

The Kanza Reserve 150 Years Ago

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By Ron Parks

(This is the eleventh in a series of monthly articles written by Ron Parks about the Kanza Indians and Council Grove 150 years ago.)

"I Believe That Justice Was Served"

Two white men—Parks and Gilkey--lay wounded in the street, one shot through the neck with a bullet, the other hit in the side with an arrow. Holding his recently fired pistols, Seth Hays barricaded himself inside his store. In the meantime, the Kanzas fled the scene, riding rapidly south to Four Mile Creek, where they gathered in council.

Just a few minutes before, at about 8:00 a.m. Friday, June 17, 1859, 96 Kanza Indians "armed and ornamented as if prepared for war" rode up in front Seth Hays's store and stopped. Mr. Hays came out of his store located near the present-day Hays House and an angry confrontation ensued.

According to one of four contemporary descriptions of the tragic events of June 17<sup>th</sup>—that of Council Grove merchant Tom C. Hill—the mounted Kanzas "had not proper time nor opportunity to explain the whole cause of their appearing in such a manner, before Mr. Hays ordered them to leave."

The Indians did not wish to immediately comply, so they lingered momentarily in the street, whereupon "almost in the next moment Mr. Hays fired two pistols, one into the air *intentionally*, the other accidentally, he [Hays] says, to frighten them to leave."

But rather than frightening the Kanzas, Hays' shooting appeared to anger them, the result being two white men lying wounded in the street.

Tom Hill was a business rival of Seth Hays. This was, perhaps, one of the reasons his version of the events of June 17<sup>th</sup> was most sympathetic to the Kanzas' side of the story. Not so H. J. Espy, who, like Hill, had been both an eyewitness and a participant in most of the June 17 happenings.

"Their tone and manner was bantering and insolent," Espy wrote of the Kanzas. Understanding most of the Indians' language and gestures, Hays was convinced that many were much intoxicated and their presence boded no good, so he "told them peremptorily to leave."

According to Espy, after Hays' pistols went off, the head chief of the Kanza, Hard Chief, who had been standing near Tom Hill's store, "raised his hand and spoke a few words to his men, when they again wheeled, facing the whites...fired and then fled from the town at both outlets."

A third perspective was offered by Thomas Sears Huffaker, the former Kaw Mission teacher, who stood by Hays' side during the confrontation, acting as interpreter: "They assembled at the door of Mr. Hay's house...and began to abuse Hays and other citizens...Hays said that he did not want to be abused..."

Hays then ordered the Indians to stop but they continued their abuse, so he "...discharged two pistol shots over their heads."

A fourth commentary appears in Kanza agent Milton C. Dickey's report to the Office of Indian Affairs. Dickey, who heard the Indians' side of the story during a June 22 council with Kansas chiefs, wrote that "He [Hays] acted hasty and to say the least improvidently by the premature discharge of his pistols until he had learned the intentions of the Indians."

Hill, Espy, Huffaker, and Dickey all agreed on the facts of the precipitating event: On June 15 Kanza warriors had stolen two horses from the wagon train of R. Ortise, a Mexican commercial operator on the Santa Fe Trail.

The importance of the Mexican freighters to local businesses is made clear by Seth Hays' "Register" of all Santa Fe Trail commercial trains passing through Council Grove from April 11 to June 6, 1859. Mexicans operated 17 of the 47 wagon trains, owned 184 of the 418 total wagons, and shipped 438.5 tons of freight out of a total of 1,070 tons.

For Council Grove merchants it was a smart business practice to keep their Santa Fe Trail clients happy, whether Mexican or American. So when Ortise complained about the June 15 thefts, Council Grove leaders immediately contacted the Kanza villages, demanding that the Indians return the stolen horses.

Dickey explained why the Kansas made a show of force at Hays' store: "...a few days before that, there had been a party of horse thieves [all of whom were white men] arrested at Council Grove...the settlers had taken the matter of punishment in hand, and shaved the hair from a portion of their heads, and inflicted several lashes on each of their backs. The Indians seemed to have got the impression...that they might receive the same punishment that had been used on the horse thieves."

Looming over and dripping venom into any white-Kanza contact was a bitter dispute over possession of the Kanza Reservation land. Despite a well-publicized government survey certified on December 2, 1856, clearly defining the reservation's boundaries, hundreds of whites had convinced themselves they were legally entitled to occupy the Kanza Reservation.

There is little doubt that Kanza resentment of the whites' unlawful occupation of their land provoked a violent incident in August 1858. In a letter published in the July 11, 1859 issue of the *Kansas Press* (based in Cottonwood Falls), Espy described this incident during which the Kansas had mutilated a man named Adam Helm. However, Espy failed to mention that during the fracas Helm had shot a Kanza man, wounding him in the arm and face.

In response to the Helm incident, Espy had been chosen to be the mouth-piece of the whites, and in a meeting with Kanza chiefs in September 1858, he "...stated to the Indians, on their [the whites] behalf, that, if they were again known to imbrue their hands in the blood of a white man, the white people would exterminate their tribe." Early in the afternoon of June 17, fulfilling this declaration was foremost in the minds of Espy and his fellow citizens.

“As soon as the news could get circulated through the country, the whites collected and in six hours after the shooting occurred, there were over a hundred white men in town, all perfectly blood thirsty...,” wrote Hill.

Espy disputed Hill’s characterization of the citizens as “blood thirsty.” Instead, he found nearly all the people calm, “and quietly preparing to carry into effect their part of the agreement of September last...they spoke and acted as though a stern duty was staring them in the face, and they intended to acquit themselves like men.”

Meanwhile at their camp on Four Mile Creek, the Kansas decided “to send a small delegation into town, to propose peace.” Simultaneously, the citizens had elected Espy to be their war leader, in his words, “not to make peace, but to chastise the Indians.” He then sent a party of ten “spies” out to reconnoiter the Kansas’ position.

Half an hour later, “fourteen Indians were seen approaching the town from the south.” Undoubtedly, this was the Kanza peace delegation. Alone and unarmed, Espy went out to converse with them, but the Kansas, headed by Sam Sampson, an English-speaking “Indian known far and wide for his dissipated habits and generally bad character,” held back. At this point the Indians saw the rapid approach of the ten “spies,” and sensing an ambush, “...wheeled and beat a hasty retreat.”

Espy ordered his “spies” to intercept the party of Kansas and bring them into town, but “the spies failed to take them.” He acknowledged his order to capture the Kansas had been a mistake, stating “had there really been an engagement, much evil might have resulted from their want of success. It was after this that the first mention was made of a peaceable adjustment, and a committee appointed to wait upon the Indians.”

Their peace delegation rebuffed, the Kansas concluded, according to Hill, “...that nothing but blood could reconcile the matter,” so, in Huffaker’s words, “they prepared to make a fight as they told us they supposed the whites would exterminate them.”

At this point that the citizens’ committee of four including both Hill and Huffaker approached within a mile of the Kanza camp, giving “signs that we were there to make peace if possible.” The Kansas responded by sending out a party of their own, and talks ensued.

According to Hill, the Kansas “stated that they wished to make peace, and that they were willing the whites should have the two that had shot Park[s] and Gilke[y], and hang them if they wished or if their whole annuity, (which is \$8,000.) would answer, they were willing to give it all for the sake of peace.” Hours of contemplating the very real prospect of impending tribal annihilation no doubt had made the Kanza chiefs compliant.

Rejecting the money, the committee returned to Council Grove to report the Kanza concessions. Espy and his men were sent to the Kanza position to take possession of the two prisoners. At the time it was presumed that Gilkey would survive but that Parks’s wound was fatal. Two days later it was reported that both men would recover, which they did.

Before sunset, Espy returned to Council Grove with the two Indian captives. Hill's letter provides the details about what happened next, although it is important to note Espy conceded the veracity of Hill's account of the subsequent events.

Espy "told the crowd he had done all that he had been requested to, and that they were at liberty to do with the two Indians as they saw fit. After a few minutes [emphasis mine] the question was asked by some one 'what disposition shall be made with these Indians?' Shouts of 'hang them' were heard from a number and the result was the two Indians were hung, and left hanging till yesterday [June 18] morning."

Huffaker's vague claim that only "...after mature deliberation they were both hung" is contradicted by Hill's detailed narrative. Additionally, it had been a long, frightening, and exhausting day and darkness was rapidly approaching. These conditions alone make it plausible that the whites favored quick resolution delivered by violence rather than "mature deliberation" required by justice.

The Kanza who had wounded Gilkey was a young chief. As he did not wish to be hung, he requested to die by means of Gilkey shooting him. Because of his wound, Gilkey was unable to execute the Kanza, and so he was hung. The man who had shot Parks was told that his victim was sure to die and that his life "was about to be taken for it. He replied, 'I am willing to give it, and will die like a brave man.'"

A day after the hanging, the "Whites and Indians met together in council," wrote Hill. The Kanzas "stated that they had left their Camps on Friday morning for the purpose of delivering up the two horses, and having a talk with a few of our Citizens...But Mr. S. M. Hays had insulted them in the commencement and they had then done what they were sorry for..."

"The presumption is that we shall not have any more trouble with the Kaws at present, as they show a willingness to give up," concluded Hill.

This tone of reconciliation, if not intimidation, was corroborated by Agent Dickey, who wrote: "...in two days after the occurrence I found it quiet and both parties regretting that the affair had happened that each had done wrong and were desirous that it might drop where it was. The Indians promised not to steal any more from the Mexicans."

The matter was not allowed to drop, however, as a number of Council Grove citizens were indicted for the hangings and tried in the U.S. District Court. They were "acquitted without much trouble" according to John Maloy, author of *History of Morris County, 1820-1890*. Records of this case have not surfaced and the identity of those facing charges is unknown.

The "regretting of the affair" by white people is difficult to discern. Only contempt for the Indians is expressed in a letter ostensibly signed by "Fessor" from "Counsel Groave" in the July 11 issue of the *Kansas Press*, Sam Wood's Cottonwood Falls newspaper. Wood is likely the real author of this appalling parody:

"Sense yu wor up hear times hey, bin poorty brisk, we hev haid one hangen, but the material warent good—nuthen but Cau Injens, you ort tu hev bin here to witnessed that. They gin them ar Caus one of

thee jewhilicanest stretchens ever yu sou. They hung em tel they war ded ded, ef yu call a day and nite any thing.”

One upshot of the affair was that the imbalance of power between whites and the Kansas had been indelibly confirmed in the minds of both parties. “There have been fewer depredations committed by them [the Kansas] this summer than there have been in previous years,” reported Agent Dickey in September.

The white squatters, meanwhile, became ever more numerous and well-established on the Kanza reservation, precipitating a treaty signed in October, 1859, reducing the Kanza reservation to one-third its original size.

Arguably the most sensational and violent episode in Council Grove’s history, the story has been kept alive by succeeding generations of writers, being treated in detail not only by Maloy (1890), but also by Andreas (1883), Brigham (1921), Smith (1928) and Haucke (1952).

Each of these versions has embellished the story with anecdotal details and judgments, such as: Women and children were secured in the Kaw Mission; Allegawaho led the Kansas warriors during the Hays confrontation; Huffaker’s courage and tact probably saved the lives of the inhabitants at this time; and the two Kansas were hung at the location of James Phinney’s wagon shop.

The present site of the hanging has been convincingly determined by historian Ken McClintock as on the south side of Main Street in the driveway between the former city hall building and the Aldrich CPA office building.

But the accuracy of these later narratives is questionable. For example, all five writers place the incident on June 2, 1859, fifteen days earlier than the actual date of its occurrence. Maloy said that at the time of the incident Allegawaho was the chief of the tribe; Andreas and Smith stated Allegawaho had been deposed as the head chief the year before. All of these assertions are demonstrably false, it was not until 1867 that Allegawaho became head chief.

The narrative of this article is mostly informed by the writings of those who actually witnessed the events, and even Hill, Espy, Huffaker, and Dickey cannot agree on some of the details.

However, one aspect of this story is mostly absent in the contemporary accounts, but is featured by four of the historians—that being the dispensation of the bodies of the executed Kansas. Whether fact or fantasy, these anecdotes indicate that the passage of time served to amplify a fascination with the morbid.

Andreas provided this lurid description: “...it was certainly a pitying sight to see the mother of the young chief cut and lacerate her head, neck and breast, and with the blood that flowed from her self-inflicted wounds rub the post on which her son had breathed his last.”

Brigham asserted that “Robert Rochford hauled the dead Indians out to their camp. The Indians began their ceremony for the dead, which frightened the ox team. It was some time before they could be

stopped, as the wagon was going around in a circle.” Brigham averred that Mr. Rochford “could easily verify the statement that ‘the only good Indian is a dead Indian.’”

Alice Strieby Smith reported that when the wagon bearing the bodies came into the presence of the entire tribe, without warning “a mighty moan burst from the savage assemblage. At this outcry the frightened oxen jumped, overturning the wagon and throwing the dead Indians out upon the hillside.” In a condensed version, Haucke describes the oxen overturning the cart, “...dumping the bodies on the ground.”

One man could comment on the incident both as a participant and memoirist—Thomas Huffaker. Around 1900, the secretary of the Kansas State Historical Society sent a questionnaire to Mr. Huffaker asking for responses to fourteen questions focused primarily on the events of June 17<sup>th</sup>, 1859.

Huffaker verified that he had translated for the group of men who parleyed with the Kanza chiefs after the two white men had been wounded. “I was firm with the Kaw and resisted their attempts to bribe our people instead of turning over the braves,” wrote Huffaker. “It was a tragic incident, but I believe that justice was served.”

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Tom Hill’s account in *Kansas Press* (Cottonwood Falls), June 27, 1859.

H. J. Espy’s account in *Kansas Press*, July 11, 1859.

Milton Dickey’s and Thomas Huffaker’s reports in *Letters Received, Office of Indian Affairs*, Kansas Agency, August 10, 1859, Microfilm frames 683-690.

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