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and William Sherrard were among the large Douglas county delegation in the convention.²⁰

The convention, which lasted for three days, took a number of important steps, both official and unofficial. Officially, it changed the name of the Proslavery organization to the "National Democratic" party, thus formally affiliating itself with the stateside Democratic party. Unofficially, leaders of the convention sounded out Geary on a possible U. S. senate nomination, contingent upon Geary's public identification with the newly named organization. This offer, Geary reported, he indignantly spurned, and refused even to attend the convention's meetings. If Geary spoke to convention leaders as he wrote of the interview to President Pierce, they could not have doubted Geary's hostility. Even if he did not so speak, his refusal to attend their sessions could not have improved his relations with members of that body. Nevertheless, the opportunity or excuse to denounce the governor and side with one of their own members was not taken by the convention.

A resolution expressing regret at Donalson's resignation was adopted. But the convention was mum on Sherrard's case, and when referring to an earlier controversy between Geary and Judge Lecompte, limited itself to praising the judges as "honest and impartial," and to reaffirming the necessity for the separation and independence of the judiciary and executive branches. Sherrard contented himself with offering a resolution to send a copy of the convention's proceedings to the U. S. senate.²¹

The "hands-off" attitude of the convention may have contributed to Sherrard's next setback. Although Judge Lecompte had instructed him to file his amended application for a *mandamus* by January 13th, and although Sherrard had in fact done so on the preceding day, Lecompte now refused to issue the *mandamus* on the grounds that his court was "in vacation," and the judge doubted his power to issue the writ when his court was not in session.²² This use of a technical point to deny Sherrard legal recourse hardly

20. *House Journal*, pp. 9, 26. Gihon, *Geary and Kansas*, p. 252. The official proceedings of the convention are to be found in the *Leavenworth Herald*, January 24, 1857.

21. The importance of the name change was that it officially repudiated a resolution adopted by the 1855 territorial legislature declaring the creation of a National Democratic party to be "fraught with more danger to the interests of the pro-slavery party, and to the Union, than any which has yet been agitated," and resolving "to know but one issue, SLAVERY," in party affairs. On this 1855 resolution, see Gihon, *Geary and Kansas*, pp. 254-255. On the offer of the senate seat see Geary to James Buchanan, Lecompton, February 10 [sic], 1857, "Diary," "Geary Mss., Yale. The earlier controversy between Geary and Lecompte involved the judge's granting bail, in November, 1856, to Charles Hayes, indicted for the murder of Free-State settler David Buffum. For a fuller discussion of this issue, see below, p. 255.

22. *Council Journal*, p. 296. *KHC*, v. 5, p. 282. The conclusion must be tentative about the chronological relation of events, because the exact date of Lecompte's decision cannot be determined. It seems unlikely, however, that Lecompte would have deliberately chosen a return date for the amended petition a day when his court would be "in vacation," and then use that as an excuse to deny the writ.

squares with the charges of Geary that the judiciary, legislature, and territorial officials were all part of a conspiracy against him or that the judiciary was willing to bend and twist the law to advance the conspirators' cause.²³

Blocked in his efforts to secure judicial redress, Sherrard turned to the legislature. On January 19, 1857, D. J. Johnson of Leavenworth county introduced a bill into the house "to declare valid the official acts of W. T. Sherrard, and to make valid his appointment." This bill was referred to the judiciary committee with instructions to request Geary's reasons for his refusal to issue the commission. To the committee's inquiry Geary replied that he believed the controversy a matter for judicial adjudication. But, deferring to the legislative request, the governor set forth two grounds for his action. Before he was informed of Sherrard's appointment, Geary stated, "many good citizens of Lecompton and Douglas county" had described Sherrard as a person whose "habits and passions rendered him entirely unfit" to perform the sheriff's duties. Secondly, while awaiting Secretary Woodson's return, "many respectable gentlemen, among whom were those of the county tribunal from which he derived his appointment," informed the governor that Sherrard "had been engaged in several drunken brawls, fighting and shooting at persons with pistols, and threatening others." Under instructions from Washington to do nothing which might "in any manner endanger the peace of the Territory," Geary concluded that he would "commission no one laboring under such charges" as those brought against Sherrard.²⁴

What prompted Geary to abandon his earlier delaying tactics and assert his determination not to commission Sherrard, and to change his grounds for this refusal to those of Sherrard's personal habits and character? Since little documentary evidence remains, it can only be speculated that the message and its rationale was the governor's way of publicly signaling to the Topeka leaders his continued adherence to his plans for a political settlement. Geary's hopes for a peaceful dissolution of the Topeka organization had been threatened by events partially beyond his control. Despite Geary's entreaties to come to Kansas, the new U. S. marshal, William Spencer, remained in Ohio awaiting senate confirmation of his appointment. Accordingly, Donalson's deputies continued

23. It could be argued, of course, that with Donalson's resignation, the conspirators could no longer rely on the judiciary's executive arm to carry out the conspirators' will, and so had to shift the case into the legislature, where they were sure of their control. Such an argument from "uncertainty" is inconsistent both with the action of federal deputy marshals in serving federal writs on the members of the Topeka legislature without the marshal's presence, as well as inconsistent with Gihon's account of the refusal of officials to serve Geary's writ against Sherrard in February, 1857.

24. *House Journal*, p. 59. Gihon, *Geary and Kansas*, pp. 229-230.



to function and, when the Topeka legislature convened on January 5, 1857, one of the deputies appeared with writs and arrested several of the members. The unexpected absence of both Charles Robinson and W. Y. Roberts, instead of preventing action, only intensified the anger of the Topekans and their feeling of betrayal. Quick action in binding those arrested to appear at the May term of the district court and their immediate release on bail by Judge Sterling Cato helped to cool tempers somewhat. But more assurance of the governor's good intentions was needed, and the published assault on Sherrard's character may have been Geary's way of asserting that if federal officials were not yet firmly under his control, he was still determined to control the Douglas county sheriff.²⁵

But in taking this public position, Geary left himself open to the charge of over-exaggerating Sherrard's faults, of making an official charge that Sherrard could refute with difficulty in an equally public way, and of setting up a double standard for judging officials. Soon after his arrival in the territory, Geary had appointed as his military aides men whose reputation for involvement in the recent bloodshed in the territory was much more publicly and authentically established than Sherrard's.²⁶ Geary, in other words, had contradicted his assertions about the need of a public official for an unblemished character by his own earlier actions. This contributed to the impression that his statements did not contain the real basis for his refusal to commission. Secondly, and more importantly, Geary asserted a questionable executive discretionary power, questionable both in terms of territorial law and national judicial determination. The Kansas statutes concerning the governor's commissioning powers state that the executive "shall" issue commissions, leaving the governor no such discretionary power as he had asserted. And the United States supreme court, in the famous 1803 *Marbury vs. Madison* case, involving similar circumstances, had held that the executive's function in such cases was "purely ministerial."²⁷

25. William Spencer to John W. Geary, Newark, Ohio, January 17, 1857, "Geary Mss," Yale. On the arrest and subsequent bailing, see Gihon, *Geary and Kansas*, pp. 214-217. On the anger of the Topekans at what they deemed Robinson's betrayal, see Charles Robinson to Sara D. T. Robinson, as quoted in Wilson, *Governor Charles Robinson*, pp. 49-50.

26. See *KHC*, v. 4, p. 559, for Geary's own description of his two military aides, Henry T. Titus and Samuel Walker. It was Titus, the Proslavery partisan, who arrested Charles Hayes on Geary's order.

27. Geary's exercise of a discretionary power which he did not have was condemned by the judiciary committee of the territorial council.—*Council Journal*, p. 291; *KHC*, v. 5, p. 278. But it also dismayed his supporters in the East. The *New York Times*, which supported Geary's proposals for a congressional invalidation of the territorial statutes, admitted that the governor had committed a technical violation of the law by refusing to issue the commission, and later noted that his "interference with judicial forms" was being used by his opponents to secure the governor's removal.—*New York Times*, March 13, 17, 1857. Both the *New York Herald*, March 22, 1857, and the *Louisville (Ky.) Democrat*, March 27, 1857, noted the *Marbury vs. Madison* decision.



Sherrard and his friends in the house were not slow to take advantage of the opportunity offered them. Sherrard admitted his involvement in two incidents of personal violence, but pointed to their irrelevance to Geary's arguments for his refusal to commission. After outlining Geary's own less-than-straightforward course in the commissioning matter, Sherrard stated that he did not fear a legal investigation of his conduct in the two incidents and was willing to abide by a jury's verdict of his responsibility in them. And the house judiciary committee, invoking the *Marbury vs. Madison* precedent, reported back Johnson's bill with a positive recommendation. On January 26, 1857, with eight members absent or abstaining, the house by a vote of 18 to eight, passed the bill and sent it to the council for action.²⁸

Sherrard strengthened his case before the council judiciary committee by securing statements from two members of the Douglas county board averring that they had not recommended to Geary that he refuse Sherrard's commission. Probate Judge Wood did admit, however, that he had discussed with the governor the accounts of the brawls in which Sherrard reportedly engaged.²⁹ In its report of February 5, 1857, the council judiciary committee argued that there was no valid board of county commissioners of Douglas county at the time of Jones's attempted resignation, since the board had no authority under territorial law to fill vacancies in its own ranks. Therefore, neither the acceptance of Jones's resignation nor the appointment of Sherrard was valid. Moreover, Jones's resignation should have been directed to the legislature that appointed him and not to the board. Thus the committee concluded there were legal although admittedly ambiguous grounds on which the governor might have withheld Sherrard's commission.

To clear up some of the ambiguities the committee recommended that additional legislation on the subject of filling vacancies be prepared. But, the committee went on, relief from the governor's refusal was properly the province of the judiciary, not of the legislature, and therefore recommended that the house bill not pass. But, the committee concluded, they could not condone Geary's

28. *House Journal*, pp. 76-80, 87-88. Of the five-member Douglas county delegation in the house, four voted in favor of the bill, while one, James Garvin, was absent. This was a consistent voting pattern for the Douglas county delegation throughout the legislative session.

29. *Council Journal*, pp. 301-303; *KHC*, v. 5, pp. 285-286. In addition to Probate Judge Wood, the commissioner who gave Sherrard an affidavit was Tuton who, of course, had not been involved in his original appointment. These affidavits destroyed the implication of Geary's message to the house that a majority of the board had reversed their earlier opinion of Sherrard's fitness for office. An examination of the "County and Township Affairs" portion of the executive correspondence at the Kansas State Historical Society fails to yield any written evidence substantiating Geary's assertion that "many citizens" protested the appointment.

reasons for refusing to commission Sherrard, for they agreed with the house that neither territorial law nor judicial precedent allowed the governor any discretionary power in performing "the exercise of a duty enjoined on him by law."³⁰

Upon the receipt of the report the council undertook to vote on the parts separately. Consideration was first given to the committee's assertions that the vacancies on the Douglas county board were filled irregularly and that Jones's resignation to the board was irregular. Motions approving these statements both failed by a tie vote, six to six. Then the council adopted the committee's statement that the method of redress properly belonged to the judiciary, by a nine to three vote, and approved the recommendation for additional legislation on filling vacancies by a vote of 10 to two. Next the council unanimously adopted "that portion of the report respecting the inefficiency [*sic*] of the reasons assigned by the Governor for withholding his commission from Wm. T. Sherrard." Finally, the council *rejected*, by a vote of nine to three, the house bill.³¹ Thus the council unanimously reproved Geary for assailing Sherrard's personal character and for exercising discretionary power where he had none. But that reproof was a hollow one, for the council simultaneously denied Sherrard any legislative relief from the actions which it condemned. Sherrard was left dependent on the future action of a judiciary which had already shown itself unsympathetic to his cause.

After waiting four days, Sherrard responded to his defeat by taking an action out of character with his previous behavior in the case, and one which was to color all future explanations of his actions. On February 9, 1857, Geary, accompanied by his secretaries, Richard McAllister and John H. Gihon, visited both the house and council chambers. Sherrard was sitting in the house; as soon as Geary and his entourage entered, Sherrard became excited and departed. The governor, upon leaving the house chamber through a narrow hallway, was suddenly confronted by Sherrard, who was armed. Accounts of what Sherrard said to the governor differ; a source favorable to Sherrard asserts that he declared Geary "had rudely assailed his character," while Geary swore that "Sherrard remarked, in a peculiarly deliberate manner, 'you have treated me as a damnd [*sic*] scoundrel.'" All agree, however, as to what happened next: Sherrard spit at the governor,

30. *Council Journal*, pp. 289-291.

31. *Ibid.*, pp. 139-141. The house received the report of the rejection of the bill calmly, and from then until Sherrard's assassination on February 18, 1857, took no further action to afford him relief.—*House Journal*, p. 178, and *passim*.

which was, as a Southern newspaper noted, "the grossest indignity which can be offered to a gentleman." Geary and his followers were probably correct in assuming that Sherrard hoped to provoke a response from Geary that would result in bloodshed. But displaying the personal courage which has never been challenged, Geary ignored Sherrard, walked past him without a word, and left the building, still followed by McAllister and Gihon. There were a few tense moments as Sherrard followed the party outside the building, still fingering the pistol in his belt. But then Sherrard turned away and the incident was over.³²

The news of the incident spread swiftly, and both the immediacy and nature of the responses throw light upon the relationship of Sherrard to the supposed Proslavery conspiracy against Geary. On the very day of the attempted assassination, Martin White of Lykins county offered in the house a resolution labeling the attack as "atrocious," denouncing it "indignantly," ordering Sherrard brought to the bar of the house to answer for his conduct, and excluding him "hereafter" from the house. Efforts of Sherrard's friends to lay this motion on the table failed, by a vote of 18 to 10 with five abstentions, as did their counterproposal that no action be taken, by a vote of 16 to 14. Then a substitute motion, reducing "atrocious" to "indignation" and "indignation" to "disapproval," and deleting any reference to exclusion from the house or penance before its bar, prevailed by a vote of 17 to 11. The council delayed action until the day following the incident, when a vote was taken on a resolution offered by William P. Richardson which declared that the council "utterly condemn and discountenance" the act by which Sherrard had "grossly insulted" Geary. Furthermore, Sherrard was to be barred from the council chamber for the remainder of the session. The council unanimously passed the first part of the resolution, but, like the house, declined to penalize Sherrard for his action.³³ Nevertheless, both houses of the legislature were formally on record as condemning Sherrard's conduct.

Nor was it only the legislature which publicly censured Sherrard. A. W. Jones, coeditor of the Proslavery organ, the Lecompton

32. John W. Geary to James Buchanan, Lecompton, February 10 [sic], 1857, "Diary," "Geary Mss.," Yale. Lecompton *Union*, February 25, 1857. Letter of A. W. Jones to the editor, *Missouri Republican*, March 6, 1857. *Richmond Enquirer*, April 16, 1857. According to Gihon, *Geary and Kansas*, p. 234, Sherrard had accomplices in a nearby room to assist him in achieving his purposes. In an otherwise well-documented tale, these nameless "accomplices" have never been identified.

33. *House Journal*, pp. 187-189; *Council Journal*, pp. 164, 167-168. Cf. Gihon, *Geary and Kansas*, p. 235, which notes the introduction of White's resolution, declares it "raised a most terrible storm," causing White to withdraw it, and makes no mention of further house action, implying that that body took no action against Sherrard. Gihon then disposes of the council action in one sentence. This faithfully reflects Geary's own version.—Geary to James Buchanan, February 10 [sic], 1857, "Diary," "Geary Mss.," Yale.



Union, and an apologist for Sherrard, stated that the incident was universally regretted. Not even SHERRARD's best friends sustained him. They thought it imprudent, (notwithstanding the cause and insult,) untimed and out of place. . . . Your correspondent is a personal friend of Mr. SHERRARD's yet he regrets deeply—even condemns the act as rash and imprudent.

It may well have been that Sherrard's friends recognized the point of Councilor Richardson's comment:

How long is our cause to be placed in jeopardy by irresponsible young men who have no interest in this or any other country? I am satisfied that we have far more to fear from our pretended friends than from our open enemies.³⁴

Geary's actions, in response to the assassination attempt, indicate his realization that the attempt on his life afforded him the opportunity to strengthen his position and influence in Washington. As soon as he left the legislative hall, Geary went to Judge Cato, gave a deposition describing the assault, and asked that Sherrard be arrested and required to post bonds to keep the peace. Cato immediately issued the writ requested. In Gihon's later account, the subsequent history of Cato's writ becomes additional evidence of the monolithic nature of the Proslavery conspiracy in the territory against Geary:

This warrant was unserved for two days. . . . A messenger was at length sent to the judge, requesting him to have the warrant executed at once, who found Cato within the bar of the house, together with Sherrard and S. J. Jones, who, notwithstanding his pretended resignation, has always continued to exercise the functions of his office. Cato said the marshal was absent, and the writ could not therefore be served. This was clearly the duty of Sheriff Jones, then in the company of the accused and the judge. Discovering his entire indisposition to have any legal action in the matter, the governor obtained and destroyed the warrant, and took no further notice of the subject.

Aside from the falsity of Gihon's final sentence (the unserved writ reposes today among Geary's papers),³⁵ his statement raises certain questions, most notably about Sheriff Jones's responsibility to execute the writ. Aside from the fact that Jones had not, Gihon to the contrary notwithstanding, undertaken to exercise the functions of sheriff after his resignation, it is not clear why it was the Douglas county sheriff's responsibility to execute a federal judge's writ in the absence of the federal marshal. During the hiatus in the marshalship subsequent to Donalson's resignation and before

34. A. W. Jones to the editor, *Missouri Republican*, March 6, 1857; William P. Richardson to Nathaniel Paschall, Leecompton, February 10, 1857, in *Leavenworth Herald*, March 7, 1857. In his "Executive Minutes" account of the affair, Geary noted that "while a few defend Sherrard, the community generally denounce him in the severest terms."—*KHC*, v. 4, p. 709. For other condemnations of Sherrard's act, see *Missouri Republican*, February 28, 1857, and M. McCaslin to John W. Geary, Paola, February 19, 1857, "Geary Mss.," Yale. For Southern praise for Geary's "manly and brave conduct" in refusing to fight Sherrard, see *Richmond Enquirer*, March 7, 1857.

35. Gihon, *Geary and Kansas*, pp. 235-236. "Affidavit of John W. Geary," February 9, 1857; writ of Sterling G. Cato, February 9, 1857, "Geary Mss.," Yale.

Spencer's appearance in the territory, it was a deputy United States marshal who arrested the members of the Topeka legislature under the outstanding federal writs. Moreover, if it was a refusal of one of Donalson's deputies to act, Geary's passivity in the light of such a refusal is in sharp contrast to his earlier actions. In October, 1856, Geary had gone to great lengths to secure the arrest of Charles Hayes for the murder of a Free-State settler, David Buffum. Hayes had been arrested, but then freed on bail by Justice Lecompte. Geary had immediately written out a directive to Marshal Donalson, ordering him to rearrest Hayes. This Donalson declined to do, and submitted his resignation. Geary immediately gave the writ to one of his military aides, Col. Henry Titus, who carried out the governor's directive and rearrested Hayes.

The legality of Geary's action was questionable, but he defended it as necessary to preserve the peace of the territory. With a better legal basis for directing the arrest of Sherrard, the governor took no action. If a deputy marshal were needed to make a legal arrest, it should not be overlooked that one of Geary's aides, John A. W. Jones, had been deputized and, presumably, could still perform the functions of the office.³⁶ Taken altogether, it seems evident that the reason for the failure to serve Cato's writ and to arrest Sherrard lay less with a Proslavery effort to prevent justice from being done than it did with Geary's desire to have an unserved writ as additional evidence of the need for a thorough overhaul of the territory's federal judiciary.³⁷

Such additional evidence was necessary because of a change in Washington attitudes toward the Kansas governor. Federal executive officers, as their terms approached expiration, lost their enthusiasm for Kansas reforms. Congress was especially dubious. Leading Democratic senators had vetoed Geary's plans for a whole-

36. On the Hayes-Buffum affair, see *KHC*, v. 4, pp. 629-631, 639, and Gihon, *Geary and Kansas*, pp. 166-181. Geary's versions of the affair are to be found in his letters to Pierce, Lecompton, November 9, 1856, and to Buchanan, Lecompton, February 10 [sic], 1857, "Diary," "Geary Mss," Yale. On Jones's deputization, see *KHC*, v. 4, p. 653.

37. It is important to note that Geary appealed to Justice Cato for the writ, rather than Lecompte. This was due to the change in the boundaries of the territorial judicial districts, as reflected in the "Act to Define the Several Judicial Districts of Kansas," *Laws of the Territory of Kansas, Passed at the Second Session of the General Legislative Assembly* (Lecompton, 1857), pp. 71-72. The major purpose of this act was to transfer Douglas county from the first (Lecompte's) to the second (Cato's) judicial district. It is difficult to trace the legislative history of this bill because of inadequacies in the published versions of both the house and council journals. Introduced originally as a council bill on January 22, 1857, the measure passed that body on the same day, and went to the house where, after amendments, it passed on February 4, 1857. The bill was returned to the council on February 6, 1857. Sometime between that date and February 11, 1857, when the bill was reported as correctly enrolled, the council accepted the house amendments. Geary signed the bill on the same day. Since Sherrard's assault took place on February 9, 1857, service of Cato's writ might have been refused by a deputy on the grounds that his court had no jurisdiction. But this excuse would no longer have validity after February 11. The act also, of course, gave Cato jurisdiction over Sherrard's request for a *mandamus* against Geary.



sale repudiation of the territorial laws. The senate had also refused to approve Pierce's nomination of a successor to Lecompte, and Secretary of State W. L. Marcy had sent Geary a copy of Lecompte's "defense," with a request for explanations. Clearly Geary's earlier success in convincing Washington to follow his lead was beginning to wane.³⁸

Even where Washington had tried to improve the administration of justice in Kansas, however, these efforts had been less than successful because of the governor's actions. To fill the vacant third federal judgeship, Pierce had appointed a Pennsylvanian, Thomas Cunningham, and the senate had approved the nomination without controversy. Cunningham had come to Kansas, taken his oath, but never left Lecompton for the seat of his judicial labors, Fort Scott, because he had been co-opted by Geary into the second phase of his plan to exploit the opportunity that Sherrard's attack afforded him.³⁹

Capitalizing on the wide public sympathy for the governor which Sherrard's attack had created, plans were set afoot to bring into the open the new political movement, a coalition of moderates from both the Proslavery and Free-State ranks, which Geary had labored to form as the instrument for running the new governmental structure he hoped Washington would create.⁴⁰ The governor publicized the actions of a meeting held at Big Springs, symbolic site of the origin of the Topeka constitution, chaired by a Proslavery

38. Charles Robinson to Sara D. T. Robinson, Washington, January 15, 1857, "Charles Robinson Manuscripts," KSHS, shows Robinson's acceptance of the failure of his mission. Geary's special agent sent similar news to him at the same time.—Edward Hoogland to Geary, Dundee, N. Y., January 13, 1857, "Geary Mss," Yale. William L. Marcy to Geary, Washington, February 4, 1857, in *KHC*, v. 4, pp. 726-729. The possibilities of capitalizing on Sherrard's assault to further Geary's proposals through bipartisan political efforts was recognized by one of the governor's Eastern press supporters. In reporting the Sherrard assault, the *New York Times*, February 27, 1857, declared that "if the Democratic party at Washington shall now bring forward at once, (as in common decency they must), a bill so framed as mainly to ignore the past, while it provides ample security for the future of Kansas, we trust that the Republicans will give to such a bill their hearty and unanimous support, without questioning the quarter from which it comes."

39. Cunningham arrived at Lecompton on December 26, 1856, and took the oath of office on January 10, 1857.—*KHC*, v. 4, pp. 664, 708. Cunningham immediately immersed himself in territorial controversies, declaring, as one Free-State settler reported, "all the laws [of the 1855 legislature] void, except the law adjourning to Shawnee Mission, because there is no record of any of the subsequent laws having been presented to the Governor [A. H. Reeder] for his signature."—Edward Clark to Amos A. Lawrence, Lawrence, January 28, 1857, "Lawrence Mss," MHS. Cunningham's position, if correctly reported, was not in keeping with Geary's, for the governor had devoted much effort to securing from the 1857 legislature repeal of some of those statutes which Cunningham declared void. But Cunningham's position was very similar to that of many of the Free-State settlers as to validity of the 1855 laws, which would have made him an invaluable communicator between the governor and the Free-State group.

40. In describing these events, Geary declared that the meetings had been called "without my knowledge, and contrary to my wishes." Geary to James Buchanan, Lecompton, February 10 [sic], 1857, "Diary," "Geary Mss," Yale. Geary's opponents charged him, however, with both organizing them and with providing money to see that people attended; Geary's supporters admitted the latter part of the charge.—N. Y. *Evening Post*, March 7, 1857; S. P. Hand to Thaddeus Hyatt, Lawrence, February 19, 1857, "Hyatt Mss," KSHS. The number of meetings, their organizational structure, and the uniformity of the resolutions suggest that someone was responsible for them. If it were not Geary, he certainly gave written encouragement to those leading the "censure-Sherrard" movement.—See Thomas J. Key to Geary, Doniphan, February 20, 1857, "Geary Mss," Yale.

man but with a Free-State secretary, which carefully focused on the Sherrard assault and the house resolutions "virtually approving the deed." But this meeting also went on to express its "hearty approval" of Geary's "general course of policy."

At Lawrence, Geary's supporters among the Free-State leaders arranged for 150 of the townsmen to attend a mass rally at Lecompton on February 14, 1857. News of the Lawrence action brought Judge Cunningham posthaste from Lecompton to warn that such a sizeable contingent might dispel the impression of equality between the old factions in the new movement. And at another meeting, on the "California Road 6 miles South West of Big Springs," the citizens "without any distinction of party" met "to express their sentiments in regard to Gov. Geary's past course." Making no mention of Sherrard or the legislature, those assembled also "cordially approved" Geary's past conduct and resolved "that Hiram Shields be a delegate to attend the Convention to be held on the 18th and that he present these resolutions."⁴¹

A number of often overlooked incidents associated with the assemblage at Lecompton underline the original political objectives of the meeting at which Sherrard lost his life.

(1) The presiding officers were divided equally between Proslavery and Free-State adherents.⁴²

(2) The resolutions committee appointed by Mayor Stewart was composed of Probate Judge Wood; James G. Bailey, a well-to-do Lecompton merchant and banker; James F. Legate, Massachusetts native, former Mississippi schoolteacher, and acquaintance of Secretary of War Jefferson Davis, and a Lawrence resident since 1854; Lucius S. Boling, a young Lecompton attorney involved in townsite speculation; and Wesley Garrett, recently appointed coroner of Douglas county. This committee split three to two, with Bailey, Legate, and Garrett offering the majority report.⁴³

41. *KHC*, v. 4, p. 712, and Gihon, *Geary and Kansas*, pp. 236-237. C. W. Babcock to Richard McAllister, Lawrence, February 16, 1857; "Resolutions of a Meeting at the California Road," February 17, 1857, "Geary Mss," Yale. Hiram Shields was elected a Free-State county commissioner of Shawnee county at the October, 1857, territorial elections.—*KHC*, v. 5, p. 452. The Lecompton meeting was originally scheduled to meet on February 14th, but was postponed until the 18th, ostensibly because of the death of Councilor W. P. Richardson.

42. Mayor Stewart was identified with the Proslavery interests, but was personally friendly to Geary, writing the governor after his departure from Kansas, "I earnestly hope you will return if not I have no further use for the Territory."—Stewart to Geary, Independence, [March] 18, 1857, "Geary Mss," Yale. Gihon, *Geary and Kansas*, p. 205, paints Stewart as Geary's enemy because the governor took a lucrative government sinecure from the mayor. The foregoing letter indicates the fallacy of this characterization. The secretary of the February 18th meeting was John E. Cook, a Lawrence newspaperman. It is probably Cook's account of the meeting which appeared in the *Herald of Freedom*, February 28, 1857.

43. Sources for biographical information about the members of the resolutions committee are as follows: *KHC*, v. 11 (1909-1910), pp. 473, 475 (Bailey); v. 10 (1907-1908), p. 250 (Legate); v. 11, pp. 472, 475, v. 12 (1911-1912), p. 474 (Boling); v. 4, p. 702 (Garrett). One of Geary's opponents labeled Bailey as an "arch Abolition hypocrite."—*Missouri Republican*, February 27, 1857.



(3) The majority report, while mentioning the "recent personal assault" upon Geary, did not refer to Sherrard by name, and went on to resolve nothing with respect to the incident whatsoever, but much with respect to political matters. Expressing "unqualified approbation" of Geary's "official action," the majority lauded him for his "impartial and vigorous administration" which was responsible for "the present peace and prosperity of the Territory," and for saving Kansas from "destructive domestic feuds" and the nation from "a bloody civil war." Then the majority proposed to "cordially adopt" and "cheerfully maintain" the major recommendations of the governor in his message to the legislature, which were rehearsed at length, as a "platform . . . admirably adapted to the present condition of Kansas." And the report concluded with a pledge of "the support of all the actual bona fide settlers of Kansas, without distinction of party" to Geary, "the people's friend," so long as "he shall continue to administer the government upon the principles above declared." Had it not been for subsequent events, this report could have come from any regular, stateside political rally.

(4) When these resolutions were presented, James Legate, spokesman for the majority, remarked "that he was personally unacquainted with Mr. S[herrard], and therefore could not be accused of personal feeling in bringing in those resolutions." Legate's remark was another way of emphasizing the political objective of the meeting, and denying any effort to censure past acts or condemn personalities.⁴⁴

These strong political overtones at the commencement of the meeting raise an important question: why did Sherrard lose his life? Although the executive household had been unarmed at the time of Sherrard's assassination attempt, such was no longer the case. As one observer, visiting Geary shortly before the February 18th meeting, noted, rumors of attacks on himself only made the governor smile. But "I noticed that in the *draw* before which he was sitting a large 'Navy Revolver' loaded & prepared for action. He opened this draw frequently for the purpose apparently of letting me see his 'fix.'" The governor's expectation that violence might be included in the anticipated efforts to break up the meeting was shared by his followers. Those coming to the meeting from Lawrence were persuaded to reduce their presence from 150 men to 40 partly by Judge Cunningham's argument that, while a sizeable body would have no difficulty in maintaining order, it

44. The resolutions of the majority were printed in full only in the account of "A National Democrat," Lecompton, February 20, 1857, *Missouri Republican*, February 28, 1857. Legate's remarks are quoted in *Herald of Freedom*, February 28, 1857.



also would cause an overreaction against the governor "and after we left they might give the Gov more trouble than they otherwise would." Anticipated trouble should be met with just enough counterforce to deter but not to produce an escalation of violence.⁴⁵

Yet violence could have its useful nature also, especially for those against whom violence was directed. Thus, while anticipating violence, great care was exercised by Geary and his supporters to avoid any action which could be interpreted as provoking or inciting violence. Those who came to the Lecompton meeting from Lawrence brought arms with them, but no ammunition, "the Govr intending to arm them with the necessary munitions of which he has an abundance." Also, one company of U. S. soldiers were stationed near Lecompton. In addition, 18 soldiers were in the capital itself, some of whom had been requisitioned from another U. S. company stationed at Tecumseh, six miles distant from Lecompton. After Sherrard's assault on Geary on February 9 the governor wrote Gen. Persifor F. Smith, commander of the Department of the West, requesting that additional companies be sent from Fort Leavenworth to Lecompton. Yet Geary did not order the company near Lecompton to cross the Kansas river and enter the town itself until *after* the shooting of Sherrard. That is, he did not use any of the federal troops locally available to *prevent* violence from occurring. Finally, when the shooting broke out on Capitol Hill, the Lawrence men enrolled themselves as a company under the captaincy of James Legate of the resolutions committee and marched "to the Govrs residence to defend his Excellency if he should be attacked, which was expected."⁴⁶

Geary's supporters apparently desired to postpone any violence until after the minority report of the resolutions committee had been presented. This would give any subsequent conflict the appearance of a struggle of opposing principles. And, surprisingly, they had the support of William T. Sherrard himself. As soon as Legate read the majority report Sherrard asked to make an explanation. Mayor Stewart, however, "wished him to wait until the minority report was read." But Sherrard mounted the stand and

45. Apparently some consideration was given to using these threats of violence as a part of John A. W. Jones's legal defense.—See [testimony?] of "Tennessee" Caldwell, February 28, 1857, "Geary Mss," Yale. The governor's arms are described in S. P. Hand to Thaddeus Hyatt, Lawrence, February 19, 1857, "Hyatt Mss," KSHS. The arguments to the Lawrence contingent are indicated in C. W. Babcock to Richard McAllister, Lawrence, February 16, 1857, "Geary Mss," Yale.

46. On Geary, the Lawrence rifles, and Geary's ammunition, see S. P. Hand to Hyatt, Lawrence, February 19, 1857, "Hyatt Mss," KSHS. On Geary's requests to Smith, and his orders to the troops, see Geary to Persifor F. Smith, Lecompton, February 9, 1857, and Geary to E. W. B. Newby, Lecompton, February 18, 1857, in *ibid.*, v. 4, pp. 710, 721. On the Lawrence company, see *Herald of Freedom*, February 28, 1857; account of "Trimmer" Lawrence, February 18, 1857, in *New York Times*, March 4, 1857; and account of "Kent," Lawrence, February 18, 1857, in *N. Y. Evening Post*, March 7, 1857.

declared that "the difficulty between Gov. Geary and myself is a personal matter, and I have offered satisfaction. Any man who imputes anything dishonorable to me in that affair, is a *liar* and a *coward*, and I stand ready at all times to back up my words."⁴⁷

If correctly reported, there is nothing in this speech which relates to the majority report just presented, or which endeavors to make a personal issue of that report. And, adhering to the duality, Sherrard then went on to add that "any person sustaining the resolutions *and condemning him* [italics added] was a liar and a scoundrel." At this point Mayor Stewart, according to his own account, asked Sherrard to desist, which Sherrard did, leaving the stand to take a position in the crowd, where he was immediately subjected to a number of hostile questions and comments. At this moment, Joseph Sheppard, apparently hoping to keep the meeting on the track, made the remark that "the resolutions were just," and began to move toward Sherrard. Sheppard's comment tried to adhere to the separation set out in the speeches between Sherrard's personal honor and the general nature of the resolutions. But whether he had not heard Sheppard correctly, or whether the questioning and crowd commentary had irritated him, or whether he misinterpreted Sheppard's movement, at any rate Sherrard's temper snapped. He yelled at Sheppard "You are a G-- d--d *liar*, a *coward* and a *scoundrel*," and, drawing his pistol, began firing. Sheppard returned Sherrard's shots but, after three rounds, had presence of mind enough to club his revolver and try to knock Sherrard down. Almost immediately Stewart, aided by ex-Sheriff Jones and others, intervened and separated the two.⁴⁸

With Sherrard's first shots, firing became general and, as a Free-State account noted, "the crowd . . . scattered, leaving about a dozen persons." With the crowd went the expectation that the disturbance could be presented as a difference over principle. Lacking the minority report, the actions of any reassembled group could be dismissed as those of a one-sided rump, from whom opposition had been violently purged. With the hoped-for initiation of a new political organization thwarted, other tempers snapped. Two witnesses testified that they heard Geary's secretary, Richard McAllister say "Why don't somebody shoot Sherrard?" And, as Sherrard turned upon Geary's other secretary, John A. W. Jones,

47. Sherrard's speech and Stewart's request are in *Herald of Freedom*, February 28, 1857.

48. Stewart testimony, J. A. W. Jones arraignment record, printed in *Leavenworth Herald*, March 21, 1857. The questioning of Sherrard by the crowd is indicated both in the Stewart testimony and in the account of A. W. Jones in his letter to the editor, *Missouri Republican*, February 28, 1857. Sheppard's remark is quoted in *Herald of Freedom*, February 28, 1857, as is Sherrard's reply.



with a second drawn pistol, Jones, in the best Western tradition, whipped out his own pistol and shot Sherrard in the forehead, almost literally between the eyes. Sherrard's gun did not fire as he fell.⁴⁹

This was not what Geary and his supporters had anticipated, as shown by their response to the outbreak on Capitol Hill. Mayor Stewart sent a note to Geary requesting 10 soldiers to keep the peace, fewer than were already in the town. But Geary at once ordered the 32-man company across the Kansas river to enter Leecompton, he accepted the services of Legate's Lawrence party, numbering approximately 40, and he dispatched a messenger to Lawrence to assemble yet another company and march it to Leecompton. During all this, as a sympathetic observer noted, "the Govr was very much agitated . . . He attempted however to put on airs of *self command*." But no mob assembled to take Jones from the authorities and lynch him at the convenient tree, nor were there any mass assaults upon the governor's headquarters. As it became evident that there would be no response, Geary's defense measures took on another cast. New dispatches went off to Lawrence to countermand the request for additional help. Legate's Lawrence company was sent to the residence of a Free-State settler about five miles outside Leecompton, in order "that any appearance of war might be destroyed."⁵⁰

But it was too late. The bullet which felled Sherrard also destroyed John W. Geary's carefully nurtured image as the man who had pacified "Bleeding Kansas" without violence or bloodshed. Although not personally the assassin, the "smoking gun" was held by one too close to the governor for Geary to escape unscathed.⁵¹ Sherrard's death made men in both the Free-State and Proslavery ranks draw back from their support for Geary and his plans for a political solution to Kansas' problems. Most importantly, instead of enhancing Geary's stateside reputation as the man who had

49. Testimony of Hiram D. Hill and L. S. Boling, J. A. W. Jones arraignment record, and printed in Leavenworth *Herald*, March 21, 1857. Grand jury presentment, May 15, 1857, in Case File, Case of John A. W. Jones, "U. S. District Court Records," Archives division, KSHS.

50. Owen C. Stewart to John W. Geary, February 18, 1857; Geary to E. W. B. Newby, Leecompton, February 18, 1857, *KHC*, v. 4, pp. 720-721. Account of "Trimmer," Lawrence, February 18, 1857, in *New York Times*, March 4, 1857. Account of "Kent," Lawrence, February 18, 1857, in *N. Y. Evening Post*, March 7, 1857. S. P. Hand to Thaddeus Hyatt, Lawrence, February 19, 1857, "Hyatt Mss," KSHS.

51. Not only was Jones a private secretary to the governor but, when set free on bail, he fled the territory. This destroyed any effort to make a legal issue on the grounds that he fired in self-defense, and raised strong suspicions that there was an element of truth in the charges of Sherrard's defenders that there was a deliberate plot among the members of the governor's household to murder Sherrard.—*Missouri Republican*, February 28, 1857. One Free-Stater, who had approved Geary's actions before the shooting because "I believe the Govr wants to do just right," remarked following the shooting, "I can see no propriety in the late course of the Govr in allowing an indignation meeting to be called."—S. P. Hand to Thaddeus Hyatt, Lawrence, February 19, 1857, "Hyatt Mss," KSHS.



"solved" the Kansas imbroglio, the opposite impression was created. As an Illinois paper remarked, "The murder of Sherrard has added nothing to the fame of Governor Geary." No less a personage than Gov. Henry A. Wise of Virginia declared "the *death* of young Sherrard affected Govr. Geary's reputation very seriously here."⁵²

Far from being a key figure in a Proslavery conspiracy, William T. Sherrard was a pawn in a game being played for high national political stakes by John W. Geary. Winning those stakes seemed to require that Geary prove the existence of a Proslavery conspiracy, and the governor needed an act of organized, mass political violence at the February 18th meeting to establish that proof. Instead, one individual lost his life, and John W. Geary lost his gamble, as was underlined by the events surrounding the disposition of Sherrard's body. On the day of his death a meeting was called at Lecompton to condemn "the foul and cowardly character of [Sherrard's] murder" and to make arrangements for the transmission of his body to Virginia. The meeting was presided over by a land office clerk, who appointed two nonentities to convey the body to his parents' home.⁵³ In death, as in life, no one more prominent than his predecessor, ex-Sheriff Jones, sustained William T. Sherrard.

52. Quincy *Herald*, March 23, 1857. See, also, Keokuk (Iowa) *Post*, n. d., quoted in Quincy *Herald*, April 6, 1857. Henry A. Wise's comment is in Richard McAllister to John W. Geary, Keokuk, August 6, 1857, "Geary Mss," Yale.

53. Lecompton *Union*, February 25, 1857.



Pearlette: A Mutual Aid Colony

C. ROBERT HAYWOOD

EACH wave of occupation of the American frontier developed its own mode of migration and settlement. For the Great Plains one of the serviceable patterns was the mutual aid or co-operative colony. Everett Dick in *The Sod-House Frontier, 1854-1890*, describes a number of these colonies. Many had religious affiliations such as the Mennonite settlements; others had special ethnic or life style associations as did the black community of Nicodemus or the vegetarian colony near Humboldt.¹

More typical, however, was that type of cooperative colony whose constituency was drawn from a broader base within a single community or neighboring area and was motivated by an obsessive land hunger. Caught in the depressed economic conditions of the time and conditioned to think of land as man's greatest source of security, they tended to place an excessively high value on land ownership. Certainly the promotional accounts by the railroads describing the rich fertility of the soil and other aspects of nature's bounty in the West and the railroad's promise of assistance whetted the ambition of the organizers, but in truth there was little need to entice a people hemmed in by a growing population and embittered by the narrow opportunities available to them. But above all other motivations stood the hope of a better life secured firmly on land personally owned. In the words of one, ". . . there was a prospect ahead: a prospect of owning a home some day. What are their prospects in Zanesville?"²

The mutual aid colony was by no means a perfect colonizational system, especially the single-community-based type. Its organization was at best loose; at worst it was unplanned and chaotic. The motivation was centered on personal self-interest, an exaggerated understanding of the value of land, and an unrealistic assessment of the hazards of a malevolent nature. As a consequence, the number of failures exceeded the permanent settlements. But beyond the failure to establish a recognizable permanent com-

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1. Everett Dick, *The Sod-House Frontier, 1854-1890* (Lincoln, Neb., 1954), pp. 185-201.

2. *Pearlette Call*, March 20, 1880.



munity were the greater penalties extracted from those individuals who attempted the venture—penalties which Vernon Parrington described as, "The cost of it all in human happiness—the loneliness, the disappointments, the renunciations, the severing of old ties and quitting of familiar places, the appalling lack of those intangible cushions for the nerves that could not be transported on horseback or in prairie schooner. . . ." ³

One such colony typifying the unsuccessful effort was the Ohio or Zanesville colony which settled in Meade county, Kansas, in 1879. The original idea for the colony came from Daniel Dillon of Muskingum county, Ohio. At his call a group organized in Zanesville, elected John Jobling as president, J. T. "Jed" Copeland as secretary, and held regularly scheduled meetings every second Saturday of the month. Eventually a constitution with bylaws was drawn up and George H. Stewart, a cashier of the First National Bank, was appointed treasurer to begin receiving funds. ⁴

Whatever its later faults, and contrary to many such projects, the colony was from the beginning a carefully and thoughtfully planned operation, at least through the talking stage. Money was raised through "donations, fairs, festivals, etc. to pay transportation charges to Kansas and buy a team for every fourth family." ⁵ The developers wisely brought into the organization, for endorsement if not actual participation, some of the more prominent men of the community and called upon established service organizations such as the Odd Fellows Lodge and the local churches for support. ⁶ They also displayed considerable ingenuity in devising fund raising projects; among the more unusual were the scheduling of the Hon. Schuyler Colfax for a benefit lecture and the soliciting of every farmer in Muskingum county to contribute one bushel of produce. ⁷

Through several meetings the members discussed and reported to the public possible sites, various means of transportation, prospective cash crops, and potential sources of revenue. Membership reached 60 families at one point. Eventually Howard Lowery, one of the few farmers to participate actively, was sent ahead to see at first hand what Kansas had to offer. ⁸ On his return a committee

3. Vernon Parrington, *Main Currents in American Thought* (New York, 1930), v. 3, p. 387.

4. Zanesville (Ohio) *Daily Courier*, July 27, 1878.

5. Pearllette *Call*, April 15, 1879.

6. Zanesville *Daily Courier*, September 12 and December 24, 1878; Zanesville *Signal*, July 20 and September 21, 1878.

7. Zanesville *Daily Courier*, December 24, 1877; Zanesville *Signal*, December 21, 1878.

8. *Ibid.*, September 14, 1878.

of three was directed to go to Kansas "to spy out the land" and make preliminary arrangements.⁹ This advance committee chose a site in Meade county with the intention of taking adjoining claims and establishing a town as a uniting center. Since the county had not as yet been organized, the committee hoped that the county seat would be located within the limits of the 60 adjoining quarters it had selected.¹⁰

On February 18, 1879, with plans complete and the timid souls separated from the bold, the party with all its possessions boarded the train that would take it as far as Dodge City.¹¹ They had abandoned an earlier scheme to travel by wagon since they expected the railroad to make favorable concessions to them, and it did. Still, when the fee of \$52.00 for each family was collected and all freight charges paid, "the ZANESVILLE COLONY left with \$000-100.00 in the hip pocket of the treasurer!"¹²

The send-off in Zanesville was a gay one, with a large crowd at the station, tributes published in the local papers for some individuals, and expressions of the "heartiest good wishes of the community."¹³ The colony was accompanied by an agent of the railroad and was joined by another contingent from the area which was to locate in Saline county. In spite of meager reserves, spirits were high; the euphoria of expectation overwhelmed all sense of reality.

Arriving in Dodge City on February 21, 1879, the party was met by reality at every turn. The city itself was not as wild as its reputation, but it was not peaceful Zanesville either. George Williams, one of the colonists, wrote home:

Dodge City has about one thousand inhabitants, but no very fine buildings. The Sheriff's building, is the best, built of brick, under which is the jail, holding at present, seven Indians, the remains of Fort Robinson Massacre. The most noted are Crow, Wild Hog, Big Man. Crow is the father of Black Hawk. This place is bad enough, but it bears a harder name than it deserves. I have no doubt, but that its past history is as bad as its present name. The gold and silver region West, have taken many of the notorious characters away. We have seen no trouble yet, but have been shown many marks of kindness, by the citizens. Yet, we can hardly approve of dance houses and

9. *Ibid.*, October 19 and November 2, 1878; *Zanesville Daily Courier*, November 2, 1878.

10. *Ibid.*, November 4, 1878; *Zanesville Signal*, November 2, 1878.

11. *Pearlette Call*, April 15, 1879. There is no "official list" of the families. Addison Bennett later reported that there were originally 16 families but the records indicate that there were eventually some 18 families from Zanesville in the community: D. W. "Dunk" Arter, Cyrus L. "Cibe" Atkinson, Silas E. and Douglas Ayres, William Bunshuh or Burnshoe, John Bay, Addison Bennett, William H. Cline, J. T. "Jed" Copeland, George "Joel" Fisher, John Jobling, Robert Lawson, Howard Lowery, William Mangold, Wilbur McCoy, William Nessbaum, George Pierce, Edward Thompson, and George M. Williams.

12. *Pearlette Call*, April 15, 1879.

13. *Zanesville Signal*, February 22, 1878.



public gambling houses, both of which go on on Sunday, as well as any other day, but all a man has to do is to attend to his own business.¹⁴

The unexpected shock was not the wickedness of "The Wickedest Town in the West," but the boom-town prices, which the Ohioans estimated were 25 or 50 percent higher than in the East. The cost of overnight accommodations for the entire colony was staggering. After a lengthy conference it was agreed that D. W. "Dunk" Arter should use \$60.00 of the remaining funds to purchase lumber for a shack sufficiently large to put a roof overhead and secure the personal possessions piled along the tracks.¹⁵ For the adults it was a portent of things to come; for the children the whole affair was still something of a lark, a kind of exciting and extended outing. Years later one of those children, age 15 at the time, wrote of his first days in Kansas:

Here they remained a few days, all using but two stoves and occupying two beds. The beds covered the whole of each side of the shanty— The goods piled in the center—each family in a group. About midnight of the first night, a baby in the extreme rear of the shanty took the croup. Then "there was hurrying to and fro" in hot haste to get remedies. One small boy between two grown persons remarked that he could judge of the weight of each individual accurately [*sic*]. They in stepping over the pedal extremities of the grown persons invariably stepped on his feet. At last the baby got better and night came to an end, as has every night since.¹⁶

After several days, arrangements for the move to the "promised land" were completed. The new settlers followed the old Adobe Walls trail out of Dodge City toward "Hoodoo" Brown's Road Rancho to where their claims were. Carrie Schmoker's family was in Dodge City when the Ohio colony arrived. Since they, too, were headed for the same general section of Meade county, her family visited their new neighbors. Her recollection of the trip starting the next day from Dodge City could serve as a description of the colony's experience.

When our car was unloaded, a couple of freighters were hired, and their wagons and our own were piled high with "goods and chattels." The whole was topped by a not inconsiderable weight of human freight. We left Dodge City and crossed the Arkansas River over the old wooden toll bridge and to about three miles from the present site of Meade we saw not a single home, fence, field, or tree, nothing but the brown trail and on every side as far as the eye could reach just grassy prairie land that was not green for there had been no rain for many months. On the high flats we saw a few prairie dog towns and we met a few freight outfits going into town.

14. Zanesville *Daily Courier*, March 11, 1878.

15. Dodge City *Times*, March 22, 1879.

16. This account was taken from William Jobling's "Early History of Meade County," which ran as a serial in the *Meade Globe*, beginning June 27, 1891. William was the youngest son of John and was the last remaining member of the Ohio company in Meade county when Frank S. Sullivan wrote *A History of Meade Center, Kansas* (Topeka, 1916), p. 153.



We camped that night and had our first experience of sleeping on the ground and eating food cooked over a camp fire. Next morning we resumed our slow journey and some time that day we reached our homesteads where the wagons were unloaded and tents set up for our new homes.¹⁷

Once settled in, the colony began its first division. Some camped near Crooked creek, going out to their claims to "prove them up"; others began the process immediately, preferring to carry water to their new homes.¹⁸ Addison Bennett spent his last cent in Dodge City on supplies and lumber from which he and Howard Lowery, his publishing partner, built a shanty 16 feet square and about seven high in front sloping back to about four feet. This served until a smaller but more solid sod house could be constructed. With Lowery and William Mangold, Bennett began what appeared to be a monumental task of digging a well. To their amazement water was reached at eight feet; others were less fortunate, needing to go to the depth of 50 or 60 feet.

But before the sod houses could be built, the colony's first serious tragedy struck. Both the Ed Thompson and Cyrus L. "Cibe" Atkinson families had remained in Dodge City because of the illness of children. After a few days Atkinson felt his child had recovered sufficiently to bring the family down to the claim. Bennett's reminiscences of what happened is one of the more poignant descriptions of death on the prairie:

In the morning little Pearl seemed worse, but the Atkinsons went on to their claim and left Pearl and her mother with Mrs. Bennett and Mrs. Lowery. Mrs. Manyold [*sic*] was also there. Pearl grew worse, and about eight or nine o'clock that morning she died. This was a sad blow! Poor Pearl! She was indeed a lovely child, aged about sixteen months, and beloved by all. . . . When the ladies found she was sinking rapidly, they called me and I ran rapidly down, over a half mile, and called Cibe and Sam, but she was dead before they arrived. Neighbors and [f]riends were notified. A rude coffin was made and neatly trimmed, and on the following afternoon we laid little Pearl in the grave. . . . I never think of that funeral procession without a tear. I can close my eyes and see it still, slowly wending its way along the point of the hill. . . . All walked[,] men, women and children. Four of us carried the coffin which was covered with wild flowers. No minister of the gospel was at hand but Robert Lawson read a brief chapter from the scriptures, and reverently and sadly we laid the remains of little Pearl in her western grave.¹⁹

17. County Council of Women's Clubs Meade County, Kansas, comp., *Pioneer Stories of Meade County* (Hutchinson, 1965), pp. 236-237. The Adobe Walls trail and the Plummer trail were joined at Mulberry creek some five miles south of Dodge City. The Adobe Walls trail branched off to the southwest from there and ran somewhat parallel for several miles.

18. Jobling, "Early History," June 27, 1891. The hope of establishing a cluster of homesteaded quarters was also abandoned. The extent of the scattering is today hard to determine since some failed to register their claims.—"Tract Books, Kansas," Roll No. 37.

19. Fowler City *Graphic*, August 6, 1885. This account and others hereinafter cited Bennett, "Recollections," come from an unfinished serial appearing under the heading, "Meade County in 1879, Personal Recollections, By A. Bennett, For the *Graphic*."



The town which had been named with cheerful expectation "Sunshine" in Ohio was now renamed Pearlette in memory of Pearl Atkinson, "the fairest and brightest of our jewels."²⁰

Bennett had brought with him a small press and enough equipment to set up a print shop and to publish a newspaper. This gear along with five members of his family shared the sod house. On April 15, 1879, he published the first newspaper in Meade county. The lead editorial carried a bold announcement of the colony's arrival: "Brethren of the Kansas Press, greeting!" But by then caution had touched his enthusiasm and the editorial reflected this new realism.

When we left Zanesville we thought we could get out the first issue of the *Call* in two weeks . . . but we found out different after our arrival here. We found it took more time to build our house than we had any idea of; for before we left Ohio we knew of mite [night?] meetings building four sod houses in one evening, but some-how they can't be built so fast out here; because here we build by work, and there we built by wind.²¹

The houses and dugouts were eventually finished, and the few teams "traded around" to plow the necessary strips for "proving up" the claims. Once these essentials were underway the refinements of civilization were ordered. On April 6 the Rev. Adam Holm came out from the Methodist Episcopal church in Dodge City to hold services in Robert Lawson's home. The congregation he met was considerably sobered but still optimistic that with the Lord's blessing and a fair amount of luck their ambitions would be realized. The colony agreed to continue the religious services in the various homes.²²

Other evidence of permanence and stability followed. Captain Werth started a lumber yard in April and to the south R. A. Milligan established a grocery store.²³ In May the colony members joined with others in the area in manning a militia to defend against possible Indian attacks. The adjutant general of the state, stirred by Dull Knife's raid the previous year, distributed about 50 guns and the citizens organized under the captaincy of Milligan, who had Civil War service, with D. S. Gantz and "Hoodoo" Brown, both old timers, as lieutenants. The one and only drill held in June was strictly in keeping with American militia tradition, ending in ridiculous shambles. Later someone sent Milligan a tin sword and paper cocked hat. He never recalled the defenders.²⁴

20. Pearlette *Call*, April 15, 1879.

21. *Ibid.*

22. *Ibid.*

23. *Ibid.*, May 15, 1879.

24. Bennett, "Recollections," September 3, 1885.

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Of far more importance to Pearlette was the designation of Bennett as postmaster of an official post office receiving delivery once a week.²⁵ The area around Pearlette continued to attract settlers, although the country was still sparsely settled. In May Bennett reported about 20 new families had located in the immediate vicinity since his last issue. Finally, as a solid symbol of permanent establishment, Ed Thompson completed the colony's first frame house.

Even with the new settlers, the region remained largely a raw, open prairie. The bleak vastness of the country was one of the unexpected conditions of their venture which the city folk from settled Zanesville found most disturbing. The story of the first child born in the Ohio colony illustrates the point:

About one o'clock on the morning of Monday, April 7th, Dunk Arter sent Billy Bunshuh, his nearest neighbor, in great haste after Mrs. Robt. Lawson.

Billy arrived at Lawson's safely, and a moment after he started back, accompanied by Mrs. L. They had before them a walk of half a mile, due west.

An hour later they had not arrived at their journey's end, and Dunk began to get uneasy; so he built an out-fire, and started in search. Not being able to find them, Dunk started after Mrs. Billy Heinz, who lives about a mile south.

About four o'clock Mrs. Lawson and her escort, after wandering all over the township, brought up at the CALL office, about two miles south of Arter's. Here they were joined by Mrs. Bennett, and taking new bearings made another start.

All this time Mrs. Arter was alone, if we except her little children, who were all sleeping.

It was well after four o'clock when Dunk (who had also been lost) arrived with Mrs. Heinz. And there sat Mrs. Arter, holding in her arms Master Wm. Bennett Arter, a lad nearly three hours old. Mr. Bunshuh and party arrived shortly after Dunk.²⁶

Bennett's account of his own first "delivery" of the *Pearlette Call* is as traumatic as Mrs. Arter's issue and both illustrate the kind of optimism and willingness to gamble that mark those early pioneers. It also serves as a reminder of the sanity-saving humor essential to cope with the seemingly impossible odds the colony faced. After running off his first issue, Bennett packed his papers in a satchel and started on foot the 30-odd miles to Dodge City. At that point his major concern was the few cents cash he needed to cross the toll bridge at the Arkansas river. On the way out he sold three papers to neighbors and so had his toll, but once beyond Crooked creek valley he met no one. By midmorning the wind was so

25. *Pearlette Call*, June 1, 1879.

26. *Ibid.*, April 15, 1879.



strong he was forced to lean backwards against it, the heat became nearly intolerable, and his feet so blistered he was forced to remove his boots. The one respite on the trip was the chance meeting with one of the local old-timers. In Bennett's words:

Going down to Mulberry I saw a strange sight: a team coming at full speed along the trail, the driver standing up in the wagon lashing the horses. I sat down on the bluff and looked and wondered: It approached and swung up under me at a gallop. I knew at once it was Cap French, as he had been pointed out to me, although I did not know him personally. As he stopped I said to him "what are you doing down there?" He replied, "I wanted to see what dammed [*sic*] fool that was up there." This was our introduction and I called on him for water but he had none; I gave him a copy of the *Call*, and told him I must pull on. He wanted me to get in with him and return; but no, I would not turn back. Soon I said, "well as you have nothing to drink I must go one." He promptly said, "I didn't say so; I said I had no water, and I never use it; here, try this," and he produced a three gallon demijohn. I drank it as a child would milk, and of cource [*sic*] in a moment I felt it. . . . This drink did me a wonderfull sight of good, and gave me a strength that helped me up several miles. When the reaction set in I concluded that I could not possibly make Dodge, and that I would lie down and take my chances of a wagon coming along. But just then I saw ahead a large herd of cattle, as I supposed, and I knew the herders would have water. This gave me courage and hope, but alas! It was a delusion, as the cattle turned out to be the sand hluffs [*sic*] between five mile-hollow and Dodge. But when I got near enough to discover this the lights of Dodge flashed into view, only a mile distant apparently, and again hope was revived. But it was a long, long way, and I was three hours I suppose, making the last two miles." ²⁷

All this positive activity of the colony was deceptively optimistic and was undertaken in the face of a nature which seemed determined to thwart their best intentions. John Jobling's son remembered the summer well:

During the summer Crooked Creek went dry from its head to where Spring Creek empties into it; all the deep holes along the head of the creek cracking open like frozen ground in the winter.

The wind blew constantly and hard, a calm day was an occasion so rare that they were celebrated that first summer.

In the fall there was not more than 50 tons of hay cut between the head of Crooked Creek and where Mead [*sic*] now stands and all the available crop was put up.²⁸

Bennett confirmed Jobling's recollection. He recalled: "I can not now remember a shower during the year 1879 or up to July 1880 that was sufficient to lay the dust. During 1879 the prairies never got green. . . . They did in the spring look a trifle like life, but it only lasted a few days." ²⁹

27. Bennett, "Recollections," August 27, 1885.

28. Jobling, "Early History," July 4, 1891.

29. Bennett, "Recollections," September 17, 1885.

Under the circumstances the men were forced to seek day wages outside the colony. Ed Thompson and John Bay found work in a brick yard in Dodge City; William Mangold became a baker there; Dunk Arter hired out shearing sheep on the Cimarron, and "Jed" Copeland became a brakeman after being unemployed for 10 months. The dream of land ownership freeing them from other men's employ quickly withered in the Kansas sun. But there were still more troubles. As in all resettlement there was to be a physical "seasoning time." Some like Ed Thompson "came down with the ague" which they couldn't seem to shake. The long, withering summer stretched on endlessly. Fortunately, the old ties with Zanesville had not been severed and appeals for assistance were sent back "home." In June Bennett gratefully acknowledged the first box of gifts from Zanesville.³⁰

In July the first break in the solidarity of the colony came when the Howard Lowery family moved back to Kansas City.³¹ Once the ranks had been broken, the continued disintegration followed a pattern repeated in the history of many of the other mutual aid colonies. Ed Thompson's health forced him to return with his family to Ohio in August; the Muxlow family "removed to Spearville" so the children could attend school under less formidable circumstances; William Mangold's job in the bakery developed into ownership. By midwinter some of the appeals for assistance had become so desperate that railroad tickets for the Arters and Lawsons were sent from Ohio. Bennett did what he could to stem the tide of desertion, reminding his neighbors that life in Ohio had not been without its drawbacks also. In the edition marking the first year of settlement, he wrote:

During the year many of us have seen tough times, and owing to the drouth our hopes may not have been fully realized: but then some of our number hoped for impossibilities.

Some of the disappointed ones have gone back to Zanesville, and it does not require much of a prophet to read their future. But some of us propose to stick to Meade County, in preference to going back to Ohio to live and die in poverty.³²

The disintegration was as much psychological as physical. The early exchange of kindnesses, the midnight missions of mercy on behalf of a sick neighbor, shared goods, horses, and homes turned to name calling, recriminations, and threats of violence. The long

30. *Pearlette Call*, June 1, 1879. See, also, *Zanesville Daily Courier*, May 17, 1879; Norris F. Schneider, "Muskingum County Folks Answered 'Call of West,'" *Zanesville Times Recorder*, March 3, 1968.

31. *Pearlette Call*, July 15, 1879; *Zanesville Daily Courier*, November 20, 1879.

32. *Pearlette Call*, February 21, 1880.



summer with its unrelenting heat, boredom, and disillusionment, eroded the concepts of brotherly cooperation and mutual aid. In Bennett's words: ". . . the people who had composed the colony, were about the most dissatisfied, troublesome and quarrelsome lot ever heard of . . . a set of people never were before brought together who were by nature, instinct, and education so well adapted to quarrel and wrangle as the Ohio Colony . . ." ³³ "Cibe" Atkinson, the father of Pearl, whom everyone had pitied and aided at the time of her death, became in Bennett's words "a bad man in his own estimation." At one point he called on Bennett in his office and "quietly pulling out a revolver told me he had come there with the express intention of killing me." ³⁴ Even the individual appeals for aid resulted in controversy which spilled over into Zanesville papers back home. G. M. Williams, who came with more reserve than the rest and with some horses from his father's livery stable in Zanesville, ridiculed the call for help and painted a glowing picture of life on the prairie. He wrote back: "I shall not disgrace Ohio's blood by accepting it." He did concede that, "If I saw some lazy thin blooded Ohioian passing by my rest, I might force him to bring me a pail of water in charity, but no more." ³⁵ Others felt differently and were publicly critical of "Preacher" Williams and "Our Worthy President" Jobling.

Efforts toward organizing a more orderly government on the basis of a municipal township only resulted in greater friction. The summer of 1879 turned into one of discord and strife. Still, hope was slow in dying. As late as May, 1879, the colony was still attracting new members from Zanesville. Mrs. L. D. Copeland, "one of the oldest citizens of Zanesville," moved with the rest of her family to Meade county, as did George Thompson. Dr. William Ward came out with the hope of settling a son-in-law and to find a spot where the Doctor "might pass his declining years." ³⁶ Even the bitter letter to the *Courier* that had sparked the taunts by Williams had ended with a half-hearted reaffirmation of the future:

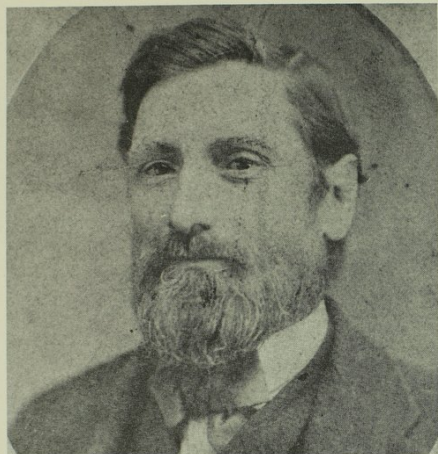
I hope some day to own a good comfortable home here, and see my 160 acres under cultivation to the last foot. I read in the papers of home of how your markets are loaded with delicious vegetables and fruit, but right here I must stop. It makes me hungry to think of peas, beans, lettuce, onions, cabbage and strawberries so plentiful there, and we have not tasted for oh! so

33. Bennett, "Recollections," September 3, 1885.

34. *Ibid.*

35. *Zanesville Daily Courier*, May 9, 1879.

36. *Ibid.*, May 3, 1879; *Pearlette Call*, May 15, and July 1, 1879.



MR. AND MRS. JOHN JOBLING of Zanesville, Ohio, who stuck it out at Pearlette until the end. Mr. Jobling was president of the Ohio or Zanesville colony which settled in Meade county, Kansas, in March of 1879. There were some 18 families from Zanesville in the Pearlette community but most had not the means and will to stay through the hard, droughty times in the years just ahead. Mr. Jobling later reported that from July, 1880, "to the spring of 1884, almost four years, I had but one permanent neighbor within three miles of Pearlette. . . ." A railroad failed to reach Pearlette in the building flurry of the mid-1880's. In July, 1887, Jobling "moved his store and home the six miles to Fowler, and Pearlette was no more." Photos courtesy Casey Jobling, Wilmington, Del.

THE CALL.

Pearlette, Meade Co., Kans, Ap'l 15 '79.

THE "CALL" IS PUBLISHED ON THE
1ST AND 15TH OF EACH MONTH; SUB-
SCRIPTION: \$1.00 PER YEAR, IN ADVANCE.

A. BENNETT, Editor.

NOTICE.

All communications
to THE CALL should
be sent to Dodge City,
K's, as we have no P.
O. in PEARLETTE.

We send a large number of copies
of THE CALL to old friends, who are
not subscribers: BUT WE HOPE TO
HEAR FROM THEM BY RETURN
MAIL.

PEARLETTE.

We have, as you know by our head-
ing, named our settlement PEARLETTE;
but you will naturally ask the reasons
for calling it PEARLETTE in preference
to SUNSHINE, the name adopted before
we left Zanesville.

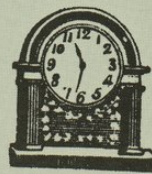
In the first place the name Sunshine
was adopted by default, so to speak: in
plainer terms, it was suggested by us and
used on our circulars: and no one offer-
ed the least objection, or brought for-
ward any other name.

But when we arrived in Meade we
found the names offered were legion,
with faint hopes of uniting on any one
of them. But shortly after our arrival

our Heavenly Father, in his wisdom,
saw fit to call home one of the fairest
and brightest of our jewels: little Pearl
Atkinson. Being the first one of our
flock to be called away, how natural
that we should wish to perpetuate her
memory. And in what way could this
be done more effectually than by insepar-
ably linking her name with that of
our settlement? Hence when Brother
Copeland suggested the name of Pearl-
ette, on that sad day when we bore lit-
tle Pearl to her grave, every member
present found in his own breast a ready
response to the feelings which prompt-
ed a name so appropriate, and our new
home was thereupon christened PEARL-
ETTE!

Under other circumstances, and for
personal reasons, not worth while to de-
tail, we would have preferred the name
first brought forward, but as it was we
were among the first to welcome the
word PEARLETTE.

A. H. WATTS, JEWELER,



*Fine Watch,
Clock and
Jewelry
Repairing
a specialty.*

*Adjoining the Post Office,
ZANESVILLE, O.*

The first page of the initial issue (v. 1, no. 1) of the 12-page Pearlette Call dated April 15, 1879, is reproduced on the cover of this issue. Above is page 2 and the remaining pages follow.



CRASSHOPPERS.

Dunk Arter is building himself a new house, not liking his present dug-out.

The "bondholder," otherwise Robert Lawson, holds his claim at \$8.500.

Should you ever see Crooked Creek, you will know whence the name. On account of the dry weather flour has advanced from \$1.75 and \$2.25 per cwt, to \$2.50 and \$3.00. Cibe Atkinson is plastering in Dodge. Thirty men are wanted on the Cimarron to shear 20,000 sheep, at 5c and board. Bro. Jobling lost Silas Ayres' mule, about two weeks ago, and has not found it as yet. The weather is still very cool. Ask Wilbur McCoy how he likes antelope steak, broiled on a stick, and minus pepper and salt. William Nessbaum came to see Meade County, and thought so well of it that he took 320 acres. As we are setting this we see a fine herd of antelope, about a mile off. "Doctor" Bunsuh gave a dinner party on Easter Sunday, and the wild game market has suddenly advanced. Billy Heinz is herding sheep on the Cimarron. Douglass Ayres has the deepest well—49 feet. A post office is needed here, badly. We, that is ye editor, have'nt slaughtered an antelope yet: but then we have only shot at two or three hundred. Shorty Williams is busy running lines and locating new settlers. John Bay is busy most of the time painting in Dodge. Joel Fisher of Kent, Iowa, who met us on the train, on our way here, arrived with a car load of his effects on Friday, the 11th. John Lawson is working in Dodge. An antelope fell into Cope's well about midnight, a few nights ago, but when Jed fished him out it was only a dog! Tableux, accompanied by a short address on the subject of profanity, embellished with numerous choice quotations from the old masters.

G. W. SHANNON,
DODGE CITY,
KANSAS.
NEW
HARDWARE,
Stoves

AND
TIN WARE,
AT
PRICES
TO SUIT
SETTLERS.

A CAR LOAD OF
STOVES
JUST RECIEVED.

Page 3—The Pearllette Call, April 15, 1879. Notice the advertisers who were nearly all prominent merchants of Dodge City during its cattle trail-driving days.



RELICIOUS.

Religious services were held on Sunday, the 6th, at the residence of Rob't Lawson. Rev. Adam Holm, pastor of the M. E. Church at Dodge City, officiating. This was the first religious meeting held here since we located, and most likely the first ever held in Meade.

On the 13th a prayer meeting was held at Howard Lowry's, and like services are appointed for next Sabbath at Mr. Emerson's, about four miles from here, on Crooked Creek. These services will no doubt be continued from place to place until we can build a church.

In this connection we desire to pay a tribute to Rev. Holm. He has been very kind to our people since our arrival in Dodge, and has shown himself at all times to be a thorough christian gentleman; not one of the kid glove stripes; but a plain practical man, who is always active in every good work and way. We wish him great success in his labors, and may his troubles be few and his joys many.

A DEBT DUE.

Shortly after our arrival in Dodge, we believe on the same day, we made the acquaintance of a family whose friendship would be an honor to any one: we refer to P. G. REYNOLDS and family, consisting of Mrs Reynolds and their sons George and Sid. It was never our pleasure to meet people who could be so kind and considerate - always so busy in relieving the lesser wants of others as to forget their own greater troubles. It is not foreign to their natures to help others, hence what they do is not labored, but falls as the dew from heaven. May they who are such royal friends to others never want a friend of their own.

M. COLLAR,

DEALER IN

General
Merchandise,
**DRY GOODS,
SHOES AND
QUEENSWARE.**

The Latest Improved
Farming
Implements
Constantly on hand.

Agent for the Best

COAL

In the Market.

**CANON
COAL.**

Cooking & Heating

STOVES.

BRIDGE St.,
DODGE CITY, KS.



LOST. FOUND.

About one o'clock on the morning of Monday, April 7th, Dunk Arter sent Billy Bunshuh, his nearest neighbor, in great haste after Mrs. Robt. Lawson.

Billy arrived at Lawson's safely, and a moment after he started back, accompanied by Mrs. L. They had before them a walk of half a mile, due west.

An hour later they had not arrived at their journey's end, and Dunk began to get uneasy; so he built an out-fire, and started in search. Not being able to find them, Dunk started after Mrs. Billy Heinz, who lives about a mile south.

About four o'clock Mrs. Lawson and her escort, after wandering all over the township, brought up at the CALL office, about two miles south of Arter's. Here they were joined by Mrs. Bennett, and taking new bearings made another start.

All this time Mrs. Arter was alone, if we except her little children, who were all sleeping.

It was well after four o'clock when Dunk: (who had also been lost) arrived with Mrs. Heinz. And there sat Mrs. Arter, holding in her arms Master Wm. Bennett Arter, a lad nearly three hours old. Mr. Bunshuh and party arrived shortly after Dunk.

We are glad to announce that both mother and child are doing well, and we beg leave to commend them to the kindly remembrances of all who can sympathize with such a heroic mother.

Leave what gifts you can with the committee mentioned elsewhere. In the mean time, at once in fact, will not some kind friends mail the mother a little tea, and the youngster some flannels? Any little thing you may send will be worthily bestowed.

Subscribe for the CALL.

F. C. Zimmermann,
—DEALER IN—

GENERAL
MERCHANDISE

GUNS

AND FIRE ARMS
GENERALLY.

AMMUNITION

—A Specialty.—

LUMBER.
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SHARP'S RIFLE.

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IMPROVED RIFLE.

AGENT FOR

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The only first-class Cook Stove made.

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Dodge City, Ka.