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Wyandot Floats

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I. INTRODUCTION

THE WYANDOT Indians have had a long and formal contact with the United States government. Between 1785 and 1867, this tribe, or some band within the tribe, was involved in 16 different treaties which were ratified by the United States senate.¹ The region around Upper Sandusky, Ohio, located about 50 miles south of Lake Erie, was the historic homeland of this tribe, although their ancestors ranged widely over the Great Lakes area during the period of French dominance of the region. In that period, these Indians were generally known as the Huron nation.²

The 1785 United States treaty with the Wyandots and their kinsmen, the Delawares, the Chippewas, and the Ottawas, resulted in these tribes acknowledging the protection of the United States while agreeing to certain reservations within their territory which was located mostly within the present state of Ohio. In the subsequent treaty negotiations the Wyandot territory was more precisely circumscribed and a yearly annuity was granted to these Indians. As their land area shrank, the amount of annuity compensation increased. In the treaty of 1817, the United States also agreed to “grant, by patent, in fee simple,” to nine named ‘Wyandot chiefs and their successors in office, a tract of land at Upper Sandusky which was 12 miles square.³ Specific land grants were also made to persons taken prisoner by the Wyandots who had been adopted into the tribe. Some of these grants were made for 640 acres of land and usually the boundaries were described in the treaty.⁴

An effort to negotiate a treaty of removal of the Wyandots from their reservation at Upper Sandusky in the early 1830’s ended in failure. However, a band of Wyandots who claimed a 16,000-acre reservation in Crawford county, Ohio, just east of Upper Sandusky, did cede their lands in an 1832 treaty negotiated by Special Commissioner James B. Gardiner.⁵ During these negotiations Gardiner offered all of the tribe land which was located just west of the state of Missouri in exchange for their Ohio properties. A six-man Wyandot delegation, headed by William Walker, was sent west in October, 1831, to examine these Western lands. Other members of this group were James Washington, Silas Armstrong, Charles B. Garrett, John Gould, and John Baptiste. Walker and Garrett became ill and did not see the frontier lands at that time.⁶ Upon their return to Ohio they reported against removal. Their statement, in part, was, “your delegation must say, and that in all truth and sincerity, that they are decidedly of [the] opinion that the interests of the nation will not be promoted, nor their condition ameliorated, by a removal from this to the country examined, and recommend to the Chiefs and nation at large to cease all contention, bickerings and party strifes; settle down & maintain their position in the State of Ohio.”⁷

James B. Gardiner, in his report to the secretary of war, Lewis Cass, alibied because of his inability to get a treaty with the Upper Sandusky Wyandots in 1832. He felt that he had been duped by William Walker and Silas Armstrong, the Indians with whom he had most contact. He came to believe that the nature of the exploring party’s report was preordained by the intent of “avaricious and envious” chiefs who with “their white and

yellow auxiliaries,” preferred to remain in Ohio.⁸ Ten previous treaties over a period of 48 years had made the Wyandots wary of these agreements.

Gardiner anticipated that a treaty could be negotiated within a year or two. As a matter of fact the Wyandots ceded a considerable area along the eastern border of their reserve in a treaty of 1836, and plans were made to remove the tribe to the Indian frontier. By 1838 official published government reports concluded that about half of the Wyandots “were desirous to emigrate,” and indications of further progress were made in 1840.⁹

Early in 1841 John Johnston, formerly an agent serving at the Wyandot agency, was appointed to negotiate a new treaty. Johnston had lived among the Wyandots in the 1820’s and he reported that since then, “a great number of half breeds, quadroons and even some more remotely related to the Wyandots, have gathered into The Reserve from every part of the adjacent country.” He expected rough going in his negotiations because “one of these quadroons is a regular admitted Lawyer in the courts of Ohio, and has just legal knowledge enough to be troublesome.”¹⁰

The willingness of the Wyandots to emigrate bogged down on questions they considered vital to the tribe: how much would the perpetual annuity be? Would the government provide for school expenses and assume the tribe’s debts? Would the Indians be paid for their Ohio improvements, and of utmost importance was the “uncertainty of the precise location of tribe in the west.”¹¹ Johnston analyzed his role as the negotiations slowly progressed and he held that

The chiefs of this nation are unusually cautious, cunning prudent men, the principal one, [Francis A.] Hicks, is educated is all informed and intelligent. There are about sixty white families living on the Reserve as renters and croppers. At least one half of the Nation is composed of halfbreeds, quadroons and of different degrees of mixed blood. A large proportion of the persons enumerated have strong objections to emigration. The white persons on the Reservation with few exceptions are decidedly against a Treaty on any terms.¹²

Eventually in late 1841, the Wyandots in open council “after two days of uninterrupted discussion, the whole male part of the nation being present,... determined without a division, that the chiefs be authorized and empowered to enter into a Treaty for the sale of all their lands to the U. S. and removal of the tribe to the west.”¹³ The annuity was increased, the Wyandots were assured that they would be relocated near the Delawares and Shawnees, and other arrangements were made. The treaty of March 17, 1842, resulted in the cession of Wyandot lands in Ohio and Michigan totaling 113,140 acres. In exchange, they were to receive 148,000 acres west of the Mississippi river, expenses for removal, a perpetual annuity of \$17,500, school funds of \$500 per year, the full value of their improvements, and payment of tribal debts amounting to \$23,860.¹⁴

In addition, the United States agreed in Article 14

to grant by patent in fee-simple to each of the following-named persons, and their heirs all of whom are Wyandotts by blood or adoption, one section of land of six hundred and forty acres each, out of any lands west of the Missouri River set apart for Indian use, not already claimed or occupied by any person or tribe, viz: Silas Armstrong, John M. Armstrong, Matthew R. Walker, William Walker, Joel Walker, Charles B. Garrett, George Garrett, George J. Clark, Irwin P. Long, Ethan A. Long, Joseph I. Tennery, Robert Robertaille, Jared S. Dawson, Joseph Newell, John T. Walker, Peter D. Clark, James Rankin, Samuel McCulloch, Elliott McCulloch, Isaiah Walker, William M. Tennery, Henry Clay Walker, Ebenezer Z. Reed, and Joel Walker Garrett, and to the following chiefs and councillors one section each: Francis A. Hicks, James Washington, Squeendehtee, Henry Jaques, Tauroonee, Doctor Grey Eyes, George Armstrong, Warpole, John Hicks, Peacock, and George Punch. The lands hereby granted to be selected by the grantees, surveyed and patented at the expense of the United States, but never to be conveyed by them or their heirs without the permission of the President of the United States.¹⁵

These government donations or gifts—no doubt carefully made to guarantee the acceptance of the remainder of the treaty—were “floating” grants because they were not tied to a particular piece of land, as was the case with earlier Wyandot donations. Hence, these 35 sections came to be identified as “Wyandot, Floats” with a potential claim to 35 square miles or 22,400 acres. Their location on unclaimed land west of the Missouri river provided an almost unlimited region from which choice could be made.

II. WYANDOT REMOVAL TO INDIAN COUNTRY

About 700 of the 800 Wyandots departed from their Ohio homeland in July, 1843, to make the long trip to Indian country. The land, offered by the government, was along the Neosho river and was considered unsuitable to the Wyandots because of its isolation and distance from civilization. So they negotiated with the Delaware Indians for purchase of 36 sections at the mouth of the Kansas river, just west of the Missouri line.
16

The problem of getting settled in the new land was uppermost in the minds of the Wyandots and the donation grants to individual members of the tribe in 1842 were generally ignored. As an aftermath of the great flood of 1844 about a hundred members of the tribe, including several float owners, sickened and died.¹⁷ But Silas Armstrong reported later that he marked out his float in 1844.¹⁸ Peter D. Clark tried to sell his float in 1851. The treaty had stated that presidential approval was necessary so he sent a letter of petition to Pres. Millard Fillmore.¹⁹ Charles B. Garrett led in marking out boundaries for nine Wyandot floats in the Blue river valley in May, 1853, due to the urging of Abelard Guthrie.²⁰ The organization of Indian country into a territory was considered imminent and some effort was made to obtain the land donations promised in the treaty. However, neither the Bureau of Indian Affairs nor the General Land Office responded to the efforts of the Wyandots to get their locations recognized.

The Wyandot reservation, cradled as it was between the Missouri and Kansas rivers, was in a strategic location for lines of travel. Many of the Wyandots were actively engaged in an effort to get the Indian country organized as a territory. With an eye to the future they strongly supported the provisional government of Nebraska territory in 1853. One Wyandot was elected to the unofficial position of delegate to congress. In an election held July 26, 1853, William Walker was made provisional governor of Nebraska territory, an unofficial position for an unofficial government prompted by promoters of a Pacific railroad.²¹

Congress responded to the various pressures for organizing the Indian country by the creation of two territories, Kansas and Nebraska, in an act of May 30, 1854. Quickly land was made available for settlement in the new territories. The Wyandots, recognizing that their opportunity to engage in a real estate venture of their own was fast fading, initiated a new treaty with the United States government. A Kansas newspaper commented:

WYANDOTTS – We understand from several sources that the Wyandots, who own a tract of country at the mouth of the Kansas, have sent on a delegation of their headmen to Washington to make a treaty. It is understood that they desire to do away with their nationality as Indians, and become citizens of Kansas Territory, and entitled to the privileges of other citizens. The Wyandotts, are generally, civilized and well informed, and have good farms in cultivation.²²

When the treaty was signed on January 31, 1855, it included a statement that the Wyandots were now “sufficiently advanced in civilization, and being desirous of

becoming citizens” of the United States, they were entering into this agreement. The process of dissolving tribal government, partitioning their lands, and reserving certain tracts for public use was begun. The Wyandot nation, as a whole, relinquished rights granted in previous treaties, although a small portion of the tribe still favored its position as ward of the United States. Most important for the future of the Wyandot floats in the 1855 treaty was article nine which stipulated

that each of the individuals, to whom reservations were granted by the fourteenth article of the treaty of March seventeenth, one thousand eight hundred and forty two, or their heirs or legal representatives, shall be permitted to select and locate said reservations, on any Government lands west of the States of Missouri and Iowa, subject to pre-emption and settlement, said reservations to be patented by the United States, in the names of the reservees, as soon as practicable after the selections are made; and the reservees, their heirs or proper representatives, shall have the unrestricted right to sell and convey the same, whenever they may think proper; but, in cases where any of said reservees may not be sufficiently prudent and competent to manage their affairs in a proper manner, which shall be determined by the Wyandott council, or where any of them have died ‘ leaving minor heirs, the said council shall appoint proper and discreet persons to act for such incompetent persons and minor heirs in the sale of the reservations, and the custody and management of the proceeds thereof—the persons so appointed, to have full authority to sell and dispose of the reservations in such cases, and to make and execute a good and valid title thereto.

The selections of said reservations, upon being reported to the surveyorgeneral of the district in which they are made, shall be entered upon the township plats, and reported, without delay, to the Commissioner of the General Land–Office, and patents issued to the reservees, accordingly. And any selection of, settlement upon, or claim to, land included in any of said reservations, made by any other person or persons, after the same shall have been selected by the reservees, their heirs or legal representatives, shall be null and void.²³

The principal change in this treaty over the earlier one was to make Wyandot floats easily assignable. Also, for the first time, the members of the tribe, including those assigned these section donations, were divided into competent and incompetent classes, a division based primarily on the ability to read and write English. Competency was to be determined by the Wyandot council, a feature which prompted some complaint by those who believed that the “white” Wyandots were intent on grabbing these special floating rights from the nonliterate halfbloods or full bloods.

After the 1855 treaty there was no further delay in locating the 35 Wyandot floats. Within the next two years 34 of these warrants were laid on land somewhere in the territory of Kansas. These floats were then identified by the name of the grantee or by the number that was assigned in the order in which the grantees were listed in the 1842 treaty. Thus Wyandot Reserve number one also bore the identification of the Silas Armstrong float; the two terms being mixed or used interchangeably. The annual report

of John Calhoun, surveyor general for Kansas and Nebraska, issued on October 21, 1857, provided a "List of Wyandot reserves filed in this office."²⁴ The list in part was:

No. Grantee: By whom located:

1. Silas Armstrong Silas Armstrong
Where located: T11S-R25E; confirmed
2. John Armstrong
3. Matthew R. Walker Matthew R. Walker
Where located: T9S-R8E
4. William Walker William Walker
Where located: T8S-R7E
5. Joel Walker Joel Walker
Where located: T12S-R19 & 20E
6. Charles B. Garrett Charles B. Garrett
Where located: T9S-R7E
7. George Garrett Charles B. Garrett, agent
Where located: T9S-R7 & 8E
8. George J. Clark B. F. Stringfellow
Where located: Sec. 15-T6S-R20E
9. Irwin P. Long Samuel Stover
Where located: Pts. secs. 17, 20 & 21 - T13S-R21E
10. Ethan A. Long Coffman, Armstrong & Johnson
Where located: Pts. secs. 22, 23 & 27 - T12S-R25E
11. Joseph L. Tennery Samuel C. Pomeroy
Where located: T10S-R8E
12. Robert Robertaile Wm. H. R. Lykins
Where located: T12S-R19 & 20E
13. Jared S. Dawson Samuel C. Pomeroy
Where located: T10S-R8E
14. Joseph Newell Jacob Ulrich
Where located: Pts. secs. 1, 2, 11 and 12-T14S-R18E
15. John T. Walker John T. Walker
Where located: T7 & 8S-R6 & 7E
16. Peter D. Clark Peter D. Clark
Where located: S 1/2 sec. 27 & N 1/2 sec. 34-T5S-R20E
17. James Rankin Charles B. Garnett
Where located: Sec. 27-T12S-R25E
18. Samuel McCulloch Armstrong & Coffman
Where located: Sec. 28-T12S-R23E
19. Elliot McCulloch Smith & Leymounds
Where located: Sec. 28-T12S-R17E
20. Isaiah Walker C. K. Holliday
Where located: Sec. 31-T11S-R16E
21. William M. Tennery C. Robinson
Where located: T12S-R19 & 20E
22. Henry Clay Walker Henry Clay Walker

- Where located: T8S-R6 & 7E
23. Ebenezer Z. Reed Johnston Lykins
Where located: Pts. secs. 14, 15 22 & 23 - T12S-R19E
 24. Joel Walker Garrett Charles B. Garrett, agent
Where located: T9S-R8E
 25. Francis A. Hicks George W. Deitzler
Where located: Sec. 10-T19S-R11E
 26. James Washington Charles B. Garrett, assignee
Where located: T8 & 9S-R7E
 27. Squeendehty Samuel G. Howe
Where located: E 1/2 sec. 28 & W 1/2 sec. 27-T21S-R15E
 28. Henry Jacques Joel W. Garrett
Where located: Sec. 33-T12S-R25E
 29. Tauroomee Tauroomee
Where located: Sec. 31-T12S-R25E
 30. Doctor Grey Eyes Charles B. Garrett
Where located: Sec. 34-T12S-R25E
 31. George Armstrong George Armstrong
Where located: T11 & 12S-R18E
 32. Warpole Charles B. Garrett, agent
Where located: T8 & 9S-R7E
 33. John Hicks Jacob Ulrich
Where located: T19S-R10E
 34. Peacock Lyman Allen
Where located: E1/2 sec. 5 & W 1/2 sec. 4-T5S-R21E
 35. George Punch Jacob Ulrich
Where located: T19S-R9E

John M. Armstrong, grantee for float No. 2, the one not reported on this list, had died in 1852. His widow had tried to locate his claim without success until she presented three possible choices for the section to cover with her husband's warrant on March 12, 1858. At that time the land donation granted to her husband was filed.²⁵ By 1858, when the claim for the last of the 35 floats was entered in the proper office, ownership of these rights was quite different from that anticipated in the treaty of 1842. The lapse of 15 or 16 years had brought about the death of about one half of the Wyandots who had been assigned floats. Then, during the years 1855 through 1857 when 34 of these floats were located, exactly half of them were used by Wyandots, either as the original grantee or as the agent or assignee for the grantee. White men, most of whom were recent arrivals in the territory, located 15 floats, primarily on prospective townsites and on speculative agricultural lands. The other two floats were located by Silas Armstrong in partnership with white men.

By 1855 the land granted in the 1842 treaty was being covered by Wyandot warrants and these actions were reported to the proper authorities, Troubles were already developing for the reservees. They complained to various government officials and generally they received a most sympathetic hearing from George W. Manypenny, commissioner of

Indian affairs. Manypenny, in turn, reported in a long letter to the secretary of the interior, Robert McClelland, part of which follows:

...immediately after the ratification of the treaty of January last, the claimants under the 9th article proceeded to select their locations “upon lands subject to pre-emption,” and that fifteen of them did so on the Blue River, where they could find suitable locations, but because the Surveys were not completed the Surveyor General could not make the entry on the township plats. He [William Walker] further states that settlers in the neighborhood are cutting and carrying away what timber there is upon these lands, and in some instances have actually settled upon them knowing that they had already been selected under the treaty, but that the judiciary there is useless for redress, the judge himself being particeps criminis, with the treaty and asks the interference of the Department for their protection through the General Land Office, as in the case of the Board of Foreign Missions of the Presbyterian Church, a copy of the proclamation for which, is enclosed. He also states that the remainder of the reservees have made their selections in various parts of the Territory & perhaps in Nebraska.

Manypenny continued by emphasizing that

the claim of the Wyandotts is a peculiar one, and in view of the lapse of time since 1842, when the field for location had no prospect of being curtailed by the ingress of white settlers to absorb the choice lands either simultaneously or in advance of the reservees, it seems to claim the liberal action if not the equity of the Government on behalf of the Indians.

Finally, Commissioner Manypenny asked the following questions concerning the Wyandot floats. He was wondering whether

1st, the Indian reserve shall or shall not take precedence of whites in cases of the dates of locations as to priority being equal, or when the former precedes the latter in making his selection;

2d, If the Indian is to be protected in the possession of land selected prior to survey, what measures shall be adopted for the purpose;

3d, Whether the reserves for the Indians shall be separately surveyed and the lines of other surveys made to conform to the former, or whether they shall be made to conform to sectional lines of survey, and if the latter

4th, In what manner shall interferences between the reserves and pre-emptors if the selection proves upon survey to be on two or more sections, be settled, and

5th, whether, in case there is no better mode that presents itself to your judgment as practicable for the accomplishment of the object, similar proclamation be made on behalf of the reservees, as has been done on behalf of the Board of Foreign Missions alluded to.²⁶

Only a few days passed before the secretary of the interior accepted the suggestion of Manypenny and instructions for the use of Wyandot floats were supplied to the various offices of the surveyors general under date of September 1, 1855. Johnston Lykins made a copy of these instructions, as follows:

TO ALL WHOM IT MAY CONCERN--WYANDOTT RESERVATIONS
WEST OF THE MISSOURI RIVER

Public notice is hereby given of the determination of the Department of the Interior to maintain & protect in good faith, the rights of the Wyandott Indians reserves, their heirs or legal Representatives, as intended by the 17th [sic] Article of their treaty of March 17th 1842, & also the location of the same as intended by the 9th article of the treaty of January 31st. 1855 against all intruders or improper adverse claims to the utmost extent warranted by laws & to such end the following views & regulations have been communicated & prescribed by said Department to this office, to wit-

The reserves are thirty five in number & by the terms of the treaty of 1842, they are entitled [sic] to one Section of 640 acres each "out of any of the lands west of the Mississippi river, set apart for Indian use." The treaty of 1855 permits each of them "their heirs or legal representatives, to select & locate said reservations on any government lands west of the State of Missouri & Iowa, subject to preemption & settlement."

First, The term "section of 640 acres" are to be understood in a technical sense, having reference to Subdivisional Surveys in a township containing thirty-six sections; but where the locations are made in advance of the public surveys, it cannot be expected that the lines of the former will be found to conform to the latter in any case, but, by adopting the legal Subdivisions of the public surveys; it will be practicable to reduce the area of the locations, in every case, very nearly within the limits of such Subdivisions, giving it each its proper form of a mile square and thus conform to the spirit of the treaty.

Second, It will be necessary for each reservee so unmistakably to designate the lines & corners of his location by marks & monuments of some kind in the field, as to give effectual notice of its metes & bounds & thereby forewarn all persons from intruding within the limits thereof. The lines should be made to conform as near as may be, to the cardinal points, & when the Subdivisional Surveys are being made in the townships, including such locations, the Deputy-Surveyor will indicate such outlined in his notes & field plat so as that the same may be afterwards indicated at this office by dotted lines on the township plat, by which means the area of the location may be understandingly reduced within the limits of the legal Subdivisions. A notice & description of the location of each claim laid off as aforesaid is required to be filed at this office.

Third, If after the public survey the Indian location shall prove to have been laid upon two or more different sections the reservation will be shown forth on the township plat

by taking such legal subdivisions of the different sections (making up a square mile) as will most nearly conform to the lines of such locations whether such subdivisions be quarter sections, half quarter or quarter quarter sections, & the same procedure will be observed in all other cases so requiring.

Fourth, In view of the lapse of time since 1842 when the right of the Indian was secured by the treaty, his claim will be regarded as justly entitled to precedence over that of the white settler in cases where his location either preceded or is of equal date with that of the white settler.²⁷

By the time of the location of the John M. Armstrong float, in 1858, all 35 of the Wyandot warrants had been used to cover land in the northeastern part of the territory of Kansas as shown on the accompanying map. Twenty-five of these floats were located on river bottom land, about half of them on townsites. The other 10 were laid on land, not too distant from major rivers, where the use of the property was intended to be for farming purposes.

The attention devoted to these grants in published Kansas history has been slight.²⁸ William E. Connelley, the historian of the Wyandots, barely mentions these special donation grants made in the treaty of 1842. Nevertheless, the significance of these 35 Wyandot floats can be recognized from the land they covered on the townsites of Lecompton, Topeka, Lawrence, Manhattan, Emporia, Burlington, Kansas City, and Doniphan. In addition, valuable river bottom agricultural land was covered by these floats in the valleys of the Blue and the Neosho rivers. Other valuable properties were located in Atchison, Johnson, Douglas, and Shawnee counties.

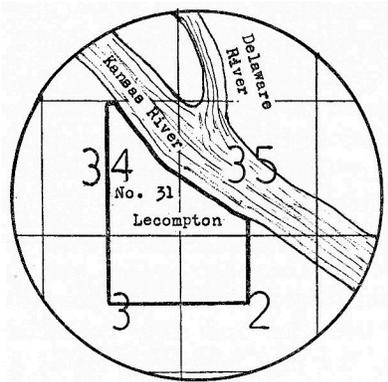
The role in history of the Wyandot owners of these donation grants is also important. At least four of them held elective positions in the preterritorial legislature, or in early Kansas county offices. All were men of considerable ability: some were recognized as town builders and railroad promoters, and others were early business men.

The roster of early Kansas citizens who had close involvement with Wyandot floats reads like a territorial and early statehood "Who's Who." Charles Robinson, the first governor, owned a float at one time. Samuel C. Pomeroy, one of the first United States senators from Kansas, actively engaged in the purchase and location of these Wyandot warrants. The other United States senator when Kansas gained statehood, James H. Lane, fought to a standstill the use of the three floats on the Lawrence townsite and won his right to his quarter-section claim. At least three of the territorial governors; Johnston Lykins, missionary, and later town father; the most ardent of Proslavers, Benjamin F. Stringfellow; and town builder and railroad promoter, Cyrus K. Holliday were among the many who had connections with at least one of the Wyandot floats.

One of the territorial delegates to congress served as an attorney in actions taken by one Wyandot float owner to secure his patent. Litigation over the rights of Wyandot floats was both time-consuming and costly and three of the warrants originally laid on Kansas land were used in Colorado, New Mexico, and other Western states. Law suits, over the

use of several of the Wyandot warrants, were appealed to higher courts and one was eventually settled in the United States supreme court. The unique histories of these 35 floats Will be detailed in the next two sections. Following that the efforts of the government to satisfy the full rights to 640 acres for each grantee and his heirs, and the developments of this land in the century that followed will be presented.

III. TOWNSITES LOCATED WITH WYANDOT FLOATS



1. Lecompton - Float No. 31: George Armstrong

Description:

Lots 4 & 5, sec. 34-T11S-R18E 181.90 acres
SW fr. 1/4 sec. 35-T11S-R18E 69.70 acres
NE 1/4 sec. 35-T12S-R18E 152.23 acres
NW 1/4 sec. 2-T12S-R18E 152.19 acres
Total 556.02 acres

Filed January 30, 1856

Department notified September 17, 1857

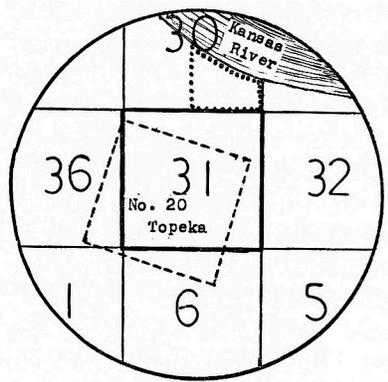
Patent issued June 11, 1858

Lecompton, Proslave capital of territorial Kansas, was organized in late 1854 and early 1855 through the efforts of a town company leaded by Dr. Aristide Rodrique, of Hollidaysburg, Pa. Located on the south side of the Kansas river in northwest Douglas county, Lecompton became the capital as a result of actions by the territorial legislature on August 15, 1855. George Armstrong, one of the leading chiefs of the Wyandots died in December, 1851, and in January, 1856, his heirs sold his float to Dr. Rodrique, who, as president of the Lecompton Association, used it to cover the townsite laid out some seven or eight months earlier.

Preemption declarations were later filed which threatened the claim of the Lecompton Association. In a letter to the surveyor general for the territories of Kansas and Nebraska, John Calhoun, the General Land Office acknowledged that the preemptors notice was given "posterior to the filing of the location by George Armstrong of the reserve in the Surveyor General's Office; but the dates of the alleged settlements are anterior to the filing of the location of the reserve,—and we have no evidence that these facts were before you." 29 One prominent resident wrote the commissioner of Indian affairs that "It is proper to remark that the town of Lecompton is laid out upon this Reservation and lots have been sold and resold all over it and that any alteration of the lines contemplated would destroy the titles of lot holders upon the Eastern part of said Reservation." 30 The challenge was soon overcome and Lecompton's title was protected by the patent issued June 11, 1858. By that time, Lecompton's days as a social and

political leader in Kansas were numbered and the community failed to continue its early growth.

A dozen miles upriver from the Lecompton site “nine strangers whom chance had brought together” assembled in a cabin on the south bank of the Kansas river, December 5, 1854, to form a town association.³¹ Within a few days this group adopted formal rules for the Topeka Association and began accepting new members. Cyrus K. Holliday was elected president. He, and other members of this association, were united in coming to Kansas, principally, to promote a free state for the area. Now they presented unity of purpose in promoting a city through the free disposal of town lots “without regard to price, as social, commercial and political advantages” for their community.³²



(The dashes show the original location.)

(The dotted lines enclose the additional part of the townsite.)

2. Topeka - Float No. 20: Isaiah Walker

Description:

Original location:

Lot 4, sec. 36-T11S-R15E 127.50 acres

Lot 7, sec. 31-T11S-R16E 403.33 acres

Lot 3, sec. 1-T12S-R15E 12.79 acres

Lot 4, sec. 6-T12S-R16E 88.99 acres

Total 632.61 acres

Relocated after survey:

Section 31-T11S-R16E 621.80 acres

Filed November 17, 1855, in the name of C. K. Holliday

Department notified September 17, 1857.

Patent issued February 14, 1859

Initially, the Topeka Association sought to mark out four square miles in a compact area which was two miles on a side. Using the townsite law, the association planned to preempt 320 acres with the 14 other quarter sections to be preempted as farming claims by individual members of the association. These pioneers made an elementary metes and bounds survey of their four sections with the use of a cheap compass and cordage

which had tied their trunks and boxes for the trip to Kansas. Only one claim jumper was found in the area and he did not stay long. When the public survey came through in February, 1856, the lines made by the Topeka Association were found to be 18° 40' out of agreement with the cardinal directions. Many settlers had established claims around Topeka and the association had difficulty in modifying their claim "to conform to the legal subdivisions of the public survey." 33

Earlier, on April 26, 1855, the Topeka Association voted to buy a Wyandot float to locate on one of the sections of their townsite. The trustees and the president were authorized on the following November 15 to purchase a float. Two days later Wyandot float No. 20 was filed in the office of the surveyor general at Lecompton, on behalf of C. K. Holliday, president of the Topeka Association.³⁴ The contract was then drawn up with Isaiah Walker, owner of the float, on February 9, 1856, for a payment of \$1,200. On the same day Holliday wrote the surveyor general, John Calhoun, requesting relocation of the float to section 31, which according to the government survey was 621.80 acres.¹⁵ The townsite was thus refixed for use of the Wyandot float. The southeast fractional quarter of section 30 was also considered a part of the original town of Topeka.",

Protection of the property rights of the Topeka Association to the townsite was a matter of grave concern to its members, and especially to its president, Cyrus K. Holliday. The Valley Town Company, composed of James M. Kuykendall as president, James N. Hand and Perry Fleshman, apparently with the connivance of David T. Mitchell, deputy surveyor, who prepared the field notes for the resurvey of the Isaiah Walker reserve, claimed and preempted two lots totaling 65.36 acres in section 31 and on December 3, 1857, they paid the government price for the land.³¹ The Valley Town Company had been incorporated by the Proslave territorial legislature, and the members of the Free-State Topeka Association were sure that its action in the Topeka area was inspired by a Proslave syndicate in Lecompton. F. W. Giles characterized this opposition group as "a sort of privateering enterprise, the sole aim and object of which was to avail itself of any mistake that might be made by any one or more of the numerous individuals or companies founding towns in the early territorial period." Is Holliday wrote letters to such influential officials as the commissioner of Indian affairs and the delegate to congress from Kansas expressing his fears. Also, for six months or more the following notice was published in the Kansas Tribune:

VALLEY TOWN COMPANY

NOTICE.

To all Whom it May Concern.

Public notice is hereby given that a portion of section 31, township 11 south, of range 16 east, part of the town site of Topeka, upon which a Wyandotte warrant was lain or located about two years ago, for the "use, benefit and behoof" of all persons interested by, or through or under, the Topeka Association, has been wrongfully preempted in the name of the Valley Town Company.

Therefore, all persons are hereby warned to not purchase any lot or lots, or parcels of land, within the said section 31, the title to which is derived from, or comes through, the said Valley Town Company, as such title is wholly invalid, and will in no manner be recognized by us.

C. K. HOLLIDAY

President of Topeka Association.

December 26, 1857.

F. L. CRANE,

T. G. THORNTON,

M. C. DICKEY, Trustees Topeka Association³⁹

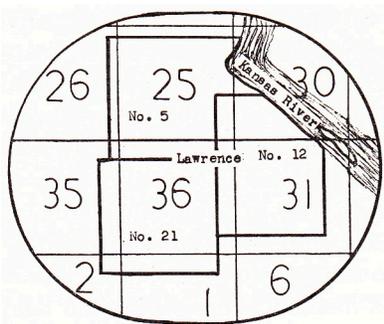
L. G. CLEVELAND,

S. T. WALKLEY,

Finally, on May 3, 1858, Holliday wrote to Thomas A. Hendricks, the commissioner of the general land office, that

it is well known here (though, perhaps a little difficult of proof) that [Attorney General for the Territory William] Weer and [David T.] Mitchell purchased (or became possessors of) this Floating Charter called Valley Town... for the express purpose of laying it (the Charter) upon the fractions that Mitchell made by changing the location of our Float. When you reflect that here by a little “skullduggery” (as we call it in Kansas) on the part of Mitchell he and his partner (with perhaps one or two others) could obtain possession of sixty five acres of very valuable Land—Land made valuable by the toil and privations of others. You will readily understand why Mitchell changed its location contrary to all information and instructions, and posted, with hot haste, to Lecompton, and pre-empted the fractions which he himself had made.⁴⁰

But nothing came of the claim of the Valley Town Company, except that its opposition drew the members of the Topeka Association more closely together. The patent for Topeka, as covered by Wyandot float No. 20, was issued February 14, 1859. Isaiah Walker, with his wife Mary, verified the transfer to the Topeka Association in action taken before the Wyandot Council on July 1, 1859. The title to the area, with Cyrus K. Holliday acting as special trustee for the Topeka Association, was subsequently defended in several court actions. No serious problems befell owners of Topeka real estate, owing to the method under which the land was acquired from the government.⁴¹



3. Lawrence

Floats Nos. 5: Joel Walker; 12: Robert Robitaille; and 21: William M. Tennery

Description

Original entry of No. 5: 42

Lot 6, sec. 25 - T12S-R19E 435.26 acres

Lot 5, sec. 25 - T12S-R19E 19.61 acres

Lot 3, sec. 55 - T12S-R19E 7.97 acres

Lot 4, sec. 36 - T12S-R19E 150.83 acres

Lot 2, sec. 30 - T12S-R20E 0.80 acres

Lot 3, sec. 30 - T12S-R20E 2.80 acres

Total 617.27 acres

Filed September 4, 1855

Department notified September 17, 1857

Modified [see below]

Original entry of No. 12: 43

Lot 3, SW 1/4 of SE fr. 1/4, sec. 30-T12S-R20E 26.30 acres

NW fr. 1/4, sec. 31-T12S-R20E 150.99 acres

Lot 1, NE fr. 1/4, sec. 31 59.85 acres

Lot 2, NE fr. 1/4, sec 31 37.50 acres

SW1/4NE fr. sec. 31 40.00 acres

W1/2SE1/4, sec. 31 80.00 acres

SW fr. 1/4, sec. 31 152.97 acres

Total 624.60 acres

Filed September 4, 1855, in the name of Wm. H. R. Lykins

Department notified January 27, 1857

Modified [see below]

Original entry of No. 21: 44

SW1/4 & W1/2SE1/4 & S1/2NW1/4 & SW1/4NE1/4, sec. 36-T12S-R19E

SE1/4NE1/4 & E1/2SE1/4, sec. 35-T12S-R19E

NE fr. 1/4 of NE fr. 14, sec. 2-T13S-R19E

NE fr. 1/2 of NW fr. 1/4, sec. 1-T13S-R19E

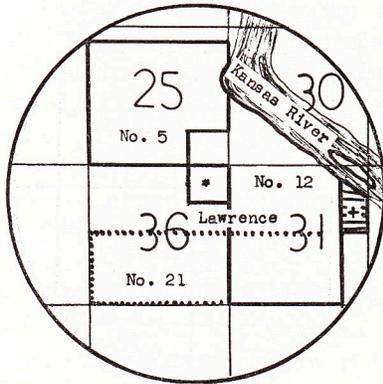
NW fr. 1/4 of NE fr. 1/4, sec. 1-T13S-R19E

Total 634.21 acres

Filed December 3, 1856, in the name of C. Robinson

Department notified January 27, 1857

Relocated [see below]



* Subtracted from No. 12.

+ Added to No. 12.

Modification of No. 5:45

Lots 3 & 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all in sec. 25-T12S-R19E

Total 355.90 acres

Patent issued June 14, 1865

Modification of No. 12:46

SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 25-T12S-R19E 40.00 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 36-T12S- R19E 40.00 acres

Lot 2, sec. 30 - T12S-R20E 37.05 acres

Lot 3, sec. 30 - T12S-R20E 26.30 acres

Lot 2, sec. 31 - T12S-R20E 37.50 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 31-T12S-R20E 40.00 acres

NW $\frac{1}{4}$, sec. 31-T12S-R20E 159.99 acres

W $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 31-T12S-R20E 80.00 acres

SW $\frac{1}{4}$, sec. 31-T12S-R20E 152.97 acres

Total 604.81 acres

Modified location of No. 12 finally approved:47

Same as above except the 40 acres in sec. 36 was subtracted and 59.85 acres in the E $\frac{1}{2}$ of fr. NE $\frac{1}{4}$, sec. 31 was added.

Total 624.60 acres

Patent issued January 16, 1860

Modification of No. 21:

“Owing to error in this reserve notice—the boundaries will not close.”48

Relocation of No. 21:49

SW $\frac{1}{4}$, sec. 20-T3S-R13E

SE $\frac{1}{4}$, sec. 21-T3S-R13E

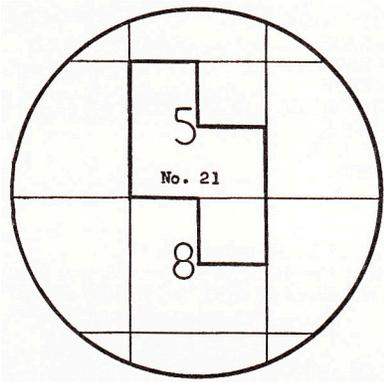
NE $\frac{1}{4}$, sec. 28-T3S-R13E

NW $\frac{1}{4}$, sec. 29-T3S-R13E

Total 640.00 acres

Filed November 9, 1859

Relocation requested May 5, 1860



Second relocation of No. 21:50

NW $\frac{1}{4}$, SW $\frac{1}{4}$, & SE $\frac{1}{4}$, sec. 5-T12S-R65W of 6th P. M.

NE $\frac{1}{4}$, sec. 8-T12S-R65W

Total 643.86 acres

Filed

Department notified

Patent issued January 17, 1868, for an erroneous location in range 66 west and made out to M. Tennery, rather than William M. Tennery. Cancelled and corrected patent issued on October 16, 1868.

Lawrence was considered an ideal site for a town and claim seekers early located throughout the immediate locality. Chosen as the place of settlement of one of the chief colonies of the New England Emigrant Aid Company, the area soon saw increasing competition for land. Two parties from New England reached the site by September 18, 1854, when they organized the Lawrence Association with the intention of occupying two square miles for the future town. Although townsite preemptions were limited by law to a maximum of 320 acres there were ways of obtaining the 1,280 or more acres desired by the aid company. Disconcerting to aid company agents was the fact that most of the desired townsite was already preempted by claim holders seeking the area for farming, purposes. Most of these preemptors refused to sell out to the company, preferring to keep their claims. Additional problems arose because of the arrival of James H. Lane, who bought out a claimant on the fringe of the colony. Lane, a lieutenant colonel in the Mexican War, former lieutenant governor of Indiana, and only recently a member of congress, was a hard man to have for an enemy. The land claim contest, involving Lane and Gaius Jenkins has been justifiably identified as “the most famous... which arose in Kansas,”⁵¹ and it had its repercussions on the use of Wyandot floats on the Lawrence townsite. Where else could one find a killer in a homicide case (Lane) gain exoneration for his crime, get elected to the United States senate shortly afterwards, and have his land claim resolved to his satisfaction? In the process two Wyandot floats had to adjust their boundaries to Lane’s demands, and a third float was relocated.

The well-organized colony sent out by the New England Emigrant Aid Company under the guidance of Charles Robinson bought out one of the squatters on the proposed townsite, but other settlers organized to oppose the New Englanders by force if necessary. Later, Robinson was to assert that the rivalry on the Lawrence townsite was another issue in the Free State-Proslavery fight. R. G. Elliott, one of the early settlers at Lawrence, maintained that most of the settlers in the vicinity were free state in sympathy and that the rivalry for choice land was typical of any new area. Elliott recorded that the first squatters on the Lawrence townsite were

constitutional migrants, a class prevalent in the West. Like many others, sniffing new lands from afar, catching the forward shadow of coming events cast by the introduction of the Nebraska bill, they set out for the New Territory a year in advance and halting on the border were able to secure choice claims of high value for ferry privileges by the rapids of the Kaw.⁵²

Charles Robinson's general attitude was to offer no compromise to settlers outside the auspices of the New England Emigrant Aid Company, by claiming the preeminence of town locations, particularly where a trading post existed, over farming locations. To enhance the chances of more quickly gaining title to their lands, Wyandot floats were laid on various tracts in the area. William H. R. Lykins, one of the first squatters on the townsite and one of the very few settlers favoring slavery for that area, bought the float of Robert Robitaille to cover his agricultural claim and that of three of his neighbors. Charles Robinson obtained from Samuel C. Pomeroy the William L. Tennery float to support the aid company's position. The Joel Walker float was placed on the land of west Lawrence in Walker's name by its new owners Johnston Lykins and Kersey Coates. They, in turn, soon divided their title to the float with Levi Gates, Jr.; A. H. Mallory; Achilles B. Wade; William H. Oliver, of Lawrence; E. B. Whitman and Hiram Hill; David W. Hambleton (who transferred his ownership on February 1, 1856, to Andrew H. Reeder); Jno. B. Scope; and Pomeroy and Robinson who assigned their share to trustees of the New England Emigrant Aid Company.⁵³

Outspoken in his criticism of the action taken by the holders of Wyandot floats was James H. Lane. Perhaps feeling that the ownership of his own claim was weak and in doubt, Lane struck quickly with a long letter to George W. Manypenny, commissioner of Indian affairs:

LAWRENCE CITY[,] June 26th 1855

SIR

I desire to file in your dept my solemn protest against permitting Joel Walker and his associates to lay a Wyandot Warrant upon the Section of land upon the Kansas river immediately above the present Lawrence City. I am in peaceable possession & have in actual cultivation with the intention of promoting a portion of the land included within the boundary upon which they seek to lay the said warrant.

My name was obtained to a paper which they call an abandonment by a trick which renders it a nullity—this I can abundantly prove by witnesses of the first respectability.

Lawrence City has already a mile square of Territory & the public good does not require the sacrifice of my rights. I therefore file this my protest against permitting the said Indian Warrant to be located on the said land.

I have written to Mr. McClelland & to the Commissioner of the Genl Land Office & address you as I am not posted as to Persons having the Controul [sic] of the matter.

I trust you will not permit the right of the Squatter to be trampled underfoot—for the benefit of the men [of] speculation.

I came to Kansas to become a permanent citizen, purchased a claim for which I paid a high price, built me a house, broke up, fenced & planted my land & now without remuneration or thanks a large portion will be taken from me unless you or those having the matter in charge will interfere. I appeal to you to arrest the wrong & vindicate the law passed by Congress for the Encouragement of the actual Settler.

I shall be pleased to hear from you on this subject—as I was & am entirely ignorant as to the object & nature of these warrants. They seem to be a part of [an] engine more powerful than many by which speculators can obtain land where & from whom they please without question or force.

Respectfully
J. H. LANE 54

Hon Manypenny
Commissioner of Indian Affairs

The guidance offered by Robinson, as he led the Lawrence Association, did not resolve the question of ownership of the townsite. The local squatter's court, composed of both Free-State and Proslavery settlers, was generally anti-Association, or more likely, anti-New Englander. One observer wrote that, "By the close of the year [1854] the controversy over the town site, between the stubborn farm claimants and the uncompromising Association, was verging on a bloody riot."⁵⁵ An early newspaper comment declared that the bitter quarrel, "hung like an incubus over the city for several months, preventing emigrants from settling there, and [had] been a serious drawback to the growth and prosperity of the city."⁵⁶ Then, while Robinson, was out of the territory, Pomeroy, using techniques which were later to elevate him to the United States senate and ingratiate many Kansas citizens to him, worked out a compromise on the Robitaille or Lykins tract. Many years after this action a contemporary recorded that,

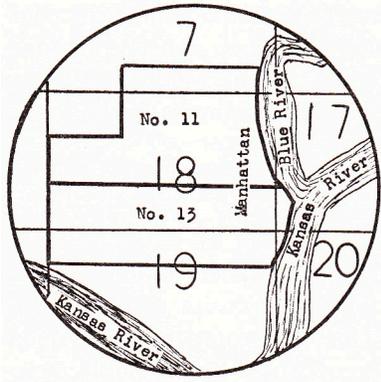
By his unctious diplomacy, for which he afterward became famous, in contrast with the previous aggressive methods, he won for the Association and the Aid company more than they could have obtained by uncontested preemption, under the most favorable

conditions... they obtained 120 shares out of 220 of a 640 [acre] tract, with a recognition of the transfers they had made; and instead of years of waiting on the uncertainties of the land department, a short cut [was obtained] to title, provided by the farm claimants, by way of Indian treaty.⁵⁷

In spite of the agreements and contracts the road to a patent for the Robitaille or Lykins float was strewn with further litigation before the land office in Lecompton. (See reproduction of a warning poster, between pp. 256, 257.) Seventeen claimants, some in conflict with each other, contended for some part of the land against the claim presented by the float.⁵⁸ These claims were adjudicated, boundaries were modified, and the patent was issued with surprising speed on January 16, 1860, for a slightly reduced tract of 624.60 acres.⁵⁹

Similar fast action was impossible for the metes and bounds area claimed by the Joel Walker float. Lane's protest, as well as contests entered by other claimants to the land, was responsible for the delay. The rivalry between Gaius Jenkins and James Lane for the northwest quarter of section 36 pushed the claim of the Wyandot float outside that section. The killing of Jenkins by Lane was followed by Lane's acquittal in the death and the awarding of the land to Jenkins' heirs by the General Land Office. Lane appealed and gained a reversal, no doubt influenced by his rise to a position in the United States senate. In the meantime, other rival claims to the area covered by the Walker float further curtailed the land it was to locate. The patent was finally issued June 14, 1865, for a land area of only 355.60 acres.⁶⁰

Charles Robinson had hard luck with the other float laid on the Lawrence townsite. Due to an error in the land description, which Robinson had filed on December 3, 1856, with evidence of his ownership of the William M. Tennery float, this Wyandot warrant was never used at Lawrence. Instead, Robinson registered the float at the Kickapoo land office on October 25, 1859, and on November 9 he filed on a 640-acre tract in Nemaha county a few miles southeast Seneca.⁶¹ Six months later he changed his mind again stating, "that circumstances have arisen which make it desirable and important... to make another selection."⁶² This final selection was made a short distance northeast of Pike's Peak, in El Paso county and for less than a year after that a part of Kansas territory. When it was patented on June 17, 1868, and forwarded to the register and receiver at Denver, it was found to be issued to range 66 west rather than 65 and made out to M. Tennery rather than William M. Tennery. A short time later this patent was cancelled and a new one with the correct description was issued October 16, 1868.⁶³



4. Manhattan

Floats Nos. 11: Joseph L. Tennery; and 13: Jared S. Dawson: 64

Description of float No. 11:

Lot 24, sec. 7-T10S-R8E138.40 acres
 Lot 10, sec. 17-T10S-R8E 0.60 acre
 Lot 5, sec. 18-T10S-R8E 501.00 acres
 Total 640.00 acres

Filed February 5, 1857, in the name of Samuel C. Pomeroy
 Department notified March 23, 1857
 Patent issued September 21, 1865

Description of float No. 13:

Lot 11, sec. 17-T10S-R8E 20.40 acres
 Lot 9, sec. 18-T10S-R8E 322.00 acres
 Lot 1, sec. 19-T10S-R8E 284.00 acres
 Lot 2, sec. 20-T10S-R8E 13.60 acres
 Total 640.00 acres

Filed February 5, 1857, in the name of Samuel C. Pomeroy
 Department notified March 23, 1857
 Patent issued September 21, 1865

Like Lawrence, the town sponsors of Manhattan included the New England Emigrant Aid Company, and there were many others not from New England who had a hand in the development of the early community. First on the scene at the junction of the Blue and Kansas rivers were independent land seekers, most of them from the states of the Ohio valley. Next to arrive were colonizers from the New England Emigrant Aid Company, who set up the Boston Association on April 3, 1855, and included in their organization many of the earlier settlers. Then on June 1, a party called the Cincinnati and Kansas Land Company, mostly from Ohio, came on the steamboat Hartford with plans to settle above Fort Riley. The Boston Association, in an effort to quickly increase the population of their town, offered one half of the townsite to the Cincinnati company. The terms of the contract were agreed to and one requirement was to name the town

Manhattan. So the Manhattan Town Association came into existence with the first minutes of the group being recorded on July 7, 1855.⁶⁵

Initially, the Boston Association sought to occupy 1,600 acres by having 10 settlers claim a quarter section each. When the Manhattan Town Association was organized most of the settlement was on two square miles, so a plan was formulated to obtain two Wyandot floats to cover the claims for the townsite. To avoid the problems arising from claim jumpers, the town company built “shake houses” on each quarter section to be occupied by a reliable member until the Indian floats could be laid on the land.⁶⁶ Maintaining that immediate removal of a claim jumper would nullify his claim, the Manhattan Town Association took strong action to evict William J. Osborn. Although he was a native of New York he was believed to be a Proslave advocate.⁶⁷ The report of this story appeared June 15, 1855, in the Proslave Kansas Herald which was published at Leavenworth:

AN INFAMOUS OUTRAGE

We can truly say that we never listened to the recital of a more gross and infernal outrage, than was recently perpetrated on Mr. Wm. J. Osborn, by a gang of Cincinnati Abolitionists, known as the Manhattan Town Company. The facts of the case, we give as they have been narrated to us. On the 5th of the present month, while Mr. Osborn was working on his claim on the Kansas river at the mouth of the Blue, near the town site of MANHATTAN, some fifteen or twenty men of the Manhattan Town Company, armed with guns, pistols and clubs, came on the premises and peremptorily ordered him to leave his property in fifteen minutes, threatening to brutally whip him, if he did not obey their orders, and assuring him at the same time with all apparent sincerity that they would drown him in the Kansas river, if he ever again made his appearance in that neighborhood. Mr. Osborn knowing that he had done nothing to warrant such violent proceedings, and that the Abolitionists had no earthly right to the ownership of his claim, refused to leave as demanded. At the expiration of fifteen minutes, Mr. Osborn, still inflexible in his refusal to leave, was violently seized and taken by force on board the steamboat Hartford, which was brought out from Cincinnati, and is still used by this company as a temporary shelter, for lodging and other purposes of living. There he was abused, derided at, and offered every revolting insult that the base, cowardly and infamous villains could think of. After a custody of some hour or two, during which time every scheme and threat was brought into requisition with the view of extorting a promise from Mr. Osborn to leave, and give up his claim to them, he was released with the admonition that if he was seen in that neighborhood on the following day, he would be hung or drowned in the Kansas river.

Less ready to accept the threats of the Manhattan Town Company at face value was Isaac S. Hascall who moved into one of the local cabins and claimed it for his own. Warnings of dire consequences were of no avail in an effort to get rid of Hascall. Action to legally evict him in the territorial justice of the peace court was won by Hascall and finally the association bought him out as they did several other claim jumpers who landed on the townsite.⁶⁸

In the meantime efforts were directed toward securing Wyandot floats to cover the town. On November 10, 1855, while Samuel C. Pomeroy was present, the Manhattan Town Association trustees met and formally "Voted, that Mr. Pomeroy be requested to use his best endeavors to procure a Wyandot warrant to lay on the town site."⁶⁹ Evidence of a continuing search is seen in a letter written July 12, 1856, by Andrew J. Mead to John A. Halderman of Leavenworth. In part Mead wrote:

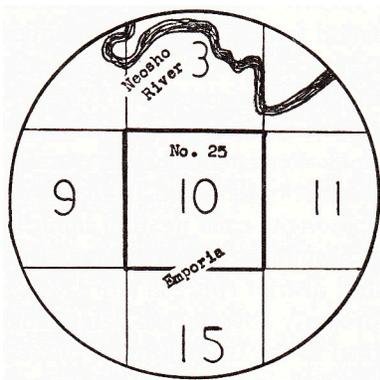
Please inform me at your earliest convenience if a Wyandotte Float can be purchased at your place or do you know of one for sale and the price. I mean a Wyandotte right to 640 Acres of Land.

I shall be glad of your opinion as to the certainty of such a claim to lands in the hands of [a] third party resting securely upon public lands by way of preemption and payment[.] Will the government recognize such transaction without difficulty.⁷⁰

Eventually, Pomeroy came through again and obtained not one Wyandot float for Manhattan but two. From Joseph L. Tennery, still located in Hardin county, Ohio, he purchased Tennery's warrant for \$800. Jared S. Dawson also lived in Ohio, in Logan county, and his float was acquired from Johnston Lykins who reportedly paid Dawson a horse and a dog for his right to 640 acres.⁷¹ Both floats were sold to the Manhattan Town Company for \$1,000 each, they were filed in Pomeroy's name on February 5, 1857, and the land office was notified some six weeks later. The survey of the townsite, completed early in 1856 by Abram Barry and Davies Wilson, at a cost in excess of \$300, was exactly the 1,280 acres provided for by the two floats.⁷² Local attorneys were appointed to secure the title for the land and the land problems over the proper division of the townsite between the two companies making up the Manhattan Town Association was submitted "to the decision of the Referees mutually chosen by the two companies."⁷³

But there were further troubles in the offing for the Manhattan Town Association. Tennery was apparently not in full agreement to the terms of sale of his float. Pomeroy provided a bond for \$100,000 to protect the town company's interest and finally on May 11, 1859, he obtained the proper papers through direct negotiation with Tennery.⁷⁴ Patents for the land claimed by both floats were issued September 21, 1865.⁷⁵ Some 10 years later, the heirs of Jared S. Dawson brought suit for \$25,000 damages against the Cincinnati and Kansas Land Company, the original owners of the south half of the Manhattan townsite which had been covered by the Dawson float. The case was heard in the United States district court at Leavenworth in 1882 where the judgment was in favor of the Dawson heirs. An immediate appeal was filed to the circuit court in Topeka and finally in 1884 the Dawsons settled out of court for \$5,000.⁷⁶ Five Manhattan men, who had been the defendants in the trial, shared equally in paying the damages and court costs. For many years this "squaw title" cast a shadow of ownership over that portion of Manhattan. Recovery of this "investment" was made by assessing each piece of property a cost of from \$5 to \$50 when it changed hands.⁷⁷

George Higginbotham, one of the five defendants in the “squaw title” case, was asked one day by former Gov. James M. Harvey how he was coming in recovering the damages assessed by the case. Higginbotham asked his bookkeeper to “cast up the squaw account,” and he was informed that it was “added up yesterday. We have collected \$1,000.” Higginbotham then asked his bookkeeper to “balance up the account—I’ve recaptured what I had in it.” Some of the other trustees of the “squaw title,” however, did not stop at that point but continued to collect for many years.⁷⁸



5. Emporia

Float No. 25: Francis A. Hicks

Description:

Sec. 10-T19S-R11E

Total 640.00 acres

Filed February 25, 1857, in the name of George W. Deitzler

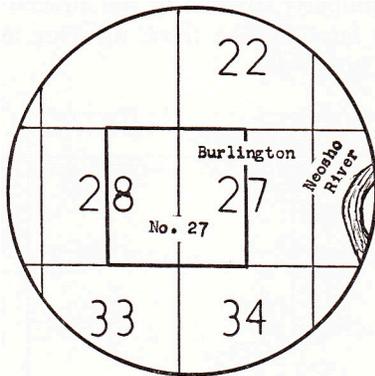
Department notified March 23, 1857

Patent issued May 7, 1860

The Emporia Town Company, made up of citizens of Lawrence, carefully scouted the area for many days before selecting the site for their town. These town promoters were George W. Brown, George W. Deitzler, Lyman Allen, Columbus Hornsby, and Preston B. Plumb. In all, the selected townsite covered 960 acres; the north half of section 15, filed on as a townsite preemption, and all of section 10, on which was laid the Wyandot float granted to Francis A. Hicks.⁷⁹

This float was bought from Joel Walker, the executor of Hicks’ estate, without consultation with Hicks’ widow, at a reputed price of \$1,000. George W. Deitzler, a short time later, said that he paid \$1,800 for the float, for which he also obtained a quitclaim deed from a daughter, Jane Hicks.⁸⁰ The patent was issued to the Francis A. Hicks “heirs generally” May 7, 1860, and delivered a few days later to R. S. Stevens, well-known territorial attorney, who was representing the town company. These actions provided the setting for a long, drawn-out lawsuit involving the ownership of the north half of the Emporia townsite, particularly that part obtained with the use of Francis A. Hicks’ float.

Emporia's title was in jeopardy almost immediately. Deitzler wrote to the commissioner of the General Land Office on September 27, 1860, requesting the original papers for use in a trial against some of Hicks' heirs who were suing for a portion of the land.⁸¹ Barzillai Gray, for many years judge of the criminal court of Leavenworth county, had collected "deeds of conveyance" from various alleged heirs of Hicks, had these documents recorded in the Lyon county register of deeds' office, and brought suits against some of the owners of Emporia real estate. Through a change of venue the case was heard in the Shawnee county district court in April, 1872, with a ruling favoring the Emporia property holders, the defendants in the case.⁸² Gray then filed an appeal to the United States district court of Kansas, in the June term, 1874, where the use of a jury was waived. Evidence presented in court was voluminous. Wilson Shannon, the second territorial governor and the only one to take up permanent residence in Kansas, was one of the three attorneys for the defense. Again the decision favored the defendants, thus protecting the holders of Emporia real estate.⁸³



6. Burlington

Float No. 27: Squeendehty

Description:

W 1/2, sec. 27 & E 1/2, sec. 28-T21S-R15E

Total 640.00 acres

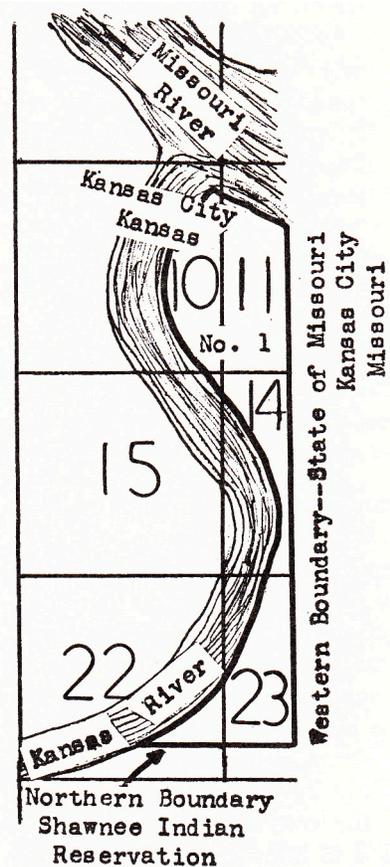
Filed March 31, 1857, in the name of Samuel A. Howe

Department notified September 17, 1857

Patent issued June 14, 1858

The Burlington Townsite Company was incorporated in 1857. On January 15, that year, Samuel G. Howe, of Boston, acquired the Wyandot float granted to Squeendehty from the heirs, Jonathan Squindehte and John Gibson, for the sum of \$800, and on March 31, he filed on 640 acres in adjoining sections in Coffey county.⁸⁴ Howe had an abiding interest in the Kansas struggle, having contributed heavily as a member of the National Kansas committee in 1856. Later he was best remembered as the husband of Julia Ward Howe, writer of the words for "The Battle Hymn of the Republic."⁸⁵ The east half of the land covered by Howe's Wyandot float was surveyed into lots and incorporated into the town of Burlington in 1861, with a considerable amount expended in improvements

during the first year. The other 320 acres in this reserve was used for farming purposes, remaining in the bands of the Howe family for many years. The patent for this land was issued on June 14, 1858, only three days after the second patent for a Wyandot float, the one covering the town of Lecompton.⁸⁶ In subsequent years there were numerous suits to quiet the title of property covered by the Squeendehty float, but Burlington had no lawsuits like those up-river in Emporia.⁸⁷



7. Kansas City

Float No. 1: Silas Armstrong

Description:

Lot 1, sec. 10-T11S-R25E	96.89 acres
Lot 1, sec. 11-T11S-R25E	100.81 acres
Lot 1, sec. 14-T11S-R25E	77.00 acres
Lot 1, sec. 15-T11S-R25E	0.53 acre
Lot 1, sec. 22-T11S-R25E	80.07 acres
Lot 1, sec. 23-T11S-R25E	115.28 acres
Total	470.58 acres

Filed September 4, 1855

Department notified March 26, 1856

Patent issued September 13, 1857

Silas Armstrong, one of the most articulate of the Wyandot float grantees, located his reserve along three miles of river front opposite the Wyandot reservation. His tract, bounded by the Kansas river on the west, the Missouri river on the north, the state of Missouri on the east, and the Shawnee Indian reservation on the South, encompassed small portions of six fractional sections and possessed an acreage of less than three fourths of a section.⁸⁸ Armstrong had been desirous of obtaining ownership of that land almost from the time of the emigration of the tribe in 1843. In a letter dated April 30, 1856, he wrote, "My first location of said tract was filed in the Department some twelve years ago and immediately upon the conclusion of the last Treaty with the Tribe I relocated my claim on the same ground, having bought out those who were at that time occupants of the land."⁸⁹

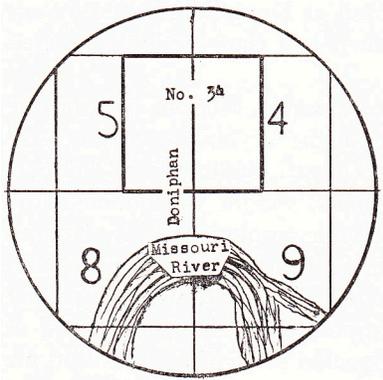
The land sought by Armstrong was easily accessible to established routes of travel, it was rich bottom land, and though subject to flooding, evidence of its desirability is seen in the variety of problems which confronted Armstrong before he obtained ownership. For one thing he was plagued by rumors that the tract was a "Military Reserve" under the control of the War Department, having been selected by Lewis and Clark more than 50 years earlier, or perhaps by the Langham survey of 1828 which marked the boundaries of the Shawnee Indian reserve.⁹⁰ Even Armstrong believed that there was an "old Military Reserve near this place" and members of the Walker family did also for they sought to obtain a license to establish a ferry across the Kansas river from the War Department, which would require a landing on the tract.⁹¹ A search disclosed no record of a military reserve for the area.

Secondly, Armstrong was beset by squatters and claim jumpers who took up claim to some portion of the land. Some responded to Armstrong's prior rights, others he bought off, and with one settler there were time-consuming lawsuits to determine rights of ownership. In still another case Armstrong had to compromise by releasing his claim to part of the land in order to protect his control over the remainder.⁹²

Finally, Armstrong had difficulty in convincing the Department of the Interior that his irregularly shaped tract, covering "a river front of more than three miles-taking six fractional sections," was a proper interpretation of his treaty rights and the instructions issued to the surveyor general of Kansas and Nebraska. Instructions for Wyandot reserves contemplated "technical Sections, or one mile square each whether the locations are made before or after the survey of the public lands."⁹³

Rather speedily, all objections were adequately answered and the patent was issued on September 13, 1857. No doubt, Armstrong's rapid progress to title was due in part to his partnership in a number of enterprises with John Calhoun, the surveyor general for the territories of Kansas and Nebraska, and William Weer, the territorial attorney general. ⁹⁴ In 1868, Armstrong, with David E. James, Dr. George H. Wood, Luther H. Wood, William Weer, Thomas Ewing, Jr., T. H. Swope, and Nicholas McAlpine, formed the Kansas City (Kansas) Town Company. Early the next year the plat for the town was filed, covering the land gotten with the Armstrong float. The town grew quickly, especially

with the acquisition of several packing houses and stockyards. Agitation for consolidation with Wyandotte, located on the old Wyandot reserve across the river, began in 1876. Finally in 1886, Wyandotte, population 12,086; Kansas City, population 3,802; and Armourdale, population 1,582 were consolidated under the name of Kansas City on the assumption that bonds for a city of that name would sell better than if the name were Wyandotte.⁹⁵



8. Doniphan

Float No. 34: Peacock

Description:

W1/2, sec. 4-T5S-R21E

E1/2, sec. 5-T5S-R21E

Total 637.64 acres

Filed May 4, 1857, in the name of Lyman Allen

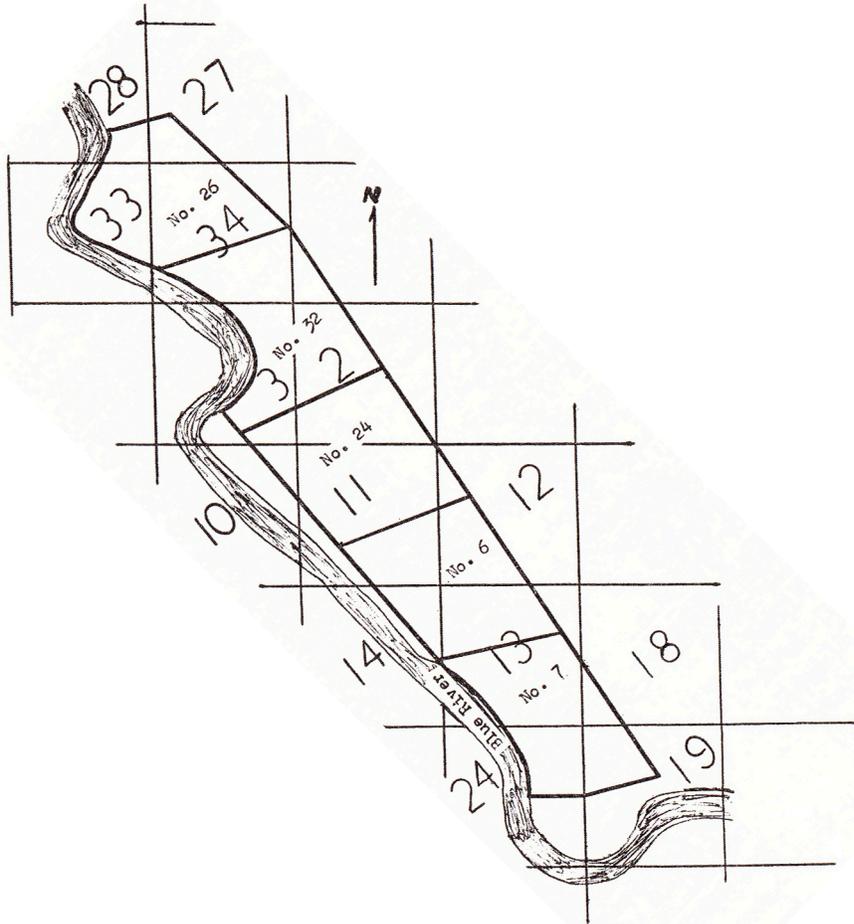
Department notified September 17, 1857

Patent issued May 7, 1860

The Wyandot warrant granted to Peacock, one of the chiefs and councilors of the tribe, was another of the floats purchased by Samuel C. Pomeroy. This agent for the New England Emigrant Aid Company paid Peacock's heir \$1,000, and Lyman Allen, enterprising capitalist from Lawrence and participant in other town building projects, placed the float on the north edge of the promising town of Doniphan on May 4, 1857.⁹⁶ Doniphan's town company was organized in 1854, with lots placed on sale the following year. Incorporation of the town was obtained from the territorial government on February 10, 1857, and one of the United States land offices was opened there in March. John W. Whitfield, former delegate to congress, was the first register and Daniel Woodson, fresh from the position of secretary of the territory and acting governor, became the first receiver. Before the year was out James H. Lane became president of the town company and the land office was removed down-river to Kickapoo. The departure of the land office was a damaging blow to the town's future and it did not grow as might have been expected from its auspicious beginning.⁹⁷ Consequently, the Wyandot float, used at Doniphan, covered very little of the land included in the town and that section remained primarily agricultural land.

Conflicting claims were made to quarter sections within the Peacock float. In all cases the rights of the Wyandot warrant were upheld and the patent was issued on May 7, 1860. In 1873 Robert Robitaille, acting for the Peacock heirs, sought to challenge the title to the property. The current owner employed B. M. Hughes as his attorney. In a letter to U. S. Sen. John J. Ingalls the land owner explained that "The case was decided by the Commissioner of the Gen'l Land Office and then appealed to [the] Sec[retary] of [the] Interior, or any how it was appealed so Genl Hughes told me and decided in my favor."98

IV. AGRICULTURAL LANDS LOCATED WITH WYANDOT FLOATS



1. Blue River Valley lands located by Charles B. Garrett

Floats Nos. 6: Charles B. Garrett; 7: George Garrett; 24: Joel Walker Garrett; 26: James Washington; 23: Warpole

Description of No. 6: 99

Lot 5, sec. 11-T9S-R7E 205.00 acres

Lot 5, sec. 12-T9S-R7E 176.00 acres

Lot 4, sec. 13-T9S-R7E 183.50 acres

Lot 6, sec. 14-T9S-R7E 109.60 acres

Total 674.10 acres

Filed July 19, 1855

Department notified August 28, 1856

Patent issued February 21, 1865

Description of No. 7:100

Lot 3, sec. 13-T9S-R7E 325.00 acres

Lot 5, sec. 14-T9S-R7E 3.40 acres

Lot 6, sec. 24-T9S-R7E 124.07 acres

Lot 16, sec. 18-T9S-R8E 54.00 acres
Lot 4, sec. 19-T9S-R8E 141.00 acres

Total 647.47 acres

Filed July 19, 1855, in the name of Charles B. Garrett, agent

Department notified August 28, 1856

Patent issued December 15, 1870

Description of No. 24:101

Lot 7, sec. 2-T9S-R7E 200.10 acres

Lot 6, sec. 3-T9S-R7E 51.40 acres

Lot 6, sec. 10-T9S-R7E 36.20 acres

Lot 4, sec. 11-T9S-R7E 344.00 acres

Lot 6, sec. 12-T9S-R7E 17.00 acres

Total 648.70 acres

Filed July 19, 1855, in the name of Charles B. Garrett, agent

Department notified August 28, 1856

Patent issued February 18, 1860

Description of No. 26:102

Lot 5, sec. 27-T8S-R7E 70.40 acres

Lot 9, sec. 28-T8S-R7E 37.20 acres

Lot 6, sec. 33-T8S-R7E 185.90 acres

Lot 4, sec. 34-T8S-R7E 334.40 acres

Total 627.90 acres

Filed July 19, 1855, in the name of Charles B. Garrett, assignee

Department notified August 28, 1856

Patent issued January 15, 1869

Description of No. 32:103

Lot 5, sec. 34-T8S-R7E 210.20 acres

Lot 4, sec. 35-T8S-R7E 33.50 acres

Lot 8, sec. 2-T9S-R7E 163.20 acres

Lot 7, sec. 3-T9S-R7E 260.00 acres

Total 666.90 acres

Filed July 19, 1855, in the name of Charles B. Garrett, agent

Department notified August 28, 1856

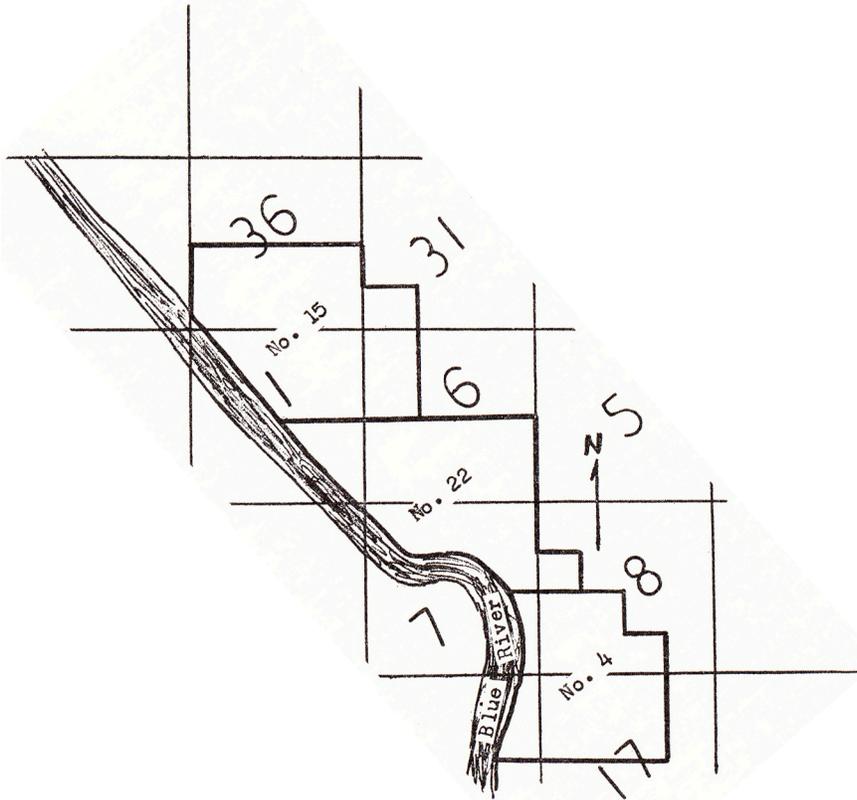
Patent issued February 21, 1865

Charles B. Garrett, a Wyandot by adoption, was the most active locator of Wyandot floats. Garrett was born in 1794 in Greenbrier county, Virginia (now West Virginia). While still a teen-ager he caught "Western fever" and went westering with friends in time to fight for William Henry Harrison in the Battle of Tippecanoe. He also was in the Battle of the Thames with Harrison in the War of 1812. After the war he settled in Ohio and married. His wife died and he married again to Maria B. Walker, a Wyandot, and later he was adopted into the tribe. Garrett was a member of the Wyandot exploring party in 1831 which did not find available land to which the tribe would want to move.

After the move to Indian country in 1843 he sought out other activities and in 1849 he promoted a group from the tribe and others who went to the California gold fields. In the Feather river area, his party found some gold, but Garrett succumbed to mountain fever. In early 1852 he was brought back to his farm on the Wyandot reservation by way of Mexico and New Orleans.¹⁰⁴

The following year Garrett had regained his health so that he could scout good sites for Wyandot floats and he filed many claims in the Blue river valley. In 1854 the Kansas-Nebraska act opened the region to settlement making early entry of floats on choice land more urgent. The Wyandot treaty of 1855 made it necessary for Garrett to refile his entries. In all, he located seven floats, for three of which he claimed ownership, one for which he was an assignee, and in the case of the other three, was acting as the agent of the owners.¹⁰⁵ Five of the Garrett-located floats were on the river bottom above the east bank of the Blue river in present-day Pottawatomie county. Garrett had them surveyed and he filed data on these five floats at the office of the surveyor general, then located at Wyandotte, on July 19, 1855.¹⁰⁶ Four of these claims had excess area amounting to 77.17 acres: the other was short of a full section by 12.10 acres. Legal precedent allowed Garrett to pay the excess at the rate of \$1.25 per acre. Some rival preemptions were taken up on the floats located in the Blue river valley, but the Garrett located Wyandot reserves were patented without any alteration in their boundaries in spite of their skewed lines. The first patent was issued February 18, 1860, followed by two on February 21, 1865, and the final two on February 18, 1869, and December 15, 1870. Garrett died in 1867 before the last two patents were issued.¹⁰⁷

Deed records suggest that the Garrett family was not impatiently awaiting the time for disposal of this valuable land, but neither did they take much action to improve their property. No doubt, the inaction was due to the death of some of the Wyandot owners. When Joel Walker Garrett's property was appraised in 1869 to protect a minor heir the land was valued at \$5,838.30, or about \$9 per acre, but it was still termed as "wild and unproductive land." This float sold a short time later for \$7,779, a price which may have included some additional acreage. Similar values are indicated for other floats which Garrett had located although one of these sections was mortgaged for about \$13.50 per acre in late 1871. Lands sold from these tracts in 1880 went for a higher price, but not substantially different from the value represented by the 1871 mortgage.¹⁰⁸



2. Blue River Valley lands located by William Walker

Floats Nos. 4: William Walker; 15: John T. Walker; 22: Henry Clay Walker

Description of No. 4:109

Lot 8, sec. 7-T8S-R7E	47.50 acres
Lot 6, sec. 8-T8S-R7E	181.60 acres
Lot 9, sec. 17-T8S-R7E	298.50 acres
Lot 11, sec. 18-T8S-R7E	153.30 acres
Total 680.90 acres	

Filed August 14, 1856

Department Notified August 28, 1856

Patent issued March 3, 1865

Description of No. 15:110

S. fr. 1/2, sec. 36-T7S-R6E	314.70 acres
SW fr. SW fr. 1/4, sec. 31-T7S-R7E	37.37 acres
Lot 4, sec. 6-T8S-R7E	74.97 acres
Lot 1, sec. 1-T8S-R6E	207.45 acres
Total 634.49 acres	

Filed August 14, 1856

Department notified August 28, 1856
Patent issued March 3, 1865

Description of No. 22: 111

Lot 9, sec. 1-TSS-R6E	69.00 acres
Lot 3, sec. 12-T8S-R6E	0.01 acre
Lot 7, sec. 6-T8S-R7E	315.76 acres
Lot 9, sec. 7-T8S-R7E	217.80 acres
Lot 4, sec. 8-T8S-R7E	40.00 acres
Total 642.57 acres	

Filed August 14, 1856

Department notified August 28, 1856

Patent issued March 3, 1865

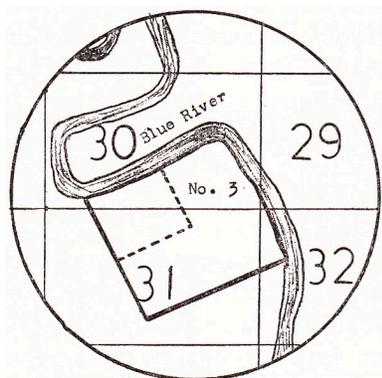
In a statement recorded March 16, 1863, William Walker gave an interesting account of the floats he located in the Blue river valley. He said that among those grantees was his nephew

John T. Walker now deceased, [who was of] late [a] Lieut[.] in the United States Navy. Being authorized by a power of Attorney, I located his section adjoining mine and Henry C. Walker [my deceased son] in April, 1855, on [the] Blue River, some thirteen or fourteen miles from the town of Manhattan, and nineteen or twenty miles north of Fort Riley, -Junction City being now the Land Office for that District. The survey of these three grants was made by Chester Coburn [deputy in the surveyor general's office] in the summer of 1857, who, at the same time surveyed, in the same neighborhood, four or five other grants. Plats or Diagrams were made out and furnished the grantees. I paid him for surveying the three sections. I afterwards learned that the Government had assumed the payment of these surveys, but we three grantees were not benefitted by it. The proper and necessary returns were made by Mr. Coburn to the Surveyor General's Office in this District, and [I] have been assured that they, (or duplicates) were duly sent to the General Land Office: but can not tell whether these surveys have been approved or not. If not, it is time these grantees were apprised of the fact.¹¹²

Later that year Walker wrote two further letters of inquiry. In the one to the commissioner of the General Land Office he asked, ¹¹ what caused the delay in the issuing the patents upon these grants? The lands are in danger of being 'squatted' upon at any time, it being well known that our title is incomplete. I would earnestly invoke the attention of the Department to this matter."¹¹³ In his other letter to W. P. Dole, of the Indian bureau, he wrote complainingly that "I have complied with all that is required by the 9th article of the treaty of January, 1855, and even paid the expenses of survey while the Government has paid for that of other grantees. And yet strange to say our patents are withheld! Twenty one years have now elapsed since these grants were made and yet [I] cannot realize their benefits." Walker went on to say that "a generation has passed away and these grants [are] still withheld. Are we to leave this unsettled business as a legacy for our grandchildren to adjust?"¹¹⁴ Perhaps it was the war, or perhaps it was

merely bureaucratic obtuseness, but Walker had to wait until March 3, 1865, when the patents were issued for these three floats.

Almost as soon as he had the patent, Walker sold his own grant for \$2,000, almost \$3 per acre. Two years later his son's grant was sold for \$3,210, almost \$5 per acre. Ten years after that, the float claimed by John T. Walker, was sold for \$6,345, a price of \$10 per acre.¹¹⁵



3. Blue River Valley land located by Matthew R. Walker

Float No. 3: Matthew R. Walker:¹¹⁶

Lot 3, sec. 29-T9S-R8E	0.10 acre
Lot 19, sec. 30-T9S-R8E	231.00 acres
Lot 19, sec. 31-T9S-R8E	383.60 acres
Lot 3, sec. 32-T9S-R8E	16.30 acres
Total	631.00 acres

Filed August 14, 1856

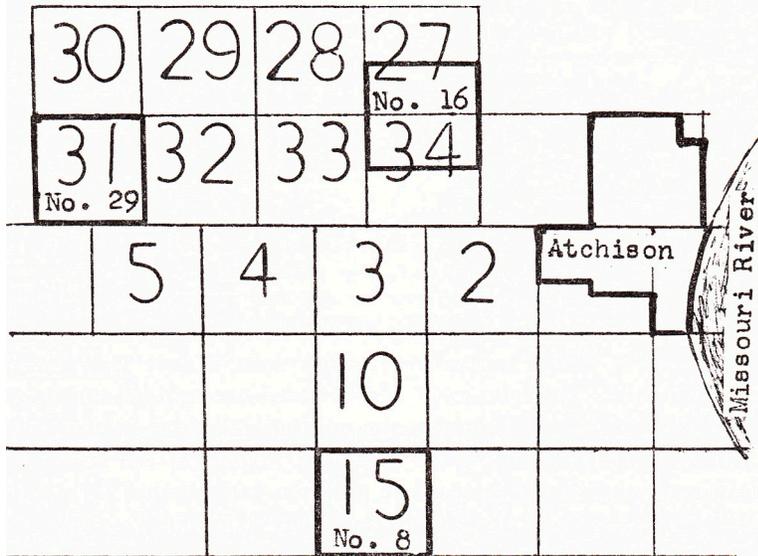
Department notified August 28, 1856

Patent issued July 1, 1868

Matthew R. Walker, in selecting the land for use of his float, located a level, fertile, tract near the mouth of the Blue river and downstream from his brother-in-law, Charles B. Garrett, and his brother, William Walker. Seth J. Child, preemptor of a quarter section within the area sought by Walker, claimed settlement on November 6, 1854, and he would not yield to Walker. Another settler, an A. Williams, also claimed part of the area covered by the float, but his claim to the land was not recognized. Correspondence relative to the Child-Walker contest eventually comprised some 24 letters and notes in the files of the General Land Office. Finally, the secretary of the interior, on July 8, 1865, affirmed a decision made by the commissioner of the General Land Office on June 1, 1864, based on a previous recommendation that Seth J. Child was entitled to a preemption from within the Wyandot reserve not to exceed 160 acres, and Child took his land from the western corner of the reserve. When the patent was issued on July 1, 1868,

to the heirs of Walker, for he had died in 1860, Seth J. Child was specifically provided for while the Walkers received the balance, an area of 471 acres.¹¹⁷

4. Wyandot floats in Atchison County



Floats Nos. 8: George J. Clark; 16: Pete?– D. Clark; 29: Tauroomee

Description:

Float No. 8:118

Sec. 15–T6S–R20E 640.00 acres

Filed February 1, 1856, in the name of B. F. Stringfellow

Department notified March 7, 1856

Patent issued October 12, 1858

Float No. 16:119

S1/2, sec. 27–T5S–R20E

N1/2, sec. 34–T5S–R20E

Total 640.00 acres

Filed June 5, 1856

Department notified June 5, 1856

Patent issued December 30, 1863

Float No. 29:120

Sec. 31–T5S–R20E 636.80 acres

Filed January 24, 1856

Department notified February 27, 1856

Patent issued October 12, 1858

Peter D. Clark was one of the Wyandots who went to great lengths to make use of his grant before the opening of the territory of Kansas to settlement. Clark clerked in the store of Ewing, Chute & Company in Westport, Mo., for 10 years and one of his

employers sought to acquire his float in 1851. Clark obtained an endorsement from the Indian subagent for the Wyandots and sent a letter of petition to Pres. Millard Fillmore requesting the right to transfer his float which he said he had sold to William G. Ewing, Sr., whose residence was listed as Allen county, Ind., and to Col. George W. Ewing, apparently a resident of Westport. Two years later George W. Manypenny, the commissioner of Indian affairs, provided an answer to this request by stating that, "the Government could not, without violating its long established policy, sanction the sale of a reserve lying, as this does, within the limits of the Indian country, to a white man, and pass a title which would enable a white citizen to hold a reserve by the same tenure as other fee simple grants are held in the organized States and Territories of the Union."¹²¹ Clark's float was later resold to W. P. Richardson and then to C. C. Hyatt, who used it to cover a tract of 640 acres about two miles west of Atchison. Half of the land, covered by this float, was sold for \$1,000 in 1864, and again for \$3,200 in 1868. The following year the other half of this section brought \$9,000.¹²²

The other two Wyandot floats used in Atchison county were owned, at least in part, by Benjamin F. Stringfellow of St. Joseph and Atchison, by Peter T. Abell of Atchison, and by Andrew Wineland of St. Louis. Stringfellow and Abell were founders of Atchison and leading members of the Proslave movement in the territorial period. Stringfellow had been a state legislator, and the state's attorney general in Missouri. In July, 1854, he became secretary of the Platte County Self-Defensive Association. Abell had been his law partner in Missouri and their partnership continued in Kansas territory. ¹²³ Stringfellow paid \$1,200 for the George Clark Wyandot float on August 9, 1855. He was repelled by what he thought was favoritism for the Wyandots displayed by George W. Manypenny and he complained to James W. Denver, Manypenny's successor, in abusive language.

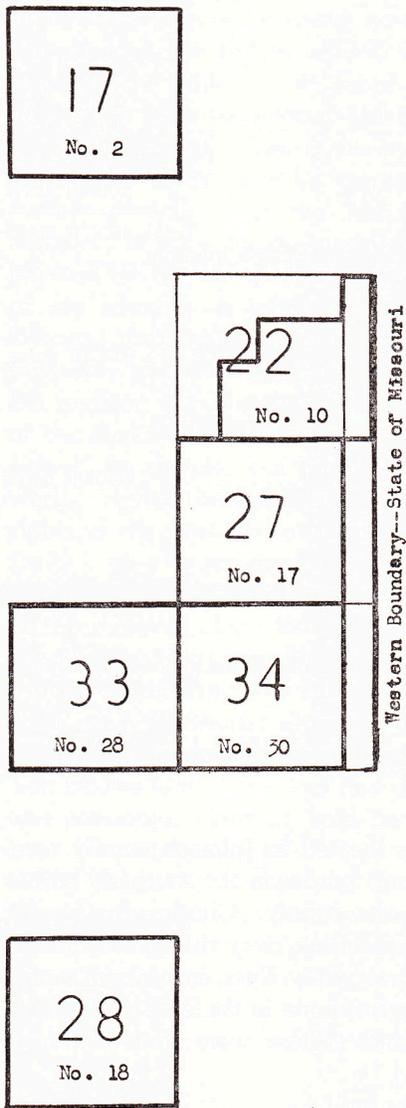
So long as your predecessor was in office I denied his right to act in the matter. I would not stoop to lay the matter before him, for I had no confidence in his integrity. With you it is different. While I am still sure.. that Department has nothing to do in the matter, I do not hesitate to present it to you. . . .

By the terms of the Treaty their rights are clearly assignable, but as I found that the head of the Land Office disposes to submit the controll [sic] of the matter to Manny-penny [sic], to avoid all possible difficulty I made the Indians locate the lands in their own names, and then took from them acknowledgement [sic] & recorded [them]. Copies of these deals have been certified by the Surveyor Genl. and I presume are on file in your Department.

I speak of these persons as Indians. This is a misnomer, for by the Treaty of 1855 under which these rights were perfected, they are made citizens entitled to all the rights of citizens and their contracts [are] no more subject to the action of any officer of the govt than the contracts of any other citizen. It seems to me that it required all the assurance of a Manny-penny [sic] to claim such a right. I know that it is beyond their power-But as I said, I have no hesitation in presenting the matter to you.¹²⁴

Surprisingly, Commissioner Manypenny had affirmed the Clark float seven weeks earlier than the date of the Stringfellow letter to Denver, and that of Tauomee more than a year earlier. The commissioner of the General Land Office was “duly notified of the same, and requested to issue patents there for in the name of the respective reservees.”¹²⁵ The patents for the land covered by these two floats were issued October 12, 1858, however, one section was already sold for a reported \$6,400, a more than five-fold increase over the \$1,200 which had been paid for the float.¹²⁶

5. Wyandot floats in Johnson County



Floats Nos. 2: John M. Armstrong; 10: Ethan A. Long; 17: James Rankin; 18: Samuel McCulloch; 28: Henry Jacques; 30: Doctor Grey Eyes

Description:
Float No. 2: 127

Sec. 17-T13S-R24E 640 acres
Filed March 12, 1858
Department notified
Patent issued October 5, 1858

Float No. 10:128

Lot 1, sec. 23-T12S-R25E 67.64 acres
Lot 2, sec. 23-T12S-R25E 66.12 acres
S1/2NE1/4, sec. 22-T12S-R25E 80.00 acres
E1/2SW1/4, sec. 22-T12S-R25E 80.00 acres
SE1/4, sec. 22-T12S-R25E 160.00 acres

Total 453.76 acres

Filed April 9, 1857, in the name of Coffman, Armstrong & Johnson
Department notified September 17, 1857
Patent issued June 30, 1860

Float No. 17:129

Sec. 27-T12S-R25E 674.10 acres
Filed March 17, 1857, in the name of Charles B. Garrett
Department notified March 23, 1857
Patent issued February 27, 1861

Float No. 18:130

Sec. 28-T12S-R23E 640.00 acres
Filed April 1, 1857, in the name of Armstrong & Coffman
Department notified September 17, 1857
Patent issued February 27, 1861

Float No. 28:131

Sec. 33-T12S-R25E 640.00 acres
Filed March 17, 1857, in the name of Joel W. Garrett
Department notified March 23, 1857
Patent issued September 29, 1858, and in subsequent court action it was found to be void. This float was used out-of-state.

Float No. 30:132

Sec. 34-T12S-R25E 640.00 acres
Filed March 17, 1857, in the name of Charles B. Garrett
Department notified March 23, 1857
Patent issued September 29, 1858

Four of the six Wyandot floats located in Johnson county were clumped together along the Missouri border in the southeast corner of the northeastern township in the county. Charles B. Garrett, active in filing Wyandot floats in the Blue river valley, located the warrants of James Rankin and Doctor Grey Eyes, in his own name, on adjoining sections, and he was fortunate in the ease with which he obtained the title for that land.

There were four rival preemption claims on the section covered by the James Rankin float, and in addition, the Ethan Long float, had conflicting claim to a quarter section.
113

R. S. Stevens, who served as attorney for Wyandot float owners in at least two other cases, wrote a letter to A. B. Greenwood, commissioner of Indian affairs, which stated, "I am satisfied that it is not the policy or desire of your Department to invest these floats with such paramount power and dignity as to override land & rob the honest settler of his just rights. All these settlers ask is, that their rights may be respected & considered," There were further objections to the Indian bureau conferring "upon the assignees of these floats—speculators—rights superior even to those enjoyed by the old soldier, whose blood has been shed in defense of his country—& who, for such service has received a Land Warrant thro' which he may acquire a homestead." In spite of the evidence, presented in a bearing at the land office in Lecompton, the register, Ely Moore, "decided against all preemptors & in favor of the float," while the receiver, William Brindle, "decided for float except" for the claim of John Hollingsworth. In ruling on Hollingsworth's rights, the Indian bureau reasoned "in favor of the superior rights of the float—because, the land not being open to settlement (with a view to pre-emption) or location—until the 2d Nov. 1857 both parties, up to that time were trespassers, and, in consequences, as the rights or claim, or each at the same moment of time, viz. on the 2d Nov. 1857, the float must have precedence under a certain 'Notice' issued from the Interior Dept. & bearing date 11th August 1855, etc."¹³⁴ Shortly after the decision went in his favor Garrett received the patent for the land covered by the James Rankin float. The Doctor Grey Eyes float had even easier going, there being only one preemptor claiming land on that section, and the patent was issued September 29, 1858.¹³⁵

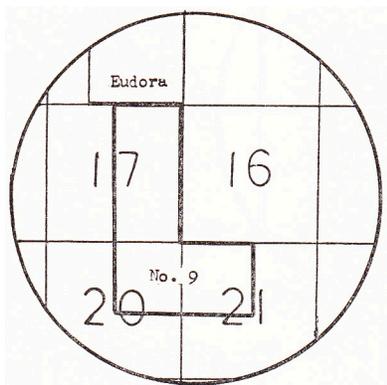
The Ethan Long float was located by a partnership headed by Silas Armstrong. The float owners were successful in a contest over 80 acres claimed by a preemptor, but they were a few days later than Charles Garrett in filing for a portion of section 27. Garrett's rights were held to be superior and the owners of the Ethan Long float had to be satisfied, for the time being, with 453.76 acres.¹³⁶

Initially successful, but frustrated in the long run, was Joel Walker Garrett, who acquired the grant of Henry Jacques, a chief who had died earlier, and used it to cover a section adjoining the Doctor Grey Eyes float, located by his uncle, Charles B. Garrett. The claims of four preemptors were overruled in land office hearings and the patent was issued September 29, 1858. A short time later the ownership rights to this section were reopened, the preemptors rights were upheld, and the patent issued for the heirs of Henry Jacques was "Held to be Void." In August, 1873, a quiet title suit in the Johnson county district court ruled in favor of the title granted to the preemption claimants, and for many years nothing was done to satisfy the treaty claim made to Henry Jacques.¹³⁷

Silas Armstrong and his partner Lot Coffman had an easy matter in gaining title to the land covered by the Samuel McCulloch float. Located on a public survey section in northern Johnson county, about two miles from the Kansas river, the patent passed to

issue on February 27, 1861. A short time later it was transferred to the office of Indian affairs and then sent to J. T. Cochrane, who was acting for the assignees.¹³⁸

Mrs. Lucy B. Armstrong, the widowed sister-in-law of Silas Armstrong, faced repeated frustration in an effort to locate the grant assigned to her husband, John M. Armstrong, who had died in 1852. At the land office in Lecompton the chief clerk put her off and no claim was filed. She sought to locate her husband's float by writing to the Lecompton office but again she failed. She wrote long letters to the commissioner of Indian affairs and the General Land Office in which she cited the needs of a widow with five children, but no answer was given to most of her inquiries. Finally, in a move of desperation since all of the other Wyandot floats had been located, Mrs. Armstrong wrote the land office in Lecompton and listed three choices for her selection. She stated in her letter that, "As they are so thronged with applicants to preempt lands in the office at Lecompton, I fear that my application will be overlooked as I cannot now go up to attend to it personally, my last trip having occasioned me several days sickness, and the weather being so much colder now than then. I fear the trip would be attended with worse results. Besides, I have already gone to considerable expense in the matter and cannot well afford to be put to much more." The register and receiver responded with the suggestion that her second choice was open to entry. So a filing was made, Mrs. Armstrong's patent was issued September 29, 1858, and mailed to her in Wyandotte City, Kansas territory, on October 8, 1858.¹³⁹



6. The other Wyandot floats located on Agricultural Land

Floats Nos. 9: Irwin P. Long; 14: Joseph Newell; 19: Elliott McCulloch; 2,3: Ebenezer Z. Reed; 33: John Hicks; and 35: George Punch

Description:

Float No. 9:140

E1/2, sec. 17-T13S-R21E

NE1/4, sec. 20-T13S-R21E

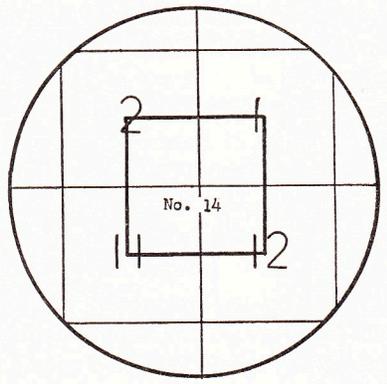
NW1/4, sec. 21-T13S-R21E

Total 640.00 acres

Filed May 8, 1856, in the name of Samuel Stover

Department notified September 17, 1857

Patent issued May 3, 1861, and cancelled a short time after a lengthy court battle, which upheld the cancellation, this float was used in New Mexico.



Float No. 14:141

SW $\frac{1}{4}$, sec. 1-T14S-R18E

SE $\frac{1}{4}$, sec. 2-T14S-R18E

NE $\frac{1}{4}$, sec. 11-T14S-R18E

NW $\frac{1}{4}$, sec. 12-T14S-R18E

Total 640.00 acres

Filed March 21, 1857, in the name of Jacob Ulrich

Department notified March 23, 1857

Patent issued May 3, 1861



Float No. 19:142

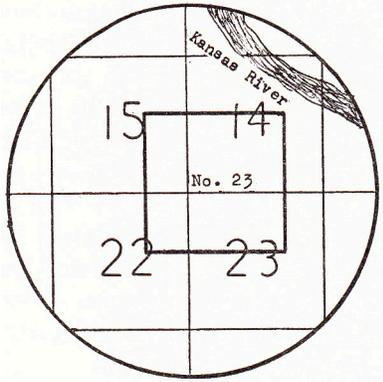
Sec. 28-T12S-R17E

Total 640.00 acres

Filed May 6, 1856, in the name of Smith & Leymonds

Department notified September 17, 1857

Patent issued January 23, 1860



Float No. 23:143

Lot 7, sec. 14-T12S-R19E 263.26 acres

Lot 3, sec. 15-T12S-R19E 80.34 acres

Lot 2, sec. 22-T12S-R19E 71.20 acres

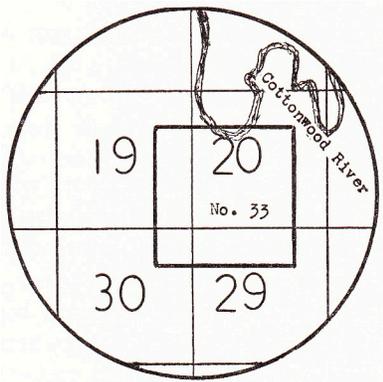
Lot 2, sec. 23-T12S-R19E 231.32 acres

Total 646.12 acres

Filed December 31, 1855, in the name of Johnston Lykins

Department notified September 17, 1857

Patent issued May 9, 1861



Float No. 33:144

SE1/4NE1/4 & E1/2SE1/4, sec. 19-T19S-R10E

SW1/4NE1/4 & S1/2NW1/4 & SW1/4W1/2SE1/4, sec. 20-T19S-R10E

NW1/4NE1/4 & N1/2NW1/4, sec. 29-T19S-R10E

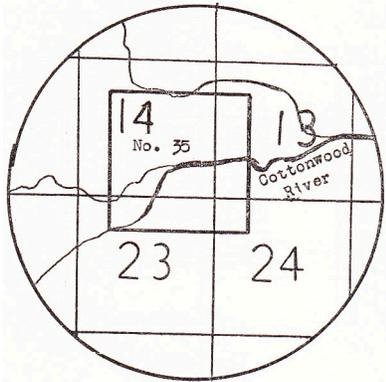
NE1/4NE1/4, sec. 30-T19S-R10E

Total 640.00 acres

Filed July 30, 1856, in the name of Jacob Ulrich

Department notified August 28, 1856

Patent issued May 3, 1861



Float No. 35:145

Lot 3, sec. 13-T19S-R9E 151.43 acres
 Lot 5, sec. 14-T19S-R9E 285.93 acres
 Lot 1, sec. 23-T19S-R9E 130.65 acres
 Lot 2, sec. 24-T19S-R9E 70.72 acres

Total 638.73 acres

Filed July 30, 1856, in the name of Jacob Ulrich
 Department notified August 28, 1856

Modification of float No. 35:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ SW $\frac{1}{4}$, sec. 13-T19S-R9E
 S $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$ & E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$, sec. 14-T19S-R9E
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ & N $\frac{1}{2}$ NE $\frac{1}{4}$, sec. 23-T19S-R9E
 NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 24-T19S-R9E
 Total 640.00 acres
 Patent issued September 7, 1861

Three of the remaining six Wyandot floats were used by Jacob Ulrich for covering sections of land in Douglas, Lyon, and Chase counties. The Douglas county section, intersected by Washington creek, was some 10 miles southwest of Lawrence. One preemption claimant contested one of the quarter sections but his contest was decided in favor of the float.¹⁴⁶ The float location in Lyon county, laying on bottom land in the Cottonwood valley near the western border of the county, also faced a contest on 120 acres on which the settler claimed he had made his home on May 5, 1857. Since that was almost a year after Ulrich's selection of the land, there was no trouble in meeting that objection.¹⁴⁷ The Chase county land, covered by a Wyandot float, was just two miles west of the float location in Lyon county which may well have been the home of Jacob Ulrich at that time. All of these Ulrich-filed floats initially had metes and bounds descriptions. In the case of the Chase county float, the legal subdivisions of the public survey were near enough to the original description so that a slight modification was made to conform to the lines of the public survey. There was no claim contest on this most southwesterly Wyandot float location in Kansas but later there were suits to quiet the title of the land. Ulrich received the patents for his three sections in 1861.¹⁴⁸

Elliott McCulloch, living in Logan county, Ohio, sold his float to James N. Smith and James M. Leymonds, who used it to cover a public survey section in southeastern Shawnee county. A portion of the California or Oregon trail ran across this land. No problems were encountered in securing the patent, issued January 23, 1860. Two days later Smith and Leymonds assigned their rights to the property to Robert Reed.¹⁴⁹

Johnston Lykins was either a full owner, or in partnership with others, of at least three Wyandot floats. Lykins, a physician, began missionary work among the Indians in 1822 and served various tribes for the next 30 years. After his first wife died in the early 1850's he moved to Kansas City, Mo., where he resumed his practice of medicine. He married again and became the second mayor of the city. He also dabbled in real estate and entered into various promotional projects designed to make Kansas City grow. Lykins acquired the Ebenezer Z. Reed float on July 3, 1855, for a reported price of \$800. His metes and bounds description made November 5, 1855, for a tract about two miles northwest of Lawrence, is typical of the pattern used for filing these land claims. He recorded: "Commencing in Douglas County & Territory of Kansas at a Stump on the bank of the Kansas river opposite the mouth of the first Ravine West of the House of Hugh Cameron, and running thence due west one mile to a stake—thence due South one mile to a Stake—Thence due East one mile to a Stake, thence due north to the place of beginning containing in all six hundred and forty acres."¹⁵⁰ Sometime later there must have been another survey with instructions for the surveyor provided by Andrew H. Reeder. He wrote, "Searl [A. D. Searl, surveyor] will learn the government lines before they are run and will communicate with you and then a decision must be made & the float located." He outlined strategy for the surveyor in avoiding the houses of Yates and Shelby, as well as the locations for Adams, Bush, and Paul. Then he gave further directions that, "if necessary make out the draft and description in duplicate in the name of Dr. J. Lykins, Atty of Ebenezer T. Reed (see the Deed) and have them prepared to deposit in Sur. Generals Office, but hold them a short time before filing them so as to avail ourselves of any thing that might happen to make a change of location desirable." Reeder further maintained that, "The first object will be to get the full section if possible. The next not to lose what I am entitled to by a protracted and vain effort to get more."¹⁵¹

It may have been this float which was intended for use on the townsite of Tecumseh. Reeder wrote John Halderman from Westport, October 6, 1855, as follows:

Mr. Hunter informs me of a new assessment of \$5 pr. share to pay for a Wyandot float of 640 acres wh. has been laid on the town of Tecumseh and also to pay for using up our brick in the erection of a Court House for which the town takes the bonds the Title to the building and lots till paid.

The Brick had been prepared for a Hotel and was on hand, but the present Hotel was found sufficient. Please tell Donaldson. His Amt. is \$10, yours \$15. I have just paid \$75. If you see judge Johnson please say to him that Mr. Hunter has advanced the money to pay for the Wyandot float and that he is anxious for the settlement. If not convenient to send here you can all pay to Isaacs.

Yours Truly
A. H. REEDER 152

But Tecumseh, then the county seat of Shawnee county, did not get a Wyandot float and the documents available a century later do not tell why. Lykins, in the meantime, was faced with two contests involving about half of the land. Testimony was taken before the register and the receiver in Lecompton with a resulting split decision on how the land was to be claimed. An appeal granted the land to the owner of the float. Lykins then voiced his complaints over the “vexatious delays” in the granting of the patent. He wrote Charles E. Mix, the commissioner of the General Land Office, that

The local office at Lecompton is about Eight-Thousand filings behind the entries, with contested cases set for Sept; rendering it impracticable for the office to attend to these floats.

In many instances, if not in all, the settlers have entered within the line of the floats as located, have greatly injured the timber & now set up preemption claims to the land--& have employed attorney[s] to prosecute their claims, in some instances pledging 3/5 of the claim, to their attorney as compensation for defeating the floats--thus giving rise to endless litigation before the land office & greatly jeopardizing the rights of the float owners.¹⁵³

Such complaints and urgings for action did not hurry the General Land Office. The patent was not issued until May 9, 1861. It was delivered the following day to Andrew H. Reeder. 154

Perhaps the most entangled and complicated history of any of the Wyandot floats was the grant to Ethan A. Long, partly owned by Isaiah Walker, and used by Samuel Stover to locate 640 acres in east-central Douglas county. This tract covered parts of three sections and was adjacent to the townsite of Eudora.

Stover selected the land in the spring of 1856 with apparently no obstacles to orderly acquisition of the patent. Then two contestants appeared, their cases heard, and the rights of the float were upheld. The patent was issued May 3, 1861, and sent to the owners of the float but then the orderly pattern of acquiring title broke down. Four preemptors, claiming occupancy since mid-July, 1858, were in actual occupation of the land, and they claimed rights which could lead to ownership. Isaiah Walker and his family then sought ejectment of these settlers in the local court, where the Walker right of ownership was challenged due to the time when Stover filed on the land. Neither Wyandot floats nor preemption claims were legal on this land, which had been a part of the Shawnee Indian reservation until July 9, 1858, more than two years after the tract was selected by Stover. Thus the lower court ruled that the Walker patent was invalid and that the legal title of the Walkers was being held in trust for the defendants. The court required the Walkers to convey the deed to the defendants within 30 days.

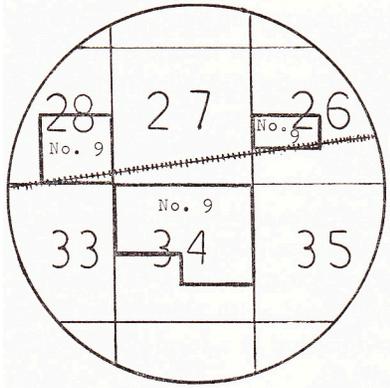
Naturally, the Walkers appealed this adverse decision, where it was heard in the January, 1870, term of the Kansas supreme court. Wilson Shannon, as the Walker attorney, held that early entry did not invalidate the Walker claim to the land covered by the Long float when the reservation was opened for settlement. He further held that “The patent issued to Long made his title perfect, both in law and equity.”¹⁵⁵ The court, however, affirmed the decision of the lower court, ruling that the holders of the Long float did not take proper action after July 9, 1858, hence their claim was nullified.

So the Walkers, in again facing frustration in their efforts to obtain land with the Long float, appealed to the United States supreme court where the case came up early in 1873. The supreme court held that it was “apparent... that Long had no right to locate his float on the land in dispute, from 1842 to 1854,” or until July 9, 1858, when the President proclaimed the lands open to settlement. Therefore, the “patent issued to Long was based on an unlawful entry, it ought to be transferred to the defendants.”¹⁵⁶

Some five years later Long wrote to A. E. Hoyt, commissioner of Indian affairs about the troubles over the location of land. He said,

Having sold to Isaiah Walker & Mary his wife Float No 9 granted to me... & having failed to defend the land by warrantee... throug[h] the U. S. Court, I now desire your office to grant me authority or my agent or assigns to relocate the same in accordance with the request of Mr. Walker and the rules of your department and thereby relieve me of trouble and... vexation and to secure to them their right—having received from them the sum of \$3,000... for the float in the year 1857.¹⁵⁷

The commissioner of the General Land Office conceded in 1879 that the grant to Irwin P. Long “remains unsatisfied.”¹⁵⁸ Inquiry was made about the possibility of locating the float on land in the Indian territory, or in Colorado, or in New Mexico. Former Kansas Gov. George T. Anthony directed one of these inquiries by telegram from Las Vegas, N. M., to the General Land Office early in 1881. A short time later H. K. Pinckney, an employee of the Southern division of the Atchison, Topeka & Santa Fe Railroad Company, who was stationed at Las Vegas, filed this Warrant on some unsurveyed land in southwestem New Mexico, adjacent to the track of the Southern Pacific. Proper papers, including a nonmineral affidavit, were filed, a plat was made of the land on February 25, 1881, and the patent was issued June 18, 1883.¹⁵⁹ This time there was no complaint. The fulfillment of the treaty was 41 years late and surprisingly the grantee was still alive.



Relocation of float No. 9

Description:

N1/2SW1/4, sec. 26-T23S-R9W of New Mexico Meridian

SE1/4, sec. 28-T23S-R9W

N1/2 & N1/2SE1/4, sec. 34-T23S-R9W

Total 640.00 acres

Filed February 16, 1881

Department notified March 9, 1881

Patent issued June 18, 1883

V. SCRIP ISSUES TO COVER SHORTAGES IN WYANDOT FLOATS

Fourteen of the Wyandot warrants covered exactly 640 acres, the amount prescribed in the treaty of 1842. Nine floats were laid on land areas larger than 640 acres, one as large as 680.90 acres, and the excess acreage, totalling 164.70 acres was paid for at the government minimum price of \$1.25 per acre. Six Wyandot floats had purchased land areas from 2 to 20 acres smaller than a section of 640, while substantial losses from the allowed 640 acres, ranging from a shortage of 83.98 acres to as much as 284.10 acres, was the prospect for the owners of five floats. In addition, the owner of the Henry Jacques' grant had been unable to claim any land at all.

As early as 1865, Mrs. Joel Walker, as spokesman for her husband's heirs, complained to the commissioner of Indian affairs about having to accept a patent for the section granted to her husband which was more than 280 acres short of the allotment.¹⁶⁰ Her sister-in-law, Mrs. Matthew R. Walker, voiced a similar complaint in 1867, over her deceased husband's grant which was short by 169 acres.¹⁶¹ Earlier John Calhoun reported that Silas Armstrong had selected his 470.58 acre "tract in full satisfaction for one section" as provided in the treaty,¹⁶² but changes in governmental attitude toward the obligations imposed by the treaty, were apparent by the mid-1870's. In 1873 correspondence in the General Land Office files indicates a growing awareness that certain claims were yet unfilled. It is apparent that the impetus for obtaining a complete section had to come from the grantees, their heirs or assignees, and inquiries were made requesting advice on how to locate the balance of land due.¹⁶³ At times the heirs were told that the General Land Office had previously ruled that in certain cases the grantees "must take part for all," but even that decision was faced with the times when "Their land was taken from them by decision of a local court. The Govt rec'd pay for it—owes it to them." ¹⁶⁴

In 1886, Isaiah Walker, then residing on the Wyandotte reserve, Indian territory, wrote the secretary of the interior, L. Q. C. Lamar, about the land still due Silas Armstrong, Joel Walker, Ethan A. Long, George Armstrong, and his own missing 19.80 acres. He requested permission to locate the balance of these grants, a total of 743.84 acres.¹⁶⁵ The heirs of Joel Walker directed inquiry to the commissioner of the General Land Office about information concerning the land to which they were entitled. Their interpretation indicates something of the story that had become peculiarly tied to their own family. They said that their "ancestor Joel Walker (who died in 1857) located his 'float' in Douglas County where west Lawrence now stands. [It was] 640 acres but 160 acres of it was 'jumped' by Jim Lane then a Senator from Kansas so that Walker got a patent for only 480 acres or less [,] only a part of what he was entitled to. And there was 160 acres of Walker's location that was wrongfully patented to Jim Lane or some one for him." ¹⁶⁸ Eventually, Walker's descendants were straightened out on the 284.40 acres due them and in 1902, scrip was issued to five heirs for use in any federal land office. These filings appear to have been made at land offices in New Mexico and Arizona.¹⁶⁷

In the meantime the heirs of Henry Jacques were finally receiving their 640-acre inheritance. Special certificates were supplied, under a ruling of March 3, 1893, to Henry Jacques and his heirs. These scrip issues, bearing dates such as July 19, 1895, April 14, and May 8, 1896, were used at Independence, Harley, and Los Angeles, Calif., land offices, and at the office in Phoenix, Ariz. One filing was made as late as September 10, 1914, at the Visalia, Calif., land office.”

The land office files are incomplete for many of these fragmentary scrip issues. The annual reports of the commissioner of the General Land Office did not always specify the nature of the scrip employed for locating land. In an act of April 28, 1904, the absentee Wyandots whose names appeared on the December 7, 1896, census roll of the tribe, were granted 80 acres each. These scrip selections, totaling more than a hundred, were used in half a dozen Western states and were intermingled in the official reports with a few of the Wyandot float scrip issues.¹⁶⁹

VI. CONCLUSION

The Wyandot floats which were sold before they were used for locating land generally brought from \$800 to \$1,800 to their owners. The Dawson float supposedly cost Johnston Lykins a horse and a dog, but the abstract of title says that he paid \$800. In the end the most costly Wyandot float in a number of ways was that granted to Irwin P. Long. Isaiah Walker reputedly paid \$3,000, in 1857, for this warrant and it was located on land in Douglas county. Claim jumpers successfully challenged the float owner to the land and law suits were appealed eventually to the United States supreme court with an adverse decision to Walker. This float, in 1881, covered land in New Mexico. Generally, these floats brought the minimum government price for land, an amount equal to \$1.25 per acre, or as much as \$2.00 per acre.

Wyandots who located the land with their warrants usually received more money for the land than they would have for the Wyandot float itself. Acquisition of the patent eliminated most of the insecurity which existed in the process of claiming land. Income from these land sales was controlled primarily by the time the sale was made. The land acquired by the John T. Walker float, for instance, sold for \$10 per acre in 1877.

Evidence that the Wyandots gained slight long-lasting profit from these sales can be seen in the removal of the tribe again in 1869 to land in the northeastern part of Indian territory (present Oklahoma).

There the portion of the tribe who had sold their lands “and are still poor, and have not been compelled to become citizens, but have remained without clearly recognized organization,” preferred “to begin anew a tribal existence.”¹⁷⁰ Some of the surviving Wyandot float grantees were in the party moving South.

Early Kansas town founders believed that there were definite advantages to be gained from using Wyandot floats in locating their townsites. Federal laws for preempting townsites limited the land area thus located to 320 acres and required that the lots be disposed of on a basis of equal price to all. Wyandot float owners were near at hand and some were eager to sell. These warrants enabled town companies to claim larger land units and to retain more control over the disposition of the lots than would have been possible under other laws. Free-Staters, particularly those connected in some way with the New England Emigrant Aid Company, were much more active than were the Proslavers in using Wyandot floats.

Suggestions that Free-State town builders, especially, sought Wyandot floats to avoid the use of Proslave public officials who would have to act on the filing of other claims is not a reasonable assumption on the basis of the Wyandot float material which is now available. At the same time it is obvious that the use of Wyandot floats to cover townsites did not automatically protect the town company from claim jumpers. In fact, some claim jumpers were able to make good on their claims in the territorial courts.

The history of Wyandot floats presents some of the territorial and early statehood Kansans in a different perspective. Such diverse political enemies as James H. Lane and Benjamin G. Stringfellow could both oppose in strong terms the Indian friend, George W. Manypenny, who was commissioner of Indian affairs. The role of Samuel C. Pomeroy, in his search for Wyandot floats for sale and in their use for the general development of the area, comes off far better than that of his fellow Emigrant Aid Company agent, Charles Robinson. Pomeroy's position in Kansas history is so highly colored by the scandal associated with his senatorial defeat in 1873 that his earlier value as a town builder is almost forgotten. Pomeroy's decisiveness and ability to get things done stands in sharp contrast to Robinson's inexactness and indecision with the William M. Tennery float which he shifted from one location to another and finally used it to cover land in Colorado.

An examination of the history of the 35 Wyandot floats shows that a vast amount of time and energy was expended by the general land office, as well as the bureau of Indian affairs, in order to make good on these treaty donations. Wyandot floats had the possibility of providing unique problems which did not easily fit the land office system designed for disposal of government lands. It is little wonder, then, that the General Land Office came to regard special grants of this type as a never-ending nuisance.

Kansas City, Topeka, Lawrence, Manhattan, and Emporia, the second, third, seventh, tenth, and twelfth most populous cities in Kansas, had part of their original townsites covered by Wyandot floats. These warrants also entered lands in northeastern Johnson county, which are now included in the Kansas City Standard Metropolitan Area. The value of these lands 100 years after they were located defies easy analysis. The 320 acres of the Squeendehty float, which were used for part of the Burlington townsite, have an estimated assessed value of about \$200,000, while the other half of the land covered by that float has remained farm land.¹⁷¹ The value of the George Punch float, which has always been agricultural land, has an estimated value of \$128,000 to \$160,000 for the whole section.¹⁷² On the other hand, eight of the Blue valley floats covered sections which were inundated by the waters of Tuttle Creek reservoir. This land was condemned by the federal government in 1956 and court awards to the owners ranged from about \$350 to slightly less than \$400 per acre, or roughly \$225,000 to \$250,000 for a section.

173

Although the area covered by Wyandot floats was small, the time and manner of their use assigns to these lands a vital role in the history of Kansas. Just as the Wyandot nation was able to select a reservation in 1843 with a strategic location for developing lines of transportation, the holders of the Wyandot floats selected lands which had strategic and political value in later days. Six of the townsites covered by these floats became county seats and only one lost this position of prestige in its county. One town was the territorial capital while another gained the state capitol. The earliest state institutions of higher learning were located in three of the towns.

The ambitions of the town fathers, who made use of Wyandot floats to cover their townsites, were not always realized. For some, however, the fondest dreams for the future of their communities have materialized.

VII. FOOTNOTES

Dr. Homer E. Socolofsky, native of Marion county, is a professor of history at Kansas State University, Manhattan. He received his degrees from Kansas State University and the University of Missouri, Columbia. He is author of a book on Arthur Capper (University of Kansas Press, 1962), and many articles and reviews in 'historical journals, one of his specialties being land studies. This paper was sponsored by a Kansas State University College of Arts and Science Summer Faculty Fellowship, 1969.

1. Treaties negotiated between the United States and the Wyandot Indians were: January 21, 1785, U. S. Statutes at Large, v. 7, p. 16; January 9, 1789, *ibid.*, p. 28; August 3, 1795, *ibid.*, p. 49; July 4, 1805, *ibid.*, p. 87; November 17, 1807, *ibid.*, p. 105; July 22, 1814, *ibid.*, p. 118; September 8, 1815, *ibid.*, p. 131; September 29, 1817 *ibid.*, p. 160; September 17, 1818, *ibid.*, p. 178; September 20, 1818, *ibid.*, p. 180; January 19, 1832, *ibid.*, p. 364; April 28, 1836, *ibid.*, p. 502; March 17, 1842, *ibid.*, v. 11, p. 581; April 1, 1850, *ibid.*, v. 9, p. 987; January 31, 1855, *ibid.*, v. 10, p. 1159; and February 23, 1867, *ibid.*, v. 15, p. 513.
2. The Indian word was 'Wyandot, the English spelled it Wyandott, and the French contributed a final "e." – See Perl W. Morgan, *History of Wyandotte County Kansas and Its People* (Lewis Publishing Company, Chicago, 1911) 2 vols., p. 59.
3. Charles J. Kappler, *Indian Affairs, Laws and Treaties*, second revised edition (Government Printing Office, Washington, 1904,) v. 2, pp. 146, 150, 152, 153.
4. *Ibid.*, pp. 147, 148.
5. *Ibid.*, pp. 339-341.
6. J. Orin Oliphant, editor, *The Report of the Wyandot Exploring Delegation, 1831*, *Kansas Historical. Quarterly*, v. 15 (August, 1947), pp. 253, 258.
7. *Ibid.*, pp. 249, 258. Gardiner believed that the " 'pagan' or 'savage party' would listen to 'reason,' " while " 'the whites,' half-breeds, and the 'Christian party,' so called" would be "against treating on 'any reasonable terms.' " For that reason he obtained permission to negotiate a separate treaty with the Crawford county Wyandots.
8. Oliphant, "Report of the Wyandot Exploring Delegation," p. 249.
9. Kappler, *Indian Affairs*, v. 2, pp. 460, 461; H. R. Doc. No 205, 26th Cong., 1st
10. John H. Martin, compiler, *National Archives, List of Documents Concerning the Negotiations of Ratified Indian Treaties, 1801-1869*, Special List No. 6 (Washington, 1949), No 240, p. 77, letter from John Johnston, Columbus, Ohio, May 11, 1841, to T. Hartley Crawford. This reference to the Indian lawyer was to John M. Armstrong who was one eighth Indian.

11. *ibid.*, Office of Indian Affairs, Letters Received, Ohio, 1-788, June 19, 1841, Johnston Commissioner of Indian Affairs, from Upper Sandusky; July 25, 1841, Johnston to from Piqua, Ohio; August 16, 1841, Johnston to Crawford, from Piqua; September 17, 1841, Johnston to Crawford.
12. *ibid.*, October 27, 1841, Johnston to Crawford. William E. Connelley, in *Kansas City Kansas: Its Place in the History of the State*, Kansas Historical Collections, v. 15, p. 185, stated in exaggerated terms that, "When the Wyandots came to Kansas no member was more than one-quarter Indian. The tribe was Indian; the people were three quarters white." Individuals in the tribe were far more than one-quarter Indian, just as some were fully white.
13. Martin, National Archives, List of Documents, I-893, November 29, 1841, Johnston to Crawford.
14. Kappler, *Indian Affairs*, v. 2, pp. 534-537.
15. *ibid.*, p. 536.
16. The Delaware nation added three sections as a gift after the purchase of 36 sections. In a treaty of April 1, 1850, the United States government agreed to compensate the Wyandots for the 148,000 acres promised in the 1842 treaty.
17. Grant W. Harrington, *Historic Spots or Mile-Stones in the Progress of Wyandotte County, Kansas* (The Mission Press, Merriam, 1935) , p 261; Ray E. Merwin *The Wyandot Indians*, Kansas Historical Collections, v. 9 (1905-1906), p. 86.
18. National Archives, Record Group 49, Division K, Indian Reserve files B213 through B256, B331 and B334 are the files which deal with the Wyandot floats. The claim of Silas Armstrong was in file B215 in his letter to George Moneypenney, April 30, 1856. Hereafter, these Wyandot float files will be referred to by their individual file numbers.
19. B214, Clark to Pres. Millard Fillmore, from West Port, Mo., May 3, 1851.
20. B228, letter from the secretary of the interior to Charles E. Mix, acting commissioner of Indian affairs, May 5, 1858; letter from Abelard Guthrie to William Walker, sent December 1, 1852, from Cincinnati, Ohio, in William E. Connelley, ed. *The Provisional Government of Nebraska Territory and the Journals of William Walker* (Nebraska State Historical Society, Lincoln, 1899), p. 77.
21. Connelley, *The Provisional Government of Nebraska Territory*. Abelard Guthrie was the delegate to congress. While his position was unofficial, congress was willing to pay some of his expenses.

22. Kansas Herald, Leavenworth, December 22, 1854,
23. Kappler, Indian Affairs, v. 2, pp. 677-681. The quotation comes from p. 681.
24. Sen. Ex. Doc. No. 11 35th Cong. 1st Sess., v. 1, pp. 274, 275. The surveyor general reported on p. 273 that 24,960 acres in what is now Wyandotte county, Kansas, were the Wyandot Indian reserve lands. Corrections have been made in the spelling of names and two columns showing filing dates are not shown here.
25. B218 and B224.
26. B215, letter dated August 10, 1855.
27. "Halderman collection," Kansas State Historical Society archives.
28. Because of lack of published sources this study has relied heavily on the Indian Reserve files of the National Archives in Washington. Other manuscript sources include the "Donation Patent Records" in the Bureau of Land Management, Washington, the archives of the Kansas State Historical Society, and the county records and abstractor's files in the area where the floats were used. Oral stories and interpretations of these floats are found in some areas. Published reports, such as the annual reports of the General Land Office, various early newspaper accounts, and items described in local histories, have provided a more complete acquaintance to a total picture of the Wyandot floats.
29. B217; Ely Moore, Jr., "The Story of Leocointon," Kansas Historical Collections, v. 11 (1909-1910), pp. 463-480.
30. B217, letter from William Weer to Charles E. Mix, acting commissioner of Indian affairs, April 24, 1858.
31. F. W. Giles, Thirty Years in Topeka: A Historical Sketch (Topeka, 1886, 1960), pp. 16, 17.
32. Ibid., pp. 17, 18.
33. Ibid., p. 27; B242, letter from J. W. Denver to Thos. H. Hendricks, February 2, 1859
34. Giles, Thirty Years in Topeka, p. 31; Sen. Ex. Doc. No. 11, 35th Cong., 1st Sess., v. 1, p. 275.
35. Giles, Thirty Years in Topeka, p. 31; B242. In order to raise the \$1,200 needed to pay Walker, part of section 31 and two quarters from other sections were sold.

36. The fractional southeast quarter in section 30, an area of 62.20 acres, when added to the 621.80 acres, covered by the Wyandot float, made a total of 684 acres for the townsite.

37. B242 and B234.

38. Giles, *Thirty Years in Topeka*, p. 32.

39. B242; Giles, *Thirty Years in Topeka*, p. 82.

40. B242.

41. Giles, *Thirty Years in Topeka*, p. 32. The district court of Shawnee county affirmed the title in the case of *Royal Wiswell v. Cyrus K. Holliday et al* in June, 1866. The case was appealed to the Kansas supreme court in the January term, 1870, apparently with the same results. Before 1884 at least two persons acquired quitclaim deeds from Walker for section 31 but they were not used in court. By that time he had moved to the Wyandotte reserve, Indian territory. He may have been among the destitute Wyandots. Typically, he did not at any time reside on his float.—See Joseph Snell, “Another House of History Faces Extinction,” *Midway Magazine of the Topeka Capital–Journal*, April 13, 1969.

42. B221, B227, and B234; Sen. Ex. Doc. No. 11, 35th Cong., 1st Sess., v. 1, p. 274; William E. Connelley, “The Lane–Jenkins Claim Contest,” *Kansas Historical Collections*, v. 16 (1923–1925), p. 57, in citing Weer that the Joel Walker float was located June 22, 1855, p. 67, in citing Lykins that the Robert Robitaille float was surveyed and marked by suitable metes and bounds on July 3, 1855.

43. B234 and B237; Sen. Ex. Doc. No. 11, 85th Cong., 1st Sess., v. 1, p. 274.

44. B234, B235, and B243; Sen. Ex. Doc. No. 11, 35th Cong., 1st Sess., v. 1, p. 275. This document gives dates of filing and notification to the department and will be used hereafter without citation.

45. B221.

46. B234, map received with letter from the commissioner of Indian affairs, December 10, 180–9.

47. *Ibid.*

48. Quotation from B234.

49. B235.

50. Misc. v. 473—"Donation Patent Records," v. 12, pp. 344, 345, located in the Bureau of Land Management, Washington, D. C.

51. Connelley, "The Lane-Jenkins Claim Contest," pp. 21-176.

52. B. G. Elliott Foot Notes on Kansas History (Journal Co. Printers, Lawrence 1906), P. 133; Samuel A. Johnson, The Battle Cry of Freedom: The New England Emigrant Aid Company in the Kansas Crusade (University of Kansas Press, Lawrence, 1954), pp. 79, 80; William H. Carruth, "The New England Emigrant Aid Company as an Investment Society," Kansas Historical Collections, v. 6 (1897-1900), p. 93.

53. Elliott, Foot Notes, pp. 13-18; B221 and B227. William Tennery sold his float to Pomeroy for \$800 on June 28, 1855.

54. B221.

55. Elliott, Foot Notes, p. 18.

56. A. T. Andreas and W. G. Cutler, History of the State of Kansas (Chicago, 1883), pp. 314, 315.

57. Elliott, Foot Notes, p. 20; Samuel Johnson, The Battle Cry of Freedom, P. 79.

58. B234; William Weer, Brief for Applicant in the Matter of the Wyandot Float (printed pamphlet, n. p., n. d.); Connelley, "The Lane-Jenkins Claim Contest," pp. 38-65.

59. B234. Robitaille was the first county treasurer of Wyandotte county, gaining elections in 1859 and 1860.

60. B221 and B227; Connelley, "The Lane-Jenkins Claim Contest," pp. 40, 57, 58, 82.

61. B234 and B235.

62. B235.

63. See Footnote 50. Roscoe Wright, county surveyor, Map of Voting Precincts, El Paso County, Colorado, 1928.

64. B227 and B228. Sections 7, 18, and 19 were oversize, due to their location along a correction line.

65. Winifred N. Slagg, Riley County, Kansas (Theo. Gaus' Sons, Inc., Brooklyn, 1967), pp. 39-53- "Manhattan Town Association, Bool, No. 1," in archives of the Riley County Historical Society. The first page of this manuscript volume is "Book Number One / Records and Constitution / of the Boston Association, April 3d, 1855 / to June 29th,

1855. / And also of the Manhattan / Town Association July 7th, 1855 to January 7th, / 1856.”

66. Slagg, Riley County, pp. 53, 54; Isaac T. Goodnow, “Personal Reminiscences and Kansas Emigration, 1855,” Kansas Historical Collections, v. 4 (1886–1890), pp. 249, 250.

67. Albert R. Greene, “The Kansas River–Its Navigation,” Kansas Historical Collections, v. 9 (1905–1906), pp. 328, 329; H. R. Report No. 200, 34th Cong. 1st Sess., “Report of the Special Committee . . . Investigate the Troubles in Kansas,” pp. 1035–1037. Isaac S. Hascall said in his sworn statement that he had heard that Osborn “had been made postmaster at Wyandott.” Robert Baughman Kansas Post Offices (Kansas Postal History Society, c1961), pp. 141, 239, lists a William J. Osborn as the first postmaster of Wyandott, an office established October 8, 1855.

68. Slagg, Riley County, pp. 54, 55. Isaac Hascall presented no witnesses to confront his opponent’s many witnesses in Justice of the Peace Dyer’s court. He signed over his property in a quitclaim deed on September 25, 1858.

69. “Manhattan Town Association, Book No. 1,” p. 51.

70. “Halderman Collection,” archives, Kansas State Historical Society.

71. Interview with Sam C. Charlson, July 7, 1969. The rumor concerning “a horse and a dog,” was handed down by word of mouth over the years. Charlson heard it from Scott Higginbotham. The printed abstracts, issued for the land covered by, the Dawson and Tennery floats, and used for many years by the Riley County Abstract and Title Company, says Dawson was paid \$800 for his warrant.

72. Printed abstracts of title for lands covered by floats 11 and 13; Sen. Ex. Doc. No. 11, 35th Cong., 1st Sess., p. 274; Slagg, Riley County, p. 53. This surveying expense was noted in the Manhattan Town Association minutes with the statement that “we find on inquiry that it has not cost us so much as it has other companies in the Territory.”

73. “Manhattan Town Association, Book Number Two,” p. 20 (March 31, 1857), and p. 27 (June 20, 1857).

74. Interview with Sam C. Charlson, July 7, 1969; printed abstract of lands covered by the Tennery float.

75. Misc. v. 473–“Donation Patent Records,” v. 12, pp. 178, 179.

76. Printed abstract of lands covered by the Dawson float; interview, with Sam C. Charlson, July 7, 1969, Case No. 8260 in the circuit court of the United States in and for the district of Kansas, October 14, 1884.

77. Assignment in the Riley county district court, March 19, 1894; interview with Sam C. Charlson, July 7, 1969.

78. *Ibid.*, Harvey died in 1895 and Higginbotham had balanced his account before that. One of the five who paid for the “squaw title” was still assessing property transfers as late as 1920.

79. B239 and B247; Laura M. French, *History of Emporia and Lyon County* (Emporia Gazette Print, Emporia, 1929), pp. 2, 3.

80. B239, letters of A. B. Greenwood to Mrs. Matilda Hicks, n. d., and from Deitzler to J. W. Denver, February 21, 1859.

81. B239.

82. Abstract of title, including a synopsis of *Gray v. Coffman, et al*, provided by the Moon Abstract Co., of Emporia.

83. *Ibid.*

84. Squeendehty, a well-known Wyandot chief, also spelled Squindehtee, Squeendeghtee, and Squeehdehtee, died in December, 1844, at the age of 61 years. B241 and B249; “Lucy Armstrong Papers,” Kansas State Historical Society; letter from J. R. Noel, abstractor in Burlington, to author, July 11, 1969.

85. William Hutchinson, “Sketches of Kansas Pioneer Experience,” *Kansas Historical Collections*, v. 7 (1901–1902), pp. 406, 407; Andreas-Cutler, *History of the State of Kansas*, pp. 653, 654; Frank W. Blackmar, *Kansas: A Cyclopedia of State History* (Chicago, 1912), v. 1, pp. 257, 258.

86. B241. Like the patent for the land at Emporia, this one was transmitted to R. S. Stevens.

87. Letter from J. R. Noel to author, July 11, 1969.

88. B215 and B223.

89. B215, letters from Armstrong to John W. Whitfield, January 6, 1856, and to George W. Manypenny, April 30, 1856. See, also, National Archives microcopy 234, Roll 950, of “Letters Received by the Office of Indian Affairs, 1821–81, Wyandot Agency,” letter Jonathan Phillips, Indian subagent for the Wyandots, to Thomas H. Harvey, superintendent of Indian affairs at St. Louis, February 7, 1844, which reports float selections by Silas Armstrong and Henry Jacques of site later obtained by Armstrong.

90. Ibid. See letter from Armstrong to J. T. Cochran, November 13, 1856; J. J. Lutz, "The Methodist Missions Among the Indian Tribes in Kansas," Kansas Historical Collections, v. 9 (1905-1906), p. 163.

91. B215, letters from Armstrong to Manypenny, April 30, 1856, Manypenny to T. A. Hendricks, February 18, 1857, with reply, Hendricks to Manypenny, March 26, 1857.

92. B215; Andreas -Cutler, History of the State of Kansas, p. 1240; Grant W. Harrington, Historic Spots or Mile-Stones in the Progress of Wyandotte County (The Mission Press, Merriam, Kan., 1935), pp. 162-164. There were two lawsuits, Armstrong v. Wills, pending in the local courts, when Wills died October 15, 1858. D. E. James, eventually a part of the Kansas City Town Company, was the squatter with whom Armstrong was forced to compromise.

93. B215.

94. Harrington, Historic Spots, P. 164.

95. Ibid., pp. 244-246.

96. B246 and B255. A copy of the conveyance to Pomeroy is in these files but there is no date for the transfer.

97. Albert R. Green, "United States Land-Offices in Kansas," Kansas Historical Collections, v. 8 (1903-1904), p. 7; Blackmar, Kansas, p, 52 Executive Minutes of Governor John W. Geary," Kansas Historical Collections, v. 4 (1886-1890), p. 710.

98. B246 and B255. The letter to Ingalls, January 9, 1878, was from Adam Brenner.

99. B222 and B228.

100. B223 and B228. George Garrett, brother of Charles B. Garrett, died in 1846. His wife was Nancy Walker, sister of Mrs. Charles B. Garrett.

101. B226, B228, and B2,38. Joel Walker Garrett's address was Upper Sandusky. He was the son of George Garrett and a nephew of Charles B. Garrett.

102. B228, B240, and B248. Garrett purchased this from the widow of Washington, who had died December 1, 1852, at the age of 65 years.

103. B228, B238, and B244. Warpole, or someone with that name, died as a very old man before the exodus from Ohio.

104. Connelley, "First Provisional Constitution of Kansas," p. 112.

105. B228. Marcus J. Parrott was Garrett's attorney. His letter to John Calhoun, July 19, 1855, stated, "The said sections are made in severality..."

106. Helen G. Gill, "The Establishment of Counties in Kansas," Kansas Historical Collections, v. 8 (1903-1904), pp. 450-452. Riley county occupied land on both sides of the Blue river when Garrett made his selections. Pottawatomie county was organized in 1857.

107. Connelley, "First Provisional Constitution of Kansas," p. 112.

108. "Deed records," Pottawatomie county; letter from H. E. Chadborn, October 15, 1903, to abstractor, Pottawatomie county, courtesy of Tom E. Hart, Westmoreland.

109. B220, B226, and B228. For some reason, later maps show 636.70 acres in float No. 4. Walker claimed an excess of 40.90 acres for which he paid \$51.25 to the government.

110. B228, B230, and B238.

111. B228, B236, B238, and B244.

112. B226.

113. Ibid., in letter dated September 1, 1863.

114. Ibid., in letter also dated September 1, 1863.

115. Sale dates were July 17, 1865, May 7, 1867, and March 7, 1877. Deed records, Pottawatomie register of deeds. The town of Garrison came into existence in 1880, near the middle of the Henry Clay Walker float, because of the completion of the Kansas Central railway to that point.

116. B219, B225, B227, and B228. The dashes on the map mark Seth J. Child's claim.

117. B219 and B225; Riley county, register of deeds, "Deed Record," L, p. 447. Walker served as the first probate judge of Leavenworth county, which at the time included the area which became Wyandotte county.

118. B224.

119. B214 and B238.

120. B213, B224, B251, and B334.

121. B214, letter from Manypenny to George W. Ewing, June 17, 1853, marked "not sent."

122. B214, letter from Manypenny to Willard P. Hall, St. Joseph, Mo., October 18, 1855, relative to sale to W. P. Richardson; B2,38, letter from C. C. Hyatt to J. Ni. Edwards, commissioner of the General Land Office, February 14, 1863, relative to the purchase of the Peter D. Clark reserve.

123. Lester R. Baltimore, "Benjamin F. Stringfellow: The Fight for Slavery on the Missouri Border," *Missouri Historical Review*, Columbia, Fall, 1967, pp. 16, 17; Elmer L. Craik, "Southern Interest in Territorial Kansas," *Kansas Historical Collections*, v. 15 (1919-1922), p. 350, says that Atchison, with Abell as the town company's president, had a reputation as the "most violent proslavery town in the territory"; William H. Coffin, "Settlement of the Friends in Kansas" *ibid.* v. 7 (1901-1902), p. ~31; B224, Stringfellow in a letter, October 22, 1858, to Charles E. Mix, says that he had acquired George Clark's float and that Andrew Wineland, a Missouri river boat captain, had gotten Taumomee's float. Stringfellow was acting as Wineland's agent and was "jointly interested with him."

124. B224, letter from Stringfellow to J. W. Denver, June 30, 1857.

125. *Ibid.*, letter from Denver to Stringfellow, July 15, 1857.

126. Letter from N. C. Greenlund, Atchison, to author, July 17, 1969.

127. B218 and B224.

128. B226 and B232.

129. B226, B228, B231, and B239. Jacques had personally tried to select a site in 1844. See Footnote 89.

130. B233 and B240.

131. B226, B227, B228, B242, and B250.

132. B226, B243, and B252.

133. B231.

134. *Ibid.* The "Notice" was issued by the secretary of the interior on August 16, 1855. The fourth part stated, "In view of the lapse of time, since 1842, when the right of the Indian was secured by the treaty, his claim will be regarded as justly entitled to a precedence over that of a white settler in cases where his location either precedes, or is of equal date with that of the white settler."

135. B243.

136. B226.

137. B242.
138. B232 and B240.
139. B218 and B224.
140. B225, B231, and B331.
141. B229 and B236.
142. B233 and B241.
143. B237.
144. B234 and B245.
145. B247.
146. B229.
147. B245.
148. B245 and B247; letter from E. L. Carrier to author, July 16, 1969.
149. B233.
150. Charles P. Deatherage, *Early History of Greater Kansas City, Missouri and Kansas* (Kansas City, Mo., 1927), v. 1, pp. 510, 570; Louis o. Honig, *Westport: Gateway to the Early West* (n.p., 1950), pp. 12–14; B237, copy of copy, Johnston Lykins to J. Calhoun, November 5, 1855.
151. Letter in “John A. Halderman Collection,” archives, Kansas State Historical Society.
152. “Lucy Armstrong Papers,” archives, Kansas State Historical Society.
153. B237.
154. Ibid.
155. *McAlpin v. Henshaw*, *Kansas Reports*, v. 6, p. 110; B225 and B231.
156. *United States Supreme Court Reports, Law Ed.*, v. 21, pp. 365–367. The case was *Mary Walker et al. v. Iram Henshaw*.
157. B225.

158. B231. This letter dated January 29, 1879, was in response to an inquiry of Isaiah Walker directed to the secretary of the interior, Carl Schurz, on January 12, 1879.

159. B225 and B231.

160. B227, letter to commissioner of the General Land Office from Mrs. Maria or Mary A. Walker, July 25, 1865.

161. B225.

162. B223 to Thomas A. Hendricks, March 26, 1856.

163. B225, letter from Enoch Hoag, superintendent of Indian affairs, Lawrence, to "Whom it may concern," August 8, 1873, and from Irving W. Stanton, register, land office, Pueblo, Colo., to commissioner of the General Land Office, September 27, 1873.

164. B227, letter from L. P. Browne, Las Vegas, N. M., December 17, 1881, to the commissioner of the General Land Office.

165. B242.

166. B227, letter from James M. Mason, November 13, 1893.

167. Ibid., letter from N. McAlpine to W. A. Richards, assistant commissioner of the General Land Office, January 22, 1902, and Wyandotte scrip "Indian B227, 1 through 7."

168. Indian B250, special certificates I through 14, issued by the General Land Office, March 3, 1893.

169. Annual reports of the General Land Office, 1905-1920.

170. Kappler, *Indian Affairs*, v. 2, p. 960.-Treaty of February 23, 1867.

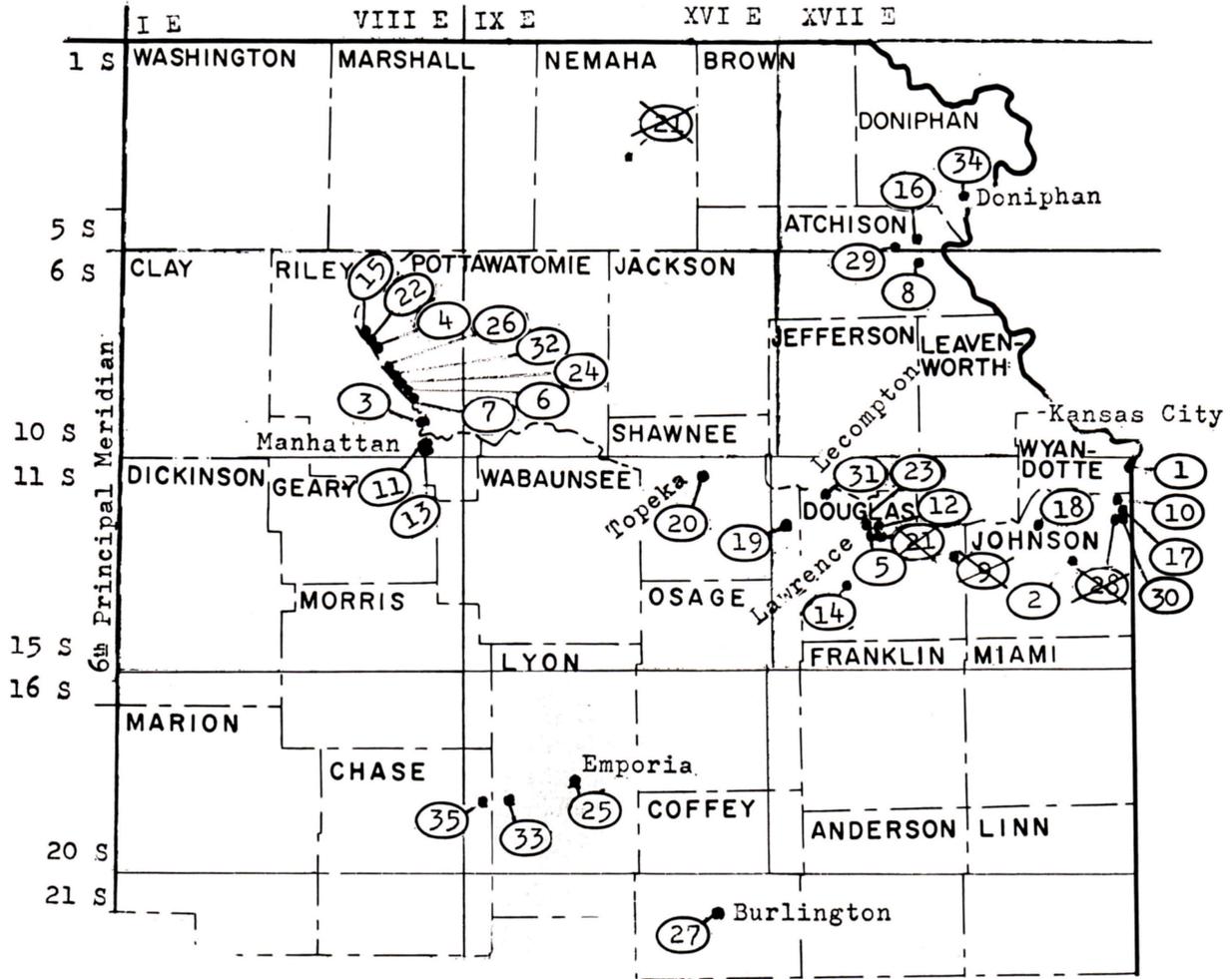
171. Letter from J. R. Noel to author, July 11, 1969.

172. Letter from R. L. Carrier to author, July 16, 1969.

173. Pottawatomie county register of deeds, "Misc. Records," T, pp. 6, 21, 89, 90, 122, 123.

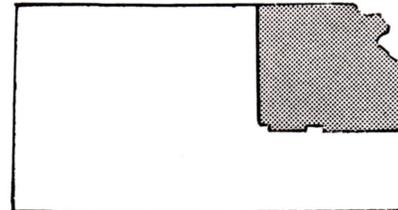
VIII. IMAGES, MAPS AND PHOTOS

WYANDOT FLOATS



29 Counties in N. E. Kansas

Numbers 9, 21, and 28 were relocated out-of-state. Number 21's second incomplete location was in Nemaha county.



Area of Kansas on larger map

975-1-2-9.
62.

1064

THE LYKINS OR ROBITAILLE FLOAT.

All Interested in Lawrence,
LOOK OUT!

To Mr. *Agent of N. E. Emigrant Aid Co.*

Land Office, Lecompton, K. T.,
May 14th, 1857.

You and all people interested in any manner in the

Town of Lawrence, which is laid out upon the following described land, are hereby notified that on the 19th day of May, A. D. 1857, ROBERT ROBITAILLE, a Wyandott Indian, will offer proof in support of his right to locate by a reservation granted him in the treaties of 1842 and 1855, by and between the United States and the Wyandott tribe of Indians, the following described tract of land, bounded to-wit: Commencing at a stone monument in the mouth of a ravine entering the Kansas River in a north-westerly direction from the town of Lawrence, and between the dwelling houses of William H. R. Lykins and Achilles B. Wade, (as the same was on 3d April, A. D. 1855) and running due west twelve hundred and fifty (1250) feet; thence due south sixty-seven hundred and twenty (6720) feet; thence due east fifty-two hundred and eighty (5280) feet; thence north forty-two hundred and sixty (4260) feet to the Kansas River, thence up and along the said river to the place of beginning. You being an adverse claimant to some portion of said land, will be permitted to offer counter proof before us at this Office.

Eli Moore Register.
William Brindle Receiver.

A broadside warning "To Mr. Agent of N(ew) E(ngland) Emigrant Aid Co." It was signed by Lecompton's land office personnel, Eli Moore and William Brindle.

The United States America

To all to whom these Presents shall come, greeting:

Whereas by the fourteenth Article of the Treaty between the United States of America and the Hiawatha Nation of Indians, made and concluded, at Upper Sandusky in the State of Ohio on the seventeenth day of March One Thousand Eight Hundred and Forty Two, and ratified on the fifth day of October, One Thousand Eight Hundred and Forty Two, The United States agreed to grant to Joseph S. Tenney one section of land of Six hundred and forty acres, out of any lands West of the Missouri River set apart for Indian use, not already claimed, or occupied by any person or tribe.

And whereas by the Ninth Article of the Treaty with the same Tribe made, and concluded, at the City of Washington, on the twenty first day of January, One Thousand Eight Hundred and Forty Five, It is stipulated and agreed that each of the Individuals to whom reservations were granted by the fourteenth article of the Treaty of March Seventeenth One Thousand Eight Hundred and Forty Two, or their heirs or legal representatives shall be permitted to select and locate said reservation on any Government lands West of the States of Missouri and Iowa subject to pre-emption and settlement, said reservation to be patented by the United States in the name of the reserves as soon as practicable after the selections are made.

And whereas there has been selected and approved as the reserve of the said Joseph S. Tenney in conformity with the Treaty stipulations above mentioned, the tracts of land described in the Public Surveys, as Lot numbered Twenty-four in section seven containing One hundred and thirty eight acres and sixty hundredths of an acre, Lot numbered Six in section seven containing sixty hundredths of an acre, and Lot numbered Five in section Eight containing Five hundred and One acres, and containing in the aggregate Six hundred and forty acres, all in Township Ten South, Range Eight East, of the Sixth Principal Meridian in the State of Kansas.

Now know Ye that the United States of America in consideration of the premises, and in conformity with the provisions as above recited of the aforesaid Treaties, have given and granted, and do give and grant, by the Special Command, unto the said Joseph S. Tenney, and to his heirs the tracts of land above described, to have and to hold the said tracts with the appurtenances unto the said Joseph S. Tenney and his heirs and assigns forever, in conformity with the provisions of the Treaties as aforesaid.

In Testimony whereof, I, Andrew Johnson, President of the United States have caused these Letters to be made Patent, and the seal of The General Land Office to be hereunto affixed.



Given under my hand at the City of Washington the Twenty first day of September, in the year of our Lord One Thousand Eight Hundred and Forty five, and of the Independence of the United States the Ninetieth.

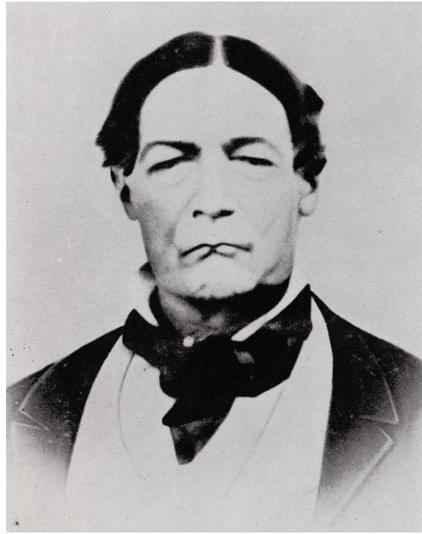
By the President Andrew Johnson

Ed. D. Mill Secretary

Witness my hand and the seal of the General Land Office at Washington this 21st day of September 1845.

Copy of patent for the Joseph Tenney float laid on the north half of the Manhattan townsite. Courtesy Riley County Historical Society.

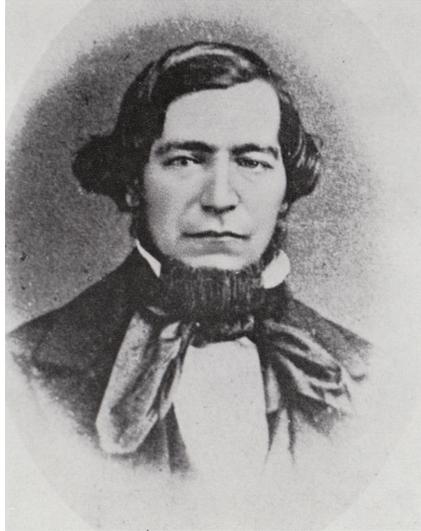
Four of the Original Owners of Wyandot Floats



William Walker located his float in the Blue River Valley. It was on the site later used for the town of Garrison



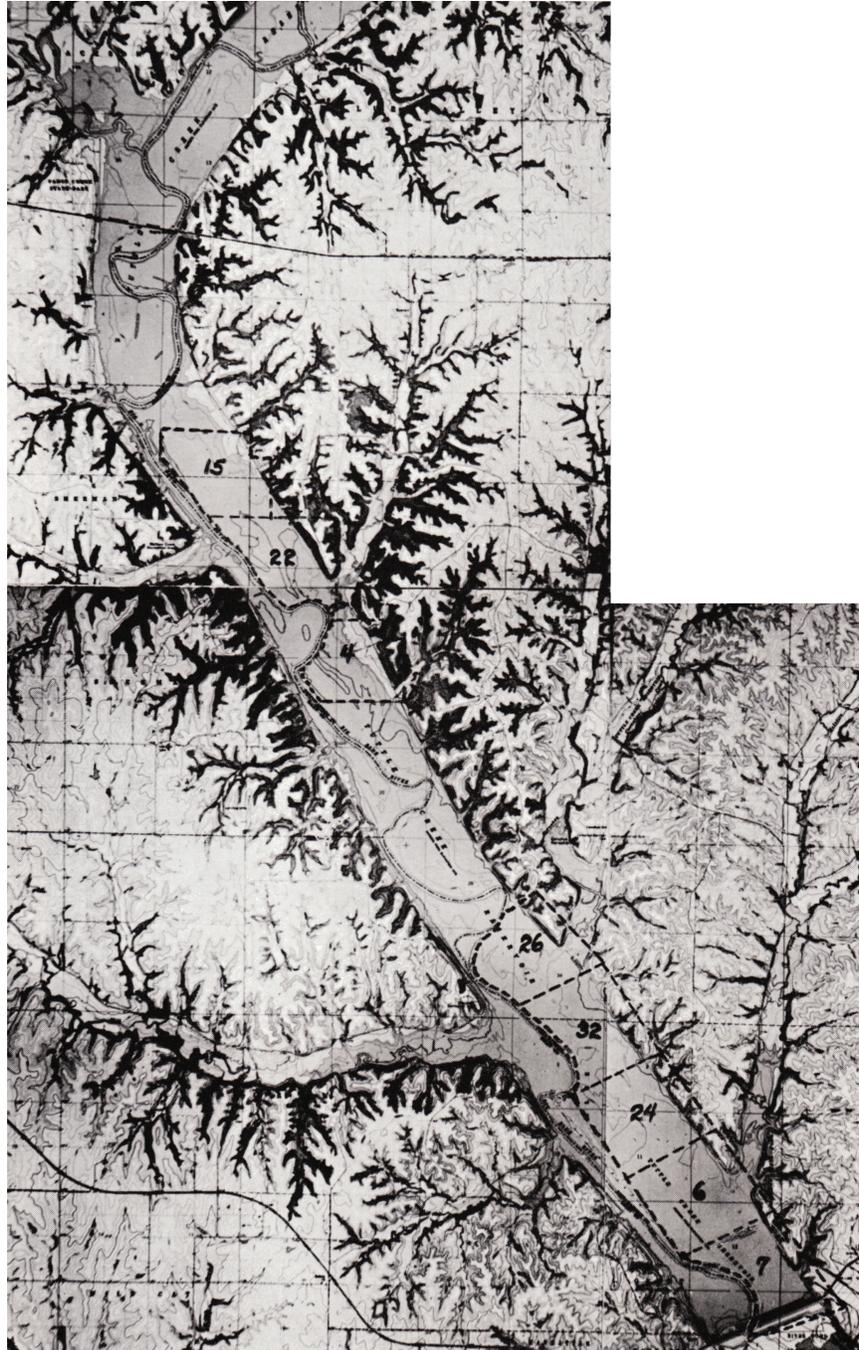
The float of Isaiah Walker sold for \$1,200 and was used to cover the heart of Topeka.



Joel Walker, whose float at Lawrence flushed out squatter Jim Lane with his dukes a flying. Lane was the victor.



Joel Walker Garrett and the other Garretts located floats in the Blue River Valley which are now in the Tuttle Creek Reservoir.



Eight Blue Valley Wyandot floats, all in Pottawatomie county, superimposed on a modern Geologic Survey map of Tuttle Creek reservoir. Another Blue Valley float was one mile downstream from the dam on the Riley county side of the Blue river.



Looking north toward downtown Topeka in July 1970, showing the approximate boundaries of the Wyandot float sold by Isaiah Walker. Missing is the southeast corner of the float which includes the downtown Holiday Inn. Courtesy Alvis H. Stallard and the Kansas State Highway Commission.