

The Kanza Reserve 150 Years Ago

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By Ron Parks

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

### New and Substantial Buildings

The days leading up Tuesday night, July 21, 1859, had been so excessively hot that the organizers of the “grand affair” celebrating the completion of S. M. Hays and Company’s large frame store in Council Grove feared their party would be a failure. But just at twilight, according to Sam Wood’s Cottonwood Falls newspaper, the *Kansas Press*, “a thunder-storm, at the south, had the effect to cool the air, and just after dark, thirty-eight couple[s] assembled at Hayes’ [sic] new building.”

A large hall had been prepared in the building, where, according to the July 16 *Kanza News* (Emporia), an evening cotillion party would be held “in honor of the completion of the large stone [sic] building of Mr. S. M. Hays.” Although the building was frame, not stone, the *News*’ expectations of “...a good supper, good dancing, and a good time” were apparently fulfilled.

“A ‘merry dance’ was the order until midnight...,” reported the *Kansas Press*, four days after the gala event. At that time “the whole party repaired to the dining-room of the Hayes’ House, kept by our friend, C. [Charles] A. Gilkey, where we found the table loaded ‘with all the good things of this world,’ gotton [sic] up in true artistic style....Where ‘Charlie’ got the material for such a supper, was the wonder of everybody.”

According to Council Grove historian Ken McClintock, at this time “Gilkey was in charge of the hotel operations in Hays’ building, known as the Hays House.” By the end of 1859 Gilkey had built a large hotel, later known as the Commercial House, where the Council Grove Post Office is now located.

After Gilkey’s sumptuous meal, the party-goers returned once again to the hall, “where those who chose, continued to ‘dance all night until broad day light’” to music provided by Hall’s Quadrille Band, an Emporia group “discoursing excellent music.”

The cotillion was a social dance that originated in France in the 1700s. Originally made up of four couples in a square formation, it was the forerunner of square dancing and contra dance. Its name is from the French *cotillon*, petticoat, reflecting the flash of petticoats as the changing partners turned. By the 1800s, the Cotillion had evolved to include more couples with many complex dance figures.

“It was strictly, with perhaps half-a-dozen exceptions, a Council Grove party,” reported the *Press*, “Yet the party indicated that our neighbors are not behind older communities in all that tends to make life pleasant. A more intelligent and sober party, could not be picked up anywhere.”

Other observers were impressed with Council Grove, especially the recent construction drew favorable reviews: "Council Grove has improved considerably since I was there a year ago," reported the *Lawrence Republican* in September 1859.

"Two of the most substantial and elegant buildings in the Territory are now on the town site. The cut-stone store of Messrs. Goddard & Sampson is a model building, and the large frame warehouse of S. M. Hays & Co., would do credit to Leavenworth or Lawrence."

The "cut stone store" had actually been built by Conn, Hill & Co. in either 1858 or early 1859. Malcolm Conn, a native of Baltimore, Maryland, came to Council Grove in 1856 where he competed with Seth Hays for the trade of the trail. He operated a lucrative mercantile operation out of this store, later known as the Pioneer Store, until the late 1860s.

At age 36, Seth Hays came to Council Grove in April 1847, to run a trading post in a log cabin for his cousin, Albert Gallatin Boone, and Boone's partner, James G. Hamilton, both of Westport. Although Hays' first store was in a log cabin, it was described by a Santa Fe Trail traveler in May 1853 as "a large, well-furnished store, where a constant supply of everything required for the road is kept."

By the time Hays and his partner, G. M. Simcock, constructed the new "Frame Store" in 1859, he owned the business. His competition with Conn is reflected in the rival advertisements appearing on the same page of several issues of the *Kansas Press*, Sam Wood's newspaper which he relocated from Cottonwood Falls to Council Grove in September, 1859. These ads also appeared in the *Westport Border-Star*.

Beginning their run on October 3, 1859, Hays' ads announced "S. M. Hays & Co., at Council Grove, Have moved into their large Frame Store House. And have jammed it full from Cellar to Garrett with goods of all kinds suited to the Western Trade." Conn's ad proclaimed "Council Grove Ahead! Cheap Cash Store."

Why did Council Grove undergo a building boom at this time? Recent changes in three areas: legal, political, and financial—more than likely prompted the flurry of commercial construction.

For one, on February 9, 1859, Kansas Territorial governor Medary signed an act passed by the Kansas Territorial legislature incorporating the Council Grove Town Company, headed by, among others, Seth Hays and Malcolm Conn. Despite this territorial charter, Council Grove, as clearly established by the December 1856 government survey, lay well within the bounds of the Kanza Reservation, thus outside the sanction of federal law.

Indeed, it was not until September 1, 1863, that a federal land patent was finally issued to the Council Grove Town Company. The territorial charter was a first step, but the political scales needed to be tipped to deliver the fledgling town a solid legal foundation on which to build.

By 1859, prospects for this outcome looked good. Sam Wood cited the political impact of 800 white "settlers" living illegally on the reservation in 1859: "800 squatters are not to be trifled with...We have been in Kansas over five years, and during that time have noticed that when whites got on to Indian Reservations that eventually they got their lands, it is only a question of time..."

Wood was right. Bowing to political pressure, in early October 1859, Commissioner of Indian Affairs Alfred Greenwood traveled to the reservation to meet with Kanza chiefs. The resulting treaty diminished the size of the reservation, placing the town site of Council Grove outside of reservation boundaries.

Thirdly, and most importantly, the Santa Fe Trail trade in the late 1850s experienced enormous growth. An article by Craig Crease in the February 2009 issue of Wagon Tracks, a quarterly publication of the Santa Fe Trail Association, provides the data: The 1858 trade was worth three and one-half million dollars; in 1859 ten million dollars; and one estimate valued the 1862 trade at forty million dollars.

The October 17, 1859 *Kansas Press* reported: "One firm in this place took in over \$1,600 in gold and silver, one day last week for goods, another took in over \$1,400. We are selling over one hundred thousand dollars worth of goods per Annum, and our trade is increasing." Smart and experienced businessmen, Conn and Hays knew when conditions were right to expand their stores.

By the summer of 1859 prospects for Council Grove never looked better. An August 6 article in Emporia's *Kanza News*, effused "Council Grove is the county seat and chief town in Morris county, and is one of the best business points south of Kaw river. Several new and substantial buildings have been erected there during the present summer." The article closed by predicting "Council Grove would speedily become a first rate town."

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Ken McClintock, Council Grove, generously provided information about early-day Council Grove buildings, businesses, and personalities.