

The Kanza Reserve 150 Years Ago (final draft)

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### The Ill Disposition Manifested Towards Him

On March 31, 1859, John Montgomery wrote his last Quarterly Report, culminating a tempestuous four-year career as U.S. Agent for the Kanza Indian tribe fraught with difficulties.

But judging solely from this rather mundane report, written in Montgomery's excellent penmanship, one could not guess at the daunting challenges the agent had faced.

He reported the following expenses: \$1500 to himself as the agent's annual salary; \$45.00 to Clayton Bradford for digging and walling a 30-foot well at the agency; \$100.00 per three months to the mixed-blood, Joseph James, for services as interpreter; and \$10.00 to himself for incidental expenses incurred during a trip to and from St. Louis to pick up \$10,000 in coinage to be distributed to his Kanza charges as annuity payments.

Agency property on hand to be transferred to Montgomery's successor, Milton Dickey, included one anvil, one bellows, envelopes, paper, one grind stone, one sledge hammer, five specie (coinage) boxes, five species sacks, and one vice screw. Not listed were a number of intractable problems the new agent inherited from his predecessor.

In general, Indian agents of the 1850s operated in a system that failed to provide the means for its staff in "Indian Country" to carry out their responsibilities. Chronically underfunded by a parsimonious U. S. Congress, left to drift by an unresponsive bureaucracy of the Indian Department, geographically isolated, undermined by Indian traders, and lacking the means of law enforcement, very few agents proved equal to their tasks.

What were the particular circumstances that made life difficult for agent Montgomery?

When the pro-slavery Democrat President Franklin Pierce appointed him agent to the Kanza tribe in March 1855, John Montgomery was only twenty years old. He was from Tennessee, a slave state, and was reported to have condemned Free-state advocates in Kansas Territory as a bunch of "damned Abolitionists." Although the pro-slavery position appeared strong in Kansas Territory in 1855 and '56, by March 1859 the Free-state forces had triumphed, leaving agent Montgomery politically isolated.

As agent, Montgomery was responsible for enforcing the provisions of the Kanza treaties of 1825 and 1846. A prominent treaty stipulation prohibited land "reserved" for the Indians from being taken over by white people. However, from the time Kansas became a territory in May 1854, white "squatters" by the hundreds built cabins, cut timber, grazed their cattle, and raised crops on Kanza reservation land.

The setting for Montgomery's baptism of fire was the well-timbered and fertile land on the north bank of the Kansas River stretching between present Topeka and Lecompton. The Kanza Treaty of 1825 had assigned 640-acre parcels of this land to each of 23 "mixed-blood" Kanzas, who retained ownership of this property even after the Kanza tribe had been relocated to the Council Grove area in 1848.

But the mixed bloods' land was highly desirable and among the first to be overrun by squatters. In June 1856, agent Montgomery attempted to evict these illegal encroachers. After several unsuccessful appeals to the military for support, 12 men of the 1<sup>st</sup> U.S. Cavalry from Fort Riley were assigned to assist him and for a few days the task of removing the whites was undertaken.

As compensation for doing his job, Montgomery was arrested on charges of arson by territorial Kansas officials, deserted by the military, condemned by Kansas newspaper editors, ignored by his supervisors in the Office of Indian Affairs, threatened by a mob with tarring and feathering, and witnessed the intruders' successful occupation of the mixed-blood Kanza land.

On July 9 1856 Montgomery wrote to his supervisor in St. Louis that "...after several weeks of fatiguing and exciting exertions to carry out the instructions of the Department, I am compelled to give it up and return to Council Grove where my other duties require my attention."

He had jumped out of the frying pan and into the fire.

By late summer 1856 the Council Grove reservation was being overrun by white squatters. And despite a December 1856 survey that clearly defined the twenty-mile-square reservation's boundaries on the upper Neosho, and established beyond doubt that Council Grove lie five miles within these boundaries, white intruders continued to pour into the Kanza lands.

Once again, on August 12, 1856, Montgomery's supervisor ordered him to evict the encroachers. On October 9, the Kanza agent posted "Notices to Intruders of the Kansas Indian Reservation" ordering them to "...retire from said reservation within twenty days."

There followed a great outcry of protest from outraged citizens, amplified by newspapers and channeled into the corridors of power by politicians, the effect being the negation of the Indian Department's policy and yet another humiliation for the young Indian agent, who was "contemplating arrangements to move with my family from the country on account of the ill disposition manifested toward me and threats of personal violence made in regard to myself, by those white people."

Paradoxically, the same John Montgomery who was persecuted for enforcing the law by trying to evict intruders from Kanza lands allegedly facilitated this same kind of illegal encroachment.

Most damaging to Montgomery was the July 1856 testimony of several leading citizens including Thomas Huffaker, A.I. Baker, Emanuel Mosier, Charles Columbia, and Eli Sewall that "...Agent Montgomery has stated he believed the claims made in the vicinity of Council Grove were not on Indian lands."

Worse yet, Huffaker testified that while in the company of John Montgomery, Huffaker had "...made a claim for him, about two miles south east of Council Grove on the Neosho River..." If Huffaker's allegation is true, Montgomery had attempted to secure property for himself near the center of the Kanza Reservation.

Dissatisfaction with Montgomery's performance came from yet another source: "...our Agent does not do what I ask him, and that is the reason why I come here," stated Kanza chief Hard Hart "in a loud and stentorian voice" during a July 1857 conference with the Commissioner of Indian Affairs, James Denver, in Washington D. C. "When you send him a letter or paper, he does not explain, or do what you tell him...I have got a bad father [agent]."

Six years later, in another conference with Commissioner of Indian Affairs, William Dole, Kanza head chief Istalasea thundered: "Agent Montgomery stole \$2,000 of our money. I want it. I sent you the papers proving it one year ago, and want you to examine them and pay me the money."

Montgomery's last day as Kanza agent was May 1, 1859. In 1860 he and his 19-year-old wife, Mary Ellen Withington, and their infant daughter lived on a farm south of the Santa Fe Trail just east of the present Northern Heights High School. At that time he was listed as township constable and owned 320 acres valued at \$880.00.

For two years after he left government employment, Montgomery periodically wrote to the Office of Indian Affairs asking for promised compensation for his expenses. He claimed the government owed him \$437.10 for repairs he made to the agency property in Council Grove and for "additional expenses incurred by certain prosecutions against him."

On February 20, 1861, the government approved payment of \$437.10 to Montgomery and \$200.00 to his attorneys for defending him against charges of arson in 1856. However, in a March 27, 1861 letter, Montgomery petitioned for \$507.72 he claimed the government still owed him for his last four months of service.

From that time on John Montgomery's name disappears from the historical record. Significantly, his name does not appear on the rolls of Union soldiers. On April 12, 1861, the Civil War began. It is plausible that soon after Tennessean John Montgomery joined the Confederate army.

Such conjecture is buttressed by the ensuing disintegration of the Montgomery family. In September, 1863, Marry Ellen Montgomery filed for divorce due to abandonment. On July 9, 1864, she married Daniel J. Hayden.

"Why I am so despised by the settlers," wrote agent John Montgomery in July 1857, "I am not able to state." The hatred the agent inspired, and his multiple personal and professional failures, it seems fair to say, are indicative not only of his individual shortcomings, but reflect the rampant land greed, inept bureaucracy, and pervasive racism of a deeply fractured society.

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The primary source is *Letters Received. Office of Indian Affairs, Kansas Agency, 1856-61.*

Don Schiesser of Allen, Kansas, provided information about John Montgomery and his family.

