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KANSAS
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ARTICLE VII.—*Slavery.*

SECTION 1. The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same, and as inviolable as the right of the owner of any property whatever.

SEC. 2. The legislature shall have no power to pass laws for the emancipation of slaves without the consent of the owners, or without paying the owners previous to their emancipation a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to the State from bringing with them such persons as are deemed slaves by the laws of any one of the United States or

Lecompton Constitution

Kansas a slave state. The *New York Times* reported that "many of the old border ruffian chiefs" controlled the Kansas Democratic Party. The *Lawrence Republican* added, "The Democratic party is the tool of the slave power."²⁰ Contrary to Republican views, however, not all Democrats were champions of slavery.

In spite of the continuing slavery debate, the institution had little future in Kansas following the failure of the English bill in 1858. Referring to the English bill, the *Fort Scott Democrat* reported: "As a practical question, the alternative of slavery or no slavery have [sic] been decided."²¹ Nevertheless the issue continued to divide the Democratic Party.

One of the most noticeable divisions existed between supporters of President James Buchanan and fellow Democrat senator Stephen A. Douglas. Southern Democrats naturally sided with Buchanan's sympathetic view toward slavery in Kansas, while Northern "Douglas" Democrats, committed to the principles of popular sovereignty, generally supported the freestaters because they were clearly in the majority by this point in time. But not all Democrats neatly fit into either the Buchanan or Douglas camp. Membership of the

Southern Democrats also was graded, running from those who were somewhat sympathetic to slavery to those who fervently called for Kansas to become a slave state.²² On the other hand, Northern Democrats generally preferred free-state politics but opposed radical abolitionism and supported

the "doctrine of 'non-interference' with slavery" in Kansas while it remained a territory.²³ Southern Democrats, however, successfully enlisted many Northern Democrats by convincingly equating "the principles of the Republican party . . . with Abolitionism." When abolitionists began identifying themselves with the Republican Party, it became easier for the Southern Democrats to obtain support from their Northern Democratic associates. Fear of the Republican brand of Northern politics in essence served as a glue to bring Northern and Southern Democrats together.²⁴

When considering that the Wyandotte Constitution was largely the creation of Republican politics, it is not difficult to understand why Southern Democrats and their Northern Democratic supporters opposed the document. In recognition of this position, the *Emporia News* suggested that anyone who was "a fierce opposer [sic] of the Wyandotte Constitution" had previously been "an ardent supporter of the

22. Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997), 200; T.F. Robley, *History of Bourbon County, Kansas, To the Close of 1865* (Fort Scott, Kans.: 1894), 52; H. M'Bride Pridgen, *Address to the People of Texas, On the Protection of Slave Property* (Austin: John Marshall and Co., 1858), 6, 8.

23. *Proceedings of the Massachusetts National Democratic Convention* (Boston: Boston Post, 1860), 59.

24. *Liberator* (Boston), September 16, 1859; Joel H. Silbey, "The Surge of Republican Power: Partisan Antipathy, American Social Conflict, and the Coming of the Civil War," in *Essays on American Antebellum Politics, 1840-1860*, ed. Stephen E. Maizlish and John J. Kushma (College Station: Texas A&M Press, 1982), 212; James Brewer Stewart, *Holy Warriors: The Abolitionists and American Slavery*, rev. ed. (New York: Hill and Wang, 1996), 178.

20. SenGupta, *For God and Mammon*, 137; Rosetta B. Hastings, *Personal Recollections of Pardee Butler* (Cincinnati: Standard Publishing Co., 1889), 51; *Topeka Daily Capital*, February 12, 1897; *Emporia News*, September 3, 1859, June 16, 1860; *New York Times*, September 10, 1859; *Lawrence Republican*, July 21, 1859.

21. *Fort Scott Democrat*, September 16, 1858.

Lecompton Constitution." The *Lawrence Republican* added that the "pro-slavery spirit" in Kansas comprised the most "bitter opposition" to the constitution. Following the failure of the Lecompton Constitution, however, most Southern Democrats realized the folly in attempting to make Kansas a bastion for slavery and instead worked with Northern Democrats in an effort simply to save "the State from the despotism of Abolitionists and Black Republicans."²⁵

Republican voters comprised a small majority in Kansas Territory as evidenced by the November 1859 election for delegate to Congress.²⁶ Organized in May 1859 and referred to by the Republican National Convention in 1860 as "one of the strongest and best united organizations in the Republican party," the Kansas Republican Party superseded the largely defunct Free State Party. In assuming the antislavery banner, the Republicans were viewed as "emphatically a Northern party."²⁷

Isolated from the North, however, the Kansas Republican leadership complained in September 1859 that the party had difficulty obtaining "material aid" from its Northern "friends."²⁸ And despite the ap-

25. *Emporia News*, September 10, 1859; *Lawrence Republican*, September 22, 1859; *Kansas State Rights: An Appeal to the Democracy of the South, By a Southern State-Rights Democrat* (Washington, D.C.: Henry Polkinhorn, 1857), 31. The term "Black Republicans" was a label used by pro-Southern Democrats to describe Republicans.

26. Republican candidate Marcus J. Parrott received 9,708 votes (57 percent) and Sanders W. Johnson received 7,232 votes, for a total of 16,940 votes cast in the election. See *Election Returns—Delegates to Congress, November 8, 1859, Abstracts*, Executive Department, Kansas Territory, Library and Archives Division, Kansas State Historical Society.

27. *Proceedings of the Republican National Convention, Held at Chicago, May 16, 17 and 18, 1860* (n.p., n.d.), 53; Wendell Holmes Stephenson, *The Political Career of General James H. Lane*, vol. 3, *Publications of the Kansas State Historical Society* (Topeka: Kansas State Printing Plant, 1930), 59; W.C. Simons, "Lawrence Newspapers in Territorial Days," *Kansas Historical Collections, 1926–1928* 17 (1928): 334; F.G. De Fontaine, *History of American Abolitionism: Its Four Great Epochs* (New York: D. Appleton and Co., 1861), 39.

28. John A. Martin to J.M. Winchell, September 7, 1859, box 1859, Constitutions Collection—Wyandotte, Library and Archives Division,

BILL OF RIGHTS.—ARTICLE I.

SEC. 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

SEC. 6. There shall be no slavery in this State, nor involuntary servitude, unless for the punishment of crime.

SEC. 21. No indenture of any negro or mulatto, made and executed out of the bounds of the State, shall be valid within the State.

Topeka Constitution

pearance of harmony, friction between moderate free-state and abolitionist elements left the Kansas Republicans somewhat divided. The *Lawrence Herald of Freedom* reported "dissatisfaction with the Wyandott [sic] Constitution," and added that "Conservative Republicans are quite as much opposed to it as the Democrats" because they believed the document favored only a minority of the Republican leadership. The *Wyandotte Weekly Western Argus* summarized this minority position by stating that when the Topeka Constitution was presented in 1855, "there were scarcely as many inhabitants as there will be of office-holders under the Wyandotte Constitution." Calling upon both Republicans and Democrats, the *Herald of Freedom* announced a planned "Mass Convention of all those opposed to the Wyandott [sic] Constitution . . . to be held at Olathe."²⁹

As the referendum approached in the autumn of 1859, Kansas voters were expected to cast their ballots from within the large expanse of Kansas Territory, extending from the Missouri border to the Rocky Mountains and from Nebraska Territory

Kansas State Historical Society (hereafter cited as Constitutions Collection—Wyandotte).

29. *Freedom's Champion*, October 29, 1859; Sen Gupta, *For God and Mammon*, 137–38; *National Anti-Slavery Standard* (New York), September 10, 1859; Kenneth M. Stampp, *America in 1857: A Nation on the Brink* (New York: Oxford University Press, 1990), 136; *Weekly Western Argus* (Wyandotte), December 17, 1859; *Herald of Freedom*, August 20, 1859.

TABLE 1
COUNTY TOTALS BASED ON THE PRECINCT RETURNS
ON THE WYANDOTTE CONSTITUTION REFERENDUM

County	Votes For	Votes Against
Allen	244	159
Anderson	266	80
Arapahoe	—	—
Atchison	684	581
Bourbon	464	256
Breckenridge	545	26
Brown	269	103
Butler	27	1
Chase	86	14
Clay	—	—
Coffey	430	121
Davis	25	121
Dickinson	—	—
Doniphan	743	630
Dorn	—	—
Douglas	1,442	383
Franklin	301	111
Godfrey	—	—
Greenwood	34	16
Hunter	14	0
Jackson	224	170
Jefferson	392	354
Johnson	373	377
Leavenworth	1,143	1,088
Linn	549	157
Lykins	492	295
Madison	82	4
Marshall	1	81
McGee	—	—
Morris	25	50
Nemaha	200	44
Osage	44	0
Pottawatomie	93	68
Riley	296	128
Shawnee	671	109
Wabaunsee	110	14
Wilson	—	—
Wyandotte	274	205
Woodson	—	—
TOTAL	10,543	5,746

to Indian Territory. However, meager plans had been made to ensure widespread voter participation from this vast area. These poorly laid plans led to confusion about how the referendum should be conducted and raised questions that echoed the political controversies of previous constitutional referendums.

One of the first questions surrounding the Wyandotte referendum centered on where to send the voter tallies. Just before the October 1859 vote the county canvassing boards received conflicting directives from the Democratic-led Kansas government and the Republican-led Wyandotte Constitutional Convention. The territorial legislature ordered the counties to send the tallies to the Democratic-held governor's office in Leecompton. The legislative directive was based on the statutes of Kansas Territory, which required that counties send their voter tallies "to the Governor of the Territory." The leaders of the Republican-dominated convention, however, instructed county officials to return the tallies to the convention officers at Topeka. While the statutes allowed the convention to "prescribe" the "manner and form" of the "direct vote of the qualified electors," the convention had no independent authority to direct where the referendum results should be sent. Lacking this authority, however, did not prevent the Republicans from attempting to use the instructions to gain support for the Wyandotte Constitution. John A. Martin, one of the primary Republican leaders to emerge from the convention, even attempted to "secure [Governor Samuel] Medary's co-operation in issuing the proclamation," which could have enticed the Democrats to join the Republicans in supporting the constitution.³⁰ Martin's effort failed, however, and the two conflicting proclamations were presented to local election officials.

Thus the stage was set for a controversial struggle over the outcome of another constitutional referen-

30. *Kansas Chief*, September 22, 1859; *Emporia News*, September 24, 1859; *Lawrence Republican*, September 22, 1859; "Constitution and State Government for State of Kansas: An Act Providing for the Formation of a Constitution and State Government for the State of Kansas," *Kansas Territory General Laws* (1859), 31; John A. Martin to J.M. Winchell, September 7, 1859, Constitutions Collection—Wyandotte.

dum. Noting the seriousness of the situation, the *Fort Scott Democrat* reported:

We published last week, two proclamations—one issued by Hugh S. Walsh, Secretary and acting Governor of the Territory of Kansas; the other by J[ames].M. Winchell and John A. Martin, President and Secretary, of the Constitutional Convention. Both of these Proclamations have direct reference to the coming election on the adoption of the Constitution framed at Wyandott [sic]. . . . The former says that "a certified abstract of the returns of the election must be transmitted, within ten days after the canvass of votes, by the hands of a sworn officer, to the Governor of the Territory at Leecompton;" the latter, that they must be transmitted "to the President of the Constitutional Convention at Topeka.["]

Thus it will be seen that these proclamations are directly antagonistic . . . and it remains for our officers to decide which they will obey.³¹

Attempts were made to explain the existence of one proclamation or the other. For example, while publishing only the proclamation from Winchell and Martin, the *Wyandotte Commercial Gazette* reported that Governor Medary was unable to address the issue because he was absent from the territory.³²

Once these conflicting sets of instructions were made public, the Republicans suggested that the governor's proclamation might be used to influence the outcome of the referendum. Samuel C. Pomeroy, chairman of the Republican Central Committee, charged the Democratic-dominated governor's office with "disregarding the provision of the Wyandotte Constitution which directs that the returns of the vote upon the Constitution be made to J.M. Winchell, President of the Convention, at Topeka."³³ Republicans feared that if a question arose about the referendum's validity, the Democratic-dominated Congress, which had protected Southern interests in Kansas, might throw out the antislavery constitution.

On October 4, 1859, with the problem of the two proclamations unresolved, voters went to the polls. Voter turnout was not as great as expected by some

31. *Fort Scott Democrat*, September 29, 1859.

32. *Commercial Gazette* (Wyandotte), October 1, 1859.

33. *Emporia News*, September 24, 1859.

TABLE 2
GOVERNOR'S PROCLAMATION ON THE RESULTS OF
THE WYANDOTTE CONSTITUTION REFERENDUM

County	Votes For	Votes Against
Allen	244	159
Anderson	266	80
Arapahoe	—	—
Atchison	684	581
Bourbon	464	256
Breckenridge	545	26
Brown	269	103
Butler	27	1
Chase	—	—
Clay	—	—
Coffey	434	121
Davis	—	—
Dickinson	—	—
Doniphan	743	630
Dorn	—	—
Douglas	1,442	383
Franklin	301	111
Godfrey	—	—
Greenwood	34	16
Hunter	—	—
Jackson	224	170
Jefferson	392	354
Johnson	373	377
Leavenworth	1,143	1,088
Linn	549	157
Lykins	492	295
Madison	82	4
Marshall	—	—
McGee	—	—
Morris	25	50
Nemaha	200	44
Osage	44	0
Pottawatomie	93	68
Riley	296	128
Shawnee	671	109
Wabaunsee	110	14
Wilson	—	—
Wyandotte	274	205
Woodson	—	—
TOTAL	10,421	5,530

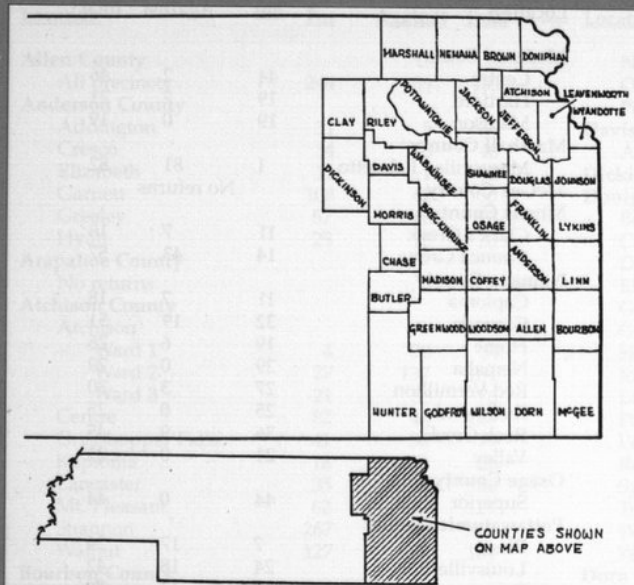
TABLE 3
PRECINCT RETURNS FROM THE WYANDOTTE CONSTITUTION REFERENDUM*

Location	For	Against	Total	Location	For	Against	Total
Allen County				Neosho	46	15	61
All precincts	244	159	403	Ottumwa	71	8	79
Anderson County				Pottawatomie	18	3	21
Addington	31	5	36	Davis County			
Cresco	34	6	40	All Precincts	25	121	146
Elizabeth	11	1	12	Dickinson County		No Returns	
Garnett	108	42	150	Doniphan County			
Greeley	57	16	73	Bellemont	4	65	69
Hyatt	25	10	35	Columbia City	103	34	137
Arapahoe County				Doniphan City	42	105	147
No returns				Elwood	131	6	137
Atchison County				Geary City	48	17	65
Atchison				Gilmore	12	16	28
Ward 1	4	30	34	Highland	37	32	69
Ward 2	27	137	164	Iowa Point	74	138	212
Ward 3	21	55	76	Lafayette	6	18	24
Centre	82	46	128	Palermo	56	27	83
Grasshopper Falls	41	38	79	Petersburgh	23	0	23
Kapioma	18	10	28	Ross Stone	13	6	19
Lancaster	35	45	80	Syracuse	45	23	68
Mt. Pleasant	62	67	129	Troy	64	76	140
Shannon	267	96	363	Wathena	27	49	76
Walnut	127	57	184	White Cloud	58	18	76
Bourbon County				Dorn County		No returns	
Drywood	52	38	90	Douglas County			
Franklin	57	17	74	Big Springs	43	7	50
Freedom	70	6	76	Black Jack	63	1	64
Marion	29	39	68	Blanton	70	4	74
Marmaton	81	16	97	Clinton	200	43	243
Osage	47	0	47	Coal Creek	40	0	40
Scott (Ft. Scott)	46	112	158	Eudora	82	7	89
Timber Hill	82	28	110	Lawrence	602	65	667
Breckenridge County				Lecompton	59	196	255
Agnes City	30	5	35	Marion	46	27	73
Americus	84	5	89	Palmyra	137	9	146
Cahola	21	0	21	Willow Springs	100	24	124
Cottonwood	75	2	77	Franklin County			
Emporia	172	4	176	Centropolis	78	50	128
Forest Hill	60	1	61	Ohio	46	22	68
Fremont	54	0	54	Ottawa	50	2	52
Waterloo	49	9	58	Peoria City	24	14	38
Brown County				Peoria Township	40	19	59
Claytonville	57	62	119	Pottawatomie	63	4	67
Irving	125	10	135	Godfrey (Godfrey) County		No Returns	
Lochrane (Lochlane)	27	24	51	Greenwood County			
Walnut Creek	60	7	67	All precincts	34	16	50
Butler County				Hunter County			
Chelsea	27	1	28	El Dorado	14	0	14
Chase County				Jackson County			
All Precincts	86	14	100	Douglas Township			
Clay County		No returns		Cedar Creek	26	8	34
Coffey County				Point Pleasant	29	8	37
Avon	90	18	108	Rochester	43	17	60
Burlington	92	1	93	Franklin Township			
California	44	10	54	Holton	28	99	127
LeRoy	69	66	135				

TABLE 3 (CONT'D.)

Location	For	Against	Total	Location	For	Against	Total
Jefferson Township				Madison County			
Groomer Creek	38	0	38	Centre	44	2	46
New Brighton	34	20	54	Hartford	19	2	21
Soldier Creek	26	18	44	Madison	19	0	19
Jefferson County				Marshall County			
Grasshopper Falls	113	57	170	Marysville- Palmetto	1	81	82
Jefferson	47	68	115	McGee County	No returns		
Kaw	12	19	31	Morris County			
Kentucky	14	91	105	Clark's Creek	11	7	18
Osawkee	33	45	78	Council Grove	14	43	57
Oskaloosa	120	70	190	Nemaha County			
Rock Creek	53	4	57	Capioma	11	7	18
Johnson County				Granada	32	19	51
Aubrey	18	28	46	Home	19	6	25
Gardner	60	17	77	Nemaha	29	0	29
Lexington	46	42	88	Red Vermillion	27	3	30
McCamish	75	23	98	Richmond	25	0	25
Monticello	1	55	56	Rock Creek	36	9	45
Olathe	67	81	148	Valley	21	0	21
Oxford	9	27	36	Osage County			
Shawnee	65	84	149	Superior	44	0	44
Spring Hill	32	20	52	Pottawatomie County			
Leavenworth County				Blue	7	17	24
Alexandria	44	55	99	Louisville	24	18	42
Delaware	63	70	133	Pottawatomie	18	12	30
Easton	43	85	128	Saint George	34	17	51
Kickapoo Township				Shannon	10	4	14
Kickapoo City	8	81	89	Riley County			
Widow Cody	35	35	70	Freemont	17	3	20
Leavenworth City				Indiana	19	1	20
Ward 1	215	210	425	Junction City	58	40	98
Ward 2	384	226	610	Kent	10	0	10
Ward 3	188	117	305	Madison	5	15	20
Ward 4	116	120	236	Manhattan	144	45	189
Stranger	47	89	136	Ogden	43	24	67
Linn County				Shawnee County			
Centerville	61	24	85	Auburn	144	12	156
Liberty	22	0	22	Tecumseh	116	59	175
Mound City	172	20	192	Topeka	304	0	304
Paris	90	82	172	Unidentified			
Potosi	86	7	93	Precinct(s)	107	38	145
Scott	71	15	86	Wabaunsee County			
Valley	47	9	56	Alma	31	3	34
Lykins County				Wabaunsee	49	8	57
Miami	33	21	54	Wilmington	30	3	33
Middle Creek	13	29	42	Wilson County	No returns		
Mound	27	2	29	Wyandotte County			
Osage	46	43	89	Quindaro	64	62	126
Osawatomie	185	2	187	Wyandotte	210	143	353
Paola	52	85	137	Woodson County	No returns		
Richland	15	24	39				
St. Marysville	21	43	64				
Stanton	66	19	85				
Sugar Creek	23	13	36				
Wea	11	14	25				

* Based on Election Returns—Wyandotte; W.H. Jenkins to John A. Martin, October 7, 1859, Election Returns; *Kansas State Record*, November 5, 1859; *Herald of Freedom*, October 8, 15, 1859; *Kansas Press*, October 10, 31, 1859; *Emporia News*, October 8, 15, 1859.



Kansas territorial counties

poll watchers. As a result the *Fort Scott Democrat* reported that the constitution passed "more by default than otherwise."³⁴ On November 1, 1859, Governor Medary declared the final official vote on the Wyandotte Constitution to be 10,421 votes in favor and 5,530 votes against the constitutional question, for a total of 15,951 official votes cast in the referendum.³⁵ Based on the governor's proclamation, 35 percent of the voters opposed the Wyandotte Constitution. While a variety of issues influenced some voters to oppose the document, the most notable opposition to the constitution can be attributed to pro-Southern

sympathies. For example, several of the old proslavery settlements, such as Kickapoo and Easton, rejected the constitution. Delaware Township, which had instructed its Wyandotte Constitutional Convention delegate to support a proslavery clause at the convention, overwhelmingly rejected the document at the polls. In fact, Leavenworth County, which only two years later provided some support for the Confederacy, reported that half of its precincts rejected the constitution. Morris County, which was reported by the *Topeka Kansas Press* to have held "no Republicans" in 1859, joined Johnson County as one of only two counties to have officially rejected the constitution.³⁶ These communities, however, serve to illustrate only a portion of the pro-Southern political opposition to the Wyandotte Constitution.

Table 1, which shows that only twenty-seven of the thirty-nine existing counties participated in the referendum, illustrates that a significant number of counties were excluded from the referendum. Governor Medary did not report any voter returns from twelve counties, not including the newly formed Rocky Mountain counties.³⁷ Prior to the governor's proclamation (Table 2), however, at least five newspapers published the returns from four of the missing counties. These counties include Chase, Davis, Hunter, and Marshall. Chase and Hunter Counties reportedly approved the Wyandotte Constitution, while Davis and Marshall Counties

34. Appendix to the *Congressional Globe*, 36th Cong., 1st sess., 1860, 213; *Herald of Freedom*, October 8, 1859; *Missouri Republican* (St. Louis), October 6, 1859; *New York Daily Tribune*, November 3, 1859; *Fort Scott Democrat*, October 13, 1859; *Kansas National Democrat* (Leocompton), October 13, 1859. A census taken in 1859 reported that the number of eligible voters in Kansas Territory exceeded twenty thousand. See *Kansas Territory Council Journal*, Special Session, 1860, 136-40.

35. Election Returns—Adoption of Wyandotte Constitution, October 4, 1859, Executive Department, Kansas Territory, Library and Archives Division, Kansas State Historical Society (hereafter cited as Election Returns—Wyandotte); *Kansas Press* (Council Grove), November 28, 1859; *Freedom's Champion*, November 5, 1859; *Kansas State Record* (Topeka), November 5, 1859; *Herald of Freedom*, November 5, 1859; *Emporia News*, November 12, 1859; *Kansas National Democrat*, November 3, 1859.

36. Election Returns—Wyandotte; Cutler and Andreas, *History of the State of Kansas*, 1:419; *Leavenworth Daily Conservative*, July 18, 1861; William H. Mackey, "Looking Backwards," *Kansas Historical Collections*, 1907-1908 10 (1908): 645; Spring, *Kansas: The Prelude to the War for the Union*, 28; *Kansas Press*, April 16, 1860.

37. Arapahoe County, which comprised much of the eastern half of present-day Colorado, was one of the largest and least populated counties to be excluded from the referendum on the Wyandotte Constitution. In 1859 the territorial legislature transformed the Rocky Mountain portion of Arapahoe County into the new counties of Broderick, El Paso, Fremont, Montana, and Oro. See George W. Martin, "The Boundary Lines of Kansas," *Kansas Historical Collections*, 1909-1910 11 (1910): 61. The composition of counties and county names in 1859 is significantly different than the county makeup today. For a discussion on the county makeup in 1859, see Helen G. Gill, "The Establishment of Counties in Kansas," *Kansas Historical Collections*, 1903-1904 8 (1904): 451-52.

were reported to have rejected the document.³⁸ Davis and Marshall Counties present intriguing examples of how some pro-Southern political opposition to the constitution was excluded (Table 3).

The view that pro-Southern politics was largely responsible for the rejection of the Wyandotte Constitution by Davis County voters is supported by the territorial history of the county. Although Davis County settlers represented a mix of political views, Junction City, the county seat, was home to a number of pro-Southern settlers. Even as late as 1860, according to the *Emporia News*, Junction City held the reputation as unwavering in its support of the proslavery Lecompton Constitution. Having been named in honor of Secretary of War Jefferson Davis, later the president of the Confederate States of America, Davis County maintained a characteristic pro-Southern population until the Civil War. For example, in 1861 the forced removal of a pro-Confederate flag that flew over Junction City resulted in a civil disturbance and the departure of some residents for the Confederacy.³⁹

Marshall County presents one of the clearest examples of how pro-Southern politics influenced opposition to the Wyandotte Constitution. Newspaper reports that Marshall County voters rejected this constitution are substantiated by a letter from W.H. Jenkins, a county election officer. On October 7, 1859, Jenkins wrote from Palmetto that the county's returns were being sent by Deputy Sheriff Otis D. Prentis to territorial officials. While the results of the vote were not included in the letter, Marysville was identified as the only precinct in the county that participated in

the referendum. Jenkins also reported that the "Black Republicans" returned only one vote in the referendum. The use of the term "Black Republicans" in describing supporters of the Wyandotte Constitution clearly suggests that Jenkins was a Southern Democrat. The pro-Southern tone of the letter corresponds to the fact that both Jenkins and Prentis helped found the proslavery Palmetto community, which adjoined Marysville. As a result of comparing the October 15, 1859, *Herald of Freedom* report of a majority of eighty votes having been cast against the constitution with the letter from Jenkins, Marshall County appears to have received one vote for the Wyandotte Constitution and eighty-one votes against the document. Such an overwhelming rejection of a pro-Northern constitution should not be surprising considering that pro-Southern candidates in Marshall County elections typically received broad voter support.

Pro-Southern influence continued into the early 1860s as evidenced by the *Topeka Kansas State Record*, which in 1861 reported "from reliable sources" that "the citizens of Marysville and Marshall County have seceded from the Union."⁴⁰ One of the last opposition voices was extinguished in 1862 when Union soldiers destroyed the *Marysville Gazette*, a pro-Southern newspaper.⁴¹

The exclusion of such counties as Marshall from official participation in the referendum partly resulted from the competitive struggle between the Republicans and Democrats. This competition interfered with Lecompton's ability to properly conduct and accurately report the results of the referendum. One example of how this struggle resulted in a less-than-flawless referendum can be seen with the official

38. *Herald of Freedom*, October 15, 1859; *Emporia News*, October 8, 15, 1859; *Kansas Press*, October 10, 31, 1859; *Kansas National Democrat*, October 13, 1859; *Elwood Free Press*, October 22, 1859. Chase County returned 86 votes for the constitution and 14 votes against the document. Davis County (later Geary County) returned 25 votes for the constitution and 121 votes against the document. Hunter County returned 14 votes for the constitution and 0 votes against the document; Hunter County later became Cowley County and much of Butler County, as well as fringe areas of Sumner, Sedgwick, Greenwood, Elk, and Chautauqua Counties. Marshall County returned 1 vote for the constitution and 81 votes against the document.

39. Cutler and Andreas, *History of the State of Kansas*, 2:1001, 1006; George W. Martin, "The George Smith Memorial Library," *Kansas Historical Collections*, 1913–1914 13 (1915): 405; *Emporia News*, March 3, 1860.

40. W.H. Jenkins to John A. Martin, October 7, 1859, Election Returns, box 11, Executive Department, Territory of Kansas, Library and Archives Division, Kansas State Historical Society (hereafter cited as Election Returns); *Herald of Freedom*, October 15, 1859; D.W. Wilder, *The Annals of Kansas* (Topeka: Kansas Publishing House, 1886), 213; Cutler and Andreas, *History of the State of Kansas*, 2:917; *Kansas State Record*, January 5, 1861; "Extinct Geographical Locations," *Kansas Historical Collections*, 1911–1912 12 (1912): 485.

41. *Wyandotte Gazette*, August 23, 1862; *Big Blue Union* (Marysville), August 23, 1862. The *Marysville Gazette*, which was also known as the *Constitutional Gazetteer*, was founded in 1862 by P.H. Peters. See Emma E. Forter, *History of Marshall County: Its People, Industries and Institutions* (Indianapolis: B.F. Bowen and Co., 1917), 417.

Coffey County vote. When comparing the governor's official report with the Coffey County Board of Canvassers report, it is clear that the governor's office overreported the Coffey County vote for the Wyandotte Constitution by four votes. Although the difference of four votes would not have changed the referendum's outcome, such a problem illustrates the failure of the opposing political leadership to cooperate in catching such a mistake. The Republican versus Democratic competition also influenced the local level. For example, the Lecompton *Kansas National Democrat* accused Republican election officials in Lawrence of soliciting a "fraudulent" pro-Wyandotte Constitution vote from a business traveler and suggested that other "such votes" might have been "put into the ballot boxes in the Territory."⁴²

The cost of the suspicion that existed between the Republican leadership and the moderately pro-Southern governor's office also can be seen in the outcome of having two competing proclamations. When it came time to send in the voter tallies from the referendum, some county officials attempted to circumvent the political conflict by sending one set of returns to Lecompton and another set to James Winchell and John Martin in Topeka. Other county officials made their decision about where to send the returns based on their political sympathies. For example, although Lecompton was generally recognized as the "capital of the Territory," pro-Northern Kansans resented Lecompton as "the strength and virulence of the pro-slavery rule in Kansas." As a result, some Republican county officials chose to send their county returns to Winchell and Martin, who represented the pro-Northern future of Kansas.⁴³

Upon the completion of the Wyandotte referendum, Winchell and Martin took their set of voter re-

turns to Lecompton for the purpose of "comparing them" with the returns received by Governor Medary. In a letter to Winchell, however, Medary complained about the brevity of the meeting, stating, "You and Mr. Martin were only present here on Monday week about two hours and that time was occupied in opening the poll books returned to this office and comparing them with a table of returns you brought with you."⁴⁴ The brevity of this meeting is significant when considering that the final report was in error regarding the Coffey County returns, nearly one-third of the counties were absent from the official results, and all returns were handwritten and failed to follow a common format. The Doniphan County returns even included changes and crossed-out lines that switched the columns reporting the tallies, thereby changing the Doniphan County returns.⁴⁵ It is unknown whether the returns were altered by Doniphan County officials or modified as a result of comparing the two sets of returns in Lecompton.

The existence of two opposing sets of returns opened the distinct possibility that the list of counties and tallies would not match and might even heighten distrust between the Democrats and Republicans. Indeed, there is reason to believe that the list of counties contained in the two sets of returns differed. This is based on correspondence between various officials that highlights the problem of having two sets of conflicting proclamations. For example, in an attempt to ensure that the anti-Wyandotte Constitution majority vote from Marshall County was counted, Jenkins commenced to have the county returns sent to both Martin and Medary. Jenkins sent "by special messenger the sealed official vote for Marshall County" to Martin. However, Jenkins pointed out in a letter to Martin, "The Probate Judge expect's [sic] that his [returns] may not [be] issued until I reach Le Compton [sic] as he is at present absent from the County."⁴⁶ Ev-

42. Election Returns—Wyandotte; *Kansas National Democrat*, October 13, 1859.

43. Shalor Winchell Eldridge, *Recollections of Early Days in Kansas*, vol. 2, *Publications of the Kansas State Historical Society* (Topeka: Kansas State Printing Plant, 1920), 134; Robert W. Johannsen, "The Lecompton Constitutional Convention: An Analysis of Its Membership," *Kansas Historical Quarterly* 23 (Autumn 1957): 231; Andrew Stark, ed., *Kansas Annual Register for the Year 1864* (Leavenworth: State Agricultural Society, 1864), 144.

44. Samuel Medary to J.M. Winchell, November 9, 1859, Wyandotte Constitutional folder, box 5, Correspondence and Miscellaneous Documents, Executive Department, Kansas Territory, Library and Archives Division, Kansas State Historical Society (hereafter cited as Wyandotte Correspondence).

45. Election Returns—Wyandotte.

46. W.H. Jenkins to John A. Martin, October 7, 1859, Election Returns.



idently Jenkins viewed the returns to be sent to Lecompton as the legal set of returns that required the judge's signature. Since the Marshall County returns were not included in the governor's proclamation, it is apparent that the probate judge was unsuccessful in sending the Marshall County returns to Lecompton. It is unknown whether Martin actually received the returns that Jenkins dispatched to him.

Leavenworth County serves as another example of plans to send separate returns to both Lecompton and Topeka. In a letter to Winchell Leavenworth County Clerk H.C. Fields wrote that the "County Board of Supervision" was composed of Democrats, who sent the returns only to the governor's office in Lecompton. As a result, Fields added in his letter to Winchell, "I took it upon myself to make a copy and sent it to you."⁴⁷

Similarly, because of his affiliation with the Republican Party, J.H. Signor, the Allen County clerk, sent his county's returns to Winchell and Martin. Signor stated that the Allen County returns were being sent by U.S. mail because no one could be found to deliver them. Regarding this unofficial method for delivering the returns, Signor wrote to Winchell and Martin, "I have no particular fear that they will be thrown out because of informality by you, but the other Board of Canvassers may." Presumably the "other" board refers to the governor's office. The reason for Signor's decision to send the returns to Winchell and Martin instead of to Lecompton becomes clear in the closing sentence of his letter when he proudly reports that Allen County is "thoroughly & permanently Republican."⁴⁸ Since the Allen County returns were reported by Lecompton, Medary appears to have accepted the tallies.

Efforts to comply with the dueling instructions on where to send the tallies resulted in some returns being received late or never being received. Many other potential votes were lost due to a variety of reasons stemming from the longstanding pro-Northern

versus pro-Southern political struggle and the resulting poor planning by all factions. This included voter apathy arising from the seemingly endless series of antislavery versus proslavery constitutional referendums, the exclusion of selected "deficient" votes by some county canvassing boards, and little or no attempt to conduct the referendum in some counties because territorial officials and political party leaders failed to cooperate in establishing canvassing boards.⁴⁹ The failure to include some of the more remote counties in the referendum is particularly noticeable. Following the referendum the *Herald of Freedom* questioned whether the "Western Territory" had even been allowed to vote. Actually, many voters in the Rocky Mountain counties of Kansas Territory wanted nothing to do with the pro-Southern versus pro-Northern political struggle or the Wyandotte referendum, since any such participation would "tie ourselves to the tail of 'bleeding Kansas.'"⁵⁰

Disregarding the absence of a number of counties, the Republicans proclaimed a victory with the passage of the Wyandotte Constitution. With this victory in place, the free-state majority finally saw its vision for Kansas begin to unfold. This burgeoning pro-Northern vision also was recognized among pro-Southern Kansans, including the few remaining Kansas slaveowners. Even though the passage of the antislavery Wyandotte Constitution did not immediately end slavery in Kansas, concern about the future status of slavery resulted in some slaves being removed from the territory. Seemingly in response to the Wyandotte referendum, for example, one Jefferson County slaveowner removed all twenty-seven of his slaves to Texas in late 1859.⁵¹

Following the referendum the Wyandotte Constitution became a document in limbo, awaiting con-

49. Robert Morris Peck, "Recollections of Early Times in Kansas Territory," *Kansas Historical Collections*, 1903-1904 8 (1904): 506; *Kansas Territory Council Journal*, 1860, 24; *Kansas Territory House Journal*, 1860, 15-16, 426.

50. *Arkansas State Gazette* (Little Rock), October 1, 1859; *Herald of Freedom*, October 29, 1859; *Lawrence Republican*, August 11, 1859; Geo. M. Willing to Lewis Cass, December 28, 1859, no. 1, Colorado series, State Department Territorial Papers, microfilm M3, National Archives, Washington, D.C.; *Rocky Mountain News* (Denver), October 27, 1859.

51. Charles Estabrook Cory, "Slavery in Kansas," *Kansas Historical Collections*, 1901-1902 7 (1902): 241.

47. H.C. Fields to J.M. Winchell, October 28, 1859, *ibid.*

48. J.H. Signor to J.M. Winchell and John A. Martin, October 25, 1859, *ibid.*

REPORT
OF
SENATOR DOUGLAS, OF ILLINOIS,
ON THE
KANSAS-LECOMPTON CONSTITUTION,
FEBRUARY 18, 1858.

Mr. DOUGLAS, from the Committee on Territories, made the following
MINORITY REPORT.

I am constrained to withhold my assent from the conclusion to which the majority of the committee have arrived, for the reason, among other things, that there is no satisfactory evidence that the constitution formed at Lecompton is the act and deed of the people of Kansas, or that it embodies their will. In the absence of all affirmative evidence that the Lecompton constitution does "meet the sense of the people to be affected by it" and in opposition to the overwhelming majority reported

gressional action on admission of Kansas into the Union. However, the failure of Congress to immediately admit Kansas left Republicans fearful that another constitutional convention might be called.⁵² While most supporters of the constitution were anxious to see the document put to use, Southern sympathizers knew that they had much to lose under the document. As a result pro-Southern political efforts to delay or interfere with the implementation of the constitution followed the referendum. Some of the most immediate pro-Southern opposition came from the Cherokee Nation, which was rooted in Southern traditions. Cherokee opposition clearly was more than political rhetoric. With tribe members living in the Neutral Lands, the slaveholding Cherokee Nation had a direct interest in the pro-Northern political success resulting from the Wyandotte referendum.⁵³

Cherokee interests in Kansas faced a serious challenge in 1857 when increasing numbers of illegal

white squatters began appearing in the Neutral Lands. By 1859 a white settlement was thriving in Drywood Township at the northern end of the Neutral Lands and just inside southern Bourbon County. By this time, pro-Northern settlers who had responded to a call by "northern gentlemen to settle upon those Neutral Lands as fast as possible" also were overtaking the early pro-Southern settlement majority.⁵⁴ The Cherokee Nation's concern with the presence of these illegal squatters was particularly borne out in October 1859 when a majority of settlers voting at Drywood cast their ballots in support of the Wyandotte Constitution. Afterward the Cherokee Nation filed a series of complaints with the federal government demanding both the removal of the squatters and prevention of the Neutral Lands from being included in Kansas under the Wyandotte Constitution.⁵⁵

Even though the Neutral Lands squatters acted as legal citizens of Kansas by voting in the referendum, some of them apparently believed they lived in the

tution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839-1851 (Tahlequah: Cherokee Advocate Office, 1852), 149. As reported by George Butler in 1854 and substantiated by the *Drennen Roll*, at least thirty-nine Cherokee families, constituting 113 Cherokees, lived in the Neutral Lands in the early 1850s. Various records show that Cherokee settlers occupied the Neutral Lands until at least the early 1860s. See George Butler to George Manypenny, December 2, 1854, Letters Received, 1824-1881, Cherokee Agency, U.S. Office of Indian Affairs, M234, roll 97, National Archives (hereafter cited as Letters Received); John Drennen, *Drennen Roll of 1852: Citizens of the Cherokee Nation*, Federal Archives and Records Center, Fort Worth, Tex.; Argument of Gen. James Craig, Attorney for the Fort Scott and Gulf Railroad Col., *Relative to Their Title to the Neutral Lands* (Washington, D.C.: Gibson Brothers, 1870), 28; George Butler to Charles W. Dean, January 9, 1856, Letters Received; Moulton, ed., *The Papers of Chief John Ross*, 2:397, 424; Robert Cowart to A.B. Greenwood, September 8, 1860, Letters Received, 1836-1880, roll 99; *Memorial of the Principal Chief and His Associates, Representatives of the Cherokee Nation of Indians*, 36th Cong., 1st sess., May 23, 1860, S. Misc. Doc. 61, serial 1038; Tennessee James, interview by Nannie Lee Burns, May 17, 1937, in Grant Foreman, ed., *Indian Pioneer History Collection* (Oklahoma City: Oklahoma Historical Society, 1978), 5: 407-8; Frank G. Audrain, interview by Nannie Lee Burns, June 2, 1937, in Foreman, *Indian Pioneer History Collection*, 12: 522-23.

54. R.J. Cowart to A.B. Greenwood, November 9, 1860, in *Report of the Commissioner of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, For the Year 1860* (Washington, D.C.: George W. Bowman, 1860), 226-27; Lula Lemmon Brown, *Cherokee Neutral Lands Controversy* (Girard, Kans.: Girard Press, 1931), 7; *Daily Missouri Republican* (St. Louis), October 26, 1854; House, *Cherokee Neutral Lands in Kansas, Minority Report*, 41st Cong., 3d sess., January 13, 1871, H. Rept. 12, serial 1464; Robley, *History of Bourbon County, Kansas*, 154.

55. *Cherokee Neutral Lands in Kansas, Minority Report*, 1, 12; *Memorial of the Principal Chief and His Associates; House, Cherokee Neutral Lands in Kansas*, 41st Cong., 2d sess., April 1, 1870, H. Rept. 53, serial 1437; Election Returns-Wyandotte.

52. Council Grove Press, July 23, 1860.

53. The Neutral Lands, which were alternately known as the "800,000 Acres," were ceded by the United States to the Cherokee Nation in 1835. Cherokee settlement of the Neutral Lands caused the Cherokee Nation to add the area to the Delaware District in 1846. See *Cherokee Advocate* (Tahlequah, C.N.), April 18, 1874; *An Act Annexing a Tract Called 800,000 Acres of Land, to Delaware District, December 1, 1846*, in *The Consti-*

Cherokee Nation and not Kansas. In March 1860 the *Fort Scott Democrat* reported that "'Old Man Hath-away,' who lives on Drywood, near the State Line, has, in order to save himself from being driven off by the Indians . . . married a Cherokee woman." Hath-away was not alone, as other Drywood settlers also married into the Cherokee Nation in order to stay in the Neutral Lands.⁵⁶

Cherokee efforts to remove all Neutral Lands squatters failed, largely due to conflicting political interests among federal officials. Although gaining the support of Democratic senator Albert Gallatin Brown of Mississippi, who became an outspoken ally of the Cherokee Nation in Congress, Cherokee opposition to the inclusion of the Neutral Lands in the "free state" of Kansas would also be unsuccessful.⁵⁷ In focusing on Southern Democratic support in Congress, however, the Cherokee Nation failed to lobby its position among Kansas Democrats. Kansas Democrats also failed to join the Cherokee Nation in challenging Republican political successes, especially concerning the illegal votes cast at Drywood. The Democrats opposing the Wyandotte Constitution might have succeeded in throwing out the pro-Wyandotte majority vote cast at Drywood had they referred to a decision made by acting Governor James W. Denver on February 12, 1858, that determined the territorial government had no "jurisdiction over the Indian country" in Kansas.⁵⁸

The failure of Cherokee efforts to limit the impact of the Wyandotte Constitution upon the Neutral Lands coincided with a similar yet detached political loss among pro-Southern Democrats. As a result the Republicans were left in a favorable position to push ahead with their own agenda of using the Wyandotte Constitution to strengthen their grip on Kansas. The outcome of the referendum heightened the Republican zeal of this vision, prompting their leaders to be-

56. *Fort Scott Democrat*, March 29, 1860; Robley, *History of Bourbon County, Kansas*, 155.

57. *Appendix to the Congressional Globe*, 210.

58. *Kansas Territory House Journal*, 1861, 410-11. An 1871 House committee report stated that despite their illegal status the Neutral Lands squatters both "paid taxes and voted as early as 1859." See *Cherokee Neutral Lands in Kansas, Minority Report*, 12. In accepting tax money from the squatters, some local government officials apparently accepted the illegal Neutral Lands settlers as Kansas residents.

THE
JUST SUPREMACY OF CONGRESS
OVER
THE TERRITORIES:
INTENDED AS AN ANSWER TO
THE HON. STEPHEN A. DOUGLAS,
ON
POPULAR SOVEREIGNTY.
BY GEORGE TICKNOR CURTIS.

have as though they were already in control. For example, ignoring Lecompton, the Republicans continued to make their own proclamations, including the elections of November and December 1859.⁵⁹

Despite the Republican victory found in the passage of the Wyandotte Constitution, the pro-Southern versus pro-Northern political struggle persisted. Recognizing that the political struggle was not settled by the referendum, urgent attempts were initiated either to entrench pro-Northern politics or to protect slavery, the most threatened of Southern institutions in Kansas. Two of these attempts, representing opposing Northern and Southern political interests, occurred within weeks of the Wyandotte referendum.

During the winter of 1859-1860 Senator Albert Gallatin Brown, a longtime defender of Southern political interests in Kansas Territory, worked on a congressional bill called the "Protection of Slave Proper-

59. Samuel Medary to J.M. Winchell, Wyandotte Correspondence; Medary to Winchell, November 9, 1859, *ibid.*

THE ISSUE FAIRLY PRESENTED.

THE SENATE BILL
FOR
THE ADMISSION OF KANSAS AS A STATE.

DEMOCRACY,
LAW, ORDER, AND THE WILL OF THE MAJORITY OF
THE WHOLE PEOPLE OF THE TERRITORY,

AGAINST

BLACK REPUBLICANISM,
USURPATION, REVOLUTION, ANARCHY, AND THE WILL
OF A MEAGRE MINORITY.

PUBLISHED BY ORDER OF THE DEMOCRATIC NATIONAL COMMITTEE.

ty in Kansas." The purpose of the bill was to make it a felony for anyone to interfere with slavery in Kansas or to speak against "the right to hold slaves in the Territory of Kansas." Submitted to Congress on February 23, 1860, the proposed legislation eventually was sent to the Senate Committee on Territories, where it remained until June 11, 1860, when the committee "asked to be discharged from its further consideration."⁶⁰ The refusal of the committee to recommend any action on the proposed bill essentially

60. "Letter from Senator Brown," *Eastern Clarion* (Paulding, Miss.), April 27, 1859; Senate, *An Act to Punish Offences Against Slave Property in the Territory of Kansas*, prepared by Albert Gallatin Brown, 36th Cong., 1st sess., February 23, 1860, S. Rept. 203, serial 1039; *Congressional Globe*, 36th Cong., 1st sess., 1860, 861, 2744; *Annual Report of the American Anti-Slavery Society, By the Executive Committee, For the Year Ending May 1, 1860* (New York: American Anti-Slavery Society, 1861), 6.

purged it from Congress. In response the *Fort Scott Democrat* concluded that the whole affair was irrelevant because Kansas Territory will do "as it pleases" on the slavery question.⁶¹

At the same time that Senator Brown was attempting to deflate the pro-Northern Wyandotte constitutional victory, some members of the Kansas territorial legislature attempted to reinforce the success of the referendum and accelerate the free-state movement by adopting a bill called an "Act to Prohibit Slavery in Kansas." The bill was supported by the "Douglas Democrats" and approved by the Republican majority in the legislature, but Governor Medary vetoed it, stating that "it emanates from a body that has not the essentials necessary to carry it into effect." The veto was largely unpopular except among "that portion of the people of Kansas who swear by the Dred Scott decision."⁶² However, a majority in the legislature overrode Medary's veto, and the bill technically was made law in February 1860. Even though the law had been adopted, it was not generally enforced. The *Kansas National Democrat* pointed out that the law had less to do with abolishing slavery than in furthering pro-Northern "political capital" on the heels of the Wyandotte referendum. The newspaper report added that the territorial legislature had "not provided any penalty for a violation of their law" and suggested that the law was designed to "keep the ultra-Abolitionists in a good humor." The report concluded by stating that "some slaveholders and proslavery" members of the Kansas territorial legislature even supported the bill, hoping it would be adopted so that the Supreme Court would rule it unconstitutional under the Dred Scott decision. In place of the Supreme Court, however, a territorial court ruled that the antislavery law was unconstitutional. This action could not have been a surprise to Republicans or Democrats because some members of the territorial judiciary had earlier stated they would "protect slav-

61. *Fort Scott Democrat*, June 30, 1860.

62. *Kansas Territory House Journal*, 1860, 466; "Kansas," *The Tribune Almanac and Political Register* (New York: Greeley and McElrath, 1860), 34; *Emporia News*, March 10, 1860.



ery" because any "territorial law upon the subject would be null and void."⁶³

Outside Congress pro-Southern Democrats found that the territorial courts of justice served as the best places for airing their grievances with Republicans during the final territorial period. One prominent court case occurred on January 4, 1861, when the district court heard a case argued that involved a runaway named Fanny who was "claimed by Horace Haley as a slave." Haley's efforts to recover Fanny initially had been refused by local authorities on the basis of the 1860 law abolishing slavery. When the case went to court, however, Judge John Pettit ruled in favor of Haley, stating that the "law prohibiting slavery in Kansas was unconstitutional." Pro-Southern Kansas Democrats relied upon decisions of this type to undermine complete Republican control of Kansas Territory. Such efforts were successful, as illustrated by Republican frustration over failing to completely eradicate slavery before statehood. London's *Anti-Slavery Reporter* complained in 1860 that in Kansas, "there has not been any attempt . . . to interfere . . . with the right of the master." Only three days before statehood was granted, the *Kansas State Record* reported that the slavery issue in Kansas was still unresolved and asked, "When shall the end of these things be?"⁶⁴

As the last days of the territorial period faded, however, Kansans holding pro-Southern political sympathies sensed that their influence was seriously threatened. Recognizing this, the governor's office made one last effort to protect slavery. In January 1861, following Governor Medary's resignation, Acting Governor George M. Beebe urged the territorial legislature to repeal the 1860 law abolishing slavery.⁶⁵

63. Senate, *Message From the President of the United States*, 36th Cong., 2d sess., S. Doc. 1, serial 1078; *Fort Scott Democrat*, February 23, 1860; *Nebraska Advertiser* (Brownsville), February 23, 1860; *Kansas National Democrat* (Lecompton), February 9, 1860; *Kansas Press* (Cottonwood Falls), August 29, 1859.

64. *Fort Scott Democrat*, February 2, 1861; *Emporia News*, January 5, 1861; *Anti-Slavery Reporter*, *Under the Sanction of the British and Foreign Anti-Slavery Society* (London), February 1, 1860, 39; *Kansas State Record*, January 26, 1861; Wilder, *The Annals of Kansas*, 307.

65. *Commercial Gazette*, January 19, 1861; *Emporia News*, January 19, 1861; *Kansas Territory House Journal*, 1861, 49.

VETO MESSAGE

OF

GOVERNOR MEDARY,

ON THE

BILL PROHIBITING

SLAVERY IN KANSAS.

EXECUTIVE OFFICE, K. T., }
February 20, 1860. }

To the Honorable, the House of Representatives :

GENTLEMEN :—I have received the Bill entitled "An Act to Prohibit Slavery in Kansas," and not satisfied that it accomplishes what its title imports, I return it, with reasons.

However, Beebe's attempt to protect slavery in Kansas was too late.

By this time the only significant opposition to the antislavery Wyandotte Constitution came from "pro-slavery ruffians" and "members of the old pro-slavery secret order" in southeastern Kansas.⁶⁶ Most earlier Democratic opposition to the constitution had fallen silent as attention diverted to the impending national crisis to be played out in the Civil War. When statehood day arrived on January 29, 1861, Kansas became a free Northern state under the Wyandotte Constitution. Although attaining statehood did not eliminate the remaining pockets of Southern sympathizers in Kansas, the Republican-led state government would show little tolerance for the expression of pro-Southern views. Regarding the most embattled Southern institution, in March 1861 Governor Charles Robinson brushed aside the concern that slaves might still be found in Kansas by stating that any such question would be for "the Judiciary to decide" under the Wyandotte Constitution.⁶⁷ [KH]

66. J.N. Holloway, *History of Kansas from the First Exploration of the Mississippi Valley to Its Admission Into the Union* (Lafayette, Ind.: James, Emmons and Co., 1868), 573; *Commercial Gazette* (Wyandotte), November 24, 1860; *Liberator*, January 4, 1861.

67. *Kansas House Journal*, March 1861, 36.

Medicine for the Military

Dr. George M. Sternberg on the
Kansas Plains, 1866–1870

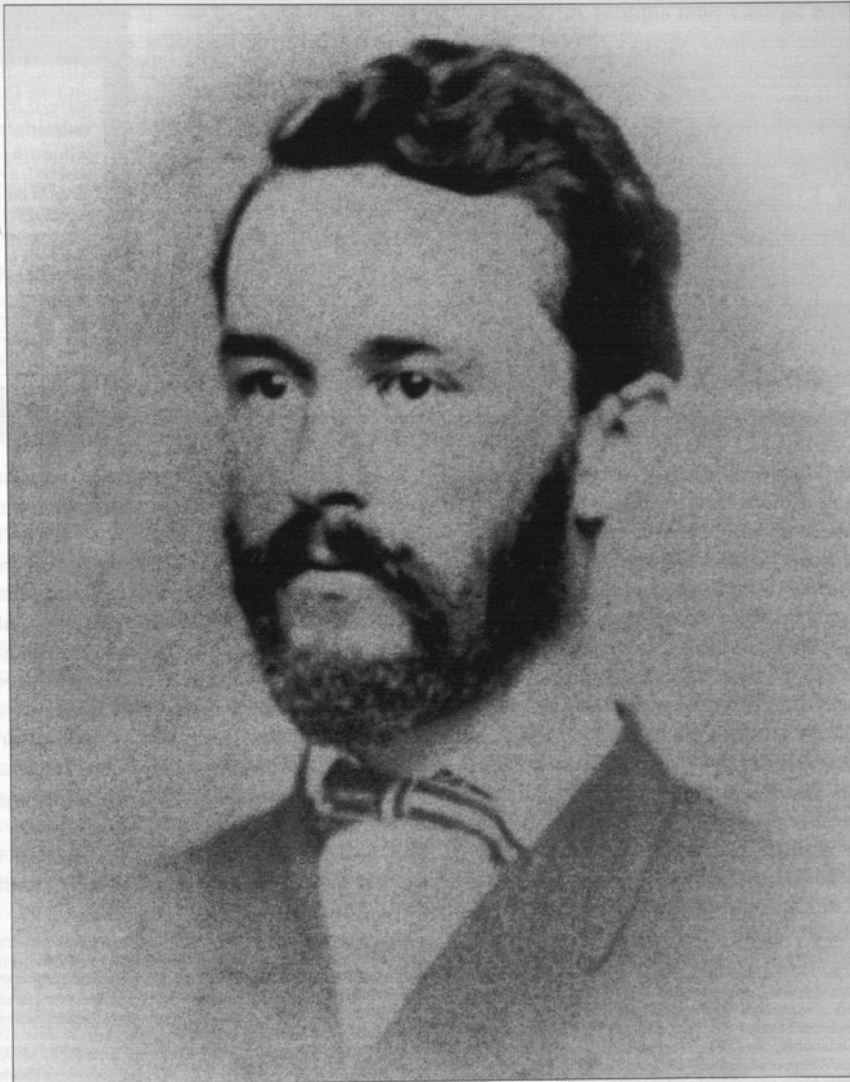
by Stephen C. Craig

With the end of the Civil War in April 1865, service on the western frontier became the focus of the army's postwar mission, specifically the protection of railroad construction parties and settlers as they made their way west. The Military Division of the Missouri, commanded by Major General William T. Sherman, stretched from Canada to Texas and from the Mississippi River to the Rocky Mountains. This vast area encompassed the Great Plains, over which large numbers of emigrants were moving west. Along the way small towns blossomed, stagecoach lines were established, and railroads were constructed. These incursions onto Indian hunting ranges generated fear and rage among the Plains Indian tribes. To safeguard their independence, culture, and ways of life, the tribes would have to fight. The army's strategy was to dot the major emigration arteries with forts. In Kansas these arteries were the Smoky Hill and Santa Fe Trails; along the Smoky Hill route to Denver the government established Forts Riley, Ellsworth (later Harker), Hays, and Wallace.¹

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1. Robert M. Utley, *Frontier Regulars: The United States Army and the Indian 1866–1891* (Lincoln: University of Nebraska Press, 1973), 2, 13, 14, 45, 93, 94; Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (Bloomington: Indiana University Press, 1973), 157–58; William H. Leckie, *The Military Conquest of the Southern Plains* (Norman: University of Oklahoma Press, 1963), 3, 28; Mary C. Gillett, *The Army Medical Department, 1865–1917* (Washington, D.C.: U.S. Army Center for



Dr. George M. Sternberg



In 1866 Dr. George M. Sternberg was ordered to Fort Ellsworth (later Harker), a military outpost on the Smoky Hill Trail, where troops were assigned to protect railroad laborers and travelers on the trail. This view of Fort Harker was taken in 1867.

Fort Ellsworth was situated on the Smoky Hill River floodplain, ninety-three miles southwest of Fort Riley. In the spring of 1866 the garrison, comprising F and D companies, Second Cavalry, and F and L companies, Third Infantry, were assigned to protect laborers of the Union Pacific Railroad, Eastern Division; to guard a number of new stations west of the post; and to provide escort details for stage companies such as the Butterfield Overland Despatch and Wells Fargo. Construction of the new Fort Ellsworth, a mile to the northeast, would begin in the summer. Once the new fort was completed it also would serve as a quartermaster and commissary depot for posts on the Arkansas River and in Colorado and New Mexico.²

Military History, 1995), 63; William T. Sherman, *Memoirs of William T. Sherman*, 4th ed. (New York: Charles L. Webster and Co., 1891), 2: 412, 413. The Military Division of the Missouri comprised the Departments of the Missouri (Missouri, Kansas, Colorado, and New Mexico), the Platte (Iowa, Nebraska, Utah, and parts of Dakota and Montana), Dakota (Minnesota and the remainder of Dakota and Montana), and the Arkansas (Indian Territory, now Oklahoma).

2. John S. Billings, *A Report on Barracks and Hospitals with Descriptions of Military Posts*, Circular No. 4 (Washington, D.C.: Surgeon General's Office, 1870); Post Returns, Fort Harker, Kansas, May 1866, M617, roll 453, National Archives, Washington, D.C. (hereafter cited as Post Returns); William Frank Zornow, *Kansas: A History of the Jayhawk State* (Norman: University of Oklahoma Press, 1957), 137; David K. Clapsaddle, "Conflict and Commerce on the Santa Fe Trail: The Fort Riley-Fort Larned Road, 1860-1867," *Kansas History: A Journal of the Central Plains* 16 (Summer 1993): 133-34; Marvin H. Garfield, "Defense of the Kansas Frontier, 1866-1867," *Kansas Historical Quarterly* 1 (August 1932): 326-44; Robert C. and E. R. Carriker, eds., *An Army Wife on the Frontier: The Memoirs of*

An army medical department constrained by post-Civil War reductions in manpower and funding provided medical services to these forts. The medical department had a fixed strength of 210 medical officers in the rank of major and below available for assignment and more than two hundred forts requiring routine medical services in garrison and medical support while on campaign. Physicians who remained in uniform after the war frequently found themselves moving west to support these operations. One of these was assistant surgeon First Lieutenant George M. Sternberg. In late April 1866 Sternberg accompanied elements of the Third U.S. Infantry from Fort Leavenworth to Fort Ellsworth, Kansas. On arrival the twenty-eight-year-old physician assumed duties as post surgeon.³

Alice Blackwood Baldwin (Salt Lake City: Tanner Trust Fund, 1975), 35; Record of Medical History of Post, Fort Harker, 1865-1872, RG 94, National Archives (hereafter cited as Record of Medical History, Harker). In 1863 the railway was designated the Union Pacific, Eastern Division; in 1869 the name was changed to Kansas Pacific.

3. Gillett, *The Army Medical Department*, 12; Percy M. Ashburn, *A History of the Medical Department of the United States Army* (Boston: Houghton, Mifflin Co., 1929), 89; Harvey E. Brown, *The Medical Department of the United States Army from 1775 to 1873* (Washington, D.C.: Surgeon General's Office, 1873), 244; Special Order No. 89, April 14, 1866, Personal Papers of Medical Officers, box 551 (Sternberg), Records of the Adjutant General's Office, RG 94, National Archives (hereafter cited as Papers of Medical Officers, Sternberg); Personal Report, Sternberg to Surgeon General, April 30, 1866, *ibid.* Sternberg was promoted to captain on May 28, 1866. At the end of the war he had received the honorary "brevet" promotions to captain and major for gallantry in combat, and he therefore wore the rank of and was addressed as major. Although brevet rank had little practical sig-

A native of Otsego County, New York, Sternberg (1838–1915) was descended from devout Lutherans who had immigrated from the German Palatinate. His military medical career was destined to span four decades, and during those years he established himself as a dedicated soldier, competent physician, astute bacteriologist and scientist, progressive educator, and able surgeon general of the army. But in the spring of 1861 Sternberg was engaged in his second unsuccessful medical practice in Elizabeth City, New Jersey. He had attended medical classes at the Western Medical College in Buffalo and at the College of Physicians and Surgeons in New York City, where he received his medical degree in 1860. Although Sternberg had been well trained by physicians such as Willard Parker, Austin Flint, John C. Dalton, Frank H. Hamilton, and Alonzo Clark, he found private practice discouraging.

Sternberg took down his shingle and applied for the army medical board examinations as the country prepared for war. He passed the exams in May, was commissioned a first lieutenant in the regular army, and assigned as surgeon to the Third U.S. Infantry Battalion. Brevetted for intrepid actions at the Battle of First Bull Run and at Gaines Mill and Malvern Hill during the Peninsula Campaign, he later served as assistant medical director for the Department of the Gulf and in army general hospitals. In August 1865 Sternberg was assigned as the post surgeon to the Jefferson Barracks, Missouri, recruiting depot.⁴

Sternberg and his childhood sweetheart, Maria Louisa Russell, daughter of a prominent Coopers-

town, New York, merchant, were married on October 19, 1865. Six months later George received orders to Fort Ellsworth, Kansas. Louisa accompanied her husband to the frontier outpost, but since the housing available at Fort Ellsworth was rudimentary at best, Louisa returned to Cooperstown until new quarters were ready in the spring of 1867.⁵

Although "lonely and disconsolate" for Louisa, George found his time completely occupied with the duties of a frontier soldier and physician. Professionally sterile and generally monotonous, daily duties centered around sick call; inspections of living areas, water supplies, stables, and kitchens; and medical department paperwork. Occasionally work details or military operations away from the post required medical support. Sternberg was assisted in these by civilian contract surgeon (also referred to as acting assistant surgeon) J. A. Sabine, hospital steward John Lamb, and enlisted soldiers temporarily detailed from companies on post. Additionally, Sternberg was given duty as post treasurer. In July he became the sole medical provider for the post when Sabine departed and Lamb was arrested and confined. His burden did not lighten until the fall when a new civilian contract surgeon, Dr. Thomas B. Chase, arrived and a new hospital steward, Charles Miller, was assigned.⁶

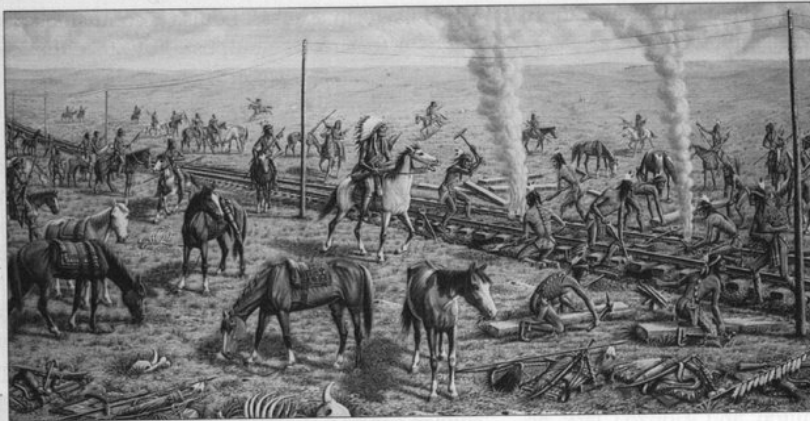
During the summer of 1866 construction activities increased dramatically and the new post took shape as storehouses, barracks, and officers quarters were raised. Sternberg and Chase anxiously watched construction of the new hospital two hundred yards south of the main garrison. When completed it would be a substantial structure of dressed sandstone with two twenty-bed

nificance, officers could be assigned on the basis of their brevet rank; however, for pay and retirement purposes their regular, or permanent, rank applied. In this article only regular army rank will be used unless otherwise indicated. See Francis B. Heitman, comp., *Historical Register and Dictionary of the United States Army* (Washington, D.C.: Government Printing Office, 1903), 921; *Official Army Register* (Washington, D.C.: Adjutant General's Office, 1898), 10; Russell F. Weigley, *History of the United States Army* (New York: Macmillan Co., 1967), 110–11; Utley, *Frontier Regulars*, 13, 37 n. 13; Robert M. Utley, interview by author, August 12, 1997.

4. John M. Gibson, *Soldier in White: The Life of General George Miller Sternberg* (Durham, N.C.: Duke University Press, 1958), 12–14, 30–32; Martha Sternberg, *George M. Sternberg: A Biography* (Chicago: American Medical Association, 1920), 3, 4, 10; James J. Walsh, *History of Medicine in New York* (New York: National Americana Society, 1919), 427, 429, 430, 431, 490–94; Papers of Medical Officers, Sternberg; "Brigadier General George Sykes Report, No. 137," U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 1st ser., vol. 11, pt. 2 (Washington, D.C.: Government Printing Office, 1884), 352.

5. Gibson, *Soldier in White*, 33–34; Sternberg, *George M. Sternberg*, 11; Katherine Rogers, *A Dinosaur Dynasty: Sternberg Fossil Hunters* (Missoula: Mountain Press Publishing Co., 1991), 10, 11.

6. Albert Barnitz Papers, Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library, New Haven, Conn.; David A. Clary, "The Role of the Army Surgeon in the West: Daniel Weisel at Fort Davis, Texas, 1868–1872," *Western Historical Quarterly* 3 (January 1972): 53–66; Charles Lynch, "The Day of Small Things in the United States Army, 1865–1898," in *Medical History of the United States Army in the World War, vol. 1, Administration (A Medical History)*, ed. Surgeon General's Office (Washington, D.C.: Government Printing Office, 1927), 44; Special Order No. 43, May 8, 1866, Papers of Medical Officers, Sternberg; Post Returns, July, October, November 1866; James W. Wengert, "The Contract Surgeon," *Journal of the West* 36 (January 1997): 67–76.



Indian wars broke out as Native Americans took desperate measures, such as destroying newly built railroad tracks, to prevent intrusion into their homelands.

wards. Fort Ellsworth was renamed Fort Harker on November 11, and in January 1867 part of the new post was occupied.⁷

Obtaining a substantial and well-appointed home for Louisa remained a high priority, and Sternberg filed a homestead claim for a quarter section of rich bottomland on the wooded banks of the Smoky Hill River two and a half miles south of the fort. He was impressed with the area, and his ambitions went beyond a small plot of land on which he and his wife could live comfortably and raise a garden. Businessmen in Ellsworth County saw the presence of a large, permanent army post and the coming railroad as an opportunity for lucrative land speculation and commercial ventures. The potential for the town, to be named Ellsworth, to become a prosperous agricultural center was great. With the acumen of a shrewd land speculator and possibly thoughts of residing permanently in the area, Sternberg amassed six hundred fertile acres by purchasing from other officers land adjoining his claim. One of these parcels included a large farmhouse. Sternberg's biographers do not state why he acquired this amount of land. At this time he may

not have determined on an army career. Jennie Barnitz, wife of Captain Albert Barnitz, Seventh U.S. Cavalry, also remarked to her husband that, "he [Sternberg] is more certain of remaining here than others and can surround himself with all those things."⁸

Regardless, he was proud and enthusiastic. Sternberg wrote to his parents, then living in Albion, Iowa, about his ranch and urged them to visit soon. When his father, Levi, visited Ellsworth he found a well-established farm with livestock and planted fields. The elder Sternberg was the principal of Iowa Lutheran College, but when he saw the ranch and discussed its development with his son he saw future possibilities for his wife and their nine children in central Kansas. The elder Sternberg offered to purchase the ranch. Although George was eager to have his family nearby, he felt the wild plains of Kansas were not the proper abode for his well-educated and refined mother. However, he could neither deny the ranch to his father nor accept his father's offer for payment. Dis-

7. Post Returns, July 1866–June 1867; Record of Medical History, Harker, 2, 15–16.

8. Sternberg, George M. Sternberg, 19; Robert R. Dykstra, "Ellsworth, 1869–1875: The Rise and Fall of a Kansas Cowtown," *Kansas Historical Quarterly* 27 (Summer 1967): 162, 163; Dykstra, *The Cattle Towns: A Social History of the Kansas Cattle Trading Centers, Abilene, Ellsworth, Wichita, Dodge City, and Caldwell, 1867 to 1885* (New York: Alfred Knopf, 1971), 31; Rogers, *A Dinosaur Dynasty*, 11–12; quote in Robert M. Utley, ed., *Life in Custer's Cavalry: Diaries and Letters of Albert and Jennie Barnitz, 1867–1868* (Lincoln: University of Nebraska Press, 1977), 59.

cretely, George transferred ownership to his father.⁹ Levi could not move until his teaching obligations were completed in late spring. However, George's seventeen-year-old twin brothers, Charles and Edward, anxious to see the wild West, convinced him that they would be valuable farm hands and preceded the family to Ellsworth.¹⁰

Louisa finally arrived on the afternoon of May 26, 1867, after a tiring, thirty-six-mile journey from the Salina railway station in an army ambulance.¹¹ Elated to have his darling "Puss" with him again, Sternberg proudly showed her their new but temporary home south of Fort Harker. His parents and nine siblings would fill the roomy farmhouse, and therefore he had to secure quarters on post. The change in Sternberg's gloomy spirits was immediate, which Jennie Barnitz noted to Louisa. Louisa vowed, "I will never leave George alone again, under any circumstances. I did not know he missed me so." Louisa's pleasant, kind-hearted nature and "high moral principle" rapidly gained her acceptance by the small contingent of army wives at Fort Harker, diligently working to make their spartan existence more pleasurable.¹²

The Sternbergs occupied their new one-story frame quarters on the parade ground in mid-June. Jennie Barnitz remarked to her husband in a letter

that Louisa had "five spacious rooms—very handsomely furnished," and "china and silver for her table." George also employed a cook named Bridget. The Sternberg table, spread with the fruits of George's well-cultivated garden, was a happy gathering place for officers and their wives.¹³

Louisa's introduction to the pleasantries of frontier army life was attended by the anxieties of a post preparing for war. As the harsh Kansas winter of 1866–1867 gave way to spring, the U.S. Army's presence in Kansas continued to grow, but commanders maintained a defensive stance until forces were marshaled in sufficient strength for offensive operations. The Little Arkansas Treaties of 1865 and the Bluff Creek Council held in early 1866, which kept the Southern Plains generally peaceful through 1866, were tenuous at best, and sporadic fighting between whites and Indians continued throughout the winter. General Sherman's response to this situation was to conduct total war across the Plains until the Indians submitted to life on reservations or were exterminated. He had developed plans for such operations against the Northern and Southern Plains tribes by March 1867. The U.S. Congress, however, favored a negotiated resolution. While a peace commission delayed Colonel John Gibbon's expedition to the Northern Plains, in April Sherman launched General Winfield Scott Hancock on an expedition to harass and intimidate the Southern Plains Indians.¹⁴

Hancock's expedition failed miserably and initiated Cheyenne, Arapaho, and Sioux aggression along the Smoky Hill route in June, particularly in the vicinity of Fort Harker, slowing railroad construction considerably. Fort Harker bustled with activity. Colonel Andrew J. Smith, commanding the Seventh Cavalry at Fort Harker, intensified efforts to guard railroad workers and settlers in the area. These efforts

9. Sternberg, *George M. Sternberg*, 18–19; Rogers, *A Dinosaur Dynasty*, 1–12; Charles H. Sternberg, *Life of a Fossil Hunter* (New York: Henry Holt and Co., 1909), 5–6, 14; Dykstra, *The Cattle Towns*, 113; Clapsaddle, "Conflict and Commerce on the Santa Fe Trail," 136. Martha Sternberg's account of this episode differs from that of Katherine Rogers in *A Dinosaur Dynasty*. Mrs. Sternberg indicates that George was not in favor of settling his mother in Kansas; Rogers indicates that it was part of George's plan to coax his parents to Kansas from the time he purchased the ranch. Gibbon does not refer to the episode and Charles Sternberg merely states that he and his brother Edward moved to George's ranch in 1867. Sternberg had good reason not to want his mother near Ellsworth. Soon after its founding in 1867 it gained a reputation as a rough, seedy cowtown accommodating and harboring the worst elements of society.

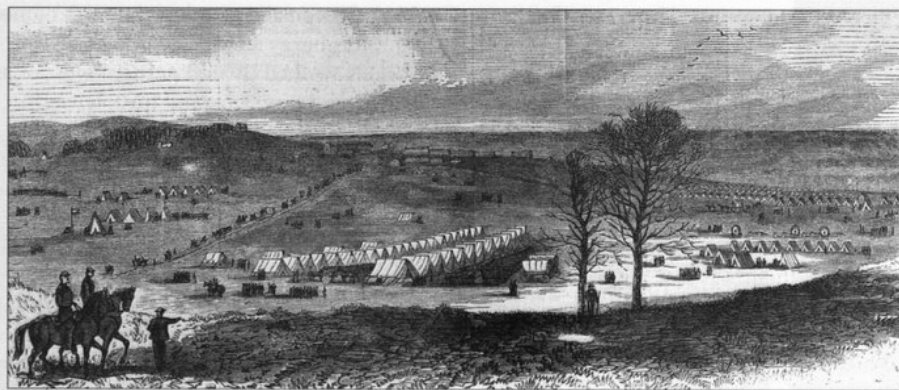
10. Rogers, *A Dinosaur Dynasty*, 12. Levi Sternberg took over the ranch in July 1867 and initially combined farming with his ministerial duties. By 1869 he had substantial land holdings on both sides of the Smoky Hill River, and with the help of his sons his "Smoky Hill Dairy" became a major butter producer for the area. While earning a statewide reputation as an agriculturist, Levi Sternberg also was appointed pastor of the First Presbyterian Church of Ellsworth, and he served on the Board of Regents for Kansas State Agriculture College, 1871–1873. See Dykstra, *Ellsworth: 1869–1875*; Dykstra, *The Cattle Towns*, 309.

11. Billings, *A Report on Barracks and Hospitals with Descriptions of Military Posts*, 290; Barnitz Papers. The railroad was not completed to Ellsworth until July 5. See Zornow, *Kansas*, 152.

12. Utley, *Life in Custer's Cavalry*, 91; Barnitz Papers.

13. *Ibid.*, 59; Carriker, *An Army Wife on the Frontier*, 42.

14. Utley, *Frontier Regulars*, 93, 97, 103–107, 113, 114; Leckie, *The Military Conquest of the Southern Plains*, 30–32; Timothy A. Zwink, "E.W. Wynkoop and the Bluff Creek Council, 1866," *Kansas Historical Quarterly* 43 (Summer 1977): 217; Garfield, "Defense of the Kansas Frontier, 1866–1867," 326, 328; Robert C. Carriker, *Fort Supply, Indian Territory: Frontier Outpost on the Plains* (Norman: University of Oklahoma Press, 1970), 3; John H. Moore, *The Cheyenne Nation: A Social and Demographic History* (Lincoln: University of Nebraska Press, 1987), 46.



General Winfield Scott Hancock, whose troops are depicted in this sketch at Fort Harker, was ordered to launch a campaign against the Southern Plains Indians in an effort to exterminate them or assign them to reservations.

included a ten-man detail to the Sternberg ranch.¹⁵ In addition, between five hundred and eight hundred quartermaster employees labored feverishly not only to construct the new post and supply depots but also to resupply and outfit troops arriving from Fort Riley. Elements of the Tenth U.S. Cavalry; the Third, Thirty-seventh, and Thirty-eighth U.S. Infantry regiments; and a regiment of Eighteenth Kansas Volunteers camped in and around the post.¹⁶

This large and increasing military and civilian population living in less than ideal conditions generated an immense sanitation problem. Heavy spring rains and flooding during the first week of June made the fort and Ellsworth a muddy quagmire that compounded the problem.¹⁷ Sanitation and personal hygiene techniques of the day were primitive, and the

Civil War experience of the average line officer did nothing to bolster his faith in the preventive measures advocated by the medical department. Additionally, line officers were not required to routinely submit sanitation reports to their commanders. Directives for the proper disposal of human waste, garbage, and animal refuse from the slaughter pens, were issued by the post surgeons, but often the most basic recommendations were ignored. The Smoky Hill River and other streams, used for bathing and washing clothes, became convenient dumping sites for refuse of all varieties. The single water source for the post, a spring located two miles from Harker at old Fort Ellsworth, was either inadequate or too inconvenient for the large number of people it supplied. Consequently, drinking water was obtained from the polluted streams.¹⁸ These crowded, unsanitary conditions primed Fort Harker for a gastrointestinal disease outbreak. All that was required was a virulent organism that could be easily transmitted in this environment.

15. Utley, *Frontier Regulars*, 114–20; Leckie, *The Military Conquest of the Southern Plains*, 47, 48, 56; Garfield, *Defense of the Kansas Frontier*, 329–32; Sternberg, *Life of a Fossil Hunter*, 11.

16. Record of Medical History, Harker, 9; John J. Woodward, *Report on the Epidemic Cholera and Yellow Fever in the Army of the United States, During the Year 1867*, Circular No. 1 (Washington, D.C.: Surgeon General's Office, 1868), 29.

17. Ramon Powers and Gene Younger, "Cholera on the Plains: The Epidemic of 1867 in Kansas," *Kansas Historical Quarterly* 37 (Winter 1971): 368; Woodward, *Report on the Epidemic Cholera*, 1867, 41, 43.

18. Record of Medical History, Harker, 13; Woodward, *Report on the Epidemic Cholera*, 1867, 29, 30; Gillett, *The Army Medical Department*, 4, 39; Utley, *Frontier Regulars*, 86.

One such organism, *Vibrio cholerae*, the causative agent of cholera, struck North America for the third time in 1866. Transmitted primarily by water or food that has been in contact with contaminated water, this bacterium produces a toxin that is responsible for the profuse watery diarrhea, rapid dehydration, and collapse associated with the disease. Before the advent of intravenous fluid replacement and antibiotics doctors had no effective treatment for cholera. The U.S. Army suffered 2,813 cases and 1,269 deaths in 1866. While few physicians considered valid the idea that a microorganism was responsible for the disease, many acknowledged that human excreta were involved with disseminating cholera. Practical-minded American physicians embraced the recommendations of Dr. John Snow and Dr. Max von Pettenkofer to boil water and disinfect clothing and bed linens. Joseph J. Woodward's *Report on the Epidemic Cholera in the United States Army During the Year 1866*, issued to all medical officers, reviewed the epidemic and provided guidance for preventing and controlling the disease in an effort to prepare physicians for an outbreak in 1867. The report stressed the value of quarantine measures and hygienic precautions, particularly water purification, disinfection of patient discharges, ventilation, and adequate air space in barracks.¹⁹

In June 1867 cholera made its first appearance among civilians in New Orleans, Vicksburg, and St. Louis. Late in the month Fort Riley had its first cases. Although the source is unknown, the victims were civilians. Through the energetic efforts of post surgeon Bernard J. D. Irwin the disease did not become epidemic, and no cases were reported in soldiers assigned to Fort Riley or in those soldiers passing through the post on their way west. These facts have

led historians to believe that cholera was introduced at Fort Harker by civilians from Fort Riley or points south and east, whose movements were uncontrolled by the military.²⁰

On June 28 George W. Keeton, a herder and butcher, and Private George Groom, Company H, Thirty-eighth U.S. Infantry, were the first victims of cholera at Fort Harker. How conscientious Sternberg and Chase had been in urging sanitary recommendations on commanders and how well their advice was heeded before cholera struck are questionable. Sternberg admitted in his report that

the police of the camps was not good when cholera made its appearance. Some of the company sinks were in wretched condition, and there were several offensive holes about the post where slops and garbage from the kitchen had been thrown. Measures were at once taken to remedy these evils; a strict system of policing was inaugurated; the camps were all moved to new grounds, and disinfectants were procured and freely used.

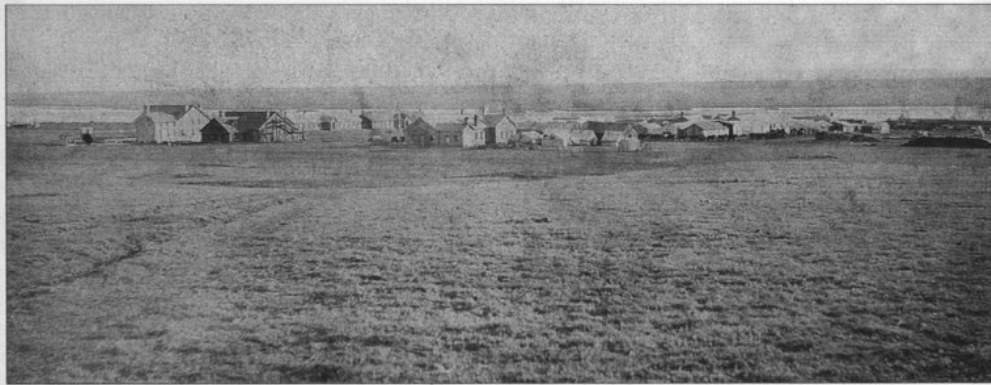
These statements do not necessarily indicate a lack of proper medical recommendations as much as they do a lack of command support in their implementation.²¹

On June 30, with the cholera epidemic but two days old, Sternberg apparently had the cooperation of the post and line commanders as he stated, "I made a thorough sanitary inspection of the post . . . and all my recommendations in regard to policing have been carried out by the post commander. The camps . . . of the 38th Infantry have been moved to better and higher grounds. The old sinks have been filled up and new ones dug." Sternberg also isolated cholera cases from other patients by placing them in hospital tents "pitched for the sick in the quarters of each company" and "pitched 50 yards in the rear of the hospital." In essence he followed the quarantine and hygienic guidance provided in Woodward's 1866 report, but cases of cholera increased through the

19. Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (Chicago: University of Chicago Press, 1962), 198–200; Joseph J. Woodward, *Report on the Epidemic Cholera in the Army of the United States During the Year 1866*, Circular No. 5 (Washington, D.C.: Surgeon General's Office, 1867), 16–18; Woodward, *Report on the Epidemic Cholera, 1867*, 37, 43; Ramon Powers and Gene Younger, "Cholera and the Army in the West: Treatment and Control in 1866 and 1867," *Military Affairs* 39 (April 1975): 49. For a complete review on cholera, see David R. Nalin and J. Glenn Morris Jr., "Cholera and Other Vibrioses," in *Hunter's Tropical Medicine*, 7th ed., ed. G. Thomas Strickland (Philadelphia: W.B. Saunders Co., 1991), 366–74.

20. Powers and Younger, "Cholera and the Army in the West," 360–61.

21. Woodward, *Report on the Epidemic Cholera, 1867*, 28, 29, 43. Disinfectants employed at the time included permanganate of potash, carbolic acid, quicklime, and chlorine.



During the growing cholera epidemic at Fort Harker and surrounding areas, the nearby town of Ellsworth, photographed here in 1867, became nearly deserted as inhabitants fled to avoid contracting the deadly disease.

first week of July.²² Unfortunately, this coincided with an increase in Indian activity during the same period.

On July 9 Sternberg again made recommendations concerning movement of transient and garrison troops about the post, location of cantonment areas, and sanitary policing of these camps, but he met resistance from the quartermaster depot in their implementation. The "Remarks" Sternberg added to his letter overflow with frustration and controlled anger: "The above recommendations in so as they relate to the movement of troops & to the employees of the Q.M. [Quartermaster] Dept. were not fully carried out. My efforts to secure a systematic & efficient method of policing in the camps of the Q.M. Employees were only partially successful, in consequence of the tardy and incomplete manner in which the Depot Q.M. assisted them." Four days later he requested a "permanent police party" be designated to report to him and stated that, "New cases of cholera are occurring everyday & we may anticipate a severe epidemic, unless every precaution is taken—constant polic-

ing and constant disinfection of privy vaults, etc. is essential." Following these recommendations he provided a plan, approved by the post commander, for a cholera hospital to be established north of the railroad depot, but "nothing was done in regard to it by the Depot QM, who was charged with the execution of it."²³

Records provide no reason for the post quartermaster's disregard of medical recommendations in the face of an expanding epidemic. However, in his August 5 report, Madison Mills, medical director of the Department of the Missouri, states that "Large details have been made from the command, and from the employees of the quartermaster's department, to thoroughly police the grounds, move tents, and disinfect privies and latrines, etc. Tents are being put up for the accommodation of cholera patients on the opposite side of the garrison from the hospital now occupied." Exactly when these details were formed re-

22. Quotes in *ibid.*, 29; Woodward, *Report on the Epidemic Cholera, 1866*, 35, tables; George Armes, *Ups and Downs of an Army Officer* (Washington, D.C.: n.p., 1900), 231–32; Charles Sternberg, *Life of a Fossil Hunter*, 11–12.

23. Sternberg to Post Commander, July 9, 1867, box 96, Letters Received, Surgeon General's Office, 1818–1870, RG 112, National Archives (hereafter cited as Letters Received, Surgeon General's Office); Sternberg to Post Commander, July 13, 1867, *ibid.*; Sternberg to Post Commander, July 17, 1867, *ibid.*

mains obscure. The north side of the garrison, opposite the hospital, was where Sternberg recommended on July 17 a cholera hospital be established.²⁴

Sternberg and Chase were not the only surgeons at Fort Harker. Assistant surgeon Captain Ely McClellan, assistant surgeon George McGill, and acting assistant surgeon Ira Perry served with the Thirty-eighth Infantry. Acting assistant surgeon Algernon Squier, new to the army and the Plains, attended to the Eighteenth Kansas Cavalry.²⁵ These officers were responsible for ensuring their unit areas were appropriately positioned and policed. When cholera broke out they tended to their sick in camp; only severe cases were admitted to the post hospital.²⁶

Unfortunately for the medical efforts at Harker, troop movements and the appearance of cholera at Fort Zarah took surgeons McGill, Squier, and Perry away from Fort Harker.²⁷ Military dependents and civilian employees were rapidly fleeing Ellsworth County by any means available. By the end of July Ellsworth was little more than a ghost town, its population of one thousand reduced to fewer than one hundred. More than three hundred railroad laborers and all construction crews at Fort Harker had quit. Elizabeth Custer, wife of Lieutenant Colonel George A. Custer, Seventh Cavalry, remembered the post as "the most absolutely dismal and melancholy spot I remember ever to have seen."²⁸ The remaining medical staff and many of the women who had not fled the fort intensified their efforts to control the epidemic and succor the sick. True to her word, Louisa refused to leave her husband. She nursed the sick until she succumbed to the disease, dying just six hours

after the onset of symptoms. Utterly devastated, Sternberg stoically reported to Surgeon General Joseph K. Barnes: "One of the ladies of the garrison died of cholera on the 15th of July." Bridget, the Sternbergs' cook, died the next day.²⁹

The growing epidemic at Fort Harker soon received command attention. Major Madison Mills, surgeon, arrived late in the evening of July 22 with surgeon Major Ebenezer Swift, assistant surgeon Captain John Brewer, and acting assistant surgeons Augustus Wiggins and William Renick to appraise the situation and ascertain what assistance was required. The post had had eighty-eight cholera cases and forty-two deaths. Sanitation was in a miserable state. The surgeons were physically and psychologically distraught. Chase, ill himself since July 18, lost his wife to puerperal convulsions only a few hours before the medical party arrived. Although Louisa had been dead but three days, Sternberg assumed Chase's duties along with his own. When Mills arrived he found Sternberg depressed and prostrate in bed and Chase "not in condition to do any kind of duty." Dr. Brewer relieved the post surgeon of his medical duties.³⁰

With the exception of Dr. Renick, all surgeons involved with the epidemic prepared after-action reports. Troop movements, poor drinking water, and unsanitary conditions all were implicated as causes of the epidemic. Of all the physicians, only Dr. Brewer used his report to glorify his own actions and through the omission of Sternberg's efforts cast the post surgeon in a culpatory light. Brewer stated his immediate and continuing actions redundantly in positive, forceful terms: "I was at once assigned to duty"; "immediately went on duty and visited the cholera wards"; and "I took personal charge of the cholera wards." Clearly Brewer wanted the medical command, and he wanted recorded for posterity that he was the man of the hour. He remarked, "The most recent and approved methods of treatment were adopted, and every known means resorted to for the cure or alleviation of the disease."³¹

24. Woodward, *Report on the Epidemic Cholera, 1867*, 32.

25. Personal Papers of Medical Officers, box 354 (McClellan), Records of the Adjutant General's Office, RG 94, National Archives; *ibid.*, box 451 (Perry); *ibid.*, box 545 (Squier); Powers and Younger, "Cholera on the Plains," 367.

26. Woodward, *Report on the Epidemic Cholera, 1867*, 31; Powers and Younger, "Cholera on the Plains," 372-73.

27. Woodward, *Report on the Epidemic Cholera, 1867*, 30, 36.

28. Quote in James N. Leiker, "Voices From a Disease Frontier: Kansans and Cholera, 1867," *Kansas History: A Journal of the Central Plains* 17 (Winter 1994-1995): 244-45; Utley, *Life in Custer's Cavalry*, 89; Woodward, *Report on the Epidemic Cholera, 1867*, 29; Powers and Younger, *Cholera on the Plains*, 368; Clapsaddle, "Conflict and Commerce on the Santa Fe Trail," 137; Post Returns, April-July 1867.

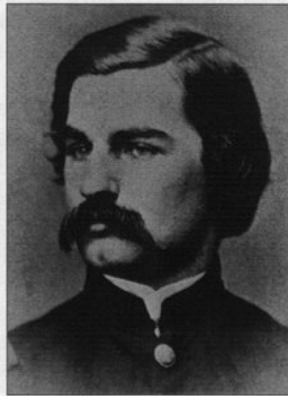
29. Utley, *Life in Custer's Cavalry*, 89; quote in Woodward, *Report on the Epidemic Cholera, 1867*, 31; Carriker, *An Army Wife on the Frontier*, 42.

30. Woodward, *Report on the Epidemic Cholera, 1867*, 31, 29, 37, 33, 34.

31. *Ibid.*, 33, 35, 37.



Assistant surgeon Ely McClellan



Assistant surgeon John Brewer

The weary surgeons at Fort Harker were not ignorant of the current therapies recommended for cholera. Assistant surgeons McClellan and McGill had experienced the cholera epidemic of 1866. Woodward's report, issued in the spring of 1867, provided treatment guidance and stated that no "new light has been shed upon the existing obscurity of the subject." References in the post medical library, such as George B. Wood's *Treatise on the Practice of Medicine*, also offered recommendations and guidance. Therapy included oral dosing with opiates (Squibb's Mixture) and inhalation of chloroform for early cramping, diarrhea, and vomiting. Large doses of mercurial compounds (calomel), camphor, and cayenne pepper were given to patients with severe manifestations of disease. Sternberg commented in his report that chloroform treatments were first used upon McClellan's recommendation, but later calomel was adopted and proved more efficacious. Brewer continued to use these regimens, with the addition of quinine, but did not achieve much success.³² His report continued, "A

large majority of the cases were not seen until the stage of collapse had ensued." This is not true. From the beginning of the epidemic, Sternberg had mandated that command surgeons treat as many cases as they could in their unit areas and only send the worst cases to the post hospital.³³ Brewer was seeing the most severe cases, but this does not mean these cases had had no prior medical attention.

Brewer admitted that the origin of the epidemic was uncertain and that the evidence for the importation of cholera was "meager," but he did not wholly preclude this possibility. Regarding the question of the epidemic's local origin he had much to say. He used

three contemporary studies of cholera—one stating that without a "peculiar cause" of cholera no amount of filth will generate it, and the other two supporting filth as the cause of the disease—to support his contention that poor sanitation at Fort Harker, which he described in detail, caused the epidemic.³⁴ Brewer's comments reflect the most current thoughts and ideas of cholera causation and epidemiology. Given that they had no knowledge of a bacteriologic basis of disease and the fact that sanitation on and around the post was poor prior to the epidemic, this made sense.

In his concluding paragraph Brewer stated, "as soon as I reached the post I put in operation every means available for correcting the deplorable condi-

32. Ibid., 30, 31; Powers and Younger, "Cholera and the Army," 49–54; Woodward, *Report on the Epidemic Cholera, 1866*, 16, 43, appendices; George B. Wood, *A Treatise on the Practice of Medicine*, 5th ed. (Philadelphia: J. B. Lippincott and Co, 1858), 1: 732–33; Norman Howard-

Jones, "Cholera Therapy in the Nineteenth Century," *Journal of the History of Medicine* 27 (October 1972): 382; William G. Rothstein, *American Physicians in the Nineteenth Century: From Sects to Science* (Baltimore: Johns Hopkins University Press, 1985), 51, 59, 183–88, 188; John Duffy, "The History of Asiatic Cholera in the United States," *Bulletin of the New York Academy of Medicine* 47 (October 1971): 116; Rosenberg, *The Cholera Years*, 222, 222 n. 21, 223. By 1866 reliance on enormous doses of opiates, mercurial compounds, and alkaloids had declined dramatically. Physicians were discouraged and pessimistic about any treatment for cholera. The medical profession in general was becoming nihilistic regarding all therapeutics. Progress was being made in other areas of medical science such as surgery and pathology while therapeutics lagged miserably behind.

33. Woodward, *Report on the Epidemic Cholera, 1867*, 31, 35, 36.

34. Ibid., 37.

tion of affairs." This included removing filth, weeding and policing areas, moving sinks regularly, and using disinfectants liberally. Although Fort Harker's surgeons had been using disinfectants and Sternberg had requisitioned more, Brewer proudly stated, "To the free use of disinfectants in the cholera tents and sinks, I attribute the immunity from the disease enjoyed by the nurses and attendants. No case of cholera occurred among them after I took charge." To add insult to injury, he ignored the efforts of the post surgeon while lauding Renick, Chase, Swift, and hospital steward C. S. Darling as men who "did their duty."³⁵

As chief medical officer Sternberg bore responsibility for providing appropriate sanitary recommendations to the commander at Fort Harker. However, Sternberg possessed no command authority in his own right. Whatever the conditions were at the post before cholera struck, he had command support in implementing appropriate sanitary measures during the initial stage of the epidemic. As the situation became critical, however, command support apparently faded. With cases mounting, his medical staff shrinking, and personal tragedy overwhelming him, Sternberg found it impossible to ensure his recommendations were being enforced. He and those assisting him failed in their sanitary mission not because of wanton neglect or ignorance but because they did not receive command support, did not have authority over the civilians around the post, and eventually were overcome by events requiring more time and medical officers than were available.

On July 30 Sternberg was granted a leave of absence to visit his family in New York. He returned to Fort Harker at the end of September and was reassigned as post surgeon at Fort Riley in early October.³⁶ While Sternberg became acquainted with Fort Riley, a peace commission met with the Southern Plains Indians at Medicine Lodge Creek, Kansas, in October 1867. The result of this parley was the Medicine Lodge Treaty, by which tribal leaders relinquished

their rights to land between the Arkansas and Platte Rivers and agreed to reside on two reservations, one for Kiowas, Comanches, and Kiowa-Apaches, the other for Cheyennes and Arapahos south of the Arkansas River in western Indian Territory. The government would distribute annuities, including seed, stock, farming tools, and clothing. The treaty also stipulated no unauthorized whites would trespass on Indian land and there would be no Indian interference with railroad construction or white settlement north of the Arkansas. Although the winter of 1867-1868 passed in relative quiet, the treaty was doomed to failure. Tribal elders seemed reconciled to the treaty, but the younger, more volatile tribal factions were extremely displeased with the terms. Young warriors did not wish to become farmers and reside within the unnatural boundaries created by the white man. Annuities promised by the government, including arms and ammunition, were slow in coming. This led many Indians to believe that treaty signatures had been fraudulently obtained by promises of goods that never were intended for delivery. Indian hostility seethed during the winter.³⁷

General Philip H. Sheridan, who in August had replaced General Hancock as commander of the Department of the Missouri, feared that Indian aggression would increase when the buffalo returned to their feeding grounds. In the spring of 1868 Sheridan sent the Seventh and Tenth Cavalry regiments on campaign across Kansas to safeguard settlers and laborers working on the Kansas Pacific Railroad.³⁸

Most of the Tenth Cavalry, under the command of Colonel Benjamin H. Grierson, were stationed at Fort Riley during the winter of 1867-1868.³⁹ When orders

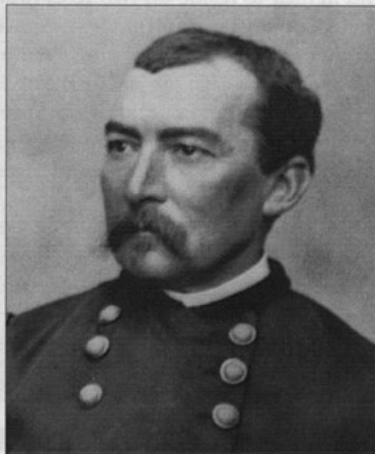
37. Charles J. Kappler, ed., *Indian Treaties, 1798-1883* (1904; reprint, New York: Interland Publishers, 1972), 982-89; Utey, *Frontier Regulars*, 132-33, 137-38; Leckie, *The Military Conquest of the Southern Plains*, 64; Robert Wooster, *The Military and United States Indian Policy* (New Haven: Yale University Press, 1988), 130; Philip H. Sheridan, *Personal Memoirs of Philip H. Sheridan* (New York: Charles L. Webster and Co., 1888), 2:283-84.

38. Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 286; Utey, *Frontier Regulars*, 142, 147; Utey, *Life in Custer's Cavalry*, 147.

39. Post Returns, Fort Riley, Kansas, January 1868, M617, roll 1012, National Archives; William H. Leckie, *The Buffalo Soldiers: A Narrative of the Negro Cavalry in the West* (Norman: University of Oklahoma Press, 1967), 27-28. Utey, *Frontier Regulars*, 11; Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986), 225-26; Jack D. Foner, *Blacks and the Military in American History* (New York: Praeger Publishing Co., 1974), 52, 53;

35. *Ibid.*, 37, 29, 38.

36. Special Orders No. 163, Department of the Missouri, Fort Leavenworth, July 30, 1867, George M. Sternberg Papers, 1861-1912, History of Medicine Division, National Library of Medicine, Bethesda, Md.; Papers of Medical Officers, Sternberg.



General Philip H. Sheridan

arrived for the Tenth to move west in late March 1868, Sternberg and acting assistant surgeon Henry S. Kilbourne were assigned to this regiment. Sternberg's orders directed him to prepare medical supplies, equipment, and transportation and to be ready to accompany Major Meredith H. Kidd and six troops from Fort Riley to Fort Hays. On the morning of April 15 Major Kidd's detachment, consisting of B, C, F, H, I, G, and K troops and William F. "Buffalo Bill" Cody as hunter and scout, marched out of Fort Riley to the spirited tunes played by the regimental band.⁴⁰

Cornelius C. Smith Jr., *Fort Huachuca: History of a Frontier Post* (Washington, D.C.: Government Printing Office, 1979), 1.

40. Orders, Department of the Missouri, Fort Leavenworth, March 23, 1868, Sternberg Papers; Special Orders No. 70, Department of the Missouri, Fort Leavenworth, April 8, 1868, *ibid.*; Papers of Medical Officers, Sternberg. Orders indicate that Major Kidd was to take six companies to Fort Hays, but regimental muster rolls show that seven companies marched to the western Kansas post. See Regimental Muster Rolls, Tenth U.S. Cavalry, April–September 1868, boxes 1140, 1141, 1147, 1149, 1151, 1153, 1155, Records of the Adjutant General's Office, RG 94, National Archives (hereafter cited as Muster Rolls, Tenth Cavalry); Armes, *Ups and Downs of an Army Officer*, 262, 271, 272.

The detachment arrived at Fort Hays on April 24 and camped on Big Creek near the head of the Union Pacific Railway. Companies A, D, E, G, and K, Seventh Cavalry, were camped a mile away on the other side of the same stream. Indian activity was minimal. Soldiers from both regiments settled into a quiet daily routine; they socialized, hunted, fished, and enjoyed fresh rations daily from Fort Hays. The command was generally healthy. With the exception of four deaths—two due to respiratory illness and two from accidentally self-inflicted gunshots—and occasional injuries, surgeons Sternberg and Kilbourne were free to enjoy the amusements of camp life.⁴¹

The natural beauty of undeveloped western Kansas with its abundance of flora and fauna fascinated Sternberg on the seemingly interminable marches. His inherent scientific curiosity led him far afield to gather fossils, animal remains, and Indian artifacts, which he dutifully sent to the Army Medical Museum. So far afield would he go, in fact, that officers in the command feared that he might fall prey to the Indians on his excursions. Apparently unconcerned for his safety, Sternberg continued his explorations throughout the campaign.⁴²

Sheridan's hope that the Indians would remain quiescent was short-lived. In late May Cheyenne dog soldiers attacked Cayote Station and Fort Wallace, Kansas. The Tenth marched for Fort Wallace, arriving on June 3. From their base camp on Rose Creek, companies searched in vain for the elusive Indians in the Smoky Hill, Saline, and Solomon River valleys during June and July.⁴³

41. Captain Armes, F Company, Tenth Cavalry, stated he "was stunned" when thrown from his horse in late May. Apparently the fall rendered him unconscious because he "was given up for dead by several, but Drs. Sternberg and Killburn [sic] brought me to life all right." Utley, *Life in Custer's Cavalry*, 143, 148–49; Muster Rolls, Tenth Cavalry, April 1867; Armes, *Ups and Downs of an Army Officer*, 266, 267, 271.

42. R.S. Henry, *The Armed Forces Institute of Pathology, Its First Century, 1862–1962* (Washington, D.C.: Surgeon General's Office, 1964), 58; Surgeon General's Office to Sternberg, July 30, 1868, Letters Received, Surgeon General's Office; J. J. Woodward to Sternberg, August 6, 1868, *ibid.*; Sternberg, *George M. Sternberg*, 14; Gibson, *Soldier in White*, 37; "Autobiographical letter," Sternberg Papers.

43. Sheridan, *Personal Memoirs of Philip H. Sheridan*, 288; Armes, *Ups and Downs of an Army Officer*, 265; Muster Rolls, Tenth Cavalry, June–July 1868.

Indian encampments near Fort Dodge began to break up in July, but the tribes moved north rather than south to the reservations. Cheyenne raids continued, prompting Indian superintendent Thomas Murphy to withhold all weapons from the tribes. When Comanches and Kiowas arrived at Fort Larned to receive their arms and annuities, they were furious, but tribal elders managed to convince Lieutenant Colonel Alfred Sully, commander of the District of the Arkansas, that no trouble would ensue if arms were distributed. Sully consented on August 9. Over the next four days Indian war parties struck settlements along the Saline and Solomon Rivers north of Fort Harker. Outraged, Sully ordered Captain Frederick Benteen to march Companies H and M, Seventh Cavalry, then at Fort Harker, to the Saline River settlements. Benteen and his troopers attacked one hundred Cheyenne and Arapaho warriors on August 13, killing three and wounding ten.⁴⁴

On August 11 the disbursed companies of the Tenth Cavalry received word of these raids and were ordered to converge on Elkhorn Creek, a tributary of the Saline. The following day, Sternberg requested and was granted seven days' leave. Records do not indicate why Sternberg, at an apparently critical moment, took leave or where he went. This movement would bring Sternberg close to his ranch. Possibly he felt he could make a short detour to visit his parents, reassure himself they were safe, and then rejoin his command. Five days later, however, he encountered Lieutenant Colonel Sully and received "verbal orders" to "accompany him to his camp on Elkhorn Creek." On August 20 Sternberg accompanied Sully to Fort Harker. Sternberg's actions and the discussions that occurred with Sully and presumably his medical staff were not recorded. On August 22 Sternberg rejoined his command upon its arrival at Elkhorn Creek.⁴⁵

44. Leckie, *The Military Conquest of the Southern Plains*, 69–71; Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 288, 289–91; Utley, *Frontier Regulars*, 138; E. S. Godfrey, "Some Reminiscences, Including an Account of General Sully's Expedition Against the Southern Plains Indians," *Cavalry Journal* 36 (July 1927): 419; Regimental Muster Rolls, Seventh U.S. Cavalry, 1868, boxes 1092, 1099, Records of the Adjutant General's Office, RG94, National Archives.

45. Muster Rolls, Tenth Cavalry; Special Order No. 57, August 12, 1868, Papers of Medical Officers, Sternberg. Quotes in Sternberg to Surgeon General Barnes, August 22, 1868, *ibid*.

Once again the Indians eluded the Tenth Cavalry on the Elkhorn and continued to do so for the remainder of the month. Frustrated, General Sheridan directed the Tenth Cavalry to turn in all excess equipment in preparation for a rapid pursuit of the Indians. James B. "Wild Bill" Hickok and Buffalo Bill Cody guided the cavalry southwest to the headwaters of Walnut Creek. On September 4 the expedition followed a fresh Indian trail that Hickok had located. Members soon discovered an Indian burial party who had just placed the remains of one of their tribe, wrapped in buffalo robes, in the notch of a walnut tree. According to Captain George Armes, Sternberg was "very anxious" to have this trophy for the Smithsonian Institution, although "picking up dead Indians was not considered in the program." The moment the burial party departed, Sternberg commandeered a wagon to the tree, secured his prize, and shipped it off to Washington via Hays City.⁴⁶

On September 7 Lieutenant Colonel Sully led nine companies of the Seventh Cavalry and three companies of the Third Infantry into Indian Territory south of the North Canadian River. This expedition engaged Cheyennes on September 11 and 13. On the morning of September 12 Major Alfred Gibbs and an escort from Fort Dodge arrived at Major Kidd's camp on Walnut Creek and ordered the troops to Fort Dodge immediately.⁴⁷

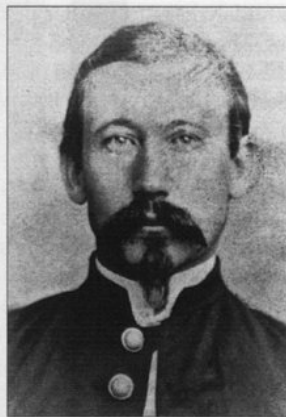
General Sheridan had determined to strike the Indians in their winter camps when ponies would be at their weakest, supplies limited, and movement difficult. He developed a three-pronged attack on the Indians in the Canadian and Washita River valleys. One column would proceed from Fort Bascom, New Mexico, up the South Canadian River; another, from Fort Lyon, Colorado, would move toward the Antelope Hills and Red River; the third, and strongest, would

46. Leckie, *The Military Conquest of the Southern Plains*, 74; Muster Rolls, Tenth Cavalry; John Burke, *Buffalo Bill, the Noblest Whiteskin* (New York: G.P. Putnam's Sons, 1973), 49; quote in Armes, *Ups and Downs of an Army Officer*, 273–74; for the complete report, see George A. Otis to Sternberg, October 15, 1868, Sternberg Papers.

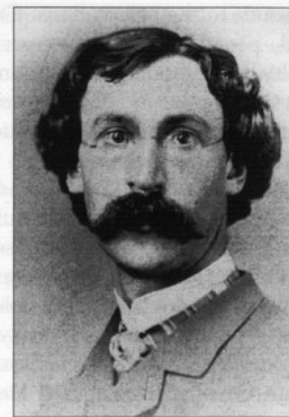
47. Lonny J. White, "General Sully's Expedition to the North Canadian, 1868," *Journal of the West* 11 (January 1972): 75–98; Godfrey, "Some Reminiscences," 421–25; Armes, *Ups and Downs of an Army Officer*, 274.



Assistant surgeon Henry Lippincott



Assistant surgeon William S. Forwood



Surgeon Morris Asch

march south from Fort Dodge into Indian Territory and establish a supply depot there.⁴⁸

At Fort Dodge, Sternberg was relieved of duty with the Tenth Cavalry and appointed chief surgeon for the third column of Sheridan's forces under Sully's command. This consisted of eleven troops of Lieutenant Colonel George A. Custer's Seventh Cavalry, a composite battalion of five infantry companies commanded by Major John Page, and Colonel Samuel J. Crawford's Nineteenth Kansas Volunteers. Sternberg readied enough medical supplies and equipment to support eleven hundred men for the winter. He recognized that he and three additional medical officers—Captain Elias J. Marsh with the infantry battalion, assistant surgeon Captain Henry Lippincott, and acting assistant surgeon William Renick with the Seventh Cavalry—would be insufficient for the medical support re-

quired by the troops and supply trains that would be moving between Sully's base of operations and Fort Dodge, the rear area supply depot. On November 7 Sternberg lobbied for two more physicians but was granted only one—acting assistant surgeon William S. Forwood—and an extra hospital steward.⁴⁹

Clearly Sternberg was cognizant of the strategic and tactical medical requirements of the expedition. Nevertheless, two days prior to this he sent a letter to the Army Medical Museum suggesting that he be ordered to Washington to unpack the specimens he sent earlier in the fall. Surgeon General Barnes politely denied this odd request.⁵⁰

49. General Field Orders No. 2, Headquarters District in the Field, Fort Dodge, Sternberg Papers; Sternberg, *George M. Sternberg*, 13; Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 308–9; "Record of Medical History of Post, Fort Supply," Records of the Adjutant General's Office, RG 94, National Archives (hereafter cited as Record of Medical History, Supply); De B. Randolph Keim, *Sheridan's Troopers on the Borders: A Winter Campaign on the Plains* (1885; reprint, Lincoln: University of Nebraska Press, 1985), 102; Utley, *Life in Custer's Cavalry*, 228–29; Sternberg to Adjutant General, November 7, 1868, Sternberg Papers; Special Field Orders No. 40, November 22, 1868, *ibid.*; Special Field Orders No. 41, November 22, 1868, *ibid.*

50. George A. Otis to Sternberg, November 24, 1868, Curatorial Records: Letter Books of the Curators, National Museum of Health and Medicine, Armed Forces Institute of Pathology, Washington, D.C. (here-

48. Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 297, 308–9; Utley, *Frontier Regulars*, 149–50; Carriker, *Fort Supply*, 14.

On November 12, 1868, Sully's troops and 450 wagons departed their camp near Fort Dodge. Six days and one hundred miles later Sully directed that Camp Supply be established at the confluence of Wolf and Beaver Creeks south of the North Canadian River. This camp would serve as a supply point for winter operations.⁵¹ Infantrymen immediately began digging wells and constructing a stockade, winter quarters, and storehouses. General Sheridan arrived on the evening of November 21 in a snowstorm that had brought work at Camp Supply to a halt. Sheridan's staff included a surgeon, Captain Morris Asch, who now brought the post's medical contingent up to six physicians: Sternberg, Forwood, Lippincott, Renick, Marsh, and Asch.⁵²

As Sheridan's party approached Camp Supply they had spied Indians moving along a trail toward the Washita River. On November 23 Sheridan dispatched Custer's troopers in a "blinding snowstorm" to the valley of the Washita. If Custer engaged the Indians, wounded troopers could be descending on the post soon. With this in mind the medical staff, under Sternberg's direction, quickly erected a "large number of hospital tents." By December 1 a field hospital was in place, "consisting of four hospital tents arranged as two wards with a double chimney of stone between them, one hospital tent as dispensary, and two wall tents for [a] kitchen."⁵³

While the men of Camp Supply enjoyed a bountiful Thanksgiving Day dinner, Custer found the village

of Chief Black Kettle on the Washita River late on the evening of November 26. Under cover of darkness his troops surrounded the village and just before dawn launched a lightning attack that reduced it to ashes. Unfortunately, the carnage included women and children. The Seventh Cavalry validated Sheridan's concept of winter warfare, but Custer erred in not performing any reconnaissance of the countryside before the attack. Hundreds of Arapaho, Kiowa, Cheyenne, and Comanche warriors soon descended on Custer from their camps farther up the river valley. An attack on the well-prepared warriors would be foolhardy and a deliberate retreat would be disastrous. Flushed with victory, Custer drew his companies into formation and proceeded confidently down the Washita valley until darkness allowed him to countermarch out of the valley and return to Camp Supply.⁵⁴

When the Seventh Cavalry arrived at Camp Supply on the afternoon of December 1 it brought plenty of grist for the medical mill. Two officers and seventeen men had been killed, and three officers and eleven men wounded. Field hospital records state that of the soldiers wounded, ten were from gunshot and three from arrows, and that Second Lieutenant T. J. Marsh was "slightly" wounded.⁵⁵ Most severely wounded was Captain Albert Barnitz.

Shot through the flank at close range, Barnitz was pronounced in mortal condition on the field by Lippincott and Renick, who assumed his intestine had been pierced. Lippincott and Renick were both in extreme pain from snow blindness (an inflammation of the membrane over the eye caused by sunlight reflecting off snow) as they treated battle casualties. Lippincott gave Lieutenant Edward S. Godfrey a

after cited as Curatorial Records). Throughout his career Sternberg was never timid about requesting assignments and equipment he needed to further his goals as a physician and scientist, but biographers and other records give no explanation for these contradictory requests. Sternberg to Surgeon General Hammond, July 9, 1862, Papers of Medical Officers, Sternberg; Sternberg to Surgeon General's Office, May 10, 1869, *ibid.*; Sternberg, *George M. Sternberg*, 87–89.

51. Keim, *Sheridan's Troopers on the Borders*, 101; Utley, *Life in Custer's Cavalry*, 204; George A. Custer, *My Life on the Plains or, Personal Experiences with Indians* (1881; reprint, Norman: University of Oklahoma Press, 1962), 210; Carriker, *Fort Supply*, 3, 17; Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 308.

52. Record of Medical History, Supply, 1; Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 311–12; Carriker, *Fort Supply*, 17, 20; Personal Papers of Medical Officers, box 342 (Lippincott); Records of the Adjutant General's Office, RG 94, National Archives; *ibid.*, box 482 (Renick); *ibid.*, box 19 (Asch); Utley, *Life in Custer's Cavalry*, 208, 229.

53. Quotes in Sheridan, *Personal Memoirs of Philip H. Sheridan*, 2: 311–12; Custer, *My Life on the Plains*, 214; Record of Medical History, Supply, 2; Carriker, *Fort Supply*, 21.

54. Carriker, *Fort Supply*, 22, 23; Stan Hoig, *The Battle of the Washita: The Sheridan–Custer Indian Campaign of 1867–69* (Garden City: Doubleday and Co., 1976), 118, 127, 129–34, 142; Custer, *My Life on the Plains*, 232–34, 244, 240–48; S.L.A. Marshall, *Crimsoned Prairie: The Indian Wars on The Great Plains* (New York: Charles Scribner's Sons, 1972), 107; Utley, *Frontier Regulars*, 150–52; Utley, *Life in Custer's Cavalry*, 225–27; Keim, *Sheridan's Troopers on the Borders*, 115–20.

55. Keim, *Sheridan's Troopers on the Borders*, 121, 124–25; Record of Medical History, Supply, 2, 3; Custer, *My Life on the Plains*, 250.