

Whatever Morgan's reasons for abandoning the New Madrid project, he remained at "Prospect," and his chief efforts during the next two or three years were directed to the affairs of the Indiana Company. He still continued, however, to hope that his original plan for establishing a colony in Louisiana would be approved by the king. He believed that Miró's policy was the wrong one for the most effective handling of the Mississippi problem and the inevitable expansion of the American West. He remained on terms of cordial friendship with Gardoqui; but he thoroughly understood the clash of economic interests in the Mississippi Valley that would make inevitable the loss of Louisiana to Spain. By 1791 he saw that the United States was in a position to drive the Indians of the Northwest Territory across the Mississippi, where, he said, "we shall be obliged to follow them in a few years unless the Spanish Settlements there & the Government" shall restrain them. This Spain would not be able to do, under the present plan. The only alternative then, would be the employment of force, and the "removing all *foreign Obstructions* from the Mississippi at a day not very distant."

"Our love of Liberty Civil and religious is our ruling Passion: Give us these & all Princes or Rulers & all Countries are alike to Us: but they must be given as our Right & not as an Indulgence which we may be deprived of at Pleasure by any man or Sett of Men whatever. If Spain does not adopt this Idea in regard to forming her Settlements on the Mississippi She will have no Settlements there six Months after the first Dispute between her and the U. S." The partial liberty given the settlements at the Natchez and elsewhere would not be sufficient, "whilst a liberal Conduct would secure the command of her Western Country for Ages."⁸⁸

⁸⁸ Morgan to Gardoqui, February 24, 1791, Happer Collection.

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COLONEL HARVEY AND HIS FORTY THIEVES¹

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Sometimes fate has played strange tricks on men, and on occasion the muse of history has indulged in vagaries that are quite as remarkable. Unfortunate indeed is the man who fails to find favor of either. The eclipse of James A. Harvey is an illustration of how small events may determine a man's historical fame or oblivion. For a time Harvey was second only to James H. Lane as leader of the Free State military forces in Kansas and during one critical period even commanded them. He was also the leader of a colony which established a town and developed a pioneer community. Yet his name scarcely appears in the literature of territorial Kansas.

A member of the Chicago Company organized by a committee of citizens of that city engaged in sending and assisting emigrants to Kansas, Harvey served first as commissary of the company, then at Iowa City, while on the journey, was elected captain.² The company was given passage, arms, and supplies, and was promised support for one year if the disturbances continued. These emigrants were to have been sent out by way of the over-

¹ This paper was read at the twenty-fourth annual meeting of the Mississippi Valley Historical Association, Lexington, Kentucky, April 30, 1931.

² The Kansas Experiences of James A. Harvey. An autobiographical statement made for Thaddeus Hyatt during the winter of 1856-57; manuscript in the handwriting of S. P. Hand, who assisted Hyatt in his work in Kansas, made up of twenty-four and one-half closely written pages of legal size paper, covering approximately four months of Harvey's activity during the late summer and fall of 1856, Thaddeus Hyatt MSS. (Kansas State Historical Society, Topeka). During the winter of 1856-57 Hyatt as chairman of the National Kansas Committee visited the territory for the purpose of investigating charges of corruption and mismanagement of the relief being sent to destitute Kansas settlers. In the course of his travels in the territory he and his agents took statements of settlers regarding their Kansas experiences. Fifty-two of these are among the Hyatt MSS. Among them are the stories of some members of the Chicago Company including Harvey. A few of the papers in the collection were printed in the Kansas State Historical Society *Collections* (Topeka, 1875-), I-II, 203-34, but otherwise they have been ignored by historical investigations. Also the Hyatt MSS. contain a substantial amount of correspondence of members of the National Kansas Committee and persons associated with Kansas from 1856-61.

land route through Iowa, but on advice of the agent of the Chicago committee who reported that wagons for transportation were not available because of the Mormon and other emigration, the committee sent them June 17, 1856, by rail to Alton, Illinois, and thence by steamboat *Star of the West* to Leavenworth, Kansas Territory. The expedition was stopped by the organized proslavery forces of western Missouri and returned to the vicinity of Alton.³

Soon after the experience of the Chicago Company on the Missouri River a company of emigrants from Massachusetts under the leadership of Dr. Calvin Cutter received similar treatment. The Chicago Committee came to their assistance and sent them by the overland route through Iowa to Kansas. The Chicago Company and Cutter's company joined other groups on the trail and entered Kansas as a part of an emigrant train which was known as Lane's "Army of the North," arriving at Topeka, August 13.⁴ The Chicago Company as it arrived in Kansas was made up exclusively of men. Many of the members, as recorded by Harvey, had money ranging from \$10 to \$50 and a few had as much as \$300. Harvey himself had \$892, according to his own testimony. In addition to the cash mentioned, Harvey claimed to be worth about \$3,000, mostly in town-lots, household goods, etc. He was 29 years of age, and had a wife and a four year old little girl whom he left in Chicago.⁵

Although the emigrant train with which Harvey had entered Kansas was known generally as Lane's "Army of the North,"

³ Peter Page of the Chicago Committee to Thaddeus Hyatt, July 6, 1856. Hyatt MSS.

⁴ *Ibid.* Page to Hyatt, also Dr. S. G. Howe and Thaddeus Hyatt to the Kansas Committee at Chicago (copy), July 27, 1856, Hyatt MSS. See also *id.* to *id.*, August 11, 1856, in *New York Tribune*, August 13, 1856, for a detailed description of composition of emigrant train.

⁵ The Kansas Experiences of James A. Harvey. No contemporary description of Harvey has been found, but an associate, writing in 1890, pictured him as follows: "He was a short, small man, quick in movement, with a dark complexion, large eagle eyes and a large Roman nose. His whole make-up denoted great energy and decision of character. He was ever on the alert in times of danger and formed and executed his plans with great rapidity. He never seemed at a loss as to what was to be done in times of emergency." C. G. Allen, "Personal Reminiscences," in Meade Center, Kansas, *Republic*, January 22, 1890. Though Harvey appears to have been in the Mexican War and to have made a good record, no one seems to agree on his rank or the exact nature of his service.

in reality Lane had had little to do with it. The National Kansas Committee, which by this time was directing and assisting emigration from all parts of the North felt that Lane's association with its emigrant companies was a misfortune and took steps to free itself from the stigma his military reputation attached to its activities. Lane was persuaded to promise to leave the train and return to the States.⁶ He promised, but almost immediately broke his pledge to the extent that he left the emigrants and entered Kansas Territory ahead of the train.⁷ The associated emigrants completed their journey under other leadership. Lane's remarkable talent for publicity, nevertheless, credited him with the "Army of the North" and the military cast of some of the constituent companies is clear. The result was that the civil disorder which had prevailed throughout the summer of 1856 was renewed with greater intensity and the proslavery forces in the territory and in western Missouri gathered to resist or to anticipate the Free State activities which were expected to follow the arrival of these reinforcements.

Free State men captured on August 12 the proslavery town of Franklin located about three miles eastward from Lawrence. Lane joined the expedition on the road and possibly was present during the fight. On the same day Major D. S. Hoyt, a Free State man who had gone to negotiate with the proslavery men at Ft. Saunders, was murdered. The crime was charged to the men congregated at the house of Saunders, or as it was usually called, Ft. Saunders on Washington Creek southwest of Lawrence. The Free State men then gathered on Rock Creek, to the northwest of Ft. Saunders, for the purpose of avenging Hoyt's murder. A messenger was sent to Topeka to enlist the assistance of newly arrived emigrants who had reached that point the same day, August 13. Captain Harvey, with his Chicago Company, responded and were under way in half an hour, arriving at Rock Creek about 2 A.M. Plans for the attack were matured after daybreak by Captains Samuel Walker and Harvey. The former was already recognized as a military leader. The action was timed for midnight of the same day, but before the expedition started, Jim Lane, under disguise as Captain Cook, intervened

⁶ Howe-Hyatt letters, see n. 4, cited above.

⁷ A. D. Searl to Thaddeus Hyatt, August 21, 1856, Hyatt MSS.

and stopped proceedings. The mutilated body of Hoyt was brought in during the day, August 14, and the men were permitted to view it. According to Harvey:

[They] were so indignant at the outrage, that they begged to be led immediately to seek his revenge. But Lane refused to take any action until an account of the circumstances were sent to Gov. Shannon with a request that he send troops and disperse those assembled at the Fort. This occupied until 12 o'clock next day, the Gov. refusing to take any action in the matter. At this juncture Lane was obliged to act in the matter himself it being impossible longer to restrain the men.

Lane did not take the precautions urged by Harvey to carry out a surprise attack, but led the force of about 500 men by a direct route in full view of the enemy. Harvey relates the issue of the conflict as follows:

When we arrived on the ground the Fort was deserted, leaving in their haste about 40 guns three kegs of powder the horse of the murdered Hoyt a small quantity of provisions & much other plunder. After firing the Fort we returned to our encampment. After patching a hasty supper all but about 200 returned to their homes the rest taking up the line of march for Lecompton.⁸

At this time Lane achieved one of his mysterious disappearances. The expedition was left to itself, apparently, under the direction of several relatively independent captains. About one o'clock in the morning they met a band of proslavery men under Titus. In the skirmish that followed one of the Titus band was killed, another wounded, and two horses were captured. The Free State men then camped in the vicinity until morning when

⁸ This account of the battle of Ft. Saunders is based on Harvey's account, supplemented by the contemporary statements of N. W. Spicer, a member of the Chicago Company, and John E. Stewart, a Methodist preacher who participated. Somewhat different accounts are those of Charles S. Gleed, "Samuel Walker," in *Kansas State Historical Society Collections*, VI, 249-74, especially 269; John Spear, *Life of General James H. Lane* (Garden City, Kansas, 1896); and Charles Robinson, *The Kansas Conflict* (New York, 1892). These printed accounts are discussed by O. P. Kennedy, "Capture of Fort Saunders, August 15, 1856," in *Kansas State Historical Society Collections*, VII, 530-31. Some of the reminiscence accounts picture John Brown as one of the participating leaders, but none of the contemporary records mention him. Cf. Wendell H. Stephenson, *The Political Career of General James H. Lane*, in *Kansas State Historical Society Publications* (Topeka, 1886-), III, 71-81. Stephenson did not use the Hyatt MSS.

they proceeded to Titus' house, or Fort Titus near Lecompton, and captured it. Harvey laid claim to some tents pitched near the house charging that they were the ones which had been taken from him at Weston when the Chicago Company had been turned back on the Missouri River earlier in the summer. To Titus' denial Harvey replied in characteristic fashion that it made "no difference as long as we thought so."

The attacking party in the meantime had heard the trumpet summoning the dragoons at their camp near Lecompton so they gave up the plan of attacking Lecompton and hastily seized what was movable, burned the Titus house, incidentally burning alive a man wounded the preceding night and confined to his bed on the upper floor, and returned to Lawrence about noon, August 16. A partial list of the loot included four kegs of powder, about twenty guns and seven horses.⁹ Although it was only three days since Harvey had arrived at Topeka it is evident that he was an apt pupil in acquiring the rudiments of the prevailing Kansas technic.

The next few days were occupied by Harvey in establishing his company at Lawrence and transferring their equipment and supplies left at Topeka. Harvey contended that:

It was the intention of the Company to locate claims immediately upon our arrival in the Territory. But we were requested when we reached Lawrence to remain in that town & assist in its protection. Also to be ready to assist at any other point where they might require such assistance. . . . We were promised by a worthy member of the Aid Society or one claiming this position [Col. S. W. Eldridge] . . . that if we would remain . . . support would be furnished us.

On Sunday, August 17, Governor Shannon visited Lawrence to patch up an agreement between the contending parties. In this he was successful and the document is usually referred to as the second treaty of Lawrence. Shannon announced that he would not remain long in the territory, but pledged that he would break up the plundering bands. Four days later his resignation was forestalled by receipt of notice of his removal. During the interregnum disorder was renewed on both sides.

⁹ The Harvey, Spicer, and Stewart statements agree fairly well on the main features of the episode. Samuel Walker's story is quite different, as is also that of William Crutchfield, "The Capture of Titus," August 16, 1856, in *Kansas State Historical Society Collections*, VII, 532-34. Numerous reminiscence accounts might be cited, but they only add to the confusion.

The military command of the Free State forces had been entrusted to Lane, but he was absent from the territory at this critical moment and therefore a meeting was held about August 20 at which Harvey was elected "commander-in-chief" until Lane should return. Harvey set his men to building earthworks at the ford of the Wakarusa, southeast of Lawrence, and at Blanton's bridge south of the town. He also planned an expedition to raid Leavenworth in order to break the blockade on the Missouri River and to secure supplies for the Free State people in the vicinity of Lawrence and Topeka. Lane returned, however, about the end of the month and before the earthworks at Blanton's bridge were completed or the Leavenworth expedition undertaken. He stopped both projects.¹⁰ He then reorganized the military forces into four or five regiments and Harvey was assigned the position of Colonel of the First.

On August 30, Harvey was sent to Topeka to convoy Moore's Massachusetts party with arms and munitions to Lawrence. On the return trip he was met by a courier who reported that Lane had embarked upon an expedition to Bull Creek, where he expected to meet Reid's army of Missourians who had sacked Osawatomie on August 30. The enemy lay fifteen miles north and four miles west of that town and Harvey was commanded to march to Lane's assistance. Harvey said:

We had not got more than 4 miles on our way when we met a courier, to herald a bloodless victory that had been gained, which proved to be nothing more or less than a retreat of both armies. Lane, with his full force of 300 men had retreated ten miles to wait for reinforcements. . . .

The position of the independent settler in Kansas Territory was not enviable. He might try to keep free from connections with either party, but it did not save him from the depredations of the organized partisans of both sides. Eventually he might find it necessary to join the party that represented the majority in his own community in order to enjoy even an approximate immunity. The records in the case of William Breyman are

¹⁰ Stewart's narrative tells of an expedition to Osawatomie sent by Harvey during the period of his command for the support of that place when it was threatened by Reid's Missouri forces, and of its operations in the vicinity of Prairie City and Black Jack. Lane's return and interference was the cause of the failure of this expedition also, according to Stewart.

rather full and serve as an example in which details of operations can be presented with some exactness.¹¹

He was born in Hanover and began a medical education before he decided to emigrate to America. He failed to secure a position in an apothecary's shop because of language difficulties, spent some time in the saddler's trade, tried steamboating, spent two years on a fur trapping expedition in the Rocky Mountains, followed the gold rush to California, and returned with a small sum of money. He bought an eighty-acre farm in Missouri in 1851, lived there for five years, then sold out for \$500 and moved to Kansas with his wife and a family of six small children. Part of his cash resources he invested in young cattle before coming to Kansas and the remainder he saved to pay for his preëmption claim when it should be available for purchase. He located eight miles southeast of Lawrence. In early August he and another man contracted to use their teams for freighting out of Westport to Lawrence and Lecompton. He returned safely but his companion was detained by the Missourians at Westport. On the road to his farm after delivering his freight at Lawrence, he was arrested and taken back to town, but later released. On his arrival at home he found that his house, which had been left in charge of his four older children, had been robbed of his remaining \$268 in gold, and of bed clothing and wearing apparel. This was done by proslavery men, but shortly afterwards a party of Free State men had appeared and robbed the children of their father's shot, lead, and powder. The next day he started to Lawrence to make complaint, but was intercepted, arrested, and taken to Lawrence as prisoner charged with the murder of his companion of the freighting trip who had been detained at Westport by proslavery men. Lane sent to Franklin for witnesses who, it was said, refused to come. In the meantime, through the agency of Harvey, it was arranged that Breyman would be released on condition that he bring his team of horses to Lawrence and serve with the Free State artillery. While in this service he was captured with the unlucky Hickory Point expedition and imprisoned several months. Upon his release he found that his Free State neighbors had killed or sold his best cattle and pocketed the money. As a result of these misfortunes he and his

¹¹ The Kansas experience of William Breyman, Hyatt MSS.

family were without clothing for the winter, without food, and without money to buy either.

Later in the winter Kansas committees distributed relief to the needy, but during the late summer and fall Lawrence lived to a large degree off the surrounding country. Harvey's men and other military companies were used by the town authorities to secure hay, wheat, corn, chickens, beef, and other farm products. There is a peculiar appropriateness in a comment of William A. Phillips some years later that "Lawrence, the historic city, was famous for breaking, not making, organic law."¹³ The routine of such foraging duties for Harvey's men was interrupted, however, during the first week of September by far more exciting events.

Lane planned an attack on Lecompton. Harvey with his command was ordered September 4 to cross the Kansas River at Lawrence and march up the north side where they would hide near the ford of the river and opposite the town. In this position they could cut off the retreat of the proslavery forces when they should be attacked by Lane who was to advance on the south side of the river. Harvey's men lay in position all night in the rain and the early part of the next day, but no attack occurred. They returned to Lawrence for food but were met near the ferry with the news that Lane had arrived at Lecompton. They were ordered to return. "But," as Harvey complained, "this like all of Lane's battles never came off."

At last Lane agreed to Harvey's favorite plan of an attack on Leavenworth. Lane was to lead the main expedition, and give support to Harvey who was to protect the Free State men along the eastern border. Harvey was ordered to proceed with 75 men to Little Stranger Creek in the vicinity of Easton, a proslavery town fourteen miles from Leavenworth. His band dwindled, however, to about fifty men because some of the local men did not wish to operate in their home communities. With these he carried out his part in the joint plans. First, he raided Easton. Concerning this he said:

Our reasons for entering Easton was because it was reported that a

¹³ William A. Phillips, "The Wyandotte Constitution," in *Kansas Magazine* (Topeka, 1872-73), I (1872), 1-5 and *Kansas Monthly* (Lawrence, 1878-81), IV (1881), 1-3.

proslavery force was quartered here, and also to procure horses, both those that had been pressed from Free State men in the neighborhood & for the purpose of mounting my men. We found that the two notorious leaders Miller and Dunn had left the day before with 140 men. . . . Nearly all of the horses had been taken out of town by Dunn & Miller. We were not able to get but about a dozen, & as we started with an insufficiency of provisions we took 3½ sacks of flower, 1 barrel of meal & 50 lbs of sugar. We also took a keg of led, 1 keg of powder & about 30 stand of arms. . . . As many of the men were destitute of clothing we took 7 prs. boots, 6 prs. shoes, 5 coats, 5 flannel shirts & about 2 doz. prs. socks. We disturbed no man's property except what has been mentioned & insulted no one. So strangely contrasted our conduct with the Pro Slavery party's under similar circumstances that before we left town they brought out cigars & treated the whole Company complimenting & thanking us for our generosity.

After leaving Easton, Harvey continued:

We marched 4 miles where we stopped for dinner. Here 9 Pro Slavery men who were in search of a large party of their comrades & thinking this to be Millers or Dun's [came] unceremoniously into Camp. . . . They were disarmed and dismounted & their horses and arms appropriated to my Company. . . . We encamped for the night about 9 miles from Easton.

He reported further that the next day:

I sent a detachment of 40 men under Adjutant Spicer in the P. M. to reconiter for the enemy also to go to a Pro Slavery town called Alexandria and take horses & such other things as might be of use to us in the war. . . . The Town was owned chiefly by Major & Russel of Leavenworth whom I owed a spite for making abstractions from baggage belonging to the Chicago Co. when it was left in their possession while we laid over at Weston waiting for the return of the "Star of the West." 9 horses a drum, several muskets & considerable amt of Dry Goods were taken, also 1 barrel of crackers, 1 do. of Molasses some sugar & coffee. They also destroyed three barrels of whiskey.

The next party Harvey met was one travelling westward on the Leavenworth-Lecompton road. He reported: "I sent out a Company to intercept him & his escort not knowing who it was. But when it was discovered who it contained it was allowed to pass." To Harvey's embarrassment the personage who thus escaped his acquisitive proclivities was no less than the new gov-

ernor of Kansas Territory, John W. Geary, arriving to assume the duties of his office. He had spent the previous day, September 9, at Leavenworth and was on his way to Lecompton, the Capitol, where he issued a proclamation September 11 disbanding all militia organizations, and warning all bodies of armed men to disperse or quit the territory. Harvey related further: "The Governor also being equally interested also sent an officer of his escort to inquire who my party was, & the fellow to whom this inquiry was directed wishing to be shrewd in his reply, answered that it was a lot of Free State Settlers who had been driven from their claims & had to live around in the woods to prevent being killed."¹²

Later in the afternoon Harvey marched westward and pitched camp. Here a man named Newell from Slough Creek (near the present site of Oskaloosa) about ten miles from the camp reported a company of Georgians and Carolinians camped on the Lecompton-Atchison road. Harvey put his company in motion, arrived at the proslavery camp after midnight, attacked, and captured it. Regarding the proceeds of this operation Harvey reported that "about 20 of these fellows were mounted whose horses we took. . . . All of them had guns & many of them Revolvers. They had several ox teams to draw their luggage which we let them keep. . . . Five of them were wounded one mortally." At daylight the prisoners were released and Harvey's men proceeded to Big Springs for the night, making "our grand entry into Lawrence at 12 o'clock (noon) all of my men mounted & some extra horses & mules which were led. On this expedition we took over a hundred guns . . . we also took a red flag from the Carolinians which was afterward exhibited in Chicago. . . .

In this campaign the outlines of which I have already given, one can see like all of Lanes plans was never executed. He neither attacked Leavenworth, nor sent me the aid which he promised. . . . The plan laid out if it had been acted upon properly might have been carried out and the afterclap which came upon [the Free State settlers] would have been prevented. Lawrence would not have been jeopard-

¹² Cf. John H. Gihon, *Geary and Kansas* (Philadelphia, 1857), chap. XIX, especially 117-19. Gihon was private secretary to Governor Geary and attributed the raid to proslavery men. This account is typical of the doubtful reliability of much of what was printed about the Kansas question.

ized the second time, & we might have effected completely what they failed through the arrival of the Gov to accomplish.

The reaction of the city of Lawrence to Harvey's prowess constitutes the next episode in the narrative. It is quoted in part as follows:

I supposed upon my return that both myself & men had done our duty well, but we had scarcely entered Lawrence before we heard curses heaped upon Harvey & his 40 thieves. I couldnt conceive at first what it all meant. Indeed there was no cause assigned for the blame at first, & I remained in utter ignorance until the following day, when a meeting of the dignitaries of the City convened for the purpose of disposing of the horses which we had taken. I had the privilege of attending but did not think proper until I learned that the man who was chiefly interested in the purpose of the meeting was slandering & abusing me. This person was no more or less than that Celebrated character Dr. Cutter. I was in my tent when Adjutant Spicer communicated to me the fact. I then concluded to go in & hear the discussion. When I entered the meeting this fellow was eloquently holding forth. Harvey the notorious horsethief and assassin was his theme. I remained behind the screen that I might not throw a damper upon his eloquence. He seemed to be laboring hard to carry a resolution which he had offered, the import of which was to have the horses equally divided among the citizens. Every member present opposed the resolution. Some ridiculed both the idea, its author, & the meeting adjourned after complimenting me and my men. After this failure, he attempted to incite his Company & others to go & take the horses from us by force. But this proposition was rejected with contempt. I wish it was universally known, how this man attempted from the time he first saw me in Iowa City up to the time of his leaving the Territory tried every scheme & machination to ruin me. I leave it to the impartial to judge which of us has acquitted himself the most horably. I must not omit to mention what disposition I made of the plunder which I took upon this expedition. The calicoes mostly were divided as was also most of the drygoods among the destitute on the Little Stranger. The boots, socks, shirts etc. were given to those men in my Company who were needy. The guns were put into the Quarter Masters Department. The provisions were thrown into the Common Stock. I justify myself in taking this plunder on account of the blockading of the leading roads to Leavenworth & other points on the Missouri River.

Harvey's record of his plundering has the merit of a frankness which was quite foreign to the usual contemporary or historical accounts of operations in the Kansas Civil War. There is reason to believe, however, that his list of depredations was not complete. This conclusion is based on the records of claims for damages. One of the primary curses of Kansas politics has been the persistent demands that the United States government pay for damages resulting from the troubles of the territorial period. It is notorious, of course, that claims for damages against the government cannot always be accepted at their face value. The evidence obtained from this source regarding Harvey's operations, therefore, must be evaluated accordingly and should be given only such credence as the circumstances may seem to warrant. By an act of the territorial legislature of February 23, 1857 a commission was authorized to audit claims for damages. Again by an act of February 7, 1859 another commission was created for a similar purpose. Under the authority of the first audit claims for damages attributed to Harvey's activities on the Easton expedition, the Hickory Point expedition to be related later and in the vicinity of Lawrence amounted to \$9,506.92, and of these \$8,802.92 were certified. Under the second audit in 1859 the total claims presented amounted to \$13,041.12 of which the commissioners certified \$6,889.95. Some of the claims of the first audit were not presented at all in the second. They amounted to \$995.25. These would increase the total claims based on the second audit to \$14,040.37 and those certified to \$7,889.20. Or taking the first audit as the basis, the new claims presented in 1859 amounted to \$3,803 claimed and \$2,253 certified, making a total of \$13,309.92 claimed and \$11,055.92 certified. It is clear also that neither commission had before it a complete list of claims. For instance, none were presented from Alexandria, only two can be identified as caused by Harvey from the vicinity of Lawrence although it is certain that more suffered from the foraging expeditions, William Breyman did not present this claim and the twenty men robbed on Slough Creek did not present claims.¹⁴

As nearly as the chronology can be established Harvey returned to Lawrence on September 12 and the meeting for the distribu-

¹⁴ Both of these audits were authorized by the Kansas territorial legislature and later attempts were made to secure payment from the national government. The

tion of the spoils occurred on September 13. The dates are important here because territorial affairs had become so complicated that it is necessary to follow three lines of development which transpired almost simultaneously: first, Lane's Jefferson County raid and his escape into Iowa; second, Harvey's expedition to Hickory Point to assist Lane; third, Governor Geary's rescue of Lawrence and his dispersal of the Missouri armies that had gathered for the punishment of that city.

Lane had failed Harvey in the Leavenworth and Little Stranger expedition and supposedly was on his way north from Topeka to escort into the territory a party of emigrants under Redpath. A proslavery marauding band had attacked and burned part of Grasshopper Falls (Valley Falls), however, and he turned aside to harry the proslavery men of that region. At Osawkie he looted and burned one or more stores and then made an unsuccessful attack on Hickory Point.¹⁵ This occurred on September 13 the very day "of the meeting of the dignitaries of the City of Lawrence" to divide Harvey's loot. On the same evening Lane sent a messenger to Lawrence to bring up reinforcements. Lane and his band then disappeared. His messenger, however, arrived in Lawrence about 10 P.M., after which an expedition of nearly a hundred men was organized under Harvey's command. They started at 2 A.M. on Sunday, September 14, arrived at about ten o'clock in the forenoon, attacked and captured the place about five o'clock in the afternoon. One proslavery man was killed. Both parties refreshed themselves on good proslavery whiskey and then Harvey started his expedition back towards Lawrence. They travelled a few miles and camped for the night near Newell's Mill (present site of Oskaloosa). Dr. Cutter, who had accompanied the expedition as surgeon, and a few others insisted on returning to Lawrence that night with the wounded. Harvey declared that he opposed this step as he intended to return by an indirect route through Topeka in order to avoid a possible collision with the federal troops.

reports appear therefore as public documents. Report of Hiram J. Strickler, act of February 23, 1857, *House Misc. Documents*, 35 Cong., 2 Sess., no. 43. Report of Edward Hoogland . . . , act of February 7, 1859, *House Reports*, 36 Cong., 2 Sess., III, no. 104.

¹⁵ George A. Root (ed.), "The First Day's Battle at Hickory Point," in *Kansas Historical Quarterly* (Topeka, 1931-), I, 28-49.

The termination of this expedition was unexpected. The Lane raids of the preceding day were the culmination of disorders in the vicinity and Captain Wood with United States dragoons was sent from Lecompton in pursuit. Wood did not find Lane, but intercepted Cutter about midnight when the latter had proceeded approximately two miles. He quickly located the main camp of Harvey's men and arrested altogether 101, of whom 89 later were indicted for murder. Harvey was not at the camp when the capture was made but, when he discovered the turn events had taken, rode into the woods and with nine others returned to Lawrence in the evening of the following day.¹⁶

The destruction of Osawatimie by Reid, August 30, was followed by the convergence of the followers of this and other pro-slavery leaders upon Lawrence, September 13-15. The imminence of the attack was reported by Theodore Adams, the governor's special agent, and resulted in the sending of United States troops under Colonel Cooke, September 13, accompanied by Governor Geary. They arrived in Lawrence about sunrise, Geary made a speech to the citizens, and in the afternoon returned to Lecompton. This was on the same day as the meeting of the dignitaries of Lawrence assembled for the purpose of distributing the acquisitions of Harvey and his forty thieves. The crisis

¹⁶ Harvey's account has been followed primarily. The controversy growing out of the capture of the Hickory Point expedition called forth two contemporary accounts which dealt, for the most part, with the management of the expedition after the battle. The first was signed "Chicago" and follows so closely Harvey's manuscript account that one is led to suspect that he was the author. The style does not seem to be Harvey's, however, which suggests the possibility that it was a joint effort. Lawrence *Herald of Freedom*, November 22, 1856. The second account, signed by Dr. Calvin Cutter, was written to clear Lane and Cutter of the blame placed upon them by Chicago's story, and appeared in *ibid.*, December 27, 1856. Except for the controversial phase of the responsibility for the capture by the federal troops being made possible, because of misconduct of Lane, Cutter, and Harvey, the printed stories do not differ materially from Harvey's.

The record of the preliminary examination of the Hickory Point prisoners was forwarded to Secretary of State W. L. Marcy by Governor Geary under date of October 1, 1856. This appears in *Senate Executive Documents*, 35 Cong., 1 Sess., VI, no. 17, and has been reprinted in *Kansas State Historical Society Collections*, IV, 573-83. A list of the prisoners as of November 12, 1856, was prepared for the governor by Edward Hoogland, and is now to be found in the manuscript collections of the Kansas State Historical Society. There were a number of arrests subsequent to the first capture, especially of the Topeka expedition that had participated in the first day's battle, so that the total on the November 12 list was 128. During the last week of November, 36 of the 48 held at the Tecumseh jail for trial escaped.

in the affairs of Lawrence came during the next two days. While Captain Wood was in pursuit of the Lane and Harvey bands operating northward from Topeka and Lawrence, the governor and Colonel Cooke were making a second forced march to Lawrence for its protection and early on the morning of September 15 and only a few hours after Captain Wood had rounded up Harvey's band, the governor was in conference with the leaders of the Missouri army reputedly 2700 strong just outside Lawrence and succeeded in disbanding it without bloodshed. It was only the vigorous action on the part of the governor that saved the Free State stronghold from destruction.

In the meantime what had become of Lane who had disappeared from Hickory Point on the evening of September 13? The Lane defenders insisted that he did not desert Harvey, that he had just learned of the governor's proclamation of September 11, and that he tried to communicate with Harvey but failed because he marched by a different route from the one Lane had designated. At any rate Lane went to Iowa. As was the case with so many of Lane's actions the circumstances may leave his course open to more than one interpretation. Among the damage claims before the auditing commissions of 1857 and 1859 is that of one S. R. Shepherd who lived near Topeka. He charged that Lane's company stole a horse from him and took it to Nebraska. His witnesses proved the claim sufficiently for the commissions to award \$160 and \$140 respectively under the two audits. An incoming immigrant, Edward Booth, recorded December 14, 1856 his meeting with Lane three months earlier:

At Nebraska City (15 Sept) I should have mentioned, we met Lane with some 40 others all handsomely mounted with new saddles mostly. Lane said they were going into Iowa to rest as all his men were fagged out: they had fought the battles of Kansas: now they would go and trade off their horses, and the men would be around Iowa at work until they were wanted again: the fun was now all over as the Governor had issued his proclamation, and now there would be no more fighting. . . .¹⁷

The problem of horsestealing is one of more than passing importance in this stage of the story of Kansas and its leaders, although it has been customary to ignore it. R. J. Hinton wrote

¹⁷ The Kansas Experience of Edward Booth, in Hyatt MSS.

to the National Kansas Committee during the winter of 1856-1857 that "during the last war a great deal of damage has been done by the system of pressing horses, etc. After it was over, men left, fearful of not being able to retain their property so acquired. They took with them their rifles, which are a great loss to Kansas."¹⁸ It is evident that Hinton was not worrying over the horses. His concern was the saving of the rifles which had been donated or which had been purchased with committee money.

Possibly it is one of the kind of cases Hinton referred to that gave rise to another claim presented to the auditing commission of 1859 asking for \$150 for a horse which the petitioner claimed was stolen. One of the witnesses testified that in November, 1856 he had assisted a man named Keller at Mt. Pleasant, Iowa in trying to sell a half dozen or more horses, one of which he believed to be the horse described by the claimant, John Spicer. The commission awarded this claim. Keller was identified by the same witness as one of Harvey's men. The evidence is conclusive that Iowa was the outlet for horses stolen in Kansas by such companies as Lane's, Harvey's, and John Brown's. The evidence is not sufficient, however, to determine as yet how extensively such activities were carried on.

The horsestealing question was of sufficient importance during the succeeding months to play a part in political manoeuvring of the following summer when the issue was joined between the advocates of the Fabian policy and the radicals and abolitionists of the direct action type. The *Herald of Freedom* was advocating the former course and urging political coöperation with the territorial government and in connection with its attacks on the radicals printed the following editorial in its issue of June 20, 1857 under the caption "Be on the Lookout."

Reader, would you know who were concerned in stealing and running off horses to Iowa last summer and autumn; and who opposed the pacific efforts of Gov. Geary to restore tranquility to this distracted territory? Would you know who it is that is desirous for another collision; and who, as soon as the strife should open would be seen on some honest man's horse making all possible speed to Iowa again that he might sell the horse, and return for another. Go

¹⁸ Hyatt MSS.

into the street at any time of day in Lawrence, and you will find him denouncing the *Herald of Freedom*, threatening to read the editor out of the Free State party, and branding him with being a renegade to the cause of freedom.

For the last week we have been writing down the names of a number of young men of the character given above. Persons visiting Lawrence will have no occasion to see a list of those names; but if the same policy is pursued in the future that has been in the past, our forty-two thousand readers in the East shall have the pleasure of seeing those names, to the end that they can see whether they recognize any old acquaintances. The persons to whom we allude will be particularly bitter during the next few weeks, mark that, and among that number is one reporter for the Eastern press, whose pen has been dipped in gall for several months whenever he alluded to our paper.

The historian would be delighted to find the list G. W. Brown compiled. Contemporaries were expected obviously to know against whom the editorial was directed. The course of events indicates, however, that Lane was one of them. Harvey could not have been included because he was not absent from Lawrence long enough during the war to have made a trip to Iowa and furthermore at the particular time in question, June, 1857, his absence from the vicinity of Lawrence for nearly seven months may be accounted for by his being engaged in town building, not politics.

Some idea of the supposed cash resources of Harvey's men has been given, as well as the statement that at Lawrence the company had been promised support at the time they determined to cast their lot with that town. Support, however, was not forthcoming. Harvey and those of his men who remained in the territory do not seem to have profited by the disposal of horses and other loot they had stolen. There can be little question that someone else got away with the horses brought in by Harvey's band. In explaining their need Harvey said that:

After we arrived in the Territory finding the citizens mostly destitute we gave freely of all we had until it was consumed, & afterwards we were obliged to shift for ourselves some of the time having scarcely enough to sustain life. In this last remark I have more particular reference to the time between the 1st of September up to the time in which some of the men were taken prisoners & others joined the militia.

The reference to the prisoners recalls Harvey's ill-fated Hickory Point expedition. During the trials in the early winter many of those captured had escaped, but several of the prisoners eventually were convicted of manslaughter and sentenced to a term at hard labor. It has not been possible to identify any of the convicts as members of the Chicago Company. The matter of the militia, however, concerned that organization more intimately.

Governor Geary's proclamation of September 11 had disbanded the existing territorial militia immediately after his entrance upon his duties, but a proclamation of the same date directed all male citizens between the ages of 18 and 45 to enroll in the territorial militia, subject to call for active duty when needed. Soon after the registration several companies were re-quisitioned. This was fortunate for many of the destitute of the territory and among the enlistments in the Lawrence company were such citizens as the members of the Chicago Company; that is, such of them as were still in the territory and out of prison.

It would seem that in view of these events Harvey's legal status in the territory should have been somewhat precarious. It is not safe to assume anything, however, in history. Harvey reported:

After returning from "Hickory Point" I was advised to leave the Territory. But as I had watched the effect produced by other Leaders of the war leaving for trivial reasons I made up my mind to stay let the consequences be what they might & take care of my men & assist in the war till it was ended. I reasoned, that as I had done nothing for which I was ashamed & for which I was guilty as a criminal I would not condemn myself by trying to escape without being accused. I came to Kansas to procure me a farm & to assist in the troubles prevailing at the time I entered into the project, & I am still resolved not to leave the Territory until I assist in accomplishing my mission.

In some respects Harvey had not misjudged the situation. He was not arrested and tried for murder, or manslaughter, or horsestealing. He was commissioned first lieutenant of the Lawrence militia company in the service of the federal government. Captain Samuel Walker was in command of the company, but from the testimony of one of the members of the company it

appears that he seldom visited it, and the responsibility of the command rested upon the first lieutenant.¹⁹ This source of support for Harvey and his men was of short duration, however, as they were mustered out November 30²⁰ and the company was not paid until January, 1857. With winter upon them, they were again adrift in the world, without chance of employment. They were destitute and were living in dugouts on the banks of the Kansas River.

Harvey was of the stuff from which the heroes of territorial Kansas were made, but he came upon the scene without acquaintance with any of the leaders, without knowledge of the geography of the country, and without instruction in the political plans of his associates. If the policies underlying the Free State program were explained to him he did not understand their significance. Within a few hours after his arrival in the territory he was projected into the heat of the Civil War. He was used, lived his day of glory, and was then discarded. But his destiny was not yet fulfilled. Thaddeus Hyatt, president of the National Kansas Committee, later appeared in the territory and advanced the means for Harvey to become a leader in peace, the founder of a frontier colony — but that is another story.

About a year after the founding of the colony of Hyatt, December 22, 1857, Harvey died of heart disease. His friends then discussed the question of preparing a fitting tribute for this soldier of freedom. The following is the outcome of the proposal, as based on the investigations of W. F. M. Arny, a member of the Hyatt town company and formerly a member of the National Kansas Committee:

Pinkerton of the detective police [reported] that he [Harvey] had been engaged in certain matters that were not creditable to him and from general inquiry I learned that whilst in that city [Chicago] he kept a drinking saloon which was not considered respectable. . . . I think the mantle of charity should be thrown over his errors and that he should receive that praise which his virtues or good qualities

¹⁹ Solomon Kauffman to George W. Martin, secretary of the Kansas State Historical Society, April 14, 1902, Hyatt MSS.

²⁰ Captain Samuel Walker's request for discharge of the company and Governor Geary's consent are printed in *Kansas State Historical Society Collections*, IV, 648-49. Only a part of the members of the company signed the request. Harvey did not sign.

entitled him to, but I fear it would not be safe to say much about him as he had some bitter enemies who (although dead) would seek to destroy his reputation and rob him of even what he is entitled to.²¹

It might be appropriate to comment, however, that in throwing over him the mantle of charity his friends, inadvertantly, came very nearly relegating Colonel Harvey to historical oblivion.

²¹ W. F. M. Army to Thaddeus Hyatt, January 15, 1858, Hyatt MSS.

GEORGE BANCROFT HISTORIAN OF THE AMERICAN REPUBLIC

By WATT STEWART

"Every historian of the United States must stand on Bancroft's shoulders," wrote Hermann E. von Holst¹ of the first great American historian, George Bancroft. This is a strong statement, but it is one with which the student of the historian's life and work is constrained to agree. There is much of interest in Bancroft's personal history — his education at Harvard and Heidelberg, leadership of the Democratic party in Massachusetts, secretary of the navy under Polk, later ministries to Great Britain and the German Empire — but here attention must be confined to an attempted evaluation of his historical craftsmanship.

The general character of Bancroft's work was, quite naturally, largely determined by his philosophy. Being a man of strong intellect, he was also a man of strong convictions — convictions which find their echo in his writings.

His philosophy of religion may be briefly stated by saying that he believed implicitly in the existence of an allwise Providence which directed the movements of the universe and controlled the most minute events. "The selfishness of evil defeats itself, and God rules in the affairs of men,"² Bancroft proclaimed. In 1871 he wrote from Berlin to the Rev. Dr. Samuel Osgood:

I will now only say that I remain as ever in time past in the faith that Christianity is the religion of reason, is Reason itself; and, therefore, I most cordially agree that it existed from the beginning, and is the whole of the eternal reason itself.³

¹ Quoted in J. Clay Walker, *George Bancroft as Historian* (Heidelberg, 1914), 56.

² George Bancroft, *History of the United States from the Discovery of the American Continent* (New York, 1883-85), I, 613. (Unless otherwise identified all citations to Bancroft's *History* will be understood to have been found in the six volume edition, "The Author's Last Revision," of 1883-85).

³ M. A. DeWolfe Howe, *The Life and Letters of George Bancroft* (New York, 1908), II, 262.