the silver men when the Republican majority of the



St. Louis assemblage demanded that the "existing gold standard must be preserved."

The Republican challenge at St. Louis was promptly accepted by the national Democracy in the convention which met in Chicago three weeks later, on July 7. Bland was defeated for the candidacy, although he led all the other aspirants for several ballots, and Bryan was nominated. But Bland's policy was affirmed, and almost in the words;—"without waiting for the aid or consent of any other nation"—proclaimed in Bland's convention at Pertle Springs eleven months earlier, which were followed in the convention at Sedalia.

In by far the most exciting canvass which the country saw since 1860 the Republicans in 1896 carried the presidency, gaining a majority of ninety-five for McKinley over Bryan in the electoral college. Bryan's vote in Missouri, the Populists also supporting him, was 363,667, as compared with 304,940 for McKinley, giving Bryan a lead of 58,727 in the state. The vote for Palmer and Buckner, the gold Democratic candidates, in the state was only 2,365, but this does not represent the actual voting strength of the sound money Democracy of Missouri in that year, a large majority of that element supporting McKinley. The Democrats carried twelve of Missouri's fifteen congressmen chosen in 1896, the Republicans winning three, all in St. Louis,—Richard Bartholdt, Charles F. Joy and Charles E. Pearce.

Lon V. Stephens, the Democratic candidate for governor, received 351,002 votes, as against 307,729 for Robert E. Lewis, the Republican nominee, Stephens's margin being 43,333. Trimble the sound money Democrat, had a vote of 1,809, many of his section of the Democracy doubtless supporting Lewis. August H. Bolte, Democrat, was elected lieutenant governor. The Democrats gained a large majority in each branch of the legislature.

Governor Stephens was born in Boonville, Mo., in 1857, held no political post until he was appointed to that of state treasurer by Governor Francis in 1900, to succeed an official who had been removed, and he was elected to that office in 1892, holding it till, through the election of 1896, he went to the governorship.

In 1896 a president of the United States once more went to Missouri to select a member of his constitutional advisers, Mr. Cleveland in that year appointing ex-Governor Francis as secretary of the interior, to succeed Hoke Smith, who had resigned. Mr. Francis held the post until the close of Cleveland's term, in 1897.





A tornado memorable for the devastation which it caused visited St. Louis on May 27, 1896, killing one hundred and seventy-five persons, injuring scores of others, and destroying ten million dollars of property.

Richard P. Bland, who was one of the dozen Democrats elected by Missouri to congress in 1896, was re-elected in 1898, and died in 1899. He had been in congress from 1873 until that time, except during 1895-97, led in the movement for silver remonetization from the time when it began, in 1877, until his death, gained international fame, and had the respect of his countrymen, irrespective of their attitude toward free coinage. No lost cause ever had a personally more upright or more intrepid champion.

The legislation during Governor Stephens's administration which attracted the widest attention was the police and the election acts, the latter being popularly known as the Nesbit law. Both were enacted in 1899, and both were restricted in their operation to "cities having three hundred thousand inhabitants and over," and therefore applied to St. Louis solely. The police act displaced the one passed on March 27, 1861, which was designed to take the control of the police of St. Louis out of the hands of the Unionist city government of that town and put it in the hands of the governor, who at that time was Claiborne F. Jackson, a Southern sympathizer, who went over to the confederacy soon afterward. The act of 1899 gave the governor still greater power over the St. Louis police than he had under the law of 1861.

Under the operation of the election law, by means of the board of commissioners appointed by the governor, the control of the elections in St. Louis was lodged in Jefferson City, and the principle of home rule, as in the case of the police act of 1899 and the one which it displaced, was assailed. The Republicans charged that the objects of the police and the election acts was to dishonestly diminish the Republican vote in St. Louis and to dishonestly increase the Democratic vote, so as to abolish the Republican majorities in that city. Many of the Democratic leaders and newspapers denied this. Frauds on the ballot, however, have been shown to have been committed under this law. The Republican preponderance in the city was cut almost to the vanishing point. In 1896, when Bryan's lead in the state as a whole was 58,727, McKinley had a margin of 15,717 in St. Louis. In 1900, immediately after the Nesbit law went into operation, and when Bryan's plurality in the entire state had fallen to 37,830, McKinley's margin in St. Louis was only 666. One St. Louis congressional district which had been carried by the Republicans in



several elections just before the Nesbit law went into effect was won by the Democrats in 1900 and two were gained by them in 1902.

The act of congress of March 14, 1900, gave formal recognition to the gold standard. As the Democrats, however, in 1900 renominated Bryan, and declared once more for the immediate restoration of free silver coinage at the 16 to 1 ratio, "without waiting for the aid or consent of any other nation," and as the Republicans again put up McKinley on a gold platform, the silver issue was necessarily dominant, notwithstanding the questions growing out of the Spanish war of 1898. Neither in Missouri, nor in any other state, however, was the canvass so exciting as was that of 1896, though the increase of population made the aggregate vote greater than it was four years earlier.

The majority for McKinley and Roosevelt in the electoral college was 137, which was a longer lead than was obtained for any other presidential ticket since Grant's in 1872. In Missouri Bryan led McKinley in 1900 by a little less than 38,000, but this was 21,000 below Bryan's margin in the state four years earlier. The Democrats elected all of Missouri's congressmen except Bartholdt and Joy.

Alexander M. Dockery, Democrat, defeated Joseph Flory, Republican, for governor by 32,140 votes in 1900, and his party held each branch of the legislature by a large majority. John A. Lee, Democrat, was elected lieutenant governor. Governor Dockery was born near Gallatin, Daviess county, Mo., in 1846, was mayor of Gallatin for a time, and had a much longer service in national office (sixteen years in the popular branch of congress) than did any of his predecessors at Jefferson City.

With Bryan's defeat in 1900 silver's long and losing battle for restoration, which Bland began back in 1877, in Hayes's first year in the presidency, was brought to an end.



## CHAPTER XXI

## Missouri of Today and Tomorrow

THREE months after Governor Dockery entered office, or in April, 1901, the Democrats gained a notable victory in St. Louis, carrying that Republican stronghold for their city ticket, headed by Rolla Wells for mayor. The election was rendered of particular importance by the fact that the officials chosen would serve through the World's Fair period. The two mayors immediately preceding—Cyrus P. Walbridge, elected in 1893, and Henry Zeigenhein, chosen in 1897—were Republicans.

Two years later, in 1903, Senator Vest, then seventy-three years of age, declining to accept another term, ex-Congressman and ex Gov. William J. Stone was chosen to succeed him. Mr. Vest had been in the senate since 1879 continuously, and had won a high reputation for his courage, high character and eloquence.

In 1902 there were discovered in St. Louis the most extensive hoodling operations which had been brought to light in any American city since the Tweed disclosures in New York a generation earlier. These involved the doings of the St. Louis municipal assembly and the legislature in Jefferson City. The investigations and the prosecutions, so far as they covered the transactions in St. Louis, were pushed by the St. Louis circuit attorney, Joseph W. Folk. Mr. Folk, who was born in Tennessee in 1869, who was graduated from Vanderbilt University, who settled in St. Louis in 1893, who supported Bryan in 1896 and 1900, and who was elected as circuit attorney of St. Louis in 1900, the first public office which he ever held, quickly, through his courage and success in mearthing and in punishing the wrong-doers, became a national figure.



Following up clues furnished him in January, 1902, by a St. Louis newspaper reporter, Mr. Folk soon brought to light crookedness in connection with the granting of a franchise to a street railway company, which startled the community. Said the grand jury in its report on the matter: "Convincing documentary evidence was unearthed proving that one hundred forty-five thousand dollars was placed in escrow in a bank in this city to be paid to the members of the Municipal Assembly in St. Louis upon the passage of a valuable franchise ordinance. This ordinance failed and a second bill was introduced, upon the passage of which the sum of about two hundred fifty thousand dollars was distributed among the members. After the passage of this ordinance the franchise was sold for one million two hundred fifty thousand dollars. The city realized nothing whatever from this franchise."

Many persons were indicted—members and ex-members of the municipal assembly, for receiving bribes; stockholders of the railway company and their agents or promoters, for sanctioning or giving bribes; and some of all these classes, for perjury in their testimony. Several of the accused fled to Mexico, to Europe and to other places. A few who stood their ground (and also one or two fugitives who were brought back or who came back voluntarily) confessed. Many were convicted. Indictments and convictions were also had in connection with city lighting, with garbage collecting and with other sorts of transactions. Republicans and Democrats alike were involved as bribers, bribees, or both.

In the course of these investigations into municipal wrongdoing, clues were obtained which led to still more extensive developments in corruption in the work of the legislature. In its report on May 29, 1903, in this connection, the grand jury said: "The testimony we have heard has shown a state of affairs most amazing. High state officials have confessed to us of having been paid bribes for official influence, and having acted as go-betweens in securing bribes for other legislators. . . . Our investigations have gone back for twelve years, and during that time the evidence before us shows that corruption has been the usual and accepted thing in state legislation, and that, too, without interference or hindrance. . . . Laws have been sold to the highest bidder in numerous instances that we have evidence of. Senators have been on the pay roll of lobbyists and served special interests instead of the public good."

The corruption in Jefferson City covered legislation connected





with baking powder, school books, railroad freight rates, insurance, street railway consolidation, the St. Louis police and election commissioners laws, and many other things. Among the officials involved in 1903 in the scandals was the lieutenant governor of the state, who resigned and confessed. In part of the investigations in connection with state legislation, Atty. Gen. Edward C. Crow participated. A little work in this field was done by local officials in Cole county, in which Jefferson City is situated. It was in St. Louis, however, and by Circuit Attorney Folk, that the most important part of the work was accomplished.

But these disclosures bring their compensations. Conviction in nearly every case quickly followed proof of guilt. The locality has thoroughly appreciated the circuit attorney's services and enthusiastically aided him. His name has been conspicuously coupled with the candidacy for the governorship, also with that for the presidency. Public spirit and civic honesty are nowhere more widely diffused and more active than they are in the state and in the principal city. St. Louis's and Missouri's vast scheme of social purification on the eve of the time when they are to entertain the nations is an inspiring example to other communities similarly afflicted, and will effectively supplement the World's Fair's exhibits and lessons in 1904.

The World's Fair will be Missouri's largest event during the administration of Governor Dockery. On February 5, 1898, Hon. Richard Bartholdt, of Missouri, introduced a bill in congress providing for the holding of an international exposition in St. Louis in 1903, to commemorate the centennial of the purchase of Louisiana. Some St. Louis newspapers and public men had, before that time, recommended such a celebration, but the Bartholdt bill brought the matter to the notice of Missouri and the country. The destruction of the Maine ten days later, however, on February 15, 1898, and the war with Spain which followed it, gave the country things of more pressing moment to think about, and the exposition project was dropped temporarily. It was taken up, however, by the Missouri Historical Society in September, 1898, committees were appointed by that body to consider the matter, and on their suggestion a convention was called by Governor Stephens, of Missouri, to be composed of delegates from each of the states and territories of the Louisiana Province, which met in the Southern hotel, St. Louis, on January 10, 1899, and which was presided over by Lieut. Gov. J. C. Mellman, of Iowa.

Resolutions favoring an international exposition in St. Louis



in 1903 were adopted by the convention, an executive committee was appointed, with ex-Governor Francis at its head, to arrange plans for the celebration, and this body appointed a committee of fifty citizens, which decided to raise five million dollars by popular subscription, and urged that five million dollars be contributed by the city of St. Louis and five million dollars by the United States government. The committee of fifty being raised to one of two hundred, with Pierre Chouteau as its chairman, it framed a bill embodying its ideas, and forwarded it to the Missouri delegation in congress.

On April 12, 1899, the Missouri legislature enacted a law incorporating the Louisiana Purchase Exposition Company, and the legislature subsequently submitted to the people two constitutional amendments, to be voted on at the general election in November, 1900, one of which authorized a one million dollar appropriation by the state of Missouri for the World's Fair, and the other enabled the people of St. Louis to vote a municipal subscription of five million dollars for the same object.

Congress passed the sundry civil bill on June 4, 1900, with an amendment proposed by Sen. Francis M. Cockrell, of Missouri, promising the federal government's support for the World's Fair, and a contribution of five million dollars conditional on the raising of ten million dollars by subscription by the people of St. Louis and by the municipality. On November 6, 1900, the two Missouri constitutional amendments were adopted by the people, authorizing the St. Louis municipal contribution of five million dollars and the appropriation by the legislature of one million dollars for a state exhibit at the fair. The five million dollar subscription by the people of St. Louis was completed on January 12, 1901, the issue of city bonds for a like amount was authorized by the St. Louis municipal assembly on January 30, and a World's Fair bill with a five million dollar appropriation, previously introduced in the house by Hon. Charles F. Joy, of Missouri, and referred to a special committee headed by Hon. James A. Tawney, of Minnesota, passed congress early in the morning of March 4, 1901, and was signed by President McKinley. On March 12 the president appointed the commissioners—John M. Thurston, of Nebraska; Thomas H. Carter, of Montana; William Lindsay, of Kentucky; George W. McBride, of Oregon; Frederick A. Betts, of Connecticut; John M. Allen, of Mississippi; Martin H. Glynn, of New York; John F. Miller, of Indiana, and Philip D. Scott, of Arkansas, to look after the government's interests in connection with the fair. The com-



mission subsequently organized by making Mr. Carter president and Mr. Glynn vice president.

The government's co-operation being secured, the fair's promoters promptly placed the enterprise on a practical basis. On April 16, 1901, a vote of the stockholders elected ninety-three directors, who, on May 2, the Louisiana Purchase Exposition Company having been regularly incorporated under the laws of Missouri a few days previously, chose David R. Francis as president; Corwin H. Spencer, Samuel M. Kennard, Daniel M. Houser, Cyrus P. Walbridge, Seth W. Cobb, Charles H. Huttig, August Gehner and Pierre Chouteau, vice president; William H. Thompson, treasurer; and Walter B. Stevens, secretary, while James L. Blair was subsequently elected as general counsel.

Forest Park, on June 24, 1901, was selected as the site for the fair. On August 24 President McKinley issued a proclamation giving notice that an international exposition was to take place in St. Louis in 1903, and asking the world to take part in it. Ground was broken in Forest Park on December 20, 1901, the ninety-eighth anniversary of the transfer, at New Orleans, of the Province of Louisiana by France to the United States, and the work of clearing the site and erecting the buildings began. On May 5, 1902, an amendment providing for the postponement of the fair to 1904 was added to the sundry civil bill in congress.

The world's attention to the coming St. Louis Fair was attracted in a striking way by President Francis's dash, in February and March, 1903, across the Atlantic and through a large part of Europe, in which he had conferences with Edward VII. of England, President Loubet of France, William II. of Germany, Leopold II. of Belgium, the heads of the ministry of Alfonso XIII. of Spain and with a large number of other personages conspicuous in Europe's politics and social affairs, in which he enlisted their co-operation toward securing the participation of their respective countries in the exposition. This work in the interest of publicity was effectively supplemented on April 30, 1903, when President Roosevelt, in the presence of ex-President Cleveland, the representatives of many nations, the governors of eighteen states, and a concourse of tens of thousands of people from all over the country and from many parts of the outside world, dedicated the exposition.

Representing, as it does, a larger investment of money and a much greater area in ground and floor space than did any previous international exposition ever held anywhere, and promising, as it likewise does, to present a longer list of attractions than



did any of them, the St. Louis World's Fair of 1904 is certain to be a notable event in the annals of Missouri and of the United States.

Apart altogether from the World's Fair, the lasting effects of which must necessarily be widespread, Missouri has much upon which to felicitate itself. From a population of 20,845 in 1810, just before its organization into a territory, and from 66,557 in 1820, the year before its admission as a state, Missouri had grown to 3,106,665 in 1900. The twenty-third among twenty-four states in 1820, it was the fifth among forty-five in 1900, and had held that rank among the states since 1870.

One of Missouri's cities, St. Louis, stands fourth on the list of the country's great towns, with a population of 575,238 in 1900, being led only by New York, Chicago and Philadelphia. Kansas City was twenty-second on the list of the country's cities in 1900, with a population of 163,752. St. Joseph, with 102,979 inhabitants in that year, was thirty-fourth on the roll. The population increase for the decade was 27.3 for St. Louis, 23.4 for Kansas City, and 96.8 for St. Joseph. No other city of St. Joseph's size or larger made any such proportionate gain as that town did in the ten years. Kansas City and St. Joseph are virtually the creation of the past third of a century. Joplin, with 26,000 population in 1900, Springfield with 23,000, Sedalia with 15,000 and Hannibal with 12,000—to restrict the enumeration to towns of over 10,000 inhabitants—are also flourishing communities.

Missouri's total wealth, for purposes of taxation, was placed, on June 1, 1903, at one billion two hundred eighty million eight hundred seventy-seven thousand six hundred fourteen dollars. In some of the items composing this aggregate the amounts are far below the actual mark. The United States census bureau's figures of the true valuation of the property of the various states for 1900 had not been collected when (the middle of 1903) these lines of this history were written.

The state has no bonded debt. Its school fund certificates, three million one hundred fifty-nine thousand dollars, and its seminary fund certificates, one million two hundred thirty-nine thousand eight hundred thirty-nine dollars, a total of four million three hundred ninety-eight thousand eight hundred thirty-nine dollars, as stated by Auditor Albert O. Allen, represent its aggregate obligations. This exhibit places Missouri in a peculiarly fortunate position among the country's commonwealths.

Notwith' standing the state's rapid growth in population and in





the extent and diversity of its activities, Missouri's river trade continues to decline. For the calendar year 1902, as shown by the report of the St. Louis Merchants Exchange, the aggregate river traffic—lower Mississippi, upper Mississippi, Missouri, Illinois, Ohio, Cumberland and Tennessee—of St. Louis was 641,182 tons, as compared with 672,076 tons in 1901 and 757,590 tons in 1900. For the time at least the glory of Missouri's great waterways has departed. St. Louis's railroad traffic, however, is expanding much more rapidly than its river trade is contracting. The freight movement at St. Louis by rail, in both directions in the aggregate, amounted to more than 29,000,000 tons for 1902, as against 28,000,000 tons for 1901 and 25,000,000 for the preceding year.

These figures are symptomatic of the conditions in Missouri as a whole in this field. There were over 7,000 miles of main track in the state at the end of 1902, representing forty-three steam railroads. Every one of Missouri's 114 counties is traversed by a railroad except Dallas, Douglas, Ozark, Stone and Taney. Missouri's forty-three railroads are parts of systems which represent an aggregate of about 40,000 miles of main track, and a capital stock and scrip of a little over one thousand million dollars. Twenty-four lines of railroad terminate in St. Louis. Kansas City is also an important railway center. In the region commercially tributary to Missouri's two leading cities—Kansas, Arkansas, Oklahoma, the Indian Territory and Texas—the railroad construction of recent years has been much more extensive than it has been in any other part of the United States.

St. Louis, the fifth on the roll of the country's cities in population in 1900, was also fifth in the amount of its bank clearings, with a total of two billion five hundred seven million dollars, an increase of 10.3 per cent over 1901. This was a greater gain than was made in any other large town in the country, the nearest to it in rate of increase being Chicago, with an 8.2 per cent expansion for that year. Kansas City, the twenty-second on the list of the country's towns in inhabitants, stood in the tenth place in bank clearings, nine hundred eighty-nine million dollars, a gain of 10 per cent over 1901. St. Joseph, holding the thirty-fourth place in population, was up in the twenty-third position in clearings in 1902, with a total of two hundred thirty-three million dollars.

Missouri was fifth in the gross value of its agricultural products among all the states and territories in 1900, with a total of two hundred nineteen million dollars, and seventh in the value of



its manufacturers, three hundred eighty-five million dollars. It stood first among the states in its manufactures of chewing and smoking tobacco and snuff; fifth in the manufacture of cars for steam railroads; fifth in the production of confectionery, and fifth in the extent of its wholesale slaughtering and meat packing. Missouri's lead and zinc fields are among the richest of the world.

St. Louis stood sixth among the country's cities in 1900 in the number of its manufacturing establishments of all sorts, 6,732; sixth in the capital invested in them, one hundred sixty-two million dollars; sixth in the total wages paid, thirty-eight million dollars; fifth in the number of wage earners, 82,672; and fifth in the gross value of their product, two hundred thirty-four million dollars. In these figures, however, as presented by the census returns for 1900, Brooklyn is represented as an independent city, whereas it was annexed to New York two years earlier. This puts St. Louis up a point in each particular. In the gross value of its manufactured product in 1900 it led Boston, one of the country's great manufacturing centers, and it also led any one of thirty-seven entire states. To a larger extent, too, than almost any other great town in the country it may be said that St. Louis owns itself. By the panic of 1893-97 St. Louis was hit later and lighter than any other of the larger business centers. It has a record for financial solidity unsurpassed by that of any other of the country's cities.

It is not in the material things alone that Missouri ranks high as a community. The total enrollment of white and colored pupils in the state's public schools in 1902, as shown by the report of W. T. Carrington, state superintendent of education, was 703,057. These had 16,347 teachers, whose wages in the year was five million four thousand nine hundred forty-two dollars, and they taught in 10,320 school houses. The estimated value of the public school property in the state in the year was twenty-one million two hundred ten thousand eight hundred ninety-seven dollars. The aggregate of the permanent school funds of the state was twelve million seven hundred ninety-five thousand five hundred sixteen dollars. These figures, especially those relating to the state's permanent public school fund, furnish a fine tribute to the intelligence and public spirit of her citizens.

In the report of the United States census bureau for 1900 it was shown that Missouri's illiterates in that year were only 6.2 per cent of the state's male population of ten years of age and over, while the percentage for the United States as a whole



was 10.2. Moreover, this 6.2 per cent represents a constant and rapid improvement, the number of persons in the state unable to read or write of ten years of age and upward being 8.3 per cent of the whole population in 1890 and 12.6 per cent in 1880. The year 1910, therefore, may be relied on to make a still better exhibit than did 1900.

When, a quarter of a century ago, L. U. Reavis, in his book "St. Louis, the Future Great City of the West," urged the removal of the seat of the national government to that place, there were residing in it many persons who, doubtless, will live to see St. Louis and Missouri make social conquests of which even that optimist never dreamed, though perhaps not the particular sort which he had in mind at the time.

Standing near the country's geographical center (that point, for the contiguous portion of the United States, being located in Northern Kansas), Missouri has the center of some of the country's great interests already in its neighborhood, and those of the rest of them are moving in its direction. The center of the United States' population, which was a few miles west of Baltimore when Jefferson bought the territory in which Missouri is the most important community, was six miles southeast of Columbus, Ind., in 1900, and was moving westward; and the center of the country's manufactures, which was near Canton, the late President McKinley's home, in 1890, is hurrying after the population center, and was close to Mansfield, O., the residence of the late John Sherman, in 1900. In 1900 the center of the country's corn production was fifty-four miles southwest of Springfield, Ill.; the center of the number of the country's farms was 110 miles east by south from St. Louis, in Wayne county, Ill.; those of the production of wheat and oats were in Iowa; and the center of the acres of farm lands was forty-eight miles southwest of Jefferson City, in Camden county, Mo. The center of the oat production and of the acres of farm lands sprang across the Mississippi since 1890, and that of wheat production made the leap just before that year.

A special impressiveness is given to this swinging of the country's productive pivotal points toward Missouri or into its immediate neighborhood by the fact that the United States produces 14 per cent of the world's sheep, 22 per cent of its wheat, 34 per cent of its aggregate manufactures, 35 per cent of its cattle, 52 per cent of its swine, 75 per cent of its corn and 78 per cent of its cotton.

A re-enforcement to the influences which are working for the



aggrandizement of Missouri and St. Louis is the Panama canal. The chief interest which the state and the city have in the construction of the waterway across the Central American isthmus lies in the certainty that this will divert to New Orleans and other Gulf ports, but particularly to New Orleans, much of the traffic which now goes to New York, Boston, Philadelphia, Baltimore and other points on the Atlantic coast.

Supplementary to this new north and south trade movement will come St. Louis's triumph in her deep water programme for the Mississippi, in which she will have a powerful ally in Chicago, as well as in New Orleans, Memphis, Cairo, St. Paul, Cincinnati, Pittsburg, Kansas City, St. Joseph and Omaha, for Ohio and Missouri river improvement will also receive an impetus from this shifting into a north and south direction of the Mississippi valley's trade currents, Chicago's desire for deep water communication with the Gulf by way of the drainage canal, the Illinois and the Mississippi will be championed by St. Louis and all the interests which seek improved navigation along the great river.

Ambitious for many years to become a seaport, St. Louis sees, in the Isthmian canal construction and the Mississippi and Illinois river improvement which it will incite, the realization of its desires. By way of the great lakes probably—by way of New Orleans certainly—it will get direct access to the ocean. Ships loaded at the St. Louis levees will pass down into the Gulf and the Caribbean, out into the Atlantic, across into Pacific, and traverse the world's seas. Very likely they will also pass up the Mississippi and Illinois, and, by way of the lakes, sail out into the North Atlantic and over to Europe. Temporarily abolished by the railroads, the Mississippi probably is destined, through the short-cut by way of the Gulf of Mexico across the Isthmus, that will swing a powerful trade current into a north and south direction, to recover at least part of its old glory, and to again become one of the country's great economic forces. All this, supplementing the influences which are working for the advancement of Missouri and St. Louis, means an increased ascendancy for both of them among the communities of the Mississippi valley.

St. Louis, which had only 1,000 inhabitants at the time of the Louisiana annexation, a century ago, had almost three times as many people in 1900 as were in New York, Philadelphia, Boston and all the rest of the country's cities in 1800. The territory com-





prised in the present Missouri, which at the time of the annexation had only a few hundred more inhabitants than were in St. Louis then, had more population in 1900 than was in the thirteen original states when they won their independence at Yorktown. Moreover, its citizens feel that an era is approaching for Missouri which will far surpass its expansive, heroic and picturesque past.







# State of Kansas

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Frank Wilson Blackmar A. M., Ph. D.

*Associate Editor*



# Kansas

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## CHAPTER I

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### Events Preceding the First Territorial Administration

PRIOR to the time that the province of Louisiana passed into the hands of the United States, but little is known of that portion of the country now comprising the state of Kansas. The first account of the region given to the civilized world was the report of Francisco Vasquez de Coronado, who set up a wooden cross in the northeastern part of the state in 1541, formally taking possession in the name of Spain. In 1719 M. Dutisnet, acting under the orders of Governor D'Bienville, visited the villages of the Osage and Pawnee Indians in what is now eastern Kansas. The Pawnee villages he describes as being two in number, with about one hundred and thirty cabins and two hundred and fifty warriors each. From these villages, located somewhere near the present site of Junction City, he traveled west for fifteen days of the country of the Padouca (Comanche) Indians,\* near the source of the Smoky Hill river, where he erected a cross bearing the arms of the king of France. This was on September 27, 1719, and Dutisnet was the first Frenchman to visit or lay claim to what is now the state of Kansas.

Five years later M. De Bourgmont, the commandant at Fort Orleans, near the mouth of the Osage river, made a tour from

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\* For a fuller account of these and other early Spanish and French expeditions, see the first two volumes of this work.





the village of the Kansas Indians, near where Atchison now stands, to the great village of the Padoucas, his object being to establish peace between the various tribes along the Kansas and Smoky Hill rivers, in the interest of the French fur traders. The destruction of De Bourgmont's fort the following year caused the French to abandon all efforts to settle the country or establish trading posts until the advent of Pierre Lignest and Pierre Chouteau near the close of the eighteenth century.

The expedition of Lewis and Clarke, sent out from St. Louis in May, 1804, to explore a portion of the new purchase, reached the mouth of the Kansas river on the 27th of June, and encamped on the present site of Kansas City, Kan. By the 4th of July they had ascended the Missouri to a point not far from the present city of Atchison, where they landed about noon and spent a few hours in celebrating the twenty-eighth anniversary of the birth of American independence. Near the place where they landed, and on the Kansas side, was a little stream which they called Fourth of July creek; and a few miles farther up the river on the same side they christened another stream Independence creek, by which name it is still known.

In July, 1806, Lieut. Zebulon M. Pike was sent from St. Louis to explore portions of the new purchase and to restore to their tribe several Osage Indians who had been rescued from captivity among the Pottawatomies. After first returning the Osage captives to their people, Pike paid a visit to the Pawnees in what is now Republic county and to the Comanches farther south and west. The route followed by him led through what is now Linn, Miami, Franklin, Osage, Lyon, Morris, and Dickinson counties, to the mouth of the Saline river, which he reached on the 18th of September. From this point he turned almost directly north, and on the 25th reached the Pawnee village near where the town of Scandia now stands.

Some time before Lieutenant Pike left St. Louis, news of his projected expedition was carried to the governor of New Spain (Mexico), and a party of over 300 Spanish troops, under Lieutenant Malgares, was sent out to intercept him. Between the mouth of the Saline and the Republican rivers, Pike crossed the trail of this party, but was fortunate in not coming in contact with the Spaniards at that time. Malgares had been to the Pawnee village before Pike arrived there, and had endeavored to poison the minds of the Indians against the Americans. He had partially succeeded, too, for when Lieutenant Pike held a grand council with the tribe on the 20th of September, he noticed that the



Pawnee chiefs showed a tendency to look with disdain upon his little force of twenty white soldiers, which certainly made a much less imposing appearance than the large Spanish force of *Mal-gares*. Of this council Pike gives the following account:

"The notes I took at the grand council held with the Pawnee nation were seized by the Spanish government, together with all my speeches to the different nations. But it may be interesting to observe here in case they should never be returned, that the Spaniards had left several of their flags in this village, one of which was unfurled at the chief's door the day of the grand council; and among various demands and charges I gave them was, that the said flag should be delivered to me, and one of the United States' flags be received and hoisted in its place. This probably was carrying the pride of nations a little too far, as there had so lately been a large force of Spanish cavalry at the village, which had made a great impression on the minds of the young men, as to their power, consequence, etc., which my appearance with twenty infantry was by no means calculated to remove. After the chiefs had replied to various parts of my discourse, but were silent as to the flag, I again reiterated the demand for the flag, adding 'that it was impossible for the nation to have two fathers; that they must either be children of the Spaniards, or acknowledge their American father.' After a silence of some time an old man rose, went to the door, took down the Spanish flag, brought it and laid it at my feet, and then received the American flag, and elevated it on the staff which had lately borne the standard of his Catholic Majesty. This gave great satisfaction to the Osage and Kaws, both of whom decidedly avow themselves to be under American protection. Perceiving that every face in the council was clouded with sorrow, as if some great national calamity was about to befall them, I took up the contested colors and told them 'that as they had now shown themselves dutiful children in acknowledging their great American father, I did not wish to embarrass them with the Spaniards, for it was the wish of the Americans that their red brethren should remain peaceably round their own fires, and not embroil themselves in any dispute between the white people; and that for fear the Spaniards might return there in force again, I returned them their flag, but with the injunction that it should never be hoisted again during our stay.' At this, there was a general shout of applause, and the charge was particularly attended to."

\* *The Expeditions of Zebulon Pike*, by Elliott Coues, Vol. II, pp. 411-416.



Having obtained horses from the Indians, Pike left the Pawnee village on the 7th of October, took a course a little west of south, and on the 18th reached the great bend of the Arkansas river. There the party divided. Two canoes, one of elk and buffalo skins, and the other of green cottonwood were constructed, and in these Lieutenant Wilkinson, with six of the soldiers and two Osage Indians, embarked for Fort Adams on the Mississippi below Natchez. January 8, 1807, they reached Arkansas Post near the mouth of the Arkansas river, after a winter of severe hardships during which they passed through many dangers from hostile Indians.

Pike, with the remainder of the party, went up the Arkansas, his purpose being to treat with the Ietan (Comanche family) Indians near the head waters of that river, then to strike across the country to the head of Red river, and then to descend to Natchitoches according to the original plan. While he was in camp on the Rio del Norte in what is now New Mexico, in February, 1807, his party was captured by a detachment of Spanish cavalry and conducted to Santa Fe. He was well treated and after being taken to Chihuahua, where his papers were confiscated, was conducted east through what is now Texas and finally liberated near Natchitoches, La. He reached that town about the middle of July, 1807. Three years later his journal was published, and the wonderful possibilities of Kansas were thus made known to the English-speaking nations.

General Atkinson, Major O'Fallon and Maj. Stephen H. Long in the summer of 1819, ascended the Missouri river by steamboat from Fort Osage to Council Bluffs. This boat, the "Western Engineer," was the first steam craft to ascend the Missouri past the present state of Kansas. It had a stern wheel and an escape pipe, protruding from the forward part and shaped like a serpent, the object being, it is said, to create the belief among the natives that it was some kind of monster, belching fire and smoke from its mouth and lashing the water into foam with its tail.

A detachment of the party under Doctor Say left the boat and, entering the state of Kansas about three miles south of the Kansas river, marched across the country to the Kansas villages. On the 16th of August they camped where Topeka now stands and on the 19th arrived at the Kansas village, at the mouth of the Big Blue at Manhattan. Doctor Say's intention was to visit the Pawnee villages, but being robbed of his horses and camp equipage, he was forced to return to the Kansas village, from



which point he struck across the country, northeast, and caught the boat near the mouth of Wolf river.

Meantime the American Fur Company had been formed, and one of its early posts was that known as "Four Houses,"\* built by Francis Chouteau on the north bank of the Kansas river about twenty miles from its mouth.

The first formal treaty with the Indians of Kansas was made in 1815. It was merely a treaty of peace with the chiefs and head men of the Kansas (or Kaw) Indians, Ninian Edwards and Auguste Chouteau representing the United States. By this treaty the Indians agreed to acknowledge the sovereignty and accept the protection of the United States and of no other nation, and thus the trade with the tribes west of the Missouri was strengthened and expanded.

Early in the nineteenth century Baptiste Lalande, acting as agent for William Morrison of Kaskaskia, and James Purcell, a hunter and trapper, went to Santa Fe to work up a trade with the people of New Spain. Others followed them, and by 1822 this trade had grown to such proportions that a highway was desirable. In 1824 Thomas H. Benton secured the passage of a bill by congress for a government road from Independence, Mo., to Santa Fe. The following year Major Sibley was employed to survey and establish this road. It followed the course of the old Santa Fe trail. It crossed the eastern boundary of Kansas in what is now Oxford township, Johnson county; thence passed west through the counties of Douglas, Osage and Lyon to Council Grove in Morris county; and thence turned southwest to the Arkansas river and advanced up that stream beyond the great bend near the present station of Cimarron on the Atchison, Topeka and Santa Fe railroad. There the Arkansas was crossed, and the road followed the valley of the Cimarron river to the southwest corner of the state. The distance from Independence to Santa Fe is 780 miles. More than two-thirds of the entire route lay through what is now the state of Kansas. The trade, which in 1824 amounted to thirty-five thousand dollars, had reached four hundred fifty thousand dollars in 1843, when war between Texas and Mexico led greatly to its reduction.

On June 2, 1825, a treaty with the Great and Little Osage Indians, by which those tribes ceded to the United States all their lands west of the state of Missouri and the territory of Arkansas south of the Kansas river, north of the Red river, and

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\*So called by the Indians because it consisted of four buildings arranged in the form of a square.





east of a line drawn through the Rock Saline,\* except a reservation corresponding almost to the present counties of Neosho and Labette, was concluded by representatives of the government. The next day the Kansas, or Kaw, Indians ceded to the United States a tract bounded as follows: Beginning at the mouth of the Kansas river; thence north to the northwest corner of the state of Missouri; thence west to the Nodaway river thirty miles from its mouth; thence to the mouth of the Nemaha river; thence up the Nemaha to its source; thence to the source of the Kansas river; thence along the divide between the Kansas and Arkansas rivers to the western boundary of Missouri, and thence north along said boundary thirty miles to the place of beginning. A strip thirty miles wide, beginning twenty leagues from the Missouri river and extending west to the western boundary of the cession, was set apart for a reservation.

The lands thus ceded were not opened to white settlers, but were held as territory to be divided among the tribes east of the Mississippi. The first of these reservations to be established was that given to the Shawanese† by the treaty of November 7, 1825. It extended from the Kansas river to about the south line of Johnson county, and from the western boundary of Missouri to fifteen miles west of Council Grove.‡

Early in the spring of 1827 Col. Henry H. Leavenworth, of the Third United States infantry, was ordered to take four companies of his regiment and select a site for a permanent post on the Missouri river, within twenty miles of the mouth of the Platte. On May 8, he reported in favor of a location a few miles above the mouth of the Platte (of Missouri) on the west bank of the Missouri. The report was approved and the post was called Cantonment Leavenworth in honor of the officer who had selected the location. Later a fort bearing the same name was built there, and the settlement that grew up around this early military post became in time the city of Leavenworth.

With the trading and military posts came the missionary. As early as 1820 the Presbyterians had two mission stations among the Osage Indians: Union station on the Neosho river, and Harmony station on the Marais des Cygnes. In October, 1821, the value of mission property at these two stations was estimated at twenty thousand dollars.

\*By the Rock Saline is meant the salt plains along the Cimarron river in the northern part of the Indian Territory.

†This tract was not satisfactory to the Shawanese, and they were given a reservation 25 by 100 miles near the northwest corner of Missouri.

‡Shawnee Nation, or as commonly used, *Shawnee*. The original treaty used the term *Shawannee*, the best modern usage is *Shawnee*, or *Shawannoe*.



In 1829 Rev. Thomas Johnson established a mission among the Shawanese, in what is now Johnson county. A year later William Johnson began mission work among the Kaws. These missions were founded under the auspices of the Methodist church. In 1839 the Shawanese mission was removed to Westport, Mo., where a manual training school was opened.

The first Baptist mission among the Shawanese was opened in 1831. Its establishment was due to the efforts of Isaac McCoy, a United States surveyor, who had for years been engaged in missionary work among different tribes in Michigan and Indiana. Doctor Lykins and his wife had charge of the work at first. Later came Robert Simerwell and his wife, and Rev. Jotham Meeker, who, in the winter of 1833-34, brought the first printing press to Kansas. It was used to print hymn books in the Indian language. A paper called the "*Shawnee Sun*" was also published. Meeker went to the Ottawas in 1837 and continued his mission work with that tribe until his death.

Catholic missions were founded among the Kickapoos in 1836. In 1847 a Catholic school for boys and another for girls were in successful operation among the Osages in southeastern Kansas. About the same time a mission at St. Mary's on the Kansas river, in the Pottawatomie country, was established by Rev. Christian Hoeken, who, with Fathers Gailland, Vesseydt and Schoenmakers, was the pioneer Catholic missionary among the Indians of Kansas. These and other missions were the forerunners of the civilization that was soon to come.

By the act of congress approved May 26, 1830, the final provisions for the removal of all the Indian tribes to reservations west of the Mississippi were made. By this act a tract of 120,000 square miles, extending from the Red river to the mouth of the Ponca, and as far west as the country was habitable, was set apart as a permanent home for the Indians. In the center of this tract lay Kansas, and, for several years after the passage of the act, the principal events related to this region had to do with the removal of the Indian tribes to the homes thus established for them.

In August, 1831, by treaties made at Miami bay on Lake Erie, the Shawanese of Ohio were given lands with the Shawanese of Missouri, and the Ottawas of Blanchard's Fork and Oquanoxie's village were given a reservation in what is now Franklin county. An agreement with the Kickapoos by which they ceded their lands on the Osage river, and accepted in exchange a tract about twenty miles wide and sixty miles long, lying north and



west of Fort Leavenworth, including all of Atchison county and part of the counties adjoining, was reached on the 24th of October, 1832. October 27, a treaty with the Kaskaskias, Peorias, and some minor bands, by which those tribes were given homes in Miami county, was concluded at Castor Hill, St. Louis county, Mo. Two days later the Piankeshaw and Wea tribes were included in the same reservation. The Quapaw reservation was established May 13, 1833, that part of it in Kansas being a narrow strip across the southern end of Cherokee county. On the ninth of the following October the Confederate Pawnee tribes ceded all their lands south of the Platte river of Nebraska. By this treaty the government acquired title to a triangular piece of land in Kansas, lying north and west of Prairie Dog creek, the Pawnees accepting a reserve in Nebraska.

On December 29, 1834, a treaty with the Cherokees, in which they relinquished all claims to their lands east of the Mississippi and were given a reservation containing about 800 square miles in the southeast corner of Kansas, was made at New Echota, Ga.\*

Between the years 1835 and 1850 several other tribes were removed from the states east of the Mississippi and given lands in Kansas. In May, 1836, the Chippewas of Michigan were located in Franklin county. In September of the same year the Iowas and Sacs and Foxes were given small reservations along the Missouri river in the extreme northeastern corner of the state. Various New York tribes were quartered on a strip twenty-seven miles wide, lying directly north of the neutral land and running west from the Missouri boundary through Bourbon, Allen, Woodson and Greenwood counties. Just north of this New York reservation, the Miamis were given lands by the treaty of November 6, 1840. March 17, 1842, the Wyandots of Ohio ceded their lands in that state and accepted a reserve, beginning at the confluence of the Missouri and Kansas rivers, running up the Kansas to the lands of the Kansas Indians, and extending up the Missouri to Fort Leavenworth.

The Kansas Indians ceded 2,000,000 acres off the east end of their reservation on January 14, 1846, for the benefit of the Methodist mission, and received in exchange a tract of timbered land lying a little southeast of Council Grove.

While the lands were being thus parceled out, military posts, designed to preserve order among the various tribes and pro-

\*This reservation was afterward known as the "Neutral Land" and was ceded to the United States July 19, 1866, to be sold for the benefit of the Cherokee Nation.



tect their interests were established. Fort Scott was begun in 1842, though it was not completed until two years later.

In 1850 Colonel Sumner built a fort near the present site of Dodge City, which at first bore the name of Fort Sumner, but the following year was named Fort Atkinson. It was constructed of poles, brush, and sod, and was garrisoned by a part of the Sixth United States infantry under Captain Buckner until 1853, when it became uninhabitable and was torn down to prevent the Indians from taking possession. Fort Riley, first called Camp Center, because it is the geographical center of the United States, was established in 1852, and named in honor of Gen. Bennett C. Riley. It was one of the most important and best constructed military posts of Kansas.

Notwithstanding the fact that the Indians were promised in 1830 that, if they would surrender their eastern lands and accept homes west of the Mississippi, they should never again be disturbed, hardly had the last of the tribes been quartered in the new region than negotiations were instituted to secure their reservations for white settlers. It is a fact worthy of note that nearly all the treaties by which the lands of Kansas were secured to the white people, were made at Washington, D. C. The chiefs of these untutored children of the forest and plain were induced to visit the national capital. There they were wined and dined; they were shown the sights; there, amid the seductive surroundings, they listened to the persuasive tongues of their Great Father's regents, and, like Esau of old, sold their birthrights for a mess of pottage. What wonder that settlers upon the frontier have been ruthlessly murdered, and their homes been burned to the ground? Unable to cope with the white man in the art of bargaining, the chiefs frittered away the patrimony of their people. The masses of the tribe knew no remedy but brute force to wrest the lands from the hands of the pale-faces.

On April 1, 1850, the Wyandots ceded all claims to 148,000 acres of their reservation lying between the Kansas and Missouri rivers, for which the government agreed to pay one dollar and twenty-five cents an acre. May 6, 1853, the Delawares relinquished their claims to the lands of the tribe lying between the Missouri and Kansas.

On May 10, 1854, the Shawanese chiefs while in Washington, ceded all the reservation established for them in 1825, except 200,000 acres. The boundaries of the ceded lands were as follows. Beginning at a point on the western boundary line of the state of Missouri three miles south of the Kansas river; thence





south along the Missouri line 25 miles; thence west 120 miles; thence north to a point from which a line drawn due east would intersect the southern boundary of the Kansas Indian reservation; thence east on this line to the southeast corner of the Kansas reservation; thence north along the eastern boundary of said reservation to the Kansas river, thence along the south bank of the river to a point due west of the starting place, and thence in a direct line to the place of beginning.

On the 17th of May the Iowas ceded their several small tracts in the northeastern part of the state, and received a reservation between Nohart's creek and the Nemaha river. The next day the Sacs and Foxes ceded their lands in Kansas and accepted a reserve in Nebraska. At the same time the Kickapoo chiefs ceded the lands of that tribe, acquired by the treaty of May 24, 1832, except 150,000 acres at the west end of the reservation. The lands of the Kaskaskias, Peorias, and Piankeshaws, were ceded on the 30th of May, 1854, and those of the Miamis, on the 5th of June.

At the beginning of the year 1853 there were about fourteen hundred white people in Kansas. They were gathered about the military and trading posts, or the missions, and were either soldiers, traders, or missionaries. A few white families were located at Elm and at Council Grove; a settlement had been started at Uniontown in 1852; and Delaware post office, on the Kansas river, about ten miles above the mouth, had a few white settlers. There were also a few white men living on the Wyandot Indian reservation.

On July 28, 1853, a convention was held at Wyandotte to nominate a delegate to congress. The friends of Thomas H. Benton supported Abelard Guthrie, while the followers of D. R. Atchison gave their support to Rev. Thomas Johnson, the founder of the Methodist mission. Guthrie was nominated, but on the 20th of September Atchison's friends assembled and nominated Johnson as an opposing candidate. The election was held at the Indian village of Kickapoo, and Johnson was elected by Indian votes. Upon the assembling of congress, he went to Washington, but was not admitted as a delegate, because the territory had not yet been organized.\*

But the conditions were such that the organization of a separate territory west of the Missouri could not be long delayed. The Indian titles were being extinguished, and many white people were looking with longing eyes at the fertile plains of Kansas.

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\*There is a report of an election of a delegate in 1852 by the few whites living among the Wyandotte Indians, but it is not well authenticated.



As early as December 13, 1852, a bill had been introduced in the national house of representatives by Willard P. Hall, of Missouri. It provided for the organization of the Territory of Platte, which included the present states of Nebraska and Kansas. It was referred to the committee on territories, however, and the matter rested until February 2, 1853, when William A. Richardson, of Illinois, a member of the committee on territories, reported a bill to organize the Territory of Nebraska. This bill passed the house on the 10th of February, by a vote of 98 to 43, and was sent to the senate, where it was favorably reported by Stephen A. Douglas on the 17th. On the 3d of March the measure was tabled in the senate—23 to 17, and thus ended the second effort to establish a territory west of the Missouri.

No reference to the slavery question was made in either the Hall or the Richardson bill. The act of 1820, known as the Missouri Compromise, provided that all territory of Louisiana purchase lying north of 36 degrees 30 minutes should be organized into free states. No one questioned the force or soundness of this provision, which had been the law of the land for more than thirty years; and had either of the bills mentioned become a law, Kansas would have been organized as a free territory, and admitted as a free state, without dispute.

The third essay, and, as it proved, the successful one, to organize Kansas into a territory, was begun on the 4th of December, 1853, when Augustus C. Dodge offered a bill in the United States senate to organize the Territory of Nebraska. All the territory west of Iowa and Missouri to the Rocky mountains was included within the boundaries proposed by Mr. Dodge. The bill was reported back to the senate, January 4, 1854, by Stephen A. Douglas, with several important amendments. Before action was taken on the measure Senator Douglas reported a substitute (January 23) providing for the organization of two territories, Kansas and Nebraska. This bill afterward became universally known as the Kansas-Nebraska bill.

When California had applied for admission into the Union in 1850, the people of that state had adopted and submitted to congress a constitution expressly prohibiting slavery. This re-opened the subject of slavery in congress and led to the passage of the "Omnibus Bill" proposed by Henry Clay. Following the lead of this measure, Douglas incorporated the following provision in the Kansas Nebraska measure:

"That the constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect



within the said territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measure, is hereby declared inoperative and void; 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; provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery."

An acrimonious debate followed the introduction of the bill. Amendments giving the people of the territory the power to prohibit slavery and to elect their own governor were offered by Salmon P. Chase, of Ohio, but they were promptly voted down. The bill passed the senate about four o'clock in the morning of March 4, 1854, by a vote of 37 to 14, and was sent to the house where it was passed at midnight, May 22—157 ayes to 100 noes. While the bill was on its passage in the senate, Charles Sumner of Massachusetts made a speech in which he said:

"Sir, the bill which you are about to pass is at once the worst and the best bill on which Congress ever acted. . . . It is the worst bill, inasmuch as it is a present victory for slavery. . . . It is the best bill on which Congress ever acted, for it annuls all past compromises with slavery, and makes future compromises impossible. Thus it puts freedom and slavery face to face and bids them grapple. Who can doubt the result.

"Thus, sir, now standing at the very grave of freedom in Nebraska and Kansas, I lift myself to the vision of that happy resurrection, by which freedom will be secured, not only to these Territories, but everywhere under the national government. . . . Sorrowfully I bend before the wrong you are about to commit; joyfully I welcome all the promises of the future."

In the light of subsequent events these words seem prophetic. Had the Territory of Kansas been organized under the Hall or the Richardson bill, the great civil war, with all its dire consequences, might have been postponed for years. But the aggres-



siveness of the slave power forced the issue, and the world knows the result.

On May 30, 1854, President Pierce approved the Kansas-Nebraska bill, and the lands recently purchased from the various Indian tribes were thrown open to settlement. Regarding these treaties, Greeley, in his *American conflict*, says: "These simultaneous purchases of Indian lands by the government, though little was known of them elsewhere, were thoroughly understood and appreciated by the Missourians of the Western border, who had for some time been organizing 'Blue Lodges,' 'Social Bands,' 'Sons of the South' and other societies with intent to take possession of Kansas in behalf of Slavery."

Doctor Stringfellow, in his testimony before the congressional investigating committee two years later, stated that the purpose of the Kansas-Nebraska bill was to make Kansas a slave state, and that the president and those appointed to carry out its provisions so understood. Senator Douglas, the champion of the bill, denied that this was the object of the measure. He declared that the purpose of the bill was simply to take from congress the power to regulate the domestic affairs of the states, leaving all such questions to the people themselves. However this may be, as soon as it was definitely known that the Kansas-Nebraska bill had become a law hundred of Missourians crossed the border into Kansas, selected claims, held squatter meetings, and returned to Missouri.

At one of these meetings they passed resolutions declaring that protection would be given to no abolitionist as a settler of the territory; recognizing the institution of slavery as already existing in Kansas, and advising slave-holders to bring their property into the territory as soon as possible. Slavery was actually introduced by Rev. Thomas Johnson, the head of the Shawanese mission. Johnson has been described as "vulgar, illiterate and coarse." When he took charge of the mission, it was declared that he was "not worth a blanket" but that he got rich off the Shawanese through the cessions of several thousand acres of land given to the mission.

But, while the pro-slavery advocates were thus at work, the free state men were not idle. April 26, 1854, the Massachusetts legislature passed an act incorporating the Massachusetts Emigrant Aid Society, with a capital not exceeding five millions of dollars, the object of the society being to assist emigrants in settling up the West.

Emigrant aid societies were organized in several others of the





Northern and Eastern states. Among them were the American Settlement Company, of New York City, with Theodore Dwight as secretary; the New York Kansas League; the Vegetarian Settlement Company, etc. But the greatest of all, and the only one that endured to the end of the conflict, was the New England Emigrant Aid Company, organized in June, with Amos A. Lawrence, J. M. F. Williams and Eli Thayer, trustees, and Dr. Thomas H. Webb, secretary. The active agents of the society, were in the order of appointment, Dr. Charles Robinson, S. C. Pomeroy, William B. Spooner, J. M. F. Williams, Eli Thayer, Dr. S. Cabot, Jr., R. P. Waters, Dr. LeBaron Russell, Charles J. Higginson and Edward Everett Hale. This society advertised emigration at "wholesale prices," and one-half the saw mills in Kansas, located during the first years of settlement, were taken to the territory by its capital.

These societies naturally aroused the opposition of the pro-slavery element. When the first free state emigrants arrived in Kansas, the pro-slavery men of Westport, Mo., met, formed an association, and resolved: "That this association will, whenever called upon by any of the citizens of Kansas Territory, hold itself in readiness together to assist in the removal of any and all emigrants who go there under the auspices of the Northern Emigrant Societies." The association, in the hope that a formidable display of opposition might deter the free state men from trying to effect settlements in Kansas, also called upon the citizens of other counties along the border to organize similar associations and pass similar resolutions.

The proximity of Missouri, a slave state, gave the pro-slavery men an advantage which they were not slow to utilize. June 13, 1854, the Leavenworth Town Company was organized at Weston, Mo., with Major Macklin of the U. S. Army, Amos Rees and L. D. Bird, trustees. The Atchison Town Company was formed on the 27th of July, with Peter T. Abell, president; J. H. Stringfellow, secretary, and James N. Burnes, treasurer, though the first sale of lots did not take place until September.

Although the pro-slavery men were thus the first to locate town sites and pre-empt claims, they were not the first to establish a permanent settlement. The New England Aid Society sent Charles Robinson and Charles H. Branscomb to the territory to select a site for the first colony of eastern immigrants. They selected the place where the city of Lawrence now stands, and on the 14 of August the first company of thirty arrived, and began



the first rude structures in the future city.\* A second party of one hundred and fourteen came in September, among them being Doctor Robinson and S. C. Pomeroy.† By the close of the year free state settlements had been made at Manhattan, Grasshopper Falls and Topeka, the foundations of the last named being laid on the 5th of December by Col. C. K. Holliday, M. C. Dickey, F. W. Giles, and others.

Both side early established newspapers in the territory. On September 15, the first issue of the *Leavenworth Herald*, a pro-slavery paper, made its appearance. It was printed under a large elm tree, no building having yet been erected for its accommodation. A month later, October 15, the *Kansas Tribune*, of Lawrence, a free-state paper, appeared. The first number of this paper was printed in Ohio, though the matter was prepared in Kansas by the editor, John Speer. October 21, the first number of the *Herald of Freedom*, another free-state paper, was published at Wakarusa, by G. W. Brown & Co. It was printed in Pennsylvania, but the second number was printed at Lawrence January 6, 1855. The first number announced the arrival, on the 6th of September, of Charles H. Branscomb, with another company of more than a hundred persons.

While the free-state men were thus depending upon actual settlers to determine the fate of Kansas, the pro-slavery settlements languished. The advocates of slavery relied upon enough votes coming over from Missouri to control the elections, when the time came to ask for admission as a state. Actual settlements were therefore not necessary to their purpose, and, though they had been prompt to secure some of the best town sites, their energy was of short duration. They preferred the intimidation of Abolitionists and the fraudulent control of elections to the work of developing the resources of the new territory. If Kansas could be admitted as a slave state, no matter what the means used to accomplish such an end, the resources could be developed by slave labor under the lash of the overseer.

Meantime the territorial government was taking form. In June commissions were issued to Andrew H. Reeder, of Pennsylvania, as governor; Daniel Woodson, of Virginia, as secretary;

\*The settlement was at first called Wakarusa. October 6, the town was named Lawrence, in honor of Amos A. Lawrence, one of the prominent members of the Aid Society.

†Mr. Robinson met the first party in St. Louis, and also conducted the second party from St. Louis to Lawrence. He was the first local agent of the New England Emigrant Aid Company and the first president of the Lawrence town site association.



Samuel D. Lecompte, of Maryland, as chief justice;\* Saunders W. Johnston, of Ohio, and Rush Elmore, of Alabama as associate justices; Israel B. Donalson of Illinois, as United States marshal, and Andrew J. Isacks, of Louisiana, as United States district attorney. On July 7, the oath of office was administered to Governor Reeder, at Washington, by Peter V. Daniel, one of the justices of the United States supreme court. He set out for Kansas from his Pennsylvania home about the 1st of October, and on the 7th arrived at Leavenworth, where he established a temporary executive office.

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\*Madison Brown, of Maryland, was first appointed chief justice, but declined. Judge Lecompte of the same state was then appointed.



## CHAPTER II

## The Border War

ANDREW HORATIO REEDER, the first territorial governor of Kansas, was born at Easton, Penn., July 12, 1807.

After an academic training at Lawrenceville, N. J., he studied law and was admitted to the bar. As a lawyer he was distinguished for energy, integrity and intelligence. Although an active Democrat he was not a candidate for the position of governor of Kansas when appointed by President Pierce in 1854. In July, 1855, Jefferson Davis, then secretary of war, secured his removal on the grounds that he was engaged in land speculation, and was using his office to further the interests of some of his private schemes. At the election in October, 1855, he was the free-state candidate for delegate to congress, and although he received a majority of the votes was not seated. An arbitrary warrant for his arrest was issued in May, 1856, by the opposing faction, while he was with the congressional investigating committee; but he escaped in the disguise of a woodchopper and made his way to Alton, Ill. From there he returned to Pennsylvania. In 1856 he supported John C. Fremont for the presidency, and in 1860 was mentioned as a candidate for vice president on the Republican ticket. When the civil war broke out, he was appointed brigadier general by President Lincoln, but declined the honor. He died at Easton, Penn., July 5, 1864.

About ten days after his arrival at Leavenworth, Governor Reeder, accompanied by Judges Johnston and Elmore and Marshal Donalson, started upon a tour of examination through the territory. Among the places visited were Lawrence, Fort Riley and Council Grove, at all of which the governor and his party were cordially received. They returned to Leavenworth, Novem-





ber 7, and the next day Governor Reeder divided the territory into sixteen election districts. On the 10th he issued a proclamation, calling an election for November 29, at which a delegate to congress was to be selected.

The pro-slavery men insisted upon an election of members to a territorial legislature, at the same time; but the governor called attention to the organic act, which provided for the taking of a census before an election of a legislature, and announced his determination to carry out the provisions of the law. This was the beginning of the rupture between the governor and the pro-slavery men, that ended in his removal the following summer. The pro-slavery candidate for delegate was John W. Whitfield, while the free-state men divided their strength between two candidates, John A. Wakefield and R. P. Flenneken. Whitfield received 2,258 votes; Wakefield, 248, and Flenneken 305.

During the short campaign the policy of the pro-slavery forces was made plain. David R. Atchison, United States senator from Missouri, was the most out-spoken of all the pro-slavery advocates, and soon became the acknowledged leader of the movement. He was about the same age as Governor Reeder, having been born August 11, 1807, in Fayette county, Ky. After graduating from the Transylvania University and attending the Lexington law school, he settled in Clay county, Mo. He served several terms in the Missouri legislature, was judge of the Platte county circuit, and in 1844 was elected to the United States senate. In a speech in Platte county, Mo., in the early part of November, 1854, he said:

"The people of Kansas, in their first elections, will decided the question whether or not the slave-holder is to be excluded, and it depends upon a majority of the votes cast at the polls. Now, if a set of fanatics and demagogues a thousand miles off can afford to advance their money and exert every nerve to abolish the Territory and exclude the slaveholder, when they have not the least personal interest, what is your duty? When you reside in one day's journey of the Territory, and when your peace, your quiet, and your property depend on your action, you can, without an exertion, send five hundred of your young men who will vote in favor of your institutions. Should each county in the state of Missouri only do its duty, the question will be decided quietly and peaceably at the ballot-box. If we are defeated, then Missouri and the other Southern states will have shown themselves recreant to their interest, and will deserve their fate."

The border Missourians accepted the cue given them by their



chosen leader, and on election day hundreds of them were at the polls in Kansas to vote for Whitfield. Weapons were freely displayed, abolitionists were threatened, but no one was hurt, the object being more to intimidate than to injure the free state men. A congressional investigating committee afterward reported that, of the 2,833 votes cast, more than 1,700 were illegal. But as General Whitfield received a plurality of the legal votes, he was allowed to retain his seat until the end of the term, which was March 4, 1855.

A census was ordered taken in January, 1855, and was completed on the last day of February. It showed a population of 8,501, of whom 2,905 were voters. Based upon this enumeration, Governor Reeder divided the territory into eighteen districts, and on the 8th of March issued a proclamation ordering an election to be held on the 30th for members of the first territorial legislature.

The frauds perpetrated at the first election were repeated at this, but on a larger scale. At nearly all the election precincts armed men from Missouri took possession of the polls, removed the election judges appointed by Governor Reeder, and conducted the election to suit themselves. About a thousand, under the leadership of Claiborne F. Jackson and Samuel Young, came to Lawrence. Besides the arms borne by individuals, this party had two pieces of artillery, loaded with musket balls. Finding that such a large force was not necessary to control the situation at Lawrence, the leaders sent squads here and there to other voting places.

The census taken in February showed a voting population of 2,905, but at this election 6,318 votes were cast. Of these 4,908 were afterward declared illegal. In the first, second, third, seventh, eighth and sixteenth districts, the frauds were so palpable that election certificates were refused those receiving a majority of the votes, and on the 16th of April Governor Reeder issued an order for a special election, to be held May 22, to fill the vacancies. At the same time he ordered the legislature to meet at the town of Pawnee, near Fort Riley, on the first Monday in July. By these two orders the governor so widened the breach between himself and the pro-slavery men that it became irreparable. Charges against him were lodged with the president, and his removal was demanded. To meet these charges he went to Washington and explained everything to President Pierce's satisfaction. The president, however, asked him to resign in the interests of party harmony, offering him a foreign appointment



as an inducement, but the governor refused to entertain the proposition.

A stone building, forty by eighty feet, two stories high and well fitted up, had been erected by the Pawnee Town Company for a territorial capitol. The legislature met in this building July 2, and the governor removed his office to the new capitol. This first legislature consisted of a council of thirteen members and a house of representatives of twenty-six. The members of the council were: Thomas Johnson, R. R. Rees, John W. Forman, A. M. Coffey, D. Lykins, W. P. Richardson, H. J. Strickler, L. J. Eastin, D. A. N. Grover, William Barbee, John Donalson, A. McDonald and E. Chapman. In the organization of the council Thomas Johnson, superintendent of the Shawanese mission, was elected president, John Halderman, chief clerk and C. B. Whitehead, sergeant at arms.

The members of the house were as follows: J. M. Banks, J. P. Blair, O. H. Browne, D. L. Croysdale, H. B. C. Harris, W. A. Heiskell, S. D. Houston, Alexander S. Johnson, R. L. Kirk, F. J. Marshall, W. G. Mathias, M. W. McGee, H. D. McMeekin, A. Payne, Samuel Scott, W. H. Tebbs, A. B. Wade, G. W. Ward, T. W. Waterson, Jonah Weddle, James Whitlock, Samuel A. Williams, Allan Wilkinson, H. W. Younger, J. H. Stringfellow, and J. C. Anderson.

J. H. Stringfellow, editor of the *Squatter Sovereign*, was elected speaker, James M. Lyle, chief clerk, and T. J. B. Cramer, sergeant at arms. Governor Reeder's message was read on the 3d, the free-state members were unseated on the 4th, and on the 6th both branches passed an act over the governor's veto, to remove the seat of government to the Shawanese Mission, near the Missouri state line. The legislature then adjourned to meet in the Manual Labor school building at the Shawanese Mission on the 16th of July. When the legislature reassembled at the appointed time, Governor Reeder sent a second message to it in which he said:

"It seems, then, to be plain, that the Legislature are now in session, so far as the place is concerned, in contravention of the act of Congress, and where they have no right to sit, and can make no valid legislation. Entertaining these views, I can give no sanction to any bill that may be passed; and if my views are not satisfactory to the Legislative Assembly, it follows that we must act independently of each other."

Upon the reading of this message both branches of the legislature united in a memorial to the president to remove Governor



Reeder, but the removal was made before the president received the memorial, and was officially announced on the last day of July. The governor had received notice through the secretary of state, on the 16th of July, of the president's intention to remove him, the reason assigned being the irregular purchase of public lands. John L. Dawson, of Pennsylvania, was offered the appointment as Governor Reeder's successor; but declined it, and Secretary Woodson became acting governor.

The legislature adjourned August 30, after adopting a code of laws for the government of the territory. The basis of this code was the statutes of Missouri, but a number of "black laws" had been added that rivaled in severity the edicts of a Chinese emperor. For examples: It was made a criminal offense for free-state men to organize; only pro-slavery men could hold office; and assisting slaves to escape was punishable with death.

Notwithstanding that it was made unlawful for free-state men to organize, the work of organization went on. Frequent meetings were held, at all of which the recent assembly was denounced as a "bogus legislature," and absolute contempt for its enactments was expressed. At one of these meetings, held at Lawrence August 14, there was adopted a resolution calling for the election of delegates from each election district to meet at Topeka, September 19, "to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State Constitution, etc." A call for a general free-state convention to meet at Big Springs, in Douglas county, on the 5th of September for the purpose of organizing a free-state party was also issued. At the appointed time about one hundred delegates gathered at Big Springs, all political parties being represented, but all being in favor of the admission of Kansas as a free-state. The resolutions adopted were prepared by Gen. James H. Lane and ex-Governor Reeder, and were afterward known as "Big Springs platform." In these resolutions plain English was used. The admission of Kansas as a free-state was demanded; the "bogus legislature" was denounced as a "foreign body representing only lawless invaders;" and it was declared that the people of Kansas owed no allegiance or obedience to its tyrannical enactments. The convention declined to join with the pro-slavery men in the election of a delegate to congress on the 1st of October, but decided to hold an election of their own on the 9th, and on that date nominated A. H. Reeder as a candidate.

Accordingly, two elections were held. On the 1st the pro-slavery men cast 2,721 votes for J. W. Whitfield, only 17 scat-





tering votes being recorded in opposition. Ex-Governor Reeder received 2,849 votes at the election on the 9th, no votes being cast against him. The contest was carried to Washington, where congress refused to recognize either as delegate, which act left the territory without representation until the succeeding autumn.

The Topeka convention, of September 19, ordered an election of delegates to a constitutional convention to meet at Topeka on the 23d of October. The election occurred October 9, and the free-state committee issued a proclamation on the 16th, declaring the following named delegates elected: Samuel Mewhinney, William Graham, G. W. Smith, J. H. Lane, J. K. Goodin, C. Robinson, J. S. Emery, Morris Hunt, J. A. Wakefield, A. Curtiss, J. M. Tuton, H. Burson, C. K. Holliday, W. Y. Roberts, P. C. Schuyler, J. H. Pillsbury, James Phenix, Doctor Burgess, N. Vander, W. T. Turner, James McArthur, W. T. Morris, O. C. Brown, Richard Knight, F. Brown, H. Smith, W. G. Nichols, Robert Klotz, A. Hunting, M. F. Conway, Z. G. Thompson, George S. Hillyer, J. Whitney, Robert Riddle, M. J. Parrott, Matt France, S. N. Latta, D. Dodge, M. W. Delahay, G. A. Cutler, John Landis, C. W. Stewart, B. W. Field, R. H. Crosby, Caleb May, Sanford McDaniel, and James S. Sayle. The convention organized by the election of James H. Lane, president, and Samuel C. Smith, secretary. It adjourned on the 11th of November, after having adopted a constitution which was submitted to a vote of the people on the 15th of December. Section six in the "Bill of Rights" provided that, "There shall be no slavery in this State, nor involuntary servitude, unless for the punishment of crime." This constitution was ratified by the people by a vote of 1,731 to 46, the pro-slavery men refusing to vote, though at Leavenworth they broke into the voting place and carried off the ballot-box. The Topeka government, established under this constitution, never became effectual, because it was not recognized by congress.

While these events were transpiring, Wilson Shannon, of Ohio, had become governor of the territory. His commission was issued August 10, and he took the oath of office before acting Governor Woodson on the 7th of September and entered upon the duties of the position.

Wilson Shannon was born at Belmont, O., February 24, 1802. He was educated at the Ohio University at Athens, and made his first appearance in public life in 1832, when he was nominated for congress by the Democrats, but was defeated by thirty-seven votes, his opponent being Gen. James M. Bell. In



1838 he was elected governor of Ohio, but was defeated for re-election by Tom Corwin two years later. In 1844 he was appointed minister to Mexico by President Tyler, and upon the expiration of his term led a gold-seeking party to California. The undertaking was not successful, and he returned to Ohio. He was again elected to congress in 1852, and after serving one term was appointed governor of Kansas. He resigned at the expiration of a year, though he continued to reside in Leecompton, where he engaged in the practice of law. He died there August 30, 1877.

Governor Shannon was a strong pro-slavery man. As a member of congress he had voted for the Kansas-Nebraska bill; he accepted the acts of the first territorial legislature as legal and pledged himself to their enforcement; and soon after becoming governor he presided at a "Law and Order" convention at Leavenworth, where emigrant aid societies were denounced as treasonable organizations and the Topeka constitution was declared unworthy of consideration. This meeting endorsed the repeal of the Missouri Compromise, and issued an address to the people, calling upon them to unite with the "Law and Order" party for the expulsion of abolitionism from Kansas. The free-state people had defined their position in the Big Springs platform. By this pro-slavery convention, which was held November 14, the issues were clearly drawn, and the contest began in earnest.

The name "Border Ruffian" originated at the time of the election in March, 1855. Immediately after this election the northern press teemed with accounts of outrages committed; the emigrant aid societies issued appeals for volunteers; hundreds answered the call and went to the relief of "Bleeding Kansas." All through the spring and summer of 1855, emigrants from the free states poured into the territory. Along the roads could be seen trains of prairie schooners, westward bound, and frequently could be heard, to the air of Auld Lang Syne, Whittier's Kansas Emigrant's Song, beginning:

"We cross the prairies as of old  
The pilgrims crossed the sea,  
To make the West, as they the East,  
The homestead of the free."

This steady influx of immigration opened the eyes of the pro-slavery men to the fact that the fight was to a finish; and clashes between adherents of the two contending forces were frequent. Sometimes these encounters proved fatal. In April Malcolm



Clark, a pro-slavery man, was killed at Leavenworth by a free-state enthusiast named McCrea. In May a pro-slavery mob tarred and feathered William Phillips, a Leavenworth lawyer, because he had sworn that frauds were committed at the election on the 30th of March. In August Rev. Pardee Butler, a free-state man, was turned adrift on the Missouri river at Atchison, on a raft of two logs. His baggage and a loaf of bread were given him, while attached to the raft were flags bearing such mottoes as: "The way they are served in Kansas," "Let future emissaries of the North beware," "Our hemp crop is sufficient to reward all such scoundrels," etc. Butler's offense was speaking too freely and refusing to sign a series of resolutions adopted at a pro-slavery meeting a short time before. Toward the latter part of October Samuel Collins was killed at his saw-mill near Doniphan, by Patrick Laughlin and three or four armed associates. News of these outrages spread rapidly through the free states, keeping the excitement at fever heat.

Matters culminated in an open outbreak in November. Charles W. Dow, a free-state settler at Hickory Point, ten miles south of Lawrence, was killed by Franklin N. Coleman, a pro-slavery man. Dow's body was left lying in the road until his free-state friends took charge of it and gave it decent burial, while Coleman immediately fled the country. At the funeral of Dow, November 21, the free-state men determined to find the murderer and bring him to justice. That night Coleman's cabin was burned, as well as the cabin of one of his friends named Buckley. One of the free-state men who took an active part in all these proceedings was Jacob Branson, the man with whom Dow had lived. Buckley "swore his life" against Branson. On the night of the 22d, Branson was arrested by Sheriff Jones, who was really a resident of Westport, Mo., though he held the appointment of the "bogus legislature" as sheriff of Douglas county. But the free-state men were on the alert. As the sheriff and his posse were returning to Leecompton with their prisoner, they were met by a party of free-state men, who released Branson from custody. Jones hurried to Franklin, from which place he sent a messenger to Governor Shannon with the information that a rebellion had broken out, and asked for three thousand men to assist him in carrying out the laws. Governor Shannon ordered Gen. W. P. Richardson of the territorial militia to collect as large a force as he could in his district and to report as quickly as possible to S. J. Jones, sheriff of Douglas county. Adjutant General Strickler received a similar order. A procla-



mation calling upon all loyal citizens to aid in enforcing the laws and restoring peace was also issued by the governor.

It was now November 27. Two days later the pro-slavery forces began to collect at Franklin, four miles east of Lawrence, near the mouth of the Wakarusa river. Besides the territorial militia under General Richardson, there was a large force of border ruffians from Missouri under Sheriff Jones. On the same day the free-state men of Lawrence decided to form a military organization for the defense of the town. Dr. Charles Robinson was elected commander-in-chief, and Gen. James H. Lane was made second in command. As soon as it was known that a movement of this kind was on foot, free-state men flocked to the Lawrence standard, and in a little while eight hundred men were enrolled, among them being John Brown and four of his sons. When Sheriff Jones learned of the situation at Lawrence, he notified the governor that a thousand men were under arms there, and asked that the Federal troops at Fort Leavenworth be added to his forces to overawe the citizens. But Colonel Sumner, in command at the fort, refused to move until he received orders from Washington. Before these orders could be communicated, the free-state men at Lawrence sent a special messenger to Governor Shannon, with a letter giving their side of the story. Up to this time the governor, relying chiefly upon information furnished by his pro-slavery friends, had looked upon the free-state men as a set of illiterate, lawless vagabonds. But the letter was in such terms of respect for the law, and bore such evidences of truth, that he determined to investigate a little for himself. He promised the free-state messenger that he would do all he could to prevent bloodshed, and on the 5th of December went to the camp of Sheriff Jones at Franklin. When he saw what kind of men the sheriff had secured from Missouri, he ordered them to disband and return to their homes. On the 7th the governor visited Lawrence, where, on the 8th, a treaty of peace was made and signed by the governor, Doctor Robinson and General Lane. The next day Governor Shannon returned to the pro-slavery camp and ordered the forces there to disband. Thus ended the "Wakarusa War."

Among the defenders of Lawrence was a young man named Thomas W. Barber. It is said that his wife begged him not to go to Lawrence, having a presentiment that some harm would befall him. He only laughed at her fears and joined the free-state forces. December 6, finding that the trouble was likely to be adjusted through the efforts of Governor Shannon, he, with





his brother and another man, left Lawrence for home. About four miles southwest of Lawrence they met a pro-slavery party on the way to Jones' camp. Two of the number detached themselves from the party and rode forward to meet the Barbers and their associate. One of these two was George W. Clarke, the Pottawatomie Indian agent. After a few words with the free-state men, Clarke drew a pistol and shot Thomas Barber through the body. The wounded man rode a short distance after being shot, when his brother assisted him to dismount, and soon after he breathed his last. Of all the murders committed in Kansas during the border difficulties, none was more brutal or unprovoked than that of young Barber. Whittier wrote a poem on the event, and the county of Barber bears his name.

After the adoption of the Topeka constitution, December 15, 1855, the free-state men proceeded to form a state government according to its provisions. January 15, 1856, an election of state officers and members of a legislature was held. At this election Dr. Charles Robinson was chosen governor, and W. Y. Roberts, lieutenant governor. The legislature met on the 4th of March, listened to Governor Robinson's message, elected James H. Lane and A. H. Reeder United States senators, prepared a memorial to congress asking admission into the Union, appointed three commissioners to draft a code of laws, and then adjourned until the 4th of July, to await the action of congress. The Topeka constitution was submitted to the United States senate, March 24, by Lewis Cass of Michigan, and a few days later was presented in the house by Daniel Mace of Indiana. The memorial asking for admission was also presented in both houses. On the 3d of July a bill for the admission of Kansas passed the house by a vote of 99 to 97, but it was lost in the senate.

On January 24, President Pierce, in a special message to congress, recognized the legality of the "bogus legislature," and referred to the Topeka government as being revolutionary and rebellious. He asked congress to pass an act authorizing the people of Kansas to hold a constitutional convention. Encouraged by this attitude of the president, the grand jury of Douglas county indicted Doctor Robinson, ex-Governor Reeder, General Lane, and a number of other free-state leaders, for treason. Warrants for their arrest were placed in the hands of United States Marshal Donalson.

On March 19, the lower house of congress appointed a committee to investigate Kansas affairs. This committee was made



up of William A. Howard, of Michigan, John Sherman, of Ohio, and Mordecai Oliver of Missouri. They arrived at Lawrence on the 18th of April and soon began their investigation. While ex-Governor Reeder was with this committee at Tecumseh, he was summoned to appear before the Douglas county grand jury, then sitting at Lecompton. He ignored the summons. The next day, May 8, the committee met at Lawrence. Deputy United States Marshal W. T. Fain appeared there with a writ of attachment for Reeder for contempt of court. Reeder insisted that he was privileged from arrest, and defied the officer to arrest him. That night he went to Kansas City, where he remained in hiding for twenty-four hours and then escaped down the river, disguised as a laborer.

Doctor Robinson was arrested at Lexington, Mo., while on his way east in the interests of the free-state cause. He was taken back to Lecompton, where he was kept a prisoner till September 10, when he was released on bail. While he was in jail, Mrs. Robinson went east, where, by lecturing on the Kansas situation, she secured a great deal of assistance for the free-state movement.

Although the treaty of peace at Lawrence quieted affairs and caused the withdrawal of the threatening forces recruited from Missouri, Sheriff Jones still held the warrants for the arrest of the rescuers of Branson, which he hoped to execute at his earliest opportunity. The principal leaders of the rescue had absented themselves from the town, but Jones was ready, on the slightest pretext, to wreak his vengeance on Lawrence for which he had a violent hatred. His opportunity soon came.

On the 19th of April he tried to arrest S. N. Wood, one of the rescuers of Branson who had recently returned from the East, but Wood refused to recognize Jones' authority. Jones then attempted to take him by force, but failed. The next day he made a second effort, this time calling upon a number of citizens to assist. Like Wood, they refused to recognize Jones as an officer and paid no attention to his summons. On the 23d he again appeared on the scene with a detachment of United States troops. The lieutenant in command read a letter from Colonel Sumner announcing that the soldiers were sent to aid Jones in making arrests. Several of those he had called upon to assist him on the 20th were arrested without resistance. That night, while waiting to arrest Wood, Jones was shot and wounded, but not seriously. This attempt upon his life filled Jones with a desire to punish the people of Lawrence, though



at a public meeting next day the shooting was condemned. Circumstances about this time played into the hands of the sheriff. After the escape of Reeder the United States marshal issued a proclamation, declaring the citizens of Lawrence guilty of resisting the execution of judicial writs, and calling upon law-abiding citizens to assemble at Leecompton to aid in enforcing the laws. Large numbers of these "law-abiding citizens" came from Missouri, and within a week after the proclamation a pro-slavery force of about eight hundred men, with four pieces of artillery, was camped before Lawrence. When the marshal issued his proclamation, the people of Lawrence held a meeting, denied that they were anything but law-abiding citizens and appealed to the governor for protection. Governor Shannon sent this reply to the Lawrence committee:

"There is no force around or approaching Lawrence, except the legally constituted posse of the United States Marshal and the sheriff of Douglas county, each of whom, I am informed, has a number of writs for execution against persons now in Lawrence."

Receiving no encouragement from the governor, the committee next appealed to the marshal and to Colonel Sumner to stop the depredations of the pro-slavery army gathered about the town. But no relief was granted. As a last resort it was determined to organize for the purpose of resisting any invasion of the mob. A new committee of safety was appointed, but before arrangements for the defense of the town could be completed the invasion came. On the morning of May 21, Deputy Marshal Fain drove into Lawrence and without resistance arrested George W. Smith and George W. Deitzler on writs from the United States district court. Having made these arrests he dismissed the marshal's posse, which at once joined the forces of Sheriff Jones. In the afternoon Jones and his posse, all armed to the teeth took possession of Lawrence. The Free-State hotel and the offices of the *Herald of Freedom* and the *Kansas Free State*, the two free state papers, were destroyed. The printing presses were broken in pieces, and the type was thrown into the river. Residences were pillaged; stores were broken open and robbed; and Doctor Robinson's house was burned to the ground, after which the mob withdrew. More than one hundred fifty thousand dollars worth of property was stolen or destroyed on this occasion.

The sack of Lawrence marks the beginning of the "Border War." Before that time a large majority of the free-state men



had advised conservative methods. Even after the city had been plundered by the pro-slavery mob, the leaders looked with disapproval on anything like a retaliation that involved a violation of law. But forbearance was no longer a virtue with the free-state men. Hardly had the roar of the cannon that battered down the walls of the Free-State hotel ceased to reverberate over the prairies, than bands of free-state men assumed the aggressive and began the persecution of pro-slavery settlers. John Brown, hearing of the threatened attack on Lawrence, started with the Pottawatomie Rifles to the relief of the town. The company was commanded by his son but marched in two divisions, Brown, the elder, leading the second division. When within about thirty miles of Lawrence they learned that Lawrence had been sacked by the enemy, whereupon they returned toward Osawatomie. On the way back Brown took his four sons and three others and, separating from the main body, went on a little expedition of his own. That night, May 24, five pro-slavery men living on Pottawatomie creek, in Franklin county, were called out of their homes and killed. They were William Sherman, usually called "Dutch Henry," Allen Wilkinson, James P. Doyle and his two sons. The killing of these men is known as the "Pottawatomie Massacre." It was not definitely known for several days afterward that Brown and his men did the deed. On the 27th a non-partisan meeting was held, the murders were denounced, and resolutions in which the citizens pledged themselves to oppose such a course on the part of either side, were adopted.

But "Old John Brown" cared nothing for resolutions or pledges. His mission was to fight. On the 2d of June, H. C. Pate, a deputy United States marshal, with a posse of about seventy-five Missourians, made a raid upon the little town of Palmyra (now Baldwin City), and took several free-state men prisoners. From Palmyra he started for Prairie City to capture John Brown. Three miles from Prairie City he found Brown with a force of twenty-five men waiting in a grove of blackjack oaks for his coming. In the fight that ensued Pate and twenty-eight of his men were taken prisoners. The rest escaped to Missouri. Because of the place where this engagement occurred, it has been called the battle of Black Jack.

Two attacks were made by the free-state men on the town of Franklin, situated five miles east of Lawrence, and a rendezvous for pro-slavery men. The first was on the night of June 5. Owing to the darkness the plans were not carried out, and but





little was accomplished, aside from the capture of the military stores. The second attack was made August 12, and was more successful. The garrison was smoked out of the blockhouse with a wagon load of burning hay, and forced to surrender. One cannon, fifty muskets, and a supply of ammunition were captured. Other victories for the free-state men were the capture of "Fort Saunders," twelve miles southwest of Lawrence, where a force of Georgians were quartered, and that of "Fort Titus," a short distance south of Lecompton. This "fort" was really the residence of Col. H. T. Titus, fortified as a place of defense. It was taken August 16, by a company of free-state men under Capt. Samuel Walker. A quantity of supplies and a garrison of twenty men were captured, and the house was burned.

Oswatomic was twice attacked by pro-slavery men. The first time no opposition was encountered, and a force led by John W. Whitfield, the pro-slavery delegate to congress, plundered the town. The second assault was made August 30 by a force of two hundred and fifty or three hundred Missourians under the command of Gen. John W. Reid. This time the place was defended by John Brown and forty-one men. Although outnumbered eight to one, the free-state men made a good fight, killing one and wounding several of their assailants. The free-state loss was four killed, among them being Frederick Brown, a son of John Brown. He was killed by a preacher named Martin White. All the houses except four were burned.

In June the Missouri river was closed against free-state immigrants. Bands of border ruffians stopped steamboats and robbed and sent back all free-state men on their way to Kansas to settle. This led to the opening of the "Iowa route," sometimes called "Jim Lane's trail." When the warrant was issued for his arrest, early in the spring, General Lane was in the East. Instead of coming back to the Territory and giving himself up to the authorities, he gathered a party of four hundred immigrants and brought them into Kansas by the overland route through Iowa and Nebraska. A line of forts or stations was established along this route, and, while the river was closed, hundreds of immigrants came into Kansas by way of "Jim Lane's trail."

In June Governor Shannon went to St. Louis, leaving Secretary Woodson in charge of territorial affairs as acting governor. The Topeka legislature, it will be remembered, adjourned in March to meet again on the 4th of July. Before leaving the Territory, Governor Shannon ordered Colonel Sumner to pre-



vent the legislature from sitting. After his departure Woodson issued a proclamation forbidding the legislature to assemble. Both houses met at noon on the 4th. Colonel Sumner and Captain Cooke drew up their troops and placed their artillery in a position to command the state house. The colonel visited first the house, then the senate, and commanded them to disperse, explaining that he was acting under orders from the governor of Kansas and President Pierce. The legislature obeyed the order, and this was practically the end of the Topeka government.

On August 21, Governor Shannon was notified that his resignation, tendered some time before, had been accepted. One of his last official acts was to secure a treaty of peace between the warring factions. By this treaty prisoners were to be released, and bodies of armed men were to be disbanded, only United States troops to be used to preserve order. This treaty was disapproved by the pro-slavery leaders. As soon as Woodson again became acting-governor, it was set aside, and the persecution of free-state men was worse than ever before. Free-state newspapers were suppressed; free-state settlers were plundered without compunction; hundreds of free-state men gave up hope and left the Territory. This period, from the resignation of Shannon to the coming of his successor, has been not inaptly called the "reign of terror."

John White Geary, the third territorial governor of Kansas, was born in Westmoreland county, Penn., December 30, 1810. As a boy he attended an academy conducted by his father, and in 1811 graduated from Jefferson college at Canonsburg, Penn. From the time of his leaving school until the beginning of the Mexican war, he was engaged in teaching school and in civil engineering. When the war broke out he raised a company, known as the "American Highlanders," that was assigned to the Second Pennsylvania regiment and fought with General Scott. At the City of Mexico Geary distinguished himself and was made lieutenant colonel. In 1849 he went to California. He was for awhile postmaster at San Francisco—appointed by President Polk—was the first mayor of that city, and was also a member of the first constitutional convention of California. In 1853 his wife died and he returned to Pennsylvania. In July, 1856, he was appointed governor of Kansas, but resigned when Buchanan was elected. When Fort Sumter was fired upon in 1861, he began the formation of a regiment before a call for volunteers was made, and soon after the call



he reported to General Banks at Harper's Ferry with 1,500 men. In 1866 he was elected governor of Pennsylvania, and at the close of his term was re-elected. He died at Harrisburg, Pa., February 8, 1873.

On September 9, Governor Geary arrived at Leavenworth and spent the day in consultation with Gen. P. F. Smith, who had superseded Colonel Sumner in command of the United States troops in Kansas. The next day he went to Leecompton, and on the 11th he issued his inaugural address. In this address he outlined his policy, as the following extracts will show:

"When I received my commission I was solemnly sworn to support the Constitution of the United States, and to discharge my duties as Governor of Kansas with fidelity. By reference to the act for the organization of the Territory, passed by Congress on the 30th day of March, 1854, I find my duties more particularly defined; among other things, I am 'to take care that the laws be faithfully executed.' . . . The Constitution of the United States and the organic law of this Territory will be the lights by which I will be guided in my executive career. . . . The great leading feature of that act is the right therein conferred upon the actual and bona fide inhabitants of this Territory in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the constitution and the laws duly enacted by Congress under it. . . . Let us banish *all outside influences* from our deliberations, and assemble around our council board with the Constitution of our country and the organic law of this Territory as the great charts for our guidance and direction. The *bona fide* inhabitants of this Territory *alone* are charged with the solemn duty of enacting her laws, upholding her government, maintaining peace, and laying the foundation for a future commonwealth. . . . This great right of regulating our own affairs and attending to our own business, without any interference from others, has been guaranteed to us by the law which Congress has made for the organization of this Territory. This right of self-government—this privilege guaranteed to us by the organic law of our Territory—I will uphold with all my might, and with the entire power committed to me."

Having thus proclaimed his purpose, Governor Geary set to work to carry it out. On the same day this address was given to the public, he issued a proclamation disbanding the militia. In a letter to the secretary of State, W. L. Marcy, September 12, the governor gave the following reasons for his action: "I



have determined," said he, "to dismiss the present organized militia, after consultation with, and by the advice of General Smith, and for reasons that they are not enrolled in accordance with the laws; that many of them are not citizens of the Territory; that some of them were committing outrages under pretense of serving the public; and that they were perpetrating, rather than diminishing, the troubles with which the Territory is agitated."

At the same time he ordered the militia disbanded, the governor issued a second proclamation calling upon all free male citizens of the Territory, between the ages of eighteen and forty-five years, to enroll themselves and be in readiness to take up arms as the territorial militia according to law. Under this call Captain Walker's free-state company, of Lawrence, and the pro-slavery companies of Captains Wallace and Donalson, at Leecompton, were mustered into the United States service as part of the Kansas militia.

Some trouble in disbanding the bodies of armed men calling themselves militia companies was experienced. The day after Governor Geary arrived at Leecompton, a company of free-state men under Capt. J. A. Harvey surprised a body of pro-slavery guerrillas camped on Slough creek, in Jefferson county, and compelled them to surrender. Among the effects captured was a red flag, with a single white star in the center, and the words "South Carolina" above.\* Two days later the same company captured Hickory Point, in Jefferson county, but on the way back to Lawrence they were met by a detachment of United States troops under Col. Philip St. George Cooke. Harvey and a few of his men managed to escape; but one hundred and one were captured, taken to Leecompton and tried before Judge Cato, who committed the whole company for murder in the first degree. Twenty were afterward sentenced to five years in the penitentiary, but the sentence was never executed.

In answer to the proclamation of acting Governor Woodson, issued before the arrival of Governor Geary, armed bands of "militia" had been collecting for some days, and marching toward Lawrence. In accordance with General Lane's orders, Harvey had taken about one hundred and fifty men and with them the cannon and all of the best arms kept for the defense of Lawrence on the expedition against Hickory Point (Jefferson county), leaving the town defenseless. So that while Harvey was march-

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\*This flag floated for a little while on the *Herold of Freedom* taken at the sack of Lawrence in May. It is now in the possession of the Kansas Historical Society.





ing on Hickory Point at army of two thousand seven hundred men was moving on Lawrence. Governor Geary called on United States troops to capture Harvey and his men and sent a battalion to protect the people of Lawrence and to dispel the invaders under command of Atchison, Stringfellow, Reid, Titus and Jones.

When Governor Geary ordered General Strickler to disarm and disband the militia, and Ins.-Gen. Thomas J. Cramer to take charge of the arms, the orders were disregarded. A rumor of the intended attack on the free-state stronghold reached the governor, and he sent Theodore Adams as a special agent to reconnoiter and report. This was September 12. Late that afternoon Adams returned to Leecompton with the report that there were about 300 men six miles from Lawrence, waiting for re-enforcements, the plan being to attack on the following day. Governor Geary acted promptly. He called on Colonel Cooke, commanding the United States troops at Leecompton, to go to the defense of Lawrence.

At half past two on the morning of the 13th Colonel Cooke left Leecompton with 300 mounted men and four cannon and arrived in Lawrence about sunrise. Governor Geary accompanied the expedition. For some reason the attack was not made according to the original program, and in the afternoon Cooke and his men returned to their quarters at Leecompton.

The next morning Adams brought the news that there was a large force—probably two thousand five hundred men—camped on the Wakarusa within three miles of Lawrence. Again Colonel Cooke was called upon. Taking three hundred men and a battery, he again hurried to the relief of the menaced town. The governor ordered Secretary Woodson and General Strickler to go to the pro-slavery camp and order the men to disperse. He then proceeded to Lawrence, where he found the people in arms, Captain Cracklin in command. Instead of obeying the governor's orders to disband their army, the pro-slavery leaders decided to attack Lawrence that night. The attack was actually undertaken, but Captain Cracklin, with a portion of the company known as the Lawrence "Stubbs," gave the invaders such a warm reception that operations were postponed until morning. On the morning of the 15th Governor Geary left Colonel Cooke in command at Lawrence and went to the pro-slavery camp, at the mouth of the Wakarusa, where he found General Reid, Atchison, Whitfield, B. F. Stringfellow, Sheriff Jones, Colonel Titus, and others, with two thousand seven hundred men. The governor called the officers of this force together, had his proclamation read to them,



made a short address in which he severely reprimanded General Atchison and one or two others, and commanded the army to disperse. This time the order was obeyed. The men broke up into small parties and retired to their homes, committing petty outrages against the person and property of free-state settlers as they went. A free-state man named David C. Buffum was killed near Leecompton. Governor Geary visited the man before he died, had Judge Cato take down his statements, and did everything possible to bring the perpetrators to justice. In November Charles Hays was arrested for the murder, and was indicted by a grand jury, but was released on bail by Judge Leecompte. The governor refused to recognize the act of the court and ordered Marshal Donalson to re-arrest Hays. A week later, while the governor was absent from the capital, Leecompte released Hays on a writ of habeas corpus. Governor Geary complained to the president of this way of dispensing justice, and C. O. Harrison, of Kentucky, was appointed to succeed Leecompte. The senate failed to confirm Harrison's appointment, and Leecompte continued to serve.

The disbanding of the old territorial militia ended the Border War. For three years Kansas had been in a state of violent unrest. Everything had been subordinated to the one great issue of whether Kansas should be a free or a slave state. Crops had been neglected, and now, at the close of the summer of 1856, the people were confronted by pressing necessities, if not actual want. In this emergency an appeal was made to the charitably disposed people of the country. All over the north Kansas Aid Societies were organized; money, clothing, and other supplies were freely given; and the struggling pioneers were thus enabled to endure through the winter.

Governor Geary's courage and executive ability, not only in ending the war, but in stirring up the courts to grant a speedy trial to the free-state prisoners, were fully displayed. The prisoners who had been arrested on a charge of treason were released on bail before the governor reached the Territory. A few of these were tried and acquitted, and the rest were dismissed. A majority of the free-state men captured in the engagements during the Border War were charged with murder in the first degree and held for trial. The most of them were acquitted, though a few were convicted of manslaughter and sentenced to various terms of imprisonment. They were afterward pardoned by Governor Geary.



Albeit actual hostilities had been brought to an end, there was still much bitter feeling between the free-state and the pro-slavery men. This was seen in the election of a delegate to congress on the 6th of October. At the same time a vote on the question of calling a convention to form a state constitution was taken. Free-state men refused to vote. J. W. Whitfield was again elected delegate, receiving 4,276 votes, one-third of which were cast in Leavenworth. The proposition to hold a constitutional convention was carried by a vote of 2,592 to 454.

About a week after this election Colonel Cooke and William S. Preston, a deputy United States marshal, arrested a large party of free-state immigrants near the northern boundary as they came into the state by way of the Iowa route. S. C. Pomeroy and S. W. Eldridge were the leaders of the party, which was conducted to North Topeka by Maj. H. H. Sibley and a guard of United States dragoons. At that time some of Lane's men were on trial for murder, and it was asserted by the pro-slavery men that this body of immigrants had been sent into the Territory by Lane to effect a rescue of the prisoners. Free-state men denounced the arrest as an outrage, and the immigrants were released by order of Governor Geary. This had the effect of reopening the Missouri river to immigration, and the Iowa route was abandoned.

Another instance of lingering animosity was seen upon the assembling of the Topeka legislature, January 6, 1857. Governor Robinson was in Washington, trying to secure the passage of a bill admitting Kansas under the Topeka constitution. Lieutenant Governor Roberts was also absent. Sheriff Jones, who never lost an opportunity to harass the free-state men, took advantage of this absence of the leaders to revive the old charge of treason, and he persuaded the United States marshal to arrest some of the members. His hope was that they would resist arrest, in which case United States troops would be called to assist the marshal, and the Topeka government would be thus brought into direct collision with the federal authorities. Nothing was done on the 6th, for lack of a quorum. The next morning the legislature organized and appointed a committee to memorialize congress for the admission of Kansas under the free-state constitution. When they adjourned at noon, a deputy marshal appeared with writs from Judge Cato's court, arrested several members and took them to Tecumseh. No resistance was offered and Jones' plan fell to the ground. When the legisla-



ture met on the eighth, no quorum was present, and a recess until the second Tuesday in June was taken.

On January 12, the territorial legislature, which had been elected on the sixth of October, 1856, began its session at Lecompton. The free-state men had declined to vote at the election, hence it was not surprising that every member was a pro-slavery man. In his message Governor Geary urged the enactment of laws that would secure "equal and exact justice to all;" and asked the legislature to repeal many of the "bogus" laws, and let the people rule in everything. On February 19, the legislature passed an act authorizing the election of delegates to a constitutional convention. By the provisions of this act a census to be corrected by the probate judges in the several counties and submitted to the governor by the first of May, was to be taken April 1. The governor was then to apportion the sixty delegates among the election districts: according to this census, the election was ordered for the third Monday in June; and the convention was to meet at Lecompton on the first Monday in September. The bill was so guarded that the election machinery remained in the hands of the pro-slavery officers. Governor Geary vetoed the bill, because it made no provision for a submission of the constitution, when framed, to a vote of the people for ratification or rejection; but it was passed over his veto by an almost unanimous vote. Other vetoes shared the same fate, and the relations between the governor and the legislature became anything but harmonious. The national administration sided with the legislature, and Governor Geary found himself without power or prestige in the Territory. Under these circumstances he sent his resignation to President Buchanan, March 4, to take effect on the twentieth; but it was not known in Kansas for some time afterward. On the tenth he wrote to Secretary Woodson: "For several weeks my health has been gradually sinking, and I have had several hemorrhages of the lungs. I am convinced my life will not be long, if not properly cared for. I will be absent a few days from Lecompton."

The causes that led directly to Governor Geary's resignation grew out of the appointment of a sheriff for Douglas county. William T. Sherrard was appointed by the legislature; but the governor refused to issue a commission, because of a protest from a number of Douglas county people. An act to legalize Sherrard's appointment in spite of the governor's refusal passed the house, but the council declined to concur. While the matter was in this shape, the governor, accompanied by Doctor Githon





and Richard McAllister, went to the house of representatives. Sherrard, intending to provoke an assault, waited outside for the governor to make his appearance. In this he was thwarted by McAllister, who kept between him and the governor. Sherrard then assaulted John A. Jones, the governor's private secretary. Jones, acting in self defense, shot and killed Sherrard at a public meeting. Feeling ran high, and Governor Geary, fearing assassination, resigned; and on the same day he wrote to Secretary Woodson and quietly left the Territory never to return. In his haste to get away he neglected to order the release of the free-state prisoners whom he had pardoned.

Among the acts passed by the second legislature were those organizing the counties of Madison, Breckenridge, Dickinson, Davis, Franklin, and Coffey; locating a penitentiary at Leecompton; establishing a territorial university at Kickapoo and, naming therefor a board of governors, consisting of twenty-eight persons; and incorporating Buchanan university at Tecumseh, Breckenridge college at Lodianna, Centropolis, Haskell and Kansas colleges, the Kansas female collegiate institute, the Manhattan institute, the Wakarusa seminary, and the Leavenworth Lyceum.

On the same day that Governor Geary left Kansas (March 10), Robert K. Walker, of Mississippi, was appointed governor, and Frederick P. Stanton, of Tennessee, secretary, by President Buchanan. May 9, Governor Walker took the oath of office in Washington, before Chief Justice Taney of the United States supreme court, and a few days later set out for Kansas, arriving at Leecompton on the twenty-seventh of May.



## CHAPTER III

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### The Struggle for Admission

ROBERT J. WALKER, the fourth territorial governor of Kansas, was born at Northumberland, Penn., July 19, 1801. At the age of twenty he was graduated from the University of Pennsylvania, and soon after began the practice of law at Pittsburg. In 1826 he removed to Natchez, Miss., where he became active in politics, and ten years later he was elected to the United States senate. While in the senate he introduced the first homestead bill and a bill recognizing the independence of Texas. He strenuously opposed the United States bank charter, and the protective tariff. In 1863, as the financial agent of the government, he placed two hundred fifty million dollars of the 5-20 bonds abroad, and at the same time prevented a second confederate loan of seventy-five million dollars. He was an ardent advocate of the Pacific railroad and the purchase of Alaska. He died at Washington City, November 11, 1869.

Secretary Stanton came to the Territory a month before Governor Walker. May 20 he issued a proclamation announcing the completion of the census taken in pursuance of the act of the legislature and making an apportionment of the delegates. Nineteen free-state counties in the interior were excluded in the taking of this census, and were consequently without a vote or representation in the constitutional convention. These were called the "disfranchised" counties. The apportionment by counties was as follows: Doniphan 7; Brown and Nemaha 2; Atchison 5; Leavenworth 12; Jefferson 4; Calhoun 2; Marshall 1; Riley and Pottawatomie 4; Johnson 3; Douglas 8; Shawnee, Richardson and Davis 2; Lykins 3; Linn 3; Bourbon,



McGee, Dorn and Allen 4. At the election, June 15, only 2,200 votes were cast, the free-state men refusing to vote.

Following is a list of the delegates who signed the constitution at the close of the convention: Doniphan county—Thomas J. Key, Samuel P. Blair, James J. Reynolds, William Mathews, D. Vanderslice, and Harvey W. Forman. Brown and Nemaha—Cyrus Dolman and Henry Smith. Atchison—J. T. Hereford, Isaac S. Hascall, and James Adkins. Leavenworth—Jesse Connell, John D. Henderson, Hugh M. Moore, Jarrett Todd, Wilburn Christison, Samuel J. Kookagee, L. J. Eastin, William Walker, John W. Martin, and Greene B. Redman. Jefferson—Thomas D. Childs, Alexander Bayne, and W. H. Swift. Calhoun—Henry D. Oden. Marshall—William H. Jenkins. Johnson—G. W. McKown, Batt Jones, and J. H. Danforth. Douglas—W. S. Wells, Alfred W. Jones, O. C. Stewart, L. S. Boling, W. T. Spicely, and H. Butcher. Riley—John S. Randolph and C. K. Mobley. Lykins—Jacob T. Bradford, and William A. Haskell. Shawnee—Samuel G. Reed, and Rush Elmore. Bourbon—H. T. Wilson, and B. Little.

The convention met on the 7th of September, and the next day it permanently organized with John Calhoun for president, Thomas C. Hughes for secretary, and Samuel Cramer for sergeant at arms. An adjournment to October 19 was taken on the 11th. When the convention again met on that date, it remained in session until November 3, when the constitution was finished.\* One peculiarity of this constitution was that it did not contain the word "white" in connection with suffrage or citizenship. The reason for this was probably that negroes in slavery were recognized as property rather than citizens, and free negroes were prohibited from coming into the state. It was provided in the schedule that the constitution should be submitted to a vote of the people on the 21st of December. The only question, however, to be decided by popular vote was whether the constitution should be adopted with slavery or without it; no vote against the instrument as a whole was permitted. Governor Walker took the position that the people could be trusted to regulate their domestic affairs, and that they ought to be allowed to vote upon the ratification or rejection of the constitution. He urged the convention to submit it to the people.

The election, December 21, resulted in 6,226 votes being cast for the "Constitution with slavery," and 560, for the "Constitution without slavery." Free state men, as a rule, did not go to the

\*This was known as the "Le Compton Constitution."



polls. A committee of investigation appointed by the succeeding legislature reported that 2,270 of the votes cast were illegal.

The free-state men continued to act independently. The Topeka legislature met in June, and enacted laws providing for a state election in August, making Topeka the permanent capital; and establishing a state university at Lawrence. They passed a joint resolution praying congress for the admission of Kansas under the Topeka constitution. July 15, a free-state convention was held at Topeka to nominate candidates for state offices. They adopted resolutions denying the validity of the territorial legislature, sustaining the Topeka government, asking for a resubmission of the Topeka constitution at the August election, and calling a convention at Grasshopper Falls August 26. At the August election more than 7,000 votes were polled. On the question of sustaining the Topeka constitution, there were 7,257 votes in the affirmative and only 34 in the negative. At the Grasshopper Falls convention, the question of voting at the election in October was discussed at some length. Robinson, Lane, and others, relying upon Governor Walker's oft repeated promise to see fair play, favored it. Martin F. Conway was the principal opponent. After much had been said on both sides, the following resolutions were adopted:

"WHEREAS, It is of the most vital importance to the people of Kansas that the Territorial government should be controlled by the bona fide citizens thereof; and

"WHEREAS, Governor Walker has repeatedly pledged himself that the people of Kansas should have a full and fair vote, before impartial judges, at the election to be held the first Monday in October, for Delegate to Congress, members of the Legislature, and other officers; therefore,

*"Resolved,* That we, the people of Kansas, in mass convention assembled, agree to participate in said election.

*"Resolved,* That in thus voting we rely upon the faithful fulfillment of the pledge of Governor Walker; and that we, as heretofore, protest against the enactments forced upon us by the voters of Missouri.

*"Resolved,* That this mass meeting recommend the appointment of a committee, to wait upon the Territorial authorities, and urgently insist upon the review and correction of the wicked apportionment endeavored to be forced upon the people of Kansas, for the selection of members of the Territorial Legislature."\*

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\*The apportionment complained of was made by Thomas Johnson, president of the council, and William G. Mathias, speaker of the house, under an act





"*Resolved*, That Gen. J. H. Lane be authorized and empowered to tender to Governor Walker the force organized by him under the resolution passed by the Convention held at Topeka, on the 15th of July last, to be used for the protection of the ballot-box."

A committee appointed to prepare and address to the people was selected. This address was published on September 15, a large portion of it being devoted to the legislative apportionment. On this question the address pointed out that, "Sixteen counties, strongly free-state, containing nearly one-half of the entire population of the Territory, are not allowed a single representative in either branch. Of the thirteen members of the Council, all but three, and of the thirty-nine members of the House of Representatives, all but ten, are to be elected in districts bordering on the Missouri line."

This was followed the next day by an address from Governor Walker, in which he again asseverated that the election should be fairly conducted, the polls should be opened to every citizen of Kansas, and the returns should be honestly made. The free-state men accepted the governor's pledge in good faith and went to work to carry the election. They succeeded beyond their expectations. Governor Walker was as good as his word. At Oxford, in Johnson county, more than 1,600 Missourians voted; about 1,200 also voted in McGee county; and a large number voted at Kickapoo. The governor and secretary threw out the vote from these precincts on account of "informality." Without this large illegal vote being counted, the free-state men elected a majority of both branches of the legislature. A meeting at Leecompton denounced Walker and Stanton for throwing out the illegal votes; and Judge Cato issued a peremptory mandamus to the governor and secretary to compel them to issue certificates of election to those legislative candidates in Johnson and Douglas counties who would have been elected by the counting of the fraudulent vote cast at Oxford, but the mandamus was not obeyed.

After his failure to secure the submission of the Leecompton constitution to a vote of the people, Governor Walker determined that he would not be a party to the scheme of forcing that constitution upon them. November 16, he left Kansas, giving out the information that he would be absent on business for a few weeks, and Secretary Stanton took his place. A month later the gov-

passed at the second session of the legislature. By this apportionment, the nineteen free-state counties of Richardson, Davis, White, Breckenridge, Weller, Madison, Barber, Hunter, Greenwood, Bourbon, Godfrey, Wilson, Dorn, McGee, Woodson, Coffey, Allen, Anderson, and Franklin, were given but three representatives.



ernor placed his resignation in the hands of Secretary Cass, at Washington.

Soon after Governor Walker's departure, a convention at Topeka declared in favor of making another effort to establish a free-state government under the Topeka constitution. As the free-state men were now in control of both branches of the regular territorial legislature, acting-Governor Stanton was petitioned by the pro-slavery leaders to call a special session of this legislature to counteract the influence of the radical free-state men. A special session to meet on the seventh of December, was accordingly called. On the eighth the assembly organized by electing C. W. Babcock president of the council, and Joel K. Goodin secretary; G. W. Deitzler speaker of the house, and C. F. Currier chief clerk. In his message acting-Governor Stanton recommended the submission of the entire Lecompton constitution to a vote of the people. There was passed an act ordering an election, January 4, 1858, at which time a vote should be taken for or against the constitution, and state officers should be elected, so that, if the constitution were ratified, the state government would be ready for inauguration.

Because he called this special session of the legislature, Stanton was removed from the office of secretary, and acting-governor, and James W. Denver was appointed to succeed him. The new secretary arrived at Lecompton on December 21, and took the oath of office before Judge Cato. He issued an address to the people declaring that elections should be honestly conducted, and the affairs of the territory should be impartially administered.

James William Denver was born at Winchester, Va., on the twenty-third day of October, 1817. Until he reached his majority, he worked on the farm and attended the common schools during the winter sessions. In 1841 he went to Missouri, where he found employment as a teacher; but the following year he went to Cincinnati and entered the law school there, graduating in the spring of 1844. He commanded a company in General Scott's army during the Mexican War, and upon the return of peace settled at Platte City, Mo. The year 1850 found him in California, where he soon became a figure in politics as a member of the state senate. In 1853 he was appointed secretary of the state of California, and a year later was elected to congress. While in California, he fought a duel with, and killed, ex-Congressman Edward Gilbert, editor of the *San Francisco Alta*. In 1857 he was appointed commissioner of Indian affairs by President Buchanan. Next he was appointed secretary of Kansas



territory, and in May, 1858, was appointed governor, being the fifth regularly appointed governor of the territory. In October, 1858, he left Kansas and went to California, but a little later removed to Ohio. The capitol of the state of Colorado was named for him. He died at Washington, D. C., August 8, 1894.

The vote taken January 4, 1858, on the Lecompton constitution resulted in its rejection by a decisive majority, 10,226 votes being cast against it, to 161 in its favor. On the same date that this vote was taken, the third regular session of the legislature convened at Lecompton, re-elected the officers chosen at the special session, and on the 6th adjourned to Lawrence where it remained in session forty days. When it was definitely ascertained that the Lecompton constitution had been repudiated by the people, an act authorizing another constitutional convention in March was passed. Acts repealing the "black laws," abolishing slavery in the territory, and removing the capital to Minneola, in Franklin county were also passed. All these measures were vetoed by the governor, but were passed over his veto.

On the 9th of March, 1858, an election for delegates to the constitutional convention was held, and the following were selected: Jefferson county—Edward Lynde, James Monroe, J. C. Todd, A. W. McCaslin. Shawnee—A. L. Winares, Lucian Fish, R. M. Fish, H. W. Curtis, William W. Ross, John Ritchie. Atchison—Frank G. Adams, Caleb May, G. M. Fuller, C. A. Woodworth, H. S. Baker. Breckenridge—P. B. Plumb, William McCulloch, John R. Swallow. Butler and Hunter—Samuel Stewart. Madison—G. D. Humphrey. Linn—A. Danford, Thomas H. Butler, Robert B. Mitchell, Robert Ewing. Brown—A. B. Anderson, Orville Root, A. W. Williams. Richardson—James Fletcher, James M. Winchell, Henry Harvey. Anderson—W. F. M. Arny, William Spriggs, W. L. Webster. Coffey—R. A. Kinzie, D. A. Hawkins, J. M. Elliott. Calhoun—W. E. Bowker, Adam Fuller. Lykins—G. A. Colton, Thomas Roberts, Charles A. Foster, A. Knapp. Franklin—Joel K. Goodin, J. G. Rees. Wells—A. J. Shurtleff. Allen and Bourbon—W. R. Griffith, M. H. Hudson, G. A. Nuller, A. G. Carpenter, G. W. Campbell. Douglas and Johnson—M. F. Conway, E. S. Scudder, Charles H. Branscomb, A. Soule, W. R. Monteith, J. M. Shepherd, John L. Brown, D. Pickering, Charles Mayo, James D. Allen, T. Dwight Thacher, James S. Emery, Samuel N. Wood. Doniphan—W. D. Beeler, James H. Lane, William V. Barr, A. Larzelere, W. Fleming, Hugh Robertson, Charles E. Perham, J. F. Hampson. Riley—Isaac T. Goodnow, F. N. Blake, Geo. W.



Higginbotham. Pottawatomie—U. Cook, J. D. Adams. Davis—J. H. Pillsbury. Nemaha—S. S. Wright, R. U. Torrey. Woodson—R. Austin. Greenwood—M. L. Ashmore. Wise—H. J. Espy. Leavenworth—Henry J. Adams, Thomas Ewing, Jr., John P. Hatterscheidt, John C. Douglass, James Davis, W. Y. Roberts, J. M. Walden, William H. Coffin, Thomas Trower, H. P. Johnson. At large—B. B. Newton, James Telfer, G. W. K. Twombly.

Seventy-two of these delegates met at Minneola, March 23, and organized by the election of General Lane, president, Samuel F. Tappan, chief clerk, and George F. Warren, sergeant-at-arms: Lane afterward resigned, and M. F. Conway was elected. On the 24th the convention adjourned to Leavenworth, where it remained in session until April 3, and then adjourned, after having adopted a constitution and provided for its submission to the people on the 18th of May.\* A free-state convention at Topeka, in April, nominated candidates for state officers, to be voted for at the same time. About 3,000 votes were cast for this ticket and the constitution. The latter was presented to congress, but no action was taken upon it by either house.

This lack of interest in the fate of the Leavenworth constitution was due to three causes. In the first place, the act authorizing the convention passed the legislature one day after the expiration of the legal limit. This brought the validity of the legislative acts into question. Congress was then considering the proposition to admit Kansas under the Leecompton constitution, and finally it was hampered by a land scheme in connection with Minneola. February 19, James S. Green, of Missouri, introduced a bill in the United States senate, to admit Kansas with that constitution as the organic law of the state. The bill passed the senate in March by a vote of 33 to 25 and was sent to the house. There the bill known as the Crittenden-Montgomery substitute was passed in its stead. The substitute measure provided that the constitution should again be submitted to the people. If it should be ratified by the electors of Kansas, then the state was to be admitted without delay; if the people rejected it, a new constitutional convention was to be ordered. For a time neither house would yield to the other, and it looked as though nothing would be accomplished. About the middle of April William H. English, a member of the house from Indiana, moved to agree to a conference committee, in accordance with a motion that had passed the senate the day before. On that committee, James S.

\*This was known as the "Leavenworth Constitution."





Green, of Missouri, R. M. T. Hunter, of Virginia, and William H. Seward, of New York, represented the senate, and William H. English, Alexander H. Stephens, of Georgia, and William A. Howard, of Michigan, represented the house.

On April 23, Mr. English, on behalf of the committee, reported a compromise bill, which soon became known far and wide as the "English Bill." This bill embodied the Crittenden amendment to resubmit the constitution. If it were adopted, the state was to receive a liberal donation of public lands for her institutions and for internal improvements; but, if it were rejected, it would require several years to get the question again before congress. The bill passed both houses on the last day of April, and was signed by the president on the 4th of May. Thus it happened that, at the time the vote was taken on the Leavenworth constitution, another election which had the sanction of congress was pending, and this served to detract from the interest that might otherwise have been shown. On June 2, Governor Denver issued a proclamation, fixing August 2 as the day to vote on the Lecompton constitution, as provided in the English bill. At that election the fate of the pro-slavery constitution was forever sealed. Out of an aggregate vote of 13,088, the majority against it was 9,512. The people of Kansas expressed themselves in favor of the continuation of the territorial government, with all its drawbacks, rather than admission to statehood under such a constitution.

During this time all the interest was not centered upon the question of securing a constitutional government for Kansas. In the southeastern part of the state, during the years 1857 and 1858, there was almost a repetition of the scenes of the Border War. The troubles began in 1856, when a number of free-state settlers were driven from their homes. They came back the next spring and undertook to regain possession, but warrants for their arrest were issued by the court at Fort Scott. Among those who were thus persecuted was one James Montgomery, a minister of the gospel, whose house was burned during his absence from home. From that time he served the church militant in a most literal sense. He organized the "Self-Protective Company" and carried the war into the enemy's country. Leading pro-slavery men were notified to leave the territory, and most of them heeded the warning. For the time being Montgomery was master of the situation. When the free-state men were threatened with arrest, he retaliated by organizing a "Squatter Court," before which pro-slavery men were summoned and compelled to make restitution of



the claims, live stock, etc., taken from free-state settlers. About the middle of December, 1857, deputy marshal, John J. Little, with a posse of forty men started out from Fort Scott to arrest this court. The court, however, fortified itself in a log house and offered resistance. Several shots were exchanged; one of Little's men was killed and two were wounded. Little then retired without making any arrests.

On January 4, 1858, when the vote was being taken for state officers under the Leecompton constitution, Montgomery destroyed a ballot box at Sugar Mound in Linn county. Shortly after this Governor Denver ordered two companies of mounted dragoons to Fort Scott with instructions to report to Judge Williams or Deputy Marshal Little. The presence of the troops encouraged the pro-slavery men to renew their old policy toward their opponents. On the night of March 27, two free-state men, named Denton and Hedrick, were killed during a pro-slavery raid on the Little Osage. Another attempt to arrest Montgomery, who was then in the vicinity of Fort Scott, was made soon after this. Captain Anderson took thirty dragoons and went out to capture the free-state terror. Montgomery took up his position in a deep ravine on Yellow Paint Creek, where he could be approached only from one direction. As the regulars approached, they were three times ordered to halt, and were then fired upon. Captain Anderson was wounded, and his horse was shot under him. One soldier was killed and another was so badly wounded that he soon afterward died. Seeing that Montgomery occupied an impregnable position, the troops fired one volley and retired.\*

On May 19, 1858, a party of twenty-five men from West Point, Mo., under Capt. Charles Hamilton, crossed the border and arrested eleven free-state men in the neighborhood of the Chouteau trading post in Linn county. The prisoners were taken to a lonely spot on the Marais des Cygnes river, about three miles from the trading post, ordered to stand up in line, and were then fired upon by the guerrillas. Five fell dead, and the others were wounded, but by feigning death they escaped. After robbing the bodies of the dead and wounded, the ruffians left them where they had fallen and returned to Missouri. This affair is known as the Marais des Cygnes massacre. The place where it occurred is now marked by a monument, and the event lives in song through Whittier's poem "Le Marais du Cygne." Hamilton and his men

\*This is said to be the only time during all the troubles in Kansas that free-state men ever came into direct conflict with United States troops.



were followed by a party under Captain Montgomery and Robert B. Mitchell, but were not overtaken.

Early in June Montgomery decided to attack Fort Scott, which was a strong pro-slavery town. On the night of the 6th he made a raid upon the place and attempted to burn the fort and hotel, but the citizens turned out and extinguished the flames before serious damage was done. Montgomery's men fired a few rounds upon the town and then retreated to the Big Bend of the Marmaton, five miles away, where they would be in a position to withstand an attack, but none was made. When news of this act reached Governor Denver, he determined to go in person to the scene of the trouble and try to restore order. On June 9, in company with Dr. Charles Robinson, Judge John Wright, and others, he left Lawrence for Fort Scott. At Moneka, Linn county, they were joined by Montgomery. The governor made speeches at various points, in which he suggested the following terms of peace: He agreed to withdraw the United States troops from Fort Scott; permit an election of new county officers in Bourbon county; station troops along the Missouri border to protect Kansas settlers from invasion; and suspend all old writs until properly authenticated by courts of competent jurisdiction. But, on the other hand, he demanded the immediate disbanding of Montgomery's men and all other armed organizations, no matter on which side they were arrayed. The terms were finally accepted. All companies of bushwackers were dissolved; the troops left Fort Scott; and Captain Weaver, with his company, was stationed at the trading post to protect the border.

On the 5th of September, 1858, Governor Denver sent in his resignation, to take effect October 10, at which time Hugh S. Walsh, who had been appointed secretary the preceding May, became acting governor. On November 9, the governor issued his farewell address to the people of Kansas. Ten days later Samuel Medary, of Ohio, was appointed to succeed him. Governor Medary took the oath of office in Washington, December 1, and on the 17th arrived at Leecompton.\*

Following the resignation of Governor Denver, the troubles reappeared in Linn and Bourbon counties, the free-state men this time being the aggressors. In November a man named Rice was arrested on a charge of murder and lodged in the Fort Scott jail. On December 16, Montgomery, with sixty-eight men, went to Fort Scott and released the prisoner. While trying to prevent Montgomery from carrying out his designs, J. H. Little was

\*For biographical sketch of Samuel Medary, see the History of Minnesota.



killed. Three days later John Brown and his men crossed over into Missouri, liberated fourteen slaves, and started north with them through Kansas. Governor Stewart, of Missouri, offered a reward of three thousand dollars for Brown's arrest. To this President Buchanan added two hundred and fifty dollars more. A party from Atchison tried to capture him as he was passing through Jackson county. Near the town of Holton a fight ensued, since known as "the battle of the Spurs," in which the Atchison men were forced to retreat.

The fourth territorial legislature assembled at Leecompton January 3, 1859, and organized by electing Carmi W. Babcock president of the council; A. S. Devenney secretary; A. Larzelere speaker of the house, and Byron P. Ayres chief clerk. An adjournment to Lawrence, where the session was finished, was taken the next day. The "bogus laws" of 1855 were repealed, and at midnight February 11, when the session finally adjourned, a bonfire was made, and several copies of the obnoxious statutes were burned. Wyandotte county was created, January 29, from parts of Johnson and Leavenworth, and provisions for its organization were made. The counties of Montana, El Paso, Oro, Broderick, and Fremont were established, and commissioners with power to call an election to complete the organization were appointed for each. Wise, Butler and Chase counties were organized, February 11. But the most important measure passed during the session was that providing for a constitutional convention at Wyandotte. In accordance with the provisions of this act, Governor Medary issued a proclamation, March 7, ordering an election on the 28th, for the people to decide whether they wanted such a convention held. A total of 6,731 votes of which 5,306 were in favor of the convention was polled on this occasion. The governor then ordered an election of delegates on the 7th of June.

Before this election was held, an event that virtually dropped the terms "free-state" and "pro-slavery" from the political annals of Kansas occurred. That event was the organization of the Republican party, by a convention at Osawatimie, on the 18th of May.\* Horace Greeley was present at this convention and made a speech. Greeley did not address the convention but spoke in a hall in town to the general public because some of the leaders felt it would be unwise to have his decided views set forth at a time when it was difficult to secure harmonious action of all parties.

\*Colonel O. E. Larnood, now a resident of Lawrence, presided over the convention.





After the organization of the new party, free-state men generally affiliated with it, while the opposition arranged themselves under the banner of Democracy. The candidates for delegates to the Wyandotte convention were nominated as Republicans or Democrats. At the election 14,000 votes were cast. Of the 52 delegates, 35 were Republicans and 17 Democrats. Following is a list of the delegates chosen: Leavenworth county—William Perry, Samuel A. Stinson, John P. Slough, Frederic Brown, William C. McDowell, Samuel Hipple, Robert C. Foster, Adam D. McCune, John Wright, Pascal S. Parks. Atchison—Robert Graham, Caleb May, John J. Ingalls. Doniphan—Robert J. Porter, John W. Forman, John Stiarwalt, Benjamin Wrigley, E. M. Hubbard. Brown—Samuel A. Kingman. Nemaha—Thomas S. Wright. Marshall and Washington—J. A. Middleton. Jefferson—C. B. McClelland. Jackson—Ephraim Moore. Riley—S. D. Houston. Pottawatomie—Luther R. Palmer. Johnson—J. T. Barton, John T. Burris. Douglas—James Blood, Solon O. Thacher, R. L. Williams, William Hutchison, N. C. Blood. P. H. Townsend, Edwin Stokes. Shawnee—John P. Greer, John Ritchie, H. D. Preston. Wabaunsee, Davis, Dickinson and Clay—Edmund G. Ross. Lykins—Benjamin F. Simpson, W. P. Dutton. Franklin—James Hanway. Osage, Morris, Breckinridge and Chase—James M. Winchell, William McCulloch. Linn—James M. Arthur, Josiah Lamb. Anderson—James G. Blunt. Coffey and Woodson—Samuel E. Hoffman, Allen Crocker. Madison, Butler, Hunter, Greenwood, Godfrey and Wilson—George H. Lillie. Bourbon, McGee and Dorn—J. C. Burnett, William R. Griffith. Allen—James H. Signor.

The convention met on the 5th of July, and remained in session until the 29th. A temporary organization with S. A. Kingman, of Brown county, in the chair, and John A. Martin as secretary was effected. Mr. Martin was also permanent secretary of the convention and James M. Winchell, of Osage county, was permanent president. The Ohio constitution upon which it was designed to construct this fourth constitution of Kansas, and the one under which the state was subsequently admitted, was taken as a basis. When it was complete, it was signed by thirty-four of the Republican delegates. Among them were John J. Ingalls and Edmund G. Ross, both of whom afterward served the state in the United States senate.

By this constitution it was ordained that Kansas should relinquish the right to tax the lands of the United States lying within the borders of state, provided congress should agree to the fol-



lowing conditions: That sections sixteen and thirty-six in each township should be granted to the state as an endowment for the support of the common schools; that seventy-two sections should be set apart for the establishment and maintenance of a state university; that thirty-six sections should be donated for the erection of public buildings; that seventy-two sections should be granted for the erection and support of charitable and benevolent institutions; that all salt springs (not exceeding twelve), with six sections of land adjoining each should be granted to the state for public improvement purposes; that five per cent. of the proceeds resulting from the sale of public lands in Kansas, after the admission as a state, should be paid as a common school fund; and that five hundred thousand acres of land should be given to the state under the act of September 4, 1841, as an additional endowment for the public schools.

Clause six of the bill of rights provided that "There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted." The rights of religious liberty, of trial by jury, to bear arms for defense, to assemble peaceably, to petition the government for a redress of grievances, to free speech and a free press, were guaranteed by the constitution, and imprisonment for debt was prohibited.

The usual departments of government—the executive, legislative and judicial—were established. The executive power was vested in the governor, lieutenant-governor, secretary, auditor, treasurer, attorney general, and superintendent of public instruction. The legislative department was made to consist of a senate of twenty-five members and a house of representatives of seventy-five members; but this legislature was given power to regulate by law the number of members in each branch after the first election, provided that the number of senators should never exceed thirty-three, nor the number of representatives, one hundred. Representatives were to be elected for one, and senators for two, years. The judicial power was vested in a supreme court of three members, elected for six years, the district courts, five in number, a probate court in each county, and such inferior courts as might be established by law. All white male citizens of the United States, or persons of foreign birth intending to become citizens, who had resided in Kansas six months, and in the ward or township thirty days, were declared to be legal voters.

Section nine, article fifteen, provided that, "A homestead, to the



extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all improvements on the same, shall be exempt from forced sale under the process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon: *Provided*, The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife."

A warm debate over the incorporation of this section in the organic law ensued, and it was finally decided to submit it to a vote of the people, as a separate proposition, leaving to them the question whether it should become a part of the constitution. A proclamation calling an election for October 4, at which the constitution should be ratified or rejected, and at which the question whether the homestead exemption clause should become a constitutional provision should be decided, was issued on the 12th of September by President Winchell and Secretary Martin. The constitution was ratified by a vote of 10,421 to 5,530. On the homestead question there were 8,788 votes in favor of the section and 4,772 against it: It was therefore made a part of the constitution.

While the constitutional convention was in session, a treaty was made with the Swan Creek and Black River bands of Chippewas, by which the Munsees, or Christian Indians, were united with them, and their reservation, established by the treaty of May 9, 1836, except about eight thousand acres, was ceded to the United States to be sold for the benefit of the Confederate bands. This cession and the reservation are in Franklin county.

October 1, a treaty with the Sacs and Foxes, was concluded at their Kansas agency. At that time these Indians ceded to the United States the greater portion of their reservation in Osage county, to be sold for the benefit of the tribe. A reservation of one hundred fifty-three thousand six hundred acres, known as the "Diminished Reserve", was retained by them for residence purposes. The town of Lyndon is on this reservation.

By another treaty made with the Kansas Indians at their agency four days later, a reservation, nine miles in extent from north to south and fourteen from east to west, was set apart for them, and the remainder of their lands lying south of Council Grove,



assigned them by the treaty of January 14, 1846, was ceded to the United States.\*

A Republican convention at Lawrence, on August 3, 1859, nominated M. J. Parrott for delegate to congress. On the 17th of the same month the Democrats met at Topeka and nominated Saunders W. Johnston. The election was held on the 8th of November. Parrott received 9,708 votes and Johnston 7,232. At the same time members of the territorial legislature were elected. In both branches the Republicans elected a majority; the council standing 9 to 4 and the house 23 to 16 in their favor.

This legislature—the last territorial assembly ever elected—met in regular session at Leecompton on the 2nd of January, 1860. The next day it adjourned to Lawrence, where it remained in session until the 18th, when it adjourned sine die. But little legislation was enacted at the regular session; and on the day of adjournment Governor Medary issued a proclamation calling a special session to meet at Leecompton on the following day. When the legislature met on the 19th, both houses re-elected the officers of the regular session and passed a bill to adjourn to Lawrence. The governor vetoed the bill, but it was promptly passed over his objections, and on the 21st the legislature again assembled in Lawrence.

During the session acts organizing the counties of Clay, Dickinson, Greenwood, Marion, Otoe, Irving, Osage, Picketon, Republic, Shirley, Ottawa, Saline and Washington were passed. The name of McGee county was changed to that of Cherokee, and the county was organized. February 20 a bill prohibiting slavery in the territory was passed. As quite a number of people in Kansas held slaves, the act created considerable excitement. The bill was vetoed by Governor Medary, who sent a long message to the assembly, in which he insisted that the members of the legislature comprehended neither the letter nor the spirit of the organic act. The bill was then passed over the veto, but, later in the year, was decided unconstitutional by Judge Pettit of the territorial supreme court.

A copy of the Wyandotte constitution, and a petition for admission according to its provisions, had been sent to Washington. On the 14th of February, 1860, the president of the United States senate presented the document to that body for consideration. March 29, Mr. Grow, of the committee on territories, recom-

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\*The reservation established by this treaty was acquired by the government by acts of congress from 1872 to 1880, and a new reserve was set apart for the tribe in the Indian Territory.





mended the passage of a bill admitting Kansas under the Wyandotte constitution. This bill passed the house on the 11th of April, by a vote of 134 to 73. In June the matter was brought before the senate, and, after some debate, the bill was indefinitely postponed.

The question of admission came before the next congress under peculiar circumstances. On January 21, 1861, several of the Southern senators, among them, being Jefferson Davis, of Mississippi, withdrew from the United States senate. Their withdrawal meant that the opposition to the admission of Kansas had been materially weakened. Hardly were they out of the senate chamber, than William H. Seward, of New York, called up the Kansas admission bill, and it was passed by a vote of 36 to 16. A week later it passed the house—117 to 42—and on the 29th was signed by President Buchanan. The long fight for statehood was ended. After four constitutional conventions had been held, Kansas had at last become a state in the American Union.

In anticipation of favorable action by the congress of 1859-60, both parties nominated candidates for state offices as provided for by the Wyandotte constitution. The Republicans met in convention at Lawrence on October 12, 1859. Dr. Charles Robinson was nominated for governor; Joseph P. Root, for lieutenant governor; John W. Robinson, for secretary of state; George S. Hillyer, for auditor; William Tholen, for treasurer; Benjamin F. Simpson, for attorney general; William R. Griffith, for superintendent of public instruction; Thomas Ewing, Jr., Samuel A. Kingman and Lawrence D. Bailey for judges of the supreme court; and M. F. Conway, for congress.

On October 25, the Democrats held their convention at the same place, and nominated the following ticket: Governor, Samuel Medary; lieutenant governor, John P. Slough; secretary, A. P. Walker; auditor, Joel K. Goodin; treasurer, R. L. Pease; attorney general, Orlin Thurston; superintendent of public instruction, J. S. McGill; judges of the supreme court, Joseph Williams, R. B. Mitchell and Samuel A. Stinson; for congress, John A. Halderman. The entire Republican ticket was successful at the election of the 6th of December. For governor, Robinson received 7,908 votes and Medary 5,395. The vote for the other offices was approximately the same. In December, 1860, Governor Medary resigned, and, from that time until the institution of the state government, Sec'y George M. Beebe was acting governor. While he was serving in this capacity, the last session of the territorial legislature was held. It met on the 7th



of January, 1861, at Leecompton, and the next day adjourned to Lawrence. But little legislation was enacted during the session.

When President Buchanan signed the bill admitting Kansas into the Union, Marcus J. Parrott, the delegate in congress, telegraphed the news to the *Leavenworth Conservative*. The paper soon had an "extra" printed, and copies of the paper found their way to other towns. D. R. Anthony carried the news to Lawrence, where a party spent the night in firing salutes to the new state. Similar scenes were enacted at Leavenworth, Atchison, Topeka, and other towns. On the 9th of February, 1861, the state officers elected in December, 1859, were installed, and the territorial government gave way to that of the state.



## CHAPTER IV

## The State from 1861 to 1869

CHARLES ROBINSON, the first governor of the state of Kansas, was born at Hardwick, Mass., July 18, 1818. At the age of eighteen he entered Amherst college, but did not graduate, owing to an affection of his eyes. Upon leaving school, he walked forty miles to Keene, N. H., to consult a physician. His contract with this doctor determined him to study medicine. He began his studies at Woodstock, Vt., but graduated at Pittsfield, Mass., in 1843. During the next six years, he practiced his profession at various places in his native state. In 1849 he joined a California colony as a physician, and made the trip overland to the Pacific coast. As they passed through Kansas he saw Mount Oread, where the state university of Kansas is now located, little thinking that he was destined to pre-empt that very spot six years later and become one of the founders of the city of Lawrence. In California he was doctor, miner, restaurant keeper and editor. In 1852 he went back to Massachusetts and became the editor of the *Fitchburg News*, and was thus associated until sent to Kansas as the agent of the New England Emigrant Aid Society. He left New England in June with Charles Branscomb, and arrived at Lawrence early in July, 1854, and from that time until his death his life was closely interwoven with the affairs of Kansas. He was a delegate to the Topeka constitutional convention of 1855, and was elected governor by the free-state voters under that constitution. During all the troubles growing out of the slavery agitation, he was recognized as a free-state leader, and, when the state was finally admitted, it was fitting that he should be honored by being elected its first governor. His biographer, Prof. F. W. Blackmar, has this to say of his character:



"In a general estimate of the life of Governor Robinson, there must be recorded the evidence of a strong individual character, a bold, hardy spirit, able to give and take blows for what he deemed the right. In consequence of this strong individuality he was misunderstood by both his friends and his enemies. This quality made it difficult for him to follow with zeal any party or creed. It was sufficient for him to ask his own consciousness what was right in any matter and to act accordingly. Parties might change or hold to old doctrines; Robinson followed the iron course of conviction. If he hurt the party or made enemies, it was small matter to him. What was right, what was justice in the case, were his criterions for action. Possibly he could have made life easier for himself, possibly there were times when he could have accomplished more by being more flexible and more politic, but he would not have been true to his convictions, and they were law to him."

Governor Robinson died at Lawrence August 17, 1894. His estate was left to his widow during her life, and upon her death will go to the state university of Kansas.

One of Governor Robinson's first official acts was to summon the legislature together. On the day that he was inaugurated, February 9, he issued a proclamation calling a special session to begin on the 26th of March. At the same time he appointed M. F. Conway, Thomas Ewing, Jr., Henry J. Adams and James C. Stone to represent the state of Kansas in the "Peace Conference" at Washington, which was already in session, having begun five days before.

February 22, 1861, the American flag appeared for the first time with the star of Kansas added to the constellation. It was raised over Independence Hall, in the city of Philadelphia, by Abraham Lincoln, president-elect of the United States. In giving the flag to the breeze, Mr. Lincoln said: "I am invited and called before you to participate in raising above Independence Hall the flag of our country with an additional star upon it. I wish to call your attention to the fact that, under the blessing of God, each additional star added to that flag has given additional prosperity and happiness to our country."

Kansas was ushered into the Union under circumstances that the pessimist would have regarded as inauspicious. The drought of 1860 had withered everything before it. From June, 1859, to November, 1860, not enough rain fell to benefit the vegetation. The meager crops that escaped the blistering effects of the drought were devastated by swarms of grasshoppers. During the six-





teen months of dry weather, it is estimated that thirty thousand people left the states west of the Missouri. All along the route eastward they told the story of their sufferings and destitution. Sometimes this story was embellished in a way to create the impression that Kansas was little better than a desert. In the long struggle for admission men had neglected their usual avocations, or toiled in the face of crushing discouragements, until few were forehanded enough to help their neighbors. The situation was serious. All through the Northern and Eastern states Kansas aid societies were organized. Provisions, clothing, money and seed-wheat came pouring in. Nearly ten million pounds of provisions and eighty-five thousand dollars in money were contributed for Kansas sufferers. Added to this, the country was on the verge of Civil war. When the first state legislature met at Topeka, on the 26th of March, seven states had already seceded from the Union, and the public mind was wrought up over the prospect.

But the legislature met, pursuant to the governor's proclamation, and organized with Lieut. Gov. Joseph P. Root, presiding officer of the senate; John J. Higalls, secretary; W. W. Updegraff, of Lykins county, speaker of the house, and D. B. Emmert, chief clerk. The members of this first state legislature of Kansas were as follows: In the senate: E. P. Bancroft, J. F. Brodhead, J. C. Burnett, J. Connell, H. B. Denman, H. R. Dutton, P. P. Elder, H. W. Farnsworth, O. B. Gunn, S. E. Hoffman, S. D. Houston, J. M. Hubbard, S. Lappin, J. Lockhart, E. Lynde, J. A. Martin, J. H. McDowell, Josiah Miller, R. Morrow, T. A. Osborn, J. A. Phillips, H. N. Seaver, H. S. Sleeper, W. Spriggs, S. N. Wood.

In the house of representatives: W. W. Updegraff, W. F. M. Army, J. B. Abbott, P. M. Alexander, A. Allen, D. C. Auld, D. E. Ballard, O. Barber, J. C. Bartlett, J. J. Beutz, W. D. Blackford, F. N. Blake, N. B. Blanton, W. E. Bowker, E. J. Brown, H. Buckmaster, T. Butcher, J. M. Calvert, S. R. Caniff, A. J. Chipman, R. W. Cloud, G. A. Colton, J. E. Sorliss, J. D. Crafton, S. J. Crawford, H. W. Curtis, G. A. Cutler, W. R. Davis, A. Ellis, I. E. Eaton, A. Elliott, F. W. Emery, W. P. Gambell, A. Gray, A. K. Hawkes, J. E. Hayes, H. H. Heberling, T. P. Herrick, E. Hoheneck, N. Humber, J. H. Jones, W. C. Kimber, C. B. Keith, H. Knowles, J. Kunkel, W. W. H. Lawrence, J. F. Legate, E. P. Lewis, E. J. Lines, A. Lowe, J. McGrew, S. B. Mahurin, J. A. Marell, J. E. Moore, P. G. D. Morton, A. U. Mussey, J. T. Neal, T. Pierce, J. S. Rackliff, A. Ray, G. H. Rees, W. R.



Saunders, J. W. Scott, O. H. Sheldon, J. H. Smith, L. T. Smith, W. H. Smyth, C. Starns, A. Stark, J. W. Stewart, E. D. Thompson, B. Wheat, R. P. C. Wilson, L. Woodward.

As no capitol "with echoing halls and vaulted dome" had yet been erected, the house met in a building known as the Ritchie block, (since destroyed by fire), and the senate, in the Gale block. A leaky roof forced the house to change to the Congregational church. One of the first acts passed authorized an issue of bonds to the amount of one hundred fifty thousand dollars to meet current expenses. There were passed acts adopting a great seal of state; changing the name of Lykins county to Miami; Dorn to Neosho, and Godfrey to Seward; authorizing the election of a district attorney in each judicial district; and ordering an election on Tuesday after the first Monday in November, 1861, to decide by popular vote, the location of a permanent capital. By the provisions of the act, if none of the towns voted for should receive a majority of all the votes cast, the question would be voted on again at the next regular election, and so on, until some location received a majority.

On April 4, the first United States senators from Kansas were chosen. The vote was as follows: James H. Lane, 55; Samuel C. Pomeroy, 52; Marcus J. Parrott, 49; F. P. Stanton, 21; A. J. Isaaks, 11; S. A. Kingman, 3; M. W. Delahay, 2; S. D. Houston and M. F. Conway, 1 each. Lane and Pomeroy were declared elected. Both had taken an active part, as free-state men, in the disturbances during the territorial regime. Pomeroy went to Lawrence in 1854 in the same company with Doctor Robinson. At the sack of Lawrence in May, 1856, he refused to deliver up the arms in the city to Sheriff Jones. He took a prominent part in securing relief for the state that year and also after the drought of 1860.

James H. Lane was a native of Indiana. He served in the Third Indiana infantry in the Mexican war, enlisting as a private and coming out as colonel of the regiment. After the war he was elected lieutenant-governor of Indiana, and later was sent to congress, being a member of the house in 1854, and voting for the Kansas-Nebraska bill. Soon after going to Kansas he became identified with the free-state men and was known as "a crusader of freedom." He was a staunch adherent of the "Topeka Government" and president of the Topeka constitutional convention. In the Civil war he commanded a brigade that he himself had raised, and was for a time on General Curtis's staff.



His death occurred July 11, 1866, as the result of a pistol shot, self-inflicted, ten days before.

country that Fort Sumter had been fired upon. This was imme-

While the legislature was in session, the news spread over the diately followed by a call for seventy-five thousand men to uphold the Union and enforce the laws. Two days after this call was issued by President Lincoln, Capt. Samuel Walker, of Lawrence, reported to Governor Robinson that he had a company of one hundred men ready. On April 22, the legislature passed an act providing for the organization of the militia. One hundred and eighty companies were organized under the act. Seven companies were formed in Douglas county within a week after its passage. A military spirit pervaded the very atmosphere. The members and attaches of the legislature organized a company, which was drilled every day during the recess, by one of the members who had attended a military school. After the adjournment on the 4th of June, quite a number of this company found their way into active service with the volunteer regiments of Kansas.

An incident that materially aided the work of recruiting volunteers occurred on the 18th of April. On that date a steamboat, the "New Sam Gaty," drew up to the landing at Leavenworth with the Confederate colors flying from the flag-staff. The excitement was intense. Men left their places of business and rushed to the levee. The crowd grew more threatening; the captain of the boat was peremptorily ordered to haul down the objectionable ensign and hoist the stars and stripes in its place. He obeyed the order without argument. The feeling engendered by the occurrence led to the immediate organization of a regiment.

This regiment, the First Kansas infantry, was not mustered into the service of the United States, however, until the 4th of June. At the time of the muster in George W. Deitzler was colonel of the regiment; Oscar E. Learned, lieutenant-colonel and John A. Halderman, major. The regiment received its baptism of fire at Dug Springs, Mo., August 3, and a week later was in the thick of the fight at Wilson's creek. From that time until it was mustered out, June 17, 1864, the First Kansas participated in a number of closely contested engagements.

About ten miles above Leavenworth, on the Missouri side of the river, is the little village of Iatan. The day before the First Kansas was mustered in, word was received in the camp that a Confederate flag had been hoisted there. Sergeant Frank H. Drenning took eleven men from the Elwood Guards and the



Steuben Guards, a German company of Leavenworth,\* and started out to capture that flag. They succeeded, on June 3, but they had to fight for it. Sergeant Drenning and Emil Umfried each received two bullets, and a man named Voet was shot in the leg. This was the first Kansas blood shed in the Civil war. The captured flag was brought back in triumph to Leavenworth, where it aroused the greatest excitement. Some prominent men took the view that the act was an invasion of Missouri and therefore unjustifiable. The *Leavenworth Conservative* sustained Drenning and his men, and insisted that the act was justified by rules and exigencies of war. A public meeting at Lawrence passed resolutions endorsing the act and commending the *Conservative* for upholding it.

On June 20, the Second Kansas infantry with the following officers was accepted for United States service: Colonel, Robert B. Mitchell; lieutenant-colonel, Charles W. Blair; major, William F. Clond. One third of the regiment was killed or wounded at Wilson's creek, but the men stood to their work like veterans. The regiment was mustered out October 31, 1861. After being mustered out it was reorganized as the Second Kansas cavalry, with Robert B. Mitchell, colonel; Owen A. Bassett, lieutenant-colonel and Charles W. Blair, major. As a cavalry regiment the Second served until the close of the war.

The Fifth Kansas cavalry was mustered in on the 17th of July. Hamilton P. Johnson was its first colonel; John Ritchie, lieutenant-colonel, and James H. Summers, major. This regiment was mainly engaged in the military operations in Missouri and Arkansas and served until the spring of 1865.

About the last of July or the first of August, the Sixth cavalry was organized for the defense of southeastern Kansas. It was officered as follows: Colonel, William R. Judson; lieutenant-colonel, Lewis R. Jewell; major, William T. Campbell.

The Seventh cavalry was mustered in on the 28th of October. At that time Charles R. Jennison was colonel, Daniel R. Anthony, lieutenant-colonel, and Thomas P. Herrick, major. The regiment was first assigned to duty in the department of the Missouri, but was later transferred to the army of the Tennessee. It was the first regiment in that district to re-enlist as veterans, which it did on January 1, 1864.

The Eighth infantry was organized in the late summer and early autumn of 1861. When it was mustered in, the officers were

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\*Both these companies were at that time part of the First Kansas volunteer infantry.





Henry W. Wessels, colonel; John A. Martin, lieutenant-colonel, and Edward F. Schneider, major. It was engaged in the battles of Chickamauga, Chattanooga, Atlanta, and various others in the southeast.

On March 27, 1862, the Ninth cavalry was mustered in. Edward Lynde was colonel; Charles S. Clarke, lieutenant-colonel, and James M. Pomeroy, major. The operations of this regiment were confined to the department of the Missouri. When Quantrell, the guerrilla leader, raided Lawrence, in August, 1863, two companies of the Ninth Kansas cavalry were the first troops to start in pursuit.

The Tenth Kansas was an infantry regiment. It was mustered into the service of the United States in July, 1862, and was made up of parts of the old Third, Fourth and Fifth regiments consolidated. The colonel of the Tenth Kansas was none other than James Montgomery, the noted free-state leader, whose fighting qualities had been thoroughly tested during the border troubles in southeastern Kansas. James G. Blunt was lieutenant-colonel and Otis B. Gunn, major. The greater part of the service of this regiment was with the army of the Tennessee.

Immediately following the Tenth infantry, the Eleventh cavalry and the Twelfth infantry were organized. The officers of the Eleventh were, colonel, Thomas Ewing, Jr.; lieutenant-colonel, Thomas Moonlight; major, Preston B. Plumb. The Twelfth regiment was officered by Charles W. Adams, colonel; Josiah E. Hayes, lieutenant-colonel and Thomas H. Kennedy, major. Both of these regiments were assigned to duty in the department of the Missouri, where they continued until the expiration of their terms of enlistment.

A little later in the season the Thirteenth infantry, with Thomas M. Bowen, colonel; John B. Wheeler, lieutenant-colonel, and Caleb A. Woodworth, major, was organized. This regiment was also assigned to duty in the Southwest.

The Fourteenth cavalry—Charles W. Blair, colonel; John G. Brown, lieutenant-colonel, and Daniel H. David, major—was recruited in the spring of 1863, by General Blunt. It operated chiefly in Missouri and Arkansas. Charles R. Jennison, who had seen service as colonel of the Seventh, became colonel of the Fifteenth cavalry, which was organized the time of the Quantrell raid. George H. Hoyt was lieutenant-colonel, and Robert H. Hunt, major.

The Sixteenth cavalry and the Seventeenth infantry, both, entered the service too late to achieve much glory, being organ-



ized during the summer and fall of 1864. Werter R. Davis was colonel of the Sixteenth; Samuel Waker, lieutenant-colonel, and James A. Price major.\* In September, 1862, the First Colored infantry, with James M. Williams, colonel; John Bowles, lieutenant-colonel, and Richard G. Ward, major, was organized. The Second Colored infantry was mustered in August 11, 1863, at Fort Scott, Samuel J. Crawford, afterward governor of Kansas, was colonel of the regiment; Horatio Knowles, lieutenant-colonel, and James H. Gilpatrick, major. It was in the Camden expedition led by General Steele.

Besides the infantry and cavalry regiments enumerated, Kansas furnished three batteries of light artillery. The First battery, under Capt. Thomas Bickerton, was mustered in July 24, 1861; the Second, under Capt. Edward A. Smith, September 10, 1862, and the Third, under Capt. Henry Hopkins, was organized in 1861 for an expedition against New Mexico, and was known at "Hopkins' Kansas Battery." About 3,000 friendly Indians were also enlisted. During the war, Kansas was called upon to furnish 16,654 men. She furnished 20,097, thus having a surplus to her credit of 3,343 men—three whole regiments more than her quota. Every man was a volunteer in the highest acceptance of the term. Not a man was drafted from Kansas; not a man joined the army for the sake of a bounty, because neither state, county nor municipality offered any inducements in that way for men to enlist. They were actuated solely by patriotic motives, their only hope of reward being the preservation of the Union.

On the 22d of May, 1861, a Republican state convention was held at Topeka. M. F. Conway was nominated for congress, and a state central committee was appointed. In October the following petition was presented to that committee:

"We, the undersigned citizens, suffering in common with others from the impotency or malice of the present State Executive; and earnestly desiring a State Government that will in a patriotic and energetic manner defend our people from invasion—knowing that by the plain and emphatic provisions of the State Constitution the term of our State officers expires on the first day of January, and that the legislative enactment continuing the State officers beyond that time is null and void, and that there is not sufficient time, before the election, to hold a nominating convention, do respectfully pray your honorable body to

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\*No complete roster, or record of muster-out, of the Seventeenth regiment could be found.



nominate a full state ticket of efficient Union men, without reference to their political antecedents—men who will conduct the state government with reference to the good of the whole country, and not upon mere personal grounds.” This was an irregular and illegal proceeding originating with men who sought to have more power in the government of the state. The military record of Kansas up to this time would seem sufficient to refute the plea set forth in the petition and to indicate the animus of the document. The movement met well deserved defeat.

In response to this petition the committee nominated George A. Crawford for governor; Joseph L. Speer for lieutenant-governor; J. W. Robinson for secretary of state, Samuel A. Stinson for attorney-general; H. R. Dutton for treasurer; James R. McClure for auditor, and H. D. Preston for superintendent of public instruction.

The election on the 5th of November was for treasurer, attorney general, and members of the legislature, to fill vacancies caused by enlistments, and to decide the location of the state capital. No candidates except those presented by the Republican state committee were nominated for other offices. H. R. Dutton was elected treasurer, and Samuel A. Stinson attorney general, without opposition. For a state capital Topeka received 7,996 votes; Lawrence, 5,291, and all the other towns voted for, 1,184. Topeka was therefore declared the capital. An amendment to the state constitution was ratified by a vote of 3,733 to 3,343. It gave to banking institutions the power to issue circulating notes of as small a denomination as one dollar, instead of five dollars as provided by the original constitution. The state canvassers refused to count the votes cast for the “Crawford ticket,” so that the election of state officers went over to the regular election of 1862.

On January 14, 1862, the second state legislature met at Topeka. Joseph P. Root again presided over the senate, and A. R. Banks was chosen secretary. In the house M. S. Adams was elected speaker and John Francis, chief clerk. The principal work of this session was the compilation of the laws into the codes of civil and criminal procedure. A homestead exemption law was passed; Greenwood county was organized and the name of Breckenridge county was changed to that of Lyon. The first legislature authorized the sale of state bonds to the amount of one hundred fifty thousand dollars, to provide for current expenses. On the 14th of February, 1862, a committee of the house reported on the negotiations of these bonds and recom-



mended the impeachment of the governor, secretary and auditor of state. The legislature adjourned on the 6th of March, and on the 2d of June the senate met as a court of impeachment. Ex-Governors Shamon and Stanton and N. P. Case appeared as counsel for the state officials, and Attorney General Stinson, Azel Spaulding, Davies Wilson, and W. R. Wagstaff for the prosecution. The officers were charged with high misdemeanors in entering into an agreement with one Robert S. Stevens for the negotiation and sale of the state bonds. It seems that Stevens was given power to sell the bonds for sixty per cent of their face value; that he actually sold some fifty-six thousand dollars worth of the bonds for eighty-five per cent of the face value, but only turned sixty per cent of the proceeds into the state treasury. Secretary Robinson and Auditor Hillyer were found guilty. The senate then voted to remove both officials from office. In the case of Robinson, the vote stood 18 to 3, and in the case of Hillyer, 18 to 2. Governor Robinson was acquitted. September 17, 1862, the Republican party met in convention at Topeka and nominated the following state ticket: Governor, Thomas Carney; lieutenant governor, Thomas A. Osborn; secretary, W. W. H. Lawrence; auditor, Asa Hairgrove; treasurer, William Spriggs; attorney general, Warren W. Guthrie; superintendent of public instruction, Isaac T. Goodnow; supreme judges, John H. Watson and Lawrence D. Bailey; member of congress, A. C. Wilder. The convention adopted a platform endorsing the administration of President Lincoln, demanding a vigorous prosecution of the war, and expressing full confidence in the nominees of the convention.

A Union state convention met at Lawrence September 29 and nominated W. R. Wagstaff for governor; John J. Ingalls, lieutenant governor; James Humphrey, secretary of state; N. S. Goss, auditor; David L. Lakin, treasurer; Louis Carpenter, attorney general; E. D. Brown, superintendent of public instruction; Willard P. Gambell and E. S. Lowman, justices of the supreme court, and Marcus J. Parrott, representative in congress. In the platform it was declared that "the condition of our country and state imperatively demands that all good and loyal citizens should, without distinction of party, unite in supporting the National Government. . . . That the people, absorbed in the dangers which menace the country and the state, have neglected and abandoned old political organizations, and these organizations have become the exponents of the schemes and ambition of demagogues and cliques. . . . That recent events in





our own State have demonstrated the danger and disgrace attendant upon the active continuance of party organizations at this time. . . . That the people of Kansas love their liberties too dearly, and prize the elective franchise too highly, tamely to submit to the threatened attempt to control the coming election by violence from any quarter. Against corruption we will appeal to the honesty and integrity of the people; but at the sacrifice of life itself we will defend the purity and the freedom of the ballot box from armed interference."

The Democrats held a convention at Topeka, on the 1st of October. No nominations were made, but a platform declaring that the Democratic party stood where it always had—on the constitution and laws of the land, and recommended the nomination of Democratic candidates for the state legislature in every county was adopted. At the election, November 4, the Republican candidates were all elected. For governor, Thomas Carney received 10,090 votes, to 5,463 for W. R. Wagstaff. The total vote for the other candidates was about 1,000 less than that for governor, but the proportions were about the same.

Thomas Carney, second state governor of Kansas, was born in Delaware county, O., August 20, 1827. When he was four years old, his father died, and from that time until he reached manhood Thomas lived and labored upon a farm. His education was mainly obtained in the common schools. In 1852 he went to Cincinnati where he secured a position as a clerk in a store. Later he became a partner, the firm being known as Carney, Scrift Co. Failing health compelled him to give up a mercantile life, and in 1857 he retired from the firm, removed to Illinois, and engaged in farming. His next change of location took him to Leavenworth, Kan., where he opened a dry goods store and in a short time built up a good business. His commercial training proved of great benefit to him during his term as governor, and enabled him to place the state's credit on a solid footing, though he advanced his private means to pay interest on the public debt. He died at Leavenworth in 1889.

On the 13th of January, 1863, the third session of the state legislature was convened at Topeka. Lient. Gov. Thomas A. Osborn was president of the senate and Josiah Kellogg, speaker of the house. The session lasted until March 3, and several important laws were enacted. Among them were acts providing for the location, establishment and government of the state educational, charitable and penal institutions.

By the act of congress, January 29, 1861, seventy-two sections



of land were granted to the state as an endowment for a state university. The legislature of 1861 accepted this grant, as well as the other conditions imposed by the act of admission, and passed an act to locate the university at Manhattan, but it was vetoed by Governor Robinson. When the legislature of 1863 met, the people of Lawrence submitted a proposition to donate a site of forty acres and an endowment of fifteen thousand dollars in money, in consideration of the location of the state university at that city. The proposition was accepted, and on the 20th of February, Governor Carney approved an act authorizing him to appoint three commissioners to select a site near Lawrence. S. M. Thorp, Josiah Miller and I. T. Goodnow were appointed. It was further provided that the fifteen thousand dollars endowment should be paid into the state treasury within six months from the time the act became operative; if not, the university should be located at Emporia. Some trouble was experienced in raising the money, and as a last resort the business men of Lawrence united in giving a note for five thousand dollars to make up the amount. This note was accepted, and on the 2d of November the governor issued a proclamation declaring the institution located at Lawrence.

By what is known as the Morrill Act, passed by congress in 1862, Kansas was entitled to 90,000 acres of land for the support of an agricultural college. She promptly accepted the proposition, through her legislature, which passed an act on the 16th of February, locating the agricultural college at Manhattan, in Riley county, provided the Bluemont Central College Association would make over to the state in fee simple the site of their institution there. This was done, and the college was established at Manhattan.

By the act of March 3, the state normal school was located at Emporia. The salt spring lands granted by congress—about 40,000 acres—were set apart as a perpetual endowment for the school. The institution, with L. B. Kellogg, principal, and eighteen students in attendance, was opened in February, 1865. Ninety were enrolled the second year, and from that time the school has gone steadily forward, its popularity increasing every year.

On the 2d of March, William Chestnut, of Miami county, I. Hiner, of Anderson, and James Hanway, of Franklin, were appointed commissioners to select a site, at or near Osawatimie, for an insane asylum.



The legislature of 1861 appointed M. S. Adams and Charles Starns, of Leavenworth county, and C. S. Lambdin, of Butler county, a commission to locate a state penitentiary in Leavenworth county. In due time they reported the selection of a site, and on the 21st of February, 1863, an act providing for the erection of suitable buildings and prescribing rules for the management of the prison was passed.

The situation of Kansas during the Civil war was a hazardous one. Its geographical position rendered the state liable to invasion by regular Confederate forces from Missouri and Arkansas. On the south were tribes of hostile Indians that were a constant menace, while all along the eastern border were bands of guerrillas that interpreted war as a license to kill unoffending civilians and pillage the country. Several times some of these predatory gangs crossed the boundary, fell upon some unsuspecting or defenceless place, murdered the citizens, plundered the homes, and then made their escape before aid could be summoned. One of the worst of these bands was led by a man named Quantrell, a name that throughout the southwest became a synonym for rapine, arson and murder. In March, 1862, this notorious desperado and a few of his men made a raid upon the town of Aubrey, in Johnson county, and killed three of the citizens. On the 7th of September, the town of Olathe was raided by a large force of men under Quantrell. Every store in the town was robbed, the newspaper offices of the *Mirror* and the *Herald* were destroyed, and seven men were killed. About a month later he made another incursion into Johnson county, killed three men and burned several buildings. Near the town of Shawnee the gang met two teamsters with wagons loaded with goods. The men were shot and the wagons driven away.

Quantrell's success in these petty undertakings no doubt emboldened him to plan a foray into Kansas on a larger scale. At sunset on the 20th of August, 1863, he crossed the state line with from 300 to 400 men. The objective point was Lawrence, forty miles in the interior. All night they rode, and at five o'clock on the morning of the 21st the people of Lawrence were aroused from their peaceful slumbers by the reports of fire arms and the yells of the bandits. After the first impetuous charge the invaders settled down to a systematic search for, and deliberate massacre of, every man that could be found. Stores were plundered, then set on fire. Altogether about seventy-five business houses and one hundred dwellings were burned. The



Eldridge House, the leading hotel of the place, standing upon the site of the old Free State Hotel, which was burned by Sheriff Jones in 1856, went up in flames. Several churches were likewise destroyed. The value of the property stolen and burned was estimated at two million dollars. Between nine and ten o'clock the guerrillas withdrew, and, laden with plunder, rode complacently back to Missouri.

No resistance was offered, because there was no one to resist. Lawrence had been, ever since the beginning of the war, a rendezvous for soldiers. Several of the Kansas regiments had been organized there. But that morning there was no military force there except a few unarmed recruits. The arms belonging to the militia were stored in the armory, and before the men could be assembled the armory was in possession of the enemy.

The actual number killed was never definitely ascertained. Lowman says 143 were left dead in the streets, and about thirty were desperately wounded. Some of these afterward died. Speer estimated the number at 183. On Memorial day, 1895, a monument, bearing the following inscription, was dedicated in Oak Hill cemetery:

"Dedicated to the memory of the 150 citizens, who, defenceless, fell victims to the inhuman ferocity of border guerrillas, led by the infamous Quantrell in his raid upon Lawrence, August 21, 1863."

It is probable that the number given in that inscription is approximately correct. For three days after the massacre the survivors were employed in burying the dead. One trench was made the recipient of fifty-three charred and mangled bodies. This assault upon Lawrence and the wholesale murder of unarmed men have been characterized as "the most atrocious outrage of the war."

Gen. James H. Lane and Lieut. John K. Rankin hurriedly raised a small company of men and started in pursuit.\* But their force was so small, and the guerrillas had so much the start, that nothing was accomplished. The first newspaper account of the affair was published in the *Leavenworth Conservative*. It was thence telegraphed all over the country and spontaneous offerings for the benefit of the victims came from far and near. At Leavenworth, the day after the raid, ten thousand dollars was raised in a few hours for the relief of Lawrence. In

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\*Some of the Kansas historians say Lane was six miles from Lawrence, at the head of a body of Kansas troops, when the raid was made, but no good authority for such a statement has been found.





extenuation of Quantrell's brutal assault upon a defenceless city, it has been claimed that the act was one of retaliation for Lane's burning of Osceola, Mo., the year before.

After his descent upon Lawrence Quantrell remained quiet for a time, recruiting his forces. His next movement in Kansas was at Baxter Springs, in the extreme southeastern corner of the state, where he attacked General Blunt and his escort on the way to Fort Smith. The affair is thus described by Horace Greeley, in his "American Conflict:"

"General Blunt, having been on business to Kansas, was returning to Fort Smith, when he was struck, near Baxter's Springs, Cherokee Nation, by Quantrell, with six hundred guerillas, and most of his small escort were killed or disabled; among the eighty killed—nearly all after they had been captured—were Maj. H. Z. Curtis, son of Maj. Gen. S. R. Curtis, and several civilians. \* \* \*. General Blunt, rallying some fifteen of his guard, escaped capture and death by great coolness and courage; their persistency in boldly fighting creating a belief that they were the van of a heavy force. A considerable train that accompanied them was sacked and burned. The attack was made very near the little post known as Fort Blair, which was next assailed; but its defenders, though few, were brave, and well led by Lieutenant Pond, Third Wisconsin Cavalry, who beat the enemy off, inflicting a loss of eleven killed and many more wounded. General Blunt and his remnant of escort kept the prairie till night, then made their way to the post. They had not ventured thither before, apprehending that it had been taken."

On August 23rd., an order was issued by Gen. Thomas Ewing, Jr., from Kansas City, Mo., to the citizens of eastern Kansas and western Missouri residing in this department to remove from their places of residence within fifteen days from the date of the order. Those living within one mile of the limits of Independence, Hickman's Hill, Pleasant Hill, and Harrisonville, and those in Kaw township, Jackson county "north of this creek and west of the Big Blue embracing Kansas City and Westport," were exempt from this order. Also, those who within this time prove their loyalty to the satisfaction of the commanding officer at the nearest military station were allowed to remain. Other severe measures in regard to the confiscation of property were contained in this order. As a result of these extreme measures a convention, largely in the nature of an indignation meeting, met at Paola, the county seat of Miami county, on the eighth of September, Lieut-Gov. Thomas A. Osborn presiding. Resolutions



were adopted asking for the removal of Generals Schofield and Ewing and of the creation of the military department of Kansas.

An election for chief justice of the supreme court, district attorneys, and members of the legislature, was held on the 3d of November. Robert Crozier was elected chief justice without opposition.

Beginning with the 1st of January, 1864, Kansas was made an independent military department with Maj. Gen. Samuel R. Curtis in command. From this time guerrilla raids were less frequent.

January 12, the fourth state legislature met at Topeka. In the month preceding the so-called "capitol building," erected by Messrs. Gordon, Gage, Farnsworth and Mills, was completed and turned over to the state under a lease. The legislature of 1864 was the first to meet in the new quarters thus provided. There were passed acts granting to each county along the line of the Atchison, Topeka & Santa Fe railroad the power to issue bonds to the amount of two hundred thousand dollars to aid in the construction of the road; locating a deaf and dumb asylum at Olathe and a blind asylum at Wyandotte; abolishing grand juries, and changing the site of the penitentiary to Lansing, near Leavenworth, to include stone quarries and a coal mine. A constitutional amendment allowing soldiers in the field and certain other persons the right to vote was proposed, and the question whether the school lands should be sold was submitted to the people at the November election.

Some trouble grew out of the election of a United States senator to succeed General Lane. As Lane's term did not expire until the 4th of March, 1865, and another annual session of the legislature would convene in January, 1865, Lane's friends insisted that the election of his successor at this term was premature. On the 6th of February eight members of the senate and nineteen of the house signed protests against such a course; but three days later the two branches were called to meet in joint session to elect a senator. Governor Carney received 68 votes; declined to vote 27 members; "against a fraud" 1 vote; blank ballots 2. The presiding officer announced that Governor Carney was elected, but when the Republican state convention met at Topeka, April 21, the governor sent a letter to the convention declining the office.

At that convention General Lane, A. C. Wilder, T. M. Bowen, W. W. H. Lawrence, M. H. Insley and F. W. Potter were selected as delegates to the national convention. Resolutions expressing



confidence in President Lincoln, and instructing the delegates to vote and work for his renomination were adopted. The platform further favored the abolition of slavery and an amendment to the constitution of the United States "to secure freedom to every human being within its jurisdiction."

A second convention of the same party was held at the capital on the 8th of September, to nominate a state ticket. Samuel J. Crawford was nominated for governor; James McGrew, lieutenant-governor; R. A. Barker, secretary of state; John R. Swallow, auditor; William Spriggs, treasurer; J. D. Brumbaugh, attorney-general; I. T. Goodnow, superintendent of public instruction; Jacob Safford, associate justice. Ellsworth Cheesebrough, of Atchison, Nelson McCracken, of Leavenworth, and Robert McBratney, of Davis county, were named for presidential electors. Before the election McCracken and Cheesebrough died, and the vacancies on the ticket were filled by the selection of W. F. Cloud and Thomas Moonlight.

June 1, the Democrats met in convention at Topeka. Wilson Shannon, Orlin Thurston, W. C. McDowell, L. B. Wheat, H. J. Strickler and J. P. Taylor were selected as delegates to the national convention. The only resolutions adopted declared in favor of the establishment of a Democratic paper at Leavenworth and of making Kansas a "free white state."

On the 13th of September the Republican Union state convention met at Topeka and nominated the following state ticket: For governor, Solon O. Thacher; lieutenant-governor, John J. Ingalls; secretary, William R. Saunders; auditor, Asa Hairgrove; treasurer, J. R. McClure; attorney-general, Hiram Griswold; superintendent of public instruction, Peter McVicar; associate justice, Samuel A. Kingman. The platform favored a vigorous prosecution of the war; endorsed the Republican national platform, recommended the voters of Kansas to support Lincoln and Johnson, and called upon "all good men, irrespective of party, to unite in putting down the 'one man power' in Kansas, the corrupt and tyrannical exercise of which has brought disgrace and untold evil upon the State."

At the same time and place the Democrats held a convention, but made no nominations except those of Nelson Cobb, Thomas Bridgens and Andrew J. Ege, for presidential electors. The convention adopted resolutions ratifying the work of the national convention at Chicago and setting forth "that this convention deem it inexpedient for the Democratic party of Kansas to nominate a State ticket, to be supported at the ensuing election, and



we deem it impolitic for any Democrat in the state to permit his name to be used as a candidate for any state office or member of Congress."

At the election, November 8, the Republican ticket was successful. The highest vote received by any of the presidential electors was that of W. F. Cloud, which was 14,228. J. Bridgens received 3,871, the highest vote on the Democratic ticket. For governor S. J. Crawford received 13,387 votes and S. O. Thacher, 8,448. Sidney Clarke, Republican, was elected to congress over Albert L. Lee, the Union candidate, by a majority of 1,120.

Information that Gen. Sterling Price with a force of fifteen thousand Confederate soldiers was marching westward through Missouri, probably having for his object the invasion of Kansas, reached General Curtis on the second of October. General Ewing had been driven back by Price's army from Pilot Knob to Rolla, where his infantry went into garrison, while the cavalry joined General McNeil. This left the road open to Price.\* So far as it was possible, General Rosecrans, at St. Louis, kept General Curtis and Governor Carney apprised of Price's movements. By the 8th affairs had assumed such an aspect that Governor Carney issued a proclamation calling upon "the men of Kansas" to defend the state against the threatened invasion, and appointed George W. Deitzler major-general of the militia. The "men of Kansas" responded with an alacrity seldom equaled. Within three days more than twelve thousand troops were mobilized at Olathe, Atchison, Paola, Fort Scott, Wyandotte and Mound City. On the 9th General Curtis called all the United States troops in Kansas into the field to co-operate with the militia. The next day he appointed Gen. James H. Lane on his staff and proclaimed martial law in the state. Gen. James G. Blunt was placed in command of the militia at Olathe. He organized the men into three brigades under the command of Colonels Blair, Jennison and Moonlight. All these officers, while commanding Kansas regiments, had seen service in the field.

Meantime Price was being closely pursued by Federal troops under Generals Sanborn and Pleasanton. By the middle of October nearly twenty thousand Kansas militia had been concentrated in the towns along the border and were waiting for his approach. On the 16th General Blunt crossed the state line into Missouri and took up a position at Lexington. Price was now between

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\*Most of the engagements connected with the Price raid, in which Kansas troops participated, happened on Missouri soil, and are treated in the history of that state.





two fires. On the east were Sanborn and Pleasanton, and on the west was the Kansas "Army of the Border," inexperienced and undisciplined, but eager for the fray. Then followed in quick succession the battles of Lexington, Little Blue river, Independence, and Big Blue river, until Price made a stand at Westport, where he was completely routed on Sunday, October 23. After this repulse he retreated southward. At sunrise on the 24th the rear of his army was ten miles from Westport. Two divisions started in pursuit. Along the Missouri border ten thousand men were pressing closely upon the rear of the Confederates, while Colonel Moonlight with another detachment moved rapidly southward along the Kansas border to prevent the retreating army from entering the state. A slight skirmish occurred on the 24th at Cold Water Grove, between a portion of the Confederate troops and the Kansas Cavalry of the Border Army. Rallying his forces Price crossed into Kansas a few miles south of West Point, Mo., and encamped at the old trading post on the Marais des Cygnes. He was soon driven from this position, and on the 25th the battles of Marais des Cygnes, Little Osage river, and Mine Creek were fought upon Kansas soil. The engagement at Mine Creek settled the fate of Price's expedition. General Graham was killed, General Slemmons mortally wounded, and nine cannon and eight hundred prisoners were taken, among them Generals Cabell and Marmaduke. The Confederates, hotly pursued by General McNeil, fled in disorder and the invasion of Kansas was over. The triumphant occupation of Kansas as planned by General Price, had ended in a humiliating defeat. In the battles of Marais des Cygnes and Mine Creek the Kansas troops fought like veterans. What they lacked in tactics they more than made up in courage and impetuosity, and the decisive results of the campaign were largely due to their bravery and their eagerness to repel the invaders.

In a congratulatory order, November 8, General Curtis said: "In parting, the General tenders his thanks to the officers and soldiers for their generous support and prompt obedience to orders, and to his staff for their unceasing efforts to share the toil incident to the campaign. The pursuit of Price in 1864, and the battles of Lexington, Little Blue, Big Blue, Westport, Marais des Cygnes, Osage, Charlott and Newtonia, will be borne on the banners of the regiments who shared in them; and the states of Missouri, Iowa, Kansas, Colorado, Illinois, Indiana, Wisconsin, and Arkansas may glory in the achievement of their sons in this short but eventful campaign."



January 10, 1865, the fifth state legislature assembled at the capital. At the beginning of the term the candidates elected in the preceding November were inducted into office. On the 11th Governor Crawford sent his first message to the assembly.

Samuel J. Crawford, the third governor of Kansas, after its admission into the Union, was born in Lawrence county, Ind. April 10, 1835. His early life was spent upon a farm. While attending the Bedford Academy he took up the study of law, and at the age of twenty-one graduated from the Cincinnati, (Ohio) law school. Two years later he located at Garnett, Kan., where he began the practice of his profession. He was a member of the first state legislature, which met in March, 1861, and although only twenty-six years of age he soon demonstrated his ability to represent the district from which he was elected. Upon the call for troops he resigned his seat in the legislature, raised a company for the Second Kansas, being in due season promoted to the colonelcy of the regiment and given the rank of brevet brigadier-general. He was still in the service when nominated for governor in September, 1864. In 1866 he was re-elected, but in November, 1868, resigned to take command of the Nineteenth Kansas regiment, in an expedition against the Indians on the frontier. After the Indians were quieted down he resumed the practice of law at Topeka, taking rank as one of the leading attorneys of Kansas.

Lieut. Gov. James McGrew was inaugurated at the same time and became the presiding officer of the senate, by virtue of his office. Jacob Stotler, of Lyon county, was elected speaker of the house.

During the Price raid the conduct of General Lane, as a member of General Curtis's staff, had so restored him to popularity with the people of Kansas, that but little opposition was offered to his re-election as United States senator. The vote was taken January 12. Lane received 82 votes, Col. William Phillips 7, William C. McDowell 4, C. B. Brace 2, W. Y. Roberts 2, B. M. Hughes 1.

The most important acts passed by this session were those authorizing counties to issue bonds to aid in the construction of railroads; providing for a census; stipulating for the payment of claims growing out of the Price raid; and preventing the bringing of live stock from Texas into the state. The session ended on the 20th of February.

By and act of congress, March 3, 1863, liberal grants of land were made to Kansas to promote the building of a railroad from



Atchison, via Topeka, to the western line of the state in the direction of Santa Fe, N. M.; also for a railroad and telegraph from Leavenworth, via Lawrence and the Ohio City crossing of the Osage river, to the southern line of the state in a direction leading toward Galveston, Tex. Certain branch roads were also provided for, the amount of land given to the companies being ten sections, or 6,400 acres for each mile of road, including both the main line and the branches. Rules were prescribed for the sale of the lands, and the grant became void if no part of the road was completed within ten years from the date the conditions of the act were accepted. These lands were given to the Atchison, Topeka and Santa Fe railroad company by the Kansas legislature in February, 1864. By this grant the company acquired about 3,000,000 acres of Kansas lands.

While the war was in progress, but little was accomplished in the way of railroad building. In November, 1863, work was begun on the Union Pacific, the first road projected from the Missouri river to the Pacific coast. A grant of about six million acres, embracing alternate sections through a strip twenty miles wide, extending from the Missouri river to a point nearly four hundred miles west, was subsequently given to this company. The Missouri, Kansas and Texas railroad also received a large grant of land direct from the state, and all these companies obtained by treaties large tracts from the Indian reservations. Charters contemplating an extensive railway system had been granted to various companies by the territorial legislature, and a few miles of road had been built before the beginning of the war. Upon the restoration of peace the people turned their attention to the matter of establishing railroad communication with the other states. Besides the land grants mentioned, the organized counties voted liberal issues of bonds, and in other ways the construction of roads was encouraged. With the prospect of ample and convenient transportation facilities, Kansas took on a new life. The population increased by leaps and bounds.

Another thing that aided the material prosperity of Kansas in the years immediately following the war, was the homestead law enacted by congress, May 20, 1862. A similar bill had been vetoed by President Buchanan. Under this act the settler could acquire title to 160 acres of land by living upon it for five years. At the close of the war the law was amended so that ex-soldiers of the Union army might deduct from the five years the term of their military service. This brought a large number of settlers to Kansas.



On the twenty-ninth of September, 1865, a treaty by which the Osage Indians ceded to the United States a tract thirty by fifty miles off the east end of their reservation was made at Canville, Kan., with that tribe. This tract lies in Neosho and Labette counties. At the same time they ceded a strip twenty miles wide off the north side of their lands, to be sold for the benefit of the tribe. The eastern boundary of this strip was about fifteen miles east of the town of Fredonia; the northern boundary was about four miles south of the fifth standard parallel; and the west end was at old Fort Sumner, where the Santa Fe trail crossed the Arkansas river. This treaty opened to settlement a large tract of land. Treaties by which most of their reservations passed into the hands of the United States, had been made during the war with the Pottawatomies, Kickapoos, Delawares, Ottawas and Roche de Boenf Indians. In 1861 a treaty with the Arapahoes and Cheyennes of the Upper Arkansas was made at Fort Wise. All that portion of Kansas lying north of the Arkansas river and west of all former cessions was ceded to the United States. By the close of the war these tribes had been removed to their Colorado reserve, and northwestern Kansas had been thrown open to the homesteaders.

At the beginning of the year 1866 there were in the state about three hundred miles of railroad in operation. The construction of railroads was still further stimulated by an act of the sixth state legislature which convened on the ninth of January, 1866, giving to four railroad companies the five hundred thousand acres of land accruing to the state under the act of congress, September 4, 1841. The bill passed the senate, January 26, and was sent to the house. For the reason that a provision of the Kansas constitution appropriated these lands to the support of the common schools, twenty-three members of that body signed a written protest against its passage.

Notwithstanding this protest the act passed on the seventeenth of February by a vote of 44 to 27, and was declared constitutional by the attorney-general.\*

The companies to which these lands were granted were the Northern Kansas, the Kansas and Neosho Valley, the southern branch of the Union Pacific, and the Leavenworth, Lawrence and Fort Gibson. The name of the last was afterward changed by the legislature to that of the Leavenworth, Lawrence and Galveston railroad.

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\*In after years this act was the cause of a great many lawsuits between the railroad companies and actual settlers.





At this session the legislature passed acts to issue bonds for the erection of a penitentiary; to provide for the sale of the lands belonging to the state university, normal school and agricultural college; to encourage the planting and culture of forest trees; to reapportion the state for members of the legislature, and to authorize the building of a capitol. In April Governor Crawford sold in New York sixty thousand dollars of penitentiary bonds and seventy thousand dollars of public improvement bonds at 91 cents on the dollar.

The difference of opinion between President Johnson and congress with regard to the policy under which the seceded states should be re-admitted into the Union, caused a division in the ranks of the Republican party. Those agreeing with the president called themselves the "Union Republicans." Belonging to this class was Sen. J. H. Lane, though a majority of the Kansas Republicans favored the policy advocated by congress. This condition of affairs resulted in an open rupture between General Lane and one wing of his party. Opponents of the president's course held public meetings at which Lane was branded as wearing "Andy Johnson's collar." Lane obtained a leave of absence from the senate and hurried to Kansas where he made a bold fight to retain his power. But it was too late. His party repudiated his policy, and, crazed by the coldness and rebuffs of his former friends, he committed suicide. Maj. Edmund G. Ross was appointed by Governor Crawford, on the 20th of July, to fill the vacancy in the United States senate, caused by General Lane's death. Major Ross was a native of Ohio, a printer by trade, who had come to Kansas during the territorial regime. He was a delegate to the Wyandotte constitutional convention from Wabash county, and during the war served as major and brevet lieutenant colonel of the Eleventh Kansas cavalry.

On the 4th of July, 1866, a reunion of Kansas soldiers was held at Topeka. The principal feature of the celebration was the presentation to the state of the battle flags carried by Kansas military organizations in the Civil war. Judge Samuel A. Kingman was the orator of the occasion. The speech of presentation was made by Gen. James G. Blunt. Governor Crawford made a fitting response, accepting the custody of the flags, and since that time they have remained in the care of the state.

A treaty with the Delaware Indians, July 4, authorized the secretary of the interior to sell the remainder of their lands to the Missouri River Railroad Company, at a price not less than two and one half dollars an acre. On the 19th of July a treaty with the



Cherokees, made with the chiefs at Washington, D. C., secured to the United States the "Neutral Land" in southeastern Kansas; also a strip about four miles wide running west from the Neosho river, ceded to the Cherokee Nation in 1835, and the rights of way for railroads from the north and east through the Cherokee country.

On September 5, the Republican state convention assembled at Topeka. Governor Crawford, Secretary Barker, Auditor Swallow, Superintendent McVicar, and Congressman Clarke were all renominated. The ticket was completed by the selection of Maj. Nehemiah Green for lieutenant-governor; Martin Anderson for treasurer; George H. Hoyt for attorney-general, and Samuel A. Kingman for supreme judge. The platform expressed thankfulness for the abolition of slavery; denounced President Johnson's reconstruction policy; approved the action of congress; and asked the state legislature to submit to the people of Kansas the question of impartial suffrage.

In the campaign of 1866 the Democrats co-operated with the National Union party. A Democratic convention was called to meet at the Capital on the 12th of September, to nominate a state ticket, but was withdrawn, and the National Union convention met on the 20th. The ticket nominated was as follows: Governor, K. L. McDowell; lieutenant-governor, J. R. McClure; secretary, M. Quigg; auditor, N. S. Goss; treasurer, I. S. Walker; attorney-general, Ross Burns; superintendent of public instruction, Joseph Bond; supreme judge, Nelson Cobb; member of congress, Charles W. Blair. Endorsement was given to the resolutions and address of the National Union convention at Philadelphia and the policy of President Johnson. It was also declared in the platform that every state has the constitutional right to representation in congress; that the action of congress in refusing to recognize this right to ten states, after they had repealed their ordinances of secession, was revolutionary and not in harmony with the genius of our institutions; that the war had settled the question "that the right of secession is a political heresy," and that "we, in opposition to the real policy of the Radicals, declare our unalterable determination to oppose negro suffrage in the State of Kansas."

At the election, on the 6th of November, 27,522 votes were cast for governor. Of these Crawford received 19,370 and McDowell, 8,152. The entire Republican ticket was elected by similar majorities.

On the 12th of September the state university was formally dedicated, Solon O. Thacher delivering the oration. The first



session of the institution with three professors in the faculty and forty students in attendance, began on the same date. The board of regents at the time of the dedication consisted of ex-Governor Charles Robinson, J. D. Liggett, William A. Starrett, T. C. Sears, J. S. Emery, D. P. Mitchell, S. O. Thacher, C. B. Lines, E. M. Barthlow, G. W. Paddock, Joseph S. Wever and C. K. Holliday. The state normal school building at Emporia, with James Rogers, T. S. Huffaker, C. V. Eskridge, J. W. Roberts, G. C. Morse and J. M. Rankin as a board of directors, was dedicated on New Year's day, 1867.

Several little Indian outbreaks occurred during the spring and summer of 1866. In May a man named August Millott was killed while at work on his farm in the valley of the Solomon river. A few days later six men while hunting on the prairie about fifteen miles west of Lake Sibley, were surrounded by a war party and all were killed. Similar outrages occurred about the same time in Cloud and Republic counties. In August the settlement on Lulu creek, a small tributary of the Solomon, were raided, and many people were driven from their homes. On the upper Republican several houses were burned, and the fields were laid waste. These depredations were committed by the Otoes, Pawnees, and Omahas, belonging to the Omaha agency.

The legislature of 1867 with Nehemiah Green as president of the senate and Preston B. Plumb speaker of the house met on the eighth of January. There were passed during the session acts ratifying the Fourteenth amendment to the Federal constitution; issuing one hundred thousand dollars of bonds for the construction of the state house, and a like sum for the penitentiary; providing for the erection of a deaf and dumb asylum at Olathe; creating a number of new counties; changing the name of Shirley county to that of Cloud, and providing for the payment of the Price raid claims by the state. Three amendments to the constitution, one in favor of negro suffrage, one to extend the elective franchise to women, and one to disfranchise certain persons, notably those who had borne arms against the government of the United States, were submitted to the people. Samuel C. Pomeroy was re-elected United States senator for the full term of General Lane.

During the summer of 1867 numerous Indian raids upon Kansas settlers were made. Along the line of the Pacific railroad the savages were especially mischievous. In June the Cheyennes, Kiowas and Arapahoes joined together to attack the frontier settlements. The camp at Fort Harker was among the places



assailed. Governor Crawford tendered the services of a battalion to General Sherman to aid in putting down the insurrection. The offer was accepted, and 358 men of the Eighteenth Kansas cavalry under Col. H. L. Moore, were mustered into the service of the United States for four months. This battalion, acting in conjunction with a force under Major Elliott of the Seventh United States cavalry, drove the savages into Colorado. In the southern part of the state the Wichita and Osage tribes committed a few petty outrages, but troops were stationed at Fort Larned and other points to hold the Indians in check.

Although no state officers were to be elected in 1867, the constitutional amendments aroused a wide-spread interest, and a heavy vote was polled. Two of three amendments were lost: The one on the question of striking the word "white" from the constitution, by vote of 19,421 to 10,483; and that granting the right of suffrage to women, by a vote of 19,857 to 9,070. The amendment restricting the elective franchise was carried, 16,860 votes being cast for it to 12,165 against it.

The eighth state legislature met at Topeka, January 14, 1868, and continued in session until the third of March. George W. Smith, of Lawrence, was elected speaker of the house, the lieutenant-governor again presiding over the senate. There were ordered issued state house bonds for one hundred and fifty thousand dollars, penitentiary bonds for fifty thousand dollars, and insane asylum bonds for twenty thousand dollars. Gove and Wallace counties were created, and the county of Crawford was organized, the organization to date from January 1, 1868. Two volumes of laws—one called the General Statutes and the other called Special Laws—were ordered published.

On the twenty-fifth of March the Republicans met in convention at Topeka to select delegates to the presidential convention. Resolutions instructing the delegates to support Gen. U. S. Grant for president, and declaring Sen. S. C. Pomeroy, of Kansas, the first choice for vice-president were adopted. The arraignment of President Johnson by the national house of representatives was approved; and thanks were extended to Secretary Stanton for maintaining "the majesty of the law and the rights of the people against the attempted invasion of a faithless and wicked Executive."

Delegates to the Democratic national convention were selected by a state convention at Topeka, on the twenty-sixth of February. The platform adopted deplored the unhappy differences between the Radical party in congress and the president; declared in favor





of guaranteeing to each state a Republican form of government under the control of the white race; demanded an equal and uniform system of taxation and an equal and uniform currency.

Both parties held conventions later in the season to nominate candidates for the various state offices. The Democrats met on the twenty-ninth of July and nominated the following ticket: Governor, George W. Glick; lieutenant-governor, Maxwell McCaslin; secretary of state, Wilson Shannon, Jr.; auditor, Gottlieb Schauble; treasurer, Adam Brenner; attorney-general, Ross Burns; superintendent of public instruction, Archibald Beatty; supreme judge, W. R. Wagstaff; member of congress, Charles W. Blair. The nomination of Seymour and Blair for president and vice-president was ratified, and resolutions favoring the payment of the bonded debt according to the terms of its creation, calling in the National bank currency and issuing greenbacks in its place, and demanding the speedy removal of the Indians from the state, were adopted.

On September 9, the Republican nominating convention met at Topeka. James M. Harvey was named for governor on the fifth ballot; C. V. Eskridge, lieutenant-governor; Thomas Moonlight, secretary; Alois Thoman, auditor; George Graham, treasurer; Addison Danford, attorney-general; Peter McVicar, superintendent; Daniel M. Valentine, supreme judge, and Sidney Clarke, member of congress. The platform endorsed the work of the national convention in the nomination of Grant and Colfax; and reviewed the record of the Republican party in the enactment of a homestead law, the development of the Pacific railroad system, the adoption of the Fourteenth amendment, and the passage of the eight hour law. Thanks were extended to congress, particularly to one senator and a representative from Kansas, for the arraignment of Andrew Johnson for "high treason and misdemeanors in office."

At the election, November 3, the entire Republican ticket was successful. The highest vote received by any of the Republican presidential electors was 30,028; and the highest by any of the Democrats, 13,620. For governor, Harvey received 29,795 and Glick 13,809. The Republicans also elected an overwhelming majority in both branches of the legislature.

Troubles with the Indians in 1868 were more serious than in any of the preceding years. During the year 1867 treaties with several of the Kansas tribes, with a view to removing them to reservations outside the state, were made. Some of these treaties, made as early as February, 1867, had not been ratified by the



United States senate at the beginning of the year 1868. From this cause and others, the Indians grew dissatisfied at the long delay, and were ready to commit almost any devilry that suggested itself. In October, 1867, Generals Sherman, Harney and Terry met the representative chiefs of the Kiowas, Comanches, Cheyennes, and Arapahoes, on Medicine Lodge creek, and concluded a treaty with them, by which these tribes were furnished with arms and ammunition for their hunting expeditions. Early in 1868 this treaty was broken by the Indians. Nearly 500 Cheyennes crossed over into Kansas, raided the country almost to the center of the state, and left a trail of robbery and murder behind them.

A treaty with the Osage Indians, by which they sold eight million acres of their lands in southern Kansas to the Leavenworth, Lawrence and Galveston Railroad Company at twenty cents an acre, was made May 27, 1868. An act of congress enabled settlers to buy these lands of the railroad company. When the Indians saw the whites coming in and taking possession of the country, they grew sick of their bargain and began harassing the settlers.

Another source of dissatisfaction among the Indians was the construction of the Pacific railroad, but, to quote General Sherman, "It has always been difficult to discover the exact truth concerning the cause of a rupture with any Indians. They never give notice beforehand of a war-like intention, and the first notice comes after their rifles and lances have done much bloody work. All intercourse then necessarily ceases, and the original cause soon becomes buried in after events."

This would certainly apply to Kansas in the summer of 1868. In August, while one party of Cheyennes were drawing arms at Fort Larned in accordance with the treaty of the preceding October, another party was pillaging farms, burning homes and slaughtering settlers in Republic, Ottawa and Mitchell counties. All along the upper portions of the Republican and Solomon valleys, raids were of daily occurrence. Governor Crawford made a hurried tour of investigation through the stricken territory. When he learned the actual condition of affairs, he telegraphed the president, offering to furnish all the volunteers necessary to reduce the Indians to a state of subjection. "The savage devils have been intolerable," said the governor in his message, "and must and shall be driven out of the state."

In August, General Sheridan directed the forcible removal of



the marauding bands to their reservations, and sent General Sully with instructions to carry out the order and destroy everything belonging to the Indians, even to their families, if necessary. To co-operate with General Sully, Governor Crawford issued a call for five companies of cavalry to serve for three months. Only a few days elapsed before the quota was filled, each man furnishing his own horse, arms, and accoutrements, the war department providing the rations. Troops were soon stationed at Salina, Lake Sibley, Marion Center, and various points in the valley of the Solomon. General Sully took nine companies of cavalry, scoured the country south of the Arkansas and routed the Cheyennes and Arapahoes at different points where they had gathered.

In September Col. G. A. Forsythe was sent out with a company of scouts to watch the movements of the Indians. On the 17th he was attacked by about 700 warriors on the head waters of the Republican river. Colonel Forsythe was twice wounded; Lieutenant Beecher and four men were killed, and fifteen men were wounded. The Indians were finally repulsed with a loss of thirty-five killed. The number wounded could not be ascertained. The fighting continued for eight days, when Forsythe was rescued by troops sent from Fort Wallace.

Finding more troops necessary to overawe the Comanches and Kiowas, General Sherman asked the governor of Kansas to raise a regiment of volunteer cavalry. A call was issued by Governor Crawford on the 10th of October, and in ten days a full regiment of 1,200 men was mustered in at Topeka for six months service. On November 4, Governor Crawford resigned his position as governor of the state and took command of the regiment, which was known as the Nineteenth Kansas cavalry. The next day the regiment left Topeka and on the 28th joined General Sheridan. They were constantly on the move from that time until December 24, when the Indians capitulated. The regiment continued in the service until the following April, when it was mustered out at Fort Hays.

When Governor Crawford resigned, Lieut. Gov. Nehemiah Green succeeded to the office. He was a methodist minister, an able, conscientious executive and served until the inauguration of Governor Harvey on the 12th day of January, 1869.



## CHAPTER V

## Events from 1869 to 1889

JAMES MADISON HARVEY, the fourth state governor of Kansas, was born in Monroe county, Va., September 21, 1833. He received the major part of his education in the common schools of Indiana, Illinois and Iowa, and fitted himself for the work of a surveyor and civil engineer. In 1859 he settled upon a farm in Riley county, Kan., where he continued to reside until the breaking out of the Civil war. During the war he served as captain in the Fourth and Tenth regiments, Kansas volunteer infantry. Upon being mustered out in 1865, he was elected a member of the lower house of the Kansas legislature, and in 1866 was re-elected. In 1867-68 he was a member of the state senate, and while serving in this capacity was nominated for governor on the Republican ticket, and elected. He was re-elected in 1870 by a largely increased majority. Two years after retiring from the office of governor, he was elected to the office of United States senator, to fill the vacancy caused by the resignation of Alex. Caldwell, and served until March 4, 1877. In all his public career he was looked upon as a conscientious, painstaking servant of the people. He died at his Riley county home, April 15, 1894.

In his message to the ninth legislature, Governor Harvey announced that the state had more than 600 miles of railroad in operation, and that work was being actively pushed on several lines. The Eastern division of the Union Pacific, extending from Wyandotte and Leavenworth to Sheridan, headed the list with 405 miles. The Central division between Atchison and Water-ville in Marshall county, was next with 100 miles. Bonds to the amount of seventy thousand dollars to be used in completing the east wing of the capitol which had been begun in 1866, were authorized to be issued. Besides these bonds other issues were ordered as follows: Seventy-five thousand dollars to defray the





expenses of the Indian war of 1868; fourteen thousand dollars to pay for raising and organizing the Nineteenth regiment, and one hundred thousand dollars to provide a military contingent fund for the protection of the frontier. Acts creating commissions to audit the Price raid and Curtis expedition claims, and providing for the adjustment of losses growing out of the Indian raids of 1867-68 were also passed.

By an act of congress, April 10, sections sixteen and thirty-six in the Osage lands ceded by the treaty of September 29, 1865, were given to the Kansas school fund. This added more than 220,000 acres to the school lands of the state.

For some time a dispute regarding the titles to the "Neutral Lands" in Cherokee and Crawford counties had been brewing. It culminated in open riots in the spring of 1869. The treaty of July 19, 1866, gave the government the power to sell the lands in a body at one dollar an acre. On the 30th of August of that year, James Harlan, then secretary of the interior, sold to the American Emigrant Company, of Connecticut, at that price, all the lands not occupied by actual settlers. The next day Harlan was succeeded by O. H. Browning, who procured an opinion from the attorney-general that the Harlan sale was illegal and therefore void. Browning then sold the lands to James F. Joy, representing the Missouri River, Fort Scott and Gulf railroad. This contract was made October 9, 1867, but was canceled April 27, 1868, when a supplemental contract was made with the Cherokees, and the American Emigrant Company assigned its contract to Joy. The agreement and supplemental treaty were confirmed by the United States senate in June following, and Joy came into possession. Settlers continued to locate on the tract after the treaty of 1866; they understood that they could purchase their lands for one dollar and twenty-five cents an acre. These were the ones whose titles were called into question. Early in the spring of 1869 the railroad was surveyed through the tract, and a land office was opened at Columbus. The prices and methods of the railroad company were not satisfactory to the settlers, however, and the "Land League" or "Neutral Land Home-Protecting Corps" was organized to contest the company's claims. In April an engineering party was attacked by adherents of the Land League. Their instruments were broken, and their wagons were burned. Another party of settlers raided the land office and ordered the agent to decamp. The office of the *Girard Press* and a large number of ties that had been delivered along the line of the proposed road were burned.



Matters daily grew more serious. The civil authorities were unable to control the situation. In May the sheriffs of Crawford and Cherokee counties joined in a request to Governor Harvey to send troops to the scene of the difficulty. As the treaty with the Indians and the sale to Joy had both been made by the United States, the governor called upon General Schofield, commanding the department, to send Federal soldiers there under instructions "to take no part in the controversy as to titles but assist the civil authorities to maintain peace and protect persons and property." These instructions were followed, the troops taking sides with neither of the contestants. They remained there for nearly four years, the road being built under military protection.

The question was before congress several times. In 1869 a committee of the house reported that "all settlers after the treaty of 1866 were trespassers." A minority report, favorable to the settlers, was adopted by the house, but was smothered in the senate. The case was finally settled by a decision of the United States supreme court, in December, 1872, declaring the validity of Joy's title.

According to the census of 1870, the population of Kansas was 364,399, an increase of over 200 per cent since the census of 1860. Prospects were brighter than at any time during the preceding decade. Most of the Indians had been removed to reservations outside the state, the institutions were in a healthful condition, and the future was full of promise.

On the 11th of January the tenth legislature with C. V. Eskridge president of the senate and Jacob Stotler speaker of the house was convened. Very little important legislation was enacted during the session. The Fifteenth amendment to the Federal constitution was ratified; a normal school was ordered located at Leavenworth; and the city of Lawrence was authorized to issue one hundred thousand dollars in bonds for the aid of the state university. The session lasted until the 3d of March. This was the first legislature to meet in the new capitol, the east wing of which had been turned over to the state on Christmas day, 1869, ready for occupancy.

Interest in the political campaign of 1870 centered in the defeat or re-election of Sidney Clarke for representative in congress. Owing to the position taken by Clarke on the Neutral Land titles, there was considerable opposition to his candidacy. When the Republican state convention met, September 8, Clarke was defeated, the nominee being D. P. Lowe. Governor Harvey, Auditor Thoman, and Superintendent McCarthy were re-nomi-



nated. The rest of the ticket was as follows: Lieutenant-governor, P. P. Elder; secretary, W. H. Smallwood; treasurer, Josiah E. Hayes; attorney-general, A. L. Williams; supreme judge, David J. Brewer. The platform endorsed the administration of President Grant as "patriotic, honest and economical;" expressed sympathy with the German people in the war with France; demanded the full protection of settler's rights in the distribution of public lands and the reservation of sections sixteen and thirty-six for educational purposes.

The Democratic convention was held at Topeka on the 15th of September. Isaac Sharp was nominated for governor; A. J. Allen, lieutenant-governor; C. C. Duncan, secretary of state; Hardin McMahon, auditor; S. C. Gephart, treasurer; A. W. Rucker, attorney-general; T. S. Murray, superintendent; Robert M. Ruggles, supreme judge, and R. C. Foster, for congress. There was adopted a long platform, the principal features of which were as follows: Demands for the speedy restoration of all the states to equality and self-government; the substitution of treasury notes for national bank currency; reduction or abolition of the internal revenue taxes; payment of the national debt according to the laws creating it; no more land grants to railroads; shorter sessions of the legislature; and a thorough reform in all branches of government. The entire Republican ticket was elected in November. For governor, Harvey received 40,666 votes; Sharp, 20,469, and W. R. Loughlin, who ran as a workingmen's candidate, 108.

Considerable excitement resulted from the work of a vigilance committee at Douglas, Butler county, in the latter part of the year. For some time that part of the state had been infested with horse thieves and murderers. On the night of November 8, the committee hung Jack Corbin and Lewis Booth and shot and killed James Smith. A few weeks later Mike Drea, William Quimby, Doctor Morris and his son were hung by the mob. The adjutant-general went to the county seat with the intention of calling out the militia, but found it unnecessary. The membership of the committee was never ascertained.

Governor Harvey's second term began with the assembling of the eleventh legislature, January 10, 1871. At the same time P. P. Elder was inaugurated lieutenant-governor. B. F. Simpson became speaker of the house. The session lasted until March. An act redistricting the state for legislative purposes on the basis of thirty-three senators and one hundred representatives was passed. Other acts established an insurance department, provided



for adjustment of losses on the frontier, and authorized certain cities to issue bonds.

January 25, the two houses met in joint session to elect a United States senator to succeed F. G. Ross. Alexander Caldwell received 87 votes; Samuel J. Crawford, 34, and Wilson Shannon, 2. February 3, Senator Caldwell gave a banquet at Leavenworth to the members of the legislature. At the time of his election Senator Caldwell was not quite forty-one years of age. During the Mexican War he served in his father's company. From 1861 to 1870 he was engaged in transporting military supplies to the frontier and building railroads in Kansas. He resigned his position as senator in 1873, and engaged in the manufacture of wagons and farm implements, and in banking.

During the year threatened invasions of the Indians led to the organization and equipment of five companies of militia. They were not called into service, because Gen. John Pope, at Governor Harvey's request, placed United States troops along the frontier, and the Indians retired to their reservations.

Open charges of bribery, in the elections of United States senators in 1867 and 1871, having been made in some of the newspapers, the legislature of 1872 appointed a committee to investigate. A few days before the final adjournment, this committee reported that sixty-four witnesses had been examined, but that a "full and complete exposition of these high crimes is the incessant labor of months instead of the few days we have had." The report contained the following rather significant remark: "Men who have been guilty of giving or taking a bribe, or in anywise connected therewith, as a general rule do not hesitate to hide their own and confederates' infamy behind the less odious crime of perjury."

Among the acts passed during the session were thirty-eight relating to the issue of municipal bonds; appropriating fifty thousand dollars to the state university; creating a state board of agriculture; increasing the salaries of state officers and judges of the supreme court; and providing for the sale of the normal school lands. The legislature was in session from January 9 to March 2. Lieutenant Governor Elder presided over the senate, and Speaker S. A. Cobb, over the house.

In the political campaign of 1872, the Republican party became divided. One wing, calling themselves Liberal Republicans, was opposed to the renomination of President Grant. The regular Republicans held a state convention at Lawrence on the 21st of February and selected ten delegates to the national convention to





be held at Philadelphia in June. These delegates were instructed to support General Grant for renomination.

April 10, the Liberal Republicans met at Topeka with a large attendance. Ex-Governor Crawford presided over the convention. One hundred and ten delegates were appointed to attend the Cincinnati Liberal Convention. Among them were S. J. Crawford, M. J. Parrott and E. G. Ross.

A convention of Democrats met at Topeka June 11, selected delegates to the national convention, and adopted a resolution that "the delegates this day accredited to the National Convention at Baltimore are hereby instructed that it is the desire of the Democracy of Kansas that the National Council of the party shall not place a ticket in the field, but that it shall, in the interest of the country, and to the end that a shameless administration shall be driven from power, give its sanction to, and its powerful voice in favor of, the nominees and platform of the Cincinnati Convention. And our delegates are instructed to vote and act in accordance with these resolutions."

Two Republican conventions were held on the 4th of September: One at Topeka for the nomination of state officers, and one at Lawrence to select three candidates for Congressmen at Large\* and presidential electors. At Topeka, Thomas A. Osborn was nominated for governor on the tenth ballot; Elias S. Stover, for lieutenant-governor, and Daniel W. Wilder, for auditor. For the other places on the ticket, the then incumbents of the office were renominated. The Lawrence convention named D. P. Lowe, William A. Phillips, and Stephen A. Cobb for congressional candidates.

On the 11th of September both the Liberal Republicans and the Democrats held conventions at Topeka. Although they met separately, they worked in conjunction for the nomination of a ticket. A conference committee was appointed to arrange a division of the offices. This committee reported in favor of giving the Liberals the candidates for governor, two congressmen, three presidential electors, treasurer, auditor and superintendent of public instruction, and the Democrats the rest. Both conventions ratified the work of the committee. The Liberals nominated Thaddeus H. Walker for governor; R. B. Mitchell, M. J. Parrott and N. A. Adams for congressmen; C. H. Pratt for auditor; M. S. Beach for treasurer, and L. J. Sawyer for superintendent. The Democrats named for their portion of the ticket

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\*By the census of 1870 Kansas became entitled to three representatives in congress, but the state was not divided into districts until 1871.



John Walruff for lieutenant-governor; W. R. Laughlin and S. A. Riggs for congressmen; J. F. Waskey for secretary of state; B. P. Wagner for attorney-general, and H. C. McComas for supreme judge. The platforms of all the conventions were confined chiefly to a reiteration and endorsement of the principles laid down by the national councils.

An unusually heavy vote was polled at the election, November 5, more than 100,000 being cast for president. Of this vote Grant received 66,942, Greeley, 32,970, and O'Connor, 156. For governor Osborn's vote was 66,715, and Walker's 34,608. All the Republican candidates were elected.

Examination of witnesses in the senatorial bribery cases began early in January, 1873, at Washington, pursuant to a resolution adopted by the United States senate in May of the preceding year. The final report of the committee was to the effect that "Alexander Caldwell was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Kansas." This report was made on the 17th of February, and on the 24th of March Senator Caldwell resigned.

Part of the business of the Kansas legislature of 1873 was to elect a United States senator for the term beginning on the 4th of March. Strenuous opposition to the re-election of S. C. Pomeroy was made manifest on the opening day of the session, January 14, and continued until the final vote was taken. When the two houses met in joint session, on the 29th, Col. A. M. York, the senator from Montgomery county, made a speech, in which he told of a private meeting with Senator Pomeroy, and said: "At that interview my vote was bargained for, for a consideration of eight thousand dollars, two thousand dollars of which were paid me on that evening, five thousand dollars the next afternoon, and a promise of the additional one thousand when my vote had been cast in his favor. I now, in the presence of this honorable body, hand over the amount of seven thousand dollars just as I received it, and ask that it be counted by the secretary. . . . I demand, Mr. President and gentlemen, that

the actions of Samuel C. Pomeroy in this contest be thoroughly examined, and that the corruption money that lies upon the table be the instrument of retribution in prosecuting that investigation."

The effect was electrical. In the ballot which was taken immediately after Senator York's speech, John J. Ingalls received 115 votes; D. J. Lowe, 6; Sidney Clarke, 2; A. M. York, 2; Charles Robinson, 1, and S. A. Kingman, 1.

The same day Senator Pomeroy was arrested on a charge of



bribery and placed under twenty thousand dollar bonds. The case was several times postponed and was finally dismissed. A committee of investigation was appointed by the United States senate, and a majority report of this committee exonerated Senator Pomeroy of guilt, declaring that he was the victim of a plot to secure his defeat. He served till the close of his term (March 4, 1873) after which he retired to private life.

The legislature of 1873 enacted laws authorizing the incorporation of savings and trust companies, creating a number of new counties, providing for a constitutional amendment to increase the number of members of the legislature, and exempting mortgages from taxation. During the term E. S. Stover was president of the senate and Josiah Kellogg speaker of the house. The session ended on the 7th of March. Governor Osborn succeeded Governor Harvey at the beginning of the term.

Thomas Andrew Osborn, the fifth governor of the state of Kansas, was born at Meadville, Pa., October 26, 1836. After securing such an education as he could in the common schools, he started in to learn the printer's trade. While working as a compositor; he saved enough money to attend Allegheny college, but did not graduate. In 1856 he was admitted to the bar, and the following year located in Michigan. He remained but a few months in Michigan, when he went to Kansas and at first found employment as a compositor on the *Herald of Freedom* at Lawrence. The next year he located at Elwood and began the practice of law, soon winning a high reputation as an able and conscientious attorney. In 1859 he was elected to the state senate from Doniphan county. He was re-elected, and in 1862 was nominated and elected lieutenant-governor. In 1864 he was appointed United States marshal for the state of Kansas by President Lincoln. Beginning in 1873 he served two terms as governor, and in 1877 was appointed minister to Chili by President Hayes. Later, he was transferred to the Brazilian mission. He returned to Kansas in 1886, and took up his residence at Topeka. He died at Meadville, Pa., February 4, 1898.

To fill the vacancy in the United States senate, caused by the resignation of Alexander Caldwell, Governor Osborn, on the 22nd of November, appointed Robert Crozier to serve until the legislature convened. The fourteenth legislature met on the 13th of January, 1874. Balloting for senator was begun January 27, and continued day by day until February 3, when ex-Governor Harvey was elected. At this session E. S. Stover presided over the senate, and B. H. McKron was speaker. Perhaps the most



important act passed was that dividing the state into three congressional districts. The first district was composed of the counties of Leavenworth, Doniphan, Brown, Nemaha, Marshall, Washington, Republic, Jewell, Smith, Phillips, Norton, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Ottawa, Lincoln, Riley, Pottawatomie, Jackson, Jefferson, Atchison, Davis, and all that portion of the state lying north of the fifth standard parallel. The second district embraced the counties of Montgomery, Labette, Cherokee, Crawford, Neosho, Bourbon, Allen, Anderson, Linn, Miami, Franklin, Johnson, Douglas and Wyandotte. All the rest of the state was included in the third district.

August 5, the Independent Reform party, made up of all those opposed to the Republicans, met in convention at Topeka and nominated J. C. Cusey for governor; Eldred Harrington, lieutenant-governor; Nelson Abbott, secretary; George P. Smith, auditor; Charles F. Koester, treasurer; J. R. Hallowell, attorney-general; H. B. Norton, superintendent, and William P. Douthitt, supreme judge. The platform denounced the waste and extravagance of the administration; demanded the repeal of the national banking law; asked that railroads be made subservient to the public good; and advocated that the president, vice-president and United States senators be elected by popular vote.

The Republican convention which met at Topeka, August 26, renominated Governor Osborn, Auditor Wilder and Judge Valentine. M. J. Salter was named for lieutenant-governor; T. H. Cavanaugh, secretary of state; Samuel Lappin, treasurer; A. M. F. Randolph, attorney-general, and John Fraser, superintendent of public instruction. Laws to protect the people from extortionate charges by railroads, and to reduce the number of officials as a matter of economy were demanded. On national issues the convention declared in favor of a revision of the patent laws and in opposition to a third presidential term.

A state Temperance convention met at Leavenworth in September and nominated a ticket headed by W. K. Marshall for governor. This was the first campaign in which the temperance people had a ticket of their own in the field. The Republican ticket was elected by pluralities ranging from 13,000 to 20,000.

Early in the spring of 1874, the Indians in the northwestern and southwestern parts of the state began to display signs of hostility. They grew sullen and threatening and commenced petty thieving, running off live stock, etc. In April a party of Cheyennes belonging to Little Robe's band ran off 50 cattle, 18 horses and 2 mules, near Sun City in Barber county. Captain





Tupper with a detachment of the Sixth cavalry went in pursuit. On the 11th the Indians were overtaken. A skirmish ensued in which Little Robe's son was killed, and the stolen stock was recovered. This incident did not improve the temper of the Indians, and the depredations continued. June 16, the savages raided the little town of Kiowa, in Barber county, and ran off five horses. The same day another party murdered a man named Warren near Fort Dodge, in Ford county. On the 17th three men, John, Martin and Elijah Kennedy, two and a half miles southwest, and Isaac Keim about three miles west, of Medicine Lodge, were killed. A few days later a fourteen year old boy was killed near Smallwood in Comanche county. All those killed were scalped, and some of the bodies were shockingly mutilated. The alarm became general. Hundreds of people living in the counties south of the Big Bend deserted their farms and homes, and sought safety in flight. Some got together and built stockades at Medicine Lodge, Kiowa, Sun City, and other places, for their mutual protection.

The only arms in the possession of the state militia were the old-fashioned, muzzle-loading, Springfield guns, while the Indians were supplied with modern breech-loading rifles. At the request of Governor Osborn, five hundred Sharp's rifles and fifty thousand cartridges were sent by the war department from the arsenal at Rock Island, Ill. As soon as these arms were received, the adjutant-general went in person to the southwestern part of the state to superintend their distribution to the newly organized military companies there. On the 7th of August Capt. A. M. Ricker, while out scouting with twenty-three of his company and when about fifteen miles northeast of Medicine Lodge, saw a party of Osages. Concealing his men in a ravine, the captain exposed himself for the purpose of learning the intentions of the Indians. The Osages, led by Broke Arm's son, came on with rifles and revolvers cocked. When they were within easy range, Captain Ricker gave the order to fire. Four Indians fell dead, and several were wounded. The rest turned and fled. Broke Arm's son was among the killed. About two weeks later Indian agent, Stubbs, at Arkansas City, reported that the Osages were preparing for a general outbreak. Governor Osborn imparted this information to the president and asked for two thousand carbines and one hundred thousand cartridges for the use of the militia, the arms and ammunition to be charged to the state of Kansas. This request was denied, the war department claiming that the state was already in debt for arms furnished during the Price



raid. The president promised that the general government would protect the state from invasion by the Indians. The refusal called forth a letter from Governor Osborn, in which he raised the question of the state's liability for arms furnished the militia while in the service of the United States. He repeated his application for arms and ammunition and in closing said:

"This State has already expended, since her admission into the Union, more than three hundred thousand dollars in protecting her citizens against hostile Indians, whose good conduct was guaranteed by the Government; and whatever may be the decision on this application for arms, we will endeavor to protect the lives and property of our citizens, at whatever cost."

The independent tone of this letter had the desired effect. Secretary Belknap ordered 2,000 carbines, and 100,000 cartridges sent to Kansas. Christmas came before the depredations entirely ceased. Then Governor Osborn notified the president that some of the Indians were preparing to leave their reservations, ostensibly to hunt, and that collisions were liable to occur. Following the governor's letter, orders were issued by the bureau of Indian affairs that any Indian found off the reservation without a written permit from the agent or superintendent would be considered hostile and treated accordingly. This put an end to the raids.

A special session of the legislature to provide relief for the settlers of the western counties whose crops had been destroyed by grasshoppers, was convened on the fifteenth of September. In his message Governor Osborn reported 1,500 families in destitute circumstances; in seventeen counties out of 158,000 acres under cultivation, not a bushel of corn was harvested. Acts providing for an issue of seventy-three thousand dollars in state bonds,\* and authorizing counties to issue special relief bonds, were passed. An appeal to the people for charitable aid was also made. The session lasted only one week.

The fifteenth regular session of the legislature, with the lieutenant-governor president of the senate and E. H. Funston speaker of the house, met January 12, 1875. An appropriation of five thousand dollars to pay freight on supplies for the sufferers of western Kansas, was made to the State Grange committee, and sixteen thousand dollars for the relief of those whose crops had been destroyed by drouth and grasshoppers the year before, was voted. A normal school was established at Concordia; an insane

\*Only \$7,500 of these bonds were actually issued.



asylum, at Topeka; and a vote was ordered on a constitutional amendment providing for biennial sessions of the legislature.

In December, 1875, the commissioners of the permanent school fund reported the discovery of about eighteen thousand dollars in forged bonds on school districts, and further reported that the treasurer, Samuel Lappin, had paid out money on these bonds without proper identification of the parties to whom the funds were paid. Governor Osborn asked the treasurer to resign. He did so, and a few days later the governor ordered the attorney-general to bring suit against him and his bondsmen to recover the amount. Lappin was arrested and gave bail, but forfeited his bond and attempted to leave the country. He was again apprehended and brought back to Topeka, where he was surrendered by his bondsmen and lodged in jail. In July, 1876, he broke jail and went to South America. Some years later he returned, whereupon he was again arrested, but as his property, as well as that of Charles G. Scrafford who was implicated with him, had been sold, and the state thus had been indemnified, he was never prosecuted.

An act empowering the governor to appoint five persons as state centennial managers for Kansas was passed by the legislature of 1874. The legislature of 1875 made an appropriation of five thousand dollars for expenses. John A. Martin and George A. Crawford were appointed national commissioners. An additional appropriation of twenty-five thousand dollars was made in 1876, and the board of managers was increased to nine members and given authority to erect a building in Fairmount Park, Philadelphia, for the Kansas exhibit. Several awards, one being a medal for the best collective exhibit on the grounds, were given to the state.

Besides the appropriation to the Centennial Exposition, the legislature of 1876 passed acts apportioning the state for 40 senators and 123 representatives and submitting two amendments to the constitution. During the session from January 11 to March 4, D. C. Haskell was speaker of the house and M. J. Salter, president of the senate.

Conventions were held by all political parties, early in the season, to select delegates to the national conventions. The Republicans declared for James G. Blaine, and the Democrats, for Thomas A. Hendricks, as first choice for presidential candidates. A second Republican convention was held at the capital on the 16th of August, and the following state ticket was named; Governor, George T. Anthony; lieutenant-governor, M. J. Salter;



secretary, T. H. Cavanaugh; auditor, P. I. Bonebrake; treasurer, John Francis; attorney-general, Willard Davis; superintendent of public instruction, Allen B. Lemmon; supreme judge, David J. Brewer.

The Democrats nominated John Martin for governor, and the Greenbackers nominated J. K. Hudson. The rest of the ticket was made up by a coalition of the two parties. A Prohibition ticket with John Paulson as the gubernatorial candidate, was also placed in the field. At the election, which occurred on the 7th of November, 124,057 votes were cast for president. Of these 78,522, were Republican; 37,902, Democratic; 7,770, Greenback; and 133, scattering. For governor the vote was as follows: Anthony 69,073, Martin 46,204, Hudson 6,020, Paulson 393, scattering 37. Two amendments to the state constitution were ratified. One related to the state's revenues, and the other to the terms of county officers.

George T. Anthony, the sixth governor of the state, was born at Mayfield, Fulton county, N. Y., June 9, 1824. At the age of eighteen he commenced to learn the trade of tin and coppersmith at Union Springs, N. Y., and afterward spent five years in that occupation. In 1850 he embarked in the stove, tin and hardware business at Medina, N. Y. During the next ten years, he was successively engaged as a manufacturer of agricultural implements and as a commission merchant in New York City. At the breaking out of the Civil war, he was appointed a recruiting officer by Governor Morgan, of New York, and assisted in raising and equipping several regiments of volunteers. As editor first of the *Daily Bulletin*, and later of the *Kansas Farmer*, he located at Leavenworth in 1865. Between the years 1867 and 1876 he served as assessor, collector of internal revenue, member of the state board of agriculture, and member of the board of centennial managers. After retiring from the office of governor, he served the state as railroad commissioner and as superintendent of insurance. He died August 5, 1890.

The legislature of 1877 met on the 9th of January and remained in session until the 7th of March. Sixteen ballots for United States senator to succeed J. M. Harvey were taken, the choice finally falling upon Preston B. Plumb, on the last day of January. Senator Plumb was born in Delaware county, O., in 1837. At the age of twelve years he entered a printing office, and from that time became identified with the profession of journalism. His first experience as an editor was in 1853, on the *Xenia*





*News.* He came to Kansas in 1856 and took a position as foreman on the *Herald of Freedom*, at Lawrence. The next year he was one of five to found the town of Emporia and establish the *Emporia News*. He was recognized as a leader among the free-state men, and served as colonel of a Kansas regiment in the Civil war. His term as senator began March 4, 1877. He was twice re-elected, and died at Washington, D. C., December 20, 1891.

In July, 1877, Lieutenant Governor Salter resigned to accept a position in the land office at Independence, and at the November election L. U. Humphrey was elected to fill the vacancy. At the same election Albert H. Horton, Republican, was elected chief justice of the supreme court.

Three tickets were in the field in the campaign of 1878. The Republicans took the initiative by holding a convention at Topeka, August 28, and nominating John P. St. John for governor; L. U. Humphrey, lieutenant governor; James Smith, secretary; P. I. Bonebrake, auditor; John Francis, treasurer; Willard Davis, attorney general; A. B. Lemmon, superintendent; Albert H. Horton, chief justice. The platform reiterated the well-known party tenets, declared in favor of a double coin standard and of placing the coinage of gold and silver on an equality, and insisted that the investment of capital in the state ought to be encouraged by wise and liberal legislation.

September 4, the Democratic convention met at Leavenworth, and nominated the following ticket: Governor, John R. Godin; lieutenant governor, George Unmuthum; secretary, G. W. Barton; auditor, Osburn Shannon; treasurer, C. C. Black; attorney general, J. T. Cox; superintendent, O. F. McKain; chief justice, R. M. Ruggles. The platform denounced the induction of President Hayes into office as a crime; opposed any increase in the standing army; declared in favor of an issue of paper money "in sufficient volume for the convenient transaction of business at all times;" the repeal of the resumption act; the remonetization of silver, and a tariff for revenue only.

The Greenback or National ticket was made up of D. P. Mitchell for governor; Alfred Taylor, lieutenant governor; T. P. Leach, secretary; A. B. Cornell, auditor; A. G. Wolcott, treasurer; Frank Doster, attorney general; J. P. Foot, superintendent; H. P. Vrooman, chief justice.

The election, November 5, resulted in a sweeping victory for the Republicans. St. John received 74,020 votes, Godin, 37,208; Mitchell, 27,057. All three of the congressmen elected were



Republicans. That party had 124 out of 169 members of the legislature. This legislature, the first biennial one under the amendment of 1875, met January 14, 1879, with L. U. Humphrey president of the senate and Sidney Clarke speaker. John J. Ingalls was re-elected to the United States senate on the last day of January. This assembly passed acts dissolving the organization of Wallace county; providing for a state reform school for boys, near Topeka, and for rebuilding the normal school at Emporia, destroyed by fire in 1878; regulating the selection of text books in the public schools; submitting propositions to amend the constitution by providing for the prohibition of the liquor traffic, striking out the clause exempting two hundred dollars of personal property from taxation; and providing also for a constitutional convention. At the beginning of the term Governor St. John was inaugurated.

John Pierce St. John, seventh governor of Kansas, was born at Brookville, Ind., February 25, 1833. At the age of twenty he crossed the plains to California, where he worked at any employment he could find. Later, he made a voyage to Mexico, Central and South America, and the Sandwich Islands. Returning to California, he began the study of law, which he completed at Charleston, Ill., in 1859, and was admitted to the bar. His first vote was cast for Fremont in 1856. From that time until 1884, he was a Republican. At the beginning of the Civil war, he enlisted as captain of Company C, Twenty-eighth Illinois infantry, and was promoted to the rank of lieutenant colonel. After the war he located at Olathe, Kan., where he formed a partnership with M. V. B. Parker for the practice of law. His first appearance in Kansas public life was in 1873, as a member of the state senate. He served two terms as governor, and was defeated for a third election in 1882. In 1884 he left the Republican party, and was the Prohibition candidate for president. It is said that, in his political career, he has traveled 300,000 miles and made more than 4,000 speeches.

In February, the Cheyenne chief Wild Hog and six other Indians, charged with inciting the tribe to hostilities in the fall of 1878 and with the murder of forty white settlers, in the neighborhood of Fort Dodge, were delivered up to the authorities. They were tried, but for lack of evidence were not convicted.

A convention of negroes, at Nashville, Tenn., on the 7th of May, advised emigration to the Western states, and during the year about 40,000 of the race, many of them absolutely penni-



less, landed in Kansas. The "Exodusters," as they were called, were chiefly from Tennessee, Mississippi and Louisiana. An association, with Governor St. John at the head, aided them by charity, until they could become self-sustaining. Many of them took farms under the homestead law. These were held by the women, while the men walked to the more densely populated districts in search of work. The "Exodus" soon became a subject of general comment, and a committee of congress was appointed to investigate it. The "Exodusters," however, pursued the "even tenor of their way," and in time came to be recognized as part of the population of Kansas.

Two conventions were held by the Republicans in 1880. The first, on the 31st of March, selected delegates to the national convention and indorsed James G. Blaine for president. The second convention met at Topeka, September 1, and renominated the officers elected in 1878, except three, viz: D. W. Finney for lieutenant governor; William A. Johnston, attorney general, and H. C. Speer, superintendent of public instruction. D. M. Valentine was named for supreme judge. Endorsement was given to the nomination of Garfield and Arthur and to the national Republican platform, and the country was congratulated on the prosperity following the resumption of specie payment.

Delegates to the Democratic national convention were selected May 26. August 31, another convention met and nominated the following ticket: Governor, E. G. Ross; lieutenant governor, Thomas George; secretary, John M. Giffin; auditor, J. G. Neumueller; treasurer, Theodore Wieselbaum; attorney general, A. L. Hereford; superintendent, Miss Sarah A. Brown. A resolution was adopted, opposing the amendment to strike out the constitutional provision exempting two hundred dollars of personal property from taxation, and pledging the party to use every honorable effort to defeat it.

A state ticket was also placed in the field by the Greenback-Labor party. It was made up as follows: Governor, H. B. Vrooman; lieutenant governor, H. L. Phillips; secretary, A. B. Cornell; auditor, D. J. Cole; treasurer, S. A. Marshall; attorney general, D. B. Hadley; superintendent, Charles Smith. The platform opposed any modification of the tax exemption laws; condemned the extravagance of the last legislature; favored the taxation of mortgages, advocated a lower legal rate of interest; and opposed the employment of convict labor in competition with free workmen.

Interest during the campaign centered upon the adoption or



rejection of the prohibitory amendment. At the election, the amendment was ratified by a vote of 92,302 to 84,304. Notwithstanding the heated contest over its adoption, the vote on the amendment was more than 20,000 less than that cast for governor, and nearly 25,000 less than the vote for president. For governor the vote was as follows: St. John, 155,204; Ross, 63,557; Vrooman, 19,477; scattering, 692. The electoral vote of the state was given to the Republican candidates by a still larger plurality. The propositions to hold a constitutional convention and to repeal the tax exemption clause were lost.

According to the census of 1880 the population of Kansas was 996,096, an increase of 631,697 in ten years. In the state were 346,792 children of school age; 8,208 teachers were employed; and the permanent school fund amounted to nearly two million three hundred thousand dollars.

The second biennial session of the legislature met January 11, 1881, and continued until March 5. D. W. Finney was president of the senate, and J. B. Johnson, speaker of the house. Much of the session was devoted to the discussion and passage of a bill to enforce the provisions of the prohibitory amendment. St. John county was created from part of Wallace, and the state was redistricted for members of the legislature on the basis of forty senators and one hundred and twenty-five representatives. In the first biennial legislature there were one hundred and twenty-nine members of the house—four more than the constitutional limit. It was decided that the representatives from Harper, Barber, Rooks and Rush counties were not entitled to seats, and that acts passed by their votes were not constitutionally enacted. The prohibitory law went into effect on the 1st of May. Most of the saloons closed, but there was considerable opposition to the enforcement of the law. Two questions remained to be settled: Whether probate judges could issue licenses, and whether druggists had the right to sell liquors. Judge Brewer decided the first in the affirmative, but held that the legislature had the power to restrict the sale by druggists. Governor St. John offered a reward for the conviction of violators of the law, and a vigorous prosecution of liquor sellers all over the state was the result.

On August 10, 1882, the Republican state convention met at Topeka. Governor St. John was nominated for a third term. The lieutenant governor, secretary, attorney general and superintendent were all renominated. E. P. McCabe was named for auditor, Samuel T. Howe for treasurer, and David J. Brewer for supreme judge. The prohibitory law was endorsed; the





enactment of laws to prevent discrimination by railroads was demanded, and the legislature was requested to submit to the women of the state the question of woman suffrage.

The Greenback-Labor convention was held at Topeka on the 22d of August. Charles Robinson was nominated for governor; J. G. Bayne, lieutenant governor; A. P. Elder, secretary; W. A. Garretson, auditor; J. H. Ludlow, treasurer; J. D. McBryan, attorney general; J. S. Whitman, superintendent, and L. C. Uhl, supreme judge.

On the 30th of August the Democratic convention met at Emporia, and nominated the following ticket: Governor, George W. Glick;\* lieutenant governor, Frank Bacon; secretary, Sam. S. Gilbert; auditor, W. E. Brown; treasurer, Charles E. Gifford; attorney general, Sidney Hayden; superintendent, D. E. Lantz. A platform containing nineteen resolutions was adopted. The principal planks were demands for a revision of the tariff; that the relations between capital and labor be so adjusted as to secure to each its just rights; for an immediate reduction in taxes—national, state and municipal; for the enactment of more stringent laws for the punishment of bribery; and that gold, silver and greenbacks should constitute the money of the country.

All the Republican candidates except Governor St. John were elected. The vote for governor was as follows: St. John, 75,158; Glick, 83,239; Robinson, 20,933. For secretary of state, Smith received 99,282 votes; Gilbert, 60,471, and Elder, 23,422. St. John's defeat was due to his pronounced views on the prohibition question; his vigorous enforcement of the law, and a general opposition to the third term.

Under the census of 1880, Kansas was entitled to seven congressmen. As the districts had not been apportioned in 1882, three were elected from the old districts and four from the state at large. The third biennial legislature, which was in session from January 9 to March 8, 1883, passed an act dividing the state into districts, as follows:

First—The counties of Nemaha, Brown, Doniphan, Pottawatomie, Jackson, Atchison, Jefferson and Leavenworth.

Second—The counties of Wyandotte, Johnson, Douglas, Miami, Franklin, Anderson, Linn, Allen, and Bourbon.

Third—The counties of Crawford, Cherokee, Neosho, Labette, Wilson, Montgomery, Elk, Chautauqua, and Cowley.

Fourth—The counties of Shawnee, Wabaunsee, Osage, Lyon,

\*John Martin of Shawnee was nominated governor by acclamation but declined to accept. Subsequently Mr. Glick was nominated.



Coffey, Woodson, Greenwood, Butler, Chase, Marion, and Morris.

Fifth—The counties of Marshall, Washington, Republic, Cloud, Clay, Riley, Ottawa, Saline, Davis, and Dickinson.

Sixth—The counties of Jewell, Mitchell, Lincoln, Ellsworth, Russell, Osborne, Smith, Phillips, Rooks, Ellis, Trego, Graham, Norton, Decatur, Gove, St. John, Thomas, Rawlins, Cheyenne, Sherman, and Wallace.

Seventh—The counties of McPherson, Harvey, Sedgwick, Sumner, Harper, Kingman, Reno, Rice, Barton, Stafford, Pratt, Barber, Comanche, Edwards, Pawnee, Rush, Ness, Hodgeman, Ford, Lane, Scott, Finney, Seward, Wichita, Greeley and Hamilton.

Another important act, passed by this legislature, was that establishing a railroad commission of three members, and fixing a passenger rate of three cents per mile. Preston B. Plumb was re-elected United States senator on the 23d of January. During the session Lieut. Gov. D. W. Finney presided over the senate, and J. D. Snoddy was speaker of the house. Governor Glick was inducted into office at the beginning of the term.

George W. Glick, eighth governor of Kansas, was born at Greencastle, O., July 4, 1827. At the age of twenty-one, after acquiring such an education as the common schools afforded, he began the study of law with Buckland and Hayes, and was admitted at Cincinnati in 1850. In 1858 he declined a nomination for congress, but ran the same year for state senator, being defeated by his old preceptor, Judge Buckland. The next year he went to Atchison, Kan., where he formed a partnership with A. G. Otis, the firm soon taking a leading position at the bar. In 1863 he was elected to the legislature, and during the next eighteen years was seven times re-elected, serving most of the time on the judiciary committee. Four times he was chosen by his party as a delegate to national conventions. In 1868 he was the Democratic nominee for governor, but was defeated. He was also defeated for re-election in 1884. He is widely known as the proprietor of Shannon Hill stock farm, and as a contributor to agricultural journals.

Early in the year the supreme court decided the prohibitory law constitutional. Some demands had been made to the legislature to resubmit the amendment. In January a temperance convention met at Topeka and adopted resolutions declaring that the state had neither moral nor legal right to license a wrong; that there should be no attempt on the part of the legislature to resubmit the amendment, that an invitation to co-operate should



be extended to all lovers of law and order. Some of the cities of the state licensed the sale of liquors. A case of this kind, against the city of Topeka, was taken to the supreme court, and on February 7, 1884, the court decided that Kansas cities could not legally issue such licenses. This had the effect of closing a large number of saloons in such cities. In some of these cities indignation meetings were held, and all over the state "law and order leagues" were organized to secure the enforcement of the law. In some cases prosecution amounted almost, if not quite, to persecution. In six cases of this character Governor Glick pardoned convicted saloon-keepers, and was immediately charged by the radical Prohibitionists with being in sympathy with the violators of the law. In the course of the agitation the Republican party became divided on the issue of resubmission. The Republican state convention, which met at Topeka on the 16th of July, declared in favor of the honest enforcement of the prohibitory amendment. At this convention John A. Martin was nominated for governor; A. P. Riddle, lieutenant governor; E. B. Allen, secretary; E. P. McCabe, auditor; S. T. Howe, treasurer; S. B. Bradford, attorney general; J. H. Lawhead, superintendent; A. H. Horton, chief justice, and W. A. Johnston, associate justice.

At a convention of Republicans who favored resubmission, it was decided to co-operate with the Democrats on state issues, provided a resubmission Republican was placed on the ticket. The result was that when the Democratic convention met, August 30, C. K. Holliday was nominated for lieutenant governor, Governor Glick was renominated, and the rest of the ticket was as follows: Secretary, Eugene Hagan; auditor, H. V. Gavigan; treasurer, W. A. Huliman; attorney general, George T. Smith; superintendent, W. J. Keyes; chief justice, W. A. Campbell; associate, T. A. Hurd.

Again the Republicans carried the state. The vote for presidential electors stood: Republican, 154,406; Democratic, 90,132; Greenback, 16,341; Prohibition, 4,495. Martin's plurality over Glick was 88,535. The Republicans also elected the entire congressional delegation and a majority of each branch of the legislature.

March 18, 1884, a special session of the legislature to pass measures for the protection of the cattle interests of the state, was convened. In his proclamation calling the legislature together, Governor Glick announced that 2,000,000 cattle were in danger of what was called the "foot and mouth disease." Laws



placing a quarantine upon Texas cattle and providing for the appointment of a state veterinary surgeon were passed.

Kansas was well represented at the New Orleans Exposition in the winter of 1884-85, taking altogether sixty-five prizes. First prizes were awarded on cattle, corn, wheat, flour, sorghum, sugar and apples.

The fourth biennial legislature with A. P. Riddle presiding in the senate and J. B. Johnson speaker of the house met January 13, 1885, and adjourned on the 7th of March. The principal acts of the session were those authorizing boards of education in certain cities to issue bonds; compelling railroads to fence their lines; and establishing a board of pardons, boards of health, a bureau of labor statistics, a state reformatory for young criminals, an imbecile asylum at Winfield, and a soldiers' orphans' home at Atchison. Governor Martin's administration began at the commencement of the session.

John Alexander Martin, ninth governor of Kansas, was born at Brownsville, Pa., March 10, 1839. In 1857, with a common school education and the printer's trade as his capital, he arrived at Atchison, Kan., and found employment on the *Squatter Sovereign*. Later, he bought the paper, changed the name to *Freedom's Champion*, and continued to hold an interest in it until his death. He was secretary of the Wyandotte constitutional convention, and represented Atchison county in the first state senate. In 1861 he helped to organize the Eighth Kansas infantry, was mustered in as lieutenant-colonel, and rose to be colonel of the regiment. He served two terms as governor of Kansas; was several times a delegate to national conventions of his party; was a member of the Centennial Commission; was department commander of the G. A. R.; served as mayor and as postmaster of Atchison; and was distinguished throughout the West as a statesman and journalist. He died at Atchison, October 2, 1889, and was buried with civic and military honors.

In June, 1884, congress passed an act providing for a Soldiers' home somewhere in the West. Leavenworth offered to donate a section of land and fifty thousand dollars in money to secure the institution. The proposition was accepted by congress, and an act locating the Home upon the land donated by the city and people of Leavenworth was passed February 23, 1885. Work upon the buildings was begun in the fall of 1885. The Home is situated about three miles south of the city, and now has accommodations for nearly 3,000 inmates.

A state census taken in 1885 showed the population to be





1,268,562. At the beginning of the year the value of the state's institutions was reported as follows: State Capitol (still incomplete), one million six hundred thousand dollars; Insane hospital at Topeka, five hundred ninety-six thousand dollars; Insane hospital at Osawatimie, three hundred fifty-seven thousand dollars; Deaf and Dumb institute at Olathe, one hundred five thousand dollars; Blind asylum at Wyandotte, seventy-five thousand dollars; State Reform school at Topeka, eighty-six thousand dollars; Soldiers' Orphans' home at Atchison, forty-nine thousand dollars; Home for Feeble-minded at Winfield, twenty-seven thousand five hundred dollars; State university at Lawrence, three hundred fifty-one thousand three hundred dollars; Agricultural college at Manhattan, two hundred thirteen thousand, seven hundred twenty-eight dollars; Normal school at Emporia, sixty-eight thousand four hundred dollars; Penitentiary at Leavenworth, one million three hundred ninety-one thousand ninety dollars; Industrial reformatory at Hutchinson, one hundred sixty thousand dollars; making a total of five million eighty thousand and eighteen dollars. These institutions occupied 2,186 acres of land. The coal output for the year was about 35,000,000 bushels, and more than 6,000 miles of railroad were in operation.

Early in the year a county seat war occurred in Pratt county. An election had been held in October, 1885, and on the 9th of January, 1886, the commissioners ordered the county officers to remove from Iuka to Pratt Center, the former town having received 507 and the latter 928 votes. In reaching this result the commissioners, on account of fraud, had thrown out the returns from Saratoga, giving Iuka 530 votes and Pratt Center 7. This act incensed the Saratoga people, and, while the removal was in progress, they captured the treasurer's safe and kept it. Both factions were soon in arms. The town of Pratt was fired into, January 27, and several houses were pierced by bullets. A party from Saratoga made an attempt to enter the town the next day; but this time the people of Pratt were on the lookout, and two Saratoga men were wounded. Meantime the old courthouse at Iuka was burned. Adjutant-General Campbell and Col. W. E. Hutchinson, of the governor's staff, were sent to settle the difficulty. They stationed guards at Pratt and Saratoga, with instructions to allow no one bearing arms to enter the towns. On the 8th of February the records, etc., were taken back to Iuka, under a writ from the supreme court, and peace was restored.

In March the Knights of Labor employed on the Missouri Pacific railway went out on a strike, with the town of Parsons as



the center of the disturbance. On the 14th the sheriff of Labette county telegraphed that he was unable to control the situation, and Governor Martin dispatched the adjutant-general to the scene, with instructions to call out the militia if he thought it necessary. At first the adjutant-general decided that troops were not needed. This encouraged the strikers, and the situation grew worse. Injunctions of the courts and a proclamation of Governor Martin were ignored. As a last resort Colonel Patrick was ordered to Parsons with the First regiment of the national guard. The troops arrived at Parsons on the morning of April 2. Four companies were dismissed on the 12th, and the remainder of the regiment, on the 14th. Leaders of the strike were arrested, tried and convicted of misdemeanors.

On July 7, the Republicans met in convention, at Topeka. The governor, lieutenant-governor, secretary, attorney-general, superintendent of public instruction, and Judge D. M. Valentine, were all re-nominated. The ticket was completed by the selection of Timothy McCarthy for auditor and James W. Hamilton for treasurer.

The convention adopted resolutions favoring a protective tariff, recommending the establishment of a commercial marine, and denouncing the Democratic party for disfranchising negro voters in the South.

The Democrats held their convention at Leavenworth, August 4, and nominated the following ticket: Governor, Thomas Moonlight; lieutenant-governor, S. G. Isett; secretary, W. F. Petillon; auditor, W. D. Kelley (colored); treasurer, L. P. Birchfield; attorney-general, A. S. Devenney; superintendent, W. J. A. Montgomery; associate justice, W. M. Whitelaw. The principal features of the platform were declarations in favor of arbitration in labor disputes, of laws to prevent railroad companies from watering stocks, of a revision of the peison laws, of the forfeiture of unearned land grants, of the re-submission of the prohibitory amendment, of a license system, and of the opening of Oklahoma to white settlement.

C. H. Branscomb was the Prohibition candidate for governor, and at the election in November received 8,094 votes. Martin received 149,615 votes and Moonlight, 115,697. Seven Republican congressmen were elected.

A special session of the legislature was convened, January 19, 1886, and adjourned February 20. Few laws of general importance were enacted. A new legislative apportionment was made; the state normal school was endowed; May 30 was declared a



legal holiday; and an act authorizing the establishment of county high schools was passed. The fifth regular biennial session began January 11, 1887, and ended March 5. At this session the lieutenant-governor presided over the senate, and A. W. Smith was elected speaker. The senate occupied the new senate chamber which had but recently been completed in the capitol. Several new counties were established; the office of state forester was created; provision was made for payment of losses sustained by citizens of Kansas through guerrilla raids during the war; and a new liquor law to regulate the sale of intoxicants by druggists was passed. Under this law every purchaser was required to make affidavit, on a form furnished by the county clerk, that the liquor was to be used for medicinal purposes, and the druggist's report was required to tally with the clerk's record. A bill giving women the right to vote at school and municipal elections and upon the question of bond issues was also passed.

On June 2, 1887, an election to locate a county seat was held in Stevens county. Woodsdale and Hugoton were rival towns, and feeling ran high during the canvass. Some delay in counting the vote occurred. About four hundred men in the two towns were under arms four days after the election. Sheriff John Cross, in trying to keep the peace, was not permitted to enter the town of Hugoton. He telegraphed Governor Martin, whereupon Gen. Murray Myers was sent with two companies of militia to maintain order. Meantime, the supreme court was applied to for a writ of mandamus to compel the commissioners to count the vote. The writ was issued June 23, the vote was counted, and the trouble seemed to be ended. While the canvass was on, a warrant had been placed in the hands of "Ed" Short, of Woodsdale, for the arrest of Sam Robinson, the marshal of Hugoton. This warrant was still held by Short after the election. July 22, he made an effort to serve it by following Robinson and some of his friends into what was known as "No-Man's Land." Finding himself unable to make the arrest with the assistance he had at hand, Short sent for Sheriff Cross and a posse to help him. News of this reaching Hugoton, a party was sent from that town to the support of Robinson, who managed to elude the sheriff and join the friends sent to his aid. Unable to find Robinson, Cross and his party started to return to Woodsdale, but stopped at a haying camp to rest. While they were asleep upon the hay, Robinson and his party came up and opened fire without a word of warning. Four men, one of whom was Sheriff Cross, were instantly killed, and another



was wounded.\* Both towns were immediately in arms. August 5, the Fifth regiment under Colonel Woodcock was sent to Hugoton. The next day two companies were sent to Woodsdale, both towns were searched for arms, and about two hundred guns and pistols were taken. The belligerents finally cooled down, and the troops were withdrawn. Several county seat contests occurred in the state during the eighties, but the "Stevens County War" was the worst.

Six hundred delegates met at Abilene in April, 1888, to organize a movement to remove the capital to some point farther west. Resolutions were adopted, opposing any further appropriations for the state house at Topeka, pledging the delegates to that end, and asking the co-operation of the people of central and western Kansas. The cost of the capitol up to that time amounted to one million four hundred forty-nine thousand dollars.

On July 4, the Democrats met in state convention at Leavenworth. John Martin was nominated for governor; H. M. Moore, lieutenant governor†; Allen G. Thurman, secretary; W. H. Willhert, auditor; William H. White, treasurer; I. F. Differbaker, attorney general; A. N. Cole, superintendent, and W. P. Campbell, associate justice. Approval was given to the platform and candidates of the national convention; sumptuary legislation was opposed; the metropolitan police system was denounced; and tariff reform was demanded.

This year the Prohibitionists placed a full ticket in the field. Their convention met at Hutchinson, July 18, and nominated candidates as follows: Governor, J. D. Botkin; lieutenant governor, R. J. Freeley; secretary, L. K. McIntyre; auditor, Gabriel Burdett; attorney general, S. A. Hyer; superintendent, Miss S. A. Brown; associate justice, J. O. Pickering. Besides the usual declarations on the liquor traffic, the resolutions favored government ownership of railroads and telegraphs; the election of president, vice president, and United States senators by popular vote, and opposed alien land ownership.

The Republican convention was held at Topeka July 26, and the following ticket was named: Governor, Lyman U. Humphrey; lieutenant governor, A. J. Felt; secretary, William Higgins; auditor, Timothy McCarthy; treasurer, J. W. Hamilton; attorney general, L. B. Kellogg; superintendent, G. W. Winans; associate justice, W. A. Johnston. The platform declared in

\*It was said afterward that Robinson did most of the shooting; but there were fourteen men in the party, and the chances are that all were equally guilty.

†P. W. Fausius was afterward substituted for Moore.





favor of "home against the saloon"; demanded a strict enforcement of the prohibitory laws; and advocated the enactment of laws to protect American workmen against Chinese, convict and pauper labor. The prohibition of trusts and the reduction of interest to six per cent were demanded.

A Union Labor ticket with P. P. Elder as the candidate for governor, was also presented to the voters. For president the Republicans carried every county in the state, Harrison's plurality being 79,631. For governor, Humphrey received 181,318 votes; Martin, 107,822; Elder, 36,320; Botkin, 6,452. Two amendments to the constitution, one allowing negroes to join the militia and the other regulating alien land ownership, were adopted.

In May, 1888, a farmers' "trust" convention met at Topeka. Kansas, Nebraska, Illinois, Indiana and Missouri were represented. After some discussion an adjournment to meet at the same place on the fourteenth of November was taken. When the convention reassembled, representatives from every part of the Union were present. The National Grange of the Patrons of Husbandry met at Topeka at the same time. Resolutions in favor of the free coinage of silver, the expansion of the circulating medium, and the improvement of rivers and harbors were adopted.

New industries sprang up in Kansas in 1888 from the discovery of rich deposits of salt in Reno and Rice counties and a fine bed of clay near Topeka, suitable for the manufacture of vitrified brick. The year was one of general prosperity.



## CHAPTER VI

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### From Humphrey to 1902

LYMAN UNDERWOOD HUMPHREY, tenth governor of Kansas, was born in Stark county, O., July 25, 1844.

When seventeen years of age, he enlisted as a private in the Seventy-sixth Ohio infantry, and before he was twenty-one was acting adjutant of his regiment. He participated in all the battles of the Vicksburg campaign, was wounded at Pittsburg Landing, and marched with Sherman to the sea. After the war he attended Mount Union College and the law department of Michigan University. He was admitted in 1868 and located at Independence, Kan., where for some time he was connected with the *Kansas Tribune*. In 1876 he was elected a member of the lower branch of the legislature, and the next year was elected lieutenant-governor to fill a vacancy. In 1878 he was re-elected, and in 1884 was chosen to represent his district in the state senate. He served two terms as governor, being re-elected in 1890, though by a reduced majority, owing to the Farmers' Alliance movement.

With the opening of the sixth biennial legislature, January 8, 1889, Governor Humphrey was inaugurated, Lieutenant Governor Felt was called to preside over the senate, and Mr. Booth was elected speaker of the house. On the second day of the term, a Republican caucus nominated Preston B. Plumb for re-election to the United States senate, and on the 23d he was elected senator for the third time. In response to a general demand, an anti-trust law was passed. This law declared unlawful and void "all arrangements, contracts, agreements, trusts or combinations between persons or corporations made with a view to prevent full and free competition in importation, transportation, and sale of articles imported into the state, or in the production, manu-



facture or sale of articles of domestic growth, . . . or for the loan or use of money, or to fix attorney's or doctors' fees, insurance rates," etc. Heavy fines for violation of the law were provided. The name of Davis county was changed to that of Geary. An appropriation of fourteen thousand three hundred and sixty-seven dollars to reimburse the state officers for money advanced in 1888 to pay interest on the Quantrell raid scrip was made. An act to establish a state soldiers' home at Fort Dodge, provided congress would donate the land and buildings of the old fort, which was no longer needed for a military post, was also passed. This was subsequently done, and a home on the cottage plan was established; a school house was built, and a place where the old and infirm veterans can pass their declining years in peace and comfort, the honored guests of a grateful commonwealth, was provided. At the spring elections of 1889, the towns of Argonia, Cottonwood Falls, Roosville, Baldwin and Oskaloosa, each, elected a woman for mayor.

The census of 1890 showed an increase of 431,000 in the population of Kansas during the decade. Crops of the state were valued at one hundred and four million five hundred and seventy-two thousand five hundred dollars, and the school property of the state was valued at ten million dollars.

The corn crop of 1889 was unusually large, and at the opening of 1890 low prices for that Kansas staple prevailed. Many farmers refused to sell. February 8, Governor Humphrey held a conference with officials of the various railroads and obtained a reduction of ten per cent in rates. This had the effect of moving large quantities of corn to market, but it also started an agitation in favor of lower freights. In April 20,000 members of the Farmers' Alliance petitioned the railroad commissioners to reduce the rates from all Kansas points to the Missouri river. The commissioners published a new schedule, to take effect September 1, in which the rates on grain were reduced about thirty-two per cent.

Sundry influences were at work in the campaign of 1890, to cloud the political horizon with uncertainties. During the year 1889, the growth of the Farmers' Alliance in Kansas and other Western states had been phenomenal. Although a social organization, eschewing politics, many of the members insisted upon independent political action, and formed a new party. Besides the Alliance, there were other industrial organizations in the state, such as the Patrons of Husbandry, Knights of Labor, Farmers' Mutual Benefit Association, Single-Tax Clubs, etc. June 12,



representatives of all these organizations met in convention at Topeka and organized the People's or Populist party. A call for a second convention at Topeka on the 13th of August, to nominate a state ticket, was issued. That convention was largely attended, all parts of the state being represented. John F. Willits was named for governor; A. C. Shinn, lieutenant-governor; R. S. Osborn, secretary; E. F. Foster, auditor; W. H. Biddle, treasurer; John N. Ives, attorney-general; Miss Fannie McCormick, superintendent, and W. F. Rightmire, supreme judge. The platform demanded the abolition of national banks; the free and unlimited coinage of silver; the governmental ownership of transportation facilities; the enactment of laws to prevent dealing in options and futures; and the prohibition of alien land ownership.

All through the year 1889 a portion of the Republican party kept up the agitation in favor of re-submitting the prohibitory amendment. The movement received quite an impetus by the "original package" decision of the United States supreme court in April, 1890, in which it was held that the state had no right to restrict the importation of liquors in the original packages. Scores of "Original package" shops were opened, and the prohibitory laws of the state were set at defiance.\* The law had been declared a failure by a convention of resubmissionists at Wichita in January, when the Republican Resubmission League was organized. Upon the announcement of the decision, this league urged Governor Humphrey to call a special session of the legislature to provide for resubmitting the amendment. The governor refused the request and the league joined with the Democrats in the nomination of a state ticket at Wichita, September 9, as follows: Governor, Charles Robinson; lieutenant-governor, D. A. Banta; secretary, S. G. Isett; auditor, James Dillon; treasurer, Thomas Kirby; superintendent, M. H. Wood; supreme judge, M. B. Nicholson. For attorney-general, J. N. Ives, the Populist candidate, was endorsed. The platform advocated the resubmission of the prohibitory amendment; demanded high license and local option; favored regulation of railroads by the state, and opposed all sumptuary laws.

September 3, the Republican state convention met at Topeka. The governor, lieutenant-governor, secretary, attorney-general, superintendent and supreme judge (Horton) were all renominated; and the ticket was completed by the selection of Charles M.

\*The passage of the Wilson Bill by congress, in August, 1890, deflected the right of the state in the exercise of police power, and under its provision the original package shops were closed.





Hovey for auditor, and S. G. Stover for treasurer. On the question of resubmission the platform was silent. The convention declared in favor of electing railroad commissioners by a vote of the people; of a uniform system of text-books in the public schools; of a state board of arbitration; of reform in the assessment of property; of weekly payment of wages, and of the prohibition of child labor.

A prohibition ticket with A. M. Richardson as the candidate for governor was nominated at McPherson on the fourth of July. The campaign was hotly contested. All the Republican candidates for state offices, except attorney-general, were elected, but by greatly reduced majorities. For governor Humphrey received 115,025 votes; Willits, 106,972; Robinson, 71,357; and Richardson, 1,230. Of the seven congressmen two were Republicans; one was a Populist, and four were Fusionists. The Populists elected 90 members of the legislature, the Republicans, 27, and the Democrats, 7. Two amendments, one increasing the number of supreme judges from three to seven, and the other changing the time of holding legislative sessions, were defeated.

The seventh biennial legislature met January 13, 1891. By virtue of his office, Lieutenant-Governor Felt became the president of the senate, and P. P. Elder, a Populist, was elected speaker of the house. This legislature passed acts creating irrigating districts west of the 99th meridian; authorizing the irrigation commissioners to issue bonds and levy taxes for their payment; prohibiting aliens from owning land in Kansas, except under certain conditions; establishing eight hours as a legal work day, and appropriating sixty thousand dollars to buy seed grain for those who lost their crops in 1890. January 28, the two houses met in joint session to elect a United States senator. W. A. Pepper, the Populist candidate, received 101 votes, John J. Ingalls, 58, Charles W. Blair, 3, scattering, 3.

William A. Pepper was born in Pennsylvania in 1831. Largely self-educated, he has achieved distinction as a lawyer, journalist and author, and was the first Kansas Populist to serve in the senate of the United States.

Encouraged by the showing made in their first political endeavor, the Populists were the first to hold a convention in 1892. They met at Wichita on the 16th of June, and nominated L. D. Lewelling for governor; Percy Daniels, lieutenant-governor; R. S. Osborn, secretary; VanBuren Prather, auditor; W. H. Biddle, treasurer; J. T. Little, attorney-general; H. N. Gaines,



superintendent of public instruction; S. H. Allen, supreme judge; and W. A. Harris, congressman at large.\*

The Republican ticket was nominated at Topeka on the last day of June, and was as follows: Governor, A. W. Smith; lieutenant-governor, R. F. Moore; secretary, W. C. Edwards; auditor, B. K. Bruce, Jr.; treasurer, John B. Lynch; attorney-general, T. F. Garver; superintendent, J. C. Davis; supreme judge, D. M. Valentine.

On July 6, the Democrats met at Topeka, and, after a heated debate, voted to endorse the ticket named by the Populists in June. On the 13th of July the Prohibitionists held a convention and nominated a ticket headed by I. O. Pickering. About five hundred Democratic delegates met in convention at the capital on the 7th of October, and protested against the surrender to the Populists. The convention made no nominations, but issued an address to the people, advising them to defeat the Populist ticket. In this address the action of the Democratic convention of July 6, was referred to as "a crime without a parallel in the political history of the country."

The Populists elected their entire state ticket, the congressman-at-large, and five of the district congressmen. The electoral vote of the state was given to Gen. J. B. Weaver, the Populist candidate for president. For governor Lewelling received 163,507 votes; Smith, 158,075; Pickering, 4,178. The proposition to hold a constitutional convention, which question had been submitted by the legislature of 1891, was defeated by 466 votes.

The death of Senator Plumb in December, 1891, left a vacancy which was filled on New Year's day, 1892, by the appointment of Bishop W. Perkins by Governor Humphrey. On the last day of March, 1892, a tornado almost completely destroyed the little town of Towanda in Butler county. Several persons were killed. Another tornado swept through Sumner and Harper counties on the 27th of May. Ten persons were killed, many more were injured, and a great deal of property was destroyed. The towns of Harper and Wellington, which were in the path of the storm, suffered the heaviest losses.

Lorenzo D. Lewelling, eleventh governor of Kansas, was born at Salem, Ia., December 21, 1846. Left an orphan in his boyhood, he was compelled to work at any thing he could find to do,

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\*In 1891 Kansas was given an additional representative in congress. No new district was established, however, the eighth member being elected from the state at large.



attending school during the winter months as opportunity offered. In the early sixties he was a laborer on the Burlington and Missouri river railroad. Then he drove cattle for the quartermaster's department in the Army of the Tennessee, and worked with the bridge building corps about Chattanooga. In 1865 he taught a negro school, under guard, at Mexico, Missouri, being employed by the Freedmen's Aid society. He next attended a business college at Poughkeepsie, N. Y., and Whittier college at Salem, Ia., and became a teacher in the Iowa state reform school. From 1872 to 1887 he and his wife had charge of the girls department. In 1887 he removed to Wichita, Kan., and became connected with the *Wichita Commercial*. He was nominated for re-election in 1894, but, failing to secure the endorsement of the Democratic party, was defeated.

Governor Lewelling was inaugurated January 9, 1893, and on the next day the legislature met in regular session. The senate with Percy Daniels president was organized promptly, but the house failed to organize. In the senate there were 15 Republicans and 25 Populists; in the house, 63 Republicans, 58 Populists and 2 Democrats. Several seats were sharply contested; and threats had been made before the beginning of the term, that neither party would be permitted to organize the house. The secretary of state refused to deliver the roll of members, certified by the state board of canvassers, until the house was organized. George L. Douglas was elected speaker by the Republicans, and J. M. Dunsmore, by the Populists. Two houses were thus organized in the same hall; one consisting of 63 Republicans, and the other of 58 Populists, the two Democrats remaining neutral. Governor Lewelling and the Populist majority in the senate, notwithstanding the protests of the Republican senators, recognized the Dunsmore house as legal. January 25, the two branches met in joint session to elect a United States senator for the unexpired term of Senator Plumb. Lieutenant-Governor Daniels presided and refused to recognize the members of the Douglas house. The latter then refused to answer to the roll-call. Only ninety-one members of the two bodies responded; they were not sufficient to elect. The next move on the part of the Dunsmore house was to declare a number of Republican seats vacant and to seat eleven of the Populist contestants, which step gave them an apparent quorum. John Martin, Democrat, received 86 votes and was declared elected United States senator. The Republicans then held a joint session and cast 77 votes for Joseph W. Ady.

On the 14th of February B. C. Rich, the clerk of the Duns-



more house, charged with contempt, was arrested by a Republican sergeant-at-arms. It was expected that the Populists would institute habeas corpus proceedings, and thus get the question before the courts. Instead of that they rescued the prisoner and took him to the governor's office, two Republicans being knocked down in the fracas. The Populists then decided, as a measure of retaliation, to lock the Republicans out of the hall, and the governor called on Sheriff Wilkinson of Topeka to assist. Wilkinson, who was a Republican, refused to obey the order. When the Republican members went to the capitol the next morning, they found the entrance guarded by their opponents. Rushing past the guards, they made a bolt for the hall, only to find the doors locked against them. Sledges were brought into requisition, the doors were battered down, and the Populists were ejected, after which the Republicans barricaded themselves in the hall. Several companies of infantry and an artillery squad from Wichita belonging to the state militia, were ordered out by the governor. Col. J. W. Hughes was ordered to take command and clear out the state house. He refused, declaring he would resign before he would eject his friends. The heat was turned off, and the order was issued that no food should be permitted to enter the hall of the house. The Republicans were in a state of siege. Governor Lewelling appeared at the doors and asked them to abandon the hall and avoid a conflict. The answer was a decided negative. Late in the evening of the fifteenth the order regarding food was evaded—ropes were lowered from the windows, well-filled baskets were drawn up, and a banquet followed.

Finding he could not rely upon the militia at hand, the governor telegraphed for companies at various points in the state. Other telegrams brought hundreds of Republicans, and for a time civil war hovered over the capital. A compromise by which the Republicans were given full possession of the hall, the Populists agreeing to meet elsewhere, was reached on the seventeenth. The governor agreed to disband the militia, Sheriff Wilkinson, to dismiss the posse he had summoned to aid the Republicans, and no arrests were to be made by either party. Before the compromise was made, a man named L. C. Gunn, charged with refusing to obey an order of the Douglas house, had been arrested by a Republican sergeant-at-arms. This brought the case before the supreme court, which rendered a decision on the twenty-fifth that the Douglas house was the legally constituted house of representatives. Justice Allen, the Populist member of the court, dissented. The next day the members of the Dunsmore house,





after a formal protest, took their seats in the hall, and the house was organized.

Seven weeks of the session had elapsed during this squabble, and the time for needed legislation was short. There were passed an Australian ballot law; a law to compel employers, except railroad companies and certain other corporations, to pay wages weekly; a law to submit to the people a constitutional amendment giving the right of suffrage to women, and a law appropriating sixty-five thousand dollars for an exhibit at the World's Columbian Exposition.

The legislature of 1891 adjourned without making and appropriation for the representation of Kansas at the World's Fair. Public spirited citizens took up the matter, and the state board of agriculture issued a call for a convention to meet at Topeka, April 23, "to devise means for a Kansas exhibit." About three hundred delegates were present. A resolution to raise one hundred thousand dollars by voluntary contributions was adopted; a committee of twenty-one to solicit and receive funds was appointed; and the organization of county association was recommended. September 16, the committee reported forty-six thousand five hundred and sixty dollars subscribed, part of which was paid in. A state board of managers was then elected; a site for a state building on the Exposition grounds was chosen, and Seymour Davis, an architect of Topeka, was employed to make plans. The building was completed and formally dedicated October 22, 1892. When the legislature of 1893 made the appropriation of sixty-five thousand dollars, a provision was also made for the appointment of a state board of managers, consisting of one member from each congressional district, and the work was turned over to this board. The state commissioners, appointed by the president, were C. K. Holliday, Jr.; R. E. Price, M. D. Henry and Frank W. Lanyon. The Kansas members of the board of lady managers were Mrs. J. S. Mitchell and Mrs. H. A. Hanback, with Mrs. Sara B. Lynch and Mrs. Jane H. Haynes as alternates. The week of September 11, 1893, was "Kansas Week." During the six days thousands of people from the "Sunflower state" visited the fair, and returned home well pleased with the showing made by Kansas. Altogether more than two hundred premiums were awarded on the exhibit.

In February, 1894, the Farmers Alliance held a convention at Topeka and passed resolutions demanding a national currency, safe, sound and flexible; the sub treasury plan of the government loaning money direct to the people at two per cent; the free and



unlimited coinage of silver at a ratio of sixteen to one; an increase in the volume of money to fifty dollars per capita; a graduated income tax; postal savings banks, and the government ownership of the means of transportation and communication. These resolutions became the basis of the Populist platform, adopted at the state convention of that party on the 12th of June. At that convention Governor Lewelling, Treasurer Biddle, Auditor Prather, Attorney-General Little, Superintendent Gaines and Congressman-at-large Harris were renominated. D. I. Farbeck was named for lieutenant-governor; J. W. Amis, secretary, and George W. Clark, supreme judge.

The Republican convention was held at Topeka on the 6th of June. Edmund N. Morrill was the nominee for governor; James A. Troutman, lieutenant-governor; W. C. Edwards, secretary; George E. Cole, auditor; Otis L. Atherton, treasurer; F. B. Dawes, attorney-general; Edwin Stanley, superintendent of public instruction; W. A. Johnston, associate justice, and Richard W. Blue, congressman-at-large. The platform favored the Republican doctrine of protection; the use of both gold and silver as standard money, and legislation for the promotion of irrigation.

In this campaign the Democrats declined to form a fusion with the Populists. On the 3rd of July Democratic delegates met at Topeka and nominated the following ticket: Governor, David Overmyer; lieutenant-governor, Sidney C. Cooke; secretary, E. J. Horning; auditor, W. E. Banks; treasurer, Barney Lantry; attorney-general, James McKinstry; superintendent, M. H. Wyckoff; associate justice, J. D. McCleverty; congressman-at-large, Joseph G. Lowe. The convention demanded the free coinage of silver at a ratio of sixteen to one; state legislation to secure good roads; and the repeal of all laws authorizing bonds except for public buildings and bridges on highways.

A Prohibition convention at Olathe, June 12, nominated a full ticket, with I. O. Pickering as the candidate for governor. In November the Republicans elected their entire state ticket, the congressman-at-large, six of the district congressmen, and a majority of the legislature. The vote for governor was as follows: Morrill, 148,697; Lewelling, 118,329; Overmyer, 26,709; Pickering, 5,496. The constitutional amendment, giving women the right to vote, was defeated by a vote of 130,139 to 95,300.

The hard times of 1893 affected Kansas in common with other states. Several prominent banks failed, and numerous business concerns were forced to suspend. Many workingmen were thrown out of employment, and the "Coxey Army" was organized



in 1894 to march to Washington and demand a redress of grievances. A detachment of this industrial army, under "General Sanders," was brought to Topeka by officers of the law. The men were charged with the capture of a railroad train and cited to appear for trial before the United States court at Leavenworth. The American Railway Union, an organization of railroad employes, declared a strike in the summer of 1894, in sympathy with the car-builders in the Pullman works at Chicago, and refused to handle Pullman coaches. The strike soon spread all over the West, and many railroad employes in Kansas lost their situations. Added to these troubles the year 1894 was one of drouth. Throughout the greater part of the state, the corn crop was a failure. Rains along the Arkansas river and its tributaries, in June, materially helped the crops in the southern portion. But all that occurred during the year was not disaster. The discovery of oil and gas in Wilson and adjoining counties, proved a great source of wealth, the field about Neodesha being pronounced equal to some of the oil fields of the East. The fine fire-proof library building at the state university was dedicated about this time. It was erected with the \$90,000 bequest of William B. Spooner, of Boston, and is called the Spooner library.

The legislature of 1895, with J. A. Troutman presiding in the senate and Charles Lobdell in the house, met on the 8th of January. Governor Morrill took the oath of office on the 14th.

Edmund N. Morrill was born at Westbrook, Me., February 12, 1834. The common schools and the Westbrook Academy supplied his education. He learned the tanner's trade with his father and at the age of twenty-three went to Brown county, Kan., where he soon became identified with the free-state cause. In 1857 he was elected a member of the first free-state legislature, and the following year was chosen a member of that elected under the Leecompton constitution. When the war broke out, he enlisted as a private in Company C, Seventh Kansas cavalry, but was mustered out as captain. After the war he established himself in business at Hiawatha, where he was several times elected to some of the county offices. He served two terms in the state senate, and four terms as congressman-at-large, declining a nomination for a fifth term, in 1890. After serving his term as governor, he became interested in banking operations at Hiawatha and Leavenworth. He was the twelfth governor of Kansas after its admission into the Union.

The most important acts passed at this session were those establishing two appellate courts; providing for an irrigation com-



mission; prohibiting lotteries and gambling, and locating an industrial reformatory at Hutchinson. Lucian Baker, of Leavenworth, was elected United States senator to succeed John Martin. Senator Baker was born in Fulton county, O., in 1846. He located at Leavenworth, in 1869, and began the practice of law. His term expired March 4, 1901.

On March 10, 1896, the Republicans held a convention at Wichita, selected delegates to the national convention, and instructed them to support William McKinley for president. A second convention of the party met at Topeka, August 11, and re-nominated all the state officers elected in 1894, except lieutenant-governor, for which place H. E. Richter was selected. T. F. Carver was nominated for supreme judge, and R. W. Blue was renominated for congressman-at-large. The platform endorsed the declarations and candidates of the national convention.

Two conventions of the Populists were also held. March 18, they met at Hutchinson, selected delegates to the national convention, and adopted resolutions in favor of the free and independent coinage of silver at a ratio of sixteen to one; recommended the issue of all money by the government; and denounced government by injunction. The second convention was held at Abilene on the 5th of August.

Democratic delegates to the national convention were chosen at Topeka on the 2nd of June. August 4, another convention at which a committee was appointed to attend the Populist convention the next day and arrange for a union of forces met at Hutchinson. At Abilene the following fusion ticket was nominated: Governor, John W. Leedy; lieutenant-governor, A. M. Harvey; secretary, W. E. Bush; auditor, W. H. Morris; treasurer, D. H. Hefflebower; attorney-general, L. C. Boyle; superintendent, William Stryker; chief justice, Frank Doster; congressman-at-large, J. D. Botkin. A portion of the Populist party calling themselves "middle-of-the-road" Populists, met at Topeka on the nineteenth of September to nominate a ticket; but, fearing it would be packed by the fusionists, the designs were abandoned, and presidential electors in favor of Bryan and Watson were chosen by petition.

A free silver convention met at Topeka, July 17, named delegates to the national free-silver convention at St. Louis; passed resolutions commending Senator Teller; and pledging the delegates to support W. J. Bryan for president. Two Prohibition tickets, one headed by Horace Hurley for governor and the other called the National Prohibition party headed by H. L. Douthard,





were in the field. A third faction nominated A. E. Kepford. August 25, the National, or Gold-Standard Democrats met at Topeka, passed resolutions repudiating the Chicago platform, and elected delegates to attend the Indianapolis convention in September.

The Bryan electors received 171,810 votes; McKinley electors, 159,541; Palmer electors, Gold-Standard Democrat, 1,209; Levering electors, Prohibitionist, 1,941. For governor the vote stood, Leedy, 168,141; Morrill, 160,530; Hurley, 2,347; Douthard, 757; Kepford, 703. All the Fusion candidates on the state ticket and the entire Fusion Congressional delegation were elected.

During the year 1895 much prospecting for natural gas was in operation in the vicinity of Iola, in Allen county. Toward the end of the year the prospectors were rewarded, and the first great natural gas well in Kansas was opened. In 1896 more wells were drilled, and a number of factories were located in the gas field, which has an area of nearly one hundred square miles with Iola as a center.

The legislature of 1897 was in session from January 12 to March 20. This was the longest session in the history of the state. Lieutenant-Governor Harvey and W. D. Streat were the respective presiding officers of the senate and house. On joint ballot there were 92 Populists, 59 Republicans, 11 Democrats and 3 Silver Republicans. Nearly two thousand bills were introduced, but fortunately for the people of Kansas not all of them became laws. The principal acts were as follows: The anti-trust law; requiring mortgages to be recorded in the county where the security is located; authorizing cities to build waterworks and electric light plants when decided by a vote of the people; and the "anti-Pinkerton" law, providing a fine of ten thousand dollars for importing persons to serve as watchmen or officers. January 27, William A. Harris was elected United States senator to succeed W. A. Peffer. Senator Harris was born in Virginia in 1841. He went to Kansas in 1865 as a civil engineer in the construction of the Union Pacific railway. Liking the country he located at Linwood, and in 1892 was elected to congress. His term began March 4, 1897. Governor Leedy's administration began with the assembling and organization of the legislature.

John W. Leedy, thirteenth governor of Kansas, was born in Richland county, O., March 8, 1849. His opportunities for acquiring an education were limited, as he was left an orphan in his boyhood, with the support of a widowed mother depending in a measure upon his labors. At the age of fifteen he tried to



enlist, but his age and his mother's objections kept the recruiting officers from accepting him. He followed the company anyhow, and at the close of the war went to work in a store at Pierceton, Ind. In 1880 he removed to Coffey county, Kan. In 1892 he was elected to the state senate, and had charge of the Australian ballot law while it was on its passage.

Early in the year the new superintendent of public instruction found fault with the text book on civil government, used in the Kansas schools, because it defined greenbacks as "promises to pay money." He had it changed to correspond to the Populist theory of money.

June 11, an attempt to blow up the residence occupied by the governor of the Soldiers' Home at Leavenworth was made. The timely discovery of a quantity of dynamite under the building probably averted a serious catastrophe. An old veteran was arrested, tried and convicted.

The year of 1897 was one of general prosperity in Kansas. A bountiful yield of wheat rewarded the farmers, and thousands of them paid off mortgages that had been carried for years upon their homes. A great oil refinery was built at Neodesha; new gas wells were drilled at Iola, Coffeyville, Independence, and other points; new capital to be invested in manufacturing plants was brought to the state, and the hum of industry was heard on every hand. At Hutchinson the salt production amounted to more than 1,500,000 barrels.

All through the early spring of 1898, the war cloud hovered over the country. In no state of the American Union was a keener interest taken, or a deeper sympathy expressed, for the struggling Cubans in their war for independence, than in Kansas. When it became generally felt that war was inevitable, Kansas did not wait for a formal call for men. On the 18th of April a company marched to the governor's office, where the captain announced that they were ready to serve through the war. On the 23d came the president's call for 125,000 volunteers. Under this call Kansas was required to furnish 2,230 men. Governor Leedy called to his assistance Col. Frederick Funston, who had spent two years in the Cuban army, and the work of recruiting was begun. May 5, Governor Leedy informed the war department that two regiments were ready to be mustered into the service.

Nineteen regiments of Kansas troops had participated in the Civil war and in the troubles with the Indians on the frontier. It was therefore decided to begin numbering the regiments in the



war with Spain with the Twentieth. The Twentieth Kansas was mustered in, May 13, with Frederick Funston, colonel; Edward C. Little, lieutenant-colonel; Frank H. Whitman and Wilder S. Metcalf, majors. On the 16th the regiment left Topeka for San Francisco over the Union Pacific railroad. At the latter city it was quartered at Camp Merritt until the signing of the protocol in August, when it was transferred to Camp Merriam, at the Presidio. October 27, the Second and Third battalions under Colonel Funston embarked on the transport "Indiana" for Manila, the First battalion under Lieutenant-Colonel Little following on the "Newport" November 8. The "Indiana" arrived at Manila on the 1st of December and the "Newport" on the 6th; the men were landed and assigned to quarters.

On February 7, 1899, Companies B, C, and I, of the Twentieth Kansas, were on the skirmish line in the Tondo district, and were ordered to clear a thicket of Filipino sharp-shooters. In the charge Lieutenant Alford and Private Charles Pratt were killed—the first Kansas boys to fall.\* Three others were wounded. The sharp-shooters were routed, twenty-nine of their number were left dead on the field, and their colors were captured by the Kansas troops.\*\* This charge formed part of the battle of Calocan. From that time until they were ordered home, the boys of the Twentieth were on the firing line. Colonel Funston and a detachment of the regiment were the first to enter the Filipino capital, Malolos. The Twentieth was the first to occupy the town of Columbit. At the crossing of the Rio Grande, at San Tomas, on the Marino river, at San Fernando and at Santa Anita the regiment won fresh laurels and added new names to the list upon its colors. May 20, 1899, Colonel Funston was promoted to the rank of brigadier-general, and took command of the brigade formerly commanded by General Wheaton. In March, before this promotion was made, General Funston, four American officers, four former insurgents and about seventy-five Macabebe scouts, went on board the Vicksburg and were taken up the coast to Palinan bay. From there they marched sixteen miles to the hiding-place of Aguinaldo, the Filipino leader, overpowered his guard, and effected his capture. The press of the United States rang with praises of General Funston's daring, and no doubt the affair had something to do with his advancement.

\*Later, Captain David G. Elliott was killed at Calocan, and Lieut. W. A. McTaggart, at San Tomas.

\*\*This was the first Filipino flag captured by the regiment. It was presented to the Kansas Historical Society, January 16, 1900, by Lieut. J. E. Wisner, Company B, Twentieth Kansas.



September 2, 1899, the Twentieth went on board the transport "Tartar" and the next day sailed, via Hong Kong and Yokohama, for home. October 10, they arrived at San Francisco, went into camp at the Presidio, and on the 28th were mustered out. A hearty reception was given the boys on their arrival at Topeka, November 3, all Kansas being proud of their achievements.

The Twenty-first Kansas, with Thomas G. Fitch, colonel; Charles McCrum, lieutenant-colonel; Harry A. Smith, and W. L. Brown, majors, was mustered in, May 14. A few days later it was ordered to the camp at Chickamauga. There it remained until about the 1st of September, when it was transferred to Lexington, Ky. On the 28th the regiment arrived at Leavenworth, and the men were given furloughs, at the expiration of which they were reassembled and mustered out on the 10th of December.

On May 17, the Twenty-second regiment was mustered in and had the following officers: Colonel, Henry C. Lindsey, lieutenant-colonel, James Graham; majors, A. M. Harvey, and Charles Doster. May 25, the regiment left Camp Leedy, at Topeka, for Camp Alger, Virginia, a few miles west of the national capital. It was afterward transferred to Camp Meade, Middletown, Pa., and early in September was ordered back to Kansas. The Twenty-second was the first of the Kansas regiments to return home. It reached Fort Leavenworth September 11, and was given a hearty reception. A furlough was granted the men, and the regiment was finally mustered out on the 3d of November.

When the call for 25,000 men was issued in June, 1898, the governor decided to supply Kansas' quota with colored troops. July 10, the two battalions were ready and on the 28th were mustered into service as the Twenty-third Kansas, with J. M. Beck, Sr., lieutenant-colonel; John M. Brown and George W. Ford, majors. Although the last to be organized, the Twenty-third was the first regiment to leave the United States. August 22, it left for New York, went directly on board the "Vigilancia," and arrived at Santiago, Cuba, September 1, in time to see the Spanish troops depart for Spain. The next day it was ordered to San Luis, and remained there on duty until the early spring of 1899, when it was ordered home. March 10, the regiment arrived at Leavenworth, and soon afterward was mustered out.

In camp or on the field the Kansas soldiers were always ready to do their duty. If the Twenty-first and Twenty-second regiments failed to inscribe upon their colors the names of some of the engagements of the Spanish-American war, it was no fault of





theirs. They were willing, and the greatest regret of the men was that they were not given an opportunity to show what they could do.

Four tickets were presented to the voters of Kansas in the campaign of 1898. The Republican state convention met at Hutchinson, June 8, and nominated the following ticket; Governor, W. E. Stanley; lieutenant-governor, H. E. Richter; secretary, George A. Clark; auditor, George E. Cole; treasurer, Frank Grimes; attorney-general, A. A. Godard; superintendent, Frank Nelson; associate justice, William R. Smith; congressman-at-large, W. J. Bailey. The platform declared in favor of the Nicaragua canal; strengthening the navy, and liberal pension laws. It criticised Governor Leedy's administration for not carrying out the pledges made.

On the same day the Prohibitionists met at Emporia and nominated a state ticket, with William A. Pfeffer, former United States senator, for governor. The platform contained the following declaration: "We regard civil government as an ordinance of God, and recognize the Lord Jesus Christ as King of Kansas, and therefore believe that the administration of civil affairs should be in harmony with the law and in His spirit."

The Populists met in convention at Topeka, and the Democrats met at Atchison, on the 15th of June. A conference committee from the two conventions recommended all the fusion candidates of 1896 for renomination, and the report of the committee was adopted by both parties. Each convention promulgated a platform. That of the Democrats declared in favor of the free coinage of silver; recommended an amendment to the Federal constitution to permit an income tax; and advocated the vigorous prosecution of the Spanish-American war. On state questions the metropolitan police law was denounced, and a demand was made for the submission of the prohibitory amendment. The Populist platform endorsed Governor Leedy's administration; demanded a constitutional convention to pass on the initiative and referendum; favored the public ownership of public utilities, and recommended the establishment of a public market under state control. On national issues the platform reiterated the demands of 1896.

The fourth ticket was that of the Social Labor party—a new factor in Kansas politics—with Caleb Lipscomb as the candidate for governor. The platform demanded more paper money; better pay for soldiers; the breaking of the land monopoly, and government control of all other monopolies.

All the Republican candidates for the state offices were elected



by substantial pluralities. For governor the vote stood: Stanley, 149,292; Leedy, 134,158; Peffer, 4,092; Lipscomb, 635. The Republicans also elected the congressman-at-large, six of the district congressmen, and a large majority of the lower house of the legislature.

On the 22nd of March, 1898, fire broke out in the building used for a power house and machine shops, and before the flames could be extinguished it was completely destroyed. Through the generosity of George A. Fowler, of Kansas City, Mo., the structure was rebuilt, and the citizens of Lawrence raised twenty thousand dollars to purchase new machinery, etc.

On the 18th of May a tornado destroyed the town of Cunningham, sixty miles west of Wichita, and did considerable damage at Peabody, Newton, Holstead, Lawrence and other places.

Kansas was the first state to have its exhibit properly arranged at the Omaha Exposition in 1898. The state had been divided into four districts for the collection of materials to form the display, and these districts vied with each other in selecting their best productions. The result was that the Kansas collection received many favorable comments from the thousands of visitors to the exposition. The mineral and agricultural divisions of the exhibit were exceptionally fine.

A special session of the legislature met on the 21st of December and continued in session until January 9, 1899. A freight rate bill was passed, in accordance with the pledges of nearly all the party platforms; but was vetoed by the governor, because he regarded the courts as unfriendly to the measure. The Boyle railroad bill was then passed. It created a "court of visitation," with power to fix rates, to adjust all disputes between railroad, express and telegraph companies and their patrons, and to appoint receivers for the companies that refused to obey. An act reducing telegraph tolls forty per cent was also passed, but was declared unconstitutional. Governor Stanley succeeded to the office on the day the special session adjourned.

William E. Stanley, the fourteenth governor of the state, was born in Ohio, in 1848, and there grew to manhood. In 1870 he removed to Jefferson county, Kan., and the same year was admitted to the bar. For the next two years he was county attorney of Jefferson county. In 1872 he changed his residence to Wichita, and from 1874 to 1880 was county attorney of Sedgwick county. He declined an appointment to the supreme bench by Governor Morrill. He served two terms as governor, being re-elected in 1900.



The regular session of the eleventh biennial legislature began on the day following the inauguration. Lieutenant-Governor Richter was president of the senate, and S. J. Osborn, speaker of the house. A large appropriation to build and equip a twine plant at the penitentiary was made, and a committee to visit the Minnesota prison twine plant to learn how it was operated was appointed. An appropriation of twenty thousand dollars to defray the expenses of mobilizing troops for the war and one of two thousand dollars to aid traveling libraries, were made. A tax for the completion of the capitol was levied. March 8, the session adjourned.

In 1862 the Topeka Town association gave a site for a state house. An act authorizing the construction of the east wing, was passed by the legislature of 1866, and the corner stone was laid October 17, of that year. This wing was completed in 1869, and served as the capitol for ten years. The legislature of 1879 ordered the erection of the west wing, which was finished in 1882. Work was begun on the central portion in 1883, but on account of light appropriations by subsequent legislatures was almost suspended for a time. After the act of 1895 authorizing a state house tax, the building was pushed forward to completion, with the result that Kansas has one of the finest capitols in the Union.

In January, 1900, two men in jail at Fort Scott, convicted of murdering a farmer in Missouri, made a desperate assault upon a deputy sheriff in an attempt to escape. On the night of the 20th they were taken from the custody of the sheriff by a mob and hanged.

On June 14, a charter was granted to the Kansas Exposition association, of Topeka, with a capital stock of fifty thousand dollars, the object of the association being to arrange for a semi-centennial celebration of Kansas as a territory.

A Republican convention at Topeka, on the 16th of May, named delegates to the national convention; renominated all the state officers elected in 1898; and completed the ticket by the selection of W. A. Johnston for associate justice, Charles F. Scott for congressman-at-large, and W. V. Church for superintendent of insurance. The convention adopted resolutions approving McKinley's administration; congratulating the country on the maintenance of the gold standard; favoring protection and reciprocity; denouncing the Democratic false cry of imperialism; deploring the disfranchisement of negroes in the Southern states, and reproaching the formation of trusts.

Populist delegates to a national convention were selected at Clay Center April 24, and Democratic delegates, at Wichita on



the 23d of May. July 4, delegates from the two parties and from the free silver wing of the Republican party, met at Fort Scott in joint convention to nominate a Fusion ticket. John W. Breidenthal was nominated for governor; A. M. Harvey, lieutenant-governor; Abraham Frakes, secretary; E. J. Westgate, auditor; Conway Marshal, treasurer; Hugh P. Farrelly, attorney-general; Levi Humbarger, superintendent of public instruction; David Martin, associate justice; Jerry Botkin, congressman-at-large; Webb McNall, superintendent of insurance. In making up this ticket the secretary, treasurer, and attorney-general were given to the Democrats; the associate justice and superintendent of insurance to the free silver Republicans, and the rest to the Populists. The platform endorsed the nominations of Bryan and Stevenson, and reiterated the declarations of the Kansas City convention. The Prohibitionists and the Social Labor party also had state tickets in the field, headed by Frank Holsinger and G. C. Clemens, respectively.

At the election in November, Kansas again wheeled into the Republican column. McKinley received 185,955 votes for president; Bryan, 162,601; Woolley, Prohibitionist, 3,605; and Debs, Social Democrat, 1,605. The entire Republican state ticket was elected, the vote for governor being as follows: Stanley, 181,893; Breidenthal, 164,794; Holsinger, 2,622; Clemens, 1,258. An amendment to the constitution, increasing the number of supreme judges from three to seven, and doing away with the appellate courts, was adopted, the vote standing 123,721, in favor of the amendment to 35,475 against it. Governor Stanley appointed the four additional members of the bench, to serve until the next general election.

Several important acts were passed by the legislature of 1901, which was in session from January 8, to March 9. The legislature made appropriations of seventy-five thousand dollars for a museum building at the state university at Lawrence; sixty thousand dollars for the normal school library at Emporia; seventy thousand dollars for the agricultural college at Manhattan, and one hundred and fifty thousand dollars for an additional insane hospital at Parsons. On February 7, there were passed acts accepting the Fort Hays military reservation as a donation from congress, with the understanding that it was to be used as an experiment station in connection with the agricultural college; and providing for a western branch of the state normal school and for a public park. A liquor law, known as the "Hurrell law," giving the right to search for and seize contraband liquors was





passed, but on a test case Judge Hazen declared the law unconstitutional. Joseph R. Burton, of Abilene, was elected United States senator to succeed Lucien Baker, for the term ending March 4, 1907.

On the 14th of February the legislature accepted a gift of eleven acres of ground from Elizabeth and George Johnson, on the site of the Pawnee village where Lieutenant Pike first raised the American flag in Kansas, and appropriated three thousand dollars for the erection of a monument there to commemorate the event. The corner stone of this monument was laid July 4, addresses being delivered by J. C. Price, president of the Pawnee Republic Historical Society, Henry F. Mason, of Garden City, and Margaret Hill McCarter, of Topeka. On the 30th of September, the monument was dedicated with fitting ceremonies.\* Addresses were made by John C. Carpenter, Mrs. Katharine S. Lewis, Noah L. Bowman, F. Dumont Smith, and Miss Helen Kimber. The monument is a neat shaft of Barry granite, and bears the following inscription: "Erected by the State of Kansas, 1901, to mark the site of the Pawnee Republic, where Lieut. Zebulon M. Pike caused the Spanish flag to be lowered and the flag of the United States to be raised, September 29, 1806."

A mutiny of the convicts employed in the coal mines occurred on the 18th of March. The guards were overpowered and threatened with death if the amount of coal for a day's task was not reduced. A negro convict climbed seven hundred and twenty feet to the top of the shaft and gave the alarm. Re-enforcements were sent to the guards, the convicts were fired upon, and two were killed. Nearly three hundred were concerned in the mutiny. The negro who gave the alarm was pardoned.

In November a revolt in the Federal prison at Leavenworth occurred. By some means the convicts had secured weapons, and, while working on a new cell house in open ground, terrorized the guards and made a break for liberty. Three guards were wounded while trying to prevent the convicts from escaping. Twenty-seven made their escape, but the news of the outbreak flew fast, and within a few days eighteen were either killed or captured. The rest succeeded in getting away.

November 8, Mary A. Bickerdyke, a notable Kansas character, died at her home in Bunker Hill, Russell county, aged eighty-four years. Soon after the beginning of the Civil war Mrs. Bickerdyke heard a letter from an army surgeon read in church one

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\*The aim was to dedicate the monument on the anniversary of Pike's visit, September 29, but in 1901 the 29th fell on Sunday.



Sunday morning. In this letter the lack of competent nurses was deplored. She determined to go to the assistance of those who were disabled while fighting the battles of their country, and soon became famous as an army nurse. At Belmont, Donelson, Corinth, Vicksburg, Atlanta, and other places, she was not only nurse, but cook and laundress as well. General Logan decorated her with the badge of the Fifteenth army corps, and General Sherman gave her the appellation of "Mother Bickerdyke," a name which clung to her till her dying day, and of which she was justly proud. A soldiers' hospital, established by the Women's Relief Corps at Ellsworth, bears the name of the "Mother Bickerdyke Hospital."

Five state tickets were nominated in the campaign of 1902. The Populists and Democrats united on a ticket, which appeared on the ballots under the head of "Democratic." This was made necessary by the act of 1901, which prevented the name of any candidate from appearing more than once upon the ballots.

On the 22nd of May the Democrats met at Wichita and nominated W. H. Craddock for governor; Claude Duval, secretary of state; J. M. Lewis, auditor; William Sense, superintendent of public instruction\*; J. D. McCleverty, supreme judge for the six year term and John C. Cannon for the two year term. The other places were left for the Populists to supply. This was done by a convention at Topeka, June 24, when Fred J. Close was named for lieutenant-governor; D. H. Hefflebower, treasurer; E. S. Waterbury and B. F. Milton, supreme judges for the six year term, and Frank Doster for the four year term; Daniel Hart, superintendent of insurance, and J. D. Botkin, congressman-at-large. The Democratic platform reaffirmed the national declarations of 1900; opposed trusts, and demanded the passage of laws to prohibit state officials from accepting railroad passes, to reform the tax system, and to resubmit the prohibitory amendment. In their platform the Populists endorsed all that was done by the Democratic convention, May 22; declared in favor of the initiative and referendum and of a primary election law; deplored the assassination of President McKinley, and demanded a law to stamp out anarchy in the United States.

The Republican state convention met at Wichita on the 28th of May, 1902, and nominated the following ticket: Governor, W. J. Bailey; lieutenant-governor, D. J. Hanna; secretary, J. R. Burrow; auditor, Seth G. Wells; treasurer, T. T. Kelly; attorney-

\*Sense was afterward withdrawn and William Stryker substituted.



general, C. C. Coleman; superintendent of public instruction, I. L. Dayhoff; superintendent of insurance, C. H. Luling; congressman-at-large, Charles F. Scott; supreme judges for the six year term, H. F. Mason, J. C. Pollock and A. O. Greene; for the four year term, A. H. Ellis\*; for the two year term, E. W. Cunningham. The convention adopted resolutions re-affirming the national platform of 1900; mourning the death of President McKinley; approving Roosevelt's administration, and pledging him the support of Kansas Republicans in 1904. The administration of Governor Stanley and the abrogation of the Clayton-Bulwer treaty were also approved.

The prohibitionists nominated a ticket with F. W. Emerson as the candidate for governor; the Socialists nominated A. S. McAllister, and the "Middle-of-the-road" Populists put forward J. H. Lathrop.

When the election came off, the Republican candidate for governor received a clear majority of more than 21,000 over all his competitors, the vote being as follows: Bailey, 159,242; Craddock, 117,148; Emerson, 6,065; McAllister, 4,078; Lathrop, 635. All eight of the Republican candidates for congress and ninety-five out of one hundred and twenty-five members of the legislature were elected. Two constitutional amendments were voted on at this election. One, proposing to increase the pay of members of the legislature from three dollars a day for a term of fifty days to five hundred dollars for the session, was lost. The other, providing for the election of all county officers at the same time state officers and congressmen are elected, was ratified. The new administration went into power at the beginning of 1903, the centennial year of the Louisiana Purchase.

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\*Judge Ellis died September 25, and the vacancy on the ticket was filled by the appointment of R. A. Burch.



## CHAPTER VII

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### Closing Observations and Statistics

KANSAS has an area of 82,080 square miles, being approximately 400 miles in extent from east to west and 200 from north to south. It is a part of the great plain lying between the Mississippi river and the Rocky mountains. The surface slopes gradually toward the east, and all the principal streams flow in that direction. The elevation above sea level varies from 735 feet at Coffeyville to 3,500 feet along the western boundary. The climate is healthful and the soil in most parts of the state very fertile. Agriculture, horticulture, stockraising, manufacturing and mining are all carried on successfully. The principal farm products are corn, wheat, sorghum, alfalfa, and various kinds of grasses. More than twenty million fruit trees were reported in 1900. During the earlier years, droughts did much injury to the crops, especially in the western part, but recently attention has been paid to irrigation, more than three thousand private reservoirs having been constructed and put in successful operation. Along the Arkansas river land is irrigated by taking the water from the river, making an exceedingly productive territory. Coal, lead and zinc are found in paying quantities, the coal fields of Kansas being among the richest in the Union. An inexhaustible supply of the finest salt is one of the resources of the state, the development of which is yet in its infancy. Leaving Alaska out of the consideration, Kansas is the geographical center of the United States, the actual central point being near Fort Riley. Less than half a century has passed since the lands of Kansas were first thrown open to white settlers, yet in 1900 census returns were received from 105 counties. A little study of the following tables will show the growth and distribution of the population, the march of progress and the evolution of the state.





TABLE SHOWING THE POPULATION BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE ADMISSION INTO THE UNION.

Counties.	1860.	1870.	1880.	1890.	1900.
Allen	3,082	7,022	11,303	13,509	19,507
Anderson	2,400	5,220	9,057	14,203	13,933
Arapahoe (1)			3		
Atchison	7,729	15,507	26,668	26,758	28,605
Barber			2,661	7,963	6,954
Barton		2	10,318	13,172	13,784
Beaumont	6,101	15,076	19,591	28,575	24,712
Brockenridge (2)	3,197				
Brown	2,607	6,823	12,817	20,319	22,369
Buffalo (3)			191		
Butler	437	3,035	18,586	24,055	23,363
Chase	808	1,975	6,091	8,233	8,216
Chautauqua			11,072	12,297	11,801
Cherokee (4)	1,501	11,033	21,905	27,770	42,691
Cheyenne			37	4,401	2,640
Clark			163	2,357	1,701
Clay	163	2,912	12,320	18,116	15,833
Cloud		2,323	15,313	19,295	18,071
Colfax	2,842	6,201	11,438	17,856	16,613
Comanche			372	2,519	1,619
Cowley (5)	158	1,175	21,538	34,478	30,156
Crawford		8,160	16,851	30,286	38,809
Decatur			4,180	8,414	9,234
Dickinson	378	3,043	15,251	22,273	21,816
Doniphan	8,083	13,969	14,257	13,535	15,079
Douglas	8,637	20,592	21,700	24,961	25,096
Edwards			2,409	3,600	3,682
Elk			10,623	12,316	11,443
Ellis		1,336	6,179	7,942	8,626
Ellsworth		1,183	8,494	9,272	9,626
Finney				3,350	3,469
Foot (6)			411		
Ford		127	3,122	5,308	5,197
Franklin	3,030	10,385	16,797	20,219	21,354
Garfield (7)				8-1	
Geary	1,103	5,526	6,991	10,423	10,771
Gove			1,196	2,991	2,411
Graham			4,258	5,029	5,173
Grant			9	1,303	422
Gray				2,415	1,264
Greeley			3	1,261	493
Greenwood	759	3,481	10,518	16,309	16,196
Hamilton			168	2,027	1,428
Harper			4,133	13,266	10,310
Harvey			11,451	17,601	17,591
Haskell				1,077	457
Hodgeman			1,704	2,395	2,032
Howard (8)	19	2,794			
Jackson	1,936	6,053	10,718	14,626	17,117
Jefferson	4,459	12,526	15,563	16,620	17,553
Jewell		207	17,175	19,319	19,120
Johnson	4,364	13,684	16,853	17,385	18,104
Kearney			159	1,571	1,167
Kingman			3,713	11,824	10,663
Kiowa				2,873	2,365
Labette		9,973	22,745	27,586	27,387
Lane			601	2,060	1,563
Lawrence	12,606	32,414	32,355	38,485	40,940
Lincoln		516	8,582	9,709	9,886
Linn	6,336	12,174	15,298	17,215	16,639
Logan				3,361	1,962
Lyon		8,014	17,326	24,196	25,074
McPherson		738	17,143	21,611	21,421
Madison (9)	636				
Marion	71	768	12,453	20,539	20,676
Marshall	2,280	6,301	16,136	24,912	24,355
Morris			290	2,512	1,581
Miami	4,980	11,725	17,802	19,614	21,641
Mitchell		485	14,911	15,037	14,647
Montgomery		7,604	18,213	23,101	29,039



TABLE SHOWING THE POPULATION BY COUNTIES—Continued.

Counties.	1860.	1870.	1880.	1890.	1900.
Morris .....	770	2,225	9,265	11,381	11,967
Morton .....			9	721	301
Nemaha .....	2,436	7,349	12,462	19,219	20,376
Neosho .....	83	10,206	15,121	18,561	19,254
Ness .....		2	3,722	4,941	4,535
Norton .....			6,998	10,617	11,325
Osage .....	1,113	7,648	19,642	25,062	23,659
Osborne .....		33	12,517	12,083	11,844
Otoe (10) .....	238				
Ottawa .....		2,127	10,307	12,581	11,182
Pawnee .....		179	5,396	5,204	5,084
Phillips .....			12,011	13,661	14,442
Pottawatomie .....	1,529	7,818	16,350	17,722	18,470
Pratt .....			1,890	8,118	7,085
Rawlins .....			1,623	6,756	5,241
Rebo .....			12,826	29,079	29,027
Republic .....		1,284	14,913	19,062	18,248
Rice .....		5	9,292	14,451	14,745
Riley .....	1,224	5,105	10,430	13,183	13,823
Rooks .....			8,112	8,018	7,690
Rush .....			5,490	5,204	6,184
Russell .....		156	7,351	7,333	8,489
Saline .....		4,246	13,803	17,442	17,076
Scott .....			43	1,212	1,098
Sedgwick .....		1,095	15,753	4,362	44,037
Sequoyah (11) .....			568		
Seward .....			5	1,503	822
Shawnee .....	3,515	13,121	29,093	49,172	53,727
Sheridan .....			1,567	3,733	3,819
Sherman .....			13	5,261	3,341
Smith .....		66	13,883	15,613	16,384
Stafford .....			4,755	8,720	9,829
Stanton .....			5	1,041	327
Stevens .....			12	1,118	620
Sumner .....		22	20,812	30,271	25,641
Thomas .....			161	5,538	4,112
Trego .....		166	2,535	2,535	2,722
Wabawsee .....	1,023	3,362	8,756	11,720	12,813
Wallace .....		538	686	2,468	1,178
Washington .....	384	4,081	14,910	22,894	21,963
Wichita .....			11	1,827	1,197
Wilson .....	27	6,491	13,775	15,286	15,621
Woodson .....	1,488	3,827	6,535	9,021	10,022
Wyandotte .....	2,669	10,015	19,114	54,407	73,227
Total .....	107,206	364,389	996,096	1,427,096	1,470,495

(1) Taken to form part of Finney in 1881.

(2) Divided between Finney and Hodgeman in 1884.

(3) Annexed to Finney and Hodgeman in 1881.

(4) Name changed from McGee.

(5) First organized as Hunter county.

(6) Divided among Finney, Ford and Hodgeman in 1881.

(7) Annexed to Finney in 1893.

(8) Created as Godfrey county, taken to form Chautauqua and Elk in 1875.

(9) Annexed to Greenwood and Lyon counties.

(10) Annexed to Chase county.

(11) Taken in 1884 to form part of Finney.



TABLE SHOWING THE DATE OF CREATION AND ORGANIZATION OF EACH COUNTY IN THE STATE, TOGETHER WITH THE PRESENT COUNTY SEAT.

Counties.	Created.	Organized.	County Seat
Allen.....	1855	.....	Iola.
Auderson.....	1855	.....	Garnett.
Atchison.....	1855	.....	Atchison.
Barber.....	Feb. 26, 1867	1873	Medicine Lodge.
Barton.....	Feb. 26, 1867	1872	Great Bend.
Bourbon.....	1855	.....	Fort Scott.
Brown.....	1855	.....	Hiawatha.
Butler.....	1855	.....	Eldorado.
Chase.....	.....	.....	Cottonwood Falls.
Chautauqua.....	Mch. 3, 1875	1875	Sedan.
Cherokee.....	.....	.....	Columbus.
Cheyenne.....	1873	Apr. 1, 1886	St. Francis.
Clarke.....	Feb. 26, 1867	May 5, 1885	As-land.
Clay.....	Feb. 21, 1860	1866	Clay Center.
Cloud.....	.....	.....	Concordia.
Colley.....	.....	.....	Burlington.
Comanche.....	Feb. 26, 1867	Feb. 27, 1885	Coldwater.
Cowley.....	Feb. 23, 1867	1870	Winfield.
Crawford.....	.....	Jan. 1, 1868	Girard.
Decatur.....	Mch. 6, 1873	1879	Oberlin.
Dickinson.....	Feb. 20, 1857	Feb. 27, 1860	Abilene.
Douphan.....	1855	.....	Troy.
Douglas.....	1855	.....	Lawrence.
Edwards.....	Mch. 7, 1871	.....	Kinsley.
Elk.....	Mch. 3, 1875	.....	Howard.
Ellis.....	Feb. 26, 1867	.....	Hays.
Ellsworth.....	Feb. 26, 1867	.....	Ellsworth.
Finney.....	.....	Oct. 1, 1881	Garden City.
Ford.....	Feb. 26, 1867	1873	Dodge City.
Franklin.....	1855	.....	Ottawa.
Geary.....	1855	Feb. 28, 1889	Junction City.
Gove.....	.....	.....	Gove.
Graham.....	Feb. 26, 1867	1880	Hill City.
Grant.....	Mch. 6, 1873	June 9, 1888	Ulysses.
Gray.....	Mch. 5, 1881	July 20, 1887	Cimarron.
Greely.....	Mch. 6, 1873	July 9, 1887	Tribune.
Greenwood.....	.....	.....	Eureka.
Hamilton.....	Mch. 6, 1873	Jan. 29, 1886	Syracuse.
Harper.....	Feb. 26, 1867	1873	Anthony.
Harvey.....	.....	1872	Newton.
Haskell.....	Mch. 6, 1887	July 1, 1887	Santa Fe.
Hodgeman.....	Mch. 6, 1873	1879	Jetmore.
Jackson.....	.....	1857	Holton.
Jefferson.....	1855	.....	Oskaloosa.
Jewell.....	Feb. 26, 1867	1870	Mankato.
Johnson.....	1855	.....	Olathe.
Kearney.....	Mch. 6, 1873	Mch. 27, 1888	Lakin.
Kingman.....	.....	1874	Kingman.
Kiowa.....	Feb. 26, 1867	Mch. 23, 1886	Greensburg.
Labette.....	Feb. 7, 1867	Feb. 7, 1867	Oswego.
Lane.....	Mch. 6, 1873	June 3, 1886	Dighton.
Leavenworth.....	1855	.....	Leavenworth.
Lincoln.....	Feb. 26, 1867	1870	Lincoln.
Linn.....	1855	.....	Mound City.
Logan.....	Mch. 4, 1881	Sept. 17, 1887	Russell Springs.
Lyon.....	.....	.....	Emporia.
McPherson.....	Feb. 26, 1867	1870	McPherson.
Marion.....	Feb. 17, 1860	1860	Marion.
Marshall.....	1855	.....	Marysville.
Meade.....	Mch. 16, 1873	Nov. 3, 1885	Mendo.
Miami.....	1855	June 3, 1861	Paola.
Mitchell.....	Feb. 26, 1867	1870	Beloit.
Montgomery.....	Feb. 26, 1867	1869	Independence.
Morris.....	1855	.....	Council Grove.
Morton.....	.....	Nov. 18, 1886	Richfield.
Nemaha.....	1865	.....	Seneca.
Neosho.....	June 3, 1861	1861	Erie.
Ness.....	Feb. 26, 1867	1880	Ness City.
Norton.....	Feb. 26, 1867	1872	Norton.
Osage.....	1855	Feb. 27, 1860	Lyndon.
Osborne.....	Feb. 26, 1867	1871	Osborne.



TABLE SHOWING THE DATE OF CREATION AND ORGANIZATION OF EACH COUNTY—Continued.

Counties.	Created.	Organized.	County Seat.
Ottawa.....	Feb. 27, 1860	1866	Minneapolis.
Pawnee.....	Feb. 26, 1867	1872	Larned.
Phillips.....	Feb. 26, 1867	1872	Phillipsburg.
Pottawatomie.....	.....	.....	Westmoreland.
Pratt.....	Feb. 26, 1867	1879	Pratt.
Rawlins.....	Mch. 6, 1873	1881	Atwood.
Reno.....	Feb. 26, 1867	1872	Hutchinson.
Republic.....	Feb. 27, 1860	1878	Belleville.
Rice.....	Feb. 26, 1867	Mch. 6, 1872	Lyons.
Riley.....	1855	.....	Manhattan.
Rooks.....	Feb. 26, 1867	1872	Stockton.
Rush.....	Feb. 26, 1867	1874	La Crosse.
Russell.....	Feb. 26, 1867	1872	Russell.
Saline.....	.....	1859	Salina.
Scott.....	Mch. 6, 1873	Jan. 29, 1886	Scott.
Sedgwick.....	Feb. 26, 1867	1870	Wichita.
Seward.....	June 3, 1861	Jan. 17, 1886	Liberal.
Shawnee.....	1855	.....	Topeka.
Sheridan.....	Mch. 6, 1873	1880	Hoxie.
Sherman.....	Mch. 6, 1873	Sept. 20, 1886	Goodland.
Smith.....	Feb. 26, 1867	1872	Smith Center.
Stafford.....	Feb. 26, 1867	1879	St. John.
Stanton.....	Mch. 6, 1873	June 17, 1887	Johnson.
Stevens.....	Mch. 6, 1873	Aug. 3, 1886	Hugoton.
Sumner.....	Feb. 26, 1867	1871	Wellington.
Thomas.....	Mch. 6, 1873	Oct. 8, 1885	Colby.
Trego.....	Feb. 26, 1867	1879	Wakeeney.
Wabasha.....	.....	.....	Alma.
Wallace.....	Mch. 2, 1868	1883	Sharon Springs.
Washington.....	.....	1860	Washington.
Wichita.....	Mch. 6, 1873	Dec. 24, 1886	Leoti.
Wilson.....	.....	1865	Frederia.
Woodson.....	1855	.....	Yates Center.
Wyandotte.....	1855	.....	Kansas City.

NOTE.—A number of counties were created by act of the legislature, and afterward disappeared without leaving any record of the disappearance, further than the change in boundaries show that they were absorbed by other counties. Examples of this kind can be seen in the counties of Broderick, Calhoun, El Paso, Fremont, Hageman, Irving, Montana, Pickett, etc.

The recent progress of Kansas in agriculture is somewhat phenomenal. The increased area under cultivation and the variety of crops cultivated, have contributed to the wealth of the country and the certainty and safety of agriculture as a business. It is quite remarkable to observe the gradual extension of the wheat belt westward until this year (1903) an excellent yield of wheat came from the land next to the Colorado line. The following tables give a very careful estimate of the value of the most important crops.





PRODUCTS.	1901.		1902.	
	Quantities.	Values.	Quantities.	Values.
Winter wheat..... bu.	90,045,514	\$50,479,579	54,323,839	\$28,983,941
Spring wheat..... "	287,581	130,925	325,397	155,547
Corn..... "	42,605,672	21,731,215	201,367,102	78,321,653
Oats..... "	20,806,329	7,375,817	32,966,114	9,561,254
Rye..... "	2,955,065	1,408,980	3,728,296	1,581,321
Barley..... "	2,356,700	931,783	2,188,973	801,382
Buckwheat..... "	3,177	2,700	2,770	2,216
Irish potatoes..... "	2,313,772	2,313,772	8,193,632	3,136,857
Sweet potatoes..... "	231,950	289,937	539,879	334,487
Castor-beans..... "	6,103	7,933	4,400	5,500
Cotton..... lbs.	57,800	4,046	136,005	9,520
Flax..... bu.	1,260,192	1,701,259	1,427,975	1,713,570
Hemp..... lbs.	3,600	180	10,200	610
Tobacco..... "	17,600	1,760	15,150	1,515
Broom-corn..... "	13,105,125	524,205	16,581,205	495,610
Millet and hungarian..... tons.	445,784	2,472,863	400,160	1,445,415
Sorghum..... "		3,785,954		3,822,668
Milo maize..... tons.	40,734	45,063	16,544	56,166
Kafir-corn..... "	1,380,432	6,388,025	2,824,621	9,495,572
Jerusalem corn..... "	4,611	18,663	7,989	27,372
Tame hay..... "	1,172,623	9,380,904	803,931	4,823,604
Prairie hay..... "	1,383,388	9,680,699	820,637	3,242,514
Live-stock products.....		74,706,299		65,695,332
Horticultural products, etc.....		1,872,085		2,242,332
Totals.....		\$195,254,645		\$216,002,025

## AGGREGATE VALUES FOR TWENTY YEARS.

Winter wheat.....	\$116,491,894
Spring wheat.....	10,637,199
Corn.....	800,539,152
Oats.....	116,891,995
Rye.....	23,100,802
Barley.....	8,516,303
Buckwheat.....	314,934
Irish potatoes.....	66,881,566
Sweet potatoes.....	5,882,114
Castor beans.....	2,688,004
Cotton.....	318,373
Flax.....	25,976,471
Hemp.....	91,043
Tobacco.....	443,100
Broom corn.....	16,112,985
Millet and hungarian.....	80,666,997
Sorghum.....	49,103,046
Milo maize.....	806,233
Kafir-corn.....	42,901,195
Jerusalem corn.....	777,255
Tame hay.....	75,139,461
Prairie hay.....	150,180,421
Live-stock products.....	960,488,433
Horticultural products, etc.....	40,121,909
Rice corn (raised in 1833 and 1884).....	532,774
Grand total.....	\$2,936,193,909
Annual average.....	146,809,695



No less remarkable is the development of mineral wealth in Kansas. While coal, zinc, lead and salt have continued to increase in yearly output the recent advances in natural gas, oil and cement have added much to the wealth of the mining industry. Kansas has now a large and rich natural gas and oil field which is adding daily to the development of manufactures. The following table gives a brief summary of the wealth of the mineral productions in 1901 and since the industry began. A considerable increase is shown in 1902 and 1903 although complete returns are not at hand.

SHOWING VALUE OF EACH OF THE MINERAL PRODUCTS OF KANSAS FOR 1901, AND SINCE THE INDUSTRY BEGAN.

Name of product.	Amount for 1901.	Value per unit.	Value for 1901.	Grand total of production since industry began.
NON-METALLIC PRODUCTS.				
Coal .....tons	1,793,374	\$1 30	\$5,231,386 00	\$71,911,984 69
Coke .....tons	42,750	2 50	106,875 00	873,375 00
Salt, without cooperage.. bbls.	1,271,015	60	762,609 00	7,393,435 57
Cooperage .....bbls.	635,507	25	158,877 00	158,877 00
Clay products .....			927,808 00	3,194,204 00
Gypsum cement plaster.....tons	49,217	4 25	209,172 00	2,526,585 00
Stone, building(estimated) cu yds.			529,157 00	5,351,051 00
Natural gas .....			768,506 00	2,420,866 00
*Oil, crude .....bbls.	169,197	80	135,357 60	615,744 73
Oil, refined, including gasoline and fuel oil.....	112,500	2 00	225,000 00	.....
Hydraulic cement.....bbls.	131,372	43	56,490 00	891,289 00
Portland cement (estimated) bbls.	750,000	2 00	1,500,000 00	2,150,000 00
Lime (estimated) .....			65,000 00	1,510,000 00
Sand (estimated) .....			100,000 00	650,000 00
METALLIC PRODUCTS.				
Zinc ore, 33,974.82 tons, worth \$797,844.36, yielding metallic zinc.....tons	16,987.41	81 50	1,384,473 90	} 47,514,550 68
Lead ore, 5,238.19 tons, worth \$245,880.61, yielding metallic lead.....tons	3,666.73	86 75	318,088 83	
SMELTING PRODUCTS.				
Zinc smelting.....tons	81,512.30	81 50	6,615,697 45	47,351,332 28
Lead smelting.....tons	1,137	86 75	98,611 75	5,562,253 38
Totals .....			\$20,223,132 53	\$200,908,518 33

\*1903 shows a large increase in the production of oil and of natural gas for manufacturing purposes.



## YIELDS, IN BUSHELS, FOR TWENTY YEARS.

Years.	Wheat, Winter and Spring.	Corn.	Rye.	Oats.
1883 .....	30,021,936	182,084,526	5,084,391	30,987,861
1884 .....	48,650,431	180,870,686	6,245,575	29,087,294
1885 .....	10,772,181	177,350,703	2,728,304	31,561,490
1886 .....	14,579,003	139,569,132	2,523,385	35,777,365
1887 .....	9,278,501	75,791,451	1,923,335	46,727,418
1888 .....	16,724,717	168,751,687	3,390,110	51,065,055
1889 .....	35,319,851	273,885,321	5,850,080	47,922,883
1890 .....	28,801,214	51,090,229	2,271,879	29,175,582
1891 .....	58,550,653	139,363,991	5,143,030	39,901,143
1892 .....	71,538,906	138,658,621	4,012,613	43,722,481
1893 .....	21,827,524	118,624,369	1,063,019	28,191,717
1894 .....	28,205,700	66,952,833	978,678	18,385,469
1895 .....	16,001,060	201,457,396	1,655,713	31,664,748
1896 .....	27,754,888	221,419,111	998,897	19,314,772
1897 .....	51,026,604	152,110,993	1,661,662	23,431,273
1898 .....	60,790,661	126,999,132	2,153,050	21,702,537
1899 .....	43,687,013	225,183,432	1,751,406	26,016,773
1900 .....	77,339,091	131,523,677	1,915,026	31,169,982
1901 .....	90,333,085	42,605,672	2,955,065	20,806,329
1902 .....	54,649,236	201,367,102	3,728,296	32,906,114
Totals .....	801,255,351	3,018,695,770	58,203,491	644,214,598
Yearly averages.....	40,062,767	151,434,788	2,910,174	32,160,729

Kansas was organized as a territory May 30, 1854, and admitted as a state January 29, 1861. From the first organization of the territory, the government has been administered by the following officials:

Territorial Governors: Andrew H. Reeder, 1854; Wilson Shannon, 1855; John W. Geary, 1856; Robert J. Walker, 1857; James W. Denver, 1858; Samuel Medary, 1858.

Secretaries: Daniel Woodson, 1854; Frederick P. Stanton, 1857; James W. Denver, 1857; Hugh S. Walsh, 1858; George M. Beebe, 1860.

State Governors: Charles Robinson, 1859; Thomas Carney, 1862; Samuel J. Crawford, 1864; Nehemiah Greay (elected lieutenant-governor, succeeded to the office Nov. 4, 1868, when Governor Crawford, resigned); James M. Harvey, 1868; Thomas A. Osborn, 1872; George T. Anthony, 1876; John P. St. John, 1878; George W. Glick, 1882; John A. Martin, 1884; Lyman U. Humphrey, 1888; Lorenzo D. Lewelling, 1892; Edmund N. Morrill, 1894; John W. Leedy, 1896; William E. Stanley, 1898; W. J. Bailey, 1902.

Lieutenant-Governors: Joseph P. Root, 1859; Thomas A. Osborn, 1862; James McGrew, 1864; Nehemiah Green, 1866; Charles A. Eskridge, 1868; Peter P. Elder, 1870; Elias S. Stover,



1872; Melville J. Salter, 1874; Lyman U. Humphrey, 1877; D. W. Finney, 1880; Alex. P. Riddle, 1884; Andrew J. Felt, 1888; Percy Daniels, 1892; James A. Troutman, 1894; A. M. Harvey, 1896; H. E. Richter, 1898; D. J. Hanna, 1902.

Secretaries of State: John W. Robinson, 1859; S. R. Shepherd, 1862 (appointed); W. W. H. Lawrence, 1862; R. A. Barker, 1864; Thomas Moonlight, 1868; W. H. Smallwood, 1870; Thomas H. Cavanaugh, 1874; James Smith, 1878; Edwin B. Allen, 1884; William Higgins 1888; Russell S. Osborn, 1892; W. C. Edwards, 1894; William E. Bush, 1896; George A. Clark, 1898; J. R. Burrow, 1902.

Auditors: George S. Hillyer, 1859; David L. Lakin, 1862; Asa Hairgrove (appointed), 1862; John R. Swallow, 1864; Alois Thoman, 1868; D. W. Wilder, 1872 (resigned Sept., 1876); P. I. Bonebrake, 1876; Edward P. McCabe, 1882; Timothy McCarthy, 1886; Charles M. Hovey, 1890; Van B. Prather, 1892; George E. Cole, 1894; William H. Morris, 1896; George E. Cole, 1898; Seth G. Wells, 1902.

Treasurers: William Tholen, 1859 (enlisted 1861, H. R. Dutton appointed); William R. Spriggs, 1862; Martin Anderson, 1866; George Graham, 1868; Josiah E. Hayes, 1870 (re-elected and resigned April, 1874; John Francis appointed); Samuel Lappin, 1874 (resigned Dec., 1875—Francis again appointed); John Francis, 1876; S. T. Howe, 1882; James W. Hamilton, 1886 (resigned March, 1890, William Sims appointed); S. G. Storer, 1890; William H. Biddle, 1892; Otis L. Atherton, 1894; David H. Heilebower, 1896; Frank E. Grimes, 1898; T. T. Kelly, 1902.

Attorney-Generals: B. F. Simpson, 1859 (resigned July, 1861, Charles Chadwick appointed until election of 1861, when Samuel A. Stinson was elected to the vacancy); W. W. Guthrie, 1862; J. D. Brumbaugh, 1864; George H. Hoyt, 1866; Addison Danford, 1868; A. L. Williams, 1870; A. M. F. Randolph, 1874; Willard Davis, 1876; W. A. Johnston, 1880 (resigned Dec., 1884, to go on the supreme bench, and George P. Smith appointed); T. B. Bradford, 1884; L. B. Kellogg, 1888; John N. Ives, 1890; John T. Little, 1892; F. B. Dawes, 1894; L. C. Boyle, 1896; A. A. Godard, 1898; C. C. Coleman, 1902.

Superintendents of Public Instruction: W. R. Griffith, 1859 (died February, 1862, S. M. Thorp appointed); Isaac T. Goodnow, 1862; Peter McVicar, 1866; H. D. McCarty, 1870; John Fraser, 1874; A. B. Lemmon, 1876; H. C. Speer, 1880; Joseph H. Lawhead, 1884; George W. Winans, 1888; Henry N. Gaines,





1892; Edmund Stanley, 1894; William Stryker, 1896; Frank Nelson, 1898; I. L. Dayhoff, 1902.

Chief Justices: Thomas Ewing, Jr., 1859; Nelson Cobb, 1862; Robert Crozier, 1863; S. A. Kingman, 1866; A. H. Horton, 1876; David Martin, 1895; Frank Doster, 1896; W. A. Johnston, 1902.

Associate Justices: S. A. Kingman, 1859; L. D. Bailey, 1859; Jacob Safford, 1864; D. M. Valentine, 1868; David J. Brewer, 1870 (resigned April, 1884, T. A. Hurd appointed); W. A. Johnston, 1884; S. H. Allen, 1892; W. R. Smith, 1898; H. F. Mason, J. C. Pollock, A. L. Greene, R. A. Burch and E. W. Cunningham, 1902.

United States Senators: James H. Lane, 1861; Samuel C. Pomeroy, 1861; Edmund G. Ross, 1867; Alex. Caldwell, 1871 (resigned March, 1873, Robert Crozier appointed); John J. Ingalls, 1873; James M. Harvey, 1874; Preston B. Plumb, 1877 (died December, 1891, B. W. Perkins appointed); John Martin, 1893 (vice Plumb); W. A. Peffer, 1891; Lucian A. Baker, 1895; William A. Harris, 1897; Joseph R. Burton, 1901.

A hundred years have passed away since Kansas first became a part of the domain of the American Republic. During the first half of that century, the explorers—from Pike to Fremont—placed Kansas upon the maps as part of the "Great American Desert." But the last half has shown the error of these early explorers, for the state has steadily risen from nothing in 1853 to the eighteenth in population in 1900. The "desert" has become a fruitful field. The Indian and the buffalo have departed, and in their places have come the husbandman and his domestic flocks. Where the council fire of the savage once burned, the dome of the university lifts itself toward the heavens, a landmark of civilization. Nearly nine thousand miles of railroad traverse the plains that two generations since were unmarked by the foot of civilized man.

The people who settled Kansas believed in education. Sections sixteen and thirty-six of the public domain, that were set apart by congress for the support of the common schools, have developed into a permanent school fund of almost three million dollars, and the end is not yet. The school property of the state was valued in 1901 at more than eleven million dollars. Over half a million of children of school age were enumerated, and seventy-five per cent of the enumeration were enrolled. Besides the district schools the state has 5 manual training schools, and 12



county, and 106 city, high schools. The state normal school at Emporia had, in 1901, an enrollment of 2,034 students. This school property is valued at two hundred thirty-six thousand dollars, exclusive of lands, and has an endowment of two hundred seventy thousand dollars. At the state university 1,233 students were enrolled. The value of the buildings and apparatus at this institution, not including the 62 acres of land constituting the campus, is estimated at one million dollars. The university endowment is about one hundred fifty thousand dollars. The agricultural college enrolled 1,396. Of all the higher educational institutions in Kansas, this college has the largest endowment, amounting at present to four hundred ninety-one thousand dollars. The buildings and apparatus are valued at four hundred eighty-five thousand dollars.

It was a Kansas educational institution that gave to the farmers of the country a remedy for the chinch bug. The discovery of this remedy was due to Chancellor Snow of the state university.

In 1902 the property of the state was valued at eleven million dollars, the capitol alone being worth three million dollars. The receipts during the year amounted to three million five hundred ninety-five thousand dollars, and the bonded indebtedness of the state was but six hundred thirty-two thousand dollars, all of which was held by the school fund. Hence it may be said that Kansas is in sound financial condition. Reports from 607 banks showed a capital stock of more than sixteen million dollars, with individual deposits amounting to nearly one hundred million dollars, which is evidence that the people were fairly prosperous.

"*Ad astra per aspera*"—the motto upon the great seal of state, a motto selected by John J. Ingalls, then a young man, serving as secretary of the state senate—is certainly appropriate. Kansas has had her struggles and her blessings. Many of the struggles of territorial days were really blessings in disguise, for they brought to the young commonwealth strong, self-reliant men, men who stood for convictions and who were ready to make sacrifices for the general good. Such men make a great state; and Kansas was fortunate in having among her pioneers so many of that class. Along the line of the Santa Fe trail sunflowers sprang up as from the touch of the magician's wand. Wherever the plow of the husbandman disturbed the hitherto unbroken soil, the sunflower came to cheer him in his lonely sod-house or dug-out upon the prairie. The sod-house and dug-out have been replaced by more substantial and more pretentious dwellings, but the sunflower



remained, and has been adopted as the floral emblem of the state. And a more appropriate flower could not have been found, for Kansas, while passing through the horrors of the border wars, the devastations of droughts and grasshoppers, has, like her floral emblem, kept her face toward the sun, confident that better days were coming. And by the exercise of this hopeful optimism she has surmounted all her difficulties, and risen to a proud position in the constellation of American States.









# State of Colorado

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Hon. Frank Hall

*Associate Editor*



# Colorado

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## CHAPTER I

### Events Ante-Dating the Territorial Administrations

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AS Francisco Vasquez de Coronado marched from Santa Fe, in the Spring of 1541, to find the country of Quivira and possess himself of its fabled wealth, he sent out small scouting parties at intervals to gather information regarding the object of his search. Others, becoming dissatisfied with the long, weary march across the plains, deserted the expedition and, choosing a leader, went into the business of exploring for themselves. One of these parties, consisting of twenty-five men, under the leadership of one Diaz, marched westward until they came to the Colorado river, which they descended to its mouth. Cardinas, another captain of Coronado's, with twelve men, discovered the same stream, at a point much farther north than that touched by Diaz. It is not likely that the main body of Coronado's expedition passed over any portion of what is now the state of Colorado, unless it might be the extreme southeastern corner, but it is certainly possible that one or both the small parties mentioned crossed the state, and were the first white men to set foot within the present boundaries of Colorado. This is especially true of Cardinas who left the expedition later than Diaz, and after it had reached a point farther north. In his report he describes the river as having "banks so high they seemed to be three or four leagues in the air." Some of the most active and athletic men in



the party tried to descend to the stream, but after toiling all day returned late in the evening, having accomplished about one third of the distance. They reported that the rocks lying at the bottom of the canon, and which, when viewed from above, looked to be about as high as a man were as "big as the cathedral of Seville."

Fifty years after Coronado a company of Spaniards under Juan de Onate established a settlement at Chama, in New Mexico. In 1595 Onate explored the San Luis valley and reported the finding of gold a short distance above Fort Garland, but if any attempt was made to establish a settlement there no record of it has been preserved.

About the middle of the Eighteenth century Cachupin was made governor of New Mexico. Reports reaching him of the mineral wealth of the mountains lying to the north he planned a number of expeditions to that region. What is now known as the San Juan country was explored by these expeditions, but as the precious metals could not be found in sufficient quantities to pay for working the mines no settlements were undertaken.

In 1761 Juan Maria Rivera, accompanied by Don Joaquin Lain, Pedro Mora, Gregorio Sandoval, and a few others, reached the valley of the Gunnison river. During the next ten or twelve years several small exploring parties penetrated into the present limits of the state of Colorado, on both slopes of the Rocky mountains, in search of gold. It seems, however, their achievements were so evanescent that they have been deemed unworthy of more than a passing mention by the historian.

In response to the importunities of Padre Junipero Serra, president of the Catholic mission on the western slope, an expedition was organized in 1776 by Padres Francisco Escalante and Atanacio Dominguez, church dignitaries of New Mexico, the object being to seek out an overland route from Santa Fe to the Pacific coast. The party consisted of ten men, and Don Joaquin Lain, who had been with Rivera fifteen years before, was employed to guide the expedition. Leaving Santa Fe July 29 they pursued a general northwesterly direction, crossed the southern boundary of Colorado in what is now Archuleta county, and August 5 came to the San Juan river. A number of streams and mountain chains were named by Escalante, and some of the names have been retained to the present day. After crossing the White river, near the place where it enters Utah, they turned west until they reached Utah lake. From there they pursued a southwesterly course past Sevier lake to within a few miles of the Colorado river when they gave up the idea of establishing an overland



route and returned to Santa Fe. Although the expedition failed to accomplish the object for which it set out Escalante's account was the first to give a perspicuous description of the parks, streams and mountain ranges of Western Colorado.

In 1803 all that part of Colorado lying north of the Arkansas river, and east of a line drawn due north from the source of that stream, became the territory of the United States by what is generally known as the Louisiana Purchase. Three years after the acquisition of this territory General Wilkinson sent Lieut. Zebulon M. Pike to explore the country about the head waters of the Arkansas river, and if possible ascertain the sources of the Red river. Besides being charged with the duty of exploration Pike was entrusted with the safe return of a number of Kaw Indians whom General Wilkinson had rescued from a hostile tribe and had promised to restore to their people. Pike's company consisted of twenty-one white men and about fifty friendly Indians. He left St. Louis July 15, ascended the Missouri river in boats to the mouth of the Osage where he landed, purchased horses from the natives, and after delivering the Indian captives to their friends crossed the country to the Arkansas river. He ascended the Arkansas without adventure until November 13 when he first saw the dim outlines of the peak of the Rocky mountains that bears his name. An hour or so later the whole range came into view, the little cavalcade halted upon an elevated piece of ground, and the men gave "three cheers for the Mexican mountains."

Although it was late in the season Pike pushed on, but it was not until November 26 that he reached the base of the range. In his report he says of their day's march, November 17, "we marched with the idea of arriving at the mountains, but night found no visible difference in their appearance." On the 27th he, with Doctor Robinson, the surgeon of the expedition, and Privates Miller and Brown, started to ascend the peak. After considerable difficulty they reached the summit of the mountain known as Cheyenne mountain, and saw the great peak still towering far above them. Pike gave it as his opinion that no one would ever be able to reach the pinnacle of the mountain, which he described as being barren and snow-covered.\*

Subsequent events showed, however, that Pike was mistaken. An expedition under Maj. S. H. Long, was sent out in 1819 by

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\*For a more complete account of Pike's expedition, his captivity among the Spaniards, etc., see the first two volumes of this work.





John C. Calhoun, then secretary of war, "to visit and report on all the country drained by the Missouri, Arkansas and Platte rivers." Long passed the winter of 1819-20 at Council Bluffs. The next spring he ascended the Platte to the confluence of the north and south forks, arriving there a few days after the middle of June. Choosing the south fork he followed it to its source, reaching the South Park by an entirely different route from that taken by Pike fourteen years before. July 14, while the party was encamped near Colorado Springs, Dr. Edwin James, with four men, started to ascend "the highest peak." Nightfall overtook them before they were near the top, but undaunted they camped upon the mountain side and early the next morning renewed the ascent. By two o'clock in the afternoon they had reached such a height that the rarefied air compelled them to halt for a little while. A rest of thirty minutes was taken, at the end of which time Doctor James says they "arose much refreshed but benumbed with the cold." At four o'clock they stood upon the summit and Pike's prediction that no one would ever reach the pinnacle was shown to be without foundation.\*\* After an hour at the top they began the descent. Again they were compelled to spend a night upon the side of the mountain, and though it was intensely cold they managed, by keeping up a good fire, to pass the night in comparative comfort, and to rejoin their friends, who were becoming a little anxious on account of the long absence.

Long's account of the region was anything but encouraging. He described all the country for five hundred miles east of the Rocky mountains, from the 30th parallel to the British possessions, as being nothing but a desert of sand, unfit for cultivation, and therefore uninhabitable. It was this report that caused the great plains west of the Missouri river to be first marked upon the maps as the "Great American Desert," and there is little doubt that it retarded for many years the settlement of the country.

The year following Long's explorations a private expedition led by Hugh Glenn, an Indian trader, made the journey overland to the Rocky mountains, following the Arkansas river, and spent the winter in what is now the state of Colorado. A few years ago Dr. Elliott Cones, of Washington, D. C., came into possession of and published the journal of Jacob Fowler, one of the twenty men constituting the Glenn expedition. Fowler's grammar and orthography were not always exemplary, as the following extracts will show, but had the journal been published immediately after

\*\*Mrs. James H. Holmes, August 5, 1858, was the first woman to reach the summit of Pike's Peak. Since the completion of the railroad up the mountain hundreds visit the "pinnacle" every summer.



it was written it might have done much to counteract the pessimistic views of Major Long, for in some cases it gives rather glowing descriptions of the country. November 13, 1821, Fowler wrote:

"Seen a Branch Puting in from the South Side which We sopose to be Pikes first forke and made for it—Crossed and Camped in a grove of Bushes about two miles up it from the River We maid Eleven miles West this day."

The stream discovered at this time and designated as Pike's first fork was the Purgatory river. While the party were encamped there, one of their number, a man named Lewis Dawson, was killed by a grizzly bear. Fowler gives an account of the fight with the bear, and of the death and burial of Dawson, who was in all probability the first American citizen to find a grave in Colorado. Ten days after the discovery of the Purgatory river the journal contains an account of a council with the Ute Indians. The chief was evidently disappointed at not receiving goods in the way of presents from the white men. Concerning this part of the council Fowler says:

"But When He Was told that there Was no Such goods He Became in a great Pashion and told the Conl" (meaning Colonel Glenn) "that He Was a lyer and a thief and that he Head Stolen the goods from His farther."

Trouble was averted by the timely arrival of a large party of friendly Arapahoes, and the expedition was allowed to proceed without molestation. In February, 1822, they were in the Huerfano valley. A month later they were near the present site of San Juan City, and in June they were in what are now Las Animas and Baca counties.

This expedition, and the opening of the Santa Fe trail two years later, attracted the attention of Indian traders toward the upper Arkansas valley. In 1826 the four Bent brothers, William, George, Charles and Robert, and Ceran St. Vrain, built a stockade on the north bank of the Arkansas, about half way between the present sites of Pueblo and Canon City. They soon discovered that they had located too far up the stream, and in 1828 moved to a point some distance below Pueblo. There they built a more pretentious fort, which was named Fort William after William Bent. Later it became generally known as Bent's "old" Fort. In 1852 this fort was blown up by William Bent, and the following year Bent's "new" Fort was established near where the town of Robinson now stands. The new fort was used as a trading post until 1859 when it was leased to the United



States government, Bent removing to a new location just above the mouth of the Purgatory river. In 1860 the name was changed to Fort Wise, and after the battle of Wilson's Creek, Mo., August 10, 1861, it was named Fort Lyon, in honor of Gen. Nathaniel Lyon, who was killed in that engagement. The fort was undermined by the wash of the river in the spring of 1866, and being deemed unsafe it was removed about twenty miles farther down the river.

A trader named Louis Vasquez erected a post, in 1832, on the Platte river at the mouth of Clear creek, then called Vasquez's fork. Not long afterward Fort Sarpy was established, five miles down the Platte from the Vasquez post, and not far from the present town of Henderson. Twenty miles farther down the river Fort Lancaster was built by Lupton, the place afterward taking the name of the founder. Fort St. Vrain was located at or near the site of the present town of Platteville, and another post was established where Brighton now stands.

But trading posts were not settlements. With the disappearance or scarcity of fur bearing animals they were speedily abandoned for more promising fields. One post, established about this time, partook somewhat of the nature of a permanent settlement. That was the post of El Pueblo, a few miles above Fort William. The buildings were arranged as those of the trading posts, but while the others were engaged in trafficking with the Indians, the occupants of El Pueblo devoted their time and energies to agriculture, raising vegetables and live stock to supply the trading posts. The soil was irrigated with water from the Arkansas river and for a time the little colony flourished. But as the ranks of the fur traders became decimated by the incursions of hostile Indians or by removal to other localities, it sank into insignificance. The place was visited by Fremont in 1844, who described the inhabitants as "a number of mountaineers, principally Americans, who have married Mexican women, and occupy themselves in farming and carrying on a desultory trade with the Indians." During the winter of 1846-47 some Mormon families were quartered at Pueblo, and several children were born there, but in the summer of 1847 they left the place and joined the main body of Mormons at Salt Lake.

Up to 1850 no military posts had been established within the present boundaries of Colorado. In that year Fort Massachusetts was built on Ute creek, on the west side of the main divide, not far from the Sangre de Cristo pass. It was abandoned in 1857, the troops and stores being removed to Fort Garland. In



1854 Lafayette Head, an American, established a colony of Mexicans at Conejos.

The actual settlement of Colorado dates from the finding of gold within the present state limits, and there has been some controversy as to who is entitled to the credit of making the discovery. Mention has been made of the prospecting tours of Onate, in the San Louis valley, as early as 1595, and of the reports he circulated to the effect that he had found gold there. At some places in that part of the state the ground has the appearance of having once been mined, but the lapse of more than two centuries from Onate to the fur traders makes it difficult to say whether such places are abandoned mines or natural formations. While Lieutenant Pike was a captive at Santa Fe in 1807, he met a Kentuckian named James Purcell who showed nuggets of gold that he claimed to have found in the South Park. Purcell also vouchsafed the information to Lieutenant Pike that the Spaniards at Santa Fe had urged him to disclose the location of the mines, but, being an American and knowing that the territory belonged to the United States, he had steadfastly refused. A Frenchman named Duchet claimed to have found gold during the palmy days of the fur trade, and numerous stories were told of hunters and trappers carrying nuggets of the precious metal around in their shot pouches during the thirties. In all these stories there doubtless was more or less truth, but it was not until after the discovery of gold in California that they were given credence.

The argonauts of 1849 and the years immediately succeeding, while passing through the Pike's Peak country, as Colorado was then called, seized every opportunity to prospect along the Platte river and its tributaries. A party of Cherokee Indians from Georgia, while en route to California, found gold in Cherry creek and other small streams in the vicinity. When they returned to Georgia they began to talk of organizing an expedition to the gold fields of the Rocky mountains. In this undertaking they were aided by W. Green Russell, a white miner of Dahlonega, Ga., and on February 9, 1858, the expedition left Georgia bound for Pike's Peak. When they reached the country of the Osage Indians some of the Cherokees became dissatisfied and abandoned the expedition. Twelve white men under the leadership of Russell, and thirty Indians under George Hicks, a Cherokee lawyer, went on, and on the first day of June reached the place on Cherry creek where the former Georgia party had found gold. Along their trail the report spread that gold had been





found at Pike's Peak, and in a short time other companies were on their way to the mountains. One of these parties was made up at Lawrence, Kan., and left that city in May. July 4, they celebrated the national anniversary near the present city of Pueblo, the first time that Independence day was ever observed on Colorado soil.

The Russell-Hicks party prospected along the Platte river six or seven miles to the mouth of Little Dry creek, but not finding gold in sufficient quantities to satisfy their desires, crossed the country to the North Platte and Green rivers. After about three months of wandering, they came back to try the deposits on Little Dry creek, and in a little while had washed out several hundred dollars' worth of gold dust. While they were thus engaged, the Lawrence party laid out a town where Colorado City is now located, and named it El Paso, because of the proximity to the Ute pass. After waiting for some time for purchasers of lots, and none coming, the town site was vacated and the company moved over to the Platte to about five miles above where the city of Denver now stands, where they laid out another town, naming it Montana. Here they built a number of cabins, but the young city failing to prosper, the company was disbanded.

Part of them went on down the Platte until they came to the mouth of Cherry creek and there on the east side laid out the town of St. Charles, claiming two sections of land as the town site. September 24, 1858, the following action was taken by the founders of the town of St. Charles:

"Upper waters of the South Platte River, at the mouth of Cherry Creek, Arapahoe county, Kansas Territory, September 24, 1858. This article of agreement witnesseth that T. C. Dickinson, William McGaa, J. A. Churchill, William Smith, William Hartley, Adnah French, Frank M. Cobb, J. S. Smith and Charles Nichols have entered into the following agreement which they bind themselves, their heirs and administrators, executors, assignees, &c., forever to well and truly carry out the same."

Then follows a long agreement, by-laws, etc., in which it is set forth that the parties have agreed to lay out six hundred forty acres for town purposes and that each member of the company was to have one hundred lots. They evidently had some misgivings as to the success of the enterprise, and coupled with these misgivings were shown something of the land grabbing propensities that were so often manifested in the settlement of new localities at that day. A provision was incorporated in the agreement, that "if the country ever amounted to anything" John



Smith and William McGaa were to "separately claim the fractional or west side section of the creek, and use their influence to see that it eventually becomes part of the property of the company."<sup>\*</sup>

Shortly after the organization of the St. Charles Town Company the Georgians returned to the mouth of Cherry creek, and being unable to join the settlement at St. Charles on satisfactory terms, crossed over to the west side of the creek and started one of their own. About a week later they were joined by a party from Iowa, among whom was a surveyor named Henry Allen. October 29, John Smith sold the Georgians his interest in the section west of the creek, a company was organized, and the town of Auraria was laid out. The place was named after a little village in Lumpkin county, Ga., from the neighborhood of which the founders had come. The town plat was surveyed by Henry Allen, lots were selected by individuals and the work of building cabins was begun. Agents of the new settlement were sent to Montana, five miles up the Platte, and the settlers there were induced to remove their belongings to Auraria. During the late autumn several small parties arrived and most of them joined the settlement on the west side. Thus Auraria flourished while St. Charles languished. The founders of the latter place became discouraged and all but a few left. Some returned to Lawrence and others went to Pueblo.

When, about the middle of November, another party of Kansans, under Gen. William Larimer and Richard E. Whitsitt, arrived they found St. Charles deserted. The Larimer party took possession, organized a new town company, and on November 17 changed the name to Denver, in honor of James W. Denver who was at that time acting governor of Kansas Territory.† For the next five days all the energies of the newcomers were directed toward the erection of cabins. November 22 a meeting was held and a constitution for the government of the Denver Town Company was adopted. E. P. Stout was elected president; William Larimer, Jr., treasurer, and H. P. A. Smith, secretary. The board of directors was made up of E. P. Stout, William Larimer, Jr., R. E. Whitsitt, C. A. Lawrence, William McGaa, Hickory Rogers, William Clancy and P. T. Bassett. On the

<sup>\*</sup>A copy of the agreement here referred to was found some years afterward in a little memorandum book belonging to one of the party that organized the town company, and was given to the public by O. J. Goldrick.

†Governor Denver was given a share in the town site but he made no claim to the lots until 1882, and as most of them had passed into the possession of innocent purchasers he would not disturb their titles, but surrendered all claim to the property.



last day of the month a contract was made with Curtis & Lowry to survey the town site of six hundred forty acres and lay out the main streets. Each of the forty-one shareholders obligated himself to build on one or more of his lots within ninety days.

John Smith, as agent for Elbridge Gerry, opened the first trading establishment in Denver. He was soon followed by Blake & Williams, and on Christmas day Richard Wooten and his brother arrived with several wagon loads of goods, making the third store in the town. They were the last immigrants to arrive that season. By the first of January there were fifty cabins in Auraria and twenty-two in Denver.

Little of importance occurred during the winter, but with the return of spring both towns began to show signs of activity. Doyle & Salomon arrived early with twelve wagon loads of goods and opened in Auraria. Their stock consisted of groceries, provisions of various kinds, boots and shoes, and miners' tools and supplies. A large warehouse was erected and Auraria became a formidable rival of Denver for the trade of the community. By the first of April there were about a thousand people at the mouth of Cherry creek. Among the early arrivals in the spring of 1859 were D. C. Oakes and William N. Byers. Oakes brought with him the first saw-mill ever in the Pike's Peak country. It was located about twenty miles south of Denver, on a little stream called Plum creek, where timber was plentiful, and on April 21 the first wagon load of lumber was taken to Denver. While W. N. Byers was at Bellevue, Neb., on his way to the Peak, he heard of a printing press for sale at Omaha. He bought it March 8, and took it with him to Denver, arriving there April 20. The second story of Wooten's store was quickly vacated for a newspaper office, and on the 22d was issued the first number of the *Rocky Mountain News*, the first paper to be published in what is now Colorado. An hour or so later, another printer, named Jack Merrick, issued the *Cherry Creek Pioneer*. No second number of the *Pioneer* ever made its appearance, for within a day or two Merrick sold his outfit to Thomas Gibson, who was associated with Byers, and the paper was consolidated with the *News*.

Meantime the population of both Denver and Auraria kept on growing with almost marvelous rapidity. Scarcely a day passed that did not bring a fresh body of immigrants, eager to try their fortunes in the new gold fields. Nearly every one felt the great need of some method of communication with the older settlements farther east, and the friends left in the States. The near-



est post office was Fort Laramie, two hundred miles distant. In this emergency Henry Allen established a sort of private mail route, and on the first of May dispatched a messenger from Denver for the mail. He returned with a mule load of letters and newspapers. While he was gone on his mission, the first overland coach of the Leavenworth and Pike's Peak Express Company arrived, bringing the first mail. The rates charged were twenty-five cents for letters and fifty cents for newspapers. The coach made the trip from Leavenworth, a distance of 687 miles, in ten days.

While these events were taking place at the mouth of Cherry creek, explorations were being made and settlements projected in other localities. Among the first gold seekers to go to California was George A. Jackson, a native of Glasgow, Mo. In 1857 he returned east, and while passing through the Pike's Peak country was so favorably impressed with the indications that he determined to visit the mountains and do a little prospecting for himself. Accordingly, the following year found him with three companions at the Pike's Peak mines. Those associated with him were Tom Golden, after whom the city of Golden was named, Antoine Janiss, and a man familiarly known by the sobriquet of "Black Hawk." Instead of joining the little settlement at the mouth of Cherry creek the quartet struck boldly into the mountains. A camp was established on the site of Golden and the summer and fall were spent in prospecting along the Cache la Poudre, St. Vrain and Vasquez forks and on Bear creek, where they opened some placer mines. In the winter of 1858-59, Jackson explored Vasquez fork, ascending the stream on the ice as far as Grass valley. Seeing some smoke rising from the other side of the ridge, he climbed Soda Hill and discovered Idaho springs, the smoke he had seen being the vapor arising from the warm water. At the mouth of an affluent of Vasquez fork, afterward named Chicago creek, he built a fire to thaw the ground, and with his hunting knife for a pick and a tin cup for a pan, he washed out nine dollars in a very short time. Elated with his find, he hurried back to the camp at Golden and informed his friends. Nothing could be done advantageously in the dead of winter, so they waited impatiently for the coming of spring. April 17 Jackson, with twenty-two men and a good supply of provisions, returned to the place. The wagon boxes were converted into sluices and within a week's time they had washed out nearly two thousand dollars. The little creek was called by them Chicago creek, and the name of Chicago bar was con-





ferred on the mines, but the place soon became known as Jackson's diggings. About the first of May Jackson made a trip to Auraria and while there his movements were watched by some of the disappointed gold hunters. When he went back to Chicago bar he was followed by a crowd of anxious miners, and in a little while the diggings were crowded to overflowing.

While at Arapahoa bar Jackson met an acquaintance named John H. Gregory and invited him to share in the good fortune promised by Chicago bar. Gregory accepted the offer and a few days later started for the diggings. At the forks of the Vasquez he made a mistake, taking the north branch instead of the south. That mistake resulted in the discovery of the Gregory lode, one of the richest gold mines in Colorado.

Another account of the finding of Gregory gulch is that he first found gold on the north fork of the Vasquez or Clear creek, in January, 1859, but that running short of provisions he went to Denver and made no further effort to prospect the region until "grub staked" in May by a man named Wall. Whichever of these narratives may be true the extraordinary fortune turned his brain for a time. He sold his discovery claim to Henderson & Gridley for twenty-one thousand dollars, and about two years later disappeared from the gulch. What became of him is not definitely known.

Gold was discovered about the middle of January, 1859, in Boulder county, at the mouth of a little stream that afterward took the name of Gold run. On the south branch of the Boulder the Deadwood diggings were opened toward the last of January. The name was suggested by the mass of fallen timber in the gulch. Early in the spring J. D. Scott found gold bearing quartz on what is now called Gold hill. As a result of these discoveries the town of Boulder was founded. Settlements were also made during the spring and early summer at Golden City, Black Hawk, Central City, Nevada, Fair Play, Breckenridge, Tarryall, Mount Vernon, Mountain City, Buckskin Joe and various other points. Most of these settlements prospered, others perished. New diggings were opened at several places, one of the more important being at Russell gulch, by W. Green Russell, another in French gulch near Breckenridge and still another about seven or eight miles northwest of Fair Play by a mountaineer known as Buckskin Joe. Rich placers were also discovered at Tarryall. A stampede followed each of these discoveries and by September there were nine hundred men at Russell gulch washing out about



forty dollars per day each, on the average, while Buckskin Joe and its contemporaries were even more productive.

Hundreds had been influenced to try their fortunes at Pike's Peak through pamphlets published and circulated by D. C. Oakes and W. N. Byers. That published by Oakes was in reality a diary kept by Green Russell during the summer of 1858. Byers published a "Guide to Pike's Peak" which had been widely distributed. Failing to realize the expectations built up by these pamphlets, and growing weary of the hardships of frontier life, many of those at Denver and Auraria wished themselves back in the States. They hesitated about going, however, still hoping that the wheel of fortune would catch them on its upward turn, and that they would not have to return to their friends at home empty handed.

April 16 a man named Bassett was killed in a quarrel at Denver. Several other killings followed. That settled it with many disgruntled, homesick individuals and they started eastward, cursing Oakes and Byers as they went. Without money, provisions, or the means of transportation, and with a journey of almost seven hundred miles before them, they kept on, telling their tale of woe to every one they met, and warning immigrants against the hardships, poverty and lawlessness of the Pike's Peak country. The stories they told were as greatly exaggerated as the descriptions given in the guide books that had induced them to woo Dame Fortune in the new Eldorado. Many bound for Pike's Peak turned back thankful that they had been saved from the horrors that awaited those who were foolhardy enough to persist in going on. Every one thus turned back added his own story, colored in his own way, and persuaded others that the newly discovered gold fields were a bad place to go. Some thousands were influenced by such stories to change their minds and return to the States. In numerous instances goods were thrown out of wagons, to relieve the teams, and for miles down the Platte the trail was strewn with merchandise of all kinds. In the midst of the stampede came the news of the discovery of Gregory and Russell gulches, Tarryall, French gulch and the Buckskin Joe mines, and this had a tendency to check the begira. As the reports of these discoveries reached the Eastern and Middle states hundreds of hardy, adventurous souls came to take the places of the deserters.

At the time the first settlements were made at the mouth of Cherry creek all that part of Colorado lying east of the main divide was claimed as part of Kansas Territory. From Denver



to the territorial seat of government was more than five hundred miles. The first settlers recognized that for the protection of life and property, and to secure equity between man and man, some form of local government was necessary. Not long after the town sites of Denver and Auraria were laid out a mass meeting was called to consider the situation. At that meeting it was decided to ask the legislature of Kansas to establish a new county, to be known as Arapahoe, and A. J. Smith was chosen to represent the proposed county in the territorial legislature. At the same time the organization of a new territory was advocated and on November 6, 1858, an election was held, at which Hiram J. Graham was chosen as a delegate to go to Washington and urge congress to set off the Pike's Peak country as a separate territory to be called Jefferson.

Smith was not admitted to a seat in the Kansas legislature, but he succeeded in convincing Governor Denver of the necessity for the creation of Arapahoe county, and the governor appointed E. W. Wynkoop, Hickory Rogers, and Joseph L. McCubbin county commissioners, and H. P. A. Smith, probate judge, to administer the affairs of the new county until an election could be ordered. The first election of county officers occurred March 28, 1859. Altogether 774 votes were cast. Denver polled 144; Auraria, 241, and the outside precincts, 389. S. W. Wagoner was elected probate judge; D. D. Cook, sheriff; John L. Hiffner, treasurer; J. S. Lowrie, register of deeds; Marshall Cook, prosecuting attorney; W. W. Hooper, auditor; C. M. Steinberger, coroner; Ross Hutchins, assessor; L. J. Winchester, Hickory Rogers and R. S. Wooten, supervisors, and Levi Ferguson, clerk.

April 11, 1859, a public meeting was held at Auraria, at which it was resolved "That the different precincts be requested to appoint delegates to meet in convention on the 15th of April, inst., to take into consideration the propriety of organizing a new State or Territory."

The people were not a unit on the question of government. Some, as the majority of those constituting the attendance at the Auraria meeting, wanted to organize a state government at once. They argued that the population was increasing so rapidly that by the time congress could be induced to move in the matter there would be enough people in the proposed limits to meet all constitutional requirements. Others wanted to continue as part of Kansas Territory. Still others wanted to serve a probationary period as a territory before being admitted into the Union, and the lawless element was opposed to all government.



A committee was appointed at the Auraria meeting in April to designate precinct boundaries for the election of delegates on the second Monday in May, to attend a convention on the first Monday in June, to make provisions for "the formation of a new and independent State of the Union." At the appointed time fifty delegates, representing thirteen precincts, met in Wooten's hall at Denver. The only business transacted was the appointment of committees to draft a constitution to be submitted to an adjourned session of the convention on the first Monday in August, and to secure if possible a larger representation. When the convention reassembled there were present 167 delegates, representing 46 precincts. The committees appointed in June had done their work so well that the session lasted but one week. A constitution for the state of Jefferson was agreed upon and a provision adopted that it should be submitted to the people on the first Monday in September. It was further provided that, in the event of its rejection, a delegate to congress should be elected on the first Monday in October, to again go to Washington and endeavor to have congress set off the territory of Jefferson from that of Kansas. The work of the convention was therefore a compromise between the advocates of statehood and those who desired a territorial form of government. The constitution was rejected by a vote of 2,007 to 649, and on October 3, Beverly D. Williams was elected delegate over seven competitors. About 8,000 votes were cast, and charges of ballot-box stuffing were heard on all sides. At the same time Richard Sopris was elected to represent Arapahoe county in the Kansas legislature.

Immediately after the rejection of the constitution the friends of statehood called a mass meeting at Auraria, for September 24, to take steps "for the organization of a provisional territorial government." An address to the people was issued, requesting them to select delegates, at the October election, for the purpose of forming an independent government. Eighty-six delegates were elected and met pursuant to the call of the Auraria meeting. They adopted a new constitution, which they called "The Organic Act of the Territory of Jefferson;" divided the territory into legislative districts; nominated candidates for state offices, and ordered an election on the fourth Monday in October.

At that election Robert W. Steele was chosen governor of the "territory of Jefferson;" Lucien W. Bliss, secretary; C. R. Bissell, auditor; R. L. Wooten, treasurer; Samuel McLean, attorney-general; H. H. McAfee, superintendent of public instruction; Hickory Rogers, marshal; A. J. Allison, chief justice, S. J.





Johnson and L. W. Borton, associate justices, and Oscar B. Totten, clerk of the supreme court. The provisional legislature consisted of a council of eight members and a house of twenty members. Those elected to the council were: N. G. Wyatt, Henry Allen, Eli Carter, Mark A. Moore, J. M. Wood, James Emerson, W. D. Arnett, and D. Shafer. The members of the house were John C. Moore, W. P. McClure, W. M. Slaughter, M. D. Hickman, David K. Wall, Miles Patton, J. S. Stone, J. N. Hallock, J. S. Allen, A. J. Edwards, A. McFadden, Edwin James, T. S. Golden, J. A. Gray, Z. Jackson, S. B. Kellogg, William Davidson, C. C. Post, Asa Smith and C. P. Hall.\*

After the organization of the provisional government the situation was somewhat peculiar. Like the dog Cerberus the government of Colorado had three heads. First was that of Arapahoe county which drew its authority from the territory of Kansas, duly organized by act of congress, though the county had never been legally constituted by the Kansas legislature: second, the laws enacted by the miners in the various districts, and which furnished them with all the government they deemed necessary; and third, the provisional government of the territory of Jefferson. In the next issue after the election of October 3, the *Rocky Mountain News* said:

"Here we go, a regular triple-headed government machine. South of 40 (parallel) we hang on the skirts of Kansas; north of 40, on those of Nebraska. Straddling the line, we have just elected a Delegate to Congress from the Territory of Jefferson; and ere long we shall have in full blast a Provisional Government of Rocky Mountain growth and manufacture."

The provisional legislature met November 7 and remained in session for forty days during which time a large number of acts were passed. Nine counties were established and the governor authorized to appoint probate judges for them until the regular county elections, which were ordered for the first Monday in January, 1860. On the third day of the session an act was passed granting a charter to the city of Denver. Under this charter the first city election was held, December 19, John C. Moore being elected mayor. Naturally there was some friction among the different forms of government, each of which claimed sovereignty over the same territory, but not so much as might have been

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\*The election of a superintendent of public instruction at this time was evidently more in the nature of a preparation for the future than to supply a present need. At the time of the election there was but one school in operation in the territory. That one was opened at Denver, October 3, by O. J. Goldrick, and was the first school ever taught in Colorado.



expected. One of the nine counties erected by the provisional legislature was that of Mountain county which comprised the Gregory mining district. When the county elections were held on the first Monday in January the voters of the district repudiated the county organization and the provisional government by a vote more than four to one, 95 voting for the county and 395 against it. In order to obtain revenues the legislature passed an act levying a poll tax of one dollar upon every citizen. The adherents of the territorial government of Kansas refused to pay the tax. A protest against the collection of this tax was signed by six or seven hundred miners, and the new territory of Jefferson had no way of enforcing its demands. Yet it was not wholly unrecognized even by those who refused to contribute to its support. The city government of Denver, which had been chartered by the provisional legislature, was observed by all and the authority of Mayor Moore was undisputed. In the mountain districts the provisional government and the miners' courts held a divided sway, and changes of venue from one form of government to the other were occasionally made without serious objection on the part of either of the parties engaged in the litigation.

Under such circumstances one would be led to suppose that there would be little respect shown for any of the laws. But such was not the case. Hollister, in his *Mines of Colorado* says: "Yet a fair degree of order and decorum obtained in the somewhat heterogeneous society of the country. Only one or two cases of violence are recorded as having occurred anywhere in the mines up to the regular organization of the government in 1861, more than two years after the discovery of the Gregory Lode. The people were sober and industrious as a rule, and there were never any very remarkable criminal cases brought before the Miners Courts. In Denver it was not so quiet, although the worst days of that town would not begin to justify the hideous and altogether fictitious picture given of it by William Hepworth Dixon, A. D. 1866, to justify his absurd theory that boorishness is peculiarly a Western product. Up to the end of March, 1860, three homicides and two duels had occurred in Denver, one of the latter resulting in the death of Dr. J. S. Stone, the challenging party."

Doctor Stone's antagonist was Lucien W. Bliss, the secretary of the provisional territory. The circumstances leading to the duel were as follows: Stone was a member of the provisional legislature, but after drawing his pay at the close of the session of that body he repudiated the government and the laws he had helped



to make. On the evening of March 6, 1860, Secretary Bliss gave a dinner to some of his friends at his rooms. During the progress of the dinner Stone, accompanied by a friend, dropped in uninvited. While they were present Bliss proposed the toast—"Here's to the man who got his pay and then repudiated the government and left his friends." Stone and his friend at once took their leave but a little while later the latter returned bearing a challenge. As the challenged party Bliss had choice of weapons. He named double barreled shotguns, loaded with bullets, at a distance of thirty paces. The meeting occurred the next morning. Stone fired first but Bliss escaped unharmed. The secretary then fired and Stone fell mortally wounded, being shot through the pelvis. He lingered for several months, however, before death came to his relief. It is said that it was not Bliss's intention to kill the doctor and that he fired low on purpose to avoid hitting a vital part.

Like all frontier towns Denver had a fair share of that turbulent element that has little regard for law or for human rights. An attempt was made to mob William N. Byers because he denounced, in the *Rocky Mountain News*, the killing of a negro by a desperado named Harrison. In an assault upon the *News* office an associate of Harrison's, a man named Steele, was shot and killed. Another desperado by the name of Gordon killed two men and was followed by Sheriff Middaugh into the Cherokee country, where he was captured and brought back to Denver for trial. His case was tried by a People's court where he was found guilty and sentenced to be hanged. The energy displayed by the sheriff in the capture of this ruffian, and the promptness with which the sentence of the court was executed, had a salutary effect upon the community. Those who believed in law and order were encouraged while the lawless saw that they must either behave or seek some other field of operations. Some reformed and others left the town.

The second election for officers of the provisional government occurred October 22, 1860. A very light vote was polled, due to several causes. The region over which it was sought to establish authority was embraced within the boundaries of five different territories created by acts of congress. The western part of the proposed territory of Jefferson was really part of Utah; the southern portion was included in New Mexico, and the eastern part was divided between Kansas and Nebraska. Notwithstanding, the acts of the legislature and the executive officers were intended to promote the general welfare, the people recog-



nized the fact that interference on the part of one or more of the established territories was liable to come at any moment. Another reason for the lack of interest in the provisional government was that systematic efforts were under way to have the territory regularly organized by congress. January 2, 1860, a mass meeting, which was largely attended, was held at Denver. At this meeting a memorial, to the president of the United States was adopted, setting forth the reasons why a separate territory should be organized, and S. W. Beall was chosen to carry it to Washington. This was followed by petition after petition from the people asking and urging congress to create a new territory. Such perseverance must needs meet its reward. In response to this popular demand congress passed a bill, which was approved by the president February 2, 1861, establishing a new territory extending from the thirty-seventh to the forty-first parallels, and from the twenty-fifth to the thirty-second meridians west from Washington, but the name of Colorado was substituted for that of Jefferson.

In connection with the organization of the territory might be noticed the interesting fact that Colorado was the only state or territory except California in which money was ever coined independent of the Federal government. During the early days, notwithstanding gold was plentiful, money was extremely scarce. Little bags of buckskin filled with gold dust were made to do duty as currency. In 1860 the firm of Clark & Gruber erected a building in Denver for banking purposes and an assay office. It may not be generally known that prior to 1861 there was no law on the statute books of the United States to prevent any one so inclined from coining money. Knowing this Clark & Gruber decided to supply the demand for currency, to some extent at least, by the coinage of ten and twenty-dollar gold pieces. Dies were made bearing on one side the figure of Pike's Peak and on the other the name of the firm issuing the coin. No one refused them for they contained about one per cent more gold than the standard double eagles of the United States. In 1861 the firm ordered a complete set of dies for denominations of \$2.50, \$5, \$10 and \$20, that were close imitations of United States coins of like denominations. The coining continued about two and one-half years, and about three million dollars' worth were issued in that time. Early in the spring of 1862 Mr. Gruber was in Washington, and while there called upon Secretary Chase at the treasury department. In the course of the conversation Gruber mentioned their experiment and exhibited some of the coins.





The secretary protested against their further use, but Gruber insisted that there was no law against their coinage, which was true. The secretary resolved that the law must be changed, and at the next session of congress an act was passed restricting the power to coin money to the government. The Pike's Peak coins were bought up by speculators though a few were preserved by collectors and are still in existence. Two years later the government bought the building from Clark & Gruber and established a branch mint in Denver but no coining was done.

By the organic act the rights of the Indian tribes in Colorado were not to be infringed upon, nor their lands disturbed until relinquished by treaty, and congress reserved the right to divide the territory any time that might be deemed expedient. The general appropriation bill which was passed a few days later provided for the expense of taking a census, and appropriated five thousand dollars for the erection of a territorial penitentiary, the money to be expended under the direction of the governor, chief justice and marshal. As usual in the organization of a new territory the appointment of the executive and judicial officers was placed in the hands of the president. Shortly after his inauguration President Lincoln appointed William Gilpin, governor; Lewis L. Weld, secretary; Benjamin F. Hall, chief justice; Charles Lee Armour and S. N. Pettis, associate justices; William L. Stoughton, attorney general;\* Copeland Townsend, United States marshal; and Francis M. Case, surveyor general. Governor Gilpin arrived at Denver May 20, and entered upon the duties of his office. He received a cordial welcome from the people who, tired of the triple-headed government, gave him loyal support and a hearty co-operation in getting the new territorial government launched.

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\*Succeeded in a short time by James E. Dahlbom.



## CHAPTER II

## The Territory Prior to 1870

WILLIAM GILPIN, the first territorial governor of Colorado, was born on the historic battlefield of Brandywine, October 4, 1822. During his boyhood he spent two years attending school in England, and upon his return to this country he entered the University of Pennsylvania, from which he graduated two years later. Through the influence of President Jackson he was admitted to West Point, and after completing the course in that institution was commissioned second lieutenant in the Second dragoons. Upon the breaking out of the Seminole war he was promoted to first lieutenant and fought in Florida under General Jessup. He next entered the field of journalism and took charge of the *Missouri Argus* at St. Louis. He was elected secretary of the general assembly of Missouri, and about the year 1840 he began the practice of law at Independence. But both law and journalism were too quiet for him, so in 1843 he joined Fremont's expedition to Fort Vancouver. Proceeding to Oregon City he was instrumental in organizing the provisional government there and took the petition to Washington explaining to the United States government the situation in Oregon. In 1847 the Indians united to cut off western emigration and Gilpin was commissioned to lead an expedition to open up the route. With 1,200 men he entered the Indian country, passed the winter in the neighborhood of Pike's Peak and the next spring accomplished the purpose for which he had been sent out. He was one of a hundred men that accompanied President Lincoln to Washington in March, 1861, and slept in the White House as the president's personal guard. While governor of Colorado the Pacific railway project began



to take form, and although many thought the scheme highly problematical, he did all he could to advance the idea of a trans-continental railway. Governor Gilpin was a fine scholar, a brilliant orator and an entertaining writer. He was the author of "The Central Gold Region," "Notes on Colorado," and "The Cosmopolitan Railway," etc. He died January 19, 1894.

February 18, 1861, while the question of organizing the Territory of Colorado was pending in congress, an important treaty was concluded at Fort Wise with the Cheyenne and Arapahoe Indians. By this treaty a large tract of land was ceded to the United States. It included all that part of the present State of Colorado lying east of the main divide and north of the Purgatory and Arkansas rivers, except a reservation between the Arkansas river and Big Sandy creek, the western boundary of which was not far from the eastern line of the present county of El Paso. The cession of these lands and the prospect of their being early opened to settlement no doubt had its influence upon congress and hastened the organization of the territory.

Governor Gilpin arrived at Denver May 20 and soon afterward assumed the duties of his office. He spent some time in visiting the different settlements, forming the acquaintance of the people, and having a census taken by the marshal. When completed this census showed a population of 25,329, of whom 18,156 were voters. On the tenth of July he assigned the judges to their respective districts, and the next day issued a proclamation dividing the territory into nine council and thirteen representative districts, as provided by the organic act, and ordered an election for members of the territorial legislature and a delegate to congress on the 19th of August. Two candidates were nominated for delegate. Hiram P. Bennett was nominated by a convention at Golden City, July 1, before the governor's proclamation calling an election had been issued. Beverly D. Williams was nominated by the Democrats at a "Union convention" July 24. Bennett was elected by a large majority, receiving 6,699 votes to 2,898 for Williams.

September 9 the first session of the territorial legislature was convened at Denver. The members of the council, in the order of their districts, were Hiram J. Graham, Amos Steck, C. W. Mather, H. F. Parker, A. U. Colby, S. M. Robbins, E. A. Arnold, R. B. Willis and J. M. Francisco.

In the election of members of the house there were two contested seats. N. J. Bond contested the election of Daniel Witter in the Seventh district, and O. A. Whittemore contested that



of Corydon P. Hall in the Tenth. As finally settled, the house was made up of Charles F. Holly, E. S. Willite, Edwin Scudder, William A. Rankin, J. B. Chaffee, J. H. Noteware, Daniel Witter, George F. Crocker, Daniel Steel, O. A. Whittemore, Victor Garcia, Jesus Barela, and George M. Chilcott.

The council was organized by the election of E. A. Arnold, president, and S. L. Baker, secretary. In the house, Charles F. Holly was elected speaker and F. H. Page chief clerk. The session lasted sixty days. In that time civil and criminal codes were enacted and the Illinois practice code adopted for the use of the territorial courts. The territory was divided into seventeen counties, viz: Arapahoe, Boulder, Clear Creek, Costilla, Douglas, El Paso, Fremont, Gilpin, Guadaloupe,\* Huerfano, Jefferson, Lake, Larimer, Park, Pueblo, Summit, and Weld. Acts were passed recognizing the legality of the miners' courts and providing for the transfer of all pending cases to the regularly established courts of the territory, and giving sanction to the laws and regulations concerning claims that had been adopted by the various mining districts. Just before the final adjournment an act was passed locating the capital of the territory at "the town of Colorado City, situated on the east bank of the Fontaine qui Bouille at the mouth of Camp Creek," and S. L. Baker of Central City, E. B. Cozzens of Pueblo, and J. M. Holt of Gold Hill, were named as commissioners to select the exact location for the capitol and other state buildings. November 7, acts were passed establishing a common school system and locating the University of Colorado at Boulder. The school law enacted at this first session was modeled after the State of Illinois. The territory was redistricted for members of the legislature, the number of councilmen being increased to thirteen, and the number of representatives to twenty-six, the maximum limit as fixed by the organic act. It was also provided that the additional legislators should be elected in December, and that another session should be held beginning on the first Monday in June, 1862.†

The additional councilmen, elected in December, were H. R. Hunt, W. A. H. Loveland, N. J. Bond, J. B. Woodson and Henry Altman. The additional members of the house were Joseph Kenyon, D. C. Oakes, C. G. Hanscome, W. M. Slaughter, H. B.

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\*Changed to Conejos a few days later.

†It was afterward discovered that this would throw two sessions of the assembly within the same fiscal year, and that no appropriation for legislative expenses would be available until after the first of July. The date was therefore changed to the first Monday in July.





Hayes, J. W. Hamilton, Wilbur F. Stone, John Fosher, M. S. Beach, José Raphael Martine, José Francisco Gallejos and D. Powell.

Scarcely had the echoes of the jubilant cheers over the organization of the territory died away when the whole country was shocked by the news that the Civil war had begun. And which side of the cause would Colorado espouse? Following Green Russell's party hundreds of Southern men had come to Colorado. Would they stand with the North or the South in the coming contest? No demand had been made on the infant Territory for troops, nor was there any appearance of immediate danger. But Governor Gilpin, being a soldier himself, believed in the old adage, "In time of peace prepare for war." Before leaving Washington he had received instructions from the president to keep the new territory in the Union. Broad powers had been conferred on him by the national administration to accomplish that end. To avoid arousing the opposition, if any existed, he proceeded quietly to raise two companies of picked men, purchased arms wherever he could get them, and after this nucleus of a regiment was equipped, issued a call for eight more companies to complete the organization. About that time news was received of the Confederate victory at Bull Run. Then it developed that some of the Southern sympathizers, under the leadership of one McKee, had been cautiously organizing with the intent to plunder the banks and stores of Denver, proceed to Texas and join the Confederate army. The news from Bull Run encouraged this element and some of them came out more openly. A Confederate flag was given to the breeze at Denver, but it did not remain there long. This incident thoroughly aroused the Union sentiment, the men of Colorado responded promptly to the governor's call, and in a short time the First Colorado volunteer infantry was ready for service. Supplies were purchased from the Denver merchants and paid for by drafts on the United States treasury. The regiment was officered as follows: Colonel, J. P. Slough; lieutenant colonel, S. F. Tappan; major, John M. Chivington.

The regiment soon became known as "Gilpin's Pet Lambs." It was, for the most part, made up of strong, brave men, but it also contained many restless, undisciplined individuals to whom the inactivity of camp life was galling. They had enlisted to fight, but for weeks they were held in camp at Denver doing nothing. Their presence there did much to hold the Confederate sentiment in check, but the enforced idleness made discipline hard to



maintain. Clashes with the Denver police were frequent, and the troops were moved to Camp Weld, two miles from town. A little later two companies were sent to Fort Lyon. Some openly threatened to desert unless the regiment was called into active service. That time, however, was near at hand. Early in 1862, Gen. H. H. Sibley at the head of 4,000 Texan troops invaded New Mexico, and Major General Hunter, commanding the department, ordered the Colorado troops to the relief of General Canby, who had been driven back by Sibley to Fort Craig, near Valverde, N. M. Sibley's objective point was Fort Union, where there was a large store of military supplies, it being the chief depot in New Mexico. To protect these supplies the First Colorado made a series of forced marches by way of the Raton pass, going in twenty-four hours sixty-four miles, and leaving their baggage at the Red river in order that the wagons might be used to haul those who gave out on the march. By almost superhuman efforts they reached Fort Union March 13, and the next day learned from Canby that Sibley was at Santa Fe recruiting his army. When this information was received Colonel Slough resolved to march on Santa Fe before Sibley had time to strengthen his forces. With a force of about 1,300 men, consisting of the First Colorado, two companies of the Fifth United States infantry and two light batteries, he left Fort Union March 28, keeping a company of mounted scouts out to ascertain the enemy's movements. Two considerable skirmishes took place on the line of march. At Apache canon Major Chivington with 400 men defeated twice that number of Texans. March 28 Colonel Slough was attacked at Pigeon's rancho by a greatly superior force, and held his ground in a fight which lasted all day. When night came the Texans asked for an armistice to give them an opportunity to bury their dead. The Union loss in these two engagements was 49 killed, 64 wounded, and 21 captured. That of the enemy amounted to 281 killed, 200 wounded, and 100 captured. While the armistice was in force Colonel Slough received orders from General Canby to stop fighting and return to Fort Union. The order displeased Colonel Slough and he resigned as soon as the regiment got back to Fort Union.

In April the regiment, now commanded by Chivington, who had been promoted to the colonelcy,\* joined Canby and participated in the battle of Peralta. Sibley left New Mexico and for

\*The promotion of Major Chivington over Lieutenant-Colonel Tappan caused some ill feeling that had a tendency to react on the major in the investigation of the Sand Creek affair three years later.



some time the regiment was in camp at Valverde and Fort Union, the men again chafing at their enforced idleness. In July Chivington went to Washington on leave of absence, to request that the regiment be transferred to a department where there was active service. The result of his mission was the following order from Major-General Curtis, who had succeeded General Hunter in command of the department.

"St. Louis, November 1, 1862.

"Special Order No. 36.

"Pursuant to orders from the Secretary of War and the election of Governor Evans of Colorado Territory, the first Regiment Colorado Volunteers commanded by Colonel Chivington, will be converted into a cavalry regiment to be denominated the First Cavalry of Colorado. The Quartermaster and Ordnance Departments will furnish and change equipments to suit the change of arms. The regiment will rendezvous in Colorado Territory: headquarters at Denver.

"By command of Major-General Curtis.

"N. P. CHIPMAN, Colonel and Chief of Staff."

The regiment reached Denver January 13, 1863, where it met with a hearty reception, being escorted through the streets by the Third Colorado and welcomed by a large concourse of enthusiastic citizens. The transformation to a cavalry regiment was soon completed and it did valiant service against the Indians on the frontier until 1865 when it was disbanded.

Two companies were organized in the fall of 1861 by Captains Dodd and Ford in the southern counties of the territory and sent to Fort Garland. They also participated in the New Mexico campaign, and afterward became the nucleus of the Second Colorado. In February, 1862, Col. J. H. Leavenworth was ordered to recruit six companies of volunteer infantry, which with the two companies mentioned were to be organized into a regiment. Later two more companies were added and the Second regiment was complete. J. H. Leavenworth was made colonel and Capt. T. H. Dodd lieutenant-colonel. For some time after the organization was made the regiment did duty on the frontier, but October 11, 1863, by order of Gen. J. M. Schofield, it was consolidated with the Third Colorado, the new regiment to be called the Second Colorado cavalry. It was ordered to Kansas City, Mo., and took part in the Price raid. After that it was employed for a time in the district of Arkansas, but



later was assigned to duty in the operations against the Cheyenne, Arapahoe, Kiowa and Comanche Indians. It was mustered out in September 1865.

The organization of the Third regiment was begun in August, 1862, though in the following February only one battalion was ready for service. James H. Ford was commissioned colonel, S. S. Curtis, lieutenant-colonel, and Jesse L. Pritchard, major. March 3, 1863, this battalion was ordered to Missouri, and went into camp at Sulphur Springs, twenty miles from St. Louis for instruction. On the 21st it was assigned to the First brigade, Second division, and ordered to Pilot Knob. In October it was consolidated with the Second regiment at Rolla, Mo., and from that time was part of the Second Colorado cavalry.

In 1862 several changes were made in the territorial officers. All of the drafts on the United States treasury, drawn by Governor Gilpin as a military necessity, remained unpaid. Some of the holders of these orders being in need of money sold them to speculators at a heavy discount. They regarded Governor Gilpin as the cause of their financial misfortunes and demanded his removal. In April he was succeeded by John Evans, of Illinois. Secretary Weld gave way to Samuel H. Elbert, who afterward became a son-in-law of Evans. In June Marshal Townsend was removed and A. C. Hunt appointed to the office; Allen A. Bradford succeeded S. N. Pettis as associate justice, and Samuel E. Browne became attorney-general.

John Evans, the second territorial governor of Colorado, was born near Waynesville, O., March 9, 1814. Until he reached the age of twenty-one he lived on the farm with his parents, attending the district schools as opportunity offered. When he was of age he went to Philadelphia, and after a course at the Clermont Academy began the study of medicine. He graduated in 1836 and commenced the practice of his profession in the towns along the Illinois river. At the end of two years he returned to Ohio, married Hannah Canby, a cousin of General Canby, and settled at Attica, Ind., where he built up a large practice. Becoming interested in the condition of the insane in Indiana he proposed a tax of one cent on the one hundred dollars on all the property of the state, the proceeds to be used to erect an insane asylum. The proposition was favorably received, the legislature passed a law to that effect, and Evans was appointed the first superintendent of the institution. He removed to Indianapolis and took charge, remaining there until 1845 when he was appointed to a professorship in the Rush Medical college, of Chi-





cago. Eight years later he took a prominent part in the founding of the Northwestern university, and selected the site for the institution in a suburb of Chicago. The name of Evanston was afterward given to the place, in honor of the man who had done so much for the university. While governor of Colorado he made an important treaty with the Ute Indians which restored peace among them. He was removed by President Johnson in 1865. After his removal he continued to reside in Denver, and was influential in securing the passage of the Denver Pacific railroad land grant, by means of which the road from Denver to Cheyenne was constructed. In 1895 the Colorado legislature, in recognition of his valuable services to the state, named Mount Evans in his honor.

The adjourned session of the general assembly met at Colorado City, July 7, but after four days there adjourned to Denver where more comfortable quarters could be obtained. A number of mining and ditch companies were incorporated during the term, and an act was passed providing "That hereafter when any new mineral lode, of either gold bearing quartz, silver, or other valuable metal, shall be discovered in this territory, one claim of one hundred feet in length on such lode shall be set apart and held in perpetuity for the use and benefit of the schools of this territory, subject to the control of the legislative assembly."

The time of holding general elections for members of the legislature, delegate to congress, etc., was fixed for the first Tuesday in September, but owing to the fact that the appropriation for election expenses was exhausted the election of a new legislature was postponed until 1863. Memorials to congress were adopted asking that the jurisdiction of the probate courts be increased, and that the acts of the territorial legislature be printed in Spanish, for the accommodation of that part of the population. The postmaster-general was requested to establish tri-weekly mail routes from the East and between Denver and Boulder.

Three candidates for delegate to congress were nominated. The Douglas Democrats presented H. P. Bennett for re-election, the Republicans nominated ex-Governor Gilpin, and the Breckenridge Democrats put forward J. M. Francisco. At the election on the first Tuesday in September, Bennett received 3,655 votes; Gilpin, 2,312; and Francisco, 2,751.

About two o'clock in the morning of April 10, 1863, the people of Denver were startled from their peaceful slumbers by the cry of fire. The fire had broken out in the business portion of the city and was well under way when discovered. Nearly one half



of the business district was burned over and the property loss amounted to a quarter of a million dollars. As soon as the ruins were cold the work of rebuilding commenced and, phoenix like, Denver arose from the flames to become "The queen city of the plains."

In the summer of 1863 two Mexican guerrillas invaded Colorado and caused a reign of terror in the South Park. They acquired the name of the bloody Espinosas. Within three weeks they killed nine men. John McCannon raised a company at California gulch and started in pursuit. He came up with them at their camp near the head of Oil creek, in El Paso county, where one of them was killed. The other made his escape to New Mexico. Some months later he returned and was killed by a scout named Tom Toben.

October 10, 1863, the first telegraph message was received at Denver. Communication with the East was soon afterward established, the rates for ten words to St. Louis being \$5.25, Boston \$10.25, New York \$9.10, Chicago \$6.50.

The third session of the legislature met at Golden, February 1, 1864. Charles W. Mather was elected president of the council and Jerome B. Chaffee speaker of the house. On the 4th an adjournment was taken to Denver. The territory was redistricted for judicial purposes, and a general revision of the laws relating to corporations was made.

An effort was made during the session of congress in 1862-63 to have an act passed enabling the people of Colorado to adopt a constitution and form a state government. Nothing was accomplished at that time, but at the next session an act was passed and approved by the president, March 21, 1864, authorizing the election of delegates to meet on the first Monday in July and form a constitution which was to be submitted to the people on the second Tuesday in October. The provisions of the act were carried out, and the convention consisted of sixty-two delegates, viz.: W. A. H. Loveland, Samuel E. Browne, John Q. Charles, J. B. Smith, J. A. Cavanaugh, Richard Sopris, J. M. Brown, George T. Clark, John A. Koontz, D. H. Goodwin, A. C. Hunt, Charles A. Cook, G. W. Miller, David H. Nichols, P. M. Hinman, D. Pound, A. Lumry, W. E. Sisty, J. T. Herrick, Robert White, C. B. Patterson, John Locke, D. P. Wilson, E. S. Perrin, W. E. Darby, B. C. Waterman, Rodney French, A. J. Van Deren, H. F. Powell, F. H. Judg, C. W. Mather, B. F. Lake, G. E. Randolph, W. S. Rockwell, C. J. Hollister, W. R. Gorsline, T. Whitcomb, G. B. Backus, T. C. Bergen, T. P. Boyd, H. H. DeMary, N. E. Cheese-



man, C. Nachtrieb, H. Anderson, John McCannon, Thomas Keys, W. J. Curtice, Alexander Hatch, A. DuBois, H. Henson, J. D. Parmelee, G. W. Lechner, H. B. Haskell, John T. Lynch, G. W. Coffin, J. E. Washburn, F. Merrill, J. L. Pritchard, G. W. Hawkins, C. C. Hawley, B. F. Pine, W. G. Reid.

W. A. H. Loveland was elected to preside over the deliberations of the convention, and a constitution embodying many good points was framed. Then began a campaign to secure its ratification by the people. As usual in such cases the press and the public divided on the question, but owing to the fact that the territorial treasury was empty the inauguration of a state government under the circumstances meant a heavier rate of taxation, and this gave the opponents of the constitution an advantage that they were not slow to use. Then certain prominent advocates of statehood had succeeded in making themselves unpopular, and the personality of these men lost votes for their cause. The result of these influences was the defeat of the constitution by a decisive vote.

Many of the Indians had been dissatisfied ever since the treaty of Fort Wise, ceding their lands to the United States. Some of the chiefs who signed that treaty said in 1863 that they were compelled to repudiate it or lose their lives at the hands of their warriors. In the summer of 1863 Governor Evans, in company with two Indian agents, Major Lorey and Major Whitely, went out to hold a council with some of the dissatisfied factions, and see if good feeling could not be restored. When they reached the place where it had been agreed to hold the council they found that the Indians had gone a day's march farther out upon the plains. The governor and his party went on to meet them, but upon arriving at their camp found it deserted and the Indians still farther away. Tired of following a will-o'-the-wisp the party returned to Denver. Minor depredations were common all through the fall of 1863, and during the winter an alliance of several tribes was formed to break the treaty and drive the whites from the country in the spring.

Hostilities began with the approach of warm weather in 1864. It was not an open warfare but, true to their traditions, the savages attacked those whose destruction was certain with little risk to themselves. The Sioux, some of whom were fresh from the outrages in Minnesota, the Kiowas, the Comanches, the Arapahoes and the Cheyennes all engaged in committing depredations on the helpless. Stages were waylaid and robbed; mail bags were cut open and their contents scattered over the plains; wagon trains



were assailed, the drivers killed and the vehicles plundered. All along the route down the Platte valley there was a reign of terror and communication was almost entirely suspended. About the middle of June a war party stampeded the stock in the settlements on Box Elder creek within a few miles of Denver. The Hungate family, consisting of the husband, wife, and two children, was brutally murdered. The raid caused great excitement in Denver. The armory was opened, arms and ammunition distributed to the citizens and guards organized for the protection of the city.

One of the hostile parties was led by a chief named Spotted Horse, and the depredations of this band were particularly annoying. For a time he had the communication with Denver cut off and the city practically in a state of siege. Appeals to the commanding officer at Fort Kearney were made in vain and it began to look like either the pioneers or Spotted Horse must go. At this juncture the First Colorado returned from New Mexico. Major Downing, with sixty-five men, was sent to open up the road. He proceeded down the Platte without adventure until he reached the American ranch, one hundred and forty-five miles from Denver. Through his glass he saw an Indian, dressed as a white man, standing on an eminence some distance away, watching the movements of the troops. Scouts were sent out to capture the Indian. They succeeded and the prisoner proved to be none other than the redoubtable Spotted Horse himself. Major Downing ordered him to surrender his band, but the proposition was contemptuously refused. Without more ado the major ordered some of his men to drive a stout stake in the ground and collect the materials for a fire. Spotted Horse looked at the preparations as if utterly unconcerned. When everything was ready Major Downing said to the Indian: "You have seen many a white man die this horrible death, now we propose to let you know how it is yourself." This was too much for Spotted Horse. His bravado gave way and he offered to lead the soldiers to his camp, which he said was in Cedar canon a few miles away. Major Downing broke camp a little while before midnight and with the captive chief tied on a horse set out for the Indian camp. They arrived at the canon just at daylight and opened fire on the Indians who promptly returned the volley. The fight lasted but a short time when the Indians, seeing their leader in the hands of the whites, surrendered. This was the first battle with the Indians in Colorado. In it the red men lost 40 killed, 100 wounded, and the chief Spotted Horse was a prisoner. He was sent to Wash-





ington, and while there made an engagement with a showman to go to Europe. Downing lost one man.

June 14 Governor Evans asked the war department for permission to call out the militia, and at the same time called upon Major-General Curtis, commanding the department, Brigadier-General Mitchell, of Nebraska, and Brigadier-General Carleton, of New Mexico, for troops to aid in suppressing the insurrection. No troops were sent to his assistance and the department refused to allow him to call out the territorial militia. The department did consent however to his issuing an order for the friendly Indians to go to certain designated places of safety. Governor Evans accordingly ordered the Arapahoes and Cheyennes on the Arkansas to go to Fort Lyon, the Sioux to Fort Laramie, the Kiowas and Comanches to Fort Larned, and the Cheyennes and Arapahoes on the Upper Platte to Camp Collins.

When it became known that the war department had refused to allow the governor to call out the troops, or to send assistance to the territory, the settlements from the Cache la Poudre to the Purgatory river were deserted. Those living near Denver went there and the others banded together and built block houses for protection. August 8 a general attack was made on all the stage lines and travel became more dangerous than before. Another effort was made by the governor to get the consent of the war department to his calling out the territorial troops but again he failed. The militia was then organized as home-guards and placed under the command of Henry M. Teller. August 11 the governor issued a proclamation to the people of Colorado, calling on them to organize for self-protection, and "to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my call to rendezvous at the points indicated; also to kill and destroy as enemies of the country, wherever they may be found, all such hostile Indians; and further, as the only reward I am authorized to offer for such services, I hereby empower such citizens, or parties of citizens, to take captive and hold to their own private use and benefit, all the property of said hostile Indians that they may capture, and to receive for all stolen property recovered from said Indians such reward as may be deemed proper and just therefor."

He further offered arms and ammunition to all who would regularly organize as militia, and promised to recommend that accounts for pay as regular soldiers be paid. Pursuant to this proclamation several companies were organized but the force was still inadequate to the demand. On the 18th Governor Evans



sent the following telegram to Secretary Stanton: "Extensive Indian depredations, with murder of families, occurred yesterday thirty miles south of Denver. Our lines of communication are cut, and our crops, our sole dependence, are all in exposed localities, and can not be gathered by our scattered population. Large bodies of Indians are undoubtedly near Denver, and we are in danger of destruction both from attack of Indians and starvation. I earnestly request Colonel Ford's regiment of Second Colorado volunteers be immediately sent to our relief. It is impossible to exaggerate our danger. We are doing all we can for our defence."

No troops were sent in reply to this appeal, but the department reluctantly consented to the recruiting of a regiment for a term of one hundred days. The next day after the above message was sent to the war department two friendly Cheyennes gave notice to the trading post of Elbridge Gerry, about fifty miles below Denver, that a raid of the Platte valley was intended, and to remove to some place of safety. A messenger was sent to Denver, with the information. The intention of the Indians was to divide into small parties and strike at various points along the Platte simultaneously. When the messenger from Gerry's place arrived at Denver the governor lost no time in disposing such troops as he had at his command in a way to protect, as well as possible, the threatened settlements. An attempt was made to carry out the raid as planned but when the Indians found the places they had marked for destruction guarded they retired.

Still nothing was done by the war department for the protection of the citizens of Colorado, and on September 7 Governor Evans made another appeal. In this communication he said: "Flour is forty-five dollars a barrel, and the supply is growing scarce, with none on the way. . . . Pray give the order for our troops to come as requested, at once, or it will be too late for trains to come this season."

About this time the organization of the one hundred days regiment was completed,\* but the war department was again seized with a fit of inactivity, and it was fully a month before the men received their arms and equipments. Early in September some Cheyennes in the Smoky Hills sent word to Maj. E. W. Wynkoop, in command of Fort Lyon, that they desired to hold a council with a view to making peace. The messengers also informed Major Wynkoop that the Indians had a number of white

\*The old Third Colorado having been consolidated with the Second regiment the preceding autumn the one hundred days regiment was called the Third Colorado cavalry.



captives in the village. Wynkoop, with about 150 men marched to the Cheyenne village to demand the release of the prisoners. After some opposition and several days delay the Indians gave up the captives and some of the chiefs agreed to go to Denver for the purpose of holding a council. But Governor Evans refused to treat with them. He told them of the way they had ran away from him the year before, and of their refusal to avail themselves of his order to place themselves under the protection of certain designated agents, and advised them to surrender to the military authorities. Then a council could be held with some satisfaction. For this course the governor was criticised by the commissioner of Indian affairs, who believed in the adoption of a conciliatory policy. On the other hand Major-General Curtis, commanding the department, and who was thoroughly familiar with every phase of the existing situation, took a different view. In a dispatch to Colonel Chivington he said: "I want no peace until the Indians have suffered more. I fear the agent of the Interior Department will be ready to make presents too soon. It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions." It was the old story of the conflict between the civil and the military authorities with regard to the Indian question. The Indians were not slow to learn that they had nothing to fear from the department at Washington, and had General Curtis been given full control of the whole business much of the trouble with the Indians at this time might have been averted.

Under the order of Governor Evans, issued in June, several hundred Arapahoes, under the chief Little Raven, repaired to Fort Lyon where they were subsisted for some time at government expense. They claimed to be friendly, but it is an open question that Little Raven had been hostile. November 2 Maj. Scott J. Anthony succeeded Major Wynkoop in command at Fort Lyon. Not long after taking charge of the post he concluded to quit maintaining the Indians in idleness. Giving them the arms that had been taken from them he ordered them to go and hunt for themselves. There is some difference of opinion as to whether they strictly obeyed orders, or whether, offended at having their rations cut off, they offered aid and encouragement to the hostiles.

November 6, in a letter to headquarters, Major Anthony said: "Nine Cheyenne Indians today sent in, wishing to see me. They state that six hundred of that tribe are now thirty-five miles north of here, coming toward the post, and two thousand about seventy-five miles away, waiting for better weather to enable them to come



in. I shall not permit them to come in, even as prisoners, for the reason that if I do I shall have to subsist them upon a prisoner's rations. I shall, however, demand their arms, all stolen stock, and the perpetrators of all depredations. I am of the opinion that they will not accept this proposition, but that they will return to the Smoky Hills. They pretend that they want peace, and I think they do now, as they can not fight during the winter, except where a small band can find an unprotected train or a frontier settlement. I do not think it is policy to make peace with them now, until all perpetrators of depredations are surrendered up, to be dealt with as we may propose."

The six hundred Cheyennes came on to Fort Lyon to claim the protection offered by Governor Evans's order of five months before. Rather tardy in accepting the friendly overtures of the governor, but they probably proceeded on the theory that it was better late than never. They were not allowed to camp near the fort, but were told to go over on Sand creek, forty miles away, and find a camping place, and if the commandant of the fort received any orders to treat with them he would send a messenger to the camp. About sunrise on the morning of November 29 this camp was attacked by a force of some seven hundred and fifty men under the command of Col. John M. Chivington, who it is presumed was carrying out the idea of General Curtis that the Indians ought to be punished more. The Indians were alarmed by a squaw who, hearing the tread of the horses' hoofs, raised the cry that a herd of buffalo was coming. The Indians sprang to their arms and as soon as the forms of the white men became visible began firing. One Cheyenne chief hurriedly ran up the stars and stripes over his tepee, with a flag of truce above it. But it was too late. A herd of about eleven hundred ponies was on the farther side of the camp, and a detachment was sent to cut them off to prevent the escape of the Indians. The ponies grew frightened and ran toward the camp so that the move was only a partial success. The ponies that reached the camp were caught by some of the now thoroughly panic stricken savages who mounted and rode away. Meantime the white men pushed forward, pouring a galling fire into the ranks of the enemy. Above the din of the fight could be heard the voice of the stalwart commander as he rode along the line calling out "Remember our wives and children murdered on the Platte and the Arkansas!" The main body of the Indians retreated up the bed of the creek firing as they went. In a little while the fighting became desultory. Part of the troops pursued the Indians who were going up the creek, and





the remainder divided into little squads, riding here and there, looking after the stragglers. No prisoners were taken, and men, women and children were shot down indiscriminately. After retreating for about a mile the Indians made a stand at a point where the banks of the creek were high enough to afford some protection from the terrific fire that was rapidly decimating their ranks. All efforts of the cavalry to dislodge them proving futile the two howitzers were ordered up and in a short time they drove the Indians from cover. The conflict now became a running fight which lasted until late in the afternoon, when the whites gave up the pursuit and returned to the site of the Indian camp. In this engagement the Indians lost 300 killed, about one half of whom were women and children. The loss of the whites was 7 killed and 47 wounded. Seven of the wounded afterward died.\* The affair has been called both the "Sand Creek Massacre," and the "Battle of the Big Sandy;" it all depends on the point of view.

Colonel Chivington was charged with unwonted cruelty and brutality, and congress ordered an investigation. The manner in which that investigation was conducted would make it appear to the impartial observer that the object was to sustain the charges rather than to get at the facts. Chivington was not allowed to testify nor to introduce witnesses to show that the Indians at Sand creek were hostile, and that a number of fresh white scalps were found in the camp. In the report of the committee Governor Evans came in for a share of the opprobrium. In order that the public might hear both sides of the question the governor issued a pamphlet calling attention to a number of palpable errors in the report. Extravagant statements were made by some to the effect that the Sand creek massacre had aggravated the conditions and made the Indians worse. General Curtis does not say so. When ordered, in January, 1865, to investigate Colonel Chivington's action he replied: "Although the colonel may have transgressed my field orders concerning Indian warfare, and otherwise acted very much against my views of propriety in his assault at Sand Creek, still it is not true, as Indian agents and traders are representing, that such extra severity is increasing the Indian war. On the contrary, it tends to reduce their numbers and bring them to terms."

A few weeks later, in a letter to Governor Evans, he said: "Let me say, too, that I see nothing new in all this Indian move-

\*Various statements have been made regarding the losses at Sand creek, some placing the number of Indians killed as high as 600 and others as low as 50. The Indians acknowledged a loss of 100. Some place the loss of the whites equal to that of the Indians but the above figures are probably not far from correct.



ment since the Chivington affair, except that Indians are more frightened and keep farther away." The military investigation was conducted by a commission of which Colonel Tappan was chairman. It will be remembered that Chivington was promoted to be colonel of the First Colorado over Colonel Tappan. If they were not avowed enemies there was at least no friendship between them. Fancy a fair and impartial investigation under such circumstances.

Colonel Chivington, who was a Methodist minister, returned to his former home in Ohio, and in 1883 was nominated for the legislature. In the campaign the Sand creek massacre was used to defeat him. In the midst of the canvass he received an invitation to address an old settlers meeting in Colorado, on the occasion of the twenty-fifth anniversary of the settlement of the state, and withdrew from the political race to accept the invitation. In introducing him to the old settlers meeting the chairman said: "We all remember the Indian wars of 1864 and '65, and with what joy we received the news that some of them at least had met the reward due to their treachery and cruelty. The man who can tell you all about those wars, who can tell you all you want to know of the Indians, and who can give you the true story of Sand Creek is here. I have the honor, ladies and gentlemen, to introduce Colonel Chivington, one of Colorado's 'Pet Lambs.'"

The *Rocky Mountain News*, in the next day's issue, in a report of the meeting, said: "Colonel Chivington's speech was received with an applause from every pioneer which indicated that they, to a man, heartily approved the course of the colonel twenty years ago, in the famous affair in which many of them took part, and the man who applied the scalpel to the ulcer which bade fair to destroy the life of the new colony, in those critical times, was beyond doubt the hero of the hour."

Colonel Chivington said, in closing his speech: "I say here as I said in my own town, in the Quaker county of Clinton, State of Ohio, one night last week, I stand by Sand Creek." At no time did Colonel Chivington try to excuse himself, or to throw the blame on others, as he might have done, but under all the accusations that were made against him he stood by Sand creek. The general assembly of Colorado gave him a vote of thanks for the way in which he conducted the campaigns against the Indians, and many of the people of the state looked upon him as an avenger of their wrongs and a saviour of their homes.

In July, 1864, a band of guerrillas from Texas, led by Jim Reynolds, made a raid into Colorado and robbed a coach between



Denver and Buckskin Joe. The express box was broken open, the mail robbed and the coach demolished. W. C. McClellan, the proprietor of the line, was on the box with the driver at the time the assault occurred. He hurried back to Buckskin Joe, organized a posse and started in pursuit. Near the present town of Webster the gang was found encamped in a ravine. At the first fire one was killed and Reynolds severely wounded. The rest fled but were followed by a company of soldiers under Lieutenant Shoup, and two days later all but two were captured. They were taken to Denver and turned over to Colonel Chivington, who ordered Capt. John Cree to escort them, under guard, to Fort Lyon. On the way they tried to escape and were all killed.\*

The Indians of the plains renewed hostilities in the spring of 1865, but the war department adopted a different policy from that of the preceding year, and stationed ten thousand troops along the route leading from the Missouri river to Salt lake, for the protection of immigrants and freighters. A boom followed, and during the summer there was a large influx of population, while from fifteen thousand to twenty thousand teams were employed in the overland freight traffic. By autumn the Indians realized that they were conducting a losing warfare, and sued for peace. October 14, a treaty was made at a camp on the Little Arkansas river with the Cheyenne and Arapahoe tribes. The Indians agreed to let the government select a reservation for them, clear removed from the white people, and ceded the reservation between the Arkansas and the Big Sandy, established by the treaty of February 18, 1861, to the United States. Four days later, at the same place, a treaty was concluded with the Kiowas and Comanches by which the Indian title was extinguished to all part of Colorado lying south and east of the Arkansas and Purgatory rivers. Nearly forty thousand dollars was allowed as indemnity for the losses sustained by the Indians on account of the Sand creek affair, and an annuity of one hundred and twelve thousand dollars given to the tribes for forty years, but with the understanding that only one half of it was to be paid until they were on the new reservation. They were afterward removed to the Indian territory leaving the white people in undisputed control of all that part of Colorado lying east of the divide.

Although Governor Evans's administration of territorial affairs was marked by wisdom and patriotism he made opponents, who

\*Rumor says that Captain Cree, thinking it not worth while to treat the guerrillas as prisoners of war, and desirous of avenging some of the outrages they had committed, ordered them to stand up in line and be shot, but the report lacks corroboration.



in time came to desire his removal. Complaints were carried to President Johnson, who in October, 1865, requested his resignation and appointed Alexander Cummings to succeed him. Cummings had come into political prominence in 1862 as the founder of the *New York Daily World*. A great many of Governor Evans's friends disapproved of the change and did what they could to oppose the new administration. As a result of this opposition Governor Cummings was never popular with the people. Soon after the advent of Governor Cummings a general change was made in the territorial officers. Frank Hall, who had been a resident of Colorado since 1860, succeeded Samuel H. Elbert as secretary; Moses Hallett became chief justice; William H. Gale and Charles F. Holly, associate justices and George W. Chamberlain, attorney-general.

Another effort was made in the summer of 1865 to form a state government. A second constitutional convention met at Denver, August 8, and after a session of five days adopted a constitution which was submitted to the people on the fifth of September. There was no law authorizing such a proceeding, and only eleven of the seventeen counties were represented in the convention. At the election a very light vote was polled. There were three thousand and twenty-five votes cast for the constitution, and two thousand eight hundred and seventy against it. According to the constitution an election for state officers and members of the legislature was held in November. William Gilpin was elected governor; George A. Hinsdale, lieutenant-governor; Josiah H. Gest, secretary of state; Alexander W. Atkins, treasurer; Rufus K. Frisbee, superintendent of public instruction; U. B. Holloway, attorney-general; William H. Gorsline, Allen A. Bradford, and J. Bright Smith, justices of the supreme court, and George M. Chilcott, representative to congress. The legislature chosen at this time met at Golden City, on the second Tuesday in December, and elected ex-Gov. John Evans and Jerome B. Chaffee to represent the new state in the United States senate.

January 18, 1866, a bill was introduced in the senate of the United States to admit Colorado into the Union. It was not passed, however, until the latter part of April, and within a week was passed by the lower branch of congress. The friends of statehood felt somewhat encouraged at the prospect, but on May 15 the president returned the bill with the objections that the welfare of the people did not, at that time demand the erection of Colorado into a state; that the people of the territory were divided





on the question and that many of them did not desire the change; that the population was not sufficient to justify the passage of the bill; and that the restriction of the elective franchise to the white citizens was out of harmony with the Federal constitution. The bill could not be passed over the veto and the people took up the old territorial regime until such time as a president could be found who would take a more favorable view of the situation. In the light of subsequent events it is quite likely that some of these objections were due to the attitude of Governor Cummings.

Two sessions of the legislature were held in the year 1866. The first, which met at Golden City on New Years day, but adjourned the next day to Denver, passed a bill authorizing the assessors to take a census of the territory. This census, when complete, showed the population to be little below twenty-five thousand, though the ones who were urging the admission of the state claimed from fifty to sixty thousand. When the second session of the year met December 3, Governor Cummings referred to this in his message, and, in further discussing the question of admission, said:

"During the past year, owing to the action of the different departments of the national Government, the people have been excited on the subject of the admission of Colorado as a state into the Union. It would be idle to attempt to conceal the fact that there are two parties to this issue in the Territory, although a strenuous effort has been made to create the impression abroad that the people were united on the question. But here, where the evidence is readily attainable, it would be equally idle to deny that the party desiring a State government forms a very small portion of the population, and is represented by those who seek personal aggrandizement and place, at the expense of the welfare of the Territory."

Whatever may have been the truth of this statement there is no doubt that its utterance, under the conditions just then existing, served to increase the governor's unpopularity. Another act of his a little later still further strained the relations between him and the people. An election for delegate to congress took place in August, and George M. Chilcott, the Republican candidate received three thousand five hundred and twenty-nine votes to three thousand four hundred and twenty-one for A. C. Hunt, who ran as the Democratic and administration candidate. Notwithstanding Chilcott received a majority of the votes, and was declared elected by the board of canvassers, the governor issued a certifi-



cate of election to Hunt on various grounds, one that certain ex-Confederate soldiers had voted for Chilcott, though the latter was seated by congress.

January 9, 1867, a bill passed the United States senate, by a vote of twenty-three to eleven, to admit Colorado into the Union. On the 16th it passed the house, by a vote of ninety to forty-one, after the following amendment had been added: "That this act shall not take effect except upon the fundamental condition that within the State of Colorado there shall be no denial of the elective franchise or any other rights to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the Legislature elected under said State constitution, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act upon the receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete."

The amendment of the house was concurred in by the senate and on the same day the bill was sent to the president for his approval. Again the bill was vetoed, President Johnson assigning as a reason for his action that the proceedings were irregular. An effort was made to pass the bill over the veto, but it failed in the senate by one vote. During the year the population had increased very materially, as was shown by the vote at the August elections when nearly ten thousand votes were cast. The election at that time was for members of a state legislature, according to the provisions of the new constitution, but because of the president's veto the legislature had no power to pass laws, and was inoperative from the start. In May, 1867, Governor Cummings was succeeded by A. C. Hunt.

Alexander Cameron Hunt, the fourth governor of Colorado, was born in the city of New York, on Christmas day, 1825. When he was nine years of age his father removed to Freeport, Ill., where Alexander received the major part of his education in the district schools of the town. At the age of sixteen he made the trip overland to California, and nine years later returned to Freeport a rich man. He embarked in the grain and commission business, and in 1856 was elected mayor of Freeport. The panic of 1857 brought reverses and the following year he again started out



to seek fortune in the West. This time he concluded to try Pike's Peak. With his young wife and child, he crossed the plains with an ox team, and in the fall of 1858 reached Auraria, where he opened a restaurant in a rude cabin without door or window. Finding the business unprofitable he engaged in the lumber trade with better success. In 1860 he was elected presiding judge during the vigilance committee trials, and in 1862 was appointed United States marshal for the territory. As governor of Colorado he was ex-officio superintendent of Indian affairs. He adopted a policy that established friendly relations with the different tribes, and brought about the treaty with the Utes by which they were induced to cede their lands to the United States. When he retired from the office of governor he turned his attention to railroad building, and was one of the originators of the Denver and Rio Grande railway system. His wife died in 1880, and he went to Mexico where he afterward became interested in the construction of the International railroad. In 1891 he was stricken with paralysis, while in the city of Chicago, and for nearly three years he lay helpless and speechless. He was taken to Washington, D. C. where he died May 14, 1894, and was buried in the Congressional cemetery.

In spite of the treaty with the Cheyennes and Arapahoes, in October, 1865, they continued their depredations, and the spring of 1867 found them associated with the Sioux in committing petty outrages along the Platte. The troops belonging to the regular army were present in the country in sufficient numbers to prevent any considerable demonstration, but the settlers lived through the earlier part of the year in constant fear of a general outbreak. This had a depressing effect on the industries of the new country, to such an extent that some became discouraged and left the state.

The seventh session of the territorial legislature met at Golden December 2, and organized by electing William W. Webster president of the council, and C. H. McLaughlin speaker of the house. After a session of one week at Golden they removed to Denver for the remainder of the term. Aside from the amendment of the Illinois practice code, which had been adopted by one of the early legislatures, very little important legislation was accomplished by this assembly.

During all the troubles with the Indians of the plains the different bands of Ute Indians, inhabiting the region west of the Rocky mountains, had remained neutral, though they rejoiced at the punishment meted out to the Cheyennes and the Arapahoes with whom they had long been at enmity. A treaty was made



with the Tabeguache Utes in 1863, and that band was given a reservation in Western Colorado. Some of the other bands grew dissatisfied, because they were not included in the treaty, and in 1863 a council was held with the Utes of Middle Park. Nothing was accomplished, chiefly because of the inferior character of the goods furnished in paying the Tabeguache annuities. In 1868 N. G. Taylor, Kit Carson, and Governor Hunt were appointed commissioners to treat with all the Ute tribes. March 2, of that year, a treaty was made, the Indians agreeing to relinquish all their lands in Colorado, except that part of the territory lying south of the fortieth parallel, and west of the one hundred and seventh meridian, which was to be forever held by them as a reservation, and which was divided among the principal bands as follows: The Yampah, or Bear River, and the Grand River bands were located on the northern part. Their agency was established on White river, and they became generally known as White River Utes. The Uncompahgres and the Tabeguaches occupied the central portion of the reservation, with their agency at Los Pinos. In the southern part were the Weeminuches, Muaches and Capotes, though no separate agency was established for them until five years later. The government agreed to expend not to exceed sixty thousand dollars a year for the support of the tribes until such time as they should become able to support themselves. One half of the annuity was to be paid in clothing, blankets and utensils, and the remainder in provisions. Ouray, a chief of the Uncompahgre band, was appointed head chief over all the confederated tribes, with a salary of one thousand dollars a year.

July 3, 1868, a council was held, at Fort Bridger, Utah Ter., with the eastern bands of the Shoshone and Bannock Indians. The result of the council was the cession of a large tract of land including that part of Colorado lying north of the Yampah river and west of the North Platte. All the lands in Colorado, except the Ute reservation mentioned, were now in the possession of the United States government, and were opened to white settlers as soon as the treaties were ratified by congress.

In September, 1868, a war party of about seventy-five Cheyennes and Arapahoes, having passes issued by the commanders of Fort Larned and Fort Wallace, crossed Colorado, entered the Ute country by way of the Ute pass, and killed a number of the Indian inhabitants. On their return they stole about one hundred and twenty horses in a thinly settled part of the territory, where they thought they would be free from pursuit. The alarm spread over the country and a company of scouts went after the Indians to





recover the horses. They were surrounded by the Indians and were on the verge of annihilation when a volunteer company from Denver came to their relief. As the Indians were better mounted than the whites they escaped without difficulty. A few days later another party made a raid on Monument creek, in El Paso county, burned one residence, killed three persons and ran off all the live stock they could collect. This was the last invasion of Colorado by the Indians of the plains, for they were soon afterward removed to their reservation in the Indian territory.

Both political parties nominated candidates in June for delegate to congress. The Republicans selected Allen A. Bradford as their standard bearer, and the Democrats nominated D. D. Belden. The election was very close Bradford receiving four thousand and ninety-two votes, and Belden four thousand and seventy-five. A resolution was adopted by the Republican convention, asking congress to admit Colorado on such terms as might be deemed expedient. The Democratic convention divided on the question, some opposing admission entirely if negro suffrage was made one of the conditions.

In reorganizing the counties of Pueblo, Huerfano and Las Animas the legislature left a strip of territory outside the boundaries of any county, and without civil government of any sort. In April, 1869, three negroes, Giles Lidle, Marshall Williams and John Murray, killed a man named Crevier within the limits of this strip. The marshal of the territory arrested them and brought them to trial in the Third judicial district. The judge ruled that no court had jurisdiction over the criminals, although they were amenable to the laws of the territory. They were accordingly taken to jail to await the meeting of the general assembly. The eighth session met at Denver January 3, 1870, and in his message the governor recommended the creation of a new county, or the changing of boundaries to correct the error. February 11 an act was passed establishing the counties of Bent and Greenwood, which rectified the mistake and the criminals were brought to punishment. During the session, which adjourned on the 11th of February, George A. Hinsdale was president of the council, and George W. Miller was speaker of the house. Memorials to congress were adopted asking that lands be partitioned for the support of the university, that thirty per cent of the internal revenue collected in the territory be retained for the benefit of territorial institutions, that the abandoned military reservation of Camp Collins be transferred to the territory, and that a military post be established at the confluence of the Blue



and Grand rivers. An act was passed establishing a board of innmigration commissioners, and J. F. L. Shirmer, J. W. Sherwood, A. W. Archibald, and D. C. Collier were appointed the first members of the board. During the next year more than fifty thousand pamphlets, setting forth the resources and advantages of Colorado were distributed, many of them being sent to Europe.

Meantime President Grant had succeeded Johnson, and in June, 1869, Governor Hunt was removed, and Edward M. McCook was appointed in his place. The only other change made by the new administration was the appointment of Lewis C. Rockwell, United States district attorney.



## CHAPTER III

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### From McCook to Pitkin

EDWARD MOODY MCCOOK, fifth, and also seventh governor of the Territory of Colorado, was born June 15, 1835, at the town of Steubenville, O. At the age of sixteen he went to Minnesota and remained there until the excitement following the discovery of gold at Pike's Peak took him to Denver, which was then Kansas territory. In 1859 he was elected representative to the Kansas legislature from Arapahoe county. During his term of office Kansas was admitted into the Union as a state, and he went to Washington, where he played a prominent part in securing the organization of Colorado Territory. Immediately after Fort Sumter was fired upon he went to Washington and joined the Kansas legion. The Maryland troops having cut off communication with the North he volunteered to carry General Scott's dispatches, and for this service he was commissioned second lieutenant in the First cavalry. He was soon afterward promoted to the rank of first lieutenant, and from that time rose rapidly until in 1865 he was brevetted brigadier-general. In 1866 he resigned his command, having in the meantime reached the rank of major-general, to accept the appointment of minister to the Hawaiian islands. Although he had but a common school education, as governor of Colorado he organized the common school system of the territory on a substantial basis. He was the first governor of Colorado to advocate woman suffrage, which was afterward adopted in the state. At one time he was the heaviest taxpayer in Colorado, and was identified with several large enterprises of Denver. Upon the death of Gen. George H. Thomas, Governor McCook was honored with the invitation to deliver the funeral oration.



In 1870 there was a lively contest for the election of a delegate to congress. The Republicans held a convention, July 13, and nominated Jerome B. Chaffee. Resolutions were adopted endorsing the administration of President Grant; favoring the encouragement of immigration, but denouncing the importation of Chinese coolies; and asking aid from the general government in the construction of public works. July 26 the Democrats met and nominated George W. Miller. A long platform was adopted, the principal features of which were the resolutions denouncing the Indian policy of the national administration and declaring that Indian outrages were permitted to go unpunished; favoring the taxation of United States bonds on the same basis as other forms of property; and opposing a high protective tariff. At the election Chaffee received six thousand four hundred and fifty votes and Miller five thousand and fifty-eight, this being the largest number of votes ever cast in the territory up to this time.

The census of 1870 showed a population of thirty-nine thousand eight hundred and sixty-four, with property having an assessed value of nearly eighteen million dollars. On June 15 the first railroad locomotive rolled into Denver, and was the signal for great rejoicing. At the close of the year there were about four hundred miles of railroad in operation in the territory, and a number of other lines either under construction or in prospect.

The ninth session of the legislature met at Denver on January 1, 1872, and organized by the election of George M. Chilcott president of the council, and Alvin Marsh speaker of the house. In the council there were nine Republicans and four Democrats, and in the house sixteen Republicans and ten Democrats. The most important measure passed during the session was one appointing the governor, secretary and chief justice a commission to arrange for the building of a capitol. They were authorized, whenever private donations to the amount of ten thousand dollars were paid in and deposited in bank, to sell the lots set apart for the purpose of providing a building fund, and proceed with the erection of the building. This was the beginning of the magnificent structure which was not completed until many years afterward. Another attempt was made at the session of congress in 1871-72 to have Colorado admitted into the Union as a state, but the bill failed to pass. A strong memorial was sent up by the legislature of 1872, asking for the passage of an enabling act. At the time that legislature was convened Colorado presented the unusual but gratifying condition of having not a dollar of indebtedness and a surplus of fifty thousand dollars in the treasury. An act was





passed by the assembly that no taxes should be levied for 1872, and that the taxes of 1873 should be only fifteen cents on each hundred dollars of taxable property.

Early in the year 1873 Governor McCook was charged with irregularities in conducting the office of superintendent of Indian affairs and an investigation was made. Nothing to the discredit of the governor was disclosed but the public got the impression that the investigation was a farce, and in March, McCook was removed, Samuel H. Elbert being appointed his successor.

Samuel Hitt Elbert, sixth governor of Colorado during the territorial period, was born in Logan county, O., April 3, 1833. When only seven years of age he went with his parents to Iowa where he passed his boyhood working on the farm and attending the public schools. In 1854 he graduated from the Ohio Wesleyan university, and began the study of law with one of the leading firms of Dayton, O. Two years later he was admitted to the bar, and in the spring of 1857 began the practice of his profession at Plattsmouth, Neb. He was a delegate to the Republican convention which nominated Lincoln for president in 1860, and in 1862 was appointed, by President Lincoln, secretary of Colorado territory. While secretary he was several times called on to perform the duties of governor, and he took an active part in the formation of the Second and Third Colorado regiments. After serving as secretary four years he retired and formed a law partnership with J. Q. Charles, and in 1869 was elected to the territorial legislature. Governor Elbert devoted much of his time to the study of irrigation, and in 1873 called a convention of delegates to consider the subject. Every state west of the Missouri was represented. Before the matter could be fully presented to congress he was removed from office and the subject dropped. Upon the admission of the state he was elected a member of the supreme court, and from 1880 to 1883 was the chief justice. He was re-elected in 1885, but before the close of his term he resigned owing to failing health and went abroad. The decisions rendered by him while justice are highly regarded by the legal profession.

The year 1873 was one of general prosperity to Colorado, the business of railroad building being pushed with such energy that at the close of the year there were a little over 600 miles in operation. The Denver and Rio Grande completed 156 miles of road. This was the first narrow gauge road in the United States, being but three feet, and the average grade was seventy-five feet to the mile.



The question of admission came up again in the congress of 1873-74, but the passage of a bill requiring a population of 125,000 before a territory would be eligible for statehood defeated Colorado's prospects at that session. The tenth legislature assembled at Denver on January 5, 1874, and organized by electing Madison W. Stewart president of the council, and David H. Nichols speaker of the house. Congress had passed an act in January, 1873, turning over to the territory the penitentiary at Canon City. Owing to the fact that there was no money in the territorial treasury to maintain the prison, Governor McCook refused to accept it. In his message to the legislature of 1874 Governor Elbert said, regarding the matter: "As there was no fund at the command of the Executive with which to meet the current expenses of the institution, my predecessor declined to receive it. . . . An appropriation should be made to meet this exigency, and a law passed providing for a full and complete system of prison discipline and government." On February 9, an act was passed authorizing the governor to appoint three commissioners, with power to accept the prison from the United States government, and an appropriation was placed at the hands of commissioners for the support of the institution. Acts were passed establishing several other institutions. An appropriation of fifteen thousand dollars was made to erect buildings for a university; seven trustees were appointed for the school of mines at Golden City, and five thousand dollars appropriated to complete the buildings already begun; a school for deaf mutes was located at Colorado Springs, seven trustees were appointed, and an appropriation of five thousand dollars was made, with the provision that it was not to be available until the citizens gave five acres of ground for a suitable site.

In the spring of 1874 Governor Elbert was removed and Edward McCook reappointed. The appointment was not confirmed by the United States until July, Elbert meantime continuing to administer the affairs of the territory. Part of that time there was an interesting controversy between Elbert and John W. Jenkins, the territorial secretary. About the time that McCook was reappointed, Elbert went East on business, leaving the secretary as acting-governor. When he returned Jenkins addressed a letter to him, signing it as acting governor. Elbert returned the letter with the endorsement "not recognized" and signed himself "governor of Colorado." Jenkins insisted that he had received information of Elbert's removal, and Elbert as strenuously maintained that he had received no notification of the



fact. Both opened offices as the chief executive of the territory, and both claimed to be governor until the confirmation of McCook settled the matter.

Owing to the wrangle growing out of these conditions, and the difference of opinion in the Republican party regarding the question of statehood, the Democrats carried the election of 1874. Thomas M. Patterson was elected delegate to congress, defeating H. P. H. Bronwell, the Republican candidate. The national administration felt the rebuke and in March, 1875, President Grant removed McCook and appointed John L. Routt governor of the Territory.

John L. Routt, eighth territorial governor of Colorado, was born in the little town of Eddyville, Caldwell county, Ky., April 25, 1826. When only a few months old his father died and in 1836 he removed with his mother to Bloomington, Ill., where he was educated in the public schools. While still in his minority he commenced learning the trade of builder and machinist, and having finished his apprenticeship he embarked in the business for himself. He continued in it until 1851, when he became interested in real estate and began dealing in town property and public lands. In 1860 he was elected sheriff of the county, but resigned in 1862 to accept a commission as captain of Company E, Ninety-fourth Illinois volunteer infantry. His first service was in Arkansas. After that he was with Grant at Vicksburg, where he performed an important service by bringing a supply of ammunition from a magazine sixteen miles away. He was mustered out in the fall of 1865 to find that during his absence he had been elected treasurer of McLean county. He served two terms but declined a nomination for a third. In 1869 President Grant appointed him United States marshal for the southern district of Illinois, and two years later made him second assistant postmaster-general, which position he held until appointed governor of Colorado. Upon the admission of the state he was elected the first state governor, and was again elected in 1890. During his first term as governor of the state he exerted all his influence to establish the credit of the young commonwealth, and with such success that warrants which were selling at a discount of twenty-five per cent, when issued, went up before the expiration of his term to two per cent above par. In 1883 he was elected mayor of Denver, and in this office he followed the methods that had distinguished him as governor, giving the city a clean, business-like administration.

March 3, 1875, congress passed an act authorizing the people



of Colorado to form a state government. It provided that the delegates to a constitutional convention should be elected by the people, and that the delegates should meet within sixty days after being elected; that no distinction must be made in the constitution on account of color; that the instrument when framed must be submitted to a popular vote; and an appropriation was made for the expenses of the convention. Sections sixteen and thirty-six in each township were set apart as a source of revenue for the support of the common schools; fifty sections of land were donated for the erection of public buildings; fifty for a penitentiary; seventy-two for a university; twelve salt springs, with six sections of land each, were given to the state to be devoted to such purpose as the general assembly might elect; and five per cent of the proceeds arising from the sale of public lands within the state was to be given as a further endowment to the common schools. Mineral lands, however, were to be exempt from the provisions of the act.

Pursuant to this act, delegates were chosen to meet in convention and draft a constitution. The convention met on December 22, and remained in session until the 14th of March, 1876. J. C. Wilson was elected president and W. W. Coulson secretary. The delegates who signed the constitution were: H. P. H. Bronnwell, Casimiro Barela, William E. Beck, George Boyles, Byron L. Carr, William H. Cushman, William L. Clark, A. D. Cooper, Henry R. Crosby, Robert Douglas, Frederick J. Ebert, Lewis C. Ellsworth, Clarence P. Elder, Willard B. Felton, Jesus Ma. Garcia, Daniel Hurd, Lafayette Head, William H. James, William R. Kennedy, William Lee, Alvin Marsh, S. J. Plumb, George E. Pease, Robert A. Quillian, Lewis C. Rockwell, Wilbur F. Stone, William C. Stover, Henry C. Thatcher, Agapito Vigil, W. W. Webster, George C. White, Ebenezer T. Wells, P. P. Wilcox, John S. Wheeler, J. W. Widderfield, Abram K. Yount, and the president. The constitution having been framed for submission, a committee of ten was appointed to prepare an address to the people of Colorado. That committee consisted of William M. Clark, chairman, Wilbur F. Stone, William E. Beck, John S. Wheeler, Casimiro Barela, William R. Kennedy, Robert Douglas, George E. Pease, E. T. Wells, and Jesus Ma. Garcia. In the opening paragraphs of the address the committee said: "In a work of such magnitude, where the interests are so varied and extensive, it is to be expected that errors would creep in, and omissions pass unnoticed, but, upon the whole, we believe it contains not only all of the primitive rights guaranteed in our





national constitution, but most of those reformatory measures which the experience of the past century have proven wise and judicious.

"The end sought to be accomplished was to secure a just and economical administration of the departments of state, and, with this purpose in view, especial effort was made to restrict the powers of the legislative department, by making all laws general and of uniform operation, to establish uniformity in the judicial department—thereby furthering the ends of justice; to prevent the corruption of public officials; to provide for the safe keeping of all public funds, and to protect the people from unjust monopolies, and the oppression consequent upon the voting of bonds and other kinds of indebtedness to corporations."

In framing the constitution the points enumerated in the paragraphs quoted were kept steadily in view. Besides the usual guaranties in the bill of rights it was provided that the general assembly should make no irrevocable grants of special privileges or immunities; that private property should not be taken for public or private use without just compensation previously made to the owner; the grand jury system was so modified that three-fourths of the jury could find a bill, and the legislature was given power to abolish the grand jury altogether. All state officers were required to keep an accurate account of the public funds received and disbursed, and the state treasurer was required to make a quarterly statement of all moneys on hand and how deposited, which statement was to be given to the public. The legislature was given power to call for such statements at any time and to pass laws to prevent extravagance or fraud.

The sessions of the general assembly were limited to forty days, and at least one session must be held once in two years; laws of a local or special nature were prohibited; no law could be passed giving extra compensation "to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the state without previous authority of law." This provision was intended to prevent extravagance in the matter of legislation, and that due consideration might be given every measure proposed, all bills were required to be printed; that only one subject should be embraced in each bill, and that no bill, except for the general expenses of government should be introduced after the first twenty-five days of the session.

Radical changes were made in the judicial department. An additional district court was created and the district courts were



given original jurisdiction in a large number of cases; to hear and determine all controversies in behalf of the people regarding the rights, duties and liabilities of certain corporations. A supreme court of three justices was established; probate courts were abolished and county courts created; justices of the peace in sufficient numbers were provided for, and provisions were made for the settlement of differences by arbitration.

With regard to corporations the address of the committee contains the following language: "We have provided for the wiping out of all dormant and sham corporations claiming special and exclusive privileges. We have denied the general assembly the power to create corporations, or to extend or enlarge their chartered rights by special legislation, or to make such rights and privileges irrevocable; but in case it shall be found that the exercise of such rights and privileges proves injurious to the people, then the general assembly shall have power to alter, revoke or annul such charters, when that can be done without injustice to the corporators. We have declared that railroad corporations shall be liable as common carriers, and that to avail themselves of the benefit of future legislation, they must subject themselves to all the requirements of this constitution. We have forbidden the consolidation of parallel and competing lines, and of all unjust and unreasonable discriminations. . . . We are aware that these provisions do not cover the whole ground, but it must be remembered that while some of our sister states have not gone far enough in placing restrictions on the legislative power, others have gone too far, and have had to recede. We have endeavored to take a middle ground, believing it to be more safe, and in the end that it will give more general satisfaction."

The school fund was to be kept inviolate and intact. No appropriation should ever be made by the state, nor by any county or municipality, to any denominational or sectarian school, and no religious dogma should ever be taught in any of the public schools or institutions of learning under the patronage of the state.

Some of the miscellaneous provisions of the constitution dealt with the subjects of mining and irrigation in which a greater portion of the population were directly interested. The office of commissioner of mines was created, the water of all unappropriated streams in the state declared to be public property for the purpose of irrigation, and certain rights, in the matter of constructing ditches, were established. Amendments to the constitution were provided for as follows: "The general assembly may, at

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any time, by a vote of two-thirds of the members elected to each house, recommend to the electors of the state, to vote at the next general election, for or against a convention to alter and amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the general assembly shall, at its next session, provide for the calling thereof.”\*

One article of the constitution provided that “The general assembly shall at the first session thereof, and may at any subsequent session, enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified according to the provisions of this article. No such enactments shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.”

The constitution was adopted by the voters on the first of July, 1876, and on the first of August President Grant issued his proclamation declaring the state admitted. The fact that Colorado became one of the sovereign states of the American republic on the one hundredth anniversary of American independence gave to it the name of the “Centennial State.” At the time of its admission the population was estimated at 125,000, and the value of taxable property was almost forty million dollars. In the state there were 125 school buildings, as reported in 1875, with 180 teachers employed. Of the 14,417 children of school age, 7,456 were enrolled in the schools. Not a dollar of indebtedness was held against the new state, and the restrictions of the constitution regarding the question of a bonded debt have been sufficient to keep the public finances in a healthy condition.

October 3 an election was held for state officers, the first under the constitution, and the following were chosen: Governor, John L. Routt; lieutenant governor, Lafayette Head; secretary of state, William M. Clark; auditor, David C. Crawford; treasurer, George C. Corning; attorney-general, Archibald J. Sampson; superintendent of public instruction, Joseph C. Shattuck; justices of the supreme court, E. T. Wells, Henry C. Thatcher, and Samuel H. Elbert. At the same time James B. Belford was elected member of congress for the unexpired term of the forty-fourth congress, and at the regular congressional election in

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\*This provision was amended in 1889 so that the general assembly was given power to pass amendments by two-thirds of all the members elected to each house, and that four weeks before the next general election the amendments should be published in one newspaper in each county, and a majority of those voting on the amendments at the general election should secure their adoption.



November, Thomas M. Patterson was elected for the full term of the Forty-fifth congress.

Members of a state legislature were also chosen at the October election and on the first day of November the assembly met at Denver. At noon on the third day of the session the executive officers appeared, were sworn in by Judge Brazee, and the state government was fully inaugurated. A few days later the legislature elected Jerome B. Chaffee and Henry M. Teller to the United States senate.

Henry M. Teller was born at Granger, N. Y., May 23, 1830. After acquiring an academic education he studied law and began practicing in Illinois. In 1861 he removed to Colorado and from 1862 to 1864 was major general of the territorial militia. In November, 1876, he was elected to the United States senate. Upon the admission of Colorado as a state, he was elected to the United States senate by the first general assembly that convened November 1, 1876. This being the first representation of Colorado in the senate, under the rules he and Mr. Chaffee, his colleague, drew lots to determine their respective terms. In the first drawing Mr. Chaffee drew the term of two years and Mr. Teller a blank. On the second he secured the slip which covered the four months ending March, 1877, and Mr. Chaffee the one expiring in March, 1879. December 9, 1876, the general assembly re-elected Mr. Teller for the full term of six years from March, 1877. In 1882 President Arthur appointed him secretary of the interior. Secretary Teller went out with President Arthur's cabinet, March 3, 1885, and the following day again took his seat in the senate, having been elected to succeed Nathaniel P. Hill. He was a Republican from the organization of the party in 1856, but withdrew from the national convention of that party in 1896, because he disagreed with the financial plank of the platform, and supported the Democratic nominee for the presidency. His last election to the senate was in 1903.

Jerome B. Chaffee was also a native of New York, having been born in Niagara county in 1825. In his youth he emigrated to Michigan, and later to Missouri, where he became interested in the banking business. In 1860 he went to Colorado and with Eben Smith erected the Smith & Chaffee stamp-mill in the Gilpin county gold mines. In 1865 he established the First National bank of Denver. He was twice in the territorial legislature, and in 1863 was speaker of the house. In 1870 and again in 1872, he was elected delegate to congress. He served but one term in





the senate of the United States, after which he devoted his attention to his large business interests.

During the summer of 1874 W. H. Jackson, of the photographic and naturalist division of the United States geological survey, visited the southwestern part of Colorado, and gave to the world the first authentic account of the cliff-dwellings found in the canons of that section. In 1875 he made another visit and gave a detailed report of his discoveries. The report attracted wide-spread attention. The ruins of that ancient and long extinct civilization were found over an area of about 150,000 square miles in Southwestern Colorado, and the adjoining corners of Utah, Arizona and New Mexico. In the Mancos canon, in Montezuma county, Col., were found some of the most distinctive and best preserved of the cliff-dwellings, though the largest ruin was found about twenty miles from Phoenix, Ariz. All through the country, once inhabited by this prehistoric people, were noted the ruins of acequias, or irrigating canals, indicating that the country was once in a state of cultivation. The faces of the rocks were found to be covered with hieroglyphs; pottery of curious designs, and stone implements were found in abundance; cotton cloth was found in a few of the ruins, but nothing was discovered to show that the original occupants of these peculiar structures were acquainted with the use of metals. There is a tradition that they had a written language. A book of skins is said to be kept in the Zuni Pueblo. Its pages are covered with strange characters, in various colors, though the last man who could read it died a long time ago, and it is now preserved only as a sacred relic of a long lost civilization. Ethnologists and antiquarians have found a rich field for their investigations in the cliff-dwellings of Colorado, along the Rio Mancos, and in the Hovenweep, McElmo, LaPlata, Las Animas, and Montezuma canons. Numerous expeditions have been made to these canons, each adding new discoveries to those of its predecessors. A fine collection of relics, taken from the different ruins, is in the possession of the Colorado Historical society, in Denver.

One of the early settlements of Colorado was that made at California gulch in the fall of 1861 and named Oro City where very rich placer mines had been discovered. Ten years later the postoffice was removed to new diggings farther up the gulch, and the original Oro city was abandoned. Placer mining was still carried on there, however, and a ditch was constructed by Stevens & Leiter for the purpose of furnishing water to the sluices. For some time it was noticed that the sediment and small



bowlders in the sluice boxes were too heavy for the current to move. One day it occurred to W. H. Stevens, the manager, to have an assay made. Taking samples of the heavy rock to an assayer it was found to be lead carbonate, carrying from twenty to sixty ounces of silver to the ton. A search was at once begun for the main body of the ore, from which the bowlders had become detached, and it was found on Dome hill. Similar deposits were found on Iron hill, and at other places in the vicinity. Two shoemakers named Hook and Rische, grub-staked by H. A. W. Tabor, discovered the Little Pittsburg mine, which soon yielded fortunes to its owners. Tabor was a third owner of the Little Pittsburg, and from keeping the post office and a small store at Oro City became a millionaire. News of the discoveries spread, as such news always does. The city of Leadville was founded and within a twelvemonth became "the richest mining camp in the world." During the fifteen years immediately following the carbonate discoveries one hundred and eighty million dollars was taken from the mines. Three years afterward there were fifteen large smelting works in operation and the population was about 20,000. Hotels, theaters, banks and hospitals that would reflect credit on many an older city were established, water and gas works undertaken, and a number of fine residences built. And all this without railroad communication, for the Denver and Rio Grande branch to Leadville was not completed until August 1880.

Judge Wells of the supreme court resigned within a few months after his election, leaving a vacancy on the bench. October 2, 1877, an election was to be held for county and other local officers, and both political parties agreed to leave the nomination of his successor to the bar of the state, instead of making the selection by the ordinary method of a party convention. The choice of the bar association fell on Willbur F. Stone, and, although several ran as independent candidates, he received 22,047 votes, out of a total of 22,342.

According to the provisions of the constitution the first general assembly was required to submit to the voters of the state the question of extending to women the right of suffrage. In harmony with that provision the first legislature passed an act which was voted on at the October election in 1877. The proposition was defeated by a vote of 14,055 to 6,610.

In 1878 the state enjoyed all the excitement of a political campaign for the first time, unattended by congressional supervision. July 17, the Democrats held a convention at Pueblo for the noni-



ination of a state ticket. Thomas M. Patterson was renominated for congress; W. A. H. Loveland was named for governor; Thomas M. Field for lieutenant-governor; J. S. Wheeler for secretary of state; Nelson Hallock for treasurer; John H. Harrison for auditor; Caldwell Yeaman for attorney-general, and O. J. Goldrick for superintendent of public instruction. In the platform the cardinal principles of the Democratic faith were declared to be "A strict construction of the constitution with all its amendments; the supremacy of the civil over the military power; a complete severance of Church and State; the equality of all citizens before the law; opposition to all subsidies, monopolies, and class legislation; the preservation of the public lands for the bona fide settler; the maintenance and protection of the common school system; and unrestricted home rule under the Constitution to the citizens of every State in the American Union."

The platform further declared that the commercial and industrial depression that had so long prevailed throughout the country was the legitimate result of the vicious financial legislation of the money power, effected through the agency of the Republican party in congress. It denounced the act exempting the United States bonds from taxation; demanded the free and unlimited coinage of silver, the repeal of the resumption act, the substitution of United States legal-tender paper for national bank notes, and asked congress to establish a mint in Colorado.

The Republicans held their state convention at Denver August 8, and nominated the following ticket: For congress, James B. Belford; governor, Frederick W. Pitkin; lieutenant-governor, H. A. W. Tabor; secretary of state, Norman H. Meldrum; treasurer, N. S. Culver; auditor, E. K. Stimson; attorney-general, C. W. Wright, and superintendent of public instruction, J. C. Shattuck. The platform asserted that "the General Government should provide and be responsible for honest national money, sufficient for all the legitimate needs of the country, with gold, silver, and paper equal in value, and alike receivable for all debts public and private. The interest-bearing debt of the nation should be as soon as possible reconverted into a popular loan, represented by small bonds, or notes within the reach of every citizen." Governor Rout's administration was endorsed; a mint was asked for the state; and the convention pledged itself to work for the election of the nominees.

A Greenback ticket was nominated at Denver on the 14th of August. Fourteen counties were represented in the convention.



R. G. Buckingham was nominated for governor; P. A. Simmons for lieutenant-governor; J. E. Washburn for secretary of state; W. D. Arnett for treasurer; G. W. King for auditor; Alpheus Wright for attorney-general; A. J. Chittenden for superintendent of public instruction, and Henry C. Childs for congress. The Democrats were charged with advocating and supporting the institution of chattel slavery, and the Republicans were accused of legislating in the interest of the money power and against the general good of the people. Demands were made for the issue of an absolute paper money by the government, and the payment of the whole of the interest-bearing debt in such currency. Bond issues were unalterably opposed and an income tax was advocated.

The election occurred on the first Tuesday in October. The vote for governor was as follows: Pitkin, 14,308; Loveland, 11,535; Buckingham, 2,783. Belford defeated Patterson for congress by a plurality of about 2,200. A lively contest ensued for members of the legislature. Sixty-three members in the two branches were to be elected. The Republicans in order to have a majority had to elect thirty of the new members and the Democrats would have to elect thirty-four. The Democrats and Greenbackers elected but fourteen, which gave the Republicans a large majority on joint ballot and insured the election of a Republican to succeed J. B. Chaffee in the United States senate. The second session of the state legislature was convened at Denver on the first day of January, 1879. One of the first acts of the assembly, after the organization, was the inauguration of the new executive officers.

Frederick Walker Pitkin, the second state governor of Colorado, was born in Manchester, Conn., August 31, 1837. In 1858 he was graduated from the Wesleyan university, Middletown, Conn., and entered the Albany law school from which he received his degree the following year and was admitted to the bar. For a long time he was a member of the law firm of Palmer, Hooker & Pitkin, of Milwaukee, Wis. In 1872 he withdrew from active practice on account of his health. After a trip to Europe and a winter spent in Florida trying to regain his health, but without satisfactory results, he was advised to try the climate of Colorado. For three years he roughed it in the mining camps in the high mountains of Southern Colorado, and recovered his health so far as to enable him to again engage in business for himself. While governor of the state he was called on to settle the Ute uprising at the White river agency, and to quell the riots growing out of the miners' strike at Leadville. In the latter case he caused





martial law to be proclaimed in Leadville which many of his friends thought would certainly defeat him for re-election. In this they were mistaken for he received the nomination of his party and was elected in 1880 by a larger majority than he had received two years before.

On January 14 the general assembly held an election for United States senator. The Republican candidate was Nathaniel P. Hill, the Democrats supported W. A. H. Loveland, and the one Greenback member voted for R. G. Buckingham. Hill received 53 votes to 19 for Loveland and was declared elected. A convention at Denver on the 5th of December, 1878, had brought the question of irrigation prominently before the people. An act was passed by the legislature of 1879 authorizing the county commissioners of each county to hear all applications for the use of water and fix the charges therefor. The act also fixed penalties for polluting the streams of the state. A memorial to congress was adopted asking for the donation of all the public domain, except mineral lands, in Colorado for the purpose of constructing a system of irrigation. Carbonate county was created, with Leadville as the county seat, but three days later the name was changed to Lake. Acts were passed for the protection of fish, and for regulating mining and the branding of cattle.

The year 1879 will remain memorable in the annals of Colorado as the year of the Ute war. To get at the causes that led to the outbreak it will be necessary to go back several years, and notice the relations that existed between the Utes and the white men. As early as 1800 exploring parties penetrated into what is known as the San Juan country, which was afterward included in the Ute reservation, but no gold was found, and the conclusion was reached that there was none there. About the years 1867-68 a controversy came up between Colorado and New Mexico regarding the territory comprising Costilla and Conejos counties. The dispute was finally settled in favor of Colorado, and the survey of the southern boundary was made in 1868, about the time the Ute treaty was made. In 1869, Governor Pile of New Mexico, as an act of reprisal, sent an exploring party to the head waters of the San Juan. No discoveries of importance were made that season, but the next summer they pushed westward and discovered the Little Giant gold lode. The district was soon crowded and by the summer of 1871 several valuable silver lodes had been found. The Indians complained to the government of the trespassers, and in 1872 troops were sent to evict the miners and prospectors who had gone on the reservation without authority.



This only increased the desire to work the newly discovered mines, and a commission was sent to treat with the Indians for the purchase of the mineral lands along the San Juan range, but they absolutely refused to sell.

It was now the turn of the whites to complain. The various bands of Utes held as a reservation a tract of land that, if divided up, would give to every brave, squaw and papoose about four thousand acres. They would not adopt the customs of civilization and put the land to its best use, for of all their vast reserve they had less than one hundred acres under cultivation. In the hills were deposits of valuable metals that they would not work themselves nor allow others to develop. They were permitted to keep innumerable ponies, and were fed by the government while they spent their time in hunting and horse-racing.

All this talk had its effect and in 1873 Felix Brunot was sent to talk to the Indians and if possible persuade them to relinquish their title to the mineral lands. By claiming great friendship for them he induced them to cede about 6,000 square miles in the San Miguel and San Juan country, with the understanding that it was to include only mineral lands. Congress ratified the Brunot agreement in April, 1874. By its provisions the white people were to be excluded from the reservation, according to the stipulations of the treaty of 1868; an agency was to be established for the southern bands, which up to this time had been connected with the agency at Los Pinos; the Indians were to allow the construction of one road through the reservation to the ceded lands, and in return they were to receive an annual payment of twenty-five thousand dollars, forever. Congress provided for the annuity by placing securities to the credit of the tribe in sufficient amount that the interest would meet the payments as they fell due. Under this arrangement the first payment was overlooked. No appropriation was made for it, and, as no interest would be due for one year, the Indians were compelled to wait. Failure to receive the first payment caused many of the tribe to become dissatisfied with their bargain. Then trouble arose over the boundaries. The official survey, which included part of the Ute farms and Uncompahgre park, did not correspond to Brunot's representations. This injustice, as the Utes regarded it, was afterward corrected by President Grant, who, in August, 1876, added to their reserve a tract four miles square, to compensate them for the loss of the park. Settlers upon the four-mile tract questioned the president's power to make the addition and refused to vacate. In the spring of 1877 troops were sent to evict them.



Senator Teller interested himself in behalf of the settlers and wrote a letter to Carl Schurz, then secretary of the interior, asking for six months grace to give the settlers an opportunity to harvest their crops. The request was granted, but instead of those who were there going away more came in. Another order for their removal was issued in the spring of 1878, and troops sent to enforce it. The whites, knowing that a commission had been appointed to treat for the four-mile tract, threatened to kill enough Indians to bring on a war if they were molested before the commission made its report. Fearing that they would carry out their threat the Indian agent requested the withdrawal of the soldiers.

The commission met the Indians in August and had no difficulty in securing a cession of about 1,800,000 acres in the southern part of the reservation, but no argument could influence them to give up the four miles square, which was the principal bone of contention. The following winter some of the chiefs were taken to Washington, and a deal was consummated by which the tract was restored to the public domain.

More than one road was opened through the reservation for the transportation of supplies to the mining camps that had sprung up in the new cession, and the Indians looked with apprehension upon this move, which they regarded as an encroachment on their rights, and created more dissatisfaction.

Meantime trouble was brewing at the White river agency. The agent there was N. C. Meeker, frequently referred to as "Father Meeker." He went to Colorado in 1869, as the head of the Union colony that founded the town of Greeley, and in May, 1878, on his own solicitation, was appointed agent for the White river Utes. He was an honest man, of excellent motives, but one who knew little of Indian character. When he applied for the agency it was his purpose to civilize the Indians that came under his care and protection. His first act was to remove the agency about twenty miles down the river, to a place called Powell's bottom, where there was land suitable for tillage. This location was a favorite winter camp of the Utes, because it afforded good pasturage for their numerous ponies, and they looked upon the removal with disfavor. The next step was to construct a ditch for the irrigation of the soil. Meeker tried to get the Indians to allow the appropriation of some of their money for this purpose on the grounds that the ditch was for their benefit. Again he was opposed by the Indians, but the work went on nevertheless. Some of those belonging to Chief Doug-



las's band even assisted in digging the ditch, but those under Chief Jack refused to work, saying it was the place of the white men to do all the work, and that the Utes at Los Pinos never performed any labor. The establishment of a school, with Miss Josephine Meeker as teacher, was another cause for dissatisfaction.

There were still other and deeper-seated sources of discontent. When the treaty of 1868 was made, the White river Utes were very much disappointed over the appointment of Ouray, the Uncompahgre, as head chief, instead of one of their own chiefs. There were a number of White river leaders who would gladly have accepted the head chieftainship. Foremost among them were the chiefs Colorow, Douglas, Jack, Antelope and Johnson. Not only was each of these chiefs displeased with the appointment of Ouray, but they were jealous of each other. This was especially true of the factions led by Jack and Douglas, and Meeker used it to his advantage. Whatever one faction favored the other opposed, and by pitting one against the other the agent managed to get along fairly well for awhile with his notions of reform and civilization. Sometimes the government was not prompt in the payment of annuities and this added to the rising spirit of revolt, the White river bands attributing the delay to the influence of Ouray, and at one time a conspiracy was formed to kill him.

Still Meeker never wavered in the course he had mapped out. In December, 1878, he wrote to Senator Teller: "When I get round to it in a year or so, if I stay as long, I shall propose to cut every Indian down to bare starvation point if he will not work. The 'getting round to it' means to have plenty of tilled ground, plenty of work to do, and to have labor organized so that whoever will shall be able to earn his bread."

Thus matters stood on January 1, 1879, when the legislature was convened, and the situation led to the adoption of a memorial to congress, representing "That the present Ute reservation, extending along the western boundary of this State,, includes an area three times as great as that of the State of Massachusetts, and embraces more than twelve million acres of land, and is occupied and possessed by three thousand Indians, who cultivate no land, pursue no useful occupation, and are supported by the Federal Government. . . . That the territory embraced within said reservation will support a population of many thousands, and is destined to become one of the most prosperous divisions of our State. . . . That the only approach by wagonroads to five extensive and productive mining districts is





across said reservation. That the Indians view with distrust and jealousy all supposed encroachments now necessarily made in communicating with the mining districts aforesaid, and that the transportation of machinery and supplies to said districts, and communication with them, is attended by great risk and danger to life and property. . . . That the interest upon a small portion of the moneys which will be derived by the General Government for the sale of lands in said reservation will support its present occupants on another or less extensive reservation. . . . Your memorialists therefore most respectfully urge and pray your honorable body to take such action as may be necessary for the opening of said reservation to settlement and the removal of the Indians therefrom."

The adoption of this memorial was but giving official endorsement to a popular demand. All through the spring of 1879 the general cry was, "The Utes must go!" Some of the Colorado newspapers kept it standing at the head of their columns. Even school children, who comprehended little of its true meaning, could be heard repeating the slogan, "The Utes must go!"

During the summer of 1879 the land at Powell's bottom was subdivided, by Meeker's orders, to be allotted to those Indians who might show a disposition to work and become civilized. The first chief to avail himself of the offer was Johnson, who boasted "two wives, three cows and a hundred and fifty ponies." A log house was built for him, but instead of plowing the land, he used it to pasture his ponies, and continued to draw supplies from the government. In September Meeker determined to plow the land himself, but some of the Indians went out with their guns and forbade the work to proceed. Meeker tried the old tactics of trying to win one of the factions to his side, but this time the scheme failed to work.

On September 10 Johnson went to the agency and on some trivial pretext assaulted Meeker, who would in all probability have been killed had he not been rescued from the irate chief by some of the agency employees. This unprovoked assault caused Meeker to change his views regarding Indian character. To Col. John W. Steele, an agent of the post-office department he said: "I came to this agency in the full belief that I could teach them to work and become self-supporting. I thought I could establish schools and interest the Indians and their children in learning. I have given my best efforts to this end, always treating them kindly but firmly. They have eaten at my table and received continual kindness from my wife and daughter and



all employes about the agency. Their complaints have been heard patiently, and all reasonable requests have been granted them, and now the man for whom I have done the most, for whom I have built the only Indian house on the reservation, and who has frequently eaten at my table, has turned on me without the slightest provocation, and would have killed me but for the white laborers who got me away."

Colonel Steele advised Meeker to leave the agency, but instead he telegraphed to the Indian commissioner and Governor Pitkin for troops, and on the same day wrote to his friend W. N. Byers, of Denver: "I think they will submit to nothing but force. How many are rebellious I do not know; but if only a few are, and the rest laugh at their outrages, as they do, and think nothing of it, all are implicated. I didn't come here to be kicked and hustled out of my house by savages, and if the government cannot protect me, let some one else try it."

The Indians soon found out the agent had sent for troops to protect him, and they began secretly preparing for an outbreak. They kept themselves fully informed of all that was going on. When they learned that Maj. T. T. Thornburgh, with three companies of cavalry and one of infantry, had left Fort Laramie, Wyoming ter., a party of five Utes, including Jack and Colorow, went out to meet him and urge him not to come to the agency. On September 26 this embassy met Thornburgh on Bear river. A parley was held and the Indians denied that there was any trouble at the agency. They insisted that the troops should remain at Bear river while Major Thornburgh should go on to Powell's bottom to satisfy himself that they were telling the truth. Major Thornburgh explained to them that he must obey orders and go on, but that he would halt his troops a day's march from the agency and go on alone. The Indians retired, apparently satisfied with this arrangement, but they hurried back to the agency and demanded of Meeker that he stop the troops from coming on the reservation. Meeker wrote to Thornburgh, informing him of the Indians' demand, and suggested that he leave his command at the boundary of the reservation on Milk creek, and come on to the agency accompanied by five men. Thornburgh replied: "I have carefully considered whether or not it would be advisable to have my command at a point as distant as that desired by the Indians who were in my camp last night, and have reached the conclusion that, under my orders, which require me to march this command to your agency, I am not at



liberty to leave it at a point where it would not be available in case of trouble."

At an early hour on Monday morning, September 29, a large number of Indians left the agency, taking with them their guns and ammunition, ostensibly to hunt. The same morning the soldiers under Thornburgh crossed the boundary of the reservation. About half a mile after crossing Milk creek the road ran through a ravine called Red canon. Along the sides and top of this canon was a heavy growth of shrubbery in which lay concealed the hunting party that had left the agency early in the morning. As the troops entered the canon a small detachment, under Lieutenant Cherry, acting as advance guard, saw some Indians along the top of the ridge and started to reconnoitre. An old scout named Rankin scented an ambush and urged Major Thornburgh to fire on the Indians in sight. Thornburgh replied that he had positive orders not to fire first and that he dreaded a court-martial, with its consequent disgrace, more than he feared an Indian ambush. He had not long to wait until he could obey orders, for when Lieutenant Cherry's company was discovered in pursuit of the Indians on the ridge an Indian fired his gun and the engagement was on. The wagon train was some distance in the rear and Major Thornburgh, seeing the Indians massing to cut off his supplies, ordered the men to fall back to the train. In charging the Indians that had secured a position in the rear, Major Thornburgh and thirteen of his men were killed. The command then devolved upon Captain Payne, as the senior officer, and after a loss of forty-two wounded he reached the wagons. The whole force was put to work digging trenches and constructing breastworks out of such materials as they could find. Wagons, boxes, bundles, sacks of flour and grain, were all hurriedly thrown together to afford a shelter from the galling fire of the howling mob around them. Even the bodies of their fallen comrades and the carcasses of horses were piled up and covered with earth to strengthen the fortifications. The Indians then attempted to dislodge them by setting fire to the sage brush and tall grass about the improvised fort. For a time the situation of the heroic little band was precarious in the extreme. No water was at hand to extinguish the flames which the wind was bearing swiftly toward them. Still they did not despair. With blankets, overcoats, anything that would answer the purpose, they smothered the fire and that danger was past. In the end the fire proved a blessing to them. By burning the tall grass the Indians destroyed their only chance



of being able to approach under cover and were compelled to take up a position on the bluffs. Here they were so far away that their shots did little or no damage. Their next move was to try drawing the fire of the soldiers by exposing themselves, in the hope of exhausting the supply of ammunition in the fort, but Captain Payne gave orders to fire only when it was actually necessary, which blocked that scheme. Toward sunset the Utes tried storming the works, but were repulsed with loss. The warfare then settled down to a siege.

That night Rankin, the scout, stole out under cover of darkness, found a horse and started for Rawlins, one hundred and sixty miles away. He arrived at Rawlins on Wednesday morning, October 1, after more than thirty-six hours in the saddle. From Rawlins a telegram was sent to Governor Pitkin conveying the first news of the uprising. About the same time a similar despatch was received from Fort Laramie. The governor immediately sent the following telegram to the secretary of war:

"Dispatches just received from Fort Laramie and Rawlins inform me that White River Utes attacked Colonel Thornburgh's command twenty-five miles from Agency. Colonel Thornburgh killed and all his officers but one killed or wounded, besides many of his men and most of his horses. Dispatches state that whole command is imperiled. The State of Colorado will furnish you, immediately, all the men you require to settle permanently this Indian trouble. I have sent couriers to warn settlers."

When the contents of the despatches received by the governor became known the excitement in Denver was intense. Old pioneers and substantial business men went in crowds to the governor's office to offer their services to quell the insurrection. Little groups gathered here and there on the streets to talk of the outbreak and on every hand could be heard the old cry of "The Utes must go!" It was no longer a meaningless phrase, for the men of Colorado stood ready to make sacrifices if need be to drive the Indians from the state. "The Utes must go!"

At the time Major Thornburgh was ordered to White river Captain Dodge, with a troop of colored cavalry was scouting along the borders of the reservation. On September 27 he received orders to join Thornburgh at the agency. He reached Milk creek October 2, where he found Captain Payne and his men besieged. Breaking through the Indian lines his men rode six hundred yards through a rain of lead, in which not a single man was hit, and joined Payne in his intrenchments. As the





Indians withdrew to a safe distance at night the soldiers utilized the opportunity to provide a supply of water, for the next day, from an adjacent spring.

When the war department received Governor Pitkin's telegram Col. Wesley Merritt, with a force of 550 men, was ordered to Captain Payne's relief. After a forced march of seventy miles in twenty-four hours he reached Red canon about five o'clock on Sunday morning, October 5. In order to avoid being mistaken for Indians in the dim light of the early morning he ordered the bugles to sound the night signal of the Fifth cavalry, to which Captain Payne and most of his men belonged. The sound was welcome music to the beleaguered for it told them that relief was at hand. A cheer answered the bugles, Merritt marched into the intrenchments, and the six days siege was over. Not a man had been lost after the first attack on the preceding Monday. The total loss to the whites that day was 14 killed and 43 wounded. The exact Indian loss was not ascertained but it is known that 35 were killed.

Soon after the fighting began at Milk creek, on the 29th, an Indian runner started for the agency with the news. He arrived there about one o'clock, but said nothing to the whites of the attack on Thornburgh's forces. Douglas ate dinner that day with Meeker and had left the agent's house only a short time before the arrival of the messenger. Thirty minutes later the agency was attacked by some of the Indians belonging to Douglas' band. Agent Meeker and all the male employes, eleven in number, were immediately killed, and the women carried into a captivity worse than death. The buildings were then robbed and set on fire.

News of the outbreak was carried, as soon as possible, to Ouray. He was out on a hunting expedition when the messenger found him, but he returned at once to the Los Pinos agency. From there Joseph Brady, the agency miller, and the chief Sapanari were sent with Ouray's orders to the White river chiefs to stop fighting. Brady arrived at Milk creek just as the Indians were preparing to attack Merritt and delivered the order, which put an end to hostilities. After burying the dead at Milk creek, Merritt marched to the agency and performed the same sad office for those who had been killed there. Meeker's body was found naked, with a bullet through the brain, and a barrel stave driven down his throat. The next thing was to rescue the women. This task was entrusted to Charles Adams, a special agent of the Indian department. Adams was a personal friend of Ouray, who worked with him to secure the release of the



prisoners. The hostiles had established a camp on the Grand river. Thither Adams went, under the protection of an escort furnished by Ouray, and after a six hour "medicine talk," in which some of the young men wanted to kill the whole party, the captives were given up to be restored to their friends.

Early in October, while the trouble at White river was still unsettled, a telegram from Lake City announced that Ouray had acknowledged his inability to control the Indians and warned settlers to protect themselves. On the same date despatches from Silverton, to Governor Pitkin, said the Indians were setting fires between the La Plata and the San Juan and threatening to burn the country over. The governor was asked if the people had the right to drive them back to the reservation. To this question he sent the following reply: "Indians off their reservation, seeking to destroy your settlements by fire, are game to be hunted and destroyed like wild beasts. Send this word to the settlements. Gen. Dave Cook is at Lake City in command of the State forces and General Hatch is rushing regulars to San Juan."

The arrival of the regulars sent by General Hatch, and the presence of the militia under General Cook, checked further hostile demonstrations on the part of the Southern Utes, and gave Ouray the better opportunity to assist in the settlement of affairs at White river. Some time was spent in negotiations, in which the government insisted upon the Indians who had been most active in the uprising being turned over to the authorities for punishment. No positive proof of guilt could be adduced in the case of individual, and the Indians denied all knowledge of who were the leaders. At last General Hatch demanded the surrender of thirteen, that the evidence pointed to as being guilty, but only a part of them were ever arrested. Douglas was confined for awhile in the prison at Fort Leavenworth, where he went insane.

In the congress of 1879-80 Senators Teller and Hill, and Representative Belford introduced measures looking to the removal of the Utes from Colorado. On March 6, 1880, a delegation of Ute chiefs, in Washington, agreed to relinquish the reservation if the consent of three-fourths of the men in the different bands could be obtained. The consent of the requisite number was secured and, on September 11, the agreement of March was supplemented by another by which the White river Utes were transferred to the Uintah agency in Utah; the Los Pinos Indians were



given a new reservation just east of the Uintah reserve; and the Southern Utes were given lands in severalty in Southern Colorado. This settled the Indian question in Colorado.

Early in the morning of May 26, 1880, several hundred miners got together at Leadville and went from mine to mine calling out the men on strike. By the middle of the afternoon 5,000 of the 7,000 men employed in the different mines were out, and those who had not struck quit work and retired to their homes. The demand of the strikers was for an increase of wages from three dollars to four dollars a day and a reduction of hours from ten to eight. The mine owners placed guards at the shafts and took other necessary measures to protect their property. At the end of two weeks matters began to look serious. Threats led to the organization of a citizens committee of one hundred on June 11, and the next day business was suspended while a large procession of citizens marched through the streets for the purpose of demonstrating their solid strength and awing the lawless elements into obedience to established authority. In front of the opera house the procession halted and a proclamation from the citizens committee was read declaring that all who desired to return to work would be protected. An effort was made to adopt a resolution embodying the declarations of the proclamation, but the strikers and their sympathizers had gathered in sufficient strength to vote it down. The demonstration of the citizens excited the ire of the strikers and the threats became louder and more frequent. A riot was imminent, when Governor Pitkin was prevailed on to proclaim martial law, and the morning of June 14 found the militia, under command of General Cook, in control of the city. On the 15th Michael Mooney, the president of the strikers' association, was arrested in Denver while attending a political convention. Martial law and Mooney's arrest were too much for the strikers. On the 22d all had returned to work and the civil authority was restored to power.

On May 25th a Republican convention met at Denver and selected delegates to the national convention. They were instructed to support General Grant for the presidential nomination, with James G. Blaine as the second choice. The Democrats selected their national delegates on the 3d of June. Both conventions adopted resolutions favoring the free and unlimited coinage of silver, and the speedy removal of the Utes. The first party to nominate candidates for the state offices was the Greenbackers. On June 15, a convention was held at Denver,



resolutions were adopted endorsing the platform and candidates of the national convention, and a state ticket was nominated with Rev. A. J. Chittenden as the gubernatorial candidate. The Democratic State convention was held at Leadville, August 18. John S. Hough was nominated for governor; W. S. Stover, for lieutenant governor; Charles O. Unfug, for secretary; R. G. Bray, for auditor; A. Y. Hull, for treasurer; J. C. Stallcup, for attorney-general, and R. S. Morrison, for congress. On the 26th of August, the Republicans met at the same place and nominated the following ticket: For governor, Frederick W. Pitkin; lieutenant governor, George B. Robinson; secretary, Norman H. Meldrum; auditor, Joseph A. Davis; treasurer, W. C. Sanders; representative in congress, James B. Belford. At the election Pitkin received 28,465 votes; Hough, 23,547, and Chittenden, 1,408. The entire Republican state ticket was elected by a similar vote. For president, Garfield ran about a thousand votes behind Governor Pitkin, and Hancock ran about the same number ahead of Hough. An amendment to the constitution, that had been adopted by the general assembly of 1879, was ratified at this election. It provided for the exemption from taxation of personal property to the value of two hundred dollars for each citizen of the state.

On the last day of October an anti-Chinese riot occurred in the city of Denver. The immediate cause of the trouble was a fight in a saloon between a Chinaman and a white man, though for some time the workingmen of Colorado, in common with those of other Western states, had felt that the immigration of coolies had a tendency to reduce wages. As a natural result of this feeling the hatred of the Chinese increased as time went on, and an opportunity was only needed to fan the embers of hatred into the flame of riot. That opportunity came when the fight in the saloon occurred. In an incredibly short space of time a mob of fifteen hundred men was on its way to the Chinese quarter of the city. There were about one hundred and sixty Chinese in the city at the time. Several were severely beaten and two were killed outright. The mayor ordered two thousand special policemen sworn in and the fire department was called out to drench the rioters. Most of the Chinese were taken to the jail for safe-keeping. The next morning several of the rioters were arrested and the rest, concluding that discretion was the better part of valor, gave up the fight.

On November 29 lieutenant-governor elect, George B. Robin-





son, was shot by one of the guards at his own mine through a mistake, the guard taking him for a mine jumper. His death gave Lieutenant-Governor Tabor another term. The census of 1880 showed a population of 194,649, while the value of taxable property had doubled in the last three years. Notwithstanding the Indian troubles, the miners' strikes and the Chinese riots, the year closed with Colorado on the high road to prosperity.



## CHAPTER IV

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### Events from 1881 to 1892

G OVERNOR PITKIN'S second administration commenced with the opening of the third session of the state legislature, which assembled on January 5, 1881. In his inaugural address he spoke feelingly of the death of Lieutenant-Governor Robinson and recommended legislation that would make the business of mine jumping more hazardous and decrease the necessity for guards to protect mining property. The assembly was in session until February 15. The most important bill passed during the session was one redistricting the state for members of the general assembly. By its provisions the legislature was made to consist of twenty-six senators and forty-nine representatives.

An election was held on November 8 for district judges and district attorneys. In accordance with a constitutional provision the people voted at this election for the permanent location of the state capital. The constitution fixed the capital at Denver until 1881 when the question was to be decided by popular vote. Several towns entered the contest, for the seat of government, and a lively campaign was conducted, though it was recognized from the start that Denver had an advantage. The vote stood: Denver, 30,248; Pueblo, 6,047; Colorado Springs, 4,790; Canon City, 2,788; and Salida, 695.

Three tickets were placed in the field in the campaign of 1882. The Republicans nominated Ernest L. Campbell for governor; William Meyer for lieutenant-governor; Melvin Edwards for secretary of state; John C. Abbott for auditor; Frederick Walsen for treasurer; D. F. Umy for attorney-general; J. C. Shattuck for superintendent of public instruction; J. B. Belford for congress, and Joseph C. Helm for judge of the supreme court. The



Democratic ticket was as follows: Governor, James B. Grant; lieutenant-governor, John R. Prowers; secretary, Frank C. Johnson; auditor, Ansel Watrous; treasurer, Dennis Sullivan; attorney-general, B. F. Montgomery; superintendent, Frank M. Brown; representative in congress, S. S. Wallace; judge of the supreme court, Vincent D. Markham. The Greenbackers nominated George W. Way for governor; Theodore Saunders for lieutenant-governor; William N. Bachelder for secretary; Amos K. Frost for auditor; John L. Herzinger for treasurer; A. H. Breman for attorney-general; Mrs. A. L. Washburn for superintendent of public instruction; Leland W. Green for congress, and L. F. Hollingsworth for judge of the supreme court. All parties also nominated candidates for regents of the state university. The Republican candidates, with the exception of governor, were elected by pluralities ranging from 1,200 to 4,500. For governor, Grant received 29,897 votes; Campbell, 27,552, and Way, 1,239. A constitutional amendment, increasing the salaries of the governor and supreme judges, was adopted by a large majority, and the Republicans elected enough of the legislators to give them a majority of thirty-one on joint ballot.

In April 1882 Senator Teller was appointed secretary of the interior by President Arthur, and a few days afterward Governor Pitkin appointed George M. Chilcott to the vacancy, until the meeting of the legislature. There were three candidates for the appointment, ex-Governor Routt, Lieutenant-Governor Tabor, and Thomas M. Bowen. All three were very wealthy, and the selection of Chilcott aroused their opposition to such an extent that they were largely instrumental in defeating Pitkin for United States senator a year later.

James Benton Grant, the third state governor of Colorado, was born in Russell county, Ala., January 2, 1848. The Civil war brought disaster to his father, who was a large planter and slave owner, and while still a mere boy he left school and went to work on his father's plantation. During the last year of the war he served in the Confederate army. After the war he continued to work on the plantation until 1871 when he went to live with his uncle, James Grant, at Davenport, Ia. He attended the Iowa agricultural college, and afterward took a course in civil engineering at Cornell university. From Cornell he went to Germany and took a two years course in mineralogy, etc., in the famous Freiburg school of mines. He next spent some time in the mines of Australia and New Zealand, studying the different methods of operation, and returned to the United States. Soon after land-



ing at San Francisco, in 1876, he went to Gilpin county, Col., and bought the mining property known as the Clarissa mine. In 1878 he removed to Leadville, where he and his uncle established the J. B. Grant & Co. smelting works. The company was afterward consolidated with the Omaha company under the name of the Omaha & Grant Smelting Co., and he became vice-president of the new corporation. For a long time he was vice-president of the Denver National bank. He was the first Democrat to be elected governor of the State of Colorado. The education he had acquired by collegiate training and travel made him a man of broad views, and fitted him for the discharge of his executive duties. His administration of state affairs was independent, impartial, and therefore eminently satisfactory.

Governor Grant was inaugurated at the opening of the fourth session of the state legislature, which assembled January 3, 1883. At this session the chief interest was in the election of a United States senator to fill the remainder of the term for which Senator Teller was elected, and also one for the full term, beginning on the fourth of March, 1883. After a prolonged contest, H. A. W. Tabor was chosen for the few remaining weeks of the short term, and Thomas M. Bowen for the full term. A bill providing for the erection of a state capitol was passed, and a board of commissioners, consisting of John L. Routt, Dennis Sullivan, George W. Kassler, Alfred Butters, E. S. Nettleton, and W. W. Webster, was appointed to carry out the provisions of the act. An appropriation of one hundred and fifty thousand dollars was made for the erection of the first wing with the restriction that it should not cost more than two hundred thousand dollars, and the cost of the entire building was not to exceed one million dollars: Delta, Mesa, and Montrose counties were created from part of Gunnison; Eagle and Garfield counties from part of Summit, and the county of Uncompahgre was cut out of Ouray but was not organized. A state bureau of horticulture was established, and liberal appropriations were made for the support of the state institutions and the expenses of the state government.

On July 17, 1883, the second annual mining and industrial exposition was opened at Denver, and remained open to visitors until September 30. The first exposition was during the months of August and September of the preceding year. During the exposition of 1883 several conventions of note were held in the city. On the opening day began the seventeenth annual encampment of the Grand Army of the Republic; on August 14 the convocation of Royal Arch Masons was convened, and during the





week it was in session several commanderies of Knights Templar stopped over on their way to the triennial conclave at San Francisco. The visitors went away with a favorable impression of the enterprise and hospitality of the Queen City of the Plains, and Denver was widely advertised as a prosperous municipality.

In October a temperance convention was held at Denver, and among the resolutions adopted was one declaring "That steps should at once be taken to prepare a bill providing for an amendment to the Constitution of this State, having prohibition for its foundation, and that a committee of five be appointed by this convention to further this end." The convention marked the beginning of the Prohibition party in Colorado.

Although the campaign of 1884 involved the election of a president, it was not distinguished by any unusual amount of political activity. Delegates to the national conventions were selected early by all parties, and later in the season state tickets were nominated. The Republican ticket, which was the one elected in November, was as follows: For governor, Benjamin H. Eaton; lieutenant-governor, Peter W. Breene; secretary, Melvin Edwards; auditor, H. A. Spruance; treasurer, George R. Swallow; attorney-general, Theodore H. Thomas; superintendent of public instruction, L. S. Cornell; representative in congress, George G. Symes. The Democrats nominated Alva Adams for governor and Charles S. Thomas for congress. The Greenback candidate for governor was J. E. Washburn, and for congress George W. Woy was nominated. The election occurred on November 4, and the vote for president was as follows: Blaine, Republican, 36,200; Cleveland, Democrat, 27,723; Butler, Greenbacker, 1,958; St. John, Prohibitionist, 761. For governor, Eaton received 33,845 votes; Adams, 30,713, and Washburn, 2,104. Three amendments to the constitution were adopted. The first increased the salary of members of the general assembly to seven dollars a day; the second provided that no act of the legislature should become a law until ninety days after its passage, except in cases of emergency, and that no bill, except the general appropriation bill, should be introduced after the expiration of thirty days of the session, and the third stipulated that no bill should become a law until after all proposed amendments to it had been printed for the consideration of the members, nor unless the names of the members voting for or against it should be recorded on the journals of the house and senate.

The 14th session of the state legislature met on the 5th of January, 1885. In the election of a United States senator, to suc-



ceed Nathaniel P. Hill, the Republicans selected Henry M. Teller for their candidate and the Democratic caucus nominated Dennis Sullivan. The joint ballot was taken on January 21, and resulted in the election of Teller by a vote of 50 to 20. Acts were passed during the session amending the capitol building act of 1883; creating the county of Archuleta from part of Conejos; amending the charter of the city of Denver; creating thirty-four irrigating districts, and giving the irrigation commissioners jurisdiction in the settlement of questions involving the priority of water rights; creating the offices of forest and railroad commissioner, and submitting to the people at the next general election several amendments to the state constitution. Governor Eaton's inauguration took place at the beginning of the session.

Benjamin Harrison Eaton, the fourth governor of Colorado after its admission into the Union, was born in Coshocton county, O., December 15, 1833. Until he was sixteen years of age he worked on his father's farm and attended the district schools. He then entered the academy at West Bethford, where he took a three year course, graduating in 1852. In 1854 he removed to Louisa county, Ia., where he engaged in farming and teaching until the discovery of gold at Pike's Peak, when he went to Colorado. For three years he followed mining and prospecting, but in 1862 he went to New Mexico and again engaged in farming. Two years later he went back to Colorado and began farming near Greeley, in Weld county, where he acquired ownership of 14,000 acres of land. He also became interested in the construction of irrigating canals, and Colorado owes much of her splendid irrigation systems to his undertakings. A reservoir, large enough to furnish water for 30,000 acres, was constructed by him on the Cache la Poudre river. His early political career was as justice of the peace, which office he held for a number of years. He also served as school commissioner, and penitentiary commissioner, and in 1872 was elected to the territorial legislature. After serving one term in the council of that body he was elected to the state senate upon the admission of Colorado. For six years he was on the board of county commissioners of Weld county, and was the founder of the town of Eaton, where he erected one of the finest flour mills in the state. He served but one term as governor of the state.

In May, 1885, a strike occurred among the employes of the Denver and Rio Grande Railroad Company. Some of the strikers armed themselves, to prevent other men from taking their places, though no acts of violence were committed. Several of the lead-



ers of the Knights of Labor, under whose direction the strike was conducted, were arrested and tried for contempt of court. They were imprisoned from three to six months, the decision causing wide-spread dissatisfaction in labor circles, and many harsh things were said of the Federal judge that rendered the decision.

A state census was taken on the first of June, 1885. It showed the population of the state to be 243,910, an increase of more than twenty-five per cent since the census of 1880, and this, too, in the midst of a period of depression. The depreciation in the values of lead and silver had closed several of the large smelting works of the state and many were out of employment. In the year 1886 the tide of immigration, that had for some time been pouring into Nebraska and Kansas, reached Colorado. During the year the land office at Denver reported entries amounting to 1,495,650 acres. Most of these lands were in the agricultural districts of Northeastern Colorado. Thus as the mining interests showed signs of being on the wane the agricultural interests came to the front to maintain the general prosperity. The Arkansas valley also received large accessions to the population and several new towns sprang up as centers of industry and trade.

The political canvass of 1886 was for a full set of state officers and representative in congress. On September 28 the Republicans held a state convention at Denver. William H. Meyer was nominated for governor; Norman H. Meldrum for lieutenant-governor; James Rice for secretary of state; Darwin P. Kingsley for auditor; Peter W. Breene for treasurer; Alvin Marsh for attorney-general; L. S. Cornell for superintendent, and George G. Symes for congress. A week later the Democrats met at the same place and a second time nominated Alva Adams as their candidate for governor, completing the ticket by the nomination of L. H. Gillespie for lieutenant-governor; Jerry Mahoney for secretary; Cassimiro Barela for auditor; James F. Benedict for treasurer; Erasmus I. Stirman for attorney-general; Asa B. Copeland for superintendent of public instruction, and Myron W. Reed for congress. Resolutions were adopted declaring in favor of the free coinage of silver, first by our own government, to be followed by active measures to secure international co-operation; for legislation to limit the power of railroad companies to charge exorbitant and arbitrary freight rates, or to water their stocks.

For the second time a Democrat was elected governor of Colorado. Adams received 28,129 votes to 20, 533 for Meyer. All the other Republican candidates were elected, however, by small pluralities. The Republicans also elected a majority of the legis-



lature, the senate standing 18 to 8, and the house 25 to 24, in their favor. Three constitutional amendments, relating to the judicial department, were adopted. One of them gave the governor or the legislature power to call on the supreme court for decisions on important questions, "on solemn occasions," etc., and requiring the court to give an immediate decision in such cases.

Alva Adams, the fifth governor of the state, was born in Iowa county, Wis., May 14, 1850. His education was obtained in the common schools. About the time he reached his majority the family decided to hunt a climate that would be of benefit to an invalid son, and in the spring of 1871 crossed the plains to Colorado, settling first with the Union colony at Greeley, and later at Denver. Soon after going to Denver, Alva found employment with a railroad contractor, and for some time was engaged in hauling ties from the mountains and distributing them along the line of the Denver and Rio Grande road, then under process of construction. Toward fall he went to Colorado Springs; which was then but a small town, as a clerk in the hardware store of C. W. Sanborn. Later he purchased the business from Sanborn for four thousand dollars, and the next year admitted Joseph C. Wilson as a partner. In the summer of 1872 the firm established a branch house at Pueblo, Mr. Adams taking charge of the business there while his partner remained at Colorado Springs. Later the partnership was dissolved, Wilson taking the store at Colorado Springs. In 1873 Adams was chosen a member of the first city council of Pueblo. His business grew and in the course of a year or two he had branch stores at Del Norte, in Rio Grande county, and Alamosa, in Conejos county. When the state was admitted, in 1876, he was elected a member of the first legislature where he made a record that brought him into prominence in the councils of his party, and led to his nomination for governor in 1884. He was that year defeated, but in 1886 he again received the nomination and this time was elected, as already stated. Soon after retiring from the governor's office he was elected president of the Pueblo savings bank, and was annually re-elected for a number of years. In 1896 he was again nominated and elected governor.

The sixth biennial legislature met on January 5, 1887. Several amendments to the constitution were proposed, to be submitted to the voters at the next general election. A new apportionment of members of the general assembly was made, the ratio of senators being one for each 9,381 of the population, and the ratio of representatives one for each 4,978. Acts were passed to prohibit aliens from owning agricultural or grazing lands to the value of more





than five thousand dollars; to establish a bureau of labor statistics; to provide for the sale of the lands and lots given to the Territory of Colorado for the erection of a capitol building; to establish a state park of 6,406 acres in Saguache county; to adopt a new civil code; to establish agricultural experiment stations in Bent, El Paso and Delta counties; to establish a girls' industrial school at or near Denver, and to prevent corporations from black-listing their discharged employees. When the constitution was adopted, in 1876, it contained a provision that mining property should be exempt from taxation for ten years. That time expired in 1886, and the sixth legislature passed a bill placing mining property on the taxable list, on the same basis as other forms of property.

No sooner had the lands acquired by treaty with the Utes in 1880 been opened to settlement than the territory began to fill up with settlers. Many of the Indians were not satisfied with their reservation in Utah, and made annual excursions into Colorado to hunt. On such occasions they committed frequent petty depredations against the white settlers who were fast appropriating their hunting grounds. In August, 1887, a party of Utes, led by Colorow himself, crossed the line into Western Colorado, and soon after coming into the State stole some horses. The sheriff organized a posse and started out to arrest the thieves. A skirmish occurred in which the Indians lost six killed and several wounded and the whites lost three killed. The posse then drove away six hundred horses, thirty-seven cattle and about two thousand sheep that belonged to the Indians. Colorow and his band were taken by surprise and after the skirmish they retreated toward the reservation. Reports of an Indian outbreak soon spread and the governor was prevailed on to call out the militia. The troops drove the Indians back to their reservation. There is not much doubt that the sheriff was unnecessarily zealous in what he considered the performance of his duty, as the Utes were not really hostile and would probably have surrendered the horse thieves, upon the demand of the officer, without bloodshed. But the sheriff opened fire first, and made the demand for the surrender of the offenders afterward. It can be said in mitigation of the sheriff's course, that the people had been subjected to the impositions of Colorow and his following until forbearance had ceased to be a virtue. The affair cost the State several thousand dollars for the movement of the troops, and the government had to make good to the Indians the loss of their live stock. At the next session of congress a bill was passed to remove all the Utes from



Colorado to a reservation in Southern Utah, and T. C. Childs, of Washington, R. B. Weaver, of Alabama, and J. M. Smith, of Wisconsin, were appointed to negotiate with the Utes for their lands. An agreement was reached, in August, 1888, the Indians accepting the new reservation in Utah, and more than 1,000,000 acres of land were thus opened to settlement.

The election of Governor Adams in 1886 gave the Democratic party a considerable degree of encouragement, and they organized for a vigorous campaign in 1888, though they were the last party to hold a convention that year for the nomination of a state ticket. On September 1 representatives of the Prohibition party and the labor organizations of the State met at Denver and attempted to form a coalition. Committees were appointed from the two parties to report a plan of fusion. The union labor element refused to abide by the work of the committee and withdrew from the convention. Later they met in another place and nominated a ticket with Gilbert De La Mater as their candidate for governor. Political action on the part of the trades unions grew out of the decision of the Federal court, in the cases of the Knights of Labor, at the time of the strike on the Denver and Rio Grande railway. As might be expected under the circumstances the resolutions contained a scathing denunciation of the Federal courts as trampling on the rights of the people. The Prohibitionists went ahead, after the withdrawal of the labor delegates, and nominated the following ticket: For governor, W. C. Stover; lieutenant-governor, W. R. Fowler; secretary, W. W. Waters; auditor, W. A. Rice; treasurer, H. G. Schook; attorney-general, J. H. Boughton; superintendent of public instruction, J. A. Smith; supreme judge, for the long term, A. W. Brazee; for the short term, D. E. McCaskell. The platform contained the usual declarations on the liquor question, and favored woman suffrage.

The Republicans held their State convention at Denver on September 4. Job A. Cooper was nominated for governor on the fifth ballot, after a spirited contest in which a number of candidates were presented. The rest of the ticket was made up of William G. Smith for lieutenant-governor; James Rice, for secretary; L. B. Schwanbeck for auditor; W. H. Brisbane for treasurer; Samuel W. Jones for attorney-general; Fred Dick for superintendent; Charles D. Hayt for supreme judge, long term, and Victor A. Elliott, for the short term. The platform endorsed the work of the national convention; and declared in favor of liberal pensions, the free coinage of silver, and legislation to prohibit Chinese immigration. On state issues the resolutions



demanding legislation to prohibit railroads from pooling their interests, granting rebates to favorite shippers, or otherwise discriminating, and to punish all public officials accepting passes or free transportation from the railroad companies.

The Democratic State convention met at Denver on the 19th of September, and selected the following candidates: For governor, Thomas M. Patterson; lieutenant-governor, John A. Porter; secretary, W. R. Earhart; auditor, Leopold Meyer; treasurer, Amos C. Henderson; attorney-general, J. M. Abbott; superintendent of Public Instruction, J. A. Hough; supreme judge, for the long term, M. B. Gerry; for the short term, A. J. Rising. On national questions the work of the national convention was ratified; the free coinage of silver advocated; and a demand made that all public lands in Colorado, not actually needed for government use, be thrown open to occupation and settlement. On state issues the platform demanded the substitution of salaries for fees in the payment of county officers; favored the Australian ballot system; recommended that state funds be placed at interest; declared Chinese immigration to be the product of Republican legislation; and opposed the further sale of school lands belonging to the State.

The entire Republican ticket was elected in November, the vote for governor being as follows: Cooper, 44,490; Patterson, 39,197; Stover, 2,248; De La Mater, 1,085. Three propositions were submitted to the people for their approval or rejection. Two were in form of amendments to the constitution providing for an increase in the rate of taxation for state purposes of one mill on the dollar, and permitting counties to contract indebtedness under certain conditions and for certain purposes. The other was to permit the State to increase its indebtedness to six hundred thousand dollars. All were defeated.

Job Adams Cooper, who was elected governor in 1888, was the sixth state governor of Colorado. He was of English and Dutch descent, and was born in Bond county, Ill., November 6, 1843. After the ordinary common school training he entered Knox college, but his studies there were interrupted by the Civil war. He entered the Union army as a sergeant in the One Hundred and Thirty-seventh Illinois infantry, and was at Memphis when General Forrest made his raid in August, 1864. He continued in the service until the expiration of the war when he again entered the college and graduated with high honors the following year. A year or so later he was admitted to the bar and began the practice of law at Greenville, Ill. In 1868 he was elected clerk



of the Bond county circuit court. At the expiration of his four years' term he removed to Denver and opened a law office. He soon became well and favorably known, and in 1876 was elected vice-president of the German national bank. For the next twelve years he was intimately associated with the affairs of the bank, being cashier the greater part of the time. The election of 1888 occurred on his birthday, and at the age of forty-five he was chosen chief executive of his adopted state. His administration was distinguished by his broad views on all public questions and his honesty and incorruptibility. After his term as governor he accepted the presidency of the National Bank of Commerce in Denver, and returned to his old occupation. Besides his banking interests he was a large stockholder in several corporations, and in the Cripple Creek mines. He was inaugurated at the beginning of the legislative session succeeding his election.

That legislature, the seventh since the admission of the State into the Union, assembled at Denver on January 2, 1889, and organized with Lieut.-Gov. W. G. Smith as the presiding officer of the senate and H. H. Eddy as speaker of the house. One duty that devolved upon this general assembly was the election of a United States senator to succeed Thomas M. Bowen. The Republican caucus nominated Edward O. Wolcott, and the Democrats gave their support to Charles S. Thomas. The final joint ballot was taken on January 7, and resulted in sixty-two votes for Wolcott to twelve for Thomas.

Edward O. Wolcott, at the time of his election to the senate was forty-one years of age. He was a native of Massachusetts, graduated from Yale college in 1866, and from the Harvard law school in 1871. Soon after being admitted to the bar he removed to Denver where he succeeded in a few years in building up a lucrative practice. He was chairman of the commission appointed by President McKinley to visit Europe and endeavor to secure international bimetallism.

The rapid growth of population in the agricultural districts made the division of some of the larger counties desirable, and the legislature of 1889 created thirteen new counties, viz: Baca, Cheyenne, Kiowa, Kit Carson, Lincoln, Montezuma, Morgan, Otero, Phillips, Prowers, Rio Blanco, Sedgwick and Yuma. All of these except two were in the eastern part of the State. Baca was formed from Las Animas; Kiowa, Otero and Prowers from Bent; Kit Carson from Elbert; Cheyenne and Lincoln from Bent and Elbert; Morgan from Weld; Phillips and Sedgwick from Logan, and Yuma from Washington. In the southwest the

AMERICAN MEDICAL ASSOCIATION

PUBLISHED WEEKLY

CHICAGO, ILL., U.S.A.

Subscription price, \$5.00 per annum in advance.

Single copies, 15 cents.

Entered as Second-Class Matter, May 2, 1882.

Postpaid by mail, at special rate of postage provided for

by Act of Congress, October 3, 1917.

Acceptance for mailing at special rate of postage provided for

by Act of Congress, October 3, 1917.

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county of Montezuma was cut out from La Plata, on account of the recent acquisition of the Indian reservation in that part of the State, and in the northwest the county of Rio Blanco was formed from part of Garfield.

A compulsory school law was passed. It required all children between the ages of eight and fourteen years to attend school at least twelve weeks in each year unless they lived two miles or more from a schoolhouse. If the parents were unable to furnish the necessary books or clothing for their children the authorities were empowered to supply them. An act was passed fixing the license fees of saloons at \$600 in cities; \$500 in incorporated towns, and \$300 elsewhere. The effect of the law was to decrease the number of drinking places.

In the matter of appropriations the seventh assembly broke all previous records. Several new institutions were established and appropriations made for their support. A normal school was ordered to be located at Greeley, and \$10,000 appropriated, the money to be available whenever the people of Greeley donated \$15,000 and a suitable site. An appropriation of \$20,000 was made for a new orphans' home at Denver. For a state reformatory, to be located somewhere in Chaffee county, \$100,000 was voted, and so on. Altogether the appropriations amounted to nearly \$3,000,000. Of this amount \$1,750,000 was to be drawn from the general fund, which the auditor of state estimated at \$1,200,000. In September, 1890, Governor Cooper sent an itemized list of the appropriations to the supreme court, and asked them to determine, among other things, which were invalid, provided the appropriations of the seventh general assembly exceeded the limit prescribed by the constitution, and whether the auditor would be justified in refusing to draw his warrant on the treasurer for such appropriations, when in his judgment the limit had been reached. In answer to the governor's interrogatories the court held that by section sixteen, article ten, of the constitution "each and every general assembly is inhibited, in absolute and unqualified terms, from making appropriations or authorizing expenditures . . . in excess of the total tax then provided by law. . . . If the general assembly pass acts making such appropriations or authorizing expenditures in excess of constitutional limits, such acts are void. They create no indebtedness against the state, and entail no obligation, legal or moral, upon the people, or upon any future general assembly." With regard to which of the appropriations took precedence, in the matter of validity, the court decided that the ordinary expenses of the



executive, legislative and judicial departments of the state government must be met first, and after that, in the absence of a special decision the auditor might refuse to draw warrants at his own risk, and the treasurer might decide whether or not he would pay such warrants, in case they were presented for payment. Under the decision the auditor refused to draw the warrants for the reformatory, the normal school, the board of immigration, the state land board, and for new buildings at the agricultural college. For a time it was contended by some that the decision affected warrants outstanding, that had been drawn on appropriations made by previous legislatures, but the people of Colorado had no desire to repudiate any of their obligations and all outstanding warrants were paid. One appropriation made in 1889 was allowed to stand, and that one of one thousand dollars for the erection of a monument to Governor Pitkin.

In July, 1889, the grand jury of Arapahoe county returned indictments against James Rice, secretary of state, and various contractors for supplies furnished the legislature. The cases came up for trial in January, 1890, but the judge of the district court found the indictments defective and they were dismissed. Another grand jury, then in session, framed new indictments and the cases were a second time brought to trial on April 22, 1890. The first case was that against the secretary, and Collier & Cleaveland, contractors for the state printing. The trial lasted three weeks at the end of which time the jury returned a Scotch verdict. The accused were acquitted, but the jury submitted the following statement: "We are convinced that the Secretary of State did not have that regard for the interests of the people that a proper appreciation of the duties of his office demands; that there was gross carelessness and neglect in the procuring of supplies and arranging for the economical purchase of the same—such carelessness and neglect as call for like censure. Though other State officials are not on trial at this time, we feel that equal if not greater carelessness prevailed in the office of the State Auditor and on the part of the measurer of State printing, for without such neglect of duty on the part of these officers it would not have been possible to secure warrants in settlement of accounts that were manifestly wrong not only in the items charged, but also in the computation which should have been apparent to an accountant of the most limited experience."

After the failure of the jury to convict the secretary in the case mentioned it was not thought worth while to try the others and they were accordingly dismissed. The attorney-general, how-



ever, notified the state treasurer that some of the warrants for printing, stationery, furniture, etc., were probably invalid, and the treasurer refused to pay such warrants to the amount of one hundred and thirty thousand dollars. Late in the year 1890 one of these warrants, drawn in favor of Collier & Cleaveland, for five thousand dollars, found its way into the hands of a New York firm of brokers who brought suit in the district court to compel the treasurer to pay it. Being carried to the supreme court, the Collier & Cleaveland warrants were legalized and paid.

State Treasurers Brisbane and Breene, and their predecessors, had been in the habit of appropriating to their own use the interest on the public funds under control. In January, 1890, suits were commenced by the attorney-general to recover the interest thus appropriated and punished the officials who had been guilty of the speculation. Indictments against Brisbane and Breene were returned by the grand jury of Arapahoe county, proceedings against the others being barred by lapse of time. The statute under which they were indicted imposed a fine of ten thousand dollars upon any state treasurer who appropriated to his own use any profit on the public funds entrusted to his keeping. On an appeal to the supreme court the law was decided unconstitutional, because of a defect in the title. The criminal proceedings were therefore discontinued, but civil suits to collect the interest were begun. There being no statute applicable to the case they were dismissed.

Early in August, 1890, a call was issued for delegates from the various Farmers' Alliances, the trades unions, etc., to meet at Denver in the latter part of the same month and nominate candidates for the several state offices. The full ticket nominated when the convention met was as follows: For governor, J. G. Coy; lieutenant-governor, J. H. Brammeier; secretary, E. S. Moore; auditor, W. S. Starr; treasurer, J. N. Carlile; attorney-general, W. T. Hughes; superintendent of public instruction, J. M. Long; regents of the university, L. H. Smith and S. G. Duley; representative in congress, J. D. Burr.

On September 15 the Prohibitionists met in State convention at Pueblo. J. A. Ellett was nominated for governor; Eugene Ford for lieutenant-governor; P. A. Rice for secretary; R. W. Anderson for auditor; G. S. Emerson for treasurer; John Hipp for attorney-general; J. A. Ferguson for superintendent of public instruction, and George Richardson for congress.

Three days later the Republicans held their State convention at Denver. Ex-Gov. John L. Routt was nominated for governor;



William W. Story for lieutenant-governor; Edwin J. Eaton for secretary; John M. Henderson for auditor; John S. Fesler for treasurer; Attorney-General Jones and Superintendent Dick were both renominated; O. J. Pfeiffer and W. H. Cochran were named for regents of the university, and Hosea Townsend was nominated for congress. Resolutions were adopted recommending the abolition of the fee system and the payment of salaries to all public officials; the enactment of a law to compel the payment of interest on the public funds into the state treasury; the establishment of a railroad commission; a revision of the irrigation laws, and the creation of a state board of charities and corrections.

The Democratic convention met at Denver on the 25th of September. Caldwell Yeaman was nominated for governor; Platt Rogers for lieutenant-governor; William F. Forman for secretary; William T. Skelton for auditor; James N. Carlile for treasurer; Joseph H. Maupin for attorney-general; Nathan B. Coy for superintendent of public instruction; Henry O. Montague and Charles M. Ford for regents, and Thomas J. O'Donnell for congress. The platform was confined largely to state issues. The Republican legislature was denounced for its extravagant appropriations and the secretary and auditor were charged with corruption in the matter of printing contracts, etc.

Little attention was given to national questions during the canvass. Sometime before the nominating conventions were held the state land board, composed of the governor, secretary of state, attorney-general and superintendent of public instruction, sold a body of land, known as the Argo tract, for much less than its real value. For this action the *Denver Republican*, one of the influential Republican journals of the State, openly assailed the land commissioners for not guarding the interests of the school fund. The land was almost in the city of Denver and was sold for about three hundred dollars an acre. The *Republican* asserted, and stoutly maintained, that it was worth at least twice that much, and charged the commissioners with incompetency or an intent to defraud. The fight became so bitter that some of the state officials declined a renomination, fearing they would be defeated in the election. After the conventions the Argo land sale became an important factor in the campaign. Two members of the land board, Attorney-General Jones and Superintendent Dick, having been renominated, the *Republican* continued its warfare on them and advocated their defeat at the polls. Threats and persuasions were alike powerless to control the editor's attitude.





He was rewarded by seeing his course approved by the people at the election. Jones was defeated by a small margin and Dick by a plurality of about eighteen hundred. All the other Republican candidates were elected. For governor, Routt received 41,827 votes, Yeaman, 35,359; Coy, 5,199, and Ellett, 1,058. Two proposed amendments to the constitution were defeated. One authorized the general assembly to increase the number of judges and the other provided for an increase in the salary of judicial officers.

On January 7, 1891, the eighth general assembly was convened. Immediately upon being inaugurated Lieutenant-Governor Story assumed the presidency of the senate. In the organization of the house the Farmers' Alliance party had a plurality of the votes and elected James W. Hanna speaker. The next day he was charged with bribery and an intention to make up the committees of the house in an unfair manner. Fourteen Republicans agreed to join with the Democrats to take the appointment of the standing committees out of the speaker's hands. Before the combination had time to do anything the speaker appointed his committees and on the ninth announced them to the house in regular session. In an instant there was a scene of wild disorder. Half the members were on their feet at the same time trying to make themselves heard. In the midst of the confusion a motion to adjourn was declared carried and the contest was postponed until the twelfth. Again the house adjourned before the question could be decided, and two days later the speaker ruled that the journal of the 9th stood approved and that the committees then announced were the authorized standing committees for the session. The Republicans and Democrats then united and declared the office of speaker vacant by a vote of 28 to 21. A motion was made to fill the vacancy, which was done by the election of Jesse White. Hanna refused to give up the office and for a time there were two houses in session, at the same time, in the same hall. The members of one house refused to recognize the presiding officer of the other but by agreement one of the members of the house was chosen to preside with the lieutenant-governor at a joint session for the election of a United States senator. The joint session met on January 21 and Henry M. Teller was again elected to the senate, receiving forty-seven votes to twenty-seven for Caldwell Yeaman. As soon as the joint session was dissolved the old dispute was renewed in the house. On the 24th Governor Routt asked the supreme court to decide which speaker was entitled to recognition. No direct decision as to which of the contestants



was the rightful speaker was given, but the court said: "As a purely legal proposition the House of Representatives has the power, by a vote of a majority of members elected, to remove its speaker from office in the manner stated in the executive communication submitted."

Upon this Hanna gave up the fight and White was allowed to preside during the remainder of the sitting. The grand jury of Arapahoe county returned indictments against Hanna for bribery, but the cases were never tried.

The State was redistricted for members of the general assembly, the number of senators being increased to 35, and the number of representatives to 65. Under the census of 1890 Colorado was entitled to two representatives in congress and the legislature of 1891 divided the State into two congressional districts. The first district was composed of the counties of Larimer, Boulder, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, Yuma, Arapahoe, Jefferson, Park and Lake, and the second of the remainder of the State. An Australian ballot law was passed. One feature of the law was that each ballot was to be printed with two stubs containing the number of the ballot. One of the stubs was to be kept by the election clerk and the other by the person receiving the ballots. The number on the ballot was to be pasted down so as not to reveal the voter's identity, except in cases of contested elections, when the voter's identity could be established by the numbers. A World's Columbian Exposition commission was created, and an appropriation of one hundred thousand dollars made to provide for an exhibit of Colorado's products at Chicago in 1893. Of this appropriation twenty thousand dollars was made available in 1891, thirty thousand dollars in 1892, and the remainder in 1893. By virtue of his office the governor was to be the president of the commission, and he was authorized to appoint five other members, only two of whom were to be of the same political party as himself.

On May 19 five hundred delegates to the Trans-Mississippi congress assembled in Denver. The sessions occupied four days. Resolutions were adopted declaring in favor of the construction of a Nicaraguan canal; steamship lines between the Gulf ports of the United States and the Latin American states; a deep water harbor at Galveston; the immediate construction of the Hennepin canal; the restriction of immigration; and the passage of the Torrey bankrupt bill, then pending in congress. Congress was asked to cede to the several states and territories all the arid public lands



within their borders, the same to be sold at not less than one dollar and twenty-five cents an acre, nor more than 320 acres to any one purchaser, and the proceeds to be used to reclaim said lands by irrigation. A petition, signed by nearly all the delegates, was presented to congress, asking for the "repeal of all laws which in their effect work dishonor upon or, in the least, challenge the sovereignty of the silver dollar as an absolute measure of values, and to restore to silver the place given it as money by the framers of our Government."

On the last day of June the first passenger train on the Pike's Peak cog railroad reached the summit. Lieutenant Pike's prediction, that the pinnacle of the mountain would never be reached by any human being, was thus shattered all to pieces. Not only had men reached the summit on foot but now, with true American spirit, the ruggedness of its slopes had been overcome and by the aid of steam the ascent could be made with ease and comfort. The signal station of the United States weather bureau which was established upon the top of the mountain in October, 1873, was discontinued October 1, 1894.

An election for justice of the supreme court was held in 1891. Chief Justice Joseph C. Helm was renominated by the Republicans; Luther M. Goddard was named by the Democrats, and John H. Croxton by the Populists. Helm was elected by a decisive majority. A proposition to issue bonds to the amount of three hundred thousand dollars, for the completion of the capitol, was submitted to the voters at this election. Both Democrats and Republicans declared in their platforms in favor of the measure, though the Populists opposed it. A large majority of the voters expressed themselves in favor of the bond issue.

In no state of the Union was the remonetization and free coinage of silver more persistently advocated, early and late, than in Colorado. Prior to 1892 all parties had frequently declared in favor of it. On April 26, of that year, a convention of non-partisan free coinage clubs met in Denver. A declaration of principles was promulgated, in the preamble of which it was asseverated, that silver had been demonetized by fraud in 1873; that it was the money of the people, and that its original powers ought to be restored. The resolutions were as follows:

"That the time has come when no longer the division of party should be made upon any party political differences; that it is the sentiment of this convention that the Colorado State conventions of all political parties should instruct their delegates to the



national conventions held for the purpose of nominating candidates for President and Vice-President to withdraw from said convention if they do not succeed in getting free coinage planks in their party platforms, with nominees who are unquestionably in favor of the full remonetization of silver."

The day following this assembly of free coinage clubs the Republicans met to select delegates to the national convention, and the following platform was adopted: "WHEREAS, The great crime of the demonetization of silver in 1873 was conceived in deception and born in fraud, and since that time has been nurtured by willful and deliberate misrepresentation on the part of the combined influence of the money lenders and bondholders of this country and Europe; and,

"WHEREAS, That crime has cheapened the products of the mine, of the farm and the workshop, and has resulted in unequivocal injury to all the great industries of the country, and has benefited only the money kings at the expense of the people; and,

"WHEREAS, We believe that the question of the free coinage of silver is the principal issue now before the American people, and steps should be immediately taken for its full restoration as a money metal; now, therefore,

"The Republican party of Colorado, in convention assembled, hereby demand the enactment by Congress of a law providing for the free and unlimited coinage of silver on an equal basis with gold."

Delegates to the Democratic national convention were selected on the 25th of May. The declarations in favor of the remonetization of silver were fully as radical as those of the Republican convention. In addition to the resolutions on the money question President Harrison's administration was denounced for its attitude with regard to the Ute Indians.

The first nominations for state candidates were made by the Prohibitionists in May. John Hipp was named for governor; D. W. Barkly for lieutenant-governor; R. A. Rice for secretary; L. C. Aley for auditor; Fred White for treasurer; J. C. Horne for attorney-general; A. B. Hyde for superintendent of public instruction; H. H. Bell and Edwin Hungerford for regents, and Frank I. Wilson for justice of the supreme court. The platform demanded the abolition of the saloon; no national banks; the free coinage of silver; government ownership of railroads, telegraph and telephone lines, and the election of United States senators by popular vote. The convention expressed its disapprobation of





the custom of hiring out the state convicts, for the construction of ditches belonging to irrigation corporations, and advocated the passage of a law to prohibit its further continuance.

The Republican nominating convention was held on September 8. Chief Justice Joseph C. Helm was nominated for governor; J. M. Downing for lieutenant-governor; E. J. Eaton for secretary; Harry Tarbell for auditor; Harry Muhlix for treasurer; C. S. Libby for attorney-general; G. B. Timberlake for superintendent of public instruction; J. Semple and Warren E. Knapp for regents, and George W. Allen for justice of the supreme court. A resolution was adopted declaring that "President Harrison, in his letter of acceptance, has placed himself equally upon record as favorable to the white metal, and has effectually disposed of the statements upon which are based the campaign of his enemies in this State."

A few days after the Republican ticket was nominated the Democratic State convention met at Pueblo. The party was divided on the subject of uniting with the Populists in the formation of a ticket. The Fusionists got control of the convention and part of the delegates withdrew. Those that remained joined with the Populists in the nomination of the following ticket: For governor, Davis H. Waite; lieutenant-governor, D. H. Nichols; secretary, N. O. McClees; auditor, F. M. Goodykoontz; treasurer, Albert Nance; attorney-general, Eugene Engley; superintendent, James F. Murray; regents, D. M. Richards and W. E. Anderson; justice of the supreme court, Luther M. Goddard. The delegates that withdrew from the convention met in another place and nominated Joseph H. Maupin for governor; W. H. McMechen for lieutenant-governor; C. B. Noland for secretary; John H. Fox for auditor; W. E. Hamilton for treasurer; W. P. Skelton for attorney-general; Nathan B. Coy for superintendent; Henry Johnson and Lee Champion for regents; and Luther M. Goddard for justice of the supreme court. The platform approved the work of the Chicago national convention; favored the free and unlimited coinage of silver; denounced the use of Pinkerton guards in labor disputes; urged legislation to prevent trusts or combinations from raising prices; demanded the prohibition of child labor in factories and mines, and a law to secure impartial rates on railroads.

The entire Fusion ticket was elected in November. Waite received 41,344 votes to 38,812 for Helm; 8,938 for Maupin; and 1,742 for Hipp. In the presidential contest the Republicans were



victorious. The Republican electors received 38,614 votes; the Fusion electors 32,982, and the Prohibition electors 1,677. The Republicans also elected a small majority of the members of the legislature. Two amendments to the constitution were ratified. One provided for special assessments by municipalities, for the purpose of making public improvements, and the other reduced the rate of taxation for state purposes from six to four mills on the dollar.



## CHAPTER V

## From Waite to Peabody

DAVID HANSON WAITE, the eighth state governor of Colorado, was born, April 9, 1825, at Jamestown, N. Y.

He was the son of a lawyer, and after a course in the Jamestown academy he took up the study of law in his father's office. In 1850 he went west and settled at Fond du Lac, Wis., but the next year removed to Princeton and engaged in merchandising. In 1856 he was elected a member of the Wisconsin legislature. In 1857 he removed to Houston, Mo., where he taught until the breaking out of the Civil war, when his strong Union sentiments forced him to leave the state. He therefore went to Warren, Pa., and later returned to his native town where he became interested in the publication of the *Jamestown Journal*. He continued in this business until 1876, when he sold out his newspaper and removed to Larned, Kan. Two years after locating at Larned he was elected to represent Pawnee county in the Kansas legislature and as a Republican he cast the deciding ballot that elected John J. Ingalls to the United States senate in 1879. The same year he removed to Leadville, Col., and opened a law office, but in 1881 removed to Aspen and began the publication of the *Union Era*, a reform paper. He was a delegate to the St. Louis conference, in 1892, that organized the People's party, and also a delegate to the national convention of that party at Omaha, on the 4th of July, the same year. On July 27 he was nominated for governor of Colorado, and his candidacy was endorsed by the Democratic convention in September. During his administration there were several events of a stormy nature that tried his executive ability to the utmost. His administration will pass into history as the one under which the women of Col-



orado were given the right of suffrage. He was renominated for governor in 1894, but was defeated. After the expiration of his term he continued to live in Denver and entered the field as a lecturer. He was inaugurated on January 11, 1893.

The ninth session of the state legislature met at Denver on the third of January, 1893. In his message Governor Waite dwelt at length on the subject of legislation affecting corporations, and made the following recommendations regarding railroads: First, "The repeal of the present law providing for a railway commission." Second, "A new act for a railway commission, with the commissioners empowered to hear and determine complaints without recourse to the courts, and to revise the rates of passengers and freight." Third, "That the system of pooling as now in force among the railways of the State be made illegal." Fourth, "That the issuing by any railroad company of any pass or free ticket to, or the acceptance of or traveling upon such pass or free ticket by, any State, district, county, or municipal official be made a penal offense."

The legislature passed an act repealing certain laws bearing on the railroad situation, and provided for the appointment of a railroad commission with new and extended powers, but the governor vetoed the measure. It was then passed over the veto. All through the session the relations between the governor and the members of the general assembly were lacking in that harmony that is necessary to secure good results in the enactment of laws. In political opinions the majority of the members were opposed to the views of the executive. In the senate there were fifteen Republicans, eight Democrats, four Populists, seven Fusionists and one Independent. The house was composed of thirty-three Republicans, five Democrats and twenty-seven Populists. When it came to a question of politics enough of the Democrats would vote with the Republican members to defeat the governor's projects. Among the acts passed were the following: One to prohibit insurance on the lives of children under the age of ten years; one to amend the charter of the city of Denver; one creating the county of Mineral; one to amend the election law; one declaring Saturday afternoon a legal holiday during the months of July and August; and one providing that after the year 1900 no one unable to read and write should be allowed to vote.

Under the constitutional provision, that any general assembly had the power to submit to the people the question of extending the elective franchise to women, the legislature of 1893 passed such an amendment to the constitution and submitted it to the voters





at the judicial election in November, when it was ratified by more than five thousand majority.

On July 11 a second non-partisan free coinage convention was held in Denver. An address to the people of the United States was adopted, and a million copies ordered to be printed and distributed. It was intended to show the blighting effects of the demonetization of silver on the industries of the country, particularly on the mining interests of Colorado. Later in the same month the state labor convention endorsed the doctrines set forth in the address.

Pursuant to the act of 1891, creating a board of managers for the state exhibit at the Columbian Exposition, Governor Routt appointed Alexander Shaw, B. S. LaGrange, A. B. McKinley, Frederick Steinhauer, and Nathan B. Coy as the five members left to his selection. In addition to members appointed by the governor the act provided that the Colorado commissioners, lady managers and their alternates, should be members of the state board of managers. The commissioners were R. E. Goodell, of Leadville, F. J. V. Skiff, of Denver, Henry B. Gillespie, of Aspen, and O. C. French, of New Windsor. The lady managers and alternates were Mrs. E. M. Ashley, Miss M. A. Samson, Mrs. R. J. Coleman, and Mrs. M. D. Thatcher. This constituted a board of fourteen members who worked in unison to present the progress and resources of their state in a way that would be second to none. Splendid opportunities to succeed were offered by the diversified industries of the state, and the board was not hampered for want of funds. Colorado appropriated a larger sum of money in aid of the exposition than any state in the Union in proportion to the population. Besides the one hundred thousand dollars voted by the general assembly the different counties made appropriations amounting to nearly as much more, while boards of trade, corporations and public spirited citizens aided by liberal donations. As Colorado produced about one-third of the gold and silver output of the United States a fitting recognition was accorded her by the appointment of Commissioner Skiff as chairman of the committee on mines and mining. Commissioner Goodell was chosen a member of the executive committee.

Visitors to the exposition will recall the Colorado State building, standing at the corner of Stony Island avenue and Fifty-eighth street, on one of the largest plats on the grounds allotted to state buildings. It was designed by Architect H. T. E. Wendell, of Denver, and was erected by Contractor J. W. Hill, of



the same city, at a cost of thirty-five thousand dollars. The style was the Spanish renaissance, and the two Spanish towers, a hundred feet in height, standing on either side of the main entrance, gave the structure an imposing appearance. In size it was 45 by 125 feet, two stories high, and the broad balcony between the two towers formed a resting place that became a favorite with many denizens of the Centennial State who enjoyed sitting there and watching the restless throng below. Among the exhibits presented by Colorado were three hundred and seventy-one specimens of agricultural products, eighty-one of which received special premiums. Wheat, oats, rye, barley, potatoes, flaxseed, wool, seeds, flowers, grasses, etc., were represented in profusion. Wheat alone received twenty-five awards. The mining exhibit was awarded first premium for best collective display of mineral resources and ores, and many special premiums.

Late in December Governor Waite issued a call for the general assembly to meet in extra session on the tenth of January, 1894. In his call he stated that the object in convening the legislature in special session was to offer some relief from the depression caused by the Federal policy regarding silver. In his message he recommended that all dollars, not less in weight and fineness than the standard dollar of the United States, be made a legal tender in Colorado for all debts, public and private. He argued that if the Mexican dollar was thus placed on an equal footing with the American dollar the miners of Colorado could send their bullion to Mexico, have it turned into coins, and brought back to the state at a trifling cost, thus giving relief from the stagnation consequent upon the scarcity of money. Both houses decided, however, that such an act on the part of a state legislature would be in direct conflict with the Federal constitution and no such bill was passed. At the beginning of the session a difference of opinion arose between the two houses as to the necessity for a special session. The senate favored an adjournment without taking any action on any of the governor's proposed measures, while the house was in favor of going on with the business for which they were called together. Petitions and communications were received by both branches urging the members to stand firm in the position they had taken. From these communications it seemed that the majority of the people were in favor of a special session. The house adopted a resolution calling for the appointment of a conference committee, to agree on a course of action, but the senate rejected the proposition. When it became appar-



ent that the people favored the extra session the senate yielded but all through the session, which lasted fifty-two days, it maintained an obstructive policy. Of the seventy-eight bills introduced forty-one were passed by the house and twenty-nine of these were rejected by the senate, so that only twelve new laws were enacted, most of which were of minor importance.

Early in the year 1894 several hundred miners in El Paso county (now Teller county) went on strike for higher wages. At Cripple Creek, which was the center of the disturbance, the demand was for three dollars for an eight hour day. About the middle of March the strikers armed themselves to prevent non-union miners from re-opening the mines. This led to a call for the militia, but the troops had no sooner reached the scene of the trouble than they were recalled by Governor Waite, who tried to get the contending parties to submit the matter to arbitration. After the recall of the militia the non-union men were driven away by the strikers and a shaft house at Victor was destroyed causing a property loss of about twenty-five thousand dollars. The mine owners appealed to the sheriff and sent to his aid several hundred deputies from Denver. Near Wilbur a skirmish between the strikers and the deputies occurred in which one was killed and several wounded on each side. The next move on the part of the strikers was to notify the railroad companies that if any more deputies were brought in over the lines the property of the companies would be destroyed. Again the militia was called out and again it was recalled by the governor. Governor Waite then went to Cripple Creek and in an address to the miners urged them to abstain from any further destruction of property but to submit their demands to a board of arbitration. The miners expressed their willingness to do so but the mine owners refused. Warrants were sworn out for the men who were supposed to have blown up the shaft house at Victor and placed in the hands of the sheriff. The strikers fortified a position on Bull Hill and defied the authorities. On May 30 the Raven Hill mining company went into the Federal court and asked for protection to their property in the hope of getting United States troops ordered to the mines to enforce the court's orders. But the court denied the application on the grounds that it had no jurisdiction, the whole matter being within the domain of the police power of the state. The mine owners then signified their willingness to arbitrate. An agreement was reached on June 4, but the decision of the arbitrators was rejected by both sides to the controversy and the strike went on. On June 6 a force of nine hundred deputies cut



the telegraph communication and marched against the miners' fort at Altman, on Bull Hill. The miners were ready for an attack and about two hundred shots were fired, though no serious damage was done. General Brooks and Adjutant-General Tarsney were ordered by the governor to call out a sufficient number of the state troops to maintain order and go to Altman. They were instructed to let no armed deputy pass through their lines but to allow the sheriff to go alone for the purpose of arresting the parties against whom he held warrants. A final agreement was reached June 11. By its provisions the deputies were to be withdrawn; the mines turned over peaceably to the owners; both mines and miners to be protected by the militia, the troops remain at Anaconda, Victor and Cripple Creek for thirty days and longer if necessary; and those for whom warrants were held were to be turned over to the sheriff of El Paso county at Colorado Springs.

The men arrested were charged with murder and destruction of property. When their cases were called for trial they employed Adjutant General Tarsney to defend them. During the strike the militia had been directly subject to Tarsney's orders, and had been used as much to protect the strikers from the deputies as to protect the mine owners' property from the strikers. On the night of June 23 he was kidnapped at Colorado Springs and treated to a coat of tar and feathers. It was supposed at the time that the outrage was committed by some of the deputies from whom he had protected the striking miners. Governor Waite offered a reward of one thousand dollars for the apprehension of the perpetrators and the court at Colorado Springs ordered an investigation. On July 19th, the adjutant-general was summoned to appear and give testimony in the investigation proceedings. He refused because the court, as he alleged, was in sympathy with the mob. He was then cited for contempt and went to Colorado Springs under a military guard furnished by the governor. This was considered a reflection on the people of El Paso county, and the action of the governor was roundly denounced by the judge. In August one of the deputies made a confession implicating the sheriff and a number of others, but the matter was finally dropped.

On March 7, 1894, Governor Waite removed Jackson Orr and D. J. Martin from the Fire and Police board of the city of Denver, and appointed Dennis Mullins and Samuel D. Barnes as their successors. This was done under the new charter





adopted by the legislature in 1893. Orr and Martin got a temporary restraining order from the court against the governor's removing them, but the governor refused to recognize the court's right to grant the order. He called out the militia and sent them to the city hall with a demand for the surrender of Orr and Martin. In the meantime the two deposed office holders had called in all the police force of the city and a number of their friends, so that when the troops arrived at the city hall they found it guarded by about three hundred armed men who were supplied with a store of dynamite which they threatened to use if any attempt was made to take Orr and Martin by force. Governor Waite sent orders to all the militia in the state to be ready to come to Denver on short notice and at the same time asked for United States troops to aid him in enforcing the laws. A detachment of two hundred fifty men, under General McCook, was sent from Fort Logan but were ordered by the war department to take no part in the affair further than to keep the peace and look after the protection of government property, unless the state authorities confessed their inability to enforce the state laws. Great excitement prevailed in Denver and for the time being the city was on the verge of civil war. On March 16th a meeting of citizens was called "for the purpose of considering some plan by which the Governor could be stopped if he again subjected the city to mob rule by ordering out the militia." Some of the speakers at that meeting advocated the arrest of the governor on a charge of lunacy. Others insisted upon kidnapping him and carrying him off to some place where he could not interfere in municipal matters. Finally the supreme court agreed to assume original jurisdiction and decide the question. The decision sustained the governor, and Orr and Martin retired from the contest as pleasantly and gracefully as could be expected under the circumstances.

Four tickets were presented to the voters of Colorado in the campaign of 1894. The first party to hold a nominating convention was the Democratic. In the call for the convention to meet at Denver, on September 3, the state committee said: "Populism, the natural offspring of Republican extravagance, mislegislation, and profligacy, has been in power for a year and a half. Its so-called principles, which are the logical result of Republican policy, have during that time been in full and uncontrolled operation. The miserable consequences are everywhere apparent. The good name of the State is imperiled. Many functions of Government have been perverted to selfish, ignoble, and



unlawful ends and imbecility in high positions has made our career since 1892 a satire on self government.

"The record which both these parties have made in Colorado justifies the assertion that each has failed in the attempt to properly discharge the trust with which it had been endowed by the people. This is the necessary result of a departure from Democratic teaching and principle. To return to the one because of the misconduct and shortcomings of the other is only to continue our present unhappy conditions under different agencies."

The convention met pursuant to the call and nominated the following ticket: For governor, Charles S. Thomas, lieutenant governor, Francis I. Meston; secretary of state, Ernest Meier; auditor, Joseph S. Swain; treasurer, Casimiro Barela; attorney general, James N. Brinson; superintendent, Mary C. C. Bradford. Two days later the populists met at Pueblo and renominated Governor Waite by acclamation. Secretary McClees was also renominated. S. W. Harnon was named for lieutenant governor; Stanton F. Lincoln for auditor; Casimiro Barela for treasurer; H. G. Sales for attorney general; Miss Alice Catlin for superintendent of public instruction, and L. J. Morrison and B. O. Driscoll for regents. Resolutions were adopted endorsing the administration of Governor Waite and the work of Congressmen Bell and Pence; reaffirming the Omaha and St. Louis platforms; demanding the free and unlimited coinage of silver and the initiative and referendum; and protesting against the issue of government bonds in time of peace.

On September 12 the Republican convention met at Denver. Albert W. McIntire was nominated for governor; Jared L. Brush for lieutenant governor; Albert B. McGaffey for secretary of state; Harry E. Muhix for treasurer; C. C. Parks for auditor; Byron L. Carr for attorney general; Mrs. A. J. Peavey for superintendent of public instruction, and John Campbell for justice of the supreme court. The platform was largely a reiteration of former declarations and an arraignment of the Populist state administration. The fourth ticket was that of the Prohibitionists, which was nominated at Pueblo on July 30, and was as follows: For governor, George Richardson; lieutenant governor, Mary Jewett Tilford; secretary, David R. Hunter; auditor, Abijah Johnson; treasurer, David Brothers; attorney general, John H. Leiper; superintendent, A. B. Copeland.

Whatever may have been Governor Waite's motives, the people of Colorado were not disposed to adopt some of the radical reform measures he proposed and in 1894 the conservative busi-



ness element of the state was active in urging his defeat. A large vote was polled owing to the enfranchisement of women, and during the canvass it was the field against Waite. Many Democrats deserted their own party candidate and voted for McIntire to insure the downfall of Populism. The result was the election of the entire Republican ticket. McIntire received 93,502 votes; Waite, 74,894; Thomas, 8,337; and Richardson, 4,250.

Albert Washington McIntire, the ninth state governor of Colorado, was born at Pittsburg, Pa., January 15, 1853. After a preparatory course at Newell's institute, a private academy at Pittsburg, he entered Yale college at the age of sixteen years. At the age of twenty he graduated from the academic department, and from the law department two years later. In June, 1875, the year of his graduation from the law school, he was admitted to the Connecticut bar, and in November following he was admitted to the bar at Pittsburg. He practiced for about a year in his native town and then removed to Denver, Col. In 1880 he located in the San Luis valley where he became interested in stock raising and gold mining operations. In 1883 he was elected judge of Conejos county, being nominated by both Republicans and Democrats. He held the office for three years but declined a nomination for a second term, preferring to give his time to his ranch and his law practice. In 1891 Governor Routt appointed him judge of the twelfth district, in which position he continued until he was nominated for governor in 1894. He was nominated by acclamation by the Republican convention, and was elected by a plurality of nearly 20,000. Governor McIntire is a man of high intellectual attainments, speaking and reading readily French, English, German, Spanish, Latin, and Greek.

The tenth regular session of the general assembly, which met on January 2, 1895, was the first to occupy the legislative chambers in the new capitol. Lieut.-Gov. J. L. Brush was the presiding officer of the senate, and A. L. Humphreys of the house. A brief resume of the building of the capitol may not be uninteresting. In 1883 the legislature created the board of capitol building commissioners, made an appropriation for the construction of one wing, and submitted to the people the question of issuing bonds to the amount of \$300,000 for the construction of the entire building. This proposition was sustained by the voters and the next general assembly fixed the location on land donated by H. C. Brown, provided for a revenue of \$200,000 for each of the five years beginning with 1885, and named January 1, 1890, as the



time when the structure should be complete. Two years later the legislature increased the appropriation, authorized the sale of lots, the proceeds to be placed to the credit of the capitol building fund, and transferred \$400,000 of the state's resources to that fund. The foundation was completed in 1888, and the next general assembly fixed the cost of the building at \$2,000,000; submitted to the people a proposition to issue an additional \$250,000 in bonds, and appropriated \$20,000 to lay out and beautify the grounds. Another issue of bonds, amounting to \$300,000, was voted in 1891, and in 1895 the last appropriation of \$200,000 was made by the legislature.

Very little legislation of importance was enacted by the tenth general assembly, the interest being centered in the election of a United States senator. The Republican caucus nominated Edward O. Wolcott for re-election, the Democrats supported Charles S. Thomas, and the Populists put forward Lafe Pence. The joint session met on the 16th of January. Wolcott received 57 votes; Pence, 39; and Thomas, 6.

The campaign of 1896 was opened by the Democrats holding a convention at Denver on the 15th of April for the selection of delegates to the national convention. But one resolution was adopted and that was as follows: "We favor the immediate restoration of the free and unlimited coinage of gold and silver at the present legal ratio of sixteen to one, as such coinage existed prior to 1873, without waiting for the aid or consent of any other nation, such gold and silver to be a full legal tender for all debts, public and private." Instructions were given the delegates to withdraw from the convention unless a platform in favor of the free coinage of silver should be adopted. On August 20 a second Democratic convention was held and the following candidates for state offices nominated: For governor, Alva Adams; lieutenant-governor, James M. Ellis; secretary of state, C. H. S. Whipple; auditor, W. W. Rowan; treasurer, Olney Newell, attorney-general, A. L. Moses; superintendent of public instruction, Miss Grace E. Patton; regents, O. J. Pfeiffer and M. J. Hogarty.

The Republicans met for the selection of national delegates at Pueblo on the 14th of May. Senator Henry M. Teller was made leader of the delegation, the other delegates being instructed to follow his directions. A platform was adopted in the preamble of which it was declared that the free coinage of silver was the paramount issue; that bimetallism and protection were vital to the prosperity of the country; and that Democratic free trade and the gold standard were responsible for the destruction of one-





half the values of all property. Some of the leaders wanted to nominate a state ticket but the majority held that it would be better to postpone such action until after the national convention, so that, if the St. Louis convention failed to adopt a free coinage platform, a state ticket could be nominated on its own merits, and the fight be made on state issues, leaving all Republicans free to support a free coinage candidate for the presidency if one was nominated. On July 29, the Republican state central committee held a rather stormy session. A resolution was introduced, pledging the support of the party organization to McKinley and Hobart, but it met with considerable opposition from a respectable minority. On the final vote the resolution was adopted by a vote of 48 to 38. Then the thirty-eight who voted against its adoption charged the majority with being bought, United States Senator Wolcott and National Committeeman Sanders coming in for a fair share of the opprobrium. The chairman tendered his resignation and a new one was elected. The new chairman demanded that all members who intended to support Bryan withdraw from the committee. Several refused to do so and the committee adjourned amid great confusion. The Republican party became divided into free silver and administration factions each claiming to represent the purer doctrines of Republicanism. The free silver wing of the party met at Denver on September 9 and nominated Jared L. Brush for governor; Simon Guggenheim for lieutenant-governor; Harry E. Mulnix for secretary; John W. Lowell for auditor; George W. Kephart for treasurer; Byron L. Carr for attorney-general; Mrs. Mayne Marble for superintendent; and W. J. Orange and E. C. Lobengier for regents. On the last day of the same month the administration wing held a convention at Colorado Springs. George W. Allen was nominated for governor; Hosea Townsend for lieutenant-governor; Edwin Price for secretary of state; George S. Adams for auditor; James H. Barlow for treasurer; Alexander Gunnison for attorney-general; and Mrs. Ione Hanna for superintendent of public instruction. The platform said, in part:

"We regret that the national convention at St. Louis did not view this question as we view it. We accept, however, the assurance of the party that its efforts will be devoted to the securing of an international agreement for the unlimited coinage of silver as a sacred pledge. We believe that the pledge will be fulfilled, and we are firmly of the faith that the remonetization of silver, so essential to the welfare of this and all other civilized



countries, will be accomplished through the efforts and under the direction of the Republican party and no other."

After the different parties had made their nominations an effort was made to unite the free silver forces in the support of one set of candidates by making a fusion ticket. The promoters of the scheme felt encouraged by the fact that on June 25 a joint convention of silver men had been held and delegates selected to attend the St. Louis silver convention on the 22d of July. That convention had been harmonious, and had endorsed Sen. Henry M. Teller, who was now the recognized leader of the Colorado Free Silver Republicans, for president. A conference was called for September 12 when representatives of the Democrat, Free Silver Republican and Populist parties met to agree upon the terms of coalition. The first two readily assented to an arrangement but the Populists withdrew from the conference. The fusion ticket consisted of the Democratic nominees for governor, secretary of state, and superintendent of public instruction, and the Free Silver Republican candidates for lieutenant-governor, auditor, treasurer and attorney-general.

One wing of the Populist party united with the National Free Silver party and nominated Morton S. Bailey for governor; William S. Lee for lieutenant-governor; F. Kratzer for secretary; George Seaver for auditor; Horace L. Clark for treasurer; N. C. Miller for attorney-general; L. S. Cornell for superintendent; Miss Ada McElroy and John B. Cochrane for regents. The other wing, generally known as the Middle-of-the-road Populists, held a convention, nominated D. H. Waite for governor and John McAndrew for attorney-general, and instructed the central committee to fill the other places on the ticket. This was done by the selection of George Ash for lieutenant-governor; Solomon J. Toy for secretary; D. H. Dickason for auditor; J. R. Hinkle for treasurer; and George J. Blakely for superintendent of public instruction. The fusion ticket headed by Alva Adams was successful at the polls in November. Adams received 87,345 votes; Bailey, 71,808; Allen, 23,929; Waite, 3,359. There were six presidential tickets voted for at the same time. Bryan electors received 158,880 votes; McKinley, 26,279; Levering, Prohibitionist, 1,724; Bently, National Prohibitionist, 386; Matchett, Socialist, 159; Bryan and Watson, 2,389; Palmer, Gold Democrat, 1. The question of validating about one million two hundred thousand dollars of the excessive appropriations, made by the general assembly of 1889, was voted on at this election and was rejected by a large majority.



Several minor disasters occurred in the early part of the year 1896. On February 18 an explosion of gas in the Vulcan mine, at Newcastle, in Garfield county, wrecked the mine buildings and killed fifty people. Massive timbers were blown into the Grand river some distance away and a hole one hundred feet across was torn out of the hillside. It was the worst mine explosion that had ever happened in the state and came at a time when it was least expected as the mine had been inspected only a few days before and pronounced in safe condition. On the 12th of April a severe wind and snow storm swept over the Cripple Creek region doing a great deal of damage. Great trees were uprooted, and in the town of Cripple Creek buildings were utterly demolished and tents carried away. About two weeks later fire broke out in the business portion of the town and before its ravages could be stayed a large part of the business section was destroyed. The stock exchange, the gold mining exchange, two theatres, two banks, the post office, two churches, and several stores and office buildings went up in smoke and flame. The loss was almost two million dollars. Four days later another fire broke out and did about half as much damage as had the first. Nothing daunted the work of rebuilding was at once begun. The first buildings had been erected of the flimsy materials so frequently used in mining camps and the pine lumber burned like tinder. The second buildings were of a more substantial character, and the new town of Cripple Creek wore an entirely different air from that of the old. Bear creek cañon was the scene of a cloudburst on July 24. A number of campers and cottagers from the city of Denver were spending the summer in the valley. The flood came so suddenly that they did not have time to escape and about thirty lives were lost.

On June 19, 1896, began a strike of miners in the Leadville district. Men who had been getting two and one-half dollars a day struck for three dollars. Some months before wages had been advanced to three dollars a day by some of the employers and this led to the strike. All the men of about a dozen mines went out and the business of mining was at a stand-still. To make matters worse a number of the employers who were paying three dollars shut down the mines. The men shut out of these mines joined the strikers and by the first of September there were about three thousand men out of work. A riot occurred on September 21 in which the miners used dynamite. Six persons were killed and the works at the Coronado mine were burned. A call was made for the militia and a force of 1,000



men was sent to Leadville to maintain order. On the 23d martial law was proclaimed and the militia settled down for a long stay. Toward the latter part of November the miners' union of the Cloud city issued an address to Governor McIntire and the people of Denver, in which they said: "The miners of the union are anxious for an amicable settlement of this trouble. They opened the field of this immensely productive district. They made it possible for millionaires to arise from it. They have in it the interest of their day's pay, bread and meat, shelter and clothing for themselves and their humble dependents. Others have in it the interest of rapidly accumulating fortunes. The miners are ready and willing to meet the operators in a spirit of fairness and justice. They can not, of course, consent to the destruction of the union, nor can they consent to perform their hard and exhaustive labor, undergo its constant hardships and face its manifold dangers for less wages than will supply them with the necessities of life."

Nothing was done, however, toward arbitrating the differences until after the inauguration of Governor Adams. Soon after the beginning of his term he went to Leadville, made a personal appeal to both miners and mine operators, and succeeded in bringing about a meeting between them. At that meeting each side made propositions that were rejected by the other. The general assembly, then in session, appointed a committee consisting of two senators and three representatives to investigate and report a plan of settlement. While this committee was at work the pumps in the mines on Carbonate hill were stopped and the mines filled with water. On March 9, 1897, a meeting of union miners voted, 1,100 to 300, to declare the strike off. It was said that the reason for this decision was that the strike allowance had been reduced to a basis that would barely sustain life and they preferred earning their living, even at low wages, to living upon the charity of their fellow workingmen. The strike cost the state about three hundred thousand dollars for the militia, while the cost to the miners and mine owners was estimated at five million dollars, to say nothing of the contributions made by other unions to the support of the strikers.

The eleventh general assembly was convened at Denver on the 6th of January, 1897. It was composed of 34 Populists; 25 Democrats; 16 regular Republicans; 10 free silver Republicans; 12 of the National Silver party; 1 Socialist; 1 Independent; and 1 Single Taxer. The lieutenant-governor was the presiding offi-





cer of the senate, with Francis Carney president pro tem., and Edwin W. Hurlbut was speaker of the house. Early in the term Alva Adams was a second time inaugurated governor of Colorado. His inauguration this time was marked by rigorous simplicity. There was no inaugural ball, no parade, not even a carriage to carry the new executive to the capitol. Attended by a few personal friends he walked to the state house, took the oath of office and entered upon the discharge of his executive functions without pomp or display of any kind whatever. It was afterward remarked that the cost of the inauguration was less than five dollars. On January 19 the two houses met in joint session to elect a United States senator. Henry M. Teller was elected to succeed himself, receiving 92 votes to 6 cast for George W. Allen.

April 27, 1898, the following order was issued by the Adjutant General's office: "In compliance with the order of the Secretary of War, dated Washington, D. C., April 25, 1898, based upon the proclamation of the president of the United States, under date of April 22, 1898, calling for 125,000 volunteers to serve for a period of two years, unless sooner discharged, for the purpose of enforcing the provisions of a resolution passed by the Congress of the United States, calling upon the government of Spain to evacuate Cuba, on account of the many outrages perpetrated on the inhabitants of that island, and the destruction of the battleship Maine, said order specifying as the quota of the State of Colorado one regiment of infantry and two troops of cavalry, the National Guard of Colorado, except the Chaffee Light Artillery, will be mobilized at the city of Denver, Friday, April 29, 1898, to enable the members to volunteer for muster into the service of the United States."

(Order signed by Gov. Alva Adams, and Adj. Gen. Cassius M. Moses.)

The location of the camp was specified and Brig. Gen. Irving Hale of the C. N. G. placed in command of the camp.

First Volunteer Infantry officers: Colonel, Irving Hale; lieutenant-colonel, Henry B. McCoy; majors, Cassius M. Moses, Chas. H. Anderson and Clayton Parkhill; assistant surgeons, Capt. L. H. Kemble, and First Lieut. Chas. E. Locke; chaplain, Chas. L. Hyde.

May 25, a second call was made. This time for 330 recruits for the First regiment, and one battery of light artillery. Battery A of the National Guard—Capt. Harry J. Parks of the



Chaffee Light Artillery; first lieutenant, John G. Locke; second lieutenant, J. C. Exline, of the Chaffee Light Artillery, and 106 men were mustered July 1.

First regiment reached San Francisco May 23, on its way to the Philippines. Royally received by the people of San Francisco. Led to the organization of the Soldiers' Aid Society of Denver. (See Colorado Miscellaneous pamphlets, Vol. 8).

Colorado was well represented at the Trans-Mississippi exposition at Omaha, Neb., in the summer of 1898. Space was secured for exhibits in several departments, as follows: In the horticultural building 2,000 square feet; in the agricultural building 4,000 square feet; in the mining building 4,000 square feet; and in the manufactures and liberal arts building 3,000 square feet. By an act of the legislature authorizing a board of managers Gov. Alva Adams was made president ex-officio. The other members were Anton Ellis, Miss Grace E. Patton, E. F. Bishop, John H. Barrett, Mrs. M. A. Shute, Charles A. Ward and A. T. McDonald, of Denver; C. B. Schmidt and Mrs. A. E. Thayer, of Pueblo; Harry E. Lee, of Ouray; R. E. Goodell, of Leadville; M. L. Allison, of Grand Junction; J. B. Swan, of Loveland; and W. J. Bennett, of Saguache. In the organization of the board A. T. McDonald was elected secretary, Mrs. Shute assistant secretary and E. F. Bishop treasurer. In the appointment of these commissioners a majority of the members were chosen from the city of Denver, for the reason that some exigency might arise that would require prompt action and a quorum, by this arrangement, could be quickly secured. The various sections of the state were well represented, however, leading citizens taking a great interest in the work and co-operating with the board of managers. The result was that the Colorado exhibits ranked among the highest in attractiveness and in the winning of awards.

On Thursday, September 8, the political campaign of 1898 was opened by a fusion convention, composed of Democrats, Populists and Free Silver Republicans, at Colorado Springs. One wing of the Free Silver Republicans was opposed to fusion and a stormy time ensued. The fight began on Wednesday morning, over the question as to which faction should have possession of the opera house, in which the convention was to meet the next day. One wing asked the court to decide which side was entitled to the use of the house but the court declined to entertain the question, and an appeal was made to force of arms to settle the dispute. Over a hundred shots were fired during



the melee, one man being killed and three wounded. The coroner's jury, in its finding at the inquest, incidentally decided that the Teller or fusion wing was entitled to the opera house. The "straight" wing then withdrew from the contest, met in another hall, and nominated the following ticket; For governor, Simon Guggenheim; lieutenant-governor, Ira Bloomfield; secretary, Joseph Millsom; auditor, John A. Wayne; treasurer, Harry Mulnix; attorney-general, H. M. Hogg; superintendent of public instruction, Miss Mayme Marble; regents, E. J. Semple, J. W. Gunnell and J. H. Pershing.

The fusionists met in the opera house and nominated Charles S. Thomas for governor; Francis Carney for lieutenant-governor; Elmer Beckwith for secretary; George W. Temple for auditor; John F. Fesler for treasurer; E. C. Campbell for attorney-general; Helen L. Grenfell for superintendent of public instruction; Harold Thompson and D. M. Richards for regents. The platform reaffirmed the demand for the free and unlimited coinage of silver at the ratio of sixteen to one; declared in favor of Cuban independence, and the retention of all other territory taken by the American forces in the war with Spain; and urged the necessity of a reform in the state tax laws.

The Republicans held their state convention on September 15. Henry R. Wolcott was nominated for governor; Charles E. Noble for lieutenant-governor; W. H. Brisbane for secretary of state; George S. Adams for auditor; Frederick O. Root for treasurer; C. C. Goodale for attorney-general; Mrs. Lucy E. R. Scott for superintendent of public instruction; H. B. Gamble, L. C. Greenlee, and Mrs. Jennie G. Caswell for regents of the state university. The two following resolutions were the principal declarations in the platform adopted by the convention: 1st, "In the future, as in the past, Republicans who represent Colorado at the national capital will be found working for the restoration of silver." 2d, "We are unqualifiedly in favor of keeping forever in place the American flag wherever it has been unfurled to the breeze, whether as a result of conquest or peaceable agreement." The fusion ticket was elected by large majorities in November. The vote for governor was 94,274 for Thomas to 50,880 for Wolcott.

Charles Spalding Thomas, the eleventh state governor of Colorado, was born at Darien, Ga., December 6, 1849, but in his boyhood he removed with his parents to Michigan. He attended the university of that state and graduated with honors from the law department. Soon after graduating he went to Denver, Col.,



and afterward to Leadville, where he practiced law for a time. Returning to Denver he finally became the head of the law firm of Thomas, Bryant & Lee. The firm soon acquired a high standing at the Colorado bar, won a large clientage and practiced in all the state and federal courts. For twelve years he was the Colorado member of the Democratic national committee, and took a prominent part in several campaigns as a public speaker. Since retiring from the governors' office he has devoted himself to his large law practice.

In 1899 a general agitation in favor of tax reform was inaugurated. Governor Thomas, in his inaugural address, stated as his opinion that the taxable property of the state was worth six hundred million dollars, yet it was valued at only two hundred million dollars for tax purposes, and pronounced such a condition as "a libel on the State." In his report the state auditor said: "Notwithstanding the large increase in population and rapid accumulation of wealth in the last few years, which are the pride of every citizen of the State, the value of the taxable property of the State, as returned by the assessors, has fallen off from two hundred thirty-eight million seven hundred twenty-two thousand four hundred seventeen dollars in 1893, to one hundred ninety-two million three hundred twenty-four thousand and eighty dollars in 1898. . . . Assuming that the value of the taxable property in the State is not greater than in 1893, this indicates a loss to the general revenue of one hundred four thousand seven hundred ninety-three dollars, and to each of the educational and charitable institutions of the State of over nine thousand dollars annually."

The report was referred to a committee of the legislature of 1899, which met on January 4, but nothing was done in the way of tax legislation at that session. While it was in session a tax reform convention was held at Colorado Springs, and the following resolution was unanimously adopted: "*Resolved*, That it is the sense of this convention that such immediate action as may be constitutional should be taken by the Legislature at its present session which shall require of the State Board of Equalization the exercise of a supervisory function over the several counties: shall further, if possible, provide some form of appeal by the several counties from the decisions of said board to the proper courts of the State of Colorado." At the next session, in 1901, a thorough revision of the tax laws was made, placing a heavier burden upon the wealthy corporations of the state, and correspondingly relieving many individual taxpayers who had





previously been the victims of an unjust discrimination in the matter of assessments. Since that time the tax laws of Colorado have been regarded as being among the most equitable of the country. During the session of 1899, Lieut. Gov. Francis Carney presided over the deliberations of the senate and W. G. Smith was speaker of the house. In 1901 the presiding officer of the senate was Lieut. Gov. D. C. Coates, and the speaker was B. F. Montgomery. Two counties were created by the session of 1901, viz.: Adams and South Arapahoe.

In August, 1899, a fire at Victor destroyed about two million dollars' worth of property. The town had been built during the boom days of 1893, the buildings were chiefly constructed of pine lumber in the most flimsy manner, and the people were powerless to stay the progress of the flames. Immediately after the fire the work of rebuilding was begun and the new town of Victor was of a more substantial character.

Early in the year 1900 a new educational institution, the first of its kind in the world, was opened in the Shenandoah valley about four hundred miles southeast of Denver. It was called the "National Rough Riders' Military Academy." Gen. E. V. Sumner was placed in charge, with Lieut. E. S. Farrow as the principal instructor. The institution sprang at once into popularity, and numerous applications for admission were filed. Among the students were graduates of Yale and Harvard and about fifty came from England. The course of study included rough riding, scouting, deciphering trails, reading Indian signs, etc. The cost of attendance was fixed at five hundred dollars a year, which included horse, clothing, and board, but all applicants for admission were required to pass the regular United States army examination.

In October, 1900, the capitol building was pronounced finished. It was begun in 1886 and the corner stone was laid on July 4, 1890. The building was constructed of Colorado granite, at a cost of about three million dollars, and stands on a site that was donated by Henry C. Brown. The dome rises 256 feet above the sidewalk below, and from the statue on the top the Rocky mountains can be seen for many miles. On a clear day Long's Peak, eighty miles to the northwest, and Pike's Peak, one hundred miles to the south, are clearly visible.

During the year 1900 several cases of mob rule occurred. In January four convicts, led by a man named Thomas Reynolds, murdered the night guard, Capt. W. M. Rooney, and escaped from the penitentiary. Reynolds was pursued and captured near



Florence. While his captors were returning with him in a wagon to the prison, a mob at Cañon City overpowered the guards and hanged Reynolds to a convenient tree. In May, a negro assaulted and murdered two little girls at Pueblo. An indignant populace did not wait for the law to take its course but, as soon as the negro was apprehended, took the law in their own hands and meted out summary punishment by hanging the culprit. A similar case happened in November. A negro named Preston Porter outraged and murdered a little girl near Limon, Lincoln county. He was pursued and captured by a mob, taken to the scene of his crime and burned at the stake, the little girl's father applying the match. The press of the country denounced the burning, but it is a significant fact that no similar crime has been committed in that section of the country since.

Five state tickets were nominated in the campaign of 1900. Again the Democrats, Populists and the Free Silver Republicans united in the selection of a ticket. James B. Orman was nominated for governor; D. C. Coates for lieutenant governor; D. A. Mills for secretary of state; C. W. Crouter for auditor; J. N. Chipley for treasurer; C. C. Post for attorney general; Helen L. Grenfell for superintendent of public instruction; R. W. Steele for justice of the supreme court; W. H. Bryant and F. E. Kendrick for regents. The Republicans nominated F. C. Goudy for governor; P. S. Rider for lieutenant-governor; J. W. Millsom for secretary; J. S. Murphy for auditor; O. Adams, Jr., for treasurer; R. T. Yeaman for attorney general; Ione T. Hanna for superintendent of public instruction; G. C. Bartels for justice of the supreme court; C. R. Dudley and W. A. Packard for regents. The Prohibition ticket was as follows: For governor, J. R. Wylee; lieutenant governor, T. C. Chamberlain; secretary, Mary L. Henderson; auditor, Joseph Harvey; treasurer, W. H. McClure; attorney general, James Miller; superintendent, Elizabeth Smith; justice of the supreme court, F. I. Willsea; regents, W. E. Tetzels and B. D. Sanborn. The Social Democratic ticket was headed by S. B. Hutchinson, and the Social Labor ticket by D. C. Copley. A Union Labor ticket was nominated but was afterward withdrawn.

The vote for president was as follows: Bryan, Democrat, 122,733; McKinley, Republican, 93,072; Woolley, Prohibitionist, 3,970; Debs, Social Democrat, 654; Barker, Populist, 387; Maloney, Social Labor, 700. For governor, Orman received 121,995 votes; Goudy, 93,215; Wylee, 3,786; Copley, 694, and



Hutchinson, 642. An amendment to the constitution, giving the legislature the power to propose six amendments at one time, instead of only one, was adopted. The legislature of 1901 consisted of 52 Democrats, 21 Silver Republicans, 15 Populists, and 12 Republicans. The session of this legislature began on the 2d of January, 1901. Thomas M. Patterson, Democrat, was elected United States senator to succeed Edward O. Wolcott. Besides the acts already mentioned the thirteenth assembly established a state normal school at Gunnison, and made an appropriation of twenty thousand dollars for an exhibit at the St. Louis exposition in 1904.

James B. Orman, thirteenth governor of Colorado, was born in Muscatine, Ia., November 4, 1849. His primary education was obtained in the public schools of Chicago. In 1866 he went to Colorado. When the era of railway building opened in 1869, in company with an elder brother he took a contract on the Kansas Pacific railroad between Sheridan and Denver. From this time forward his fame as a railway builder extended over the entire field of railway construction in Colorado and neighboring states. Mr. Orman was identified with nearly all the railways that have been constructed in the West. He was an extensive owner of real estate in Pueblo, where he erected several of the finest buildings in that city, including his residence at a cost of about fifty thousand dollars in one of its suburbs. He was one of the organizers of the South Pueblo National bank (later changed to the Central National) created in 1881, and for a time was engaged in stock growing, and various lines of manufacturing. His administration of the executive office was in most respects acceptable to the people of the state. On retiring from public office he immediately resumed his profession of railway building, taking large contracts on what is known as the Moffat Short line from Denver to Salt Lake City.

Senator Thomas M. Patterson was born in the county of Carlow, Ireland, November 4, 1840. In his childhood he came with his parents to America. The family located in Indiana, where Thomas attended the common schools, DePauw university and Wabash college. Though he did not graduate, he acquired a good practical education and took up the study of law. Soon after being admitted to the bar he went to Denver and opened an office. In 1874 he was city attorney of Denver, and from 1875 to 1876 was the delegate in congress from the Territory of Colorado. Upon the admission of Colorado into the Union, he was nominated for representative to the forty fourth and



forty-fifth congress, but was defeated for the unexpired term of the forty-fourth congress by J. B. Belford. He was nominated for the forty-fifth congress, and a long contest followed in which Patterson finally won, Belford being unseated in December, 1877. In 1890 Mr. Patterson purchased the *Rocky Mountain News*, of which he was the editor at the time of his election to the senate. For many years before he had been prominent in politics as a delegate to national conventions, and in 1896 was one of the presidential electors on the Democratic ticket.

About the middle of July, 1901, a game warden found a man fishing in the Grand Mesa lakes, in Delta county, without having first obtained the proprietor's permission. In the altercation that followed the warden's order to leave the premises, the trespasser was shot and killed. On the 17th the friends of the murdered man gathered in considerable numbers about the hotel and demanded that the warden be turned over to them. Upon being refused, they became desperate and fired the hotel, which, with several other buildings, was burned to the ground. The warden was afterward convicted of manslaughter.

In 1902 the Democrats made Henry M. Teller their candidate. Although prior to the renomination of William McKinley at St. Louis he had been a Republican, he left the National convention in which he was a delegate, opposing the financial policy of the party, and thereafter acted and voted with the Democrats. Ex-Senator Edward O. Wolcott, Republican, came into the field as a candidate for Teller's place in the senate, but the opposition to him in his own party was so pronounced no majority could be obtained for him in the legislature. Although several other Republicans were named it was impossible to secure sufficient votes for any one of them to elect. As the result of a protracted contest, the anti-Wolcott members in order to end the strife united with the Democrats and thereby elected Mr. Teller.

At the election in 1902 the Republicans carried the state, electing their entire ticket, which was as follows: Governor, James H. Peabody; lieutenant governor, W. A. Haggott; secretary of state, James Cowie; auditor, John A. Holmberg; treasurer, Whitney Newton; attorney-general, N. C. Miller; superintendent of public instruction, Helen L. Grenfell. Six state tickets were in the field, the vote for governor being as follows: Peabody, Republican, 87,512; Stimson, Democrat, 80,217; Reinhardt, Prohibitionist, 4,022; Provost, Socialist, 7,562; Knight, Social Labor, 1,432; Owens, Populist, 6,554.





James H. Peabody, fourteenth governor of Colorado, was born August 21, 1852, in Orange county, Vt. His earlier years were passed upon a farm, working during the summer months and attending district school in winter. He went to Colorado in October, 1872, locating in Denver, where he was employed as a clerk in dry goods stores for two years. In February, 1875, he settled in Canon City, Fremont county, where he soon engaged in mercantile business on his own account. After eleven years he retired from trade to engage in banking, as president of the First National Bank of that place. He was twice elected mayor of the city. In 1902 he was nominated for governor by the Republican party, and elected by a considerable majority. This was the first important political campaign in which he had ever been engaged. Well educated, a thorough business man, of honest, upright character, he is held in high esteem by his fellow citizens.



## CHAPTER VI

## Comments and Statistics

JUST one hundred years after the old bell in the tower of Independence Hall, in Philadelphia, rang out its tidings of liberty to the American colonies, Colorado, "The Centennial State," came into the Union as the thirty-eighth state of the American federation. The territory comprising the State of Colorado was acquired by the United States from three different sources. That portion lying north of the Arkansas river and east of the Great Divide was a part of the territory ceded by France, by means of the Louisiana Purchase, in 1803. West and south of this, extending to the Rio Grande del Norte and a line drawn due north from the source of that river, the territory came into possession of the United States by the annexation of Texas, in 1845, while the extreme western and southwestern portions were obtained from Mexico by the treaty of Guadalupe Hidalgo in 1848.

At the time the last acquisition was made, and for ten years afterward, the whole state was one unbroken wilderness. The discovery of gold, in 1858, brought the pioneers of civilization, and three years later the territory of Colorado was organized, with the same boundaries that mark the state today. These boundaries enclose an area of one hundred and three thousand nine hundred and twenty-five square miles, which makes Colorado the fifth largest state in the Union, being exceeded only by Texas, California, Montana and Nevada.

To the average man the mention of Colorado brings the suggestion of gold and silver mining. It is true that the mining interests of Colorado exceed those of any other state. She produces one-third of the gold and silver output of the United States.



Rich veins of coal underlie one-fourth of the state, while in various sections are to be found large bodies of iron ores, the greatest being in Routt, Saguache, Park, Chaffee, Las Animas and Gunnison counties. But there are other, and perhaps richer, resources than those of the mines. The soil is of such a composition, and the different elevations offer such climatic conditions, that almost any kind of crops can be successfully grown. While the farmer in most of the other states of the Union must be dependent upon the natural rainfall for his supply of moisture, not so with the farmer of Colorado. Late in the spring and during the early summer there is a rainy season that is of great benefit to the farms and pastures, but the farmer does not rely upon these to mature his crops. Irrigation has been reduced to a scientific basis in Colorado. In 1900 there were in successful operation more than ten thousand miles of irrigating ditches, moistening and fertilizing the soil of millions of acres, thus rendering certain the production of standard crops year after year.

As a fruit growing state Colorado is destined to rank second only to California. Some idea of the progress in this direction may be gained from the fact that in 1892 there were shipped into the city of Denver one thousand one hundred car loads of California fruit, for local consumption and distribution, while in 1900 the orchards and vineyards of Colorado supplied not only the local demand but yielded hundreds of tons of choice fruits for shipment outside the state. Besides the mining, agricultural and horticultural interests the live stock industry is one of considerable magnitude. All over the broad plains of Eastern Colorado and in the mountain parks the "cattle king" still finds a range, and thousands of cattle are annually shipped to eastern markets. Manufacturing is also carried on extensively, Denver and Pueblo being the manufacturing centers. The state is divided into sixty counties. A little study of the following tables will show the movements of population and progress of settlement since the organization of the territory in 1861.



TABLE SHOWING THE POPULATION OF COLORADO, BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE 1870.

Counties.	1870.	1880.	1890.	1900.
Arapahoe	6,829	38,644	132,135	153,017
Archuleta			826	2,117
Baca			1,479	759
Bent	592	1,654	1,313	3,049
Boulder	1,939	9,723	14,022	21,544
Chaffee		6,512	6,612	7,085
Cheyenne			534	501
Clear Creek	1,596	7,823	7,184	7,082
Conejos	2,504	5,605	7,193	8,794
Costilla	1,799	2,879	3,491	4,632
Custer		8,080	2,970	2,937
Delta			2,534	5,487
Dolores			1,498	1,134
Douglas	1,388	2,486	3,006	3,120
Eagle			3,725	3,603
Elbert		1,708	1,856	3,101
El Paso	987	7,949	21,239	31,602
Fremont	1,061	4,735	9,156	15,636
Garfield			4,478	5,835
Gilpin	5,490	6,489	5,887	6,690
Grand		417	601	741
Greenwood	510			
Gunnison		8,235	4,359	5,331
Hinsdale		1,487	862	1,608
Huerfano	2,250	4,124	6,882	8,395
Jefferson	2,350	9,801	8,450	9,806
Kiowa			1,243	701
Kit Carson			2,472	1,580
Lake	522	23,590	11,603	18,054
La Plata		1,110	5,509	7,016
Larimer	832	4,892	9,712	12,168
Las Animas	4,275	8,903	17,208	21,842
Lincoln			689	926
Logan			3,070	3,292
Mesa			4,260	9,267
Mineral				1,913
Montezuma			1,529	3,058
Montrose			3,980	4,455
Morgan			1,601	3,268
Otero			4,192	11,522
Ouray		2,269	6,510	4,731
Park	417	3,970	3,518	2,998
Phillips			2,642	1,583
Pitkin			8,929	7,020
Prowers			1,929	3,766
Pueblo	2,295	7,017	31,491	39,448
Rio Blanco			1,360	1,690
Rio Grande		140	2,369	3,661
Routt		1,914	3,451	4,480
Saguache	301	1,933	3,313	5,853
San Juan		1,087	1,572	2,312
San Miguel			2,009	5,379
Sedgwick			1,293	971
Summit	258	5,459	1,906	2,744
Teller				29,002
Washington			2,301	1,241
Weld	1,636	5,616	11,736	16,808
Yuma			2,536	1,729
Total	39,861	194,327	412,198	539,700





TABLE SHOWING THE DATE OF ESTABLISHMENT OF EACH COUNTY IN COLORADO AND THE PRESENT COUNTY SEAT.

Counties.	Organized.	County seat.
Adams.....	Apr. 15, 1901	.....
Arapahoe.....	Nov. 1, 1861	Denver
Archuleta.....	Apr. 11, 1885	Pagosa Springs.
Baca.....	Apr. 16, 1889	Springfield.
Bent.....	Nov. 1, 1861	Las Animas.
Boulder.....	Nov. 1, 1861	Boulder.
Carbonate.....	Feb. 8, 1879	.....
Chaffee.....	Feb. 10, 1879	Buena Vista.
Cheyenne.....	Mar. 25, 1889	Cheyenne Wells.
Clear Creek.....	Nov. 1, 1861	Georgetown.
Conchos.....	Nov. 7, 1864	Conchos.
Costilla.....	Nov. 1, 1861	San Luis.
Custer.....	Mar. 9, 1877	Silver Cliff.
Delta.....	Feb. 11, 1883	Delta.
Dolores.....	Feb. 19, 1881	Hico.
Douglas.....	Nov. 1, 1861	Castle Rock.
Earle.....	Feb. 11, 1883	Red Cliff.
Elbert.....	Feb. 2, 1884	Kiowa.
El Paso.....	Nov. 1, 1861	Colorado Springs.
Fremont.....	Nov. 1, 1861	Canon City.
Garfield.....	Feb. 10, 1884	Glenwood Springs.
Gilpin.....	Nov. 1, 1861	Central City.
Grand.....	Feb. 2, 1871	Sulphur Springs.
Greenwood.....	Feb. 11, 1870	.....
Gunnison.....	Mar. 9, 1877	Gunnison.
Guadalupe.....	Nov. 1, 1861	.....
Hinsdale.....	Feb. 10, 1874	Lake City.
Huerfano.....	Nov. 1, 1861	Walsenburg.
Jefferson.....	Nov. 1, 1861	Golden.
Kiowa.....	Apr. 11, 1889	Sheridan Lake.
Kit Carson.....	Apr. 11, 1889	Burlington.
Lake.....	Nov. 1, 1861	Leadville.
La Plata.....	Feb. 10, 1874	Durango.
Larimer.....	Nov. 1, 1861	Fort Collins.
Las Animas.....	Feb. 9, 1866	Trinidad.
Lincoln.....	Apr. 11, 1889	Hugo.
Logan.....	Feb. 25, 1885	Sterling.
Mesa.....	Feb. 11, 1883	Grand Junction.
Mineral.....	Mar. 27, 1885	Creeds.
Montezuma.....	Apr. 16, 1880	Cortez.
Montrose.....	Feb. 11, 1883	Montrose.
Morgan.....	Feb. 19, 1889	Fort Morgan.
Otero.....	Mar. 25, 1889	La Junta.
Ouray.....	Jan. 18, 1877	Ouray.
Park.....	Nov. 1, 1861	Fair Play.
Phillips.....	Mar. 27, 1889	Holyoke.
Pitkin.....	Feb. 23, 1881	Aspen.
Platte.....	Feb. 9, 1872	.....
Prowers.....	Apr. 11, 1889	Lamar.
Pueblo.....	Nov. 1, 1861	Pueblo.
Rio Blanco.....	Mar. 25, 1889	Meeker.
Rio Grande.....	Feb. 10, 1874	Del Norte.
Routt.....	Jan. 29, 1877	Hahn's Peak.
Saguache.....	Dec. 29, 1866	Saguache.
San Juan.....	Jan. 31, 1876	Silverton.
San Miguel.....	Mar. 2, 1883	Telluride.
Sedgwick.....	Apr. 9, 1889	Julesburg.
Summit.....	Nov. 1, 1861	Breckenridge.
South Arapahoe.....	Apr. 15, 1901	.....
Teller.....	Mar. 23, 1890	Cripple Creek.
Uncompahgre.....	Feb. 25, 1885	.....
Washington.....	Feb. 9, 1887	Akron.
Weld.....	Nov. 1, 1861	Greeley.
Yuma.....	Mar. 17, 1889	Yuma

NOTE—The counties of Carbonate, Greenwood, Guadalupe, Platte and Uncompahgre, have either been absorbed by the formation of other counties or the names have been changed.



Colorado has been fortunate in having for her officials men of ability and probity. From the earliest organization of the territory to the present time there have been no defalcations, nor no malfeasance, of any kind, in office that is worthy of special notice. Following is a list of the principal territorial and elective state officers, with the date of their appointment or election:

Governors of the Territory: William Gilpin, 1861; John Evans, 1862; A. Cummings, 1865; A. C. Hunt, 1867; Edward M. McCook, 1869; S. H. Elbert, 1873; Edward M. McCook, 1874; John L. Routt, 1875.

Territorial Secretaries: Lewis L. Weld, 1861; Samuel H. Elbert, 1862; Frank Hall, 1866; John W. Jenkins, 1874; John Taffe, 1875.

Chief Justices: Benjamin F. Hall, 1861; Stephen S. Harding, 1863; Moses Hallett, 1866. (Judge Hallett served until the admission of the state in 1876.)

Associate Justices: C. L. Armour and S. N. Pettis, 1861; A. A. Bradford, 1862; Charles F. Holly, 1865; William H. Gale, 1865; William R. Gorsline, 1866; C. S. Eyster, 1866; James B. Belford, 1870; E. T. Wells, 1871; A. W. Brazee, 1875; A. W. Stone, 1875.

United States Attorneys: William L. Stoughton, 1861; James E. Dalliba, 1861; Samuel E. Browne, 1862; George W. Chamberlain, 1865; Henry C. Thatcher, 1868; Lewis C. Rockwell, 1869; H. C. Allenan, 1873; C. D. Bradley, 1875.

Governors of the State: John L. Routt, 1876; F. W. Pitkin, 1878; James B. Grant, 1882; Benjamin H. Eaton, 1884; Alva Adams, 1886; Job A. Cooper, 1888; John L. Routt, 1890; Davis H. Waite, 1892; Albert W. McIntire, 1894; Alva Adams, 1896; Charles S. Thomas, 1898; James B. Orman, 1900; James H. Peabody, 1902.

Lieutenant-Governors: Lafayette Head, 1876; H. A. W. Tabor, 1878; William Meyer, 1882; P. W. Breene, 1884; N. H. Meldrum, 1886; W. G. Smith, 1888; W. W. Story, 1890; D. H. Nichols, 1892; Jared L. Brush, 1894; Jared L. Brush, 1896; Francis Carney, 1898; David C. Coates, 1900; W. A. Haggott, 1902.

Secretaries of State: William M. Clark, 1876; N. H. Meldrum, 1878; Melvin Edwards, 1882; James Rice, 1886; Edwin J. Eaton, 1890; N. O. McClees, 1892; A. B. McGaffey, 1894; C. H. S. Whipple, 1896; Elmer Beckwith, 1898; D. A. Mills, 1900; James Cowie, 1902.

Auditors: David C. Crawford, 1876; E. K. Stimson, 1878;



Joseph A. Davis, 1880; John C. Abbott, 1882; H. A. Spruance, 1884; D. P. Kingsley, 1886; L. B. Schwanbeck, 1888; John M. Henderson, 1890; F. M. Goodykoontz, 1892; C. C. Parks, 1894; John W. Lowell, 1896; George W. Temple, 1898; C. W. Cronter, 1900; J. A. Holmberg, 1902.

Treasurers: George C. Corning, 1876; N. S. Culver, 1878; W. C. Sanders, 1880; Frederick Walsen, 1882; George R. Swallow, 1884; P. W. Breene, 1886; W. H. Brisbane, 1888; John S. Fesler, 1890; Albert Nance, 1892; Harry E. Mulnix, 1894; George W. Kephart, 1896; John F. Fenter, 1898; J. N. Chipley, 1900; Whitney Newton, 1902.

Attorneys-General: Archibald J. Sampson, 1876; C. W. Wright, 1878; D. F. Urmy, 1882; Theo. H. Thomas, 1884; Alvin Marsh, 1886; Samuel W. Jones, 1888; Joseph H. Maupin, 1890; Eugene Engley, 1892; Byron L. Carr, 1894; E. C. Campbell, 1898; C. C. Post, 1900; N. C. Miller, 1902.

Superintendents of Public Instruction: Joseph C. Shattuck, 1876; L. S. Cornell, 1884; Frederick Dick, 1888; Nathan B. Coy, 1890; James F. Murray, 1892; Mrs. A. J. Peavey, 1894; Grace E. Patton, 1896; Helen L. Grenfell, 1898-1900-1902.

Chief Justices of the Supreme Court: Henry C. Thatcher, 1876; S. H. Elbert, 1879; William E. Beck, 1883; Joseph C. Helm, 1888; Charles D. Hayt, 1892; John Campbell, 1898-1902.

Associate Justices: S. H. Elbert, 1876; E. T. Wells, 1876 (resigned in September, 1877, and Wilbur F. Stone was elected to fill the vacancy); William E. Beck, 1878; Joseph C. Helm, 1880; S. H. Elbert, 1884; M. B. Gerry, 1888 (elected to fill a vacancy caused by Judge Elbert's resignation); Victor A. Elliott, 1890; Charles D. Hayt, 1890; Joseph C. Helm, 1892 (resigned in December, 1902, and L. M. Goddard appointed); John Campbell, 1894; William H. Gabbert, 1898; R. W. Steele, 1900.

United States Senators: J. B. Chaffee, 1877; Nathaniel P. Hill, 1879; Henry M. Teller, 1877; Thomas M. Brown, 1883 (for the long term); H. A. W. Tabor, 1883 (for the short term); Edward O. Wolcott, 1889; Thomas M. Patterson, 1901. Senator Teller resigned before the expiration of his first term to accept a position in President Arthur's cabinet. He succeeded Senator Hill in 1885 and was re-elected in 1891, 1897, and 1903. Senator Wolcott served two terms.

The educational system of Colorado is unsurpassed. By the grant of two sections of land in each township, more than three million acres of fine mineral and agricultural lands became the property of the state, the proceeds from the sale of which formed



the basis of a permanent fund for the endowment of the common schools. During the first fifteen years of statehood Colorado expended more than a million dollars a year in the maintenance of her common schools alone. Ample provision has been made for higher education in the establishment of the State university, at Boulder; the Agricultural college, at Fort Collins; the School of Mines, at Golden; and the State Normal school at Greeley. Besides these institutions, all of which are supported at the public expense, there are several private colleges controlled and supported by various religious denominations. The schools of Denver rank as high in the comprehensiveness of the course of study and the character of the teachers employed as those of any city in the country. Her school buildings are architectural models. Several of the ward buildings cost from sixty thousand to seventy-five thousand dollars each, and her magnificent high school building was erected at a cost of three hundred and twenty-five thousand dollars. What is true of Denver is true, in a lesser degree, of every city and town in the state. The people believe in education, and proceed on the theory that money spent for the maintenance of educational institutions is more than saved by the reduction of criminal and pauper expenses.

The growth and development of Colorado have been phenomenal. Within the memory of many now living the transformation, from a trackless wilderness to one of the really great states of the American republic, has taken place. Before the skill and industry of the husbandman desert lands have disappeared, and what was once considered an uninhabitable region is now dotted over with happy and prosperous homes. Towns and cities have sprung up as at the touch of the magician's wand; herds of cattle have taken the places of the herds of buffalo that once roamed over the arid wastes; the railway has superseded the Indian trail; the smoke from the factory chimney is now seen instead of the smoke from the council fire, and civilization has supplanted savagery. That first straggling settlement, made in the late autumn of 1858, at the mouth of Cherry creek, has grown into the beautiful and progressive city of Denver, the capital, metropolis, and principal railroad center of the state. Located, as it is, fifteen miles from the base of the Rocky mountains, upon a broad plateau five thousand three hundred and seventy-five feet above the sea, it commands an open view of the broad plains to the east which justly entitles it to the name of the "Queen City of the Plains." Its population in 1900 was 133,859, which did not include the population of several suburbs that were really part of the city.





The other large cities are Pueblo, with a population of 28,157; Colorado Springs, with 21,085; Leadville, with 12,455; and Cripple Creek, with 10,147. Then there are Florence, Boulder, Fort Collins, Central City, Aspen, Idaho Springs, Victor, Ouray, Greeley, Rocky Ford, Grand Junction, Salida, and a number of others that, while they do not number their population with five figures, are all thriving towns.

A few years ago an editorial writer on one of the Denver papers drew the following pen picture of the state that, in the light of subsequent events, seems almost prophetic: "We stand almost on the threshold of a new century. The work of nearly four decades looms up against the background of the past, clear and distinct, even as you have seen the mountain peaks outlined against the amber light of evening. Soon a new century will dawn. Beyond the veil which hides the future I see a great state rising into prominence—far famed for her wealth of natural resources, for her industries as varied as human skill, for her commerce penetrating all portions of the continent, for her laws in which are reflected the intelligence, the justice, the humanity of her people. Firm as the granite bases of her mountains are the foundations of her social and industrial systems. Down deep beneath the peak and mountain range sturdy men are mining for precious ore, for iron and for coal; at heated furnaces they stand, pouring out the molten streams of metal; at loom and spindle and forge they are fashioning the crude material into articles of use and commerce. Across the plain, through the valleys, threading narrow canons, clinging to the precipitous cliffs, surmounting dangerous mountain passes are shining rails of steel which carry the travel and traffic of an enterprising, prosperous and industrious people. Highly cultivated and productive farms and gardens and orchards lend to the landscape an air of thrift and beauty, and illustrate the beneficent results of an intelligent system of irrigation. Everywhere within her broad domain exist the evidences of a refined, cultured, progressive civilization. This is the Colorado of the future, which shall be peerless among commonwealths, the renown of whose prosperity shall fill the whole earth, and whose proud people shall sway the destinies of the republic even to the remotest generation."









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