

THE EFFECT OF RAILROADS ON THE DEVELOPMENT
OF
KANSAS TO 1870

by

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B. S., Kansas State Teachers College, Emporia, 1928



A THESIS

submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE

KANSAS STATE AGRICULTURAL COLLEGE

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PREFACE

It is the purpose of this study to determine the real significance of the railroad during the critical period of Kansas history. How has the railroad tended to affect Kansas? Has it been beneficial or detrimental in the development of Kansas? Such questions as these are dealt with in this thesis. I have also briefly traced the history of the most important roads of the sixties, and in so doing have found what seems to be plausible answers to most of the questions that continually present themselves to a student of this period of Kansas history.

Although much has been written and said relative to railroad activities in Kansas, no work, as far as I have been able to discover, has attempted definitely to tie up the extension of railroads in Kansas with the development of this state up to as late as 1870. It is with such a purpose in mind that this study has been made.

I wish to express my hearty appreciation to the librarians of the Kansas State Agricultural College, of the Kansas Historical Society Library, and especially to Mrs. F. C. Montgomery, Archives Clerk of the Kansas Historical Society Library, for the kind assistance given me. I extend my sin-

cerest gratitude to Dr. F. A. Shannon for his constructive criticism and sound advice in the development of this study.

EARLY AGITATION FOR A PACIFIC RAILROAD

It was in 1837 that Dr. Hartwell Carver, in the New York Courier and Inquirer advocated a railroad from the Mississippi River to the Pacific Ocean, if possible; if not, as far west as the head of navigation on the Columbia River. So he went to Washington to see if he could awaken Congress to the importance of constructing a railroad and of settling and holding the great but sparsely populated Northwest.¹

When Dr. Carver arrived in Washington he found Asa Whitney there on a similar errand. On January 28, 1845, Mr. Whitney presented a memorial to Congress asking that a strip of land sixty miles wide, extending from the shores of Lake Michigan to those of the Pacific Ocean, be granted to himself and his heirs, the proceeds from sales to be expended by them in the construction and operation of a railway through the middle of this strip of land. Whitney's theory was that immigrants should do the work, and that as fast as the road could be built, the laborers would buy with their wages the land on each side of the track. As this sale of

¹ Daniel W. Wilder, Annals of Kansas (Topeka, 1875), p. 483.

land would enable him to proceed with the construction, Mr. Whitney hoped to settle immigrants, construct a railroad and consequently to open the Northwest on a small amount of capital.² He realized that the railroad would not be a success if its line were not run through a fairly populous district. On the other hand, immigration to the west was so slow, and settlement even more uncertain, that a railroad was almost a necessity in carrying immigrants and in opening their fields to the markets of the world. It is necessary only to recall the isolated condition of the settlers in western Pennsylvania prior to the whiskey insurrection to find comparison with the handicap of the pioneers on this new frontier.

In his memorial to Congress Mr. Whitney asked in return whatever might remain of lands or proceeds of sales after the completion of the work, and all expenses had been paid. Built from public lands the use of the road would be free. Only such tolls were to be charged as would serve for its operation and repair.³

But the subject was new to Congress and the public. Some looked upon Whitney as being a speculator whose designs

² Congressional Globe, 28, Cong. . . 2 sess., p. 218.

³ Ibid., p. 219.

should be thwarted.

Although for some years after the panic of 1837 railroads had been in the minds of many prominent men, the construction of a Pacific railroad seemed out of the question. In the first place there were the natural obstacles in the form of mountains and unoccupied plains. Another hindrance was the policy of the government which gave forever to Indian use a barrier of land bounded on the east by the Indian frontier line, and on the west by the territories that faced the Pacific.⁴

Previous to 1846 the South Pass had been considered as the logical route for a Pacific railroad. The reason for the selection of this one route was that up to this time Mexico controlled the Pacific coast north to 42°, and the British controlled the northern half of Oregon. The only way to get to the Pacific was through Oregon south of 49° and thence down the valley of the Columbia River.⁵

The undaunted Whitney, in spite of strong opposition and popular suspicion, did not lose faith in his project, nor in his ability to arouse the American people. In his

4 Fredric L. Paxon, History of the American Frontier 1763-1793 (Cambridge, 1924), p.427.

book entitled A Project for a Railroad to the Pacific, he tried to make the American people believe that it was their duty to secure the rich commerce of the East and to disseminate the American idea along the path of the traders.⁶ He influenced city councils and twenty state legislatures to indorse his plans. He passed out blank petitions and made a personal survey west from Milwaukee in 1845.⁷ The senate committee of Public Lands made a favorable report upon his scheme as early as 1848, but no help was ever obtained by him, either in this country or in England.⁸

In the year 1846 the United States acquired the undisputed ownership of Oregon north to the 49th parallel and entered upon the war which made California a part of this country. Where there had been but one logical route to the Pacific there were now many. With this acquisition of territory and the possibility for several new routes, came the rivalry of localities in the Mississippi Valley to possess the profits of a continental railroad. This period of unrest and expansion ushered in a sectional jealousy which soon became national in scope. Each section was jealous

6 House Report, 31 Cong., 1 sess., no. 140 (serial No. 583),
p. 1.

7 Paxson, op. cit., p. 428.

8 Ibid.

lest some rival group of states should reap the profit from a transcontinental railroad.⁹

The larger sectionalism was the reflection of the slavery controversy which placed the slave holding states in a compact group, ambitious for itself and jealous of anything that might enhance the opportunities of the rival section. The more Whitney's scheme appealed to the North the more it aroused determination in the South to block its fulfillment.

The people of Missouri began agitation for railroads within that state as early as 1835, and were deeply interested in the projects of Whitney and others for the northern line. St. Louis saw in the scheme a suggestion for a western outlet in her own latitude. By the annexation of Texas in 1845 and the Mexican cession of 1848 the hopes of the South were lifted high, for the southern route seemed almost a reality.

Due to this sectional attitude, the best that Congress could do was to authorize a series of surveys of possible routes to the Pacific.

William H. Gevin,¹⁰ the new senator from California, did

⁹ *Ibid.*, p. 429.

¹⁰ William E. Connelley, Doniphan's Expedition. (Kansas City, 1907), p. 149.

all he could to secure national aid towards the building of a Pacific railroad. However, even he felt rather pessimistic as to the outcome, for by 1850, the southern minority in Congress was openly opposing any plan of a Pacific route, knowing as they did that such a proposed route would be located too far north for their benefit.¹¹

Another agitator for a road to the Pacific was William Gilpin, at one time an officer in the regular army. He suggested to Congress that it help construct railroads through the west. Thomas Hart Benton had, in the early twenties, before the time of steam locomotives, engineered a bill through Congress and obtained President James Monroe's signature to the same, authorizing the appropriation of federal money for the survey of a national highway to New Mexico from Missouri, for the purpose of developing southwestern trade. Later, Benton was an earnest advocate of the transcontinental line. He believed in the American idea of colonizing the wilderness, and in congressional aid to facilitate trade with other nations. Naturally he preferred that the transcontinental line start from St. Louis.¹² On February 7, 1849, Benton introduced a bill in the United

¹¹ Paxson, *op. cit.*, p. 430.
¹² Thomas H. Benton, Thirty Years' View (New York, 1854), Vol. 1, p. 41.

States Senate providing for the location and construction of a national road from the Pacific Ocean to the Mississippi River. The Pacific Railroad (Missouri Pacific) was chartered by the legislature of that state March 12 following, the line to run from St. Louis to the western line of what is now Cass county, "with a view that the same may be continued hereafter westwardly to the Pacific Ocean". Work was begun on the road at St. Louis, July 4, 1851, and completed to Jefferson City, November 1, 1855. By October 3, 1865, the road had pushed its way across the state and reached Kansas City, Missouri.¹³

Benton felt that such a road would tend to cement the states at a time when the phantom of disunion was quite discernible.¹⁴ Senator, and later Secretary of War, Jefferson Davis¹⁴, from Mississippi also advocated the road as a Union saver, and believed that the route of the thirty-second parallel was the most practical and economical.¹⁵ It was Secretary Davis who was to spend the \$150,000 which had been provided in the Army Appropriation Act of 1853 for the support and maintenance of survey parties in the field.¹⁶ It was not to be expected that Mr. Davis would favor any

13 James L. Schaef, History of St. Louis City and County (St. Louis, 1833), Vol. 2, pp. 11, 43, 1154.

14 Paxson, op. cit., p. 430.

15 Congressional Globe, 35 Cong., 2 sess., pt. 1, p. 486.

16 Ibid., p. 431.

route that would especially serve the North.

Beginning with President Zachary Taylor in 1849, who favored the survey of the various proposed routes, Millard Fillmore, Franklin Pierce and James Buchanan urged upon Congress the soundness of extending aid to private enterprise in the building of a railroad, by surveys and land-grants.¹⁷ Buchanan saw in this swifter mode of communication a means of protecting our Pacific coast.¹⁸

The ten years from 1847 to the crisis of 1857 were a period of railroad mania. While statesmen and newspapers were quarreling about slavery the "practical men" were working for federal land grants and state subsidies and were building the railroads that settled the West, and, by binding it to the East, determined in so large a degree the outcome of the Civil War.¹⁹ In 1856 the national Democratic convention in an involved revolution advocated the Pacific road, while the Republican convention asserted "That a railroad to the Pacific ocean, by the most central and practicable route, is imperatively demanded", and that the government ought to render immediate and efficient aid in

17 James D. Richardson, editor, Messages and Papers of the Presidents (Washington, 1905), Vol. 5, pp. 20, 86, 121, 290, 457, 526, 572, 650.

18 Ibid., p. 435.

19 Frank H. Hodder, "The Railroad Background of the Kansas-Nebraska Act", in Mississippi Valley Historical Review, Vol. 12 (June, 1825), p. 4.

its construction. In 1860 the Republican and both Democratic conventions asserted in few words the necessity of the road and that the government should aid the project.²⁰

Stephen A. Douglas's main interest was in the development of the West and in the railroads as the principal means of its accomplishment. He originated the movement for building railroads in Illinois, and helped secure the first Congressional land grant to railroads. This grant was made, in 1850, to the Illinois Central.²¹

Douglas criticized Whitney's route, taking the ground that the railroads from the East should converge at Chicago and proceed west from there to the Pacific, and that any transcontinental line that should depend on crossing Lake Michigan at one of the links would be closed by ice four months in the year. Douglas said Whitney's scheme gave too much power and too much land to one individual.²²

The first steps toward organization of Nebraska and the building of a Pacific railroad grew out of the Oregon controversy with England. In 1844, William Wilkins, Secretary

20 J.M.H. Fredrick, National Party Platforms (Akron, 1892), pp. 28-33.

21 Hodder, loc. cit., p. 4.

22 Ibid., p. 5.

of War, proposed the organization of Nebraska as a preliminary to the extension of military posts to Oregon, and Douglas, then in his first term in the House, responded to the suggestion by introducing two bills, one for the organization of Nebraska and the other for the protection of overland emigration. No action was taken on either bill but the first step toward the organization of Nebraska was taken at this time by Douglas.

Douglas's plan was to organize the territory from the Mississippi River to the Rocky Mountains as Nebraska Territory and to organize the territory west of the Rockies as Oregon Territory, to grant these territories alternate sections of land along the line of survey for the purpose of building a railroad to the Pacific, and to make the same grants to border states for the purpose of building roads connecting with it. From the very first Douglas favored uniting the building of roads and railroads with the organizing of new territory. According to Professor F. H. Hodder²³, Douglas was primarily a railroad statesman. He shows that Douglas's leadership was wrapped up in the economic advantage of his adopted state and of his home town, Chicago.

23 As quoted in Paxson, op.cit., p. 434.

To get support for a railroad measure out of a Congress in which the Democrats were so firmly entrenched it was necessary to pay a price.²⁴

The original Nebraska Bill provided for the organization of a single territory and said nothing about slavery. The main purpose of this bill was to create conditions which would make possible an eastern terminus at either Council Bluffs or Kansas City. This bill was introduced in January, 1854. It passed the lower house of Congress, but was defeated by six votes in the senate, the South, with the exception of Missouri, being solidly against it. The reasons for the opposition were not only that it was making provision for another free state, but because the establishment of a form of government for this region meant a step towards the location of the transcontinental railroad along the central route, and the southern states naturally preferred the southern route.²⁵

So in order to carry his point, Senator Douglas, aided and assisted by the senators from Iowa, found it necessary to take some action which would win over at least six southern votes, and the plan was to divide the region to be

²⁴ *Ibids.*

²⁵ The Old Pawnee Capital (Topeka, 1928), p. 31. A pamphlet issued by the Kansas State Historical Society.

organized into two territories named Nebraska and Kansas, with conditions so adjusted that the South would have a reasonable expectation of making Kansas a slave state.²⁶

In order to carry out this new plan, it was necessary to repeal the Missouri compromise which forbade any more slave states north of the southern boundary of Missouri extended west, and to leave the question as to whether the new territories were to be free or slave states to a vote of the people living in those territories. Douglas was not blind to the fact that if he could succeed in getting slavery transferred to the realm of popular sovereignty and out of national politics, there would be an excellent chance for him to lead a united Democratic Party along the paths of his own thinking. But, as a means of settling the slavery question, the Kansas-Nebraska Act was even less than a total failure. It was no more important as a means of promoting immediate immigration. But it was a success in removing the barriade of the Indian Country and preparing the way for a railroad to the Pacific.²⁷

Relative to the Pacific Railroad, Douglas in his speech of April 17, 1858,²⁸ said, "I have witnessed with deep re-

²⁶ Ibid.

²⁷ Ibid. p. 32.

²⁸ H. W. Caldwell, Great American Legislators (Chicago, 1900), p. 163.

gret the indications that this measure is to be defeated at the present session of Congress. I had hoped that this Congress would signalize itself by insugurating the great measure of connecting the Mississippi Valley with the Pacific Ocean by a railroad. I had supposed that the people of the United States had decided the question at the last presidential election in a manner so emphatic as to leave no doubt that their will was to be carried into effect. I believe that all the presidential candidates at the last election were committed to the measure."

Benton was regarded by everyone as the chief supporter of the Pacific Railroad, but his claim to this distinction was subjected to challenge by the Atchison faction. Benton's criticism of David R. Atchison was that the latter opposed the Pacific Railroad but actively interested himself in behalf of roads either favorable to the South or entirely outside the United States. The Washington Union, on the other hand, pointed out that Benton himself, in a speech made in December, 1848, advocated that six million dollars be given to aid a road in Panama. The impression was strong in parts of Missouri, that the whole slavery agitation in that state was fomented by Atchison for the sole purpose of weakening Benton's influence and thus de-

feating the project of the Central route to the Pacific.²⁹

Benton opposed the abolishment of the Compromise line because he believed that the settlement of Kansas would be retarded, and that the pressing need of the railroad would largely disappear when immigrants ceased to rush to Kansas.³⁰ While Benton was working to secure the Pacific railroad for the people of Missouri, David R. Atchison was doing all in his power to defeat it. He appointed enemies of the Missouri route and excluded every friend of the route from the committee appointed by the Senate. He went in person to the Secretary of the Interior to protest against the exploration of the central route by Lieutenant Edward F. Beale and to induce the Secretary to order him to California by the Isthmus route, and finally gave his vote to ratify the Gadsden treaty by which ten million dollars was paid to secure the right of way for a rival road in the South.³¹

St. Louis was greatly angered at Atchison for his hostility toward the central route. Many persons believed that

29 E. L. Craik, "Southern Interest in Territorial Kansas", Kansas Historical Collections (Topeka, 1876), Vol. 15, p. 354.

30 T. H. Webb, Scrapbook, Vol. 2, p. 82. A collection of 17 bound volumes of miscellaneous material in the Kansas Historical Society Library, Topeka.

31 Ibid., p. 210.

a systematic war was being waged upon Benton and all others favorable to such a road and that a coalition between Douglas and the Memphis politicians was at work for the purpose of assuring the completion of two roads and consequent crushing of the Central. Atchison's vote to confirm the Gadsden treaty of 1853 was most severely condemned. Atchison's efforts to prevent the settlement of Kansas were held to be prompted by the fear that a speedy settlement of that territory would determine the railroad question in favor of the Central route.³² St. Louis had two big interests in Kansas. The first was the speedy settlement of that territory and the second was her desire for the Central Pacific route, with herself as the eastern terminus.

In the year 1857 it was estimated that 20000 emigrants had been turned from the normal route westward and had been compelled to get to Kansas through Iowa,³³ or else deterred altogether from entering Kansas. There was a loss of at least \$300,000 to St. Louis. Most of the blame for this loss was attached to the Atchison following in Missouri.³⁴

The Missouri Democrat was constantly holding the vision

³² Craik, loc. cit., p. 368.

³³J. N. Holloway, History of Kansas (Topeka, 1868), p. 378.

³⁴ Lawrence, Herald of Freedom, Jan. 24, 1857.

of this project before the reader. "The second great object of interest to the people of this state and city involved in the early settlement of Kansas, and upon which the question of its becoming a slave or free state bears directly is in regard to the early completion of the great Central Pacific railroad from St. Louis to San Francisco. The settlement of Kansas under the organized government will certainly contribute to the extension of this great road to the west of the Missouri. The facts assure us that the slave states do not begin to compare with the free states in the building of railroads. There are more miles of railroad built in one free state (New York) than in all the slave states put together. There is not a free state in the union which has not more miles of railroad finished than any slave state of the same population."³⁵

It was in the midst of this period of unrest that the Hannibal and St. Joseph Railroad was completed to the Missouri River. This railroad had been incorporated in February 1847,³⁶ but as it was very difficult to raise money for its construction the project lagged. The first survey was completed to Hannibal on December 25, 1850, and not un-

³⁵ Webb, op. cit., Vol. 1, p. 170, quoting Missouri Democrat, Nov. 10, 1856.

³⁶ History of Buchanan County and St. Joseph (1881), p. 229.

til the summer of 1852 was the contract finally let for building the track. On February 14, 1859 the first through passenger train arrived at St. Joseph³⁷ from Hannibal. This date of February 14th marks the beginning of the decline of river traffic on the Missouri River. The steamboat before many years had elapsed had become a thing of the past. Later, as different railroads penetrated the interior it became evident to those who watched the trend of events that river transportation could not compete successfully with the more rapid method by rail. To escape competition with the railroads, many boats went higher up the river, and ran between Sioux City and Fort Benton.³⁸

THE RAILROAD COMES TO KANSAS

The history of railroads in Kansas is so interwoven with the history of the development of the state in all particulars that it is very difficult to treat it independently and determine the exact significance of all the contributing forces. Kansas was really a laboratory for the

37 Philipp E. Cheppell, "A History of the Missouri River",
Kansas Historical Collections, Vol. 9, p. 293

38 Charles S. Gieed, "The First Kansas Railway",
Kansas Historical Collections, Vol. 6, p. 357.

testing of the practicability of railroads in developing a new and savage country. In the East the country was already developed and railroad construction presented no such problems as confronted the builders in the West.

Until the beginning of the agitation in Congress for the great Union Pacific Railroad, Chicago was the western terminus of the east-and-west railroads. But intense interest in the transcontinental road gave an impetus to railroad building in the western country including the "Great American Desert".

The first Kansas Legislature followed the example set by Missouri in chartering her own railroads. On July 23, 1855,¹ charters were granted to five railroad companies.² The Kansas Central, the Southern Kansas, the Leavenworth, Pawnee and Western, the Leavenworth and Lecompton, and the Kansas Valley. The incorporators of the Kansas Central were John Calhoun, S. D. Lecompte, A. S. White, and John Duff. The capital stock was \$1,000,000. The route as stipulated in the charter was to run "from any point on the Missouri to any point on the western boundary of Kansas."

The capital stock of the Southern Kansas was fixed at

¹ Territorial Statutes of Kansas, 1855 (Shawnee, 1855), p. 911.
² Frank W. Blackmar, An Encyclopedia of State History. (Topeka, 1912), Vol. 2, p. 537.

\$3,000,000 and its franchise extended "from the Missouri state line due west of Springfield to the west line of Kansas Territory." The incorporators were A. J. Dorn, William J. Godfrey, James M. Swin, Joseph C. Anderson, and others. Work was to begin on the road within nine years.³

Projectors of the Leavenworth, Pawnee and Western were W. H. Russell, J. M. Alexander, S. D. Lecompte, E. H. Dennis, and C. H. Grover. The road, with a capital stock of \$5,000,000 was to run from the west bank of the Missouri river in Leavenworth to the town of Pawnee, or to some point feasible, and next to the government reservation, with the privilege of extending the road to the western boundary of the territory, then the summit of the Rocky Mountains in the present state of Colorado.⁴

The incorporators of the Leavenworth and Lecompton Railroad were: H. D. McMeekin, John A. Holderman, R. R. Russell, Daniel Woodson, S. D. Lecompte, and C. H. Grover. This road was to run between the points named in its charter title. There was to be a capital stock of \$3,000,000 and the road was co-authorized to take stock in the Lecompton Bridge Co. in order to assure entrance to the capital of

³ Territorial Statutes of Kansas, 1855, p. 912.

⁴ Ibid., p. 914.

the territory. Work was to begin within five years.⁵

The Board of Directors of the Kansas Valley road were: Thomas Johnson, H. G. Strickler, A. J. Isaacs, Rush Elmore, John P. Wood, Johnston Lykins, Andrew McDonald, Thomas N. Stinson, and Cyprian Chouteau. The capital stock was set at \$5,000,000 and the charter provided that the line was to run "from the western boundary line of the State of Missouri on the south side of the Kansas or Kaw river, commencing at the western terminus of the Pacific railroad near the mouth of the Kansas river, running up the valley of said river on the south bank thereof by way of Lawrence, Benecia, Douglas, Lecompton, Tecumseh, and terminating at or near the town of Pawnee."⁶

Of the five railroads chartered in Kansas in 1855 the Leavenworth, Pawnee and Western was with one exception (Kansas Central) the only one to materialize. Bocks had been opened by this company as early as December 26, 1856,⁷ to receive subscriptions of stock and steps were taken to secure from Congress a land grant. A meeting of stockholders was also called at Leavenworth for January 3, 1857,⁸ to elect nine directors. They were: W. H. Russell, J. M.

⁵ *Ibid.*, p. 916.

⁶ Blackmar, *op.cit.*, p. 538.

⁷ *Leavenworth Herald*, January 3, 1857.

⁸ *Junction City Union*, May 6, 1876.

Alexander, S. D. Lecompte, Amos Rees, James Davis, W. F. Dyer, Robert Wilson, Jas. Findley, E. S. Wilhoit, E. H. Dennis, C. H. Grover, Wilburn Christison, M. P. Rively, Chas. Hayes, and Cornelius M. Burgess.

At this same meeting in 1857, at Leavenworth, a capital stock of \$156,700 was subscribed. The construction of the road was commenced in May, 1857, and in that year surveys and profiles of the main line were made, and the location completed from Leavenworth to Pawnee on the site of the present Fort Riley military reservation. Little further was done until after the act of Congress of July 1, 1862,⁹ granting government aid to the construction of a Pacific railroad and telegraph line. One clause of the act authorized the Leavenworth, Pawnee and Western to build a line from Wyandotte, at the mouth of the Kansas river, to some point on the 100th meridian. In the following year the Union Pacific Railway Company, Eastern Division, was organized, under the act of 1862, and it purchased the franchises and all rights of the Leavenworth, Pawnee and Western. From this time the history of the road is a part of the general Pacific Railroad Project.¹⁰

9 A. T. Andreas, compiler, History of the State of Kansas (Chicago, 1883), p. 245.
10 Ibid.; Kansas, Laws, 1855, p. 914.

General J. C. Stone¹¹ was one of the promoters and organizers of the Leavenworth, Pawnee and Western Railroad. It was through his activity that the original Pacific Railroad bill was finally passed through Congress. The difficulty previously had been that each point on the Missouri river, which was the proposed starting place for a trans-continental line, had jealous rivals in all other river points. General Stone conceived the idea of having a road from each rival city, such as Leavenworth, Kansas City, Omaha, and Sioux City. By such a combination the rival interests had been adjusted and the bill went through.

Of the sixteen¹² railroad charters issued in 1857, only two materialized. They were the Marysville and Roseport Company (later Elwood and Marysville)¹³ and the St. Joseph and Topeka Railroad.¹⁴ This latter road was projected from the Missouri river, opposite St. Joseph to Topeka. The charter lapsed without any actual construction, however, and a new project, in substance the same, resulted in the incorporation of the Atchison and Topeka Railroad Company,

¹¹ Topeka Democrat, July 7, 1887.

¹² Glenn D. Bradley, The Story of the Santa Fe (Boston, 1920), p. 56.

¹³ Kansas, Laws, 1857, (Lecompton, 1857), p. 193.

¹⁴ Ibid., p. 247.

February 11, 1859.¹⁵ The same men were back of the new road, and the only material change was that of the eastern terminus.¹⁶ The name was changed March 3, 1863¹⁷ to the Atchison, Topeka and Santa Fe Railroad Company. The charter of this new company was written by Mr. C. K. Holliday¹⁸ while at Lawrence near the close of the legislative session in January, 1859. The phenomenal success of this corporation is directly due to four men: C. K. Holliday, projector and founder of the enterprise; Wm. B. Strong, an indomitable and foresighted leader; A. A. Robinson, one of the greatest civil engineers and railroad builders of the age; and E. P. Ripley, who very ably rounded out the ambitions of his predecessors.¹⁹

In September, 1859, the Atchison and Topeka Company was organized, under the charter which had been obtained earlier in the year. This organization was made in Atchison on February 22, 1860,²⁰ a road was completed from St.

¹⁵ Private Laws of Kansas, 1859 (Lawrence, 1859), p. 57.

¹⁶ *Ibid.*, p. 58.

¹⁷ Bradley, *op. cit.*, pp. 63, 64.

¹⁸ *Ibid.*, p. 56.

¹⁹ *Ibid.*, p. 8.

²⁰ Wilder, Annals of Kansas, p. 241.

Joseph to Atchison, thus the first railway from the East entered the territory of Kansas. However, in February 7, 1860,²¹ the ground was broken for the Kansas Central at Wyandotte, and on March 20 of this same year, the first iron laid in Kansas was put down on the Elwood and Marysville road, later part of the St. Joseph and Grand Island division of the Union Pacific system. Mr. D. W. Wilder,²² in his Annals quotes as follows from the Elwood Free Press - "On Monday last, April 23, the directors of the Elwood and Marysville railroad placed on their track the locomotive 'Albany', an engine which has been used from Boston to the Missouri, as railroads have successively stretched their length toward the setting sun. On Tuesday several cars were brought across the river, and a large concourse of people gathered to celebrate the actual opening of the first section of the great Pacific road. Col. M. Jeff. Thompson, president of the Elwood and Marysville railroad; Willard P. Hall, president of the St. Joseph and Topeka road; Gov. Robert M. Stewart of Missouri; and others addressed the

21 Ibid., p. 240.

22 Ibid., p. 241.

crowd on the great topic of the day." According to Charles S. Glead,²³ the Elwood and Marysville railroad became the tie that bound northwestern Missouri and northeastern Kansas in affectionate commercial union.

The Marysville or Palmetto and Roseport railroad was incorporated by a legislative act approved February 17, 1857.²⁴ The company was empowered to construct a railroad from Marysville or Palmetto City to Roseport, "so as to connect with the Hannibal and St. Joseph railroad."²⁵ In June, 1857, the Roseport town company was reorganized and the town christened Elwood, thereafter the railroad being known as the Elwood and Marysville. During the disturbed political condition of 1861 little work was done on the Elwood road, and in 1862²⁶ the name was changed to the St. Joseph and Denver City Railroad. But owing to the paralyzed condition of the country, no work was done. Finally the ties rotted. In January, 1866,²⁷ a new company was formed financed by local capital, and a consolidation was effected

23 Glead, "The First Kansas Railway", p. 357.

24 Kansas, Laws, 1857, p. 195.

25 Ibid

26 James Hanway, compiler, Biographical Scrapbook, pp. 28-53. Is a bound but unpublished compilation of source and secondary material found in Kansas Historical Society Library.

27 Ibid., p. 34.

with the old company, the new company retaining the old name. Eventually this road was built to the Nebraska line, and became known as the St. Joseph and Grand Island Railway.²⁸

Droughts and the Civil War combined to discourage the promoters of the Atchison, Topeka and Santa Fe Railroad and nothing was actually done toward constructing the line until the congressional land grant to the state of Kansas opened the way to the needed aid. This grant²⁹ was made available to the Atchison, Topeka and Santa Fe company in 1864 to the extent of 6400 acres of land per mile of road built in the state, conditioned on the completion to the western boundary of the state within ten years.³⁰

The promoters of this road had very little money at their disposal, and as it was almost impossible to realize on the land grant at that time, the road was not actually built until after both Kansas and Nebraska had been spanned from east to west by the Union Pacific company, under its charter of July 1, 1862.³¹ The actual building of the A. T. & S. F. line started from Topeka beginning in Oct., 1868,³² and was completed to the Colorado border by 1873.³³ The

²⁸ Ibid., p.53.

²⁹ Moody's Magazine, Sept., 1908, p. 146.

³⁰ Ibid.

³¹ Congressional Globe, 37 Cong., 2 sess., pt.3, p. 2839.

³² Bradley, op. cit., p. 72.

³³ Ibid., p. 86.

line between Atchison and Topeka was not begun until 1871, and was finished in May, 1872.³⁴ The construction work west from Topeka was done under the direction of Thomas J. Peter of Cincinnati, general manager, who, with his associates in Cincinnati and elsewhere, contracted in return for certain stock and bonds, to build the line to Colorado.

From 1855 to 1860 was a period of great railway activity west of the Mississippi River. The Granger lines were engaged in pushing westward just then. It was these projects between the Mississippi and Missouri rivers that offered the inducement for the building of the Kansas and Nebraska lines. At this time there were a number of lines building westward besides the Hannibal and St. Joseph (which reached the eastern boundary of Kansas³⁵ in 1859). The Missouri Pacific (Pacific Railroad Company of Missouri) was building from St. Louis in the direction of Kansas City, which it reached in the 'sixties.³⁶ That there was a need for the railroad at this time is shown by C. W. Whitney³⁷ in her "Story of the Railroads". According to this authority, it was around about journey from Kansas City to the

34 Ibid., p. 84.

35 History of Buchanan County and St. Joseph, p. 229.

36 Missouri State Board of Agric., Report, 1875, p. 297.

37 C.W. Whitney, History of Kansas City, Mo. (Chicago, 1900), p. 249.

East before the advent of the Missouri Pacific. After a line was finally built from St. Joseph to Weston, the fare was almost prohibitive, there was only one train a day each way, and the trip from Kansas City to Chicago took forty hours. Passenger fare from Kansas City to St. Louis was \$14.50; to Chicago, \$24.50; to Cincinnati, \$29.00; to New York City, \$48.00; to Boston, \$52.00.

Ground was broken at Kansas City for the Pacific Railroad of Missouri, July 25, 1860³⁸ building towards Pleasant Hill, Missouri, to connect with the main line west from St. Louis. The first engine for this road came from St. Louis by steamboat and was landed at Kansas City in June, 1864.³⁹ By July 4, 1864, the railroad was completed to the Little Blue station, and on September 25, 1865, the first passenger train came into the East Bottoms of Kansas City from St. Louis. The first through passenger train on this road was run on the first day of July, 1866, from Leavenworth to St. Louis. By September 10, 1869 the road was completed from Leavenworth to Atchison.⁴⁰

Just here it is quite fitting to mention the fact that the Pacific Railroad of Missouri was the only railroad run-

³⁸ Ibid., p. 250.

³⁹ Ibid.

⁴⁰ Ibid., p. 251.

ning into Kansas City that contributed to the city for its right-of-way.⁴¹ It paid \$20,000 for the privilege of running over the levee, from Grand avenue to the state line to connect with the Kansas Pacific Railroad going west. With this money Kansas City secured for herself the Cameron branch of the Hannibal and St. Joseph Railroad and with it followed the building of the Missouri river bridge; the Kansas City, Fort Scott, and Gulf Railroad to Baxter Springs, Kansas, and the Leavenworth, Lawrence, and Galveston Railroad to Ottawa and southern Kansas. This was a turning point in the history of Kansas City.⁴²

A PERIOD OF PROMOTION, SPECULATION AND CONSTRUCTION

The people of Kansas Territory were very optimistic in their attitude toward the coming of railroads to this sparsely settled district. The territorial newspapers were quite definite in their forecasts as to the future prospects of railroads in Kansas. The Herald of Freedom for October 21, 1854, states that "Kansas is not far removed from great markets." There is "excellent water communication", and "in two years at the farthest, Kansas will be connected with

41 Ibid.

42 Ibid.

New York and Boston by rail." This same news organ goes on to say that "the Pacific Railway will be completed during the next ten years. It must necessarily pass along the southern bank of the Kansas and up one of its principal tributaries to the south pass in the Rocky Mountains. While this road is being constructed the surplus products of the rich farms will be needed to supply the wants of its laborers, and the money will be required in return to meet the incidental wants of the Kansas farmer." ¹

Kansas was considered as the logical territory for the route of the Pacific Railroad. This was especially true from a geographical standpoint. The prevailing attitude was that "settlers will come and demand means of transportation, and railroads must have settlers along the line. Each demands the other. Kansas will soon be a connecting link between Asia and our East coast."² Another comment informs us that, "Large wagon trains are now passing through this vicinity to the Great Salt Lake and California. A few years and these annual exhibitions will be dispensed with, and trains of cars, led by the 'ironhorse' will be seen daily passing through the place."³

¹ Lawrence, Herald of Freedom, Jan. 6, 1855.

² Ibid.

³ Ibid., May 5, 1855.

A favorable circumstance to the settlement in Kansas was that new lands in other states were closed against settlers till the railroad grants, made by Congress, had all been selected. Prairie lands⁴ in Illinois were selling for from \$5 to \$20 per acre, when there was more desirable land in Kansas at \$1.25 an acre. Consequently the settler came on westward seeking a place where he could be free to settle where he pleased.

Mr. George S. Park, president, in November, 1860, made the following statement in his annual report to the stockholders of the Parkville and Grand River Railroad Company. "Registration was kept at Council Grove, by S. M. Hays and Co., from the 24th of April to 1st of October, 1860. Passing west - men, 3519; wagons, 2667; horses, 478; mules, 5819; working cattle, 22738; carriages, 61; tons of freight, 6819. This account includes only those engaged in the freighting business.

"The amounts passing west through Manhattan and other leading points in the territory, from April 1st to October 10th, 1860:- men and agents, 7560; wagons, 4975; Horses, 980; mules, 7897; working cattle, 43762; carriages, 550; tons of freight, 13422." About \$10,391,280 worth of

⁴ Ibid., Dec. 6, 1856.

transportation would have passed over a trunkline, had one been established in Kansas at the time, during this six months' period.

Shrewd men⁵ everywhere were looking forward to a business connection with Kansas, conscious that this territory was to be commercially what it is geographically, the heart of the American republic.

On July 21, 1857⁶ a railroad meeting was held at Emporia. In its resolutions adopted and resolutions thereto was depicted the attitudes of men from the various sections of Kansas Territory. The dominant idea as set forth in this meeting was that "in this period of the world, to be without railroads is to be deprived of one of the greatest agencies of modern civilization, and the means of agricultural, commercial and literary communication." The resolutions of this meeting express the reckless (for that time) optimism of the delegates in attendance. This was a period of invention and achievement, and was "bound to call the attention of man to the great works of uniting interest and national well-being, which railroads are calculated to develop." Kansas, by occupying a central position

⁵ Ibid., Jan. 17, 1857.
⁶ Ibid., Aug. 8, 1857.

on the western continent, was peculiarly interested in this national matter of railroads, as "through her borders must pass the first great road to the Pacific."

The Lawrence Republican⁷ in describing the meeting of the Osage Valley and Southern Kansas Railroad describes the promoters of this road as being the heroes of humanity. The editor considered the railroad as a humanizer which would do more for mankind than any enterprise or war since the days of Cain. "Its promoters are among the earth's benefactors." This same newspaper compared railroad carriage with river traffic. The editor considered railroad freighting cheaper and much quicker.

Not only the speculators and promoters but the good citizens of Kansas were favorable to the introduction of railroads into Kansas Territory. In a letter to the editor of the Herald of Freedom, J. B. Brown, settler, wrote that the first railroad from the Atlantic to the Pacific "will pass up the valley of the Kansas river as far as Manhattan, then down to Santa Fe, New Mexico; thence to San Francisco or San Pedro. The United States government had six surveys of routes on or west of the Mississippi River to Puget's

⁷ Lawrence Republican, Aug. 11, 1859.

Sound, or to the Pacific Ocean. They were:

"1- St. Pauls to Vancouver. Distance on proposed route is 1864 miles. It would be undesirable because of lack of business.

"2- Council Bluffs to Benecia via South Pass,-2035 miles. might materialize in the far future.

"3- Westport to San Francisco via Coe-che-ta-pa and Tah-eo-cha-pa Passes,-2080 miles. Costs too much.

"4- Same route by Coe-che-ta-pa and Madoline Passes,-2290 miles. Costs too much.

"5- Ft. Smith to San Pedro,-1892 miles.

"6- Fulton, Mo. to San Pedro,-2058 miles.

"People build railroads where they think there is business to support them. Number "5", the southern route was favored by the Secretary of War because of lack of natural obstacles. But fuel and water are scarce. The South can never finance this proposition. All the slave states together cannot raise, by themselves, a tenth of the necessary sum. No one will buy government bonds from a slave state. If the railroad reaches the Kansas line from Missouri (Jefferson City) by the time Kansas becomes a free state or after, the Northern capitalists will flood the state with money. The rate of interest will be low and if Congress gives Kansas a land grant she is bound to get the

trans-continental railroads."⁸

"Discovery of gold⁹ in western Kansas (now Colorado) and California, and the increase of population in this section will hasten the construction of the Pacific Railroad by ten years at least."

By 1860 the northern route for the Pacific road became almost a certainty. This was partly due to the reasons as set forth above, especially to those mentioned by J. B. Brown in his letter to the Herald of Freedom. A deterring factor was that the South wanted a sectional road. The southerner wanted the road so far south as to isolate completely the North. The Republican for August 18, 1859, ventures the opinion that "the Pacific Railroad can never be built through Kansas so long as the slave breeding, free-soil hating Democracy hold rule."

The South was certainly put up against unsurmountable barriers. If Kansas Territory become a free state the South could not hope for a Pacific road. The reasons are obvious. The South had little or no capital of her own and the Northerner would not venture investments in a southern project. The South surely realized that a railroad through

⁸ Lawrence Herald of Freedom, Dec. 13, 1856.

⁹ Ibid., Oct. 18, 1857.

Kansas would mean great returns to all concerned in promoting such a project. Perhaps not immediate returns, but, if Kansas became free there would be an influx of abolitionist immigrants who would cater to northern interests and in a few years the slave interests of Missouri would be at a greater disadvantage than they were with no Pacific Railroad.

Alexander Caldwell,¹⁰ in 1886 wrote concerning territorial traffic, "to transport 50,000,000 pounds by wagon train required 10,000 wagons, 12,000 men and 120,000 head of stock. Had these trains of prairie schooners been placed into one continuous line in the ordinary way of traveling, we should have had a column more than 1,000 miles long. The investment in a single train of 26 wagons was about \$35,000, and the means of transportation necessary to carry 50,000,000 pounds would cost \$5,000,000. As late as 1865 the government paid \$2.25 per 100 pounds per 100 miles. The distance to Leavenworth from Salt Lake City being 1,200 miles, made the cost per 100 pounds, \$27, or \$540 per ton. At this rate a train of 25 wagons would earn \$45,500. Today the same amount of freight is taken by rail at a cost of \$1,500.

10 Alexander Caldwell, "Kansas Manufactures and Mines", Kansas Historical Collections, Vol. 3, p. 452.

According to Kansas sentiment what the Missourians really hoped for in Kansas was a population that would insure farms, good roads, and the extension of the great Central Pacific railroad to the western coast. Missouri had no slaves of her own to spare, even had she been anxious to spread this institution of the South. Her slave holders had everything to lose and nothing to gain by taking slaves to Kansas. The twenty-two million acres of land obtainable within the borders of Missouri at \$1.25 an acre was enough to attract the poorer class to cause them to stay in the state of their nativity. In many cases emigrants expecting to move westward into Kansas sold their slaves as the first step in their preparations. Many Missourians who came to Kansas were young men of small means. They came solely to seek their fortune. Upon this class of emigrants slavery would be a hazard and a stumbling block, for it would decrease the demand for labor and also force the young settler who worked his own land, to rate socially and economically with the "poor white" of the far South.¹¹

Even the newspapers of Missouri were in favor of Kansas becoming a free state. The Missouri Democrat said, "We think every man of sense must be satisfied that if it is

¹¹ Topeka Record, Nov. 24, 1860, p. 2.

of any importance to the state of Missouri to have the Pacific railroad extended west of her boundaries that the object will be accomplished sooner by the formation of a free state in Kansas, and it is therefore the interest of Missouri to make Kansas free."¹²

Thus we see that Missouri realized the seriousness of her predicament. To have rail connections with the west, Kansas must be free. On the other hand, men like Atchison¹³ were willing to sacrifice the Pacific Railroad through Kansas to make Kansas a slave state. For men of this mind believed, and they were correct, that if Kansas became free and if the Pacific Railroad did pass through the latter state, Missouri as a slave state was doomed, and beside this, Missouri would, due to slavery, become a back number in the development of the West.

During her territorial period Kansas found the extensive construction of railroads nearly an impossibility, due to internal disturbances and lack of capital. In Europe as well as in the Eastern states investments in Kansas were considered as "wildcat" ventures.

The territorial troubles were widely advertised. When

¹² Herald of Freedom, Jan. 20, 1855.

¹³ Webb, Scrapbook, Vol. 2, p. 210.

the president of the Pacific Railroad Company of Missouri went to England to get a loan for the benefit of the road, he was turned down because the English bankers had heard of the crimes committed in Kansas by "border ruffians" and of the uncertainty as to Kansas's future status, and they considered transactions with such people as were found in Kansas and Missouri¹, too risky.

The railroad question was closely tied up with the drafting of the various state constitutions of the late 'fifties. In the Topeka Constitution¹⁴ of October 23, 1855, railroads are not mentioned. In the Lecompton Constitution¹⁵ of September 4, 1857, is the clause¹⁶ stating that "the Legislature shall levy a tax on all railroads incomes proceeding from gifts of public lands, at the rate of ten cents on the \$100." In another section¹⁷ of this same document it says, "that five per cent of the proceeds of the sales of all public lands sold or held in trust or otherwise lying within the said state, whether sold before or after admission of the state into the Union, after deducting all expenses incidental to the same, shall be paid to the said

14 Andreas, History of the State of Kansas, p. 112.

15 Ibid., p. 163.

16 Article 10, Sec. 6.

17 Ordinance, Sec. 3.

state of Kansas for the purposes following, to wit: two-fifths to be disbursed under the direction of the Legislature of the State for the purpose of aiding the construction of railroads within said State, and the residue for the appropriation of common schools." Relative to land grants this constitution specified¹⁸ "that each alternate section of land now owned or which may be hereafter acquired by the United States for twelve miles on each side of the line of a railroad to be established or located from some point on the northern boundary of the State, leading southerly through said State in the direction of the Gulf of Mexico, and on each side of a line of railroad to be located and established from some point on the Missouri river, westwardly through said State in the direction of the Pacific ocean, shall be reserved and conveyed to said State of Kansas, for the purpose of aiding in the construction of said railroad; and it shall be the duty of the Congress of the United States in conjunction with proper authorities of this State, to adopt immediate measures for carrying the several provisions herein contained into full effect."

The Leavenworth Constitution¹⁹ of 1858, although more

¹⁸ Ibid., Sec. 6.

¹⁹ Andress, op. cit., pp. 167-169.

conservative as to the amount of land to be granted, provides for a greater number of railroad lines. In Ordinance 6, is the provision, "that each alternate section of land now owned or which may hereafter be acquired by the United States, lying for six miles in width on each side of the following lines of railroads, shall be granted by Congress to the State of Kansas: 1st.- Commencing on the Missouri State line, at some point south of the fourth standard parallel line, and traversing southern Kansas westwardly. 2nd.- Commencing at some point on the Missouri river, or Missouri state line, and traversing Central Kansas westwardly. 3rd.- Commencing at some point on the Missouri river, and traversing Northern Kansas westwardly. 4th.- Commencing at some point on the Missouri river, and running southerly in the direction of the Gulf of Mexico. Provided, that should the alternate sections along the lines of said railroads be disposed of, an equal number of sections shall be selected from any other public land contiguous to said railroads; said lands to be reserved and conveyed to the State for the purpose of aiding in the construction of said railroads, under such rules and restrictions as may hereafter be prescribed by law."

In the Resolutions of the Wyandotte Constitution,²⁰ which was adopted July 29, 1859, is the request that the Congress of the United States, upon the application of Kansas for admission into the Union, "pass an act granting the state 4,5000,000 acres of land to aid in the construction of railroads and other internal improvements."

It was too true that in the early days all railroad schemes were projected in the interest of some town or locality without reference to the welfare of the general public²¹. They were organized with millions of capital stock, but with no cash, no assets and no office.

Every town and village and scores of projected towns had railroads projected to run from them as initial points, while the other end of the line was located, "in the imagination of the projector, at some point on the Gulf of Mexico or the Pacific Ocean."²² In their infatuation the citizens expected and believed that the lines of railroad from the East all pointed to and would terminate at their particular metropolis of the plains. This was an age of wild speculation and adventure - of "intangible" railroads and "paper" towns.

²⁰ F.W.Dassler, editor, Compiled Laws of Kansas (Topeka, 1885), p.69.

²¹ Bradley, The Story of the Santa Fe, p. 54.

²² Geo. W.Glick, "The Railroad Convention of 1860", Kansas Historical Collections, Vol. 9, p. 468.

In the fall of 1860,²³ the Topeka Record, edited by Edmund G. Ross, suggested the calling of a territorial convention to plan and devise a scheme for securing a practical railroad system for the then anticipated State of Kansas. This suggestion was taken up and advocated by the Atchison Champion,²⁴ edited by J. A. Martin. It met with enthusiastic approval by the people, and the following call was prepared and circulated for signers by Col. C. K. Holliday of Topeka, who was one of its most enthusiastic advocates. "A convention will be held at Topeka, Kansas, on Wednesday, the 17th day of October, 1860, for the purpose of devising a system of railroad land grants for the territory, to be petitioned for at the next session of Congress. A full representation from all parts of the territory is earnestly solicited."

The main object²⁵ of this convention was to harmonize the diverse and conflicting interests of the different towns and sections, and to unite them upon some general plan for railroad grants which would then be urged upon Congress. It was certain that rivalry and sectional jealousy had to

²³ Topeka, Kansas State Record, Sept. 29, 1860.

²⁴ Freedom's Champion, Aug. 8, 1860.

²⁵ Ibid.

be abolished before Congress would recognize the wants of Kansas Territory. When the railroad convention was finally held at the place and time designated in the call, there were²⁶ nineteen counties represented. It was in these nineteen counties that most of the people resided. Considering the circumstances of travel and communication this convention was a great success.

The county delegates assembled and the meeting was called to order by Samuel C. Pomeroy of Atchison. In regard to representation, the rules of the convention specified "That the delegates from each county represented in this convention shall be entitled to cast one vote on all questions before the convention, and when such delegates shall divide on any question, such votes shall be divided in proportion to the number of delegates voting from such county as they respectively represent."

According to the Schedule of the Convention, it was resolved,²⁷ "That a memorial be presented to Congress asking an appropriation of public lands to aid in the construction of the following railroads in Kansas:

²⁶ Glick, loc. cit., p. 471.

²⁷ Wilder, Annals of Kansas, p. 249.

- "1- A railroad from the western boundary of the State of Missouri, where the Osage Valley and Southern Kansas railroad terminates, westward by way of Emporia, Fremont and Council Grove, to the Fort Riley Military Reservation.
- "2- A railroad from the City of Wyandotte (connecting with the P. and O. Railroad and the Pacific Railroad) up the Kansas valley by way of Lawrence, Leocompton, Tecumseh, Topeka, Manhattan, and the Fort Riley Military Reservation, to the western boundary of the Territory.
- "3- A railroad running from Lawrence to the southern boundary of Kansas, in the direction of Fort Gibson and Galveston Bay.
- "4- A railroad running from Atchison by way of Topeka, through the Territory in the direction of Santa Fe.
- "5- A railroad from Atchison to the western boundary of Kansas."

In 1862 Congress made a grant of Lands and United States bonds to aid in the construction of the Union Pacific Railroad, including a grant for the Kansas division, which was to connect with the Union Pacific in Nebraska by way of

the Republican river.²⁸ This law was soon changed so that the Kansas division could build direct to Denver, and connect with the Union Pacific at Cheyenne, Wyoming.²⁹ Similar aid to that given the Union Pacific was also given the Hannibal and St. Joseph railroad to enable it to extend its line west from the city of Atchison for one hundred miles to a connection with the Kansas branch of the Union Pacific in the Republican valley.³⁰ This road afterward assigned its rights to the Atchison and Pike's Peak Railroad Company, later known as the Central Branch Union Pacific. This branch was built to Waterville by January 20, 1868, and was later extended so that the main line and its branches gave transportation facilities to most of the counties in northern Kansas.

The Atchison and Topeka Railroad, was another line recommended by the convention of 1860. It received a grant of land to aid in its construction, but no bonds.³¹ In 1864, G. W. Glick, then a member of the Kansas legislature, introduced and secured the passage of a memorial to Congress asking for a land grant to this railroad company.³²

28 John P. Davis, The Union Pacific Railway (Chicago, 1894), p. 104, quotes Section 6, Act of 1862.
 29 Ibid., p. 108.
 30 Ibid., p. 104.
 31 Bradley, op. cit., p. 86.
 32 Journal Kansas House of Representatives, 1864, p. 450.

The railroad from Lawrence south, later known as the Southern Kansas railroad, secured a grant of land in the name of the Leavenworth, Lawrence and Galveston Railroad Company, but so much of the public land was already taken by settlers that the grant was not large.³³ However, this road received a grant of 125,000 acres of the 500,000 ceded to Kansas for public schools, or, as it was claimed, for public improvement.³⁴ The St. Joseph and Grand Island, the Missouri, Kansas and Texas, and the road from Kansas City to Fort Scott (St. Louis and San Francisco) got the remainder of the 500,000 acres.³⁵

The first line of road mentioned in the Schedule of the Convention had no support after the Convention adjourned. However, the country traversed by its imaginary line, is now well supplied by various roads. With the exception of this one railroad, the results of the first great railroad convention in Kansas have proved the sagacity and foresight of the men who signed the call, and of those who participated in the proceedings.

While the original Pacific Railroad bill was pending

33 Glick, *loc. cit.*, p. 478.

34 Ordinance to Constitution of Kans., Sec.7. Found in Dassel, *op.cit.*, p. 49.

35 Kansas Session Laws, 1866, p. 142.

in the United States Senate, Senator John H. Henderson of Missouri,³⁶ amended it by a proviso to allow, with the consent of the legislature of Kansas, the Central Branch, Union Pacific to be constructed from St. Joseph to a junction with the Union Pacific main line from Omaha. This amendment appeared to be fair. It was known as the Henderson amendment, and after its adoption in the Senate became a source of great concern to the people of northern, southwestern, and eastern Kansas. If the Kansas legislature had consented to this change, the road would have been constructed from the city of St. Joseph³⁷ to the northwest and would scarcely have touched Kansas. Such a route, if it had materialized, would have crippled the business interests in that part of Kansas.

The contest waged to transfer this railroad terminal from Atchison to St. Joseph was made during the session of 1863. Edward Russell, a representative from Doniphan county, led the contest for St. Joseph, and G. W. Glick championed the interests of Kansas and Atchison.

The friends of each side held caucuses, and efforts

³⁶ Congressional Globe, 37 Cong., 2 sess., pt. 3, p. 2838.

³⁷ U. S. Statutes at Large, Vol. 12, p. 496; Congressional Globe, 37 Cong., 2 sess., pt. 3, p. 2839.

were made to ascertain the intentions of the members of the House. Perhaps for some selfish reasons the members from Leavenworth and Douglas counties gave their votes to the scheme to make St. Joseph the terminal instead of Atchison. This "consent resolution" finally came out of the state legislature with only 17 votes in its favor, and its defeat ended all railroad controversies in the state for the time being.

Congress, after 16 years of delay, July 1, 1862, was compelled to yield to the demands for a national charter and national aid to a transcontinental line. The fact that the Civil War was in progress helped rather than hindered that decision. Indian uprisings were dreaded along our whole frontier while so many men were away in the army. An easy means of transporting troops had a large influence in securing the passage of the bill. There were rumors that the Pacific states, isolated as they were by the Continental Divide, would conclude that it was best for them to withdraw from the Union and set up a national government of their own.

The advantage the road would have upon the development of the country was a weighty argument. In commenting upon

this act the Washington correspondent of the St. Louis Republican³⁸ said: "The success of this measure in Congress is not viewed her in such light as it would have been years ago. It is thought the beginning of the work will be postponed by the war, and that a practical legislation [sic] is viewed more in regard to its effect on foreign nations than upon any anticipation that it is a practical establishment of the measure."

In Kansas there was the usual prevailing spirit of optimism regarding this or any other railroad project that might run through this western territory. The attitude of the Kansas settlers is well shown by the actual results obtained. If, at the date of the admission of Kansas into the Union as a state, the whole population then existing upon her soil had been so grouped that all her traffic or commerce could have been carried over railroads, 400 miles³⁹ of road would have been the maximum which that traffic could have supported. Even so, there were at this time amid the most undesirable surroundings, companies already whose projects involved the building of 1,320 miles of

³⁸ As quoted in Leavenworth Conservative, July 3, 1862.

³⁹ Kansas Magazine, Vol. 1, Jan. 18, p. 19.

railroads within the state. One would naturally dub such hopes and plans as part of a scheme for wild speculation. Perhaps so, but by 1873, 12 years from the date the act of admission, there were 1,806 miles⁴⁰ of road built in the new state of Kansas. This accomplishment seems even more astounding when we consider the fact that in all the vast country now traversed by the Pacific Railroad systems there was at the date of admission of Kansas into the Union but about 20 miles of railroad.

By the Union Pacific bill⁴¹ of 1862 there was granted to the railroad company every alternate section of public land, designated by odd numbers to the amount of five alternate sections per mile on each side of said railroad and within the limits of 10 miles on each side of the line, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim had not been attached, at the time the line of the road was definitely fixed. Another provision⁴² of the bill provided that when 40 miles of the road were finished, the Secretary of the Treasury "shall issue to said company bonds of the United States of \$1,000 each, payable in 30 years, bearing

40 Lawrence Standard, Dec. 12, 1873.

41 Davis, op. cit., p. 104.

42 Ibid., p. 107.

6 per cent interest (payable semi-annually) which interest may be paid in United States Treasury notes, or any other money or currency which the United States has or shall declare lawful money and a legal tender, to the amount of 16 bonds per mile for each section of 40 miles; and to secure the repayment to the United States, all such bonds constitute a first mortgage in favor of the United States."

The Union Pacific Railroad Company, Eastern Division, then known as the Leavenworth, Pawnee and Western Railroad Company of Kansas, by the act of 1862, was authorized⁴³ to construct a railroad and telegraph line from the Missouri River, at the mouth of the Kansas, to connect with the Missouri Pacific Railroad, to the 100th meridian of longitude, upon the same terms and conditions as provided for the construction of the Pacific Railroad in Nebraska, and to meet and connect with the same at the 100th meridian longitude.

Another provision⁴⁴ of the same bill specified that the Kansas company "shall complete 100 miles of road in two years, and 100 miles a year thereafter; the California company 50 miles in two years, and 50 miles a year thereafter; and after either or both companies have finished

43 Ibid.

44 Ibid.

their own roads, they may unite on equal terms in the construction of the main line. The same is permitted to the Hannibal and St. Joseph, and the Pacific Railroad Company of Missouri, so far as to assist the Kansas Company to construct the Leavenworth branch."

At a regularly called meeting of the stockholders of the Leavenworth, Pawnee and Western Railroad Company, held at Leavenworth June 6, 1863,⁴⁵ the name of the road was changed to the Union Pacific Railway (Eastern Division). The original franchise, together with the land grant of the Leavenworth, Pawnee and Western Railroad Company, was acquired by the new company, and construction work was begun by it September 7, 1863,⁴⁶ at the Missouri river, west from Kansas City.

By the act of July 2, 1864,⁴⁷ the act of 1862 was amended so as to provide that the trunk-line should start from a point on the 100th meridian to be decided upon by the President, "between the south margin of the valley of the Republican river and the north margin of the valley of the Platte river, in the territory of Nebraska, and should have a connecting branch with the Mississippi river at Omaha."

⁴⁵ Secretary of State, 3rd Annual Report (Topeka, 1863), Acct. 1193.

⁴⁶ Wyandotte Gazette, Jan. 26, 1867.

⁴⁷ "Railroad Building on the Plains", in Union Pacific Mag., 1924, Vol. 3, pp. 9-13.

This line was a concession of the Chicago interests.⁴⁸ The Central Pacific, incorporated under the laws of California, May 20, 1861,⁴⁹ was to build eastwardly to a junction with the Nebraska road. To satisfy the St. Louis interests the Leavenworth, Pawnee and Western Railroad, starting at the Missouri line,⁵⁰ on the south side of the mouth of the Kansas river, was to proceed by way of Fort Riley and form a junction with the Nebraska line at the 100th meridian.⁵¹ The latter road was required to construct a branch line connecting Leavenworth with Lawrence, on the main line, and might, if desirable, unite with the Missouri Pacific, or the Hannibal and St. Joseph road, or both, and proceed westward to the 100th meridian. Should the Kansas line outstrip the Nebraska road, it should have all the privileges and endowments of the main line and proceed to race for a junction with the Central Pacific Railroad on the same line. But no bonds were to be issued or land certified by the United States to any person or company for the construction of any part of the main trunk-line of this railroad west of

48 James D. Cruise, "Early Days on the Union Pacific", Kans. Hist. Collections, Vol. 11, p. 533.

49 Paxson, History of the American Frontier, p. 469.

50 Davis, op.cit., p. 101.

51 Ibid.,

the 100th meridian of longitude⁵² and east of the Rocky Mountains, until said road had been "completed from or near Omaha, on the Missouri river, to the said 100th meridian of longitude." The trunk-roads were to be completed in one through line to the Pacific Coast by 1876, or forfeit their entire property to the government.

The Union Pacific of Nebraska and the Central Pacific were granted alternate sections of land for twenty miles on either side of their track, and bonds to the amount of \$16,000 per mile on the plains, \$32,000 per mile for on the higher altitudes, and \$48,000 per mile for three hundred miles through the Rocky Mountains.⁵³ As has been explained, the Kansas line was endowed with the same privileges as the Nebraska line except that the Kansas road, being wholly in the plains, was not granted the increase of bonds allowed the trunk-line in the mountainous regions.

By the act of July 3, 1866,⁵⁴ the Union Pacific Railway, Eastern Division, was authorized to change its route from a connection with the trunk-line in Nebraska to a line up the Smoky Hill, by Fort Wallace, and Denver to a junction with the main line at Cheyenne. The permit for this change

52 Ibid., pp. 102-104.

53 Ibid., sec. 12, p. 105.

54 Congressional Globe, 39 Cong., 1 sess., pt. 4, p. 3586-3589.

in route was granted after it was seen that, due to a number of retarding factors prevalent in Kansas at this time, the Kansas road could not possibly beat the trunk-line in Nebraska to a junction with the Central Pacific. It was not until September 1, 1870,⁵⁵ that the Kansas road was opened for traffic from Kansas City to Denver. On May 31, 1868, the name of this was changed to the Kansas Pacific Railway and January 24, 1880, the road was consolidated with the Union Pacific and Denver Pacific under the name of the "Union Pacific Railroad Company."⁵⁶

At the time when the Kansas legislature chartered the Leavenworth, Pawnee and Western Company the dominant hope was to push the railroad westward and eventually reach the Pacific Coast. But Kansas had no money to use for this purpose, and the East was not willing to risk its money in a territory that might soon belong to the South. Hence it was not until 1857 that preliminary work was begun on this line. The road was surveyed west from Leavenworth as far as Fort Riley.⁵⁷ Finally the contract for construction of

55 Union Pacific R.R. Pamphlet, Vol. 3, p.205. Found in the Kans. Hist. Assoc. Library.

56 Ibid., p. 207.

57 Annals of the Union Pacific, unbound, in Archives, Kans. Hist. Library, Topeka.

the road was let to Ross, Steele, and Company of Montreal, Canada, September 19, 1862,⁵⁸ and work was begun at both Leavenworth and Kansas City on November first of that year. They had expended about \$50,000 upon the gradings, had about 100 men employed upon the task, and work was progressing favorably. The construction of the road was under the supervision of a Mr. Howard Carter.⁵⁹

In June, 1863,⁶⁰ the work came to a standstill. General John C. Fremont (son-in-law of T. H. Benton) and Samuel Hallett, of New York state had purchased a controlling interest of the road, changed its name, and then pronounced the original construction contract as invalid, and issued orders for the Ross, Steele Company to remove its men and implements so that Hallett's Company might continue the work. On June 15 and July 1, 1863,⁶¹ two deeds of trust were executed to Hunt and Ruggles, trustees, giving as security the line of the road and the lands of the company, for the purpose of securing bonds to the amount of \$5,760,000 and \$7,200,000.⁶² The deeds of trust disposed of all the assets of the corporation and conveyed away the en-

⁵⁸ Kansas Historical Collections, Vol. 3, p.535.

⁵⁹ Ibid.

⁶⁰ Sec'y of State, 3rd Annual Report, Acct. No. 1093.

⁶¹ Leavenworth Conservative, Oct. 23, 1863.

⁶² Ibid.

tire property upon which Ross, Steele and Company were to be secured for building the road. Carter and his men were ordered by Hallett to vacate the line, and when they refused, were forcibly removed by Hallett and a company of United States dragoons.⁶³ Hallett's means of securing these soldiers to aid him was and is still a mystery.

Ross, Steele and Company then resorted to law, and brought an injunction suit against the Union Pacific Railway Company to prevent the issuance of bonds. The suit was heard in the United States circuit court, before Associate Justice Miller, at Keokuck, Iowa. Much tedious litigation followed, but the decision was in favor of Hallett and his clique.⁶⁴

Hallett pushed the construction of the Kansas road with great rapidity. However, due to his natural tendency toward autocracy and rapacity, he had trouble with his men and with the towns along the line of road.

When the Kansas Division was surveyed,⁶⁵ the grading was begun from Mud creek, east of Lawrence and ran west towards the bluff, four miles north of Lawrence. The same

⁶³ Annals of the Union Pacific.

⁶⁴ Federal Cases in Circuit and Dist. Courts of the U.S.,
Vol. 20, p. 1245.

⁶⁵ "Reminiscences of Hon. J. C. Horton", Kans. Hist. Collections,
Vol. 8, p. 204.

thing happened at Topeka. The proposition of the contractors was to build to the north of both of these towns, saving two and one-half miles at Lawrence, and about one and three-fourths miles at Topeka. A storm of protest was raised, meetings were held, and a committee was formed to go to Washington. The proposed route was a shorter cut across but this should have made no difference to the railroad company, for they received as much per mile for the mileage, and a few miles only added to their income.

Senator James Lane presented to Samuel Hallett, contractor, a petition signed by 36 United States senators, and endorsed by A. Lincoln, asking that the road touch these two Kansas towns. Hallett refused, demanding \$300,000 from Lawrence.⁶⁶ Lane then had a bill passed by Congress authorizing the construction of the road to these points, but still the full sum was demanded. Hallett and J. D. Perry called at Lane's sick room and informed him that they had determined not to change the location of the road unless Lawrence would vote them \$300,000 in bonds. Such a request was unusually harsh in view of the heavy losses Lawrence had just recently suffered from Quantrell's raid. Finally,

⁶⁶ *Idem*, Vol. 11, p. 524.

after the company realized that it could not extort the money, the president of the road ordered Mr. Hallett to make a new survey and locate the road as near to the bank of the river opposite Lawrence as they could get the depot grounds.⁶⁷ Hallett, on June 13, 1864, wrote Lane: "An inquiry into the wishes of the government and the facts in the case has induced me to adopt your suggestion in locating the main line of the Union Pacific Railway, East Division, so that it shall approach the Kansas river at the nearest practicable points opposite Lawrence and Topeka."⁶⁸

Of equal significance is his quarrel with Leavenworth. This town had been a military post and central depot of the West.⁶⁹ It had been a supply base for emigrant trains as well as a depot for military expeditions. Due to its importance in western affairs, Leavenworth considered itself as the only possible eastern terminus of the new railroad.⁷⁰ Soon exorbitant prices were demanded for land and for all supplies needed by the construction gang. Although this town had voted the bonds requested by the railroad company, they were withheld until a certain number of miles should

67 *Idem*, Vol. 8, p. 205.

68 *Idem*. Vol. 11, p. 205.

69 Official Notes, Agric. Report - 1877, p. 269.

70 Atchison Globe, July 21, 1928, p. 1.

be actually completed. Hallett soon became disgusted and removed everything to Wyandotte, making that the initial point of the road, in accord with the terms of the charter.

The first rail of this great system was laid April 14, 1864,⁷¹ in Wyandotte at the foot of Minnesota Avenue. The first locomotive was brought over the river a few days later.

Hallett was working rapidly and was very confident of success. He sent an elaborately decorated invitation to all high officials and men of wealth to be present August 18, 1864, at the completion of the first 40 miles of the road. Free passes were to be given to all who could attend.⁷²

However, this celebration did not take place, for Mr. O. A. Talcott, chief engineer, had truthfully reported to President Lincoln that the road was too poorly constructed to meet the requirements for the subsidy. Hallett was naturally enraged at this report and a violent feud between Hallett and Talcott resulted in the murder of the former and the voluntary exile of the latter. Talcott was never apprehended.⁷³

71 T. S. Case, History of Kansas City, Mo. (St. Louis, 1889), p. 139.

72 Cruise, loc. cit., p. 537.

73 Cruise, loc. cit., p. 538.

Hallett was succeeded by John D. Perry, of St. Louis who became president of the road. In spite of the delays caused by Hallett's death, the lawsuit of Ross, Steele and Company, and the fact that work done under Hallett's management had to be gone over and improved, Mr. Perry pushed construction ahead with great speed and energy.

After the road had reached Lawrence, Messrs. Shoemaker, Miller and Company, from Ohio, took charge of the construction and built the road to Sheridan, Kansas.⁷⁴ Sheridan, now extinct, was located on the east bank of the North Fork of the Smoky Hill river in Logan county, at the crossing of the Union Pacific railroad.⁷⁵ The construction from Sheridan to Denver was done by the railroad company itself.⁷⁶

During the seven years spent in constructing the line many hardships were undergone. All materials for the road had to be transported from points south of Wyandotte on the Missouri river by boat.⁷⁷ The Indians in most all sections of the state opposed the graders and other workers, knowing them to be the advance guard of a civilization which in its coming to the West, would demand the removal of the red men

74 Wyandotte Gazette, Jan. 26, 1867.

75 F.G.Adams, Homestead Guide. (Waterville, Kans., 1873) map., p.1.

76 Lawrence Tribune, Sep. 5, 1868.

77 Leavenworth Conservative, Dec. 3, 4, 1863.

from their prairie homes. The Eighteenth Kansas Cavalry was organized and served from July 15 to November 15, 1867,⁷⁸ for the better protection of the construction men. Section gangs most always carried breech-loading rifles known as "railroad guns".

It has been intimated that certain sections of Hallett's construction work on the first forty miles in Kansas was of inferior quality. Much of it had to be changed, and in some places the rails were removed and the gradings were resurveyed.⁷⁹

On July 29, 1864,⁸⁰ the first United States Commission was appointed to examine both the Union Pacific in Nebraska, and the Eastern Division of Kansas. Rails had been laid as far as Lawrence by November 26, 1864.⁸¹ For some reason this Commission never did make an official examination.⁸² A second Commission was appointed by President Andrew Johnson, April 29, 1865, to examine the first completed section in Kansas. This Commission was composed⁸³ of D. R. Garrison, vice-president of the Missouri Pacific; Henry Moore, super-

78 Cruise, *loc.cit.*, p. 541.

79 Report of Sec'y of Interior (Washington, 1866), pp. 957-980.

80 Gov. Samuel Crawford, *Impression Book of Letters*, 1865, p. 57.

81 *Annals of the Union Pacific*.

82 Crawford, *op.cit.*

83 *Ibid.*

intendent of the St. Louis, Alton and Terre Haute; and Richard W. Thompson, of Indiana, who declined, Gov. Samuel Crawford of Kansas was appointed in his stead. On May 10, this Commission met at Wyandotte. On May 11, it rendered a favorable report concerning the railroad and telegraph line for 40.2 miles, or from the state line of Missouri near the Kaw river, and a spur toward Wyandotte to the end of the track at Lawrence.⁸⁴ The members of this Commission recommended the acceptance of this section of road to the President who submitted the report to the Secretary of the Interior. On May 29, James Harlan of Iowa, the new Secretary of the Interior, informed the President that he was dissatisfied with the Commission's report. Harlan considered the road grade as being deficient, and recommended a new examination to be made by another board consisting of an engineer from the War Department, Governor Crawford, and H. D. Scott of Indiana. President Johnson acquiesced at once but reconsidered and on June 3 called for a conference which resulted in suspension of this board, and the acceptance of the first 40 miles June 19, 1865. The President's acceptance was largely due to the influence of Governor Crawford, who at the urgent request of President

⁸⁴ Ibid.

J. D. Perry and other officials of the Kansas Division, boarded the steamer Emilie at Wyandotte on June 13, and proceeded to St. Louis and Washington, where he remained at his own expense for several weeks.

Governor Crawford served in two official examinations. He also accompanied the Commission appointed in November, 1865, to examine the section to Grantville.⁸⁵

The examination made October 3, 1865, was by a committee consisting of Lieut. Col. J. H. Simpson, of the U.S. Engineering Corps, Crawford, and H. D. Scott, all appointed September 7, 1865. In this report Scott and Simpson were very critical and stated that they could not "consistently with the facts, report the same as a first class railroad, agreeably to the requirements of the law..... a favorable report on the road would make its present inferior character a standard for the remaining portions." Their main objection was as to the grade of the road, which they intimated should be at least 30 feet to the mile, as required of the Omaha branch.⁸⁶

On September 17, 1865, the question of the quality of the first section of road came up for consideration. Al-

⁸⁵ Annals of the Union Pacific.

⁸⁶ Report of Sec'y of Interior, 1865, pp. 965-974.

though Johnson had accepted this 40 mile stretch the preceding June, he decided to have it re-examined. A new commission was appointed but failed to agree. On October 6, several reports on this section and six miles more were made by the Commission. Governor Crawford, who was a member, refused to sign the report and made a more favorable minority report.⁸⁷ He blamed floods and adverse climatic conditions for the presence of inferior road bed.⁸⁸ He promised, in behalf of the railroad company, a speedy repair of all damaged sections, including the replacement of all defective bridges and culverts. His reports dated October 4, 12, and 13, urged the acceptance of the road to aid a great state enterprise, and doubtless caused the final acceptance of the first 46 miles by the President on October 28, 1865.⁸⁹

It is quite obvious that Governor Crawford was a friend of the railroad. In all controversies he was ever a staunch supporter of the railroad and of its extension through Kansas. His attitude was so well known that the Union Pacific people were more than glad to reimburse him

⁸⁷ Kansas, House Journal, 1868, pp. 835, 841, 847; Gov. Sam. Crawford Bound Correspondence, pp. 1, 14 Found in Archives, Kans. Hist. Society Library

⁸⁸ Letter from Gov. Crawford to Pres. Johnson, Oct. 18, 1865, p. 5.
⁸⁹ Kansas House Journal, 1868, p. 847.

well for his great services. Among a certain element of "pro-Nebraska road" men there were those who suspected, or pretended to suspect, Crawford's actual relation to the Kansas road. Finally this group of agitators succeeded in launching an investigation.⁹⁰

On February 27, 1868 a report was made by a special committee concerning Governor Crawford's connection with the Union Pacific, Eastern Division. This committee was composed of⁹¹ C. R. Jennison, R. D. Mobley, and J. L. Philbrick. The last two members gave a majority report exonerating Governor Crawford. Their decision was the result of facts brought out in the testimony of J. D. Perry, and Land Commissioner, E. M. Bartholow. According to the facts presented,⁹² the United States Commissioners (3 in number) were allowed by the act creating the board, a compensation of \$10 per day, and mileage of 10 cents per mile. The commissioners were paid \$300 to \$500 for one tour of examination. All expenses were paid by the railroad company. However, it was brought out in the investigation, that Mr. Crawford was paid in land, not cash. He received 640 acres of railroad land which was worth \$1.25 an acre.

⁹⁰ Ibid., 1868, pp. 575-6.

⁹¹ Ibid.

⁹² Ibid., p. 858.

The land was bonded to him in July, 1866, and deeded to him March 26, 1867 in consideration of his services to the railroad which Mr. Crawford considered worth \$1000 in cash.

It was shown that Governor Crawford served six or eight weeks on examining committees, the last of which included two other members who opposed the acceptance of the road, being officials of other railroads in favor of the Omaha line of the Union Pacific.

Testimony showed ⁹³ that Governor Crawford paid his own expenses to Washington, D. C. to St. Louis, and to points in Kansas in the interest of the Union Pacific, and that he should have received 1280 acres of land for his unusual services. Jennison's minority report charged that Crawford really had received \$10,240 worth of land, but President Perry countered this charge with the claim that land deeded to the governor was worth (1868) \$7 to \$8 per acre instead of \$20 to \$22 as Jennison ⁹⁴ had stated. Most of the evidence pointed to Governor Crawford's honesty and good faith, and it was impossible to establish any proof

93 Bound Correspondence of Gov. Crawford, 1865, pp. 7, 8, 16, 18, 2.

94 Wilder, op. cit., p. 475, Kansas, House Journal, 1868, p. 835, 838.

that he ever exercised his official power in any way except in the interests of Kansas and her developments.

UP TO 1870

The beginning of Kansas railroad building was by independent and separate interests. The Union Pacific was part of a great system, but it was not connected with any other road in Kansas. Many companies were organized and much independent local action was undertaken. A striking example of local promotion was the old Elwood and Marysville road. The people of the northeastern part of Kansas had become enthusiastic in their faith in the future of the then Kansas Territory and in railroads, and had decided to build a road of their own to connect with the new road in Missouri. Consequently the Marysville or Palmetto and Roseport Railroad (Elwood and Marysville) afterward called the St. Joseph and Denver City Railroad, was organized in January, 1857, by local men and for the most part, with local capital. About five miles of road were built in this manner.¹

¹ O.C. Hull, "Railroads in Kansas", Kans. Hist. Collections, Vol. 12, p. 37.

However, local capital and construction force alone were insufficient for the proposition of railroading on an extensive scale, and practically all of the really important roads were backed by eastern capital,² although there might be local representation and often local control was maintained. The interests which were back of each company were, as a rule, independent, unallied, and often antagonistic. As the railroad industry became more definitely established its value as an investment was assured, and the large financial interests soon discovered that the most profitable way of operating the roads lay in consolidation.

During the early years of railroad construction practically all of the roads were built with borrowed money. Their bond issues was usually all the road could bear. Of course, the roads were aided by the localities through which they passed, and most of them by large grants of government land. In some cases these grants amounted to the entire cost of the road.³

To help secure railroads, the organized counties voted large amounts of bonds to the roads, and the progress of the roads was the progress of the state. In addition to the aid

² Ibid., p.40.

³ United States Statutes at Large, Vol. 12, p. 1196.

that the state gave in the grant of land, the cities and towns along the lines of survey donated bonds which in the case of the Missouri River, Ft. Scott, and Gulf, aggregated \$700,000, or more than \$4,600 per mile.⁴

It was about 1868 when the bond voting mania swept over Kansas.⁵ The state could not be involved, as the constitution prohibited her from becoming a party to works of internal improvement, and limited the amount of the state debt. There was, however, a great desire for railroads, and the people wanted them quickly. It was largely due to this enthusiastic attitude of the people that large sums were voted and thus opened the way for graft and reckless management. For instance, the iron for the road between Pleasant Hill and Lawrence was bought in England, and brought by way of New Orleans, costing \$140 a ton in greenbacks (which would have been about \$80 in gold). By 1903 a ton of steel rails cost \$27 and one steel rail will outwear 25 iron rails.⁶ But in the 'sixties the cost and scarcity of rails meant nothing to a population who wanted railroads. To them, nothing was too dear or too extrava-

4 "Secret History of Kansas", National Quarterly, Vol. 41, p. 105.

5 J.C. Horton, "Business then and Now", Kans. Hist. Collections, Vol. 8, p. 145.

6 Ibid.

gant for Kansas. Since the adoption of the land grant policy in 1866 the railroads have as a rule been built largely within those districts where the population was large enough to furnish local business sufficient to justify the investment.

The relation between the population of the state and the railroad mileage is a direct one. With but a very few exceptions the growth of the two has gone on together. The coming of the railways early, while often unprofitable for the stockholders, was a great influence in the development of the country. An early writer says,⁷ "The rapid growth of Kansas is owing mainly to the Kansas railing system." This is certainly true of the period for agricultural purposes and of the later period of manufacturing.⁸ Kansas had a few people (70,000-75,000)⁹ and some industry before a railroad reached her borders. But one of the most serious obstacles in the way of settlement was the fact of separation from the East.

The Union Pacific was the first railroad built entirely across the state and westward, regardless of popu-

⁷ M.W.Reynolds, "Kansas Railroads", Kans. Magazine, Vol.1, p.19.

⁸ Ibid., p.24

⁹ Topeka Daily Capital, Aug. 25, 1929, p. 79.

lation.¹⁰ This fact surely removes the idea that it depended upon the people of Kansas for support. It was built solely to connect the East with the West, and was justified by its land-grants and by the prospects of through commerce.¹¹ This was the beginning, and was sufficient to bring many settlers. As a rule, the settlements were made along the lines of railroad, and until settlement was extended in other directions there was no inducement for other roads. The only instances where the roads left the settled districts and launched out into sparsely settled or unsettled parts were where they had some goal in sight and did not have to depend on local traffic for support.¹²

Aside from the indirect inducement which railroads offered for settlement, there was the direct advantage of securing land cheaply. The railroad companies sold several large tracts to foreign immigrant societies and brought foreign colonies into the state, thereby greatly increasing the population along their lines.¹³

The periods of growth of railroad mileage in Kansas correspond exactly with the periods of prosperity and good

10 Union-Pacific Pamphlet, Vol. 1, p. 68. Found in Kans. Hist. Society Library. Compiled at Omaha, 1923.

11 Ibid.

12 Ibid.

13 Ibid., p. 69.

business. Nothing has responded so quickly to the changing financial conditions as railroad building.¹⁴ The first period of construction began about 1865, and 1,245 miles were completed by 1870.¹⁵ The home-returning soldiers and the railroaders came together. (Immigrants to other states "came in slow moving canal boats or canvass covered wagons, but they came to Kansas in the lightning express, and most of them went to their claims in comfortable cars, drawn by that marvel of modern mechanism, the locomotive."¹⁶ Kansas has never had a "coon-skin" cap population and is a child of the prairies, not of the forest. Those travelers who came to Kansas to build homes brought with them the school, the church, and the printing press. They planted orchards and developed their claims in an efficient manner.

It is obvious even to the most skeptical that the growth and development of the railroads of Kansas has gone hand in hand with the growth and development of the state in population and wealth, "the whole constituting one of the most marvelous incidents in modern industrial history."¹⁷

¹⁴ Reynolds, *loc. cit.*

¹⁵ See Appendix p. III².

¹⁶ John A. Martin, "The Development of Kansas", Kans. Hist. Collections, Vol. 3, p. 375.

¹⁷ F. D. Thacher, "History of R.R. in Kans.", in Report on Internal Commerce of the U.S., Wash., 1899) p. 187. Found in House Ex. Doc., No. 6, 51 Cong., 1 sess. pt. 2, No. 2738.

On the first of January, 1864 not a mile of railway was in operation in Kansas. By January 1, 1869, there were nearly 9,000 miles fully completed, equipped, and doing business. Kansas is a creature of the railway; that is, if the railway had not existed the Kansas of today could not have been.¹⁸ The growth of a community is limited by the powers of production, not what it might produce under the most favorable conditions, but what it can produce under existing conditions. Without railroads the wealth of Kansas would have been the products of flocks and herds, cattle and hogs may be driven on foot but the direct products of the soil will endure or bear the cost only of short carriage by wagon.¹⁹ They must be consumed in the immediate neighborhood or transported by water or rail. Kansas rivers were never considered ideal for navigation and most early-day water traffic in Kansas was limited to within 100 miles²⁰ of the eastern boundary. In view of this situation it is only fair to conclude that the coming of the railway opened the granaries of Kansas to the markets of the world. It does seem, at first consideration, that certain roads such as the Union Pacific, in projecting their lines beyond the

18 Ibid.

19 Ibid.

20 Ibid.

populous districts were gambling with chance. Would such roads be forced to depend solely on transcontinental traffic? Would the immigrant settle along the lines of road and favor them with his freight? These questions are best answered in the letter written by J. D. Perry, President of the Union Pacific Railroad, Eastern Division. This letter²¹ formed part of a report sent to the stockholders of the road.

"From November 1, 1866 to October 31, 1867, a period of 12 months, the earnings of the road have been as follows:

"From government business.....	\$455,653.65
From merchandise and passenger traffic	1,169,502.67
Total receipts.....	<u>\$1,625,156.32</u>

The following table will more fully show the relation of the present business of the Government to the interest paid from the National Treasury on bonds issued to the Company.

On Oct. 1, 1867, the road was open to Ellsworth	224 miles
On Oct. 4, to Hays.....	290 "
Average length of main line, operated in Oct.	260 "
Total Government business for Oct.	\$81,517.59
Fifty per cent retained by law, by U.S.Treas.	40,758.79
Total U.S.Bonds, received on 260 miles	\$4,160,000.00
Interest on same for one month at 6%	20,000.00
Excess for Oct. retained by U.S.Treas. to meet bonds at maturity.....	19,958.79
which contributes at a rate sufficient to meet the principal of those bonds, in about 19 years, or 11 years before maturity."	

²¹ January 2, 1868, p. 8.

The saving in rail over wagon transportation is shown by the following statement of the aggregate tonnage carried for the government between November 1, 1866 and October 31, 1867."

"Total number of Tons.....	20,343
Average distance carried by rail.....	104 mi.
Cost of freight on above number of tons	\$329,182.57
The average cost to the Government by wagon transportation from 1865 to 1867, inclusive, was	\$1.57
per 100 pounds per 100 miles. At this rate the 20,343 tons, carried by rail between the dates above specified, would have amounted to	\$664,331.00
The cost of rail transportation being	\$329,182.57
There is a saving to the Government of	\$335,138.43"

The extensive building of railroads was naturally retarded by the Civil War, the unsettled state of the border and the bitter antagonism of Union and Confederate elements in Missouri and Kansas. At this time the people had no capital, lands were unsalable and bonds would have sought in vain for a market. The passage of the Pacific Railroad Act furnished a point for the inauguration of railroad building. A striking testimony of the comprehensive power of the federal government and the sagacity and resolution of statesmen conducting it is that in the very midst of the great war they should have opened for construction the Pacific Railroad.

As early as 1866 the statement was made that "the Union Pacific Railroad precedes even the pioneer.....ever rolling farther and farther west. It is a railroad beyond civilization, a highway for uncreated traffic, and unborn cities,.....and yet a mere parallel of iron in the slumbering wilds of the west, born of a magnificent idea, and existing alone as yet on hope and manifest destiny."²²

The present and future of the young state of Kansas depended on the running of the railroad through her land, and the settler as well as the eastern politician was aware of the necessity of securing a transcontinental railroad with branches stretching through all sections of what was once known as Nebraska Territory. An early issue of the New York Herald²³ states that "the extension of the Union Pacific Railroad into the bowels of Kansas in several different directions will come up in Congress this winter. Kansas is growing so rapidly that the claims of a dozen little towns for railroad benefits are pressed with a confidence which would have been unwarrantable when the Pacific Railroad was first breached. Kansas will be as heavily represented in the Third House this winter as New Jersey and Maryland."

²² Beloit Call, May 21, 1909.
²³ October 3, 1866.

The period of time covering the close of 1865 and the advent of 1866 was hardly what one might term as favorable to conditions in Kansas. The population of the state May 1, 1866, was 140,179.²⁴ The energies of the majority of this population had been devoted to war, and not to industries. The Government no longer furnished a market for hay, corn, pork and flour. There were no railroads to tempt a surplus from the soil by furnishing transportation to market. Great numbers of men who were mustered out of the armies sought homes and opportunity in the South or turned their faces to the far West. The development of Kansas seemed at a standstill. Kansas became a state with no money, no markets, and not a few dissatisfied citizens. In the light of those conditions and the subsequent results, no single act of that session conduced so much to the general welfare of the state as the bill²⁵ dividing the 500,000 acres of land donated by the state for internal improvements among four projected railroad enterprises which were dormant. This "Kanning Bill" resulted in the construction of the road from St. Joseph west through what was known as the northern tier of counties; of the road from

²⁴ Kansas Senate Journal, 1865, p. 104.

²⁵ Kansas, Laws of 1866, Ch. 61.

Junction City down the Neosho Valley; of the Leavenworth, Lawrence, and Galveston road, and the Kansas City, Fr. Scott, and Gulf.²⁶ Their construction, together with the construction of the Union Pacific and the Central Branch from Atchison, both of which received aid from the federal government, gave great zest and stability to agriculture and commerce at a very critical period in the state's history.

At the time this act was passed much adverse criticism appeared concerning the disposal of the land. The United States Congress, by Section 8 of an act approved September 4, 1841, entitled²⁷ "An act to appropriate proceeds of sales of public lands and the granting of preemption rights", granted to each state then and thereafter to be admitted into the Union "50,000 acres of land for purposes of internal improvement." Up to 1864, the several states had disposed of their respective donations in various ways. These of the citizens of Kansas who claimed that the 500,000 acres of land belonged to the public school fund based their assumption upon the words in Section 7 of the

²⁶ Cutler, *History of Kansas*, pp.246-257.

²⁷ *Congressional Globe*, 27 Cong. 1 sess. pp. 156,157.

ordinance which is the prelude to the Wyandotte constitution²⁸ under which Kansas became a state. That ordinance attempted to state the terms upon which Kansas would relinquish the right to tax government land after statehood was conferred upon her. Two of those conditions were set forth in sections 6 and 7, that "all mines, with the lands necessary for their full use shall be granted to the state for works of public improvement", and "that the 500,000 acres of land to which the state is entitled under the act of Congress entitled 'An act to appropriate the proceeds of the sales of public lands and grant preemption rights' approved September 4, 1841, shall be granted to the state for the support of common schools."²⁹ Congress did not approve of the conditions thus set forth in this act, but in section 3 of the act of admission is found these words: "Nothing in this act shall be construed as an assent by Congress to all or any of the propositions or claims contained in the ordinance of said constitution of the people of Kansas,.....but the following propositions are hereby offered to the said people of Kansas for their free acceptance or rejection, which, if accepted, shall be obliga-

²⁸ Dessler, Compiled Laws of Kansas, 1865, p. 49.

²⁹ General Statutes of Kansas, Topeka, 1901, p.34.

tory on the United States and upon the said state Kansas, to wit", and here follow six different propositions and conditions, but none of them include the 800,000 acres of land given by the act of September 4, 1841, for internal improvements, and the fact that Kansas was organized as a state under this Act of Congress, forever barred the ordinance interpretation as to the disposal of the 800,000 acres of land, and by inference, the state must have accepted it for internal improvements. The building of railroads is to such an extent public enterprise and "internal improvements" as to be under legislative control, and therefore worthy of state and municipal aid. That this had been the accepted interpretation by others in Kansas prior to the introduction of the bill dividing it among certain railroads is evident from the fact that bills had been introduced in previous legislatures to dispose of the land for internal improvement purposes, especially for the construction of highway bridges.³⁰ Kansas Senate bill number 49,³¹ introduced by Senator Manning, relative to donating this land to the railroads, was introduced on January 17,

³⁰ Kansas Senate Journal, 1866 (Topeka, 1866) p. 39.

³¹ Ibid., p. 92.

1866. It had its origin among the members of the senate and house from northeastern Kansas. This bill, as finally passed through the senate, divided the 500,000 acres among three railroad companies.³²

State Superintendent of Instruction, Peter McVicar, instituted a case in the form of an injunction, restraining the officers appointed to consummate the sale from issuing patents to purchases of the land granting certificates, or receiving moneys on such sales. A formal decision was rendered in the district court and the case was taken before the supreme court. In the supreme court it was agreed to waive all technical points and present to the court for decision simply the question whether or not the title to these lands, as stipulated by the constitution, vested in the state for the benefit of the common schools. The attorney general rendered an opinion that the state had no right to appropriate these lands to schools³³ without the direct approval of Congress by special act, as had been done in the cases of Nevada, Iowa and Wisconsin. He held, by the clause in the Act of Admission in which Congress refused to recognize "any or all grants as provided in the constitution of

³² Congressional Globe, 1861-'62, p.2838.

³³ W.C.Webb, editor, Kansas Statutes (Topeka, 1897), Vol.1.

Kansas", that the right to transfer this grant to the school fund had been denied. By this decision the school fund was deprived of 500,000 acres of land. The railroads appropriated these lands to their use as fast as the fulfillment of their contracts entitled them to it.

The Leavenworth, Lawrence, and Galveston Railroad enterprise was a slumbering project that was about to die out, and naturally, its friends wanted a portion of the 500,000 acres. Lawrence at that time was the center of all activity and constitutional construction within the state. It was here that a public meeting of the leading citizens assembled and pledged themselves against the passage of the Manning Bill. The proceedings of this indignation meeting were published in John Speer's Lawrence Tribune,³⁴ and a large bundle of these papers was sent to Topeka to be distributed among the members of the lower House.³⁵ It happened that the members of the legislature who were opposed to the land bill had, on the same evening, assembled in caucus, and by getting two members from Topeka to join them obtained a majority of House members, who agreed not to vote for the bill disposing the 500,000 acres or for any

³⁴ Lawrence Tribune, Jan. 25, 26, 1866.

³⁵ Kansas Historical Collections, Vol. 9, p.272.

disposition of the same. The members who lived along the line of the proposed L. L. and G. R. R. were a part of this caucus. Before daylight the managers of the bill conceded the cutting of the land into four parts and admission of the L. L. and G. for a share.³⁶ This turn in events was not learned in Lawrence until after Speer's Tribune was well on its way to Topeka. Speer, upon hearing the news, telegraphed to Topeka to have his extra Tribunes disposed of secretly, before they could be delivered to their destinations. Speer then came to Topeka to assist in adjusting the unconstitutional act, the conditions of adjustment being that the L. L. and G. R. R. was to get one-fourth of the land. After the Lawrence interests were cared for, the remaining constitutional objectors were for the most part, those who lived far off from the lines of railroads benefited.³⁷

If the contention is tenable that the 500,000 acres belonged to the state for school purposes under the terms of the ordinance clause of the Wyandotte constitution then the mines³⁸ in the state belonged to the state for internal

³⁶ Kans. Pacific R.R. Clippings, Vol. 1, p. 36, in Kans. Hist. Society Library.

³⁷ Ibid.

³⁸ Ordinance, Sec. 5; General Statutes of Kansas, 1901, p. 34.

improvement purposes. The original senate bill dividing the land among three railroad companies was defeated in the House and subsequently, February 2, 1866, Senator Oliver Barber from Lawrence, introduced a new bill, Senate bill No. 105,³⁹ dividing the land among four railroads, and that bill became a law, and the roads were all built.

The Act of Admission provided expressly that "nothing in said constitution respecting the boundary of the state shall be construed to impair the right of the persons or property now pertaining to the Indians in said territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or include any territory which by treaty with such Indian tribe is not without the consent of the tribe to be included within the territorial limits or jurisdiction of any state or territory."⁴⁰ The grants for school purposes within the territory to be acquired at a later time from the Indians depended upon the interpretation of this clause.

In May, 1867,⁴¹ Mr. N. G. Taylor was sent from Washington, as president of a commission, to hold a council with

³⁹ Kansas Session Law 1866 (Topeka, 1866) Ch. 61, pp. 142-146.

⁴⁰ United States Statutes at Large, Vol. 12, p. 127.

⁴¹ Union Pacific Railroad Pamphlet, Vol. 3, p. 205.

the Osage Indians, and to draw up a treaty, subject to ratification by the senate, ceding part of the Osage lands to the federal Government. Superintendent McVicar met the commission at Humboldt and presented the claims of the common schools to sections 16 and 36, which should revert to the schools of Kansas. His claims were disregarded and the treaty was signed by the commissioners and the chief of the tribe. By the terms of this treaty not an acre was reserved for school purposes, but the whole domain was to come into the possession of a William Sturgess, of Chicago, representing the Leavenworth, Lawrence and Galveston Railway Company, at a price less than twenty cents per acre. Indignation meetings were held in all parts of the state and petitions⁴² sent to Washington against the actions of the commissioners. Congress reversed the construction given to the clause of the Act of Admission by passing an act, in the form of a joint resolution, securing to the state, for the use of public schools, sections 16 and 36 in the ceded Osage district. However, the railway company took the matter before the Department of the Interior, and the Secretary decided that the ceded lands were not a part of the state,

⁴² Report of State Supt. of Public Instruction, 1868, p. 12.

but were held in trust by the United States, and all benefit derived from them could not be given to the school fund and must be returned to the Indian tribes.⁴³

In 1862 the United States made a treaty⁴⁴ with the three bands of Pottowattomies that had settled in the eastern part of the first Kaw reserve. At this time the blanket Indians, known as the prairie band, severed their connection with the two other bands, the Woods and Christian, and received as their share of the tribal domain 77,440 acres, or eleven square miles of land. The other two bands were allotted land in severalty - 640 acres to each chief, 320 to each head man, 160 to each head of a family, and 80 acres to each other person. Two institutions were granted 320 acres each. The residue was offered to the Leavenworth, Pawnee and Western Railroad Company, but no sale was successfully made. In 1867, by another treaty,⁴⁵ a new home was provided for that band of Pottowattomie that had not yet acquired a personal ownership. These Indians were known as the Mission band. The land originally intended for their use was transferred to the Atchison, Topeka

⁴³ Report of State Agent, 1868, p.4.

⁴⁴ United States Statutes at Large, Vol.12, pp.1191-1197.

⁴⁵ Idem., Vol. 15, pp. 531-538.

and Santa Fe Railroad company at a price of one dollar an acre, the amount to be paid in lawful money - that is in greenbacks.

The treaty of 1860, with the Delawares provided that the Leavenworth, Pawnee and Western Railway Company might have the privilege of buying what remained of the diminished reserve.⁴⁶ The conditions under which the railroad company was to have the land were not complied with, and, in 1861, it was found necessary to make other arrangements with this company.⁴⁷ Finally, a sale of 223,890.94 acres was made, but the railroad company paid down no money. Instead, a mortgage on a part of the land was given to secure to the Delawares the payment of the whole.

In 1866 the Indians tired of living on their separate allotments, so a treaty⁴⁸ was drawn up by which they ceded in trust all their remaining Kansas lands. The Secretary of the Interior was authorized to sell the same to the Pacific Railroad Company of Missouri. The sale was made in 1867 at \$2.50 an acre.

By the Kickapoo treaty⁴⁹ of 1863, 1,120 acres of the lands were to be used for miscellaneous purposes, and 40

46 *Ibid.*, Vol.12, pp.1129-1134, *Andrea, Hist. of Kans.* p.500.

47 *Ibid.*, pp.1177-1185.

48 *U.S. Statutes at Large*, Vol.14, pp.793-798.

49 *Andrea. op.cit.*, p.73.

acres were to be given to each absentee Kickapoo provided he return to Kansas within a year. The remainder of the land was ceded in trust to the United States, for the express purpose of selling it to the Atchison and Pike's Peak Railroad Company, whose agents practically drafted the treaty.⁵⁰ In 1863 the United States succeeded in selling 123,832.61 acres, lying mostly in Brown county, to the railroad company. Soon afterward the land was advertised, and as "all time purchasers were required to improve at least one-tenth each year the reserve was soon dotted over with farms."⁵¹

From the instances cited it is quite evident that the railroad promoting era during and following the Civil War led every one to look lightly on Indian titles. Congress by the act of March 3, 1863,⁵² had granted lands to the state of Kansas to aid in the construction of certain railroads. Under formal certificate from the Department of the Interior, the governor of Kansas issued patents to the Leavenworth, Lawrence and Galveston. In July, 1866,⁵³ an

50 Annie Heloise Abel, "Indian Reservations in Kans. and the Extinguishment of their Title", Kans. Hist. Col., Vol. 8, p. 90

51 Ibid.

52 U.S. Statutes at Large, Vol. 12, pp. 772-774.

53 Idem., Vol. 14, pp. 288-291.

act of similar tenor was passed, making the Missouri, Kansas, and Texas the beneficiary. When the Osage treaty of 1867 came to the senate, it was amended so as to recognize the force of those acts. These congressional acts provided that each alternate section within a limit of 10 miles on each side of the track should go to any company building through the state.⁵⁴ Consequently we find the two railroads, above named, claiming the alternate sections through the Ceded Lands. One road took odd numbered sections, the other took the even numbered ones. The tracks were placed so that the grounds of each road overlapped. In October, 1874,⁵⁵ these railroad patents were cancelled, upon objections raised by Kansas settlers.

The Missouri River, Ft. Scott, and Gulf Railroad was organized in 1868 for the purpose of facilitating the development of the southeastern part of the state and received from the state of Kansas a grant of 125,000 acres⁵⁶ of land, or a little more than 830 acres to the mile of track, but all except 17,000 acres was forfeited because of the failure of this road to perform the conditions of its grant.

⁵⁴ Ibid.

⁵⁵ U. S. Statutes at Large, Vol. 16, p. 735.

⁵⁶ H. V. Poor, Manual of Railroads (New York, 1868), p. 902.

The line was open to Olathe in December, 1868, to Ft. Scott December, 1869, and to Baxter Springs May 2, 1870,⁵⁷ giving the road a total length of 161 miles. The branch of the "Katy" coming down from Junction City succeeded in touching the Indian territory line before this road did, and since the government would grant but one railroad charter in the territory the course of the Gulf road was changed to the southeast and a line constructed from Ft. Scott, which was known as the Kansas City, Ft. Scott and Memphis,⁵⁸ now part of the Frisco.

The Missouri river, Ft. Scott and Gulf road was originally called the Kansas and Neosho Valley Railroad Company, and by that name filed its charter of incorporation in the office of the Secretary of State, on the 28th day of March, 1865.⁵⁹ Its northern terminus, as fixed by its charter, was the "eastern terminus of the Union Pacific Railroad, E. D., on the state line dividing Kansas and Missouri." The southern terminus was 'a point on the southern boundary of Kansas at or near Baxter Springs, south of Ft. Scott, and in the direction of Ft. Gibson'.

⁵⁷ Ibid., p. 900.

⁵⁸ Letter to Author, Nov. 4, 1929. Written by Chief Engineer, St. Louis, San Francisco Ry. Co., St. Louis.

⁵⁹ Charter of Kans. & Neosho Valley R.R. (original), Found in Archives, Kans. Hist. Society Library.

As has been said, this railroad, then known as the Kansas and Neosho Valley R. R. Co., received in July, 1866, its fourth of the proceeds of the 500,000 acres of land to aid in building a road "commencing at or near the mouth of the Kansas river, in the State of Kansas, opposite the city of Wyandotte, and running through the counties of Johnson, Miami, Linn and Bourbon, in the direction of the southern boundary of the state." This road also received certain public lands to aid in the construction of a railroad from the eastern terminus of the U. P. R. R., E. D., at or near the mouth of the Kansas river, at the line between Kansas and Missouri, southwardly in the eastern tier of counties toward Preston, Texas.⁶⁰

On the 5th of October,⁶¹ 1868 the probate court of Johnson county, granted a decree changing the name of the Kansas and Neosho Valley Railroad Company 'to the Missouri River, Ft. Scott and Gulf Railroad'. This decree was filed with the Secretary of State on October 10, 1868.⁶²

About this time the question of the Cherokee Land sale came before the people for dismissal. In reply to a reso-

⁶⁰ Ibid.

⁶¹ Wilder, Annals of Kans., p.568; Laws of 1866, sec.15, ch.57, p.129.

⁶² Ibid.

lution,⁶³ Secretary of the Interior, O. H. Browning sent a message, January 7, 1868 to Congress on Indian land sales in Kansas. The Cherokee Neutral Lands were sold to J. F. Joy, October 9 at one dollar an acre, without official notice that bids would be received for the land. The patent was to be issued when the purchase money was received.

The people of Cherokee and Crawford counties and of the Neutral Strip were bitterly opposed to the "sale" of these lands to Mr. Joy of Detroit.

A brief history of the lands, together with the current attitude appeared in a series of editorials in the Workingmen's Journal. According to this newspaper,⁶⁴ the United States acquired the Louisiana Territory from France in 1803. This purchase included all of what was later known as the Cherokee Neutral Lands. After Missouri became a state and its western counties were being settled, for the protection of its inhabitants the government treated in 1827, with the Osage Indians for this tract of land, with the stipulation that neither should occupy the same, thus placing a barrier, between red and white, of a strip of land fifty miles north and south, and twenty-five miles

63 Ibid., p.475; Andreas, History of Kans., p.247.

64 November 12, 1869.

east and west. So it remained until the treaty-making power gave the Cherokees the right to occupy the same.

In 1866, by a treaty, these Indians gave back the land to the United States, and attempted to do so in trust, and to empower the Secretary of the Interior to sell the neutral land.⁶⁵

One of the last official acts of the then Secretary of Interior (Harlan) was to sell as much of the tract as was not "occupied by actual settlers at the date of the treaty", to the American Emigrant Company for one dollar an acre.⁶⁶ But the new Secretary of Interior, O. H. Browning, on assuming his office, procured the opinion of Attorney General Edward Stanbery that Harlan's sale was 'illegal and void', and on that 'opinion' set the sale aside. Browning then proceeded to sell the residue of the tract not "occupied by actual settlers at the date of the treaty", to J. P. Joy at one dollar per acre although General J. C. Fremont had offered \$1.25 per acre for it.

The Emigrant Company threatened litigation, and matters remained secretly in negotiation until June 6, 1868, when to the great surprise of the settlers, a supplemental treaty

65 Columbus, Kans. Workingsmen's Journal, Nov. 12, 1869.

66 Ibid.

was put through the Senate, which assumed to cancel Mr. Joy's contract with Browning, and to assign to him the original contract of the Emigrant Company.

This neutral strip of land had, over a period of years, gradually been filled with settlers, who claimed their plots as their rightful homes. For this reason the average settler was not likely to favor any sale or assignment of his land to an outside party or group. The settlers, on the other hand, favored the claims of the Emigrant Aid Company, because they knew this company would promote their own interests and help to further populate this strip.

The Missouri River, Ft. Scott, and Gulf road, which was a "Joy road" secured title to lands in the Neutral Strip from Mr. Joy. The settlers were wrathful. They would not buy from the company the land on which they were living, they would not mortgage their homes, nor would they favor the title of the railroad company to this land.⁶⁷ There are a number of stories relative to the attempts of the settlers to hamper track laying. In any event, United States troops were sent to help guard the road men. The settlers opposed⁶⁸ the stationing of troops in their midst. To them

⁶⁷ *Ibid.*, Oct. 29, 1869.

⁶⁸ *IBID.*, Nov. 5, 1869.

the troops seemed to be a gross imposition, for, according to the current local paper, no resistance to the civil and legal officers had been offered in any way, nor was there any domestic violence at the time.⁶⁹ No doubt, there was no violent resistance offered to the legal officers, but results point to a considerable amount of resistance offered to the road men. By the congressional act of 1868⁷⁰, a right accrued to the first railroad that should reach the Indian territory. Such railroad was to be given the right-of-way through the Indian territory to Texas. Two railroads competed for this right - the Kansas City, Ft. Scott and Gulf, and the Katy. The former road had an early start and the advantage, yet the race resulted in the winning of the M., K. and T.⁷¹ and the defeat of the K.C., Ft. Scott and Gulf. Under favorable conditions, this road, backed by an energetic promoter like Joy, would surely have outstripped its opponent by far.

The constitution of the United States⁷² specifies, that the United States shall protect states against domestic violence on application of the Legislature, or the Execu-

⁶⁹ Ibid.

⁷⁰ Congressional Globe, 40 Cong., 2 sess., pt. 1, p. 768.

⁷¹ Kansas Magazine, Jan. 1872, p. 20

⁷² Art. 4, Sec. 4.

tive, when the Legislature cannot be convened. Another section of the Constitution gives Congress power "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions."⁷³ An act of Congress of February 28, 1796,⁷⁴ reads "In case of an insurrection in any state against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such state, or of the Executive, if the Legislature cannot be convened, to provide for calling forth the Militia to execute the laws of the Union," etc. Act of March 3, 1807,⁷⁵ gives the President power to use such additional militia from other states, as may be necessary, "having first observed all the prerequisites of law in that respect."

But the Legislature of Kansas was not convened⁷⁶ and the people of the Cherokee district even wanted to call it together to consider the state of affairs on the neutral land. Several attempts were made to induce Governor James M. Harvey to call the members of the Legislature together

73 Art.1, Sec.8, p.15.

74 Annals of Congress, 3rd Cong., 1793-1795, p.1508.

75 Idem., 9th Cong., 2nd sess., p.1286.

76 Columbus, Workingmen's Journal, Nov. 5, 1869.

that this matter might be brought up for consideration.⁷⁷

Five hundred eighty-seven citizens⁷⁸ of the Cherokee district in a petition to Governor Harvey, asserted that nothing but lawful order had prevailed in their midst. Harvey had asked for troops merely because certain pro-Joy sheriffs had falsely sworn that efforts had been made on the part of the citizens to resist law enforcement. As a matter of fact this was not true and after troops came not a single arrest was made.⁷⁹

CONCLUSION

"The grandest triumph of modern civilization is the railroad"¹ was the sentiment of a half century ago. No doubt it really was to this medium of transportation that Kansas owed its initial growth. The early railroad and the Kansas settler had common interests. Each came to Kansas with a purpose in view and each contributed to the success of the other in accomplishing its aim.²

Although there were very few miles of railroad in Kan-

77 Ibid.

78 Ibid.

79 Ibid.

1 Lawrence Standard, Dec. 12, 1873.

2 T.M. Knappen, "Every odd section", Sunset, Vol. 53 (Dec., 1924), pp. 10-13.

sas before 1865, the railroads were serving a great purpose even as early as 1860. During the drought of that year the railroads from the East proved their worth in many ways.³ During the time that the "Great Drought" was ruining Kansas and bringing many even to the point of starvation, General S. C. Pomeroy was made receiving agent for such contributions and donations as might be made for the relief of the Kansas citizens. Atchison was made the receiving point and was selected because it was the only point in Kansas reached by a railroad. On December 3, 1860, Mrs. Pomeroy wrote,⁴ "There are fifty teams camped here Atchison waiting for some corn or wheat to arrive before they can return to their suffering friends. We now see the benefit of a railroad to Atchison.....I know of no way by which our wants could have been met if this road had not been finished. Now it will save Kansas from utter depopulation."

In the spring of 1861 seed wheat, seed corn, buckwheat, and all kinds of garden seeds were sent to Kansas. The railroad made no charge for transportation.⁵ To the settlers on its own lands the railroad company often contribu-

3 Kansas Historical Collections, Vol. 9, p.482.

4. Ibid.

5. Ibid., p.488.

ted seeds and grains of all kinds. Every effort was made to assure the prosperity of the settler. There was a spirit of cooperation and an exchange of sympathy between the railroad and the settler. This was due to the realization of the fact that the success of each depended on the favorable attitude of the other.⁶

As early as the time of the administration of Abraham Lincoln the railroads were active in their efforts to colonize Kansas.⁷ The Atchison, Topeka, and Santa Fe, which was hardly more than a probability, had agents in all parts of Europe. This railroad, by 1870, was carrying great numbers of Europeans to Kansas. In order to secure settlers for the railroad land, all expenses of passage were paid by the railroad company.⁸

The Atchison, Topeka, and Santa Fe company was not alone in its colonizing ventures. The Union Pacific also brought great numbers of aliens to Kansas. Junction City was generally the place of destination. Most of the immigrants to Kansas were Germans, Bohemians, Russians, and Scandinavians.⁹

⁶ Idem, Vol. 13, p. 477.

⁷ Kansas City Star, May 1, 1890.

⁸ Topeka, The Commonwealth, July 23, 1881.

⁹ Ibid.

Although many Irish were employed in road construction, they were, for the most part, a transient lot who gambled away their wages, and when the construction work was finished, they scattered in many directions, the majority of them going to Canada or to the East coast.¹⁰

The contribution of the railroads to the general development of Kansas is best expressed by comparative statistics. The population of Kansas¹¹ in 1860 was 107,206. In 1865 it was 140,179.¹² In 1870 the population was 364,399, an increase of 124,220 in five years, or nearly double the population of 1865.¹³ In 1865 Kansas was one of the lowest states in the aggregate value of her farm products.¹⁴ At this time Kansas had 480 miles of railroad projected, of which only 122 were completed. In 1869 there were 1601.50 miles of road of which 930.50 miles were open.¹⁵ The increase in per cent of population for Kansas from 1860 to 1870 was 235.99. The assessed value of property in 1860 was \$22,518,232. In 1865 it was \$36,110,000. The land in

10 Annals of the Union Pacific.

11 Eighth Census of the U.S. (Washington, 1864), p. 136.

12 Kansas Senate Journal, 1865, p. 104.

13 Ninth Census of the U.S. (Washington, 1872) p. 196.

14 Chicago Times, Nov. 24, 1880, p. 5.

15 J.L. Ringwalt, Development of Transportation Systems in the U.S. (Philadelphia, 1888) p. 184.

farms in 1860 was 1,778,400 acres, in 1865 it was 3,500,000 acres¹⁶. Most of the growth in the period from 1860 to 1865 dates from the spring of 1864. Although this five-year period shows some growth, it is a poor showing. The Civil War was partly the cause of the backwardness of the West. The fundamental cause was its isolation.

Writing in 1873, Governor Thomas A. Osborne¹⁷ made the assertion that "Kansas has more railroads than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, Virginia, Wisconsin, Minnesota, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Tennessee, Arkansas, California, Oregon or Nevada." From this statement we must conclude that the growth of railroads in Kansas surpassed even that of the state itself.

We might credit certain factors other than the building and operation of railroads with the development of Kansas during this period were it not for the proof offered by current figures and estimates.

16 John A. Martin, "The Development of Kansas", Kans. Hist. Col., Vol. 3, p. 375.

17 Ibid., p. 598. According to Ringwalt, loc. cit., p. 166, Kansas with 1,654 miles of railroad in operation in 1873 had more miles of railroad than any of the states named with the exception of Minnesota which boasted 1,745 miles of road in operation.

It is quite true that there were a number of factors that contributed to the increase in population, farm production, and freighting in Kansas. But when it is seen that most growth and advancement was in counties penetrated by some railroad,¹⁸ when attention centers on the fact that in 1869, the Kansas Pacific alone carried 153,015 tons¹⁹ of freight and traffic, the conclusion is inevitable that there was a direct relation between the growth of railroads and the development of our state. In 1870, the Kansas Pacific had a traffic of 262,299 tons, or an increase of 71 per cent over the previous year. The increase in live stock shipments for 1870 and 1869 was 162 per cent.²⁰

The railroad served well in opening the West and in protecting the settlers who were gradually pushing the Indians westward into the Rockiss. In 1868, General Philip

18 See Table on page 113. Taken from Kans.Hist.Collections, Vol.12, pp. 44,45.

19 J.A.Anderson, "Land Grants in Kansas", Report of Committee on Pub. Lands, Apr.4,1884. Found in House Report,1113,48 Cong.,1 sess.,Vol.4,p.2256.

20 Ibid.,pp. 20,21.

H. Sheridan²¹ recommended that the government give further aid to complete at once the Union Pacific to Fort Wallace and westward as an aid in ending Indian troubles.

The railroad served also to connect the producers of the West with the markets of the East. In an early newspaper²² is the remark that "For five or six months or more an average of thirty-two car loads of Texas cattle per month have been shipped daily from Abilene in long trains." And in another Kansas paper²³ is the statement that "McCoy Brothers, of Abilene, for some months past have sent out fast long trains daily, loaded with Texas cattle. There has been an average of 32 carloads per day for this past week."

Although the railroad was a vital force in Kansas development, it could not readily have been built without government aid. The railroad promoters were constantly watching for an opportunity to secure passage of some favorable measure at Washington.

The Table on page 116 gives some idea of the land

21 Executive Documents, No. 253, 295, 2 sess., 40 cong., 1867-8
 serial 1343. Unbound material in Archives of Kans. Pub.
 Service Commission, Topeka.

22 Lawrence Tribune, Oct. 2, 1868.

23 Leavenworth Conservative, Oct. 16, 1868.

granted to Kansas railroads.²⁴ Besides this land the various roads received government, state, and municipal aid. Even the Kansas settlers were glad to contribute a right-of-way or anything else to help secure a railroad.²⁵

After the Civil War, Congress was so poor she could offer the railroads no financial aid, but as she was rich in lands she offered them.²⁶ Later, these lands on being sold by the railroad company constituted the same as a gift of money by the government.

Besides the land granted and the money loaned to the railroads of Kansas, there were great tracts sold to some of the companies at very low prices. This was especially the case with much of the Indian land. In a letter to S. A. Cobb of the House of Representatives of the United States, written February 17, 1874 by E. P. Smith, Commissioner, Department of Interior, office of Indian Affairs, Washington, D. C. is the following table:²⁷

²⁴ Wilder, Annals of Kansas, p.628.

²⁵ Atchison Globe, July 21, 1928.

²⁶ H. Brucker, "One Hundred Years of Railroading" in World's Work, Vol.52, Aug., 1926, p.472.

²⁷ Wilder, op.cit., p.640.

Delaware Lands:

Sold to L.P. & W.R.R.Co.	223,890.84 acres
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Sold to Mo. River R.R.Co.	92,598.33 "
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Kickapoo Lands:

Sold to Atchison & Pike's Peak R.R.	123,832.61 acres
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Pottawatomie:

Sold to A., T. & S.F.R.R.Co.	338,766.82 "
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Of these lands sold to the railroad companies, the 16th and 36th sections were not reserved for school purposes, and were great cause of contention in the latter part of the 7th decade.

APPENDIX

Table I. Railroads in Kansas to December 31, 1870. Miles Constructed Each Year.

Road	Termini	1860	1864	1865	1866	1867	1868	1869	1870	Total
A.T. & S.F.	No. Topeka to Burlingame Burlingame to Emporia							27	36	63
Leav., Lawrence & Galveston	Lawrence to Ottawa Ottawa to Garnett Garnett to Thayer					28		24	57	109
K.S. & S.F.	Olathe to Ottawa								31	31
Kansas Pacific	Kansas City to Lawrence Lawrence to Topeka Topeka to Junction City Junction City to Hays Hays to Sheridan Sheridan to State Line Lawrence to Leavenworth		39	27	72	150	117		41	446 34
M.K. & T.	Junction City to Emporia Emporia to State Line							62	120	182
No. Riv., P.S. & G.	Kansas City to Olathe Olathe to Ft. Scott Ft. Scott to Baxter Spr.						21	88	51	160
No. River	Kans. City to Leavenworth				25					25
L.A. & N.W.	Leavenworth to Atchison							22		22
U.P., Central Br.	Atchison to Watmore Watmore to Waterville				42	58				100
A. & N.	Atchison to Iowa Point								31	31
S.J. & Den. City	Elwood to Wathena Wathena to Hiawatha	5			35					40
	Totals	5	39	27	208	258	138	225	367	1,245
	Total to date	3	24	71	279	515	653	267	1243	

Table II Population and Railroad Mileage in Kansas
1860-1870.

Counties	1860		1865		1870	
	Pop.	R.R. miles	Pop.	R.R. miles	Pop.	R.R. miles
Allen	3,082		2,737		7,023	12
Anderson	2,398		2,659		5,204	9
Arapahoe						
Atchison	7,729		8,929		15,472	40
Barber						
Barton						
Bourbon	6,101		7,961		15,102	28
Breckinridge	3,197					
Brown	2,607		2,891		6,823	11
Buffalo						
Butler	437		294		3,072	
Chase	808		870		1,992	
Chautauqua						
Cherokee	1,501		596		11,047	27
Cheyenne						
Clark						
Clay	163		238		2,942	
Cloud					2,323	
Coffey	2,842		3,383		6,335	
Cornscho						
Cowley					1,174	
Crawford					8,005	23
Davie	1,163		1,189		5,600	29
Deeatur						
Dickinson	378		442		3,037	23
Doniphan	8,083	6	9,595		13,971	29
Dorn	88					
Douglas	8,637		15,814		20,582	29
Edwards						
Elk						
Ellsworth					1,350	35
Ellie					2,041	32
Finney						
Foote						
Ford						
Franklin	3,030		3,695		10,406	38
Garfield						
Geary						
Gove				31		31
Godfrey		19				
Graham						

Table II (cont'd.)

Counties	1860		1865		1870	
	Pop.	miles	Pop.	miles	Pop.	miles
Grant						
Gray						
Greeley						
Greenwood	750		1,188		3,465	
Hamilton						
Harper						
Harvey						
Haskell						
Hedgeman						
Howard					2,706	
Hunter	150					
Jackson	1,936		2,962		6,053	
Jefferson	4,450		5,853		12,526	18
Jewell					205	
Johnson	4,364		6,093		13,725	40
Kansas						
Kearney						
Kingman						
Kiowa						
Labette					9,979	27
Lane						
Leavenworth	12,606		24,256		32,472	62
Lincoln					516	
Linn	6,336		6,543		12,198	26
Logan						
Lyon			2,248		8,016	39
Marion	74		162		767	
Marshall	2,280		2,349		7,228	32
McPherson					917	
Meade						
Miami	4,980		6,151		11,729	27
Mitchell					498	
Montgomery					7,613	
Morris	770		1,141		2,218	33
Morton						
Nemaha	2,436		2,638		7,296	27
Neosho			777		1,223	43
Ness					125	
Norton						
Osage	1,113		1,169		7,631	32
Osborne						
Ottawa			178		2,130	

Table II (cont'd.)

Counties	1860		1865		1870	
	Pop.	R.R. miles	Pop.	R.R. miles	Pop.	R.R. miles
Pawnee					179	
Phillips						
Pottawatomie	1,529		2,119		7,888	29
Pratt						
Rawlins						
Reno						
Republic					1,290	
Rice						
Riley	1,224		1,815		5,104	14
Rocks					45	
Rush					75	
Russell						33
Saline			475		4,206	32
Scott						
Sedgwick					1,096	
<u>Sequoyah</u>						
Seward						
Shawnee	3,513		3,458		13,035	49
Sheridan						
Sherman						
Smith					66	
Stafford						
Stanton						
Stevens						
Sumner						
Thomas						
Trego						31
Wabaunsee	1,023		1,081		3,573	
Wallace					578	79
Washington	383				3,970	
Wichita						
Wilson	27				6,494	
Woodson	1,498		1,507		3,927	13
Wyandotte	2,609		4,827		10,066	42

Note: The names of many counties have been changed. Such counties are written in italics.

Table III. Lands Granted to Kansas Railroads.

Date of Laws :	Name of Road	Acres	
		Certified :	Quantities Granted
Mar. 3, 1863	Leavenworth, Lawrence & Galveston	168,189	800,000
July 1, 1864	Atchison, Topeka & Santa Fe	-----	5,000,000
July 1, 1864	Union Pacific, Southern Branch	-----	500,000
July 3, 1866	St. Joseph & Denver City	-----	1,700,000
July 25, 1866	Kans. & Neosho Valley, later: Mo. River, Ft. Scott & Gulf	-----	2,350,000
July 26, 1866	Southern Branch of U.P., now K.K. & Texas	508,343	1,520,000
July 1, 1862	Central Branch, Union Pacific)	327,941	245,168
July 2, 1864	Central Branch, Union Pacific)	-----	-----
July 1, 1862	Kansas Pacific)	-----	-----
July 2, 1864	Kansas Pacific)	-----	6,000,000

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