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# A SECOND REVOLUTION

## The Struggle to Define the Meaning of the Civil War in Southeast Kansas, 1867–1876

by John N. Mack

**O**n April 13, 1876, a prominently titled article in the *Chanute Times* proclaimed: “Triumph At Last!!” Other papers throughout Labette and Neosho counties announced similar news in equally bold headings. The *Parsons Eclipse* led with “Gloria in Excelsis.” The *Southern Kansas Advance* publicized: “Glory, Glory Hallelujah!” And, not to be outdone by its competitors, the *Oswego Independent* declared just two days later: “Jubilate!”<sup>1</sup> Under the title, each article told the same story: The settlers had triumphed! The Supreme Court had ruled in their favor. They could now legally purchase their land from the United States government at \$1.25 per acre.<sup>2</sup> Victory celebrations were held in every village, town, and city as settlers feted their success. The *Chanute Times* described the revelry that ensued: “Three hundred guns have been fired, bells are ringing, bonfires are burning and flags are flying.” Other newspapers reported similar festivities throughout Labette and Neosho counties.

Settlers were overjoyed that they had prevailed in their decade-long struggle with the railroad companies that also claimed the land. A central reason for this joy was the legal guarantee of landownership that the court’s ruling gave them. They could finally obtain legal title to their farms from the government for the price of \$1.25 an acre. However, settlers also interpreted the victory in broader terms. Settlers were not naive; they realized that the expense of prosecuting the case had raised their costs so significantly that they could have paid less for their land by working out a compromise payment schedule with the railroads. However, the settlers considered the extra expense to be justified. This was because they had never understood

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1. *Chanute Times*, April 13, 1876; *Parsons Eclipse*, April 13, 1876; *Southern (Chetopa) Kansas Advance*, April 13, 1876; *Oswego Independent*, April 15, 1876.

2. Two cases were heard by the Supreme Court in its October 1875 session: *Leavenworth, Lawrence, and Galveston Railroad Company v. United States* (92 U.S. 733 [1875]) and *Missouri, Kansas, and Texas Railway Company v. United States* (92 U.S. 760 [1875]). The decision made by the Court in the first case controlled the second. In both, the Court decided against the railroads in favor of the settlers.

their fight against railroad claims to be solely about land ownership; rather, they viewed their struggle as one chapter in a larger historical narrative of ordinary men and women defending themselves and their freedoms against the abusive intentions of concentrated power and wealth. Settlers consistently framed their cause as a contemporary manifestation of freedom's long-standing war against all forms of tyranny. "Truth and equity," the *Parsons Eclipse* explained, "has triumphed over fraud and wrong." As Nelson Case, an early settler and one of the area's first local historians, noted, "it was a vindication of a right principle, and showed that a body of men, though poor, when banded together and determined may secure their rights, even against great odds."<sup>3</sup>

**C**ase's comments isolate the central questions this article answers. What were the "rights" southeast Kansans believed they were defending? What "principle(s)" did they use to defend their actions and justify their engagement in a protracted legal battle with the Missouri, Kansas and Texas Railway and the Leavenworth, Lawrence and Galveston Railroad companies? By examining the ideas that sustained settlers in this struggle, this article aims to discover the particular notions of republican values southeast Kansas veterans constructed in the post-Civil War era. It is true that the local struggle was part of a national upheaval as the entire cultural edifice underwent great social flux. During this time individuals and communities in every region of the country struggled to make sense of the traumatic past and to understand the meaning of its lessons for the future. Various ideas circulated about the manner in which political values that had sustained the soldiers during the war should be defined and employed. Confronted by the economic context of a rapidly expanding corporate model, many veterans (from both the Confederate and Union armies) reshaped the antislavery rhetoric of the 1850s and early 1860s into a militant anticapitalist and antimonomopolist populism.<sup>4</sup> This study examines the political thoughts of one contextualized community of

3. Nelson Case, *History of Labette County, Kansas and its Representative Citizens* (Chicago, Ill.: Biographical Publishing Co., 1901), 373; *Parsons Eclipse*, April 13, 1876.

4. For an analysis of Confederate soldiers' responses to railroads and other enemies under the banner of the Farmers' Alliance, see Reid Mitchell, "The Creation of Confederate Loyalties," in *New Perspectives on Race and Slavery: Essays in Honor of Kenneth M. Stampp*, ed. Robert H. Abzug and Stephen E. Maizlish (Lexington: University Press of Kentucky, 1986). Reid's work suggests both similarities and dissimilarities between the political perspectives of Confederate and Union veterans that, although beyond the scope of this article, raise important questions for historians to consider in future scholarly work.

Union veterans in southeast Kansas as they responded to the localized challenge railroads represented to their perceptions of fundamental "American freedoms."<sup>5</sup>

The struggle, which culminated in the 1876 Supreme Court ruling, began in the mid-1860s as thousands of Union veterans looked towards Kansas as a place to make a new beginning after the Civil War. Many immigrated to the southeastern corner of the state. This had long been the ancestral winter home of the Osage Indian peoples, but the Osages agreed in 1865 to vacate a portion of their land in exchange for governmental aid. As this news spread, thousands of settlers arrived in southeast Kansas in anticipation of the transfer. The news of the sale also attracted the interest of railroad officials who had been strategizing to connect land-locked northern cities with warm-water ports in Texas.<sup>6</sup> These railroads were also interested in providing transportation for the lucrative cattle trade between Texas and the upper Midwest. Southeast Kansas was a strategic thoroughfare. Three railroads competed to control the Texas trade: the Leavenworth, Lawrence and Galveston; the Missouri, Kansas and Texas, the name assumed by the Union Pacific, Southern Branch, in March of 1870; and the Missouri River, Fort Scott and Gulf out of Kansas City, owned and operated by railroad magnate James Joy. Of these the Missouri, Kansas and Texas and the Leavenworth, Lawrence and Galveston chose to lay their tracks through the Osage Ceded Lands. To fund their projects, both railroads exercised their perceived right to land grants as they began to lay tracks through the region.<sup>7</sup>

5. As one anonymous reviewer noted in response to the initial submission of this piece for consideration in *Kansas History: A Journal of the Central Plains*, the analysis offered here raises significant questions for historians of the Gilded Age in Kansas to answer in future articles and papers: "The doctrine of equal rights and of perfect equality before the law hardly found a berth of life in the Gilded Age. So what was the gap between rhetoric and reality? Which set of republican values eventually came to prevail, and why? How long were these settlers going to embrace any of their republican values?"

6. This portion of land became known as the "Osage Ceded Lands" and is the area currently encompassed by Labette and Neosho counties. For a description of the Osage peoples and an analysis of their decision to cede their land in southeast Kansas, see James Christianson, "A Study of Osage History Prior to 1876" (PhD diss., University of Kansas, 1969); see also James R. Shortridge, *Cities on the Plains: The Evolution of Urban Kansas* (Lawrence: University Press of Kansas, 2004), 118.

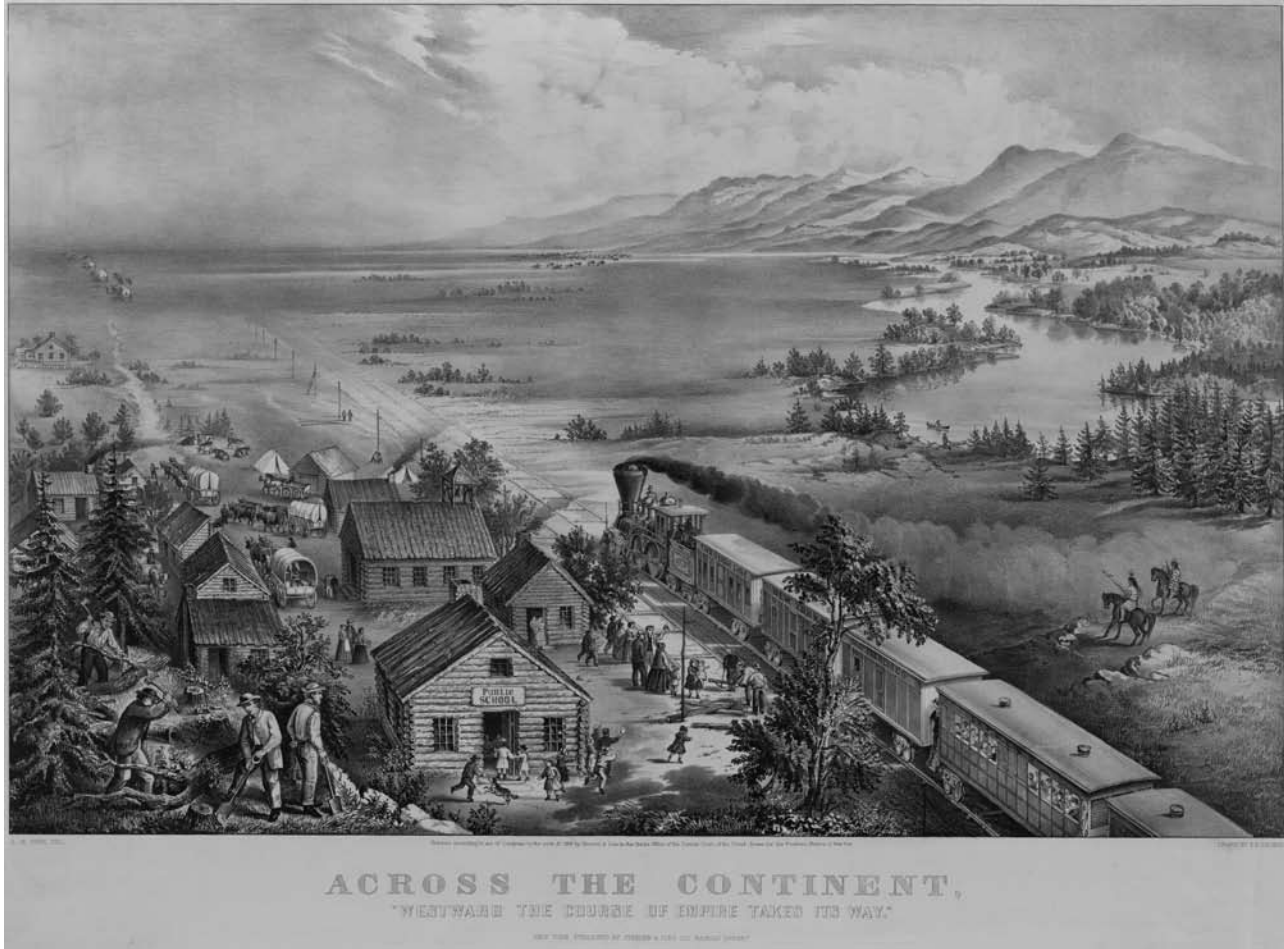
7. The Missouri River, Fort Scott and Gulf Railroad chose to build due south from Kansas City through the Cherokee Neutral Lands (present-day Crawford and Cherokee counties). For an analysis of the impact of James Joy on railroading in Kansas, see Charles N. Glaab, *Kansas City and the Railroads* (Lawrence: University Press of Kansas, 1993), 161–72; Craig Miner, *Kansas: The History of the Sunflower State, 1854–2000* (Lawrence: University Press of Kansas, 2002), 109–10. For a description of the struggle between the Joy railroad and settlers on the Neutral Lands, see Craig Miner, "Border Frontier: The Missouri River, Fort Scott & Gulf Railroad in the Cherokee Neutral Lands, 1868–1870," *Kansas Historical Quarterly* 35 (Summer 1969): 105–29; see also

*In this 1874 advertisement the Missouri, Kansas and Texas Railway offers land for sale, "usually from \$2 to \$6 per acre, according to quality and distance from the road. Some lands near important towns will be much higher." Some early settlers to Kansas disagreed that the railroad's prices were "cheaper than the cheapest," and they sued for the right to purchase the same land from the federal government at \$1.25 an acre.*

From the beginning, settler attitudes towards railroads were complex. They recognized that by linking southeast Kansas farmers and entrepreneurs with eastern markets, the coming of the railroads could be an economic boon. They also understood the strategic importance of railroads to increased immigration. As a general rule, settlers were positive towards railroads and their expansion. However, when the railroads chose to exercise their perceived right to land, the attitudes of the settlers hardened. The situation in southeast Kansas was especially precarious in that two railroads were vying for space in a narrow strip of land. If the railroad claims were recognized as valid, most of the land they sought

would be removed from the register of public lands. Much of this land, while not yet officially parceled out to homesteaders, had already been settled and improved when the railroads exercised their rights in the early 1870s. The coming of the railroads thus threatened not only the viability of their families and farms but also their independence and freedom. Settlers felt violated—they believed that the promises made to them by the government had been broken as a result of back-room deals by federal land officials and corrupt politicking. Southeast Kansas settlers responded aggressively to what they saw as a violation against their communities and the sense that they had no way to control land they believed to be theirs. They banded together, formed associations and committees, and worked both locally and nationally to defend themselves and their rights in the halls of public opinion and the corridors of political power.

Paul Wallace Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854–1890* (Norman: University of Oklahoma Press, 1997); V. V. Masterson, *The Katy Railroad and the Last Frontier* (Columbia: University of Missouri Press, 1978), 26–76, 88–97.



Settler attitudes towards railroads were complex. They recognized that by linking southeast Kansas farmers and entrepreneurs with eastern markets, the coming of the railroads could be an economic boon. They also understood the strategic importance of railroads to increased immigration. There was a price to be paid for such expansion, however, as is demonstrated in the title of this 1868 drawing: Across the Continent: "Westward the Curse of Empire Takes its Way." Drawing courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

In the political world of nineteenth-century southeast Kansas, certain words were infused with special meaning and functioned as a type of "political code."<sup>8</sup> Single words or phrases connoted complex sets of values, creating a conceptual shorthand readily understood by those who were speaking or writing and those in the intended audience. Familiar patterns of thought manifested the prevailing assumptions of both "speakers"

8. In his classic study of the rhetoric of the Revolutionary generation, historian Bernard Bailyn insisted "that there were real fears, real anxieties, a sense of real danger behind these phrases, and not merely the desire to influence by rhetoric and propaganda, the inert minds of an otherwise passive populace." See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of Harvard University Press, 1967), xiii. I make the same argument here about the rhetoric employed by southeast Kansas settlers in their struggle with the railroads.

and "hearers" as well as the particular problems that concerned them. As scholar J. G. A. Pocock noted, by setting out the basic vocabulary through which discourse is conducted, political language articulates and arranges thought, effectively "constituting" the conceptual world of both speaker and hearer. Political language describes and prescribes—ordering not only what a group says, but how and why they say it by organizing the content, style, and categories of discussion. Political language reveals the way a people talk and think and is the means by which a group expresses its hope and / or displeasure.<sup>9</sup>

9. J. G. A. Pocock, "Languages and their Implications: The Transformation of the Study of Political Thought," in *Politics, Language, and Time: Essays on Political Thought and History* (New York: Atheneum, 1971), 25–26.

Therefore, the words settlers used to express and explain their struggle—to articulate their desires and defended their actions throughout the decade-long contest with the railroads—provide an entry into their political and philosophical views.

A good example is the refrain “The Republic is in Danger,” which appeared throughout a piece published in the December 20, 1872, edition of the *Osage Mission Transcript*. As the communication from “Publicola” asserted, the railroads’ attempt to seize “the birthright of the people” was a first step leading towards the subversion of “the ballot box” and finally to the inevitable “corruption” of the Republic. In fact, the current situation paralleled that of the later days of the republic in ancient Rome, when “a vile, mercenary rabble” sold “their votes for bread and the theaters.” Thus, unless the settlers stood together to oppose the “deep-seated treachery to our democracy,” the United States would experience the “downfall of liberty and the establishment of tyranny on this continent.”<sup>10</sup> By utilizing a familiar stock of well-known phrases and the historical example of the failed Roman Republic, the author was in effect arguing that to allow monopolies such as the railroads unlimited control of land, money, and power was to create a social order destined to follow the course of tyranny and to promote an economic and political system that generated moral vice, sanctioned concentrated power, and thereby threatened the basis of both personal and public liberty.

By reminding his readers of ancient Rome, and by repeating the words “corruption,” “tyranny,” and “liberty,” the *Osage Mission* editor was making essential connections between the settlers’ struggle and the longer narrative of republican history. Playing an intellectual game of “connect the dots,” he further argued that the critical problems that had manifested themselves in British tyranny and had reemerged in the slave system were once more apparent in the plans of land-grabbing railroads. As the paper repeatedly proclaimed, the very future of the Republic was in danger. The forces of subversion had altered their form but were waging a familiar war against liberty. The confrontation with railroad monopolists was of a piece with the elemental struggle of free people against corruption and tyranny. In fighting the railroads, then, southeast Kansas settlers understood themselves to be responding not just to the personal threat of losing their homes and farms but to a much larger perceived risk of losing the very Republic

10. *Osage Mission Transcript*, December 20, 1872.

they had defended with their lives as soldiers in the Civil War.

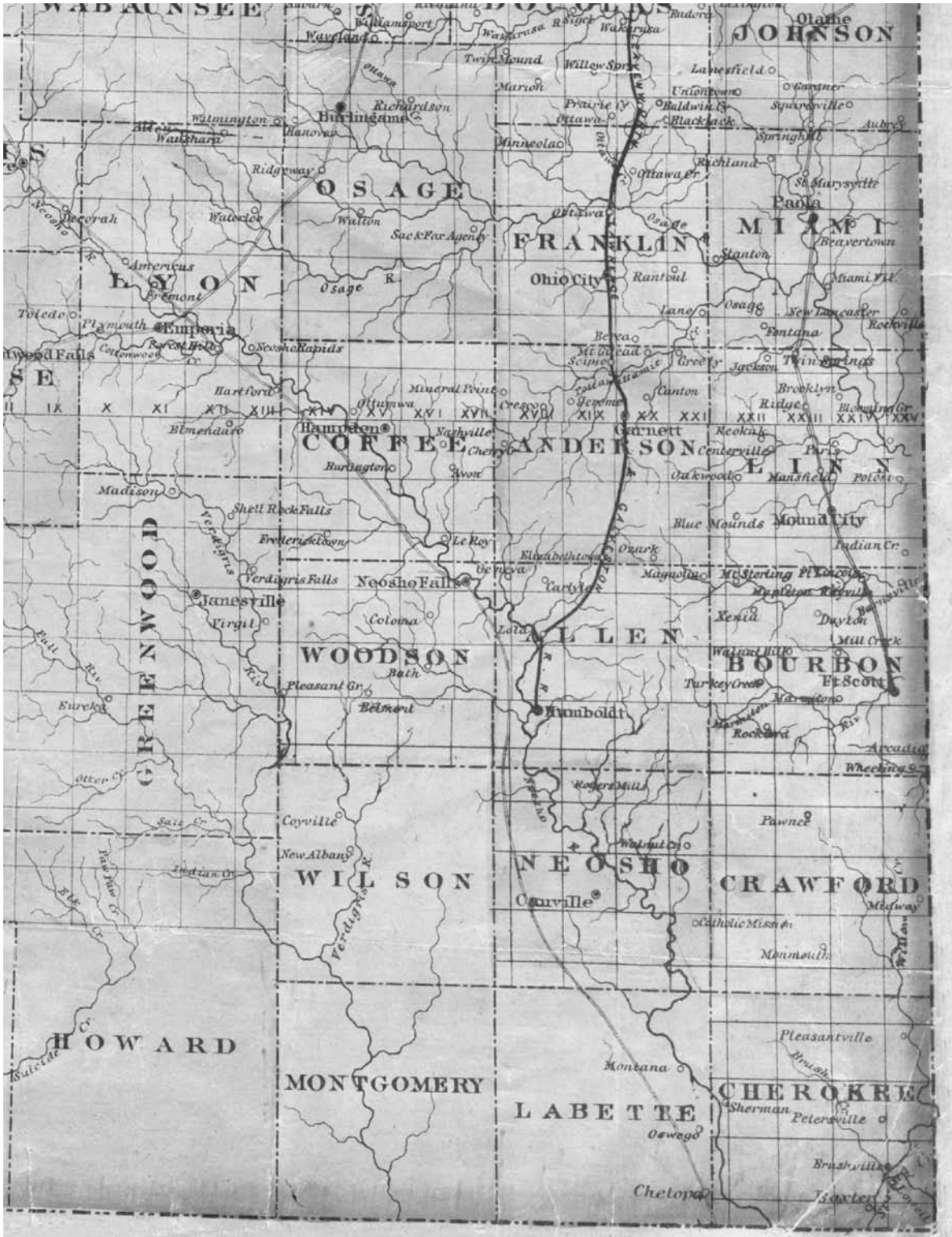
By consistently framing their struggle in this manner, southeast Kansans convinced themselves that their campaign against the railroads was yet another critically defining moment in the nation’s history. On this point, no rhetorical flourish was too much. The *Parsons Eclipse*, a settlers’ paper published in the 1870s, declared, “Such wide spread and universal distress never pervaded any country before as does ours at the present time. There is no mistaking the cause of it; the money-kings have a death-grip upon the throats of the people. . . . If the country would save itself they have no time to slumber but must be up and doing.”<sup>11</sup> Another newspaper published in the Neosho County town of Osage Mission assured its readers that “two years will not pass before the organization of a great national party, having the cause of the people on the Osage ceded lands, as one of the most prominent planks of its platform.”<sup>12</sup>

Settlers repeatedly insisted that the continued presence of railroad monopolies was inconsistent with the founding principles of the nation, arguing that if railroads were allowed to increase their power by seizing the property of ordinary citizens, the principles by which national liberty was maintained would be destroyed. By insisting that their cause was not new, settlers believed they were reclaiming and reestablishing the ideals of freedom and liberty that had inspired their forefathers to wage war against the British in 1776 and their own involvement in the struggle against the tyranny of slavery in the recently concluded Civil War.

**T**he *Anti-Monopolist*, a Parsons weekly newspaper first published in 1871, took the argument a step further. As the editor explained in his opening prospectus, before establishing the paper he had first visited “two thousand and five hundred settlers upon these lands.” It was the information he had learned on these visits that had motivated him to publish a paper “exclusively and sacredly devoted to the promulgation and defense of their rights as American citizens.” His meetings with ordinary citizens had convinced him that their rights were being threatened by monopolists who were intent on “making them slaves.” It was a grave injustice, he insisted, that those who had fought “to save the republic” in order to liberate through “the terrible ordeal a race of four million slave[s]” would

11. *Parsons Eclipse*, August 5, 1875.

12. *Neosho County Journal*, December 24, 1873.



The situation in southeast Kansas was especially precarious in that railroads were vying for space in a narrow strip of land, as can be seen in this 1869 map that shows proposed rail lines through Neosho and Labette counties. If the railroad claims were recognized as valid, most of the land they sought would be removed from the register of public lands. Much of this land, while not yet officially parceled out to settlers, had already been claimed and improved when the railroads exercised their rights in the early 1870s.



In his *History of Labette County* (1893, 1901) Nelson Case, an Oswego attorney and one of the area's first local historians, noted that the settlers' fight "was a vindication of a right principle, and showed that a body of men, though poor, when banded together and determined may secure their rights, even against great odds." Case, who moved to southeast Kansas in 1869 with a newly minted University of Michigan law degree in hand, was also the author of *European Constitutional History* (1902) and *the Constitutional History of the United States* (1904).

themselves now be enslaved in "chains" by "base men." However, his visits had also reassured him that the settlers would not allow this to happen without a fight: "we were not born to be slaves, and there is no power on the face of the earth able to enslave us."<sup>13</sup> The language employed in this editorial is significant, focused as it is on "slaves" (mentioned six times), chains, base men, and oppressive tyrants. In fact, the editorial utilizes the classic imagery employed in the 1850s by abolitionists, but with a twist—for the slaves of whom the editor spoke were not black but white and the oppressors were not Southern slave owners but Northern capitalists.

13. *Anti-Monopolist* (Parsons), January 12, 1871.

A similar argument was printed in the *Osage Mission Transcript* in 1873. In a poem titled "The Plowmen," an unidentified author linked three dates in American history: 1775, 1861, and 1873. As the author explained, in each of these years loyal Americans were called to defend the nation against tyranny. In 1775, a band of patriotic Americans fought tyranny in the name of freedom; in 1861 their grandsons fought tyranny in the name of freedom; and, the poem concludes, in 1873 these same loyal Americans had to unite again in the name of freedom to wage war against yet another oppressive foe. Set against the backdrop of the American struggle for independence, the poem declares:

In this dark hour, when Honor is cast in the dust,  
And Corruption sits high in the places of trust;  
In this dark hour of Peace, Freedom turns to the  
hand  
For relief, that in war ever guarded her land.

To you, honest Yeoman, she calls at this hour,  
When Dishonor and Greed hold the scepter of  
Power;  
When derision and scorn at the nation are hurled,  
And Freedom is mocked by the jeers of the  
World. . . .

"Rise, Plowmen! united, arise in your ire,  
And to victory sweep, as the broad Prairie Fire,  
When blown by the breath of the Autumn, that  
chill  
Sweeps down from the crest of the cold Northern  
hill;

"And as soon as the path of the Prairie Fire's seen  
The young blade arraying the black earth in  
green,  
So let there be seen in the path we pursue,  
The green growth of Conscience upspringing  
anew."<sup>14</sup>

The call to action asserted by this poem found fertile ground in the settlers' sense of personal responsibility for the future of the Republic that their service as soldiers had confirmed. Union veterans were the numerical and cultural majority in the settlement of Labette and Neosho counties.<sup>15</sup> Newspaper editors frequently emphasized the veteran character of settlements in southeast

14. *Osage Mission Transcript*, August 22, 1873.

15. See James R. Shortridge, *Peopling the Plains: Who Settled Where in Frontier Kansas* (Lawrence: University Press of Kansas, 1995), 46-71.



Kansas—as the *Neosho Valley Eagle* boasted of Neosho County in an early booster edition of the paper, “The population is composed of energetic, enterprising men from almost every State in the Union. A large majority of the men served in the Army, during the great Rebellion.” A similar claim advanced in the *Neosho County Dispatch* argued that “four-fifths of the settlers in this and Labette counties are honorably discharged soldiers, who, upon the termination of the war, came to southern Kansas with the view of making it their future home.”<sup>16</sup> C. E. Cory, a prominent veteran and early settler, likewise recalled that “a man in that region who had not an army record was something of a curiosity.”<sup>17</sup>

Even though they had been deeply wounded by their own experiences of war, the men who immigrated to southeast Kansas had lost neither their idealism nor their commitment to the political principles that had inspired their engagement as soldiers and their dedication to defend the cause of the Union.<sup>18</sup> As these soldiers frequently explained, the war to save the Union was inescapably part of a larger ongoing American struggle to preserve freedom. Convinced that secession was the forerunner of disorder and social anarchy, they had interpreted the rebellion as a clear and immediate threat to the Union. The assault of the South upon the Union had jeopardized the entire system of republican government, which they understood to be the foundation of their own personal freedom.

Nothing they had experienced in the long years of war had challenged this basic conviction.<sup>19</sup> As historian

16. *Neosho Valley Eagle* (Erie), April 6, 1869; *Neosho County Dispatch* (Erie), September 22, 1869.

17. C. E. Cory, “The Osage Ceded Lands,” in *Kansas Historical Collections 1903–1904* 8 (1904): 188. See the comments of William Caldehead: “For forty years after the war closed the men who fought the battles for the preservation of the Union did the work of its civil life. In every school district the school board were old soldiers; in every township the township board was composed of old soldiers; in every county the county commissioners and most of the other officers were old soldiers” (“The Service of the Army in Civil Life after the War,” *Kansas Historical Collections 1911–1912* 7 [1912]: 17). See also the work of John Jackson, who continues to discover graves of Civil War veterans in southeast Kansas and to post them at his website: [http://skyways.lib.ks.us/genweb/civilwar/civil\\_war\\_veterans.htm](http://skyways.lib.ks.us/genweb/civilwar/civil_war_veterans.htm).

18. The historiography on the experiences of the “common” Civil War soldier has grown significantly in the last thirty years. See Phillip Paludan, “The American Civil War Considered as a Crisis in Law and Order,” *American Historical Review* 77 (October 1972): 1013–34; James M. McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (New York: Oxford University Press, 1997); Randall C. Jimerson, *The Private Civil War: Popular Thought during the Sectional Conflict* (Baton Rouge: Louisiana State University, 1988); Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York: The Free Press, 1987).

19. McPherson, *For Cause*, 175, notes, “The conviction of Northern soldiers that they fought to preserve the Union as a beacon of republican liberty throughout the world burned as brightly in the last year of the war as in the first.”

Earl Hess noted, “veterans saw a close relationship between their military and civilian lives. They had learned to be alert and vigilant in the army and they carried those traits home.”<sup>20</sup> According to C. E. Cory, “their four years of training in the greatest army of history” had made the “thousands of stout young fellows” who “had come west to make homes for themselves” both “aggressive and fearless.”<sup>21</sup> Above all, this fearless aggression was dedicated to the passionate defense of “freedom” and “liberty.” As the first newspaper to be published in Neosho County declared, the *Eagle* “screams in advocacy of justice and right; it screams for true and wholesome Union principles; it screams for the rights of Settlers, in opposition to rail road monopolies and land sharks.”<sup>22</sup>

Settlers never forgot their experience in the Civil War. To the day they died, the war was undeniably the central and defining event in their lives, and both their reasons for entering the war and their understanding of its significance afterwards were shaped by a shared commitment to liberty and freedom. Veteran soldiers in southeast Kansas were proud of their military service. The comments of John Hill, a wounded veteran who settled in Labette County after the war, are typical. As he explained in an open letter to his hometown paper, the *Oswego Independent*, “We are proud of those broad, ugly scars and deformities, they are indelible seals that we carry on our bodies of our fidelity and loyalty to our country.”<sup>23</sup>

As Hill’s comments demonstrate, settlers viewed their own military service as a badge of honor that legitimized their struggle against the railroads. It was precisely because they had sacrificed so much to defeat the rebellion that they were uniquely qualified to both discern the contemporary threat to the Republic and to defeat it. The Civil War was never far from their minds or pens. Milton Reynolds of the *Parsons Sun* boasted, “We freed the slave. We proclaimed freedom in all the land. The doctrine of equal rights, of perfect equality before the law, is enthroned and established.”<sup>24</sup> A similar argument was advanced by a group of settlers who gathered in the small Neosho County town of Fort Roach in December of 1868 to craft an open petition to Congress. Among the reasons given for their boldness in “call(ing) the attention of Congress to their condition, feelings and desires”

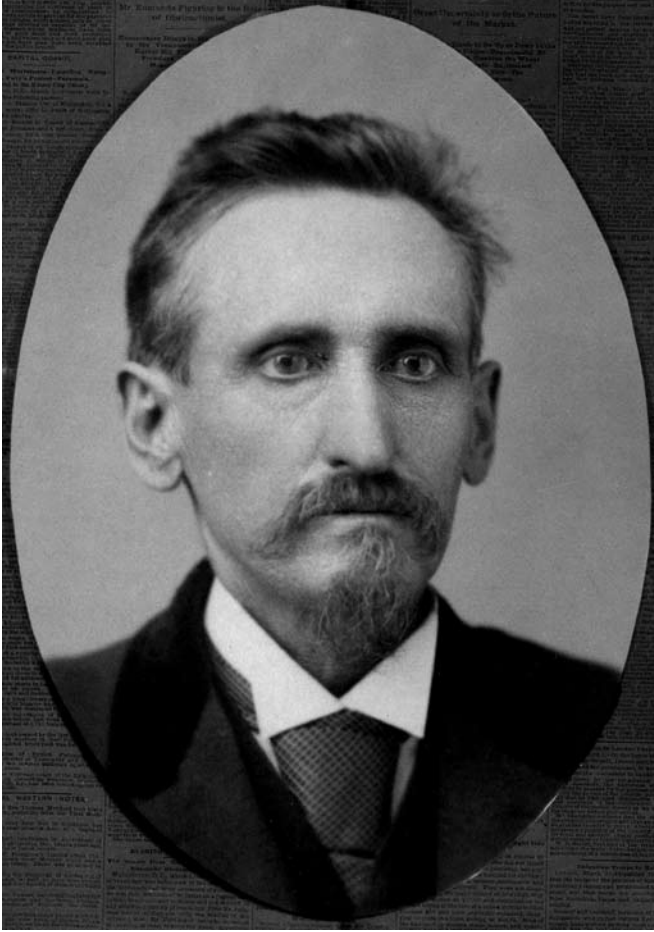
20. Earl J. Hess, *Liberty, Virtue, and Progress: Northerners and the War for the Union* (New York: New York University Press, 1988), 109.

21. Cory, “Osage Ceded Lands,” 190.

22. *Neosho Valley Eagle* (Jacksonville), May 23, 1868.

23. *Oswego Independent*, September 26, 1874.

24. *Parsons Sun*, August 19, 1871.



Milton W. Reynolds, who founded the *Parsons Sun* in 1871, demonstrated time and again in his editorials that early Kansas settlers viewed their own military service as a badge of honor that legitimized their struggle against the railroads. It was precisely because they had sacrificed so much to defeat the rebellion that they were uniquely qualified to both discern the contemporary threat to the Republic and to defeat it. The Civil War was never far from their minds or pens.

was their military service and the honor it bestowed upon them: “The great majority of us are soldiers, who have faithfully served our Government thro’ her great trials and times of danger—many of us scar[r?]ed and crippled—we feel that the government is indebted to us and our comrades in arms for her very existence and therefore, we are entitled to a respectable hearing and consideration.”<sup>25</sup>

Veterans felt a common bond—they recognized a reciprocal willingness to sacrifice all for the sake of the Union and sought to build their communities on the

25. As reported in the *Osage Mission Journal*, January 7, 1869; for more on the history of the town of Fort Roach, see “Some of the Lost Towns of Kansas,” *Kansas Historical Collections, 1911–1912* 12 (1912): 450.

basis of this shared commitment.<sup>26</sup> Service in the war was a key requirement for public service and those who had not fought in the war were generally mistrusted. Military service was a badge of “right” character, explained Hess: “the willingness to offer life, health, and property as a possible sacrifice to the common good had become a test of dedication to liberty.” Military service had also taught them the necessity of continual vigilance. Historian Bernard Bailyn demonstrated that “fear of a comprehensive conspiracy against liberty . . . lay at the heart of the Revolutionary Movement.”<sup>27</sup> This fear and the attendant responsibility to be ever alert to the danger of conspiratorial corruption was also an essential part of the worldview of veteran settlers in southeast Kansas; they believed it was their responsibility to defend the liberty they had so recently purchased with their blood. In fact, the Civil War had reinvigorated their commitment to vigilance.<sup>28</sup>

The numerous local newspapers of 1860s and 1870s southeast Kansas were insistent that even though veterans had officially laid down their arms, they could not relax their vigilance. In fact, the *Labette Sentinel*, published in the small farming town of Labette by a local farmer turned part-time newspaperman, cautioned its readers not to become complacent. Warning that “the yeomanry of our land” could be caught off-guard by “pursuing their honorable calling, improving our country,” and “paying their assessments,” the *Sentinel’s* editor argued strongly that “they should not neglect their own private rights and privileges.” As veterans, he adamantly declared, the settlers had a special duty to defend the Republic against the foes of liberty—be they “rebels or railroads.” “When land sharks seek to devour them” and “monied

26. See Paul Cimbala and Randall Miller, eds., *Union Soldiers and the Northern Front: Wartime Experiences, Postwar Adjustments* (New York: Fordham University Press, 2002); Earl J. Hess, *The Union Soldier in Battle: Enduring the Ordeal of Combat* (Lawrence: University of Kansas Press, 1997); Reid Mitchell, *The Vacant Chair: The Northern Soldier Leaves Home* (New York: Oxford University Press, 1993); Maris A. Vinovskis, ed., *Toward a Social History of the American Civil War: Exploratory Essays* (Cambridge: Cambridge University Press, 1990).

27. Hess, *Liberty, Virtue, and Progress*, 109; Bailyn, *Ideological Origins*, xiii.

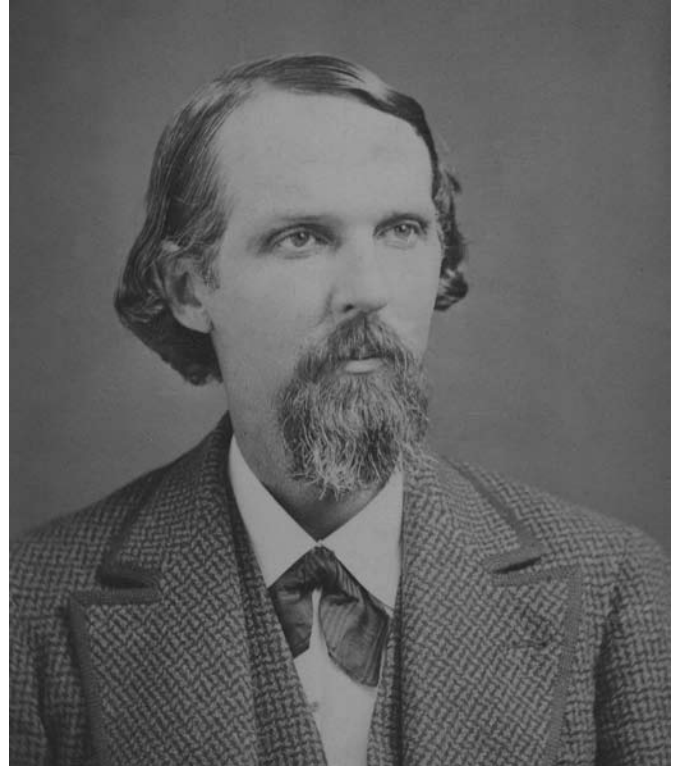
28. Civil War historian Michael Holt argued, “Opposition to the Slave Power conspiracy provided a cathartic opportunity to restore to political activity its basic purpose, to regain a sense that vigilant citizens could save republican government”; see his *The Political Crisis of the 1850s* (New York: Wiley, 1978), 134–35. In a similar way, William Gienapp believes that Union veterans were shaped by a “political culture” that emphasized “mass involvement and the widely shared belief in the necessity of safe-guarding the experiment of popular government”; see his “‘Politics Seem to Enter into Everything’: Political Culture in the North, 1840–1860,” in *Essays on Antebellum Politics, 1840–1860*, ed. Stephen E. Maizlish and John J. Kushma (College Station: Texas A & M University Press, 1982), 66.

monopolies endeavor to over power them," it was the bounden duty of veteran farmers to "rise up in the might of their anger, defend their homes—their 'altars and their fires'" by denouncing "corruption" and uniting to defeat "combined corporations and railroad kings."<sup>29</sup>

As this editorial illustrates, it was by drawing on the vocabulary and values of a shared political worldview that settlers were able to make sense of their situation, perceive the dangers of the "monopolist system," and explain the urgency of their cause to others. In southeast Kansas, this language reverberated in the speeches of leaders, the editorial columns of local newspapers, and on the streets of villages and towns. The words they used and the worldview they expressed effectively established the conceptual boundaries of settler identity and intentions. And it was from within this frame of reference that settlers envisioned a transformation of the way in which the nation was governed.

**O**n February 6, 1869, the *Neosho Valley Eagle* carried the text of a speech given to Congress by Representative Sidney Clarke on its front page. Clarke had immigrated to Lawrence in 1859 and had been appointed by President Abraham Lincoln as assistant adjutant general of volunteers in 1863. After the war, he leveraged this position to advance his own political career. He was elected three times to represent the state of Kansas in Congress on a pro-settler, antimonopolist platform, and served from 1865 until 1871. His speech to Congress, printed in the *Eagle*, was a strident call for action. Clarke insisted that the settlers' struggle to own land was as essential to the future of the Republic as had been their fight to defeat the rebellion. Political power was inescapably tied to land ownership. Clarke asserted this as a basic political axiom: "whoever owns the land of a country, be they many or few, will in the end control its politics." Furthermore, he continued, "where the masses of the people own the soil that country is strong to resist all external foes, and to overcome much of the internal dissension." On the other hand, he warned, "where the land is controlled by a minority, poverty will surely abound and the national vitality will be destroyed." Thus, according to Clarke, the entire republican experiment of "a free government upheld by willing obedience to law" depended on the ability of "each family" to "own its own home." The principle that "the soil should be in the possession of those who cultivated it," Clarke described as the "grand

29. *Labette Sentinel*, December 15, 1870.



*Sidney Clarke immigrated to Lawrence in 1859 and was appointed by President Abraham Lincoln as assistant adjutant general of volunteers in 1863. After the war, he leveraged this position to advance his own political career. He was elected three times to represent the state of Kansas in Congress (1865–1871) on a pro-settler, antimonopolist platform, from which he argued that the struggle of Kansas settlers to own land was as essential to the future of the Republic as had been their fight to defeat the rebellion.*

ideal of the Anglo-Saxon brain." The "yeomanry of the mother country" had been brought with them when "they were transferred to these shores."

This was the principle that had animated the war for independence and the subsequent expansion of the "American Union" in fulfillment of its "continental destiny." However, Clarke warned, the United States currently was facing a grave danger: "In our midst we have had fearful examples of land monopoly. No portion of our country has escaped its destructive influences." For Clarke, as for the veteran settlers who had elected him to represent them, the danger posed by land monopolies was a continuation of the threat posed by the slave system: "The old slaveholders understood well the truth of this political axiom. They therefore steadily sought to obtain entire control of the soil in their own States and as persistently hindered the development of that homestead policy in which the genius of our free institutions has molded our land system."



On the Fourth of July, southeastern Kansans renewed their own commitment to freedom and liberty by participating in carefully scripted social rituals that celebrated the nation's birth. Over five thousand people gathered in Oswego in 1870 to celebrate the ninety-fourth anniversary of the Republic. The guest of honor, Judge Franklin G. Adams from Leavenworth, pictured here between 1870 and 1880, was asked to give an impromptu address.

In fact, Clarke saw a linkage between the military defense of the Union and the passing of the Homestead Act: "The gun at Fort Sumter had hardly woke a contingent to arms ere their Representatives passed the acts by which the nation pledged itself to span the continent by the Pacific railroad and bind two oceans together in bonds that should never be severed. Within the eventful year that passed, the Republican party passed the first homestead bill, and thus sealed the Republic forever, as with blood, to its highest hope and best ideal." For Clarke the implications were self-evident: just as the masses had risen to defend the Union and crush the power of the slave aristocracy, so too they must come together to defeat the power of "the land oligarchy," which Clarke insisted "is only a remnant of the slave system." If they did, he promised in conclusion, "the land, like the slaves, will pass from their grasp. It will become the home of freemen."<sup>30</sup>

30. *Neosho Valley Eagle*, February 6, 1869.

The historical narrative undergirding Clarke's speech found its public expression each year in the festive Independence Day celebrations held in settlements, villages, and towns throughout southeast Kansas.<sup>31</sup> On the Fourth of July, southeast Kansans renewed their own commitment to "freedom" and "liberty" by participating in carefully scripted social rituals that celebrated the "anniversary of our nation's birthday," as the editor of the *Neosho Valley Eagle* explained.<sup>32</sup> One of the most important early celebrations was held at Oswego in 1870. Over five thousand people gathered to celebrate the ninety-fourth anniversary of the Republic. As the *Kansas Democrat* reported, the crowd was both large and enthusiastic: "Early in the morning our streets were thronged with the people of the surrounding country. Old and young; fair ladies and gallant swains, all determined on a good, old fashioned Fourth." After it had assembled, the crowd embarked on their annual procession to the center of town where, after an opening prayer and the singing of the patriotic hymn "America," the Declaration of Independence was publicly read. The guest of honor, Judge Franklin G. Adams from Leavenworth, was asked to give an impromptu address. Adams's speech, which was, according to the *Oswego Register*, extemporaneously delivered, expressed in summary format the political perspectives of the veteran settlers—as the *Democrat* observed, "The oration was of the Fourth of July order, recounting the trials of our patriot fathers, and the struggles of the infant colonies."<sup>33</sup>

Adams began by remembering the Pilgrims who, he claimed, had been inspired to come to the shores of the New World by "the spirit of Liberty." Surrounded by "vast forests . . . teeming with thousands of hostile Indians," having "left all that was dear to them, save their love for their Maker, behind them forever, and feeling the full sense of their helplessness," they still "thanked God above for the liberty they enjoyed." When this liberty was sorely tested by England's desire to tax them unlawfully, Adams rehearsed, "the Pilgrim Fathers after having had a taste of liberty could not endure tyranny longer and resolved

31. For an analysis of the significance of the Fourth of July in the development of the political identity of Americans, see David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill: University of North Carolina Press, 1997). A slightly different perspective is taken by Simon Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997).

32. *Neosho Valley Eagle*, July 4, 1868.

33. *Kansas Democrat*, July 7, 1870; *Oswego Register*, July 8, 1870; for a biographical sketch of Franklin G. Adams, see *Kansas Historical Collections*, 1897–1900 6 (1900): 171–75.

to throw off the British Yoke." Facing incalculable odds, "surrounded and outnumbered by almost countless dusky foes," they persevered and triumphed because of their dedication to the "spirit of liberty."

It was this spirit, "born of heaven and implanted in the breasts of the Pilgrim Fathers," Adams reminded his hearers, that had inspired the writing of "that immortal instrument, the Declaration of Independence, just read in your hearing" and had sustained "the self-sacrificing heroism of the Patriots of this country." And it was the same spirit, Adams asserted, which had manifested itself in the recent struggle in which the vast majority of his hearers had been engaged. For, as he instructed them, although "the same spirit of liberty has passed through every generation to the present time, the war of the great rebellion has no parallel in history." It was because "the cornerstone of the rebellion was American slavery" that the battle against it was "a combat for liberty." In this combat, each of his hearers had played their part: "The merchant left his goods, the farmer his plow, and rushed to the defense of the stars and stripes, followed by the prayers of mothers, wives and sweethearts." The cost of defending their liberty had been frighteningly high—"the five years of war cost 600,000 lives." Yet, Adams concluded in celebratory zeal, "passing by all the horrors of the rebellion, let us rejoice today that peace is restored." It was because of their sacrifices, he assured his hearers, that the future of the country was bright: "The time was when Rome was the center of the civilized world. Today the American nation is the strongest, most powerful nation on the globe. To be an American citizen is to claim a higher prerogative than of any other nation. All through this vast country there is not a slave."

The vision presented by this oration is striking. In Adams's mind, as he rehearsed what he called "history familiar to all," those who waged war against the Southern rebellion were cut from the same cloth as the Pilgrims and the Revolutionary generation. Veteran settlers were part of the triumphant story of men who waged war, sought freedom, and settled the frontier and women who supported them by squarely facing sacrifices and piously praying. Their battle against the power of the slave aristocracy was of a piece with the Revolutionary generation's battle against English tyranny. Both wars had been inspired by the "same spirit of liberty." And, as they labored to build homes and communities in southeast Kansas, it was important for them to understand that they were continuing this work in the same "spirit of liberty." As Adams triumphantly announced in his closing exhortation, "Let us go forward

as American citizens. Let us advance. The resources of our great country are not fully developed."<sup>34</sup>

Some scholars have argued that in the years immediately following the Civil War Americans were exhausted by a "dominant war-weariness," which led them, as scholar Gerald Linderman suggested, "to thrust into shadow all things military."<sup>35</sup> The actions and words of the veterans who came to southeast Kansas suggest otherwise. These settlers envisioned their efforts to build ordered communities as an extension of their struggle to save the Union. They had exchanged their swords for plows, but they had not abandoned either the vocabulary or mindset of war. A deep and pervasive fear gripped the veteran settlers as they sought to build farms and communities in southeast Kansas. Appearances could often prove to be deceiving; surrounded by danger the veteran settler had to remain perpetually vigilant. In her analysis of the cultural values that fortified the efforts of nineteenth-century settlers, geographer Julie Wilson has perceptively argued that "ideologies of conquest permeated the social consciousness of Kansas settlers and altered their perception of the possible."<sup>36</sup> This insight is applicable to the veteran settlers of southeast Kansas; however, it must be modified by the recognition that alongside this triumphant ideology was a more ominous fear that their freedom and liberty would be snatched away from their grasp. Ironically, even as they were expanding the Republic, they believed they were also defending it. Settlers believed that liberty and freedom were precarious, power was dangerous, and corruption through licentiousness a constant threat. As a correspondent to the *Osage Mission Journal* reminded his fellow settlers: "It is the nature of men, (when trusted with positions of power) to let their selfish and ambitious passions over rule all their finer and more virtuous principles."<sup>37</sup>

For this correspondent, if farmers were not vigilant, they might find that their labor in the Civil War had been in vain. The danger to the Union and thus to their freedom had not been eliminated; the money that fueled slavery had not disappeared but had been replaced by the money that fueled railroads and other monopolies. The threat of a new kind of "slavery" hung over the heads

34. Adams's speech is found in full in the *Oswego Register*, July 8, 1870.

35. Linderman, *Embattled Courage*, 271.

36. Julie Wilson, "Kansas Uber Alles! The Geography and Ideology of Conquest, 1870–1900," *Western Historical Quarterly* 27 (Summer 1996): 186.

37. *Osage Mission Journal*, September 22, 1870.

of the settlers—now their freedom was in danger. In the minds of these editors and of thousands more of their readers, politicians were more interested in maintaining their own personal power than in defending the rights of the powerless. The fight must therefore go on—the farmer must not cease to be a soldier. For if he did, the *Labette Sentinel* prophesied, “the land which you have inherited, which you have fought and bled for, which you have undergone untold privations and hardships to seek out for a home, and which you have improved and impaled is about to be taken from you by the ruthless hand of soulless corporations, or railroad kings.” The challenge, then, was apparent: “The people should rise up as one man and contest their rights in these lands to the bitter end.” It was not enough, the paper warned, to build prosperous farms and lawful communities. All of their work could be lost if they failed to see the threat of land monopolies and the corruptive power of big money. It was against these that the veteran settler had to be most vigilant. As they had fought the slave power, so now, asserted the *Sentinel*, they must fight the power of money, landed monopolies, and corrupt politicians.<sup>38</sup>

**T**he *Sentinel's* shot found its mark. Settlers were prepared to fight for their perceived rights; as the *Neosho Valley Eagle* commented, “Thousands of our pioneer boys have been ‘under fire’ on many a blood ensanguined field, in defence of the Union. They know their rights, and dare maintain them.”<sup>39</sup> Veteran settlers were especially attuned to this call to action because it fit their preconceived sense of justice. Historian Bruce Kahler explained, “The crucible of war had transformed them into comrades who for the rest of their lives shared a deeply felt appreciation for each other and they expected to be honored by all Union-loving Americans.”<sup>40</sup> As one veteran asserted in an address he gave to the County Settlers’ League at Crawfordville, Crawford County, which was reprinted in the *Neosho Valley Eagle*, “for the service we did our country: for rolling back the huge wave of anarchy that threatened to swallow our Capitol, our freedom and our Government—for scattering the forces of treason, it would be our privilege, if we chose to come West to government lands, to enjoy such privileges as Government had before extended to settlers and pioneers.” He bitterly con-

cludes: “Our labor in the South must have been of little value if this is our reward.”<sup>41</sup>

A similar attitude was manifested in Centerville Township in Neosho County on January 15, 1869. Meeting together to discuss rumors about the railroads and assert their right to the land, a group of veterans passed a series of resolutions in which they asked the pointed question: “Was it the capitalist or laboring man that bared his breast and stood a living wall of adamant between our late domestic foes and the threatened disruption of our country, and which prevented the realization of that disastrous fate?” The answer was clearly: “the laboring man.” As the settlers then went on to explain, “Many of these veterans of the late war for the Union wear the memorable scars, and some are mutilated, showing the extent of their suffering in its behalf; they are here struggling for life to gain a foot hold upon the soil that they may make homes for themselves, their wives and their little ones.”<sup>42</sup>

A piece in the *Parsons Sun* from 1871 further illustrates the settlers’ sense that they were entitled to their land. As the newly established city of Parsons prepared to celebrate its first Fourth of July, one of the town’s successful businessmen, a local grocery merchant by the name of Oliver Duck, decided to present the city with its own American flag. On the evening of June 30, the mayor, Colonel Willard Davis, received the flag from Duck and raised it in an official ceremony. Davis was a Southerner by birth and, according to the *Sun*, “an owner of slaves.” When South Carolina declared its intention to secede in 1860, however, Davis rallied his fellow Kentuckians to support the Union. Though Kentucky adopted a neutral stance in the first few months of the war, many of its citizens volunteered to join troops on both sides of the conflict. Davis served the Union as a lieutenant in the Thirty-first Kentucky Volunteer Infantry. After his discharge, he worked for a few years for the railroads until he established himself in the new city of Parsons, Kansas. To Milton Reynolds, the editor of the *Sun*, Davis had made a great sacrifice during the war—he had put his life in jeopardy and forfeited his property, and he deserved to be rewarded. Thus, according to Reynolds, it was fitting that Davis would receive the gift of a flag and the privilege of raising it over the new city of Parsons. As Reynolds editorialized, “with the first firing upon Sumter he had determined to live, as he had always lived, breathing only love to the Union of the States and devotion to the

38. *Labette Sentinel*, December 15, 1870.

39. *Neosho Valley Eagle*, June 20, 1868.

40. Bruce R. Kahler, “Mary Ann ‘Mother’ Bickerdyke: A Gilded Age Icon,” in *John Brown to Bob Dole: Movers and Shakers in Kansas History*, ed. Virgil Dean (Lawrence: University Press of Kansas, 2006), 116.

41. *Neosho Valley Eagle* (Jacksonville), August 22, 1868.

42. *Neosho Valley Eagle* (Erie), January 23, 1869.

flag, and, if need be, die in its defense. For a united country he had to some extent jeopardized life and sacrificed property, and it was with peculiar satisfaction he could now, in behalf of the growing, vigorous and prosperous young city of Parsons, accept so fine a gift."<sup>43</sup>

Like Reynolds, settlers in southeast Kansas believed that their sacrifices during the war earned them a reward. And, of all the rewards to which they believed they were entitled, the most fundamental was the land itself. As historian Paul Gates made clear in his classic study of nineteenth-century land settlement patterns, settlers believed that they possessed "a settlement right" enabling them "to get the land either as a free homestead or as a pre-emption right for \$1.25 an acre when the Indians were removed."<sup>44</sup> Ownership of land was at the very heart and soul of their commitment to liberty and freedom. In an examination of the anti-renter movement in New York, Reeve Huston demonstrated that for nineteenth-century settlers "ideas about land and freedom" were both "sacred and inseparable," so that "the former were essential to the realization of the former."<sup>45</sup> Private land ownership guaranteed liberty while the availability of cheap land ensured that financial opportunities would remain open for all settlers, not just the wealthy and well connected. Thus, the enemy of slavery in all of its nefarious forms was land ownership—the key to defeating it was ensuring that land remained available and inexpensive enough for ordinary people to purchase. As the *Parson Sun* explained to its readers, "A landed aristocracy is a curse to a free government; and a landless people have an uncertain hold upon the rights secure to American freeman. To make a man secure in his rights, in this or any country, plant him firmly in the soil!"<sup>46</sup>

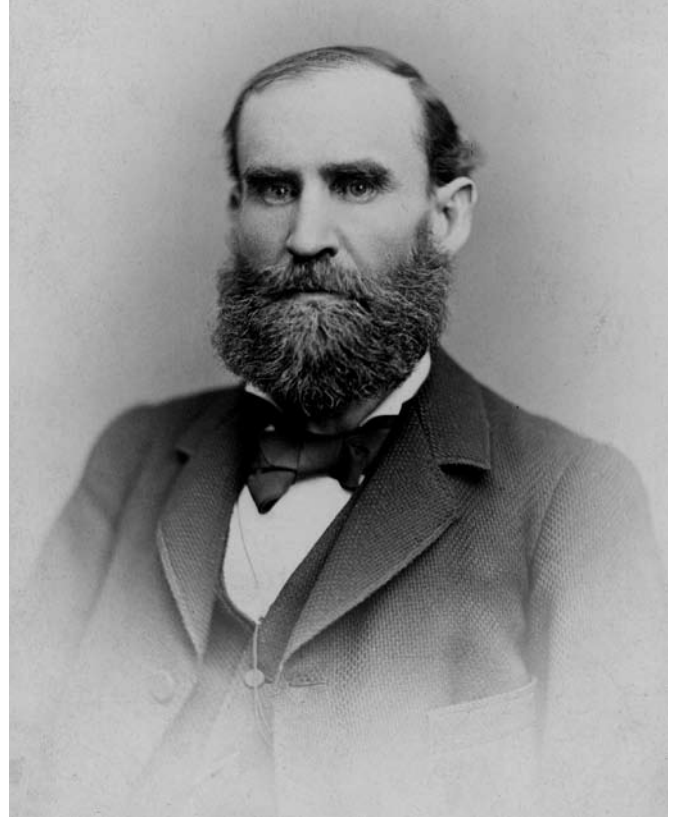
In late May 1874, after lower courts had ruled in their favor and the settlers were convinced that their case against the railroads was going to be heard by the Supreme Court, the largest gathering of settlers in southeast Kansas in the 1870s assembled

43. *Parsons Sun*, July 1, 1871. Davis served as mayor of Parsons until 1873. In 1876, he ran on the Republican ticket for state attorney general. He was elected and served from 1877 until 1881. A short biographical sketch of Davis is found in William G. Cutler, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), also available online at <http://www.kancoll.org/books/cutler/labette/labette-co-p6.html>. On Kentucky's role in the Civil War see Stuart S. Sprague, "Civil War," in *The Kentucky Encyclopedia*, ed. John E. Kleber (Lexington: University of Kentucky Press, 1992), 192–94.

44. Gates, *Fifty Million Acres*, 145.

45. Reeve Huston, *Land and Freedom: Rural Society, Popular Protest, and Party Politics in Antebellum New York* (Oxford: Oxford University Press, 2000), 8.

46. *Parsons Sun*, July 1, 1871, emphasis original.



Willard Davis was a Southerner by birth and a slave owner, but when South Carolina declared its intention to secede in 1860 Davis rallied his fellow Kentuckians to support the Union. Davis served the Union as a lieutenant in the Thirty-first Kentucky Volunteer Infantry. After his discharge, he worked for a few years for the railroads until he established himself in the new city of Parsons, Kansas. Davis served as mayor of Parsons until 1873. In 1876 he ran on the Republican ticket for state attorney general and was elected, serving from 1877 until 1881. Many early Kansas settlers believed that veterans such as Davis, who had risked their lives and forfeited their property during the war, deserved to be rewarded with affordable land on which to start new lives.

in Parsons. The *Oswego Independent* estimated that over ten thousand settlers were in attendance. The more than eight hundred wagons that rolled into Parsons early in the morning prominently displayed banners on their sideboards that proclaimed messages both defiant and triumphant:

*Vox populi, vox Dei.*

We mean business. The right shall prevail.

We will fight it out on this line.

United we stand.

We fought for the Union and we fight for our homes.

Our homes at all hazards [sic].



This masthead to a map produced by the Missouri, Kansas and Texas Railway in 1874 includes information on the company's plan to lay seventy miles of rail from Paola, Miami County, Kansas, to Neosho Falls, Woodson County, Kansas. The railroad already operated a one hundred and fifty mile route from Parsons, Labette County, through Chanute, Neosho County, and on to Junction City on the Kansas River in addition to its mainline from Hannibal, Missouri, to Denison, Texas, which bisected the southeast corner of Kansas.

Settlers demand nothing but what is right, and will submit to nothing wrong. We fight for justice, the battle field is our homes and firesides. We only claim justice, for our cause is just. The public domain for the actual settler only. No railroad lands in Shiloh.

After an opening blessing, Milton Reynolds of the *Parsons Sun* was the first to address the crowd that had assembled. Reminding the crowd of Kansas's role in defending freedom during the Civil War, Reynolds asserted: "The ravines and valleys of this prairie State are vocal and resonant with requiems to the martyred dead who first fell in the cause of the oppressed and that Kansas might be free. Here the revolution was inaugurated, and here has been inaugurated another, and in some respects, a grander revolution against land monopoly and land thieves." Sidney Clarke was also present and in his speech he again cast the settlers' battle against monopolies in the light of their previous struggle to defend the Union against the Southern rebellion: "as the iron heel of monopoly pierces more deeply the vitals of the body politic, and this government becomes more and more the government of the *few* at the expense of the many, the day of deliverance will come, and we shall all wonder, as in the cause of the emancipation of the slaves, that it was delayed so long."<sup>47</sup>

A finite set of political ideas established the context by which veteran settlers imagined their struggle against the railroads. Viewing the railroads as the embodiment

of corruptive, conspiratorial, and passionate tyranny, they were convinced that monopolies presented another form of the arbitrary authority that had threatened republican order since the early years of the Republic. They derived their identity retrospectively, pursuing a mission based in the past rather than an unforeseen turning point located in the future. Utilizing rhetorical skills honed in earlier battles with slavery, veteran settlers relied on a "strategy of provocation through invocation, exhorting citizens to action by appealing to the familiar values of the republic."<sup>48</sup> It was in this way that southeast Kansans consistently proved their commitment to political ideas that had motivated them as Union soldiers. They worried about the corrosive effects of power and believed that tyranny was a direct result of its abuse. Consequently, in defining their sense of purpose and confronting the problem of power, they revealed their debt and commitment to the principles of political thought that had inspired their original embrace of the Union cause, even as they applied those principles in a new historical context. [KH]

47. *Oswego Independent Supplement*, May 30, 1874.

48. Daniel J. McInerney, *The Fortunate Heirs of Freedom: Abolition & Republican Thought* (Lincoln: University of Nebraska Press, 1994), 151.