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## The Mythical Jayhawk

KIRKE MECHEM

SEVERAL weeks ago that noble myth, the Kansas Jayhawk, was attacked on the grounds that it is attempting to become a real bird. A group of educators had discovered that one of their own textbooks not only tells little children that it is real but that it is a native of this locality. Faced with this dilemma, the school men naturally appointed a committee. As a result, an open season was declared on the Jayhawk and for a time there was a good deal of excited shooting, principally in the newspapers. When the smoke cleared away it was hard to tell from appearances whether the educators were the hunters or the hunted. Although they claimed they saw feathers fly the only trophy they brought back was the statement out of the textbook, which they announced they would stuff and mount above the committee-room door. But even this turned out to be not completely dead, and from last reports the Jayhawk will still perch in the text, metamorphosed, however, once more into a myth.

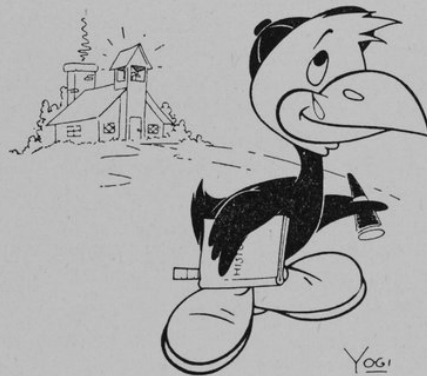
Comment over the state at the time was not wholly respectful. Some Kansans thought the educators had merely succeeded in taking each other out snipe-shooting. The mythical Jayhawk, they said, is like the mythical snipe, it always leaves the hunter holding the sack. "All myths," observed one kibitzer, "exist in what it amuses men to believe. The professors will have no more luck killing the Jayhawk than the historians have had with George Washington's cherry tree."

It is, of course, possible that these school men did not know they were taking on a myth when they attacked the Jayhawk. A little research outside the textbooks would have made them more wary. In the writings of John J. Ingalls, for example, they could have found these words of warning:

"The Audubon of the twentieth century," he wrote, "will vainly search the works of his illustrious predecessor for any allusion to the Jayhawk. Investigation will disclose the Jay (*Cyanurus cristatus*), and the hawk (*accipiter fuscus*): the former a quarrelsome egg sucker, the latter an assassin of the atmosphere. Were it not that nature forbids adulterous confusion of her types, he might surmise that the Jayhawk is a mule among birds, the illicit offspring of some aerial intrigue, endowed with the most malign attributes



of its progenitors. But the Jayhawk is a creation of mythology. Every nation has its myths, human and animal, and they are accepted as facts. Poetry decorates them with its varnish, orators cover them with a rhetorical veneer, and they are incorporated into the literature of the country. There was an epoch when the Jayhawk flew in our troubled atmosphere. It was a bird with a mission.



The Jayhawk Banished From the Schools

It was an early bird and it caught many a Missouri worm. It did not allow salt to be put on its tail."

This last statement might well serve as a warning to all Jayhawk hunters. It is a bird that cannot be caught. Even the names, Jayhawk and Jayhawker, are elusive. They are like the chicken and the egg, nobody knows which came first.

The earliest use of either

word seems to have been in 1849 when a party of adventurers from Illinois, who called themselves Jayhawkers, made the nickname famous in the California desert known as Death Valley. There are references to Jayhawkers in Texas history, which may be of an earlier date, but are not authenticated. The name became common during the territorial troubles and was at first applied to both sides. Jennison's regiment of Free-state men, as well as Quantrill's raiders, were at one time called Jayhawkers. The name finally stuck to the anti-slavery side and eventually to all the people of Kansas.

As to the word Jayhawk, it has now sent several generations of Kansans to the ornithologies. Probably the belief that somewhere the bird had a real prototype will never die. The story of Pat Devlin has always encouraged this hope. Devlin was a native of Ireland, an early immigrant to Kansas. One day in 1856 he was returning home after some private plundering across the Missouri border. When asked what he had been up to, he replied, "You know, in Ireland we have a bird we call the Jayhawk, which makes its living off of other birds. I guess you might say I've been Jayhawking!"

A few years ago Paul Wellman, of the *Kansas City Star*, thought this was a lead worth following up. He wrote a letter of inquiry to the Library of Dublin. Although the answer was that there is no such bird in Ireland, it was admitted that the name might exist in an isolated locality for some species. At the end of his letter the librarian added, "May I suggest that you inquire if history relates whether the original Pat Devlin was known sometimes to have an inventive turn of mind."

Whether Pat Devlin invented the Jayhawk may never be known. However, it was a happy inspiration, one that appealed to the humorous fancy of early-day Kansans, and they adopted the bird without question. But until recent years the myth was strictly an amateur production. The first professional development was in 1932 by Raymond C. Moore, professor of geology at the University of Kansas. Writing in the *Graduate Magazine*, he said:

"Geologists in the Mid-Continent region are familiar with the representative of the class Aves called *Jayhawkornis Kansasensis*. In unscientific parlance this species of bird is familiarly known as the Jayhawk. We may direct attention to what has been designated as one of the most famous yells in America, 'Rock Chalk, Jayhawk.' The close association of Jayhawk and rock chalk in this yell certainly suggests the possibility that the cretaceous chalk may contain evidence bearing on the Kansas Jayhawk. It is proper to inquire whether there may be avian remains in these chalk beds. It would be too much to hope that we might discover the remains of the original Jayhawk himself, yet nothing seems too remarkable for modern science.

"As a matter of fact, discovery of the Rock Chalk bird is not at all new. Some were found as long ago as 1870, when a paleontologic field party from Yale University made first discovery of ancestral Jayhawk bones in the cretaceous rocks of western Kansas. This bird was given the not unfitting name *Hesperornis regalis*, which means the 'kingly Western bird.' Subsequently other fossil remains have been found, and at the present time there are two remarkably fine mounted skeletons of *Hesperornis* in the Peabody Museum at Yale University, one in the American Museum of Natural History in New York City, one in the National Museum at Washington, and a complete specimen in the museum of the University of Kansas.

"A unique feature of the specimen in the University of Kansas collection is the preservation of clear imprints of feathers in the chalk. Thus we know not only the skeletal form but something



of the feather covering that clothed his body. Unfortunately, pigment is rarely preserved in fossils, and consequently we have no actual evidence of the coloring of *Hesperornis*. Under the circumstances, however, is it not reasonable to assume that the red and blue of modern *Jayhawkornis* were the hues of the ancient Rock Chalk bird?

"Old *Hesperornis* was a good-sized bird, the skeleton attaining a length of six feet from tip of beak to end of out-stretched toes, and his height in stocking feet was a good four and a half feet. He was a ferocious-looking bird. We see not only the big strong beak, like that of the modern Jayhawk, but we find that the upper and lower jaws were armed with a row of very sharp-pointed teeth. It is perhaps unfortunate that these teeth, inherited from reptilian ancestors, have been lost in the later evolution of the Jayhawk. There are many times when these teeth would come in handy.



Skeleton of *Hesperornis regalis*,  
Ancestor of the Jayhawk

"In conclusion, it is of interest to point out that the regal birds of the

Kansas chalk were very thoroughly adapted to an aquatic life. It is fortunate or unfortunate, according to point of view, that the fossil remains do not permit accurate determination of the size of the brain case, and we cannot, therefore, tell whether there has been development or decline in intelligence during the course of evolution from *Hesperornis* to *Jayhawkornis*."

This is the kind of cool scientific research needed to convert the Jayhawk from an amateur to a professional myth. The Jayhawk is a unique bird, one the state should be proud of. It should be capitalized and advertised and mounted on the state-house dome. It should be the trade-mark of Kansas. As an "attention-getter" it has more advertising value than all the wheat, oil, Indians and buffalos in the state put together. Yet as a trade-mark the Jayhawk has been neglected and unappreciated. And as a myth it is still incomplete. Both deficiencies should be dealt with scientifically. To begin with, the myth must be made bigger, better and

MECHEM: THE MYTHICAL JAYHAWK

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more unbelievable. For this purpose the scientific method of Mr. Moore's article cannot be improved.

As he suggests, the fossils of Kansas may some day give up the secret of the Jayhawk. There is an unverified story that the Indians believed the great round stones in Rock City in Ottawa county are petrified eggs. The anonymous Indian who made this statement declared they were laid by the Thunderbird. This, he claimed, is the Indian name of the Jayhawk. When asked how any bird known to man could have laid eggs the size of those rocks, some of which are over twelve feet in diameter, his answer was that the Thunderbird, or Jayhawk, not only could change its size at will but could make itself invisible, and was immortal.

This same Indian, who perhaps was invisible himself at the time, declared that the first inhabitants of the great Plains were Jayhawks. They settled here, he explained, because the land was flat. They flew at such a great speed that they needed level runways for landing. When the Jayhawks first came to the plains, he said, all the country was a desert, without water or vegetation, and even without wind. For many moons whenever a Jayhawk wanted a drink he had to fly to the Great Lakes. One hot summer day several million Jayhawks started northeast for water at the same time. The tremendous force of their flight started a strong breeze from the southwest. From that day the wind has never ceased. Since it blew the first clouds across the plains the Indians always credited the Jayhawk with bringing rain and vegetation to Kansas.

The Spaniards of Coronado's day, of course, were the first white men to hear these stories from the Indians. Full of their faith in the existence of cities of gold and the fountain of youth, they not only believed these tales, but eagerly added scientific observations of their own. The following is ascribed to a famous Spanish ornithologist, now unfortunately apocryphal:

"These incredible birds," he says, "we first saw on Sts. Peter and Paul Day as we crossed the river which lies just below Quivira.

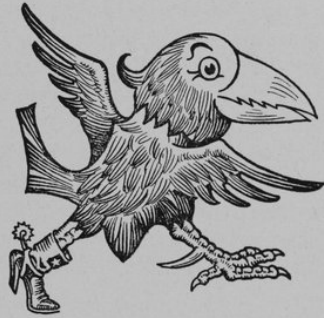


*Hesperornis Restored*  
(*Jayhawkornis Kansasensis*)



They were of all sizes, sometimes appearing in great numbers, then of a sudden not to be seen by the keenest eye, so that the men grew apprehensive, saying they made themselves invisible. This they took to be an omen, but whether for good or ill no one could judge.

"Now that I wish to describe the appearance of these birds it is to be noticed that no two of our soldiers found it possible to agree



Jayhawk During Mating Season (From *Apocrypha of Coronado*, ca. 1541)

in any particular. As it seemed to me, they have a narrow short face, except for the beak, which is long and grotesque, being yellow in color, and curved to a sharp point. The brow of those of the commonest size is two palms across from eye to eye, the eyes sticking out at the side, so that when they are flying they can see in all directions at once. They are blue and red, the feathers shining like the steel of a Toledo sword, iridescent, wherefore it is not possible to say

where one color leaves off and another begins. They have long talons, shaped like an eagle's. These claws are so powerful that many of our men, among which even the priest was one, aver that these birds have been seen to fly off with one of those hump-backed cattle in each claw. [He refers to the buffalo.] Some, however, deny this, declaring they have webbed feet. Also there are those who insist, in spite of the laughter of the army, that they have no claws at all but wear great boots extending half way up to the feathers of the leg. And there are some who say they wear but one boot, this being like those worn by horsemen, with a high heel and long spur, most grotesque as they walk about the prairie.

"However this may be," the Spaniard continues, "there is almost general agreement concerning the tail. This is quite short, being a mere tuft of feathers when these birds are in repose. But in flight, or when running along the ground (where they out-distance our best horses) they carry it erect like a scorpion. The Indians say this tail is poisonous, declaring that in battle they employ it as a weapon, flying backwards, which they do with the greatest ease.

"Because of the hoarse voice of this bird, which can be heard one hundred leagues, our soldiers nicknamed it the Feathered Jackass.

This disrespect," he naively suspects, "was the cause of all our troubles in this land, the least of which by no means was our failure to locate those golden cities. Inasmuch as we had been warned by the Indians that the Guardian Spirit of the Prairies is none other than this bird, it would have served us better to propitiate it, instead, as our ignorance prompted, to offer them these insults.

"There are some who profess to believe," he concludes, "that these are the birds Aristophanes described in his comedy, which, living between earth and heaven, forced tribute from both men and gods. Wherefrom it is argued that the squawking of these prairie monsters was merely a demand for tribute. Rather do I believe them to be a species of the Phoenix bird, generated in fire and brimstone, and never ceasing do I offer my prayers of thanksgiving to the Virgin, that I was delivered from their country with a whole skin."

This legendary Spaniard was not the last to consider the Phoenix and Jayhawk identical. Like the Jayhawk, the Phoenix is all things to all men, as well as all sizes. It is described as "a bird of gorgeous plumage, a native of Arabia, and sacred to the sun." Some have said the Phoenix is like the roc of Marco Polo and the *Arabian Nights*, easily capable of making off with a horse. It is most famous, of course, for the fact that it propagates itself in fire, and so makes itself immortal.

This theory that the Jayhawk is a Phoenix has divided scientists into two schools of thought, both fiercely incognito. One asserts that both are able to change colors like a chameleon, that both can assume different shapes and sizes, that both have the power to become invisible, and that they are, therefore, but Eastern and Western species of the genus *mirabile dictu*.



Hen Jayhawk in Spring Plumage





The second school, ignoring the Phoenix, declares that the Jayhawk is merely a variant of the cuckoo. "This myth of invisibility," says one authority, "derives from the well-known fact that the cuckoo is often heard but seldom seen." He quotes Wordsworth's verse: "'O cuckoo! Shall I call thee bird or but a wandering voice!' The cuckoo," he says, "is a bird with a loud voice notorious

for the fact that it builds no nest of its own but lays its eggs in the nests of other birds. When its young are hatched they eat the food intended for the true nestlings and end by shoving their starving hosts out on the ground to their deaths. Naturally the adult is an evasive bird, but its invisibility is that of a sneak and a coward. Unquestionably the Jayhawk is cuckoo!"

Invisible Jayhawks on Their Way to Plant  
Volunteer Wheat

So much for the myths of the ornithologists. Phoenix or cuckoo, the Jayhawk continues to be the Guardian Spirit of Kansas. As it once defended the territory from bushwhackers it still spreads its protecting wings over the state. The grasshoppers of the great plague of 1874, which disappeared as suddenly as they came, many old timers assert, were devoured in one night by fledgling Jayhawks. And the miraculous growths of volunteer wheat in barren fields, which over the years have saved hundreds of farmers from ruin, they will tell you, were drilled there by tiny invisible Jayhawks.

It was the opinion of Dave Leahy, however, that the Jayhawk did not always conduct himself as a feathered Boy Scout should. That Irish Kansan of delightful memory once complained that the Jayhawk was a practical joker and that it had spoiled one of his best hoaxes. Dave at the time was a reporter on one of the Wichita papers. One day toward the end of March he wrote a story about a great flock of parrots which were flying north, following the course of the Arkansas river. The next day he described the vast numbers of the birds and estimated the speed of their flight. Each day the story grew, until, on the 31st, he had the birds just south of Wichita, darkening the sun, and scheduled to reach the Douglas avenue bridge about seven the next morning.

"I knew the stories had been good," Dave is reported to have said, "but I was astonished the next morning to see hundreds of people waiting on the bridge for the birds to appear. It was April Fool's Day, you understand, and I was chuckling to myself, constructing the lead for tomorrow's story. Then I heard somebody shout, and overhead, would you believe it, about fifty scraggly little birds the size of a sparrow came into sight. For a few minutes they dived around, just long enough to make sure that I'd be taken for a fool or a liar, then they disappeared. Those birds were Jayhawks, the little devils," Dave concluded, "I recognized them. They were jealous that anybody but them would try to pull off a practical joke in Kansas!"

It was also near Wichita, apparently, that a Jayhawk was seen last. The following story is an army pilot's account of a weird flight in a B-777, one of the new seven-motor bombers. This plane, strangely enough, had been christened "The Flying Jayhawk." On its fuselage there is a painting of the sponsor, going into action with three pairs of dice. Clutched in its right claw are a three and a four, in its left a two and a five, while from its beak it rolls out a six and a one. This interview is taken from the *Wichita Beagle*:

"We were on a routine flight, returning to Wichita," said the pilot, "loafing along at about 8,000 feet. A little this side of Hutchinson I heard a swishing sound above the roar of the plane. Then something passed us, a sort of shadow, going like a bat out of hell. As it went by it kind of wailed, though maybe it was more like a loud swoosh. From the sound I figured it for one of those new jet-propelled



Jayhawk in the Midst of Making a Myth

jobs. Then I heard Sergeant Goober's voice in my ear phone. "Good God, Lieutenant! Look!" he yelled. "It's got feathers!" "By that time it was too far away for me to make out. But it was plain that it was the biggest and fastest thing I'd ever seen in the air. My heart did an outside loop—laugh if you want to—but for a second it came over me that this was some secret plane the Nazis had suddenly turned loose on us. Then Goober's voice came in again





"'Lieutenant!' he said, 'It's stopped!'

"He was right. It had stopped dead, in the air! Then it started backing up towards us, and fast. No time for anything. Yet I still remember thinking in a surprised sort of way, 'Hm-m! Jet propelled both ways! Why the hell doesn't the army tell us these things?'

"At about two hundred yards it stopped again and started forward. Then it let down its left claw.

"Yeah, I said claw! Foot. Leg. Whatever you want to call it. But it wasn't a wheel. That's the only thing the whole crew agrees on. Bright and shiny—yellow—but no part of any normal landing gear. And it kept on letting it down. Every once in a while it would knife up into the air and maybe do a couple of impossible rolls, as if calling attention to itself. Then it would swoosh down and dangle that yellow left claw at us again.

"This kept up till we were over Wichita. But when we approached the airport it zoomed up out of sight. For a second I thought it had left us. But as I circled the field I could hear the swoosh louder than ever and I realized that it was right above us. Then, as I settled in for a landing, Goober came into my ear with a shriek.

"'Lieutenant! Lieutenant!' he yelled. 'It's sinking its claws into us!'

"My first thought was to give her the gun. Why I didn't I'll never know. Instead, I made a normal landing and the swooshing sound faded away. Then the plane suddenly toppled over sideways. I had landed with the left wheel gone!

"Well, that's my story. If I'm stuck with it so is Goober and the rest of the crew. Goober says this Whatever-it-was looked exactly like the picture of the Jayhawk we've got on the plane. I wouldn't know, I don't see so well. Besides, Goober is a K. U. man and has funny ideas. Too funny, and could be he's giving 'em to me. You see, when I came out of the hangar, still wiping off the sweat, right in front of me, sitting on a fence, was a bird the size of a wren, exactly the same! Big yellow beak and all, except this one had on boots! I stopped, pop-eyed. The bird looked at me a second then let out a squawk like a Bronx cheer. When he flew off he made a faint swooshing sound, like a baby sky-rocket."

That is the story of the lieutenant, according to the *Beagle*. If this is the stuff of mythology, let us have more of it. As the myths



of the Greeks reflected their humor and idealism, the Jayhawk is peculiarly an expression of the spirit of Kansas. Like the state, it was born in adversity and its flight is to the stars. It is a fighting bird, full of the tough humor of the territorial soldiers who first made it their mascot. A famous regiment of the Civil War was proud to bear its name. When this war is over the Jayhawk will have fought three times in the Philippines: first with Funston, again in the bloody retreat on Bataan, and those invisible wings will be present, never fear, when Corregidor is avenged. In France, in the first World War, it gave its name to another Kansas regiment. Today its free and fierce spirit flies with Kansans on every battle front. Soon the shadow of its wings will fall once more over France, above the victorious armies of a soldier from Kansas.

The Jayhawk is a heroic bird, but don't try to treat it like a hero. You might receive a faint swoosh from its exhaust. It is a bird of peace. It is sentimental, and loves to croon strange words to itself at dawn or in a prairie twilight. Poetic words about ripening wheat, and prohibition, and service flags in the windows of quiet homes, and the purification of politics. Yes, the Jayhawk is heroic, but its heroism was bred in the courage of peace. The courage of a bird that can fly backwards into a dust storm squawking prosperity. The courage of a Phoenix, perhaps, that falls into the fires of adversity only to regenerate itself.

## Notes

The quotations from Ingalls and Moore have been condensed, with some sentences transposed. The original articles are: "The Last of the Jayhawkers," in *A Collection of the Writings of John James Ingalls* (Hudson-Kimberly Publishing Co., Kansas City, Mo., 1902), p. 145; "Discovered: Ancestor of Jayhawkornis Kansasensis," by Raymond C. Moore, *Graduate Magazine*, Lawrence, (v. XXX) April, 1932, p. 10. The Jayhawk on page 8 is by J. W. Fazel. The other illustrations originally appeared, with different captions, in the *Graduate Magazine*, and are used by courtesy of Fred Ellsworth, secretary of the Alumni Association of the University of Kansas. The sketch on page 9 is by Frank Miller of the *Kansas City Star*. In an article, "How Did the Jayhawk Get This Way?" by Chester K. Shore, in the *Graduate Magazine*, (v. XXIV) December, 1925, pp. 4, 5, there is a discussion of the pictorial development of the Jayhawk with mention of the copyrights and patents that have been issued.

This article was issued as a pamphlet before this number of the *Quarterly* was off the press. It was sent to a number of newspapers and to Kansans in the armed forces. Among the comments which resulted were the following, of interest because of what they say about the Jayhawk.

Henry Maloy of Eureka has been mentioned by several correspondents as





the originator of the "Pictorial Jayhawk." In a recent letter Mr. Maloy explains how he began to put the bird on paper:

... When I enrolled up there [at the University of Kansas] in 1910, there were no Jayhawks in sight. A bulldog was being used to represent the university. I do not know when that bulldog business got started; but at football rallies a bulldog would be led along with the stuffed tiger. I had been bitten by the cartoon bug and so started drawing cartoons in great quantities and putting them on the desk in the *Kansan* office in the morning before any of the staff had got there. The stuff went into the waste basket as fast as I brought it in; but I kept on bringing several a week all through my freshman year. If I had known how bad it was, I wouldn't have kept on doing it. I used half a dozen different things to represent the university while this was going on, but never thought of using a Jayhawk. To me the term "jayhawk" in the school yell was a verb and the term "jayhawkers" was the noun. The bird implication escaped me. But, as I said, I kept on turning out cartoons and not getting them printed. I started in doing it again the next year, too, and kept it up till the middle of the year when Merle Thorpe, who had just come to take charge of the journalism department, saw one that he thought might be worth printing. He told me to bring my stuff to him and let him throw it away, which I did from then on. He was pretty rough and made me draw a lot of them over; but he persuaded the *Kansan* staff to use one a week. By the end of that second year everybody was accustomed to the new order of having a cartoon a week in the paper.

When the football season of the third year opened, Con Squires, a photographer who did most of the student work, brightened up his display window with a stuffed chicken hawk holding a K. U. pennant in its claws. As soon as I saw that, I felt like kicking myself for being so stupid so long. A bird was what we needed instead of those bulldogs, Mother K U's and so on.

The Houn' Dawg Song was popular then; so I decided to have a Jayhawk kicking the Aggie dog aroun'. So that this Jayhawk could get a better kick on the dog, I put human legs and heavy shoes on him. That was in October, 1912—I think October 12 [October 25.—Ed.]. That was the first Jayhawk I had ever seen and, judging from what others told me, it was the first one anybody else had seen around there. It was plain to all of us around the *Kansan* office that we had something; so we all pitched in to get him simplified to where amateurs could draw him quickly, and workable enough so that he could look mad or happy or moody as conditions required by just changing a line or two. Here is what I mean. If the tip of the bill bends down, he will look mad in spite of anything you can do to him. There isn't enough bad news to keep a Jayhawk mad all the time; so we had to straighten the bill out again,—like it had been in that first dog picture.

We tinkered around getting bugs out of him for two years after that. You might say that getting the Jayhawk to where he was a going concern was a four-year job—two years getting a channel opened through which he could be exposed to the general public and then two years more tinkering him up and plugging him by the *Daily Kansan* staff and the journalism faculty. No one person could have put that over. For instance, if Thorpe hadn't got us a chalk plate outfit so that we could make our own cuts cheaply and quickly, we couldn't have made much headway. In case you don't know, you dig your picture in a layer of chalk sticking to a steel plate, then use this as a matrix to cast a cut from. As you dig your picture you blow the loose chalk away so you can see where your steel point is going. This chalk gets all over the room. So this jayhawk came out of chalk as did those bones you mention (*Hesperornis Regalis*).

We left the human legs and shoes on him for two reasons. One was that the shoes were good weapons for slap-stick comedy. (It is lots more fun to see a tiger get a good swift kick in the pants than get his eyes clawed out.) The other reason was that students soon were running around at football games inside of Jayhawks made of wire, cardboard and cloth. They looked just like

## MECHEM: THE MYTHICAL JAYHAWK

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the cartoons—same kind of legs and all. We had animated cartoons before Walt Disney did. . . .

It was ten years or so after this that a Jayhawk was copyrighted. Research in connection with lawsuits brought out that birds of one sort or another had been used to represent K. U. on postcards, wall posters and at least once in a Kansas City paper as far back as the gay nineties. But nobody ever made more than one and no newspaper ever promoted the idea. That accounts for why they died out.

Another comment comes from Boyd B. Stutler of New York, managing editor of *The American Legion Magazine*. Mr. Stutler is a student of Kansas history and has, perhaps, the most complete private collection of material in the country relating to John Brown. Mr. Stutler writes:

Back years ago when I was a youngster the term "jayhawk" was quite common in our part of the West Virginia hills, used to describe a raid or as a synonym for the current "hijack." Civil War veterans often used the term "lim, skim and jayhawk 'em," past or present tense, to describe utter annihilation or the rout of a political opponent. Youngsters went "jayhawking" in the watermelon season—and to lift a fat hen from a roost for the Saturday evening mudbake was another form of "jayhawking."

I have a lot of respect for the bird and the myth; at least he has given us a colorful and highly descriptive term to cover more or less innocent pranks to downright brigandage. Long may he wave.





## Records of the Squatter Association of Whitehead District, Doniphan County

Edited by MARTHA B. CALDWELL

### I. INTRODUCTION

KANSAS was a part of the region west of the Mississippi river which in 1830 was set aside by the government for the Indians and solemnly guaranteed to them forever.<sup>1</sup> All white persons except Indian agents, missionaries and licensed traders were prohibited. Within a few years approximately the eastern one-third of the present state was specifically set aside and occupied by Indian tribes. But before the Indians were little more than well established upon their new reservations, and notwithstanding the sacred promise that the country should forever belong to them, politicians at Washington, incited by a demand for more slave territory, started a movement to displace them. After two years of agitation and debate the Kansas and Nebraska bill was passed by congress and on May 30, 1854, was signed by Pres. Franklin Pierce. This act provided for the organization of the territories of Kansas and Nebraska under the doctrine of popular sovereignty.

In anticipation of the passage of the act treaties with various Indian tribes were hurried through, extinguishing their titles to the land. During the month of May previous to the passage of the bill Com. George W. Manypenny negotiated treaties with the Otoes, Delawares, Shawnees, Iowas, Sacs, Foxes, Kickapoos and the confederated tribes of Kaskaskias, Peorias, Piankeshaws and Weas. On June 5, a treaty was made with the Miami tribe. By these treaties the Indians relinquished the greater part of their reservations. The lands ceded by the Iowas, the confederated tribes, and the Delawares, with the exception of their "outlet," were to be sold at public auction for the benefit of the tribes, and were not subject to the pre-emption law.<sup>2</sup>

It had been the policy of congress to forbid white settlement upon public land until the Indian title had been extinguished and the land surveyed. As early as 1785 an ordinance to that effect was passed.<sup>3</sup>

1. *Laws of the United States of America, From the 4th of March, 1827, to the 3d of March, 1833* . . . (Washington, 1835), v. VIII, pp. 342, 343.

2. *Revision of Indian Treaties; A Compilation of All the Treaties Between the United States and the Indian Tribes* . . . (Washington, 1873), pp. 341, 404, 426, 427, 512; *The Kansas Herald of Freedom*, Lawrence, January 13, 1855.

3. *Journals of the Continental Congress* . . . (Washington, 1933), v. XXVIII, pp. 460-462.