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prise and energy in getting up so spirited a celebration; and he congratulated the "Kansas ladies," who with their babies formed half the audience of 1,500. To him the presence of the women and children was good indication of the present peace and prosperity of the community.²¹⁶ One accident marred the day; "premature explosion of a cannon blew off an arm for the person loading, and severely injured him in his face."²¹⁷ Between sundown and nine o'clock the editor-orator and the band tramped wearily home by moonlight through the valley of the Wakarusa to the music of "Life on the Ocean Wave" and "Rory O'More."²¹⁸

Prairie City, consisting of a dozen houses, a two-story log hotel, a half-completed stone hotel, and a foundation for a church and a seminary, invited the surrounding country to join in a varied all-day observance of the Fourth. Between 500 and 600 people responded. Among the visitors were the Lawrence "Stubbs," the Ottawa Rangers, the Centropolis Sunday school, in wagons decorated with flags and banners, and three newspaper men, Wm. A. Phillips of the New York *Tribune*, Norman Allen of the Lawrence *Republican*, and William Austin of the Centropolis *Kansas Leader*.²¹⁹ Early in the morning the Sabbath schools assembled at the large cloth tent, called the U. B. Church, marched to an arbor near the liberty pole with the Stars and Stripes floating on top, and listened to addresses "by three Reverends."²²⁰ At noon all the people shared in the free dinner; people of Prairie City noted a shortage of table furniture and of some foods, but visitors called the repast bountiful. In the afternoon S. N. Wood delivered an oration on Kansas politics, and Wm. A. Phillips spoke briefly and appropriately. The evening brought out fireworks on Liberty hill. Later, one Mr. Winton opened his home to a happy company of "lads and lasses" for a dance. Both the *Kansas Leader* and the Lawrence *Republican* felt the oration too political for the occasion; said the former, "We were celebrating the birthday of a Nation and not that of the Northern States."²²¹

Ohio City held a spirited Fourth of July celebration in 1857.²²² Making the best of their limited resources, the settlers mounted old

216. Lawrence *Republican*, July 2, 9, 1857.

217. *Herald of Freedom*, Lawrence, July 11, 1857.

218. Lawrence *Republican*, July 9, 1857.

219. *Freemen's Champion*, Prairie City, July 9, 1857.

220. Lawrence *Republican*, July 9, 1857.

221. *Freemen's Champion*, Prairie City, July 9, 1857.

222. Andreas, *op. cit.*, p. 618; Lawrence *Republican*, July 16, 1857. The *Republican* editor lost the story of the celebration submitted to his paper.

muskets for salute service, morning, noon, and night.²²³ A private letter from "Louis" to "Dearest Darling 'Birdie'" presents the fullest surviving account of the day.²²⁴ After the formal morning program of Declaration read by W. E. Kibbie and oration delivered by the Hon. Dean Andrews,²²⁵ "Louis," who was obviously an official of the Ohio City Company, took matters into his own hands. Learning that the beautiful flag just presented to the Ohio City company had been made by the young ladies of the vicinity, he ordered that the dinner already prepared by the company hotel landlord "be made *free to all present*." The flag was then hoisted on a tall liberty pole where it floated in the constant Kansas breeze. As further compliment to the citizens and especially to the young women flag-makers, "Louis" then ordered "the House thrown open and music furnished till twelve o'clock and we all joined in and had a regular *Kansas Dance, the first Ball ever given south of Lawrence in the Territory*." "Louis's" delight in the "noble-hearted young men and women" present was equal to his pleasure in the celebration at which there was no drinking except of "cold water and Lemonade."²²⁶

Anderson county observed the day patriotically in a grove north of Greeley. The settlers regarded the occasion, as "a season of refreshment" where they rehearsed the hardships of 1776 and of their own days in the territory. The stream of emigration now flowing into Kansas from the North had heightened their hopes somewhat. The people generally engaged in songs and toasts; C. E. Dewey and J. Y. Campbell were among the speakers.²²⁷

The people of Burlingame had a "glorious time" on the Fourth. The gathering was in a wood. Philip C. Schuyler was president. James Rogers was the orator. A free dinner preceded the toasts arranged by A. J. Parish.²²⁸

The celebration farthest south in 1857 was that of the surveyors of the southern boundary of Kansas territory, encamped on the west bank of the Arkansas river near the thirty-seventh parallel. The military forces, under command of Lt. Col. Joseph E. Johnston,

223. *Ottawa Republican*, July 26, 1877, in "Franklin County Clippings, 1856-1890," v. I, pp. 89-59.—Kansas State Historical Society.

224. "Louis" to "Dearest Darling 'Birdie,'" letter dated Ohio City, K. T., July 7, 1857, in MSS. division, Kansas State Historical Society. "Louis," who indicates earlier in the letter that he was an engineer in the employ of Whitman and Searl, Lawrence, was evidently Louis de Steiguer, C. E., who laid out both Ohio City and Prairie City. (Cf. letter of L. de Steiguer, C. E., July 3, 1912, to R. H. Jenness, attached to correspondence of R. H. Jenness with Geo. W. Martin, May 9, through July 6, 1912.)

225. Andreas gives this title as the "Rev. Mr. Andrews."

226. "Louis" to "Birdie," letter dated Ohio City, K. T., July 7, 1857, in MSS. division, Kansas State Historical Society.

227. Johnson, W. A., *op. cit.*, pp. 70, 71.

228. *Osage City Free Press*, August 18, 1876, in "Osage County Clippings," v. I, p. 57.

fired a military salute of thirty-two guns from the howitzers at noon.²²⁹ "A grand Fourth of July dinner" followed, at which the observatory surveyors from camp one mile north shared honors with the military officers. Eugene Bandel wrote in his diary of a parade, "a horse race in the cavalry, a few extra tunes of the fifers and drummers, and a great deal of lonesomeness." The day he found beautiful, being clear and cool. The Arkansas, already high, was still rising. The army wagon beds served as boats to ferry the surveyors across.²³⁰ While encamped here the soldiers enjoyed fish in abundance from the swollen stream.

Various communities to the northeast also kept Independence day, 1857. Indianola had "A horse race. Sorrel beat gray." Samuel J. Reader, who told of it, spent his morning making four tenons and two mortises at his claim, and his afternoon hoeing his potatoes, washing in the creek, writing, and reading the last of *Little Dorrit*. "An awful time it was."²³¹

Tecumseh made the Fourth of July memorable by laying the cornerstone of the bridge across the Kaw river. It advertised the occasion "to be one of brotherhood and friendship, to manifest the influence of peace and prosperity, and our fellow citizens of all portions of the territory, and from all parts of the Union, are invited to meet together at Tecumseh, the 'Neutral Council Ground,' and have a glorious time."²³² Delegations from five Indian tribes were also invited. Masonic and Odd Fellow fraternities participated in the impressive ceremonies.²³³ Speakers for the occasion included L. J. Eastin, E. O. Perrin, Walter Oakley, and Dr. Stringfellow. A public dinner and a ball in the evening, got up in "hilarious style," provided lighter entertainment. To the Topeka editor the general sobriety of the occasion was gratifying.

Wilmington, a town not yet a yearling, at the junction of the Leavenworth and Westport branches of the Santa Fe road, saluted both the sunrise and the sunset with 31 guns. At ten o'clock the neighborhood, numbering more than 100, and its visitors formed a

229. Johnston, Joseph E., "Journal," edited by Nyle H. Miller, *Kansas Historical Quarterly*, v. I, pp. 115, 116; Campbell, Hugh, "Journal," edited by Martha B. Caldwell, *Kansas Historical Quarterly*, v. VI, p. 354; Bandel, Eugene, *Frontier Life in the Army*, edited by Ralph Bieber (Arthur H. Clark Company, Glendale, Calif., 1932), v. II, pp. 156, 157. Miller located the military camp "slightly over five miles east of Chilocco, Okla., and Hugh Campbell wrote that the surveyor's camp was one mile north "to be nearer the parallel." The Bieber map, accompanying the Bandel diary, makes the line of survey and the parallel virtually identical at this point.

230. Bandel, Eugene, *loc. cit.*

231. Reader, Samuel J., "Private Journal and Daybook," v. III, p. 120, entry of July 4, 1857.

232. *Herald of Freedom*, Lawrence, July 4, 1857; *Kansas Weekly Herald*, Leavenworth, July 4, 1857.

233. *Kansas Tribune*, Topeka, July 11, 1857.



procession to a grove where they had arranged seats suitable for formal exercises. E. P. Ingersoll delivered the oration. The Wilmington Quartette Club and the Germania Glee Club of Havana City furnished "very fine" music. The collation, a "bountiful supply of nice things," was sufficient for 300 people. "The eatables," wrote J. E. D., "would have tempted an epicure." The toasts reflected general good feeling; the day "passed off very fine," strengthening the good will of adjoining neighborhoods for Wilmington.²³⁴

New and enterprising Burlington, which marked its age only in weeks, had an old-fashioned holiday in commemoration of "the day that made us free." Its youthful patriotism was at high tide. The committee on plans had expected but a scanty gathering. With the day, however, came squatters to the number of 300; from twenty miles they came. O. E. Learnard was the president; Wm. B. Parsons was the orator, speaking with "the polish of a scholar and the fervor of a patriot." A band of four members supplied music. The dinner at two o'clock was "in city order"; abundance and luxury were there and enough for all and to spare. Among the toasts was one by William Hutchinson of Lawrence, who spoke at length on "Kansas—The youngest and smartest child in Uncle Sam's family." At the merry dance in the evening youth and age were upon an equality. "Ladies" were "abundant." One of the most accomplished dancers was a woman of French descent, a mother of thirteen children.²³⁵

Five-months-old Emporia planned its first public meeting for July 4, 1857. To disseminate good feeling and information it invited neighboring towns and communities to participate in addresses and a free dinner. Committees were to procure the necessary meat, with power to draw on the treasurer to pay for the same. Settlers were to bake and bring such provisions as suited their convenience. At the last, however, sickness in the neighborhood made public celebration inexpedient.²³⁶

Settlers who had been in El Dorado but three weeks drew on nature's storehouses for food for their Independence day feasting. One of them caught a buffalo fish in Walnut creek; another shot a wild turkey; and a third brought in a deer. While the meats roasted,

234. *Ibid.*, July 4, 1857; *The Kansas News*, Emporia, July 18, 1857.

235. *Lawrence Republican*, July 9, 1857; Andreas, *op. cit.*, p. 654. In "Sketches of Kansas Pioneer Experience," *Kansas Historical Collections*, v. VII, p. 396, Wm. Hutchinson wrote of riding in from cross country 60 miles from his claim at Mapleton to Burlington, July 3, to take part in a celebration July 4, but he gave the year as 1858. Probably the trip was to the 1857 celebration.

236. *The Kansas News*, Emporia, June 6, 20, July 4, 1857; Andreas, *op. cit.*, p. 846, wrote that the first public meeting at Emporia was the Fourth of July celebration, 1857.

the settlers with their wagons in a circle to serve as a fort against possible Indian attack, listened to an address by Judge John A. Wakefield of Lawrence.²³⁷ In the center of the circle they kept "the stars and stripes erect."

Wabaunsee observed the national anniversary with a parade. Most of the wagons were drawn by oxen. Garlands hung from the yokes and horns. Snowy canopies decorated with floral and evergreen designs covered some of the wagons. A canopy of pink pleased the children especially. The most attractive "rig" received a prize.²³⁸

The observance in Wyandotte²³⁹ consisted of speaking and an unseasonal and extravagant assemblage of foods for free eating. George H. Hildt²⁴⁰ wrote of John Diehl's hearing Governor Walker²⁴¹ and others speak. Every one received an invitation to the dinner, offering such luxuries as oysters, beef, ham, nuts, raisins, and ice cream. The affair "went off first rate," according to the report. Mr. Hildt, a Kansas pioneer from Canal Dover, Ohio, settling in Johnson county, himself "fixed up and went to Olathe" on the morning of the Fourth, and in the afternoon "went again after cattle" lost on the open range.

Other towns, bare fact of celebrations in which survives, were Delaware, and Moneka.²⁴² Brownville had a pleasant gathering with speeches and singing by the Brownville musical association; among the themes for toasts there was a new one—"Taxation and Representation."²⁴³ From Leroy someone wrote to a friend in Lawrence: "The 4th of July was here, and *lots of other folks*—had a good time generally."²⁴⁴ Just beyond Manhattan, 300 people gathered at a picnic to renew old acquaintances and form new ones;²⁴⁵ a good dinner, speeches, sentiments, and song constituted the formal entertainment.

The gayest and most sophisticated keepings of the Fourth in Kansas territory in 1857 were, as in 1855 and 1856, to the northeast along the Missouri river, but the settings were in different

237. Andreas, *op. cit.*, p. 1431.

238. *Semi-Centennial Wabaunsee Congregational Church* (Alma Enterprise Print., June 27, 28, 1907), pp. 6, 47.

239. *Herald of Freedom*, Lawrence, July 4, 1857. Mere notice of a celebration appears in this paper.

240. Hildt, George H., "Diary," entry of July, 1857, in MSS. division, Kansas State Historical Society.

241. "Governor Walker" was evidently Gov. William Walker.

242. *Herald of Freedom*, Lawrence, July 4, 1857.

243. *Lawrence Republican*, July 9, 1857.

244. *Herald of Freedom*, Lawrence, August 1, 1857.

245. Allen, Mrs. Chestina B., "Sketches and Journal," entry of July 4, 1857.



towns. White Cloud announced a lot sale for the day. River towns as far east as St. Louis and as far north as Council Bluffs responded enthusiastically.²⁴⁶ One boat on its downward trip sold 500 tickets. The town company chartered two boats, the *Watossa* and the *Morning Star*, to bring in the prospective and pleasure-seeking buyers.²⁴⁷ They engaged the St. Joseph brass band to provide music for a "grand ball" at night on the *Morning Star*. They brought in a "baby-waker," a 24-pound "field-piece," to provide the necessary noise. As the size of the promised crowd increased, the committee on foods added to the beeves, sheep, pigs, and fowl held in readiness for cooking. They set their tables near a good spring of water. The St. Louis (Mo.) *Republican* said that the barbecue would be free, that "lots of champagne would be opened, and of course drank," and that "sport, profit, Fourth of July, and music" awaited the large party from St. Louis that would spend the week en route aboard the *Morning Star*.²⁴⁸ The St. Joseph (Mo.) *Gazette* believed there was "no question but what White Cloud is the point in the Territory above Leavenworth City."²⁴⁹

On the afternoon of July 3 the *Morning Star* picked up the band and 200 passengers at St. Joseph; more recruits boarded at Elwood, among them the senior editor of the *Elwood Weekly Advertiser*, who had received a free excursion ticket.²⁵⁰ Fifteen miles below White Cloud the boat "hauled up at a woodyard and lay by for the night." When music was called for, "gay lads led forth their bonnie lasses, and

"Tripped it lightly as we go,
On the light fantastic toe."

White Cloud ushered in the Fourth by the firing of cannon. The Stars and Stripes were thrown to the breeze. People poured in from the adjacent country. About eight o'clock the report of cannon down the river announced the approach of the *Morning Star*. White Cloud answered with a national salute from the bluffs. The *Watossa* and a third boat, *Emma*, arrived with more visitors.²⁵¹ "Other jubilistic and patriotic demonstrations" occurred on shore. To the Elwood editor White Cloud seemed "extensively laid out, but very thinly settled." Already a large concourse of people from far and

²⁴⁶ White Cloud *Kansas Chief*, June 18, July 2, 1857.

²⁴⁷ *Kansas Weekly Herald*, Leavenworth, June 27, 1857.

²⁴⁸ White Cloud *Kansas Chief*, July 2, 1857, quoting the St. Louis (Mo.) *Republican* of June 26, 1857.

²⁴⁹ *Ibid.*

²⁵⁰ *Elwood Weekly Advertiser*, July 9, 1857.

²⁵¹ White Cloud *Kansas Chief*, July 9, 1857.



near thronged the streets. "The rapid tread and cheering shouts of the young," he thought, "gave animation and vigor to the old." The weather was propitious. In the holiday air he sensed joy mingled with reverence for a great cause and the memory of great men.²⁵²

"Business before pleasure" was the motto of the town company for the day.²⁵³ For one and one-half hours they sold lots. Then a procession formed, and the band led the way to a grove below the sawmill where everyone partook of the barbecue of bread and meat—plenty of it, in old Kentucky style. In the "exercises of the lungs" that followed, James Craig, congressman-elect from the St. Joseph district, speaking in behalf of the town company, presented two shares of city stock to the *Morning Star* and one share to the *Watossa*; and Judge S. A. Williams of the territory gave an oration. Then the lot sale was resumed for an hour. At night two dances completed the program, one on the *Morning Star*, participated in by some of the townsfolk, and another in the room under the office of the *Kansas Chief*, where the dancers "exercised their agility to the music of the violin." The boats waited until morning to leave.

Sol Miller felt the company's expectations were realized. He estimated the attendance at 2,000. "The crowd presented a motley array of men, women, children, babies, Indians, and niggers," he wrote, "all full of patriotism, intent upon celebrating the Fourth, and getting their dinner." He did note considerable drunkenness and a number of fights. Otherwise "everything passed off finely. So mote it always be."

Doniphan began its celebration also on the eve of the Fourth with a dance.²⁵⁴ Banners and evergreens tastefully decorated the spacious rooms of the hotel for "the light-hearted and light-footed." The junior editor of the *Weekly Advertiser*, who was there, wrote gaily, ". . . Give us border towns forever. No hoops to obstruct the progress of the waltz—always a hearty 'yes, sir' when you propose a dance." The next day, in a shaded rural retreat, B. O'Driscoll read the "immortal Declaration" and J. R. Boyd gave the oration. The barbecue tables groaned under the loads of substantial and delicacies of the season. The editor was tempted "to ask the hand of some of the fair ones," but paying for paper and ink from St. Louis interfered too much with his paying for "pork and beans." All the celebrators at Doniphan, however, were not so

252. *Elwood Weekly Advertiser*, July 9, 1857.

253. *White Cloud Kansas Chief*, July 9, 1857.

254. *Elwood Weekly Advertiser*, July 9, 1857.

light-hearted. A Free-State man named Mitchell took issue with the orator over his Southern views.²⁵⁵ "Boyd knocked Mitchell down. Mitchell challenged Boyd to a duel." The two were arrested and bound over to keep the peace. Meanwhile Col. James H. Lane and his men seized upon United States muskets and threatened Proslavery men, "declaring they could whip them with fists, clubs, muskets, pistols, bowie-knives, or anything else." All parties finally gave up arms, but Governor Walker was requested to issue a proclamation.

Brown county, just west of Doniphan county, kept its first Fourth of July in 1857 with a public gathering in the wood of John Poe²⁵⁶ on Mulberry creek. W. C. Foster presided. Daniel McFarland delivered the oration. Noah Hanson read the toasts. W. G. Sargent and others made appropriate speeches. Settlers to the number of 200 to 300 were present.²⁵⁷

To chastise the Indians for their depredations on the overland routes the War Department had sent Col. E. V. Sumner to Fort Kearny and Maj. John Sedgwick along the Santa Fe trail, both en route to Fort Laramie. Although in setting out the two detachments had hoped to meet on July 4, the troops under Major Sedgwick, in camp below Fort St. Vrain,²⁵⁸ were somewhat startled to have their anniversary salute of 32 guns answered by a boom of 32 guns down the river, recognized as from Colonel Sumner's command, and found afterward to be 15 miles below. The next day Sedgwick's force moved down the river and the two commands established camps side by side.²⁵⁹

Two months later in Kansas territory P. B. Plumb, who had tried so hard for an Independence day gathering in Emporia to develop good will, wrote bitterly:

The Union is a glorious theme for buncombe Fourth of July orations and for Democratic Governors to befog and bewilder a people whom they have really come to bedevil and sink lower down into the hell of despotism. We in Kansas know that the Union is to us a huge tyrant—that Federal officials are our worst and most baneful foes. . . . Ask of the men of Kansas to

255. White Cloud *Kansas Chief*, July 9, 1857.

256. Harrington spells this name Powe; Andreas, Roe.

257. Ruley, A. N., *History of Brown County* (1930), p. 30; Harrington, Grant W., *Annals of Brown County, Kansas* (Harrington Printing Co., Hiawatha, 1903), p. 11; Andreas, *op. cit.*, p. 711.

258. Lowe, *op. cit.*, pp. 262, 263; Peck, Robert Morris, "Recollections of Early Times in Kansas Territory," *Kansas Historical Collections*, v. VIII, p. 493, wrote that Fort St. Vrain was in ruins.

259. *National Tribune*, Washington, D. C., March 14, 1901, "Rough Riding on the Plains," by Robert Morris Peck, and Lowe, *op. cit.*, pp. 261-263. Peck was with Major Sedgwick, Lowe was with Colonel Sumner. See, also, Robert Morris Peck's "Recollections of Early Times in Kansas Territory," *Kansas Historical Collections*, v. VIII, p. 493.



love the Union. The remains of the Free State Hotel, and the ruins of our printing presses laugh you to scorn. . . . Go ask the shades of Barber, Brown, Buffum, Hoyt and Hupps²⁶⁰ for an answer. Turn to the Fourth of July, 1856, and to the white prison tents that gleamed on the prairie that memorable summer, guarded by the troops of the Union, and you will receive your reply. "Love the Union?" Ask not us. . . . Come not near us with your mockery.²⁶¹

To Mr. Plumb and other Kansans of his ilk the Union as it now existed was but a libel on the name.

260. This is a misspelling of Hoppes.

261. *The Kansas News*, Emporia, August 29, 1857.



The Annual Meeting

THE sixty-fifth annual meeting of the Kansas State Historical Society and board of directors was held in the rooms of the Society on October 15, 1940.

The annual meeting of the board of directors was called to order by the president, T. M. Lillard, at 10 a. m. First business was the reading of the annual report of the secretary.

SECRETARY'S REPORT, YEAR ENDING OCTOBER 15, 1940

This annual meeting ends my tenth year as secretary of the Society, and in many respects it has been the busiest of the decade. In addition to routine work, the staff has devoted much time to the highway historical sign program, to the restoration of the North building at Old Shawnee Mission and to the building of a new caretaker's cottage on the First Capitol grounds. During the year there was a material increase in the number of persons using the resources of the Society, as well as in the organization of our various collections. The supervision of federal projects also requires continuous attention. Details of these activities will appear in the reports of the various departments.

EXECUTIVE COMMITTEE

Pres. T. M. Lillard reappointed Thomas Amory Lee, Robert C. Rankin and Chester Woodward to the executive committee, the members holding over being Justice John S. Dawson and T. M. Lillard. The members of the committee have been consulted on all matters of unusual importance, and I wish to acknowledge my indebtedness to them for their encouragement and advice.

BUDGET REQUESTS

Appropriation requests for the next biennium were filed with the state budget director in September.

For the Historical Society two additional cataloguers were requested. Increases of \$500 a year were asked for the book and microfilm funds and \$1,500 was requested for the purchase of new catalogue cases, a book truck and other equipment.

For Old Shawnee Mission: The mission has no fire protection, the only water coming from an adjoining golf course through a small pipe. Through lack of funds, the furnace in the East building has never been placed in working condition. Grass and shrubbery should be planted on the grounds, and a power mower is needed. Since it is impossible for one caretaker to show the thousands of visitors through the buildings and keep up the property, much work has to be done by extra laborers. The contingent fund of \$1,000 a year is inadequate and an increase of \$1,000 a year was asked.

LIBRARY

During the year approximately 4,000 persons did research work in the library. Of these more than a thousand were helped in genealogical research, and more than 200 were served by mail from the loan file on Kansas subjects.

New sections were added to the Kansas catalogue, the general catalogue



and the Library of Congress catalogue. This necessitated a reorganization of several hundred thousand cards.

The Society's clipping service is an outstanding feature of the library. It is widely used and copied. During the year several institutions sent representatives to study our methods. In this division about 350 clippings are mounted each month. They are classified and catalogued and then become a part of the permanent library. These clippings cover biographical material on prominent men and women of Kansas, including a classified section for artists, sculptors, musicians, authors and actors. They also include articles on the histories of counties and towns, as well as churches, organizations, schools, education, economics, crimes, railroads, science, Indians, wars in which Kansas has had a part, agriculture, oil industry, aviation, radio and motion pictures. These clippings now constitute quite a remarkable library in themselves.

From our duplicate collection last year a large number of magazines were donated to Bethany College at Lindsborg, and many books and magazines were given to the Kansas Vocational School. A selection was also made from these duplicates to help with the work for the shut-ins, a WPA project supervised by the Topeka Public Library.

The library receives many gifts of genealogies, and of books by Kansas authors. The Kansas Daughters of the American Revolution have presented typed copies of historical and biographical material gathered by various chapters. From the Historical Records Survey have come 170 volumes of inventories of county and town archives, church archives, calendars of manuscript collections, census records from all the states, and check lists of imprints from several of the states.

The library is now coöperating with the American Library Association in a revision of the *Union List of Serials*. When completed this list will show all publications of a serial nature, such as magazines, publications of societies and reports of institutions, including foreign publications, and in what libraries they may be found. The files of the Society contain many valuable publications which did not appear in the previous edition, some of which probably are not available anywhere else in the country.

PICTURE COLLECTION

During the year 483 pictures were classified, catalogued and added to the picture collection. Through the courtesy of Elsie Evans, librarian of the Leavenworth Public Library, the Society was able to purchase at small cost copies of 90 pictures of early Leavenworth and Fort Leavenworth which are of great interest. Mrs. Will R. Christian of Ulysses lent pictures of Ulysses and Mrs. Mildred C. Beason of Gove lent pictures of Sharon Springs and Wallace from which copies were made. The Topeka *State Journal* donated 120 pictures of individuals and Kansas scenes.

WORLD WAR POSTERS

A valuable addition to the Society's World War posters was a collection of 51 colored lithographs from Mrs. Bennett R. Wheeler. Most of these were printed in the United States.



THE ANNUAL MEETING

81

STATE ARCHIVES

Major accessions for the year were eight charter copybooks from the office of the Secretary of State and 3,025 booklets containing the statistical rolls for 1932 as returned by assessors to the State Board of Agriculture.

Work was continued on the loose-leaf catalogue of old townsites, discontinued post offices and railroad stations of Kansas. This list comprises 5,693 names and fills 26 volumes.

There are now 189 volumes listing state charters and amendments in this division, covering dates from 1863 to 1938. During the year 17,560 index cards were made from these records, raising the grand total to 189,685 cards. From the 28 volumes of amendments approximately 40,000 entries were made.

The work of indexing the 1860 census is nearing completion—this list numbering close to 140,000 cards. Index slips for the 1875 census now number approximately 21,800.

Requests come almost daily from welfare agencies for age verifications of persons seeking aid. 434 certifications were issued from this department during the year.

PRIVATE MANUSCRIPTS

Thirty-seven manuscript volumes and 581 individual manuscripts were received during the year in addition to two unorganized collections on which figures are not yet available.

Several hundred letters and documents were received from the estate of the late Harriet Parkerson, niece of Isaac T. Goodnow. The letters are mainly personal in character; the documents include records of Bluemont College and the Kansas State College of Agriculture.

About fifty items from the papers of Acting Territorial Gov. Daniel Woodson were given by his granddaughter, Mrs. Nelle Woodson Curry.

A valuable collection of letters from the papers of Oscar E. Learnard was received from his son, Tracy Learnard, of San Jose, Calif. O. E. Learnard was a leader in the Free-State and Republican parties, a member of the territorial council, one of the founders of Burlington, an officer in the Union army and holder of several public offices in the state.

George J. Remsburg, Porterville, Calif., archaeologist and historian, who has written extensively on Kansas subjects, sent several hundred letters from his correspondence files.

Judge J. C. Ruppenthal, of Russell, through whose efforts many valuable historical records of Russell county have been preserved, presented his private docket of the 23d judicial district during his terms as judge, 1907-1919, 1923-1930, 24 books in all.

One volume of typed copies of letters by James R. Mead to members of his family, 1859-1910, was given by his son, James L. Mead, Chicago. James R. Mead was a prominent early-day figure, famous hunter and trader and associate of Jesse Chisholm.

The four letter-press books from the offices of Thomas Ewing, Jr., and the Leavenworth law firm of Sherman, Ewing & McCook, lent to the Society for copying by Thomas Ewing, New York, have been presented as gifts. The collection includes, also, miscellaneous letters and two volumes of financial records.

NEWSPAPERS

During the year twenty reels of microfilms of old newspapers have been added to the Society's collections. These films represent about six years of daily and thirty-three years of weekly newspapers. The papers include the Kansas City (Mo.) *Daily Journal of Commerce* from December 17, 1858, to June 30, 1865, the Kansas City (Mo.) *Enterprise* from November 10, 1855, to October 3, 1857, the *Weekly Western Journal of Commerce*, Kansas City, Mo., from October 17, 1857, to June 23, 1866, the *Oskaloosa Independent* from July 11, 1860, to August 20, 1870, the *Lawrence Republican* from May 28, 1857, to November 13, 1862, the *Kansas Weekly Herald*, Leavenworth, from September 15, 1854, to December 26, 1857, the *Integral Cooperator* of Enterprise and parts of the *American Nonconformist* of Winfield. Most of these papers were microfilmed in cooperation with other libraries, which greatly reduced the cost to the Society.

It has been asked how we can continue to find space to store our newspaper collections. The microfilm suggests the answer. One reel of film may be said to approximate 850 newspaper pages, the equivalent of a two-months' volume of the *Topeka State Journal* of 1940. This means that one small Recordak film file with a capacity of 383 reels could hold all the Society's files of the *Topeka Daily Capital* from 1879 to December, 1940, plus our files of the *Topeka State Journal* from 1880 to 1895, a total of seventy-six years of daily newspapers.

In this department several WPA workers are listing all past changes in names of newspapers, editors, publishers and owners. About half the Kansas weekly newspapers have been completed.

Use of our newspapers increases each year. Researchers spend weeks and months here, compiling historical data. During the year 4,298 patrons were registered, coming from a dozen states. In this time they examined 25,390 bound newspaper volumes and 12,252 unbound issues.

The 1940 *List of Kansas Newspapers and Periodicals* was published in July. The *List* shows the issues of 745 newspapers and periodicals being received regularly for filing. Of these, 61 are dailies, 13 semiweeklies, 489 weeklies, 25 fortnightlies, one trimonthly, 17 semimonthlies, 76 monthlies, nine bimonthlies, 20 quarterlies, 28 occasionals, three semiannuals and three annuals, coming from all the 105 Kansas counties. Of these 745 publications, 165 are listed republican, 45 democratic and 279 independent in politics; 94 are school or college, 29 religious, 19 fraternal, 17 local and 97 miscellaneous (including four Negro publications).

On January 1, 1940, the Society's collection contained 46,612 bound volumes of Kansas newspapers and more than 10,000 bound volumes of out-of-state newspapers.

Among the year's other accessions are the following: Helen Shirk of Topeka contributed a number of issues of her father's monthly publication, *The School and Home*, Abilene, also eight miscellaneous issues of *Trench and Camp* of Camp Doniphan, Fort Sill, Oklahoma; Mrs. Robert Merrick of Topeka donated seven issues of the *Night Hawk*, Washburn College; the Woman's Kansas Day Club gave a number of miscellaneous papers to the Society. Among the other donors the following should be mentioned: Mr. and Mrs. R. L. Barker of Kansas City, Mrs. Fenn Ward of Highland, L. H. Ruppenthal

THE ANNUAL MEETING

83

of McPherson, Harry Mangold of Hutchinson, Mrs. Loyal F. Payne of Manhattan, Mary M. Smelzer of the Watson Library, Lawrence, Mrs. Vernon McArthur of Hutchinson, Mrs. W. G. Cooper of Blakeman, Everett G. Barber of Salina, Mrs. Merebah Clark of Terre Haute, Ind., Mrs. Hattie Wade Leisening of Sedalia, Mo., George Remsburg of Porterville, Calif., Mrs. Herbert W. Geer, Jennie Small Owen, Paul Parrish, Ernest F. McNutt and Horace G. Black of Topeka.

MUSEUM

The attendance in the museum for the year was 31,112. Between April 9 and May 29, 2,159 students from 36 counties, representing over 100 schools, made class pilgrimages to view the exhibits.

There were 49 accessions. Among the most interesting was a printer's proof galley from the Oskaloosa *Independent*, in constant use for 79 years, donated by Mrs. F. H. Roberts through the Woman's Kansas Day Club. John J. McKnight, Baileyville, donated a buggy in which his uncle, Dr. George C. McKnight, Hiawatha, had traveled 27,500 miles in the practice of his profession.

During the year a complete index of the Goss collection of birds was made.

SUBJECTS FOR RESEARCH

During the year the following have been subjects for serious research: *Biography*: John James Ingalls; Solomon Miller; Joseph E. Bristow; Charles R. Jennison; Theodore Roosevelt; Jesse James; Walt Whitman; John Brown in American literature; Joseph Ralph Burton. *County and town history*: Decatur county; Frankfort; early Baxter Springs and its development; Norton county; Hamilton county; the Rawlins county-seat fight; community of Mullinville; Kansas City. *Education*: Education in Russell county; common school education in Territorial Kansas; Cloud county schools; the University of Kansas; the schools of Ford county. *Economics*: Banking in Bourbon county; banking in Cherokee county; unemployment; the manufacturing of starch; meat packing industry; Kansas Gas and Electric Company; comparison of hog prices at five different markets. *General*: Mennonites in McPherson, Reno and Harvey counties; public assistance in Dickinson county; party platforms in Kansas; Osage ceded lands; pioneer life in Kansas as revealed in fiction; organization and administration of Kansas troops in the Civil War; Kansas Grange, 1870-1890; Wilson's raid in Virginia; sectionalism and local color in the plains states; Coronado; Catholic church on the Kansas frontier; storm studies; migration of the Negro into early Kansas; settlements in northwest Kansas; Atchison, Topeka and Santa Fe railroad; campaign and patriotic songs; Kansas Day banquet speeches.

ACCESSIONS

July 1, 1939, to June 30, 1940

Library:	
Books (volumes)	1,105
Pamphlets	3,225
Magazines (bound volumes)	169
Archives:	
Separate manuscripts	3,025
Manuscript volumes	none
Manuscript maps	none

Private manuscripts:	
Separate manuscripts	581
Volumes	37
Printed maps, atlases and charts.....	83
Newspapers (bound volumes).....	858
Pictures	483
Museum objects	49

TOTAL ACCESSIONS, JUNE 30, 1940

Books, pamphlets, bound newspapers and magazines....	390,462
Separate manuscripts (archives).....	1,073,009
Manuscript volumes (archives).....	27,897
Manuscript maps (archives).....	583
Printed maps, atlases and charts.....	11,354
Pictures	19,257
Museum objects	33,005

THE QUARTERLY

The *Kansas Historical Quarterly* is now in its ninth year, eight volumes already having been published. Much of the credit for the high standard the magazine has achieved among the state historical magazines of the country should go to Dr. James C. Malin, associate editor, who is professor of history at Kansas University. Doctor Malin's criticisms of articles submitted is invaluable. The *Quarterly* is widely quoted by the newspapers of the state and is used in many schools.

FEDERAL WORK PROJECTS

Thirteen to sixteen persons have been employed four days a week on the Society's unit of the state-wide WPA museum project. They are supervised by the staff, and mention of their work is made in departmental reports. Federal expenditures for the year from October 6, 1939, to October 7, 1940, were \$12,579.27 for salaries. The Society's expenditures for the same period were approximately \$230 for materials.

Much credit for work accomplished is due Robert Beine, WPA supervisor assigned to the Society. Mrs. Mary Parkman, head of the Professional and Service division of WPA, and Harold J. Henderson, supervisor of the Historical Records and Imprints surveys, have coöperated in these projects.

Two state-wide work-relief projects have been sponsored by the Society.

The Kansas section of the American Imprints Inventory, sponsored since October 1, 1938, has examined over two million volumes in Kansas libraries. Of these, titles of 55,677 have been listed. An inventory was made of 4,057 volumes. The survey will soon be carried to twenty-three additional city and college libraries. On the basis of total holdings of all Kansas depositories it is estimated that the imprints inventory is approximately seventy-five percent complete. A *Check List of Kansas Imprints* was published in December, 1939. The project employs ten persons.

The Historical Records Survey sponsored since September 1, 1939, has issued nine inventories of county records. The Shawnee county inventory, now being mimeographed, is tenth of the series. The project is operating in seventy counties, and first listing of records has been completed in sixty-nine. One hundred twenty workers are employed on this survey.

THE ANNUAL MEETING

85

KANSAS HISTORICAL MARKERS

Six years ago a committee of the Kansas Chamber of Commerce headed by Fred Brinkerhoff, of Pittsburg, Roy Bailey, of Salina, and Samuel Wilson, of Topeka, met with the secretary of the Historical Society to discuss plans for marking historic sites on state highways. As a starter, the Historical Society compiled a list of 100 sites. From these fifty were selected for the first signs. Gov. Walter Huxman and the Highway Commission approved the project and one marker was constructed before the change in administrations. In July, 1940, Gov. Payne Ratner and D. J. Fair, director of the new Highway Commission, resumed the program, and it is now being energetically carried out.

Texts for the signs are written by the Historical Society after careful research. Frequently as many as a dozen drafts are made before final approval. Highway employees rout and burn these inscriptions in white pine signs, six to eight feet long by five or six feet deep. At the sites the markers are suspended from logs supported by upright posts placed in concrete. Warning signs—small ovals with the silhouette of a buffalo—are placed on highways a quarter of a mile on each side of the signs.

Twenty of the first fifty inscriptions have been turned over to the Highway Commission and fourteen markers have been completed. Half of these have been placed on the highways, each with special unveiling ceremonies.

Public response has been gratifying. Much credit should be given to Mr. Fair and his assistants. Their work includes selecting the marker sites, securing easement papers when land is not already available, preparing location sketches for their construction divisions, and grading the sites for the markers.

OLD SHAWNEE METHODIST MISSION

Work on the restoration of the North building at the mission, made possible by the appropriation of \$15,000 by the 1939 legislature, was begun last winter. The state architect, Roy W. Stookey, and his assistant, Charles Marshall, who drew up the plans and supervised the work, have taken a keen personal interest in this unique project. It was necessary to tear down the west end of the building and build a new foundation. The old brick, now nearly one hundred years old, was cleaned and relaid. All other exterior brick and stone have been repaired and pointed up. All beams and supports were reinforced and a new roof was laid. Much of the long two-story veranda had to be replaced. The accumulated paints and varnishes of one hundred years were scraped off the interior floors and woodwork and the native oak and walnut were restored to their natural finish. Replacements of wood and hardware, where necessary, have matched the originals as closely as possible. Plastering has just been completed. From an architectural standpoint this is the most attractive of the three old brick buildings at the mission. When it is restored and the grounds are landscaped it will be a beautiful addition to the historic shrines of Kansas.

During the year minor repairs have been made on the other buildings. The large signs were repainted this fall. Last spring a wide border of native shrubbery was planted along the east and south property lines south of the road. Drought in recent years has killed much of the bluegrass to which the grounds were sown six years ago. Several acres were plowed up and reseeded this fall.



The Society is indebted to the Shawnee Mission Indian Historical Society and to the state departments of the Colonial Dames, the Daughters of the American Revolution, the Daughters of American Colonists and the Daughters of 1812 for their splendid coöperation at the mission. The number of visitors increases each year. Harry A. Hardy, caretaker at the mission, and his wife, Kate Hardy, deserve special mention for the excellent manner in which the buildings and grounds are maintained.

FIRST CAPITOL OF KANSAS

The legislature of 1939 appropriated \$3,000 for a cottage for the caretaker at the First Capitol building on US-40 in the Fort Riley reservation. The state architect designed this cottage to conform with the old building, which was restored by the Union Pacific railway in 1927. For the past eight years the caretaker has been living in an unsightly box car which can now be removed. Minor repairs have been made on the capitol building and this fall the large signs on the highway were repainted. One of the new highway markers is to be placed on this site in the near future.

PIKE-PAWNEE MONUMENT

Repairs were made this fall on the fence and the flagpole at the Pike-Pawnee monument in Republic county. On September 20 a historical marker describing the events commemorated by the monument was dedicated at Scandia on US-36 eight miles south of the park.

A TEN-YEARS' SURVEY

As mentioned at the beginning of this report this annual meeting ends my tenth year as secretary. During that period a continuous effort has been made to organize, catalogue and repair the vast collections of the Society, so that they might be more useful, and to give them more frequent publication. A brief statement of some of the accomplishments of the decade will be of interest.

PUBLICATIONS

The Kansas Historical Collections, published biennially, were discontinued and the *Quarterly* was substituted, of which eight volumes have appeared. Nine newspaper lists, showing publications received, and several pamphlets have been issued. One book, *The Annals of Shawnee Mission and the Indian Manual Labor School*, was published last year. A general index to both *The Kansas Historical Collections* and *The Kansas Historical Quarterly* is being prepared.

NEWSPAPERS

New steel shelves costing \$3,600 have been installed, for the first time permitting a systematic arrangement of newspapers and keeping them from deterioration. A record of every paper belonging to the Society was published in the *Union List of Newspapers*. Many valuable accessions were acquired, including 81 volumes of early Leavenworth papers, 90 issues of the *Atchison Squatter Sovereign*, and a large file of the *Emporia Kansas News*, 1857-1878. A microfilm projector and 1,829 feet of newspaper film are recent additions.



THE ANNUAL MEETING

87

ARCHIVES

Correspondence of Governors Reed, Woodring, Landon and Huxman was received, as well as large accessions from other state departments. An index of corporation charters consisting of 190,000 cards was made. Alphabetical listings of 168,000 persons in the census records of 1855, 1860 and 1875 were prepared. A record of 7,000 dead towns is nearing completion. Certificates of age, based on the census, were issued to 1,400 persons.

MUSEUM

More than 30,000 relics and pictures were cleaned, repaired and relabeled. The Billard airplane was acquired, perhaps the most interesting object in the museum.

LIBRARY

Of exceptional value are the following: A list of legislators from 1855-1939; an index of the Civil War roster; an index to early volumes of biographical clippings; a list of the Society's holdings for publication in the *Union List of Serials*; classification of 45,000 books and pamphlets in the library annex; filing of 500,000 Library of Congress cards; assisting in the preparation of the *Inventory of Kansas Imprints*; classifying and cataloguing the Society's 20,000 pictures; and cleaning and mounting on muslin 12,000 maps and broadsides.

PRIVATE MANUSCRIPTS

Hundreds of valuable papers were cleaned and repaired by methods developed at the Library of Congress and the whole department was reorganized. Among the accessions were: Seven truck loads of books and papers brought from the attic of the old post office when it was razed, probably the largest and most valuable single collection ever acquired by the Society; 25,000 papers of Charles S. Glead; 12,000 items from the law department of the Union Pacific railroad through the courtesy of T. M. Lillard; 17,000 records of live-stock brands, 1855 to 1937, from the state planning board; papers and diaries of Isaac Goodnow; papers and diaries of Elam Bartholomew; Thomas Ewing letter books; Chas. Robinson papers from Hannah Oliver; Gov. John P. St. John letter books; and photostats of John Brown letters, and documents in the national archives.

SHAWNEE MISSION

Much has been done at Shawnee Mission. Work in the East building includes installation of new supporting timbers, removal of partitions on second floor, restoration of the original flooring and installation of a club room. A frame garage was torn down and replaced by a brick garage and workshop. The West building was repaired, renovated and reroofed. Restoration of North building, with \$15,000 appropriated by the legislature, has been mentioned. The grounds were landscaped and replanted.

FIRST CAPITOL

The appropriation of \$3,000 for a caretaker's cottage at the First Capitol has been mentioned.

THE STAFF OF THE SOCIETY

The various accomplishments noted in this report are due to the Society's splendid staff of employees. Visitors from all parts of the country almost invariably go out of their way to compliment the Society on the spirit of

coöperation they find in every department. I gratefully acknowledge my indebtedness to them. At this annual meeting special mention must be made of Mrs. Mary Embree, who began a leave of absence the first of September. Mrs. Embree joined the staff on February 1, 1911, as accountant and treasurer. During these thirty years she made an invaluable contribution to the upbuilding of the Society. She leaves with the sincere best wishes of every member of the staff.

Respectfully submitted,

KIRKE MECHEM, *Secretary.*

At the conclusion of the reading of the secretary's report, T. A. McNeal moved that it be accepted. Motion was seconded by John S. Dawson.

Mr. Lillard then called for the report of the treasurer. In lieu of a report by Mrs. Mary Embree, absent on leave, the audit by the state accountant of the Society's funds was presented by Mrs. Lela Barnes.

AUDIT REPORT

AUGUST 11, 1939, TO AUGUST 31, 1940

MEMBERSHIP FEE FUND

Balance, August 11, 1939:	
Cash	\$1,141.29
Treasury bonds (par value, \$3,500)	3,441.81
	<hr/> \$4,583.10
Receipts:	
Life memberships	210.00
Annual dues	116.00
Interest on bonds	146.25
Postage returned	434.00
Postage received	1.00
Total receipts	<hr/> 907.25
	<hr/> <hr/> \$5,490.35
Disbursements:	
Travel expenses	262.86
Annual meeting	24.75
Postage	316.00
Dues and subscriptions	233.00
Shawnee Mission pageant	40.00
Supplies	36.93
Drayage	17.50
Surety bonds	10.00
Flowers	9.53
Christmas gifts to janitors	8.50
Plaques	5.00
Safety deposit box	3.30
Extra typing	3.00
Notary commission	2.00
Total disbursements	<hr/> 972.37
Balance, August 31, 1940:	
Cash	1,076.17
Treasury bonds (par value, \$3,500)	3,441.81
	<hr/> 4,517.98
	<hr/> <hr/> \$5,490.35



THE ANNUAL MEETING

89

JONATHAN PECKER BEQUEST

Balance, August 11, 1939.....	\$68.00
Treasury bonds	950.00
	<u>\$1,018.00</u>
Interest received:	
Bond interest	\$27.78
Interest on bank balance.....	.43
	<u>28.21</u>
	<u>\$1,046.21</u>
Disbursements, books	\$18.21
Balance, August 31, 1940:	
Cash	78.00
Treasury bonds	950.00
	<u>\$1,046.21</u>

JOHN BOOTH BEQUEST

Balance, August 11, 1939.....	\$76.75
Treasury bonds	500.00
	<u>\$576.75</u>
Interest received:	
Bond interest	\$13.88
Interest on bank balance.....	.22
	<u>14.10</u>
	<u>\$590.85</u>
Disbursements, books	\$77.50
Balance, August 31, 1940:	
Cash	13.35
Treasury bonds	500.00
	<u>\$590.85</u>

THOMAS H. BOWLUS, DONATION

This donation is substantiated by a United States treasury bond in the amount of \$1,000. Interest is credited to the membership fund.

On motion of Mrs. W. D. Philip, seconded by Mrs. Bennett R. Wheeler, the report was accepted.

The report of the executive committee on the audit by the state accountant of the funds of the Society was called for and read by the secretary.

REPORT OF THE EXECUTIVE COMMITTEE

OCTOBER 15, 1940.

To the Board of Directors, Kansas State Historical Society:

The executive committee being directed under the bylaws to check the accounts of the treasurer, states that the state accountant has audited the funds of the State Historical Society, the First Capitol of Kansas and the Old Shawnee Mission from August 11, 1939, to August 31, 1940, and that they are hereby approved.

THOMAS AMORY LEE, *Chairman.*



Justice Dawson moved that the report be accepted; seconded by T. A. McNeal.

The report of the nominating committee for officers of the Society was read by the secretary:

NOMINATING COMMITTEE'S REPORT

OCTOBER 15, 1940.

To the Board of Directors, Kansas State Historical Society:

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

For a one-year term: James C. Malin, Lawrence, president; Charles H. Browne, Horton, first vice-president; W. E. Stanley, Wichita, second vice-president.

For a two-year term: Kirke Mechem, Topeka, secretary; Mrs. Lela Barnes, Topeka, treasurer.

Respectfully submitted,

T. A. McNEAL, *Chairman*,
M. R. McLEAN,
JOHN S. DAWSON,
MRS. A. M. HARVEY,
MRS. BENNETT R. WHEELER.

The report was referred to the afternoon meeting of the board.

There was an informal discussion of ways of interesting greater numbers of people in the work of the Society. This was followed by a short talk by John G. Ellenbecker, of Marysville, on the Oregon trail and the increasing need for Western pioneer history to be taught in the schools.

There being no further business the meeting adjourned until the annual meeting of the Society at 2 p. m.

ANNUAL MEETING OF THE SOCIETY

The annual meeting of the Kansas State Historical Society convened at 2 p. m. The members were called to order by the president, T. M. Lillard.

The annual address by Mr. Lillard follows:



Address of the President
BEGINNINGS OF THE KANSAS JUDICIARY

T. M. LILLARD

SHORTLY after the acquisition of the Louisiana territory through purchase from France in the year 1803, Congress enacted a law dividing it into two parts, the northern part which included Kansas being attached to the territory of Indiana for governmental purposes. Later, in 1812, a portion of the Louisiana territory, including Kansas, was reorganized under a territorial government known as the Missouri territory. After the admission of Missouri as a state in 1820, Kansas and the remainder of the former Missouri territory, which was not included in the state of Missouri, was left without any territorial government. From 1820 until 1854 this section of the country was treated under federal laws simply as Indian land, practically the only statutes applicable thereto being those dealing with the Indian tribes. There was no organized local government, and certainly there were no courts or other judicial bodies functioning in any part of this great expanse of prairie country.

It was into a land in this almost barbaric condition so far as laws and organized government were involved that the earliest settlers came as they journeyed out by steamboat and covered wagon to become citizens of the proposed new state of Kansas, following the enactment of the Kansas-Nebraska law in the spring of 1854. Under the terms of the enabling act passed by Congress, the governor, who was to be appointed by the President, was to call an election at which a legislative body would be chosen. The legislature so chosen would adopt a body of laws to govern the people in the territory and would establish the usual governmental agencies. Some months would necessarily elapse before the actual machinery of the territorial government could be set up, before a set of laws to govern the settlers could be enacted, and before courts could be established to administer these laws. During that interim the first Kansas settlers were dwelling in what was quite literally an almost lawless country.

Just when the three judges appointed by President Pierce—who were to serve in Kansas territory as district judges as well as supreme court judges—began to hold district courts is not at all clear. It is certain that they did not meet as a supreme court until July 30, 1855. A few justices of the peace appointed by Governor

Reeder, shortly after he reached Kansas in the latter part of the year 1854, apparently constituted the only judicial officers actually functioning in the territory until well along in the year 1855.

In some sections of the territory, at least, these early settlers seemed able to proceed in homely fashion to provide themselves with the missing laws and the missing courts. In Connelley's *Kansas and Kansans* he quotes a set of resolutions promulgating some home-made laws adopted early in 1855 at a joint meeting of the "Wakarusa Association," a group of Slave-State advocates from Missouri, and the "Actual Settlers' Association," a group of Free-State advocates from New England. In these resolutions there were embodied a set of rules fixing the method for staking out, settlement on, proving up of land claims, and for disposing of disputes with reference to such claims.

This documentary record showing how these two rival or even hostile groups met amicably, as they did, out on the big ridge that separates the Kaw valley and the Wakarusa valley a few miles west of Lawrence and there created for themselves a body of laws to establish and protect their mutual rights in the things that were of most immediate concern to them is startling proof of the fact that they had found themselves practically in a state of nature, without benefit of any governmental agencies that were actually functioning.

The resolutions thus adopted provided for the following officers: One chief justice, one register, one marshal and one treasurer. I quote the following provisions establishing the judiciary:

The duty of the Chief Justice shall be to try and decide all disputes between settlers in reference to claims or otherwise, and to try all criminals or persons guilty of the violation of the laws of the Territory. The said Chief Justice shall always take justice between man and man as his guide; and upon the demand of either party shall summon a jury . . . to try all disputes or violations of law. . . .

Further proof of the difficulties that surrounded the early settlers by reason of the uncertainty as to the laws that they must live under is found in the petition addressed to President Pierce by the territorial legislature in the summer of 1855, that Governor Reeder be removed from office. One of the recitals in that petition was that neither the governor nor the people knew what local laws were in force, as some of the justices of the peace were enforcing the code of laws from Pennsylvania, others the laws from Ohio, and still others the laws from Missouri.



THE ANNUAL MEETING

93

But as the year 1855 progressed the governmental machinery of the new territory was gradually set up and put to work, many difficulties and much bitterness being encountered as each step was taken.

The first Kansas territorial legislative assembly upon call of Governor Reeder convened on July 2, 1855, the meeting place chosen by the governor, to the great disgust of the members, being at Pawnee (now a part of the Fort Riley Military Reservation). Practically all of the members were Proslavery advocates who had come from Missouri, their election the previous March having been notoriously fraudulent. Desiring to hold their sessions as near as possible to the Missouri state line, immediately after organizing the first session at Pawnee, the legislators passed a resolution adjourning to the Shawnee Methodist Mission, located in what was later to become Johnson county. There the legislature began the task of enacting a body of laws to govern the people of the territory.

Governor Reeder refused to sign the first statute enacted by the territorial legislature after it had adjourned to Shawnee mission, the particular statute involved being one to provide for a public ferry across the Missouri river at Kickapoo. The ground for the governor's objection was that the legislature had no right to adjourn from Pawnee and hold its sessions at Shawnee mission, and that any laws enacted at that location were invalid.

President Franklin Pierce in June, 1854, had appointed as the three judges of the supreme court of the territory, Samuel Lecompte, of Maryland, chief justice, and Saunders W. Johnston, of Ohio, and Rush Elmore, of Alabama, as associate justices. Upon the request of the legislature, the United States district attorney arranged for the three territorial judges to assemble as a supreme court at Shawnee mission on July 30, 1855. He there presented to the judges a resolution of the legislature soliciting a decision of the supreme court as to the validity of the legislative session then being held at Shawnee mission, and of the statutes enacted by the legislature while assembled at that place. On the journal of the court it was noted that the court, having taken the communication under consideration, would rule upon it in view of the great importance of the matters involved, but that the ruling would not be made as a court, but simply as the individual views of the judges. Chief Justice Lecompte and Associate Justice Elmore thereupon, in an opinion that is printed in the appendix to the *House Journal* of the territorial legislature of 1855, upheld the validity of the legislative session at

Shawnee mission and of the statutes there enacted. Mr. Justice Johnston in a short written opinion which has been preserved dissented vigorously on the ground that the members of the court had no right to render opinions except in cases regularly presented for hearing.

In this rather incongruous fashion, for the first time a supreme court of any character functioned in Kansas. The dissenting judge apparently had the better of the argument from a purely legal standpoint. However, as a practical matter, the territorial legislature in reliance upon the informal ruling of the two judges, proceeded forthwith to enact a general body of laws to govern the territory, something of which there was sore need.

While the judiciary alone is included in the scope of this paper, some passing reference must be made to the legislature which enacted at Shawnee mission the general code of 1855. This legislative body was most cordially hated and distrusted by the Free-State settlers. It has ever since been contemptuously referred to as the "Bogus Legislature." The outrageous frauds perpetrated when its members were elected and the high-handed manner in which its members disregarded the authority of the executive, Governor Reeder, call for vigorous condemnation. The same may be said of the lengths to which the "Bogus Legislature" went in establishing and protecting slavery in the territory, and of the statutes fixing the qualifications of voters so as to practically disfranchise all Free-State advocates.

We think of Kansas as having always been non-slavery territory. However, it is doubtful if any state of the Union ever had a set of laws establishing and protecting within its limits the institution of human slavery with more emphatic vigor than is found in Chapter 151 of the *Laws of 1855* as enacted by the territorial legislature of Kansas. Section 12 of this statute reads:

If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this territory, or shall introduce into this territory, print, publish, write, circulate or cause to be introduced into this territory, written, printed, published or circulated in this territory, any book, paper, magazine, pamphlet or circular, containing any denial of the right of persons to hold slaves in this territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

When a Free-State legislature finally came into power in Kansas, it was not satisfied with an immediate repeal of these laws,



THE ANNUAL MEETING

95

but ordered a public burning of the volume in which they were contained.

Aside from the laws dealing with slavery, the "Bogus Legislature" did, however, perform a very creditable job in promptly adopting a general body of statutory law. Under these statutes the courts began to function, and continued to do so through the territorial period, with what may be termed fair success when we consider the turbulent conditions that prevailed.

Under the terms of the act of Congress creating the territory the three supreme court judges were also to function as judges of the district courts. On February 26, 1855, Governor Reeder had assigned the three judges to district court service as follows: Chief Justice Lecompte to preside in the First district, sitting at Leavenworth; Judge Elmore in the Second district, sitting at Tecumseh; and Judge Johnston in the Third district, sitting at Pawnee.

There were frequent changes in the territorial judges—new appointees sometimes appearing with commissions from the President and claiming the positions over the vigorous protests of the former judges who had received no previous notice of their displacement.

Of the territorial judges Samuel D. Lecompte was the only one who appears to have left any great impression on the history of those times. One cannot read the record of his life and activities without being impressed with the fact that he was a man of great force of character. In addition to his judicial service, he presided over the Lecompton Constitutional Convention. He was bitterly charged with having through the powers of his judicial office given undue and unfair support to the Proslavery party.

The judge cannot be charged with ever having run to cover or to have shown any symptoms of cowardice. Born and raised in the slave-holding state of Maryland, he frankly and openly declared his belief in the blessings of slavery as an institution and his desire to use all lawful means to establish slavery in Kansas.

He resided at Leavenworth for many years after the close of the Civil War, joined the Republican party, and was elected probate judge of the county and served as a member of the legislature. In 1873 D. R. Anthony published a number of severely condemnatory articles in his newspaper, reviewing the activities of Judge Lecompte during the territorial period. Upon complaint of Judge Lecompte, Anthony was prosecuted for criminal libel, and after trial in the criminal court of Leavenworth county, was found guilty and fined \$500. Lecompte in 1875 published a lengthy and highly rhetorical

article in the *Troy Chief*, defending in great detail his official conduct. Judge Lecompte about this time declined with some bitterness a request to send his photograph to the Kansas State Historical Society, intimating that he thought the request was made for the purpose of preserving his likeness as an enemy rather than as a friend of Kansas. The rather stormy career of Judge Lecompte as chief justice of the territorial court extended throughout the most trying territorial days, and did not terminate until March, 1859, when he was replaced through the appointment by President Buchanan by Honorable John Pettit of Indiana as chief justice of the court.

Honorable James McCahon, a prominent attorney of Leavenworth, in 1870 collected and published in a small volume, known as *McCahon's Reports*, all available decisions of the supreme court of Kansas territory. The opinions included in this volume were all rendered in the years beginning with 1858, and unfortunately fail to throw any light upon the court through the more turbulent period from 1855 to 1858. A thumbing through of this small volume discloses the usual run of controversies over contracts, partnerships, land disputes, procedural questions, etc. It is interesting to note, however, that the general statutes enacted by the "Bogus Legislature" were applied by the court and afforded a workable body of statutory law through the territorial period.

In *McCahon's Reports*, at page 185, is a record of the proceedings in the case of *United States v. Lewis L. Weld* had in the district court of Leavenworth county on April 18, 1860. The subject matter, as well as the decision in this case, were extremely interesting to me, and I will review them briefly. A negro slave named Peter Fisher had escaped to Kansas from Kentucky. The owners of the slave were two infant children named Hutchison, who had inherited the slave from their father, recently deceased. The guardian of the two children came to Kansas with an appropriate order from the Kentucky authorities issued under the fugitive slave law, and took the slave into his custody in Leavenworth county. While about to return to Kentucky with him, defendant in the case, Lewis L. Weld, on January 24, 1859, as the indictment charged, did with force and arms, to-wit, with a club, knife, pistol, and other hurtful weapons, knowingly and willfully aid, abet and assist the said Peter Fisher, so owing service or labor as aforesaid, to escape. The fugitive slave law under which Weld was prosecuted made it a criminal offense for any one to aid and assist a fugitive slave in escaping when he had

THE ANNUAL MEETING

97

been taken into the custody of his owner, or the owner's "agent or attorney." Motion to quash the indictment of Weld having been filed, it was argued before Judge Pettit, and sustained; the ground of the ruling being that the guardian of the minor owners of the slave was not shown to have lawful custody of the slave, because he was neither the owner nor the "agent or attorney" of the owners, and for this reason the fugitive slave law had not been violated when Weld with the use of a club, knife, pistol, and other hurtful weapons aided the slave in escaping from the guardian of the infant owners.

It requires no stretch of the imagination to believe that if this case had been tried before Judge Lecompte, instead of Judge Pettit, the result would have been very different. Judge Pettit's opinion winds up with the following paragraph:

This opinion has been hastily written in the midst of turmoil, interruption and confusion—in the absence of a library to consult, and without time to correct or pay much attention to legal diction, but I am confident that, in its main features, it will stand the test of the most searching and rigid legal and judicial criticism.

If Judge Pettit had had "a library to consult," it is likely that he would have had considerable difficulty in finding any authority to sustain his conclusion that the relationship of a guardian to his infant ward is of lower order than that of agent or attorney.

However, the decision was undoubtedly popular. When we remember that at the time the case was heard the Free-State people were definitely in the majority, we can get a pretty clear picture of the conditions referred to by Judge Pettit when he said in his opinion that the case was heard "in the midst of turmoil, interruption and confusion." A decision, even in Leavenworth in 1860 sending one of the Kansas Free-Staters to prison because he had prevented the return of a slave from Kansas to Kentucky, would no doubt have resulted in a pitched battle in the courthouse.

The work of the territorial court ended upon the admission of Kansas into the Union as a state on January 29, 1861. The members of the supreme court elected to serve under the Wyandotte Constitution assembled in their first session on October 28, 1861. The court as then constituted, consisted of Thomas Ewing, Jr., chief justice, Samuel A. Kingman and Lawrence D. Bailey as associate justices. The first five district judges were McDowell, Lee, Safford, Thacher and Larnard, and David J. Brewer was judge of the criminal court of Leavenworth county. These first Kansas judges

7-7171

were all men of good character and ability. Many of them later made outstanding records.

Thomas Ewing, the first chief justice, served only about a year, resigning in October, 1862, to enter military service as colonel of the Eleventh Kansas regiment which he had recruited. Ewing was shortly thereafter advanced to the rank of brigadier general, and his record as a soldier was one of distinction. As commander of the army in the District of the Border, he issued the famous Order No. 11, the effect of which was practically to remove the civilian population from Kansas City and vicinity. After the war, Judge Ewing practiced law in Washington, D. C., and in New York City, and was at one time a member of congress from the state of Pennsylvania. He was a gallant soldier and an able lawyer.

Judge Kingman, a native of Massachusetts, served on the supreme court until 1876. An able and distinguished judge, he rendered a valuable service to his state through the learning, fairness and industry with which he applied himself to the difficult legal problems that came before the court while the law of the new commonwealth was in a formative period. Prior to his service on the bench, Judge Kingman had been one of the leaders in the framing of the Wyandotte Constitution and is credited with being the father of the beneficent homestead provision in the Kansas constitution. In the later years of his life Judge Kingman served as secretary of the State Historical Society.

Judge Bailey, a native of New Hampshire, whose home, after he came to Kansas, was at Emporia, was a man of outstanding character and ability. He served upon the court until January, 1869, when he was succeeded by the Hon. Daniel M. Valentine.

I will not take time to attempt a review of the work of the courts even in the early years of statehood. The opinions of the judges of the supreme court are preserved in the official reports of the court; and these opinions reflect also the work done by the district courts whose decisions came up for review. By these early judicial decisions the law of the new state was settled and determined in admirable fashion.

The members of the Kansas judiciary who assumed their official duties in those historic days when the nation was just entering into the throes of Civil War did so with a full sense of their responsibilities. They had each had some part in the struggles of the territorial days from which Kansas finally emerged as a free state. When we review the difficulties that surrounded the birth of Kansas, we can

THE ANNUAL MEETING

99

better appreciate the significance of the inscription on the official seal of our state, "Ad Astra Per Aspera."

A talk by Paul Jones, chairman of the Kansas Coronado Cuarto Centennial Commission, on "Coronado and Quivira" followed the address of the president. Mr. Jones spoke interestingly of incidents in his research on the life of Coronado and the expedition of 1540-1541; also of plans for the cuarto centennial celebration in Kansas.

The report of the committee on nominations for directors was then called for:

REPORT OF COMMITTEE ON NOMINATIONS FOR DIRECTORS

OCTOBER 15, 1940.

To the Kansas State Historical Society:

Your committee on nominations submits the following report and recommendations for directors of the Society for the term of three years ending October, 1943:

Austin, E. A., Topeka.	Means, Hugh, Lawrence.
Berryman, Jerome C., Ashland.	Morgan, Isaac B., Kansas City.
Brigham, Mrs. Lalla M., Council Grove.	Oliver, Hannah P., Lawrence.
Brock, R. F., Sharon Springs.	Owen, Mrs. Lena V. M., Lawrence.
Bumgardner, Edward, Lawrence.	Patrick, Mrs. Mae C., Satanta.
Correll, Charles M., Manhattan.	Payne, Mrs. L. F., Manhattan.
Davis, W. W., Lawrence.	Reed, Clyde M., Parsons.
Denious, Jess C., Dodge City.	Riegle, Wilford, Emporia.
Fay, Mrs. Mamie Axline, Pratt.	Rupp, Mrs. W. E., Hillsboro.
Frizell, E. E., Larned.	Schultz, Floyd B., Clay Center.
Godsey, Mrs. Flora R., Emporia.	Sloan, E. R., Topeka.
Hall, Mrs. Carrie A., Leavenworth.	Uhl, L. C., Jr., Smith Center.
Hegler, Ben F., Wichita.	Van de Mark, M. V. B., Concordia.
Jones, Horace, Lyons.	Wark, George H., Caney.
Lillard, T. M., Topeka.	Wheeler, Mrs. Bennett R., Topeka.
Lindsley, H. K., Wichita.	Woolard, Sam F., Wichita.
	Wooster, Lorraine E., Salina.

Respectfully submitted,

T. A. McNEAL, *Chairman*,
M. R. McLEAN,
JOHN S. DAWSON,
MRS. A. M. HARVEY,
MRS. BENNETT R. WHEELER.

On unanimous vote of the members of the Society the report of the committee was accepted and the members of the board were declared elected for the term ending October, 1943.

The reports of representatives of other societies were called for. Mrs. J. W. Quarrier, retiring president of the Shawnee Mission Indian Historical Society, presented the report of that organization. The report of the Douglas County Historical Society was presented by Robert C. Rankin. The Rev. Angelus Lingensfelder, secretary of