

## **The Kanza Reservation 150 Years Ago**

**December 16, 2008**

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### Erecting a Building of Suitable Size and Comfort

Imagine that on Christmas Day, 1858, you were the 23-year-old Kanza Indian agent, John Montgomery. You're riding in a buggy with your wife, Mary Ellen, and baby daughter, Mary Ellen as well. You're headed southeast on the Council Grove-Americus Road through the Kanza Reservation, for which you have oversight as an official of the U.S. Office of Indian Affairs. You have left your old home and agency office in Council Grove, your course roughly following the now-abandoned Missouri Pacific Railroad, today's Flint Hills Nature Trail.

With considerable consternation you notice, as one observer from Emporia did in the summer of 1858, "...Where, one year ago there were but few settlers, and little or no improvement, there is now a large population, highly cultivated farms, and comfortable dwellings...Every timbered claim on the Reserve is occupied."<sup>1</sup>

About 2 ½ miles from Council Grove you would pass near an abandoned Kanza Indian village of about 25 grass and bark-and-mat lodges on the east bank of Big John Creek. The Kanzas had left in early November for a bison hunt in central Kansas; in a few weeks they would return to reclaim their village home.

About 3 ½ miles from town, just after crossing over the Little John Creek ford, you would see about one hundred feet south of the road a pair of newly-constructed buildings closely spaced in a diagonal configuration. You now have arrived at your new home.

These buildings would stand out on the prairie, situated as they were on a rise above the flood plains of the nearby Little John and Big John creeks, about one-half mile east of where the latter stream joins the Neosho River. These were the first buildings at the site of what became a complex of structures and U.S. government functions known as the Kaw Agency.

For the next 15 years, until the Kanza (or Kaw) Indians were removed from their twenty-mile-square reservation in 1873, this newly constructed "Agency House" with subsequent additions would serve as the home and office for six federal Indian agents.

Both structures rested on limestone foundations, their walls made of hewn logs chinked with lime mortar and covered with oak siding. The east one was a story-and-a-half, measured fifteen by seventeen feet, with a stairway of dressed walnut plank, three windows, two doors, and a fireplace. The other was one-story, fourteen by sixteen feet, "...situated on one side of and eight feet from the main building with shed extending to main building,..."

Two acres of the surrounding ground was enclosed with oak or walnut rails, forming a fence “...eight-rails high staked and rided.” A well was dug thirty-feet deep and walled with stone at a cost of \$1.50 per foot. The total cost of construction came to \$1,250.00, a sum agent Montgomery considered “...insufficient for the erection of a building of suitable size and comfort.”

The contract specifying terms of construction was signed on April 25, 1858, by Montgomery and contractor Charles H. Withington. Five days later the Kanza agent wrote to his supervisor in St. Louis, Superintendent of Indian Affairs Alex M. Robinson, vouching for Withington’s character: “C.H. Withington is a very good, reliable mechanic, and a gentleman in every other respect. I therefore feel perfectly confident that the job will be done in a good and workman like manner.”

What Montgomery failed to disclose to Robinson was that Withington was the agent’s father-in-law. John Montgomery and Mary Ellen Withington had married on December 17, 1856, about one month after Mary Ellen’s 15<sup>th</sup> birthday.<sup>2</sup>

Charles Withington had benefitted from this nepotistic arrangement, having been previously hired by his son-in-law to haul the Kanza annuities from Westport and on January 1, 1859, receiving payment of twenty dollars for “...cutting and hauling for the use of the Kansas Agency office, 10 cords of fire wood, at the rate of \$2.00 per cord.”

By territorial Kansas standards, Montgomery had married well. Charles Withington had come to Kansas in 1846 as a gunsmith for the Sac and Fox, living on that tribe’s reservation near present Lyndon. For a time in the early 1850s he lived in Council Grove, then in 1854 established residence on 142-Mile Creek near present Allen, where he operated a store on the Santa Fe Trail.

“Would-be settlers looking for claims, found in Mr. Withington’s place of business so good a hotel as the times could afford, and in Mr. Withington himself as accommodating a landlord as his accommodations would allow,” wrote A. T. Andreas in his *History of Kansas*.

When he was appointed agent to the Kansas on March 3, 1855, the three Kanza villages were located three, seven, and ten miles southeast of Montgomery’s Council Grove office. This new agency placed the young agent near the Big John village, and closer to the other villages located near present Dunlap and at the mouth of Kahola Creek.

In the seven years prior to Montgomery’s coming to Council Grove, none of the nine different agents in charge of Kanza affairs had lived closer than fifty miles to the Kanza villages.<sup>3</sup> Superintendent Robinson, expressed the rationale for closer agent proximity to the Indians:

“It is deemed of much importance to the advancement of the Indians, that their agent should be located at or near their villages or settlements, in order that a daily intercourse may be kept up between them, and the agent be at all times ready to give such advice and encouragement as the necessities of his wards may require...the importance of at once erecting the necessary buildings for the accommodation of these functionaries must be admitted.”<sup>4</sup>

Robinson did not mention another prominent reason for establishing the agent near his Indians—protecting them from illegal white squatters.

On November 6, 1858, the *Kanza News* of Emporia reported that Charles Withington “has nearly completed a large building to be used as the agency for the Kaws. It is situated at the mouth of Big John creek, on the road to Council Grove.”

“We fear this indicates a determination on the part of the Administration to retain the Kaws in their present location, in disregard of the best interest of the Indians, as well as the vested rights of our citizens, who settled upon the lands...”

The editor of the *News* ended the article with this challenge: “Meantime, settlers are daily making claims upon their (so-called) Reserve, and settling down with their families, with a full determination to see the business through. If anybody expects them to leave on short notice, under any circumstances, they will probably be disappointed.”

These “settlers” had long been the bane of agent Montgomery’s existence. In September 1856 he wrote: “Those settlers...have been of great annoyance and trouble to this agency. Measures are soon to be taken for their removal; but judging from former experience in removing people from Indian lands, I fear that I will not be able to succeed.”

As the youthful Montgomery couple prepared to move into their new agency home in December 1858, they surely felt foreboding at being surrounded by hundreds of hostile whites then encroaching on the Kanza reservation.

“Where a certain class of people assume to themselves the right to judge of matters pertaining to the Indian country,” Montgomery lamented, “it is very difficult for an Indian agent to perform with promptness the duties of his office.”<sup>5</sup>

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1. *Kansas News* (Emporia), July 24, 1858.
  2. Don Schiesser of Allen, Kansas provided information about the Withingtons and John Montgomery.
  3. William E. Unrau, *The Kansa Indians: A History of the Wind People 1673-1873* (Norman, University of Oklahoma Press, 1971), p. 167.

4. *Report of the Commissioner of Indian Affairs* (1859) p. 482.
5. *Report of the Commissioner of Indian Affairs* (1856) pp. 681-682.

By Christmas Day of 1858 young Kaw agent James Montgomery and his father-in-law, Charles Withington, had the satisfaction of having just completed the first buildings at the site of what became a complex of structures and U.S. government functions known as the Kaw Agency. Located on a rise above the flood plains of the nearby Little John and Big John creeks, about one-half mile east of where the latter stream joins the Neosho River, this newly-constructed “Agency House” would serve for the next fifteen years as the agents’ home and office on the Kaw Reservation.

The two buildings were made of hewn logs chinked with lime mortar and covered on the outside with oak boards. Both rested on limestone foundations. The largest

just west of Road 525 about one-quarter mile east of the modern Dunlap Road, about 3 ½ miles southeast of Council Grove,