

# TRANSACTIONS

OF THE

## KANSAS STATE HISTORICAL SOCIETY,

1897-1900;

TOGETHER WITH

ADDRESSES AT ANNUAL MEETINGS, MEMORIALS, AND  
MISCELLANEOUS PAPERS.

ALSO,

A CATALOG OF KANSAS CONSTITUTIONS, AND TERRITORIAL AND STATE  
DOCUMENTS IN THE HISTORICAL SOCIETY LIBRARY.

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EDITED BY GEO. W. MARTIN, SECRETARY.

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tender mood of the needs of the soul and their supply in God. As we learned of his serious illness later on, we could not help remembering the peculiar aptness and beauty of these last words. And, when we think of him as having passed over to the immortals, we can but remember with what unction and earnestness he was wont to repeat the words, "I believe in the resurrection of the dead."

## JAMES B. ABBOTT.

Prepared by L. F. GREEN for the Kansas State Historical Society, January 18, 1898.

THE dust that was once the strong, well-formed body of James Burnett Abbott now mingles with the soil of Kansas in the beautiful cemetery near De Soto. He is seen among us no longer, but we can trace the impress of his courageous spirit in every page of Kansas history, wheresoever he worked, walked and was for forty-two years. His distinguished public life and services in Kansas, through war and peace, sunshine and shadow, are already recorded in the annals of the great state he helped to build up. We would have the men, women and children yet to be know the true, brave man as we know him; but, we ask in despair, who can transmit that working, earnest, every-day, eventful life to the cold pages of history? We would have others walk, toil and talk with him and look into that rugged, smiling face and know the worth of the good neighbor, friend and brother gone from earth forever.

Few Kansas pioneers were more earnest in the free-state cause, or more valiant in its defense, than James B. Abbott, who was born in Hampton, Windham county, Connecticut, December 3, 1818, and came to Kansas in 1854. Mr. Abbott died at De Soto, Johnson county, March 2, 1897. The Abbotts were of English descent, emigrated to America in the Mayflower, and trace their genealogy direct to three brothers. The Burnetts were of Scotch descent. Asa Abbott, grandfather of James Burnett Abbott, was a cripple, and so unable to take part in the war of the American revolution, but he employed a substitute, to whom he paid ten dollars a month during the seven years of that eventful struggle, and thus manifested his patriotism. His wife was Mrs. Sarah Fuller, whose first husband was murdered by the Indians in the Wyoming massacre. She hunted up the body of her husband, buried him, and, accompanied by another Spartan mother, effected her escape on horseback, each with a babe in her arms, and so made the entire journey to Connecticut.

James, son of Asa Abbott and widow Fuller, was a captain in the war of 1812, a man of good education, a teacher by profession, and a skilful musician. He was a person of superior moral character, and quite liberal in his religious views. He married Asenath, daughter of James Burnett, a soldier of the American revolution, who served during the entire period of that protracted conflict under General Putnam. Mrs. Abbott was a woman of great energy of character, a strict, yet kind-hearted Puritan, and a most devoted wife and mother. She died in 1876, aged seventy-six years.

James Burnett Abbott, their son, was educated in the common schools of Connecticut, and finished his studies at the academies of Potsdam and Gouverneur, in the state of New York. After leaving the academy he taught school two winters. At eighteen years of age he had the misfortune to break his leg, which compelled him to resort to lighter labor than his accustomed farm work. He accordingly learned the shoemaker's trade, and afterwards worked in a tin shop until he was able to resume his usual labors.

At the age of twenty-one he married Amanda Atwood, at Gouverneur, N. Y.: returned to Connecticut soon afterwards, and entered into mechanical business. From 1840 to 1854 he was engaged in various manual industries, making pencil cases, spoons, forks, and spectacles; electroplating and electrotyping; manufacturing boots and shoes in Connecticut, gold pens in Cincinnati, and acting as inspector for the Rogers mammoth plated-ware establishment at Hartford. He was among the first electroplaters, and at that time England sent much of her ware to America to be plated.

At Hartford, in 1851, he lost his wife, Amanda Atwood, whom he had married in Gouverneur, and the year following was married to Elizabeth Watrous, a Hartford lady.

In 1854, in company with the third party of New England emigrants, he came to Kansas, arriving at Lawrence, October 10, in which place he fixed his residence, although his claim was taken on the Wakarusa. He built Blanton's bridge, indicted in border-ruffian times as a nuisance, simply because it accommodated more free-state men than pro-slavery men. At the election of March 30, 1855, he was appointed one of the judges of election by Governor Reeder, but, on the majority of the board deciding that the Missourians had a right to vote, he protested against their action and withdrew from the board. He shortly afterwards joined a militia company for the defense of free-state men and their interests, of which he was made lieutenant and Henry Saunders captain. Lieutenant Abbott was then sent to Boston to procure arms for the company, and returned to Kansas with 117 Sharp's rifles and one twelve-pound howitzer. He was watched at every turn from St. Louis to Kansas, and passed under the name of J. Burnett, playing eucher and singing songs with the very men who were set as spies upon his trail. One of these spies was deputy under Sheriff Jones at the attempted arrest of S. N. Wood, and there recognized Abbott as the man who had outwitted him on the boat. The arms were shipped on a different steamer, and arrived safely, having been taken apart, packed in as short boxes as possible, and consigned to Harlow, Hutchinson & Co., merchants at Lawrence, as hardware. The howitzer was shipped in boxes from New York, but did not arrive until November.

In November, 1855, the murder of Dow, a free-state man, by Coleman, produced an intense excitement. A meeting was held at the place of the murder, and, on returning home, Lieutenant Abbott and others were informed that Samuel J. Jones, acting as sheriff, had arrested Jacob Branson. They immediately resolved on a rescue, and a company of about the same number as the sheriff's posse marched under cover of night to intercept him. Upon Jones's approach, Abbott fled his company across the road, and, with every gun leveled, demanded the release of Branson. Jones threatened to shoot Branson if he moved. Abbott replied that any attempt to harm Branson would be their death-warrant, and ordered his men to fire at once if a single gun was raised by one of Jones's party. Branson rode out from among his captors, and, on arriving at Abbott's, Mrs. Abbott came out of the house and helped him to dismount. As he was an old man, quite heavy, and had ridden several miles without any saddle on a sharp-backed mule, he was unable to walk alone, and was thus assisted into the house.

This action of Lieutenant Abbott was the result of several meetings of the free-state men, in which they pledged themselves to mutual protection against border ruffians and their officers. This rescue brought on the Wakarusa war, and, under the directions of the free-state safety company, the parties who released Branson left their homes for the time being.

During the troubles which followed the rescue of Branson, in the spring of 1856, Lieutenant Abbott was in charge of a company, and took part in the first

fight at Franklin. He afterwards commanded the Third regiment, and acted as officer of the day at Lawrence. He was at the battle of Black Jack, when Henry Clay Pate surrendered to John Brown, and was in command at Lawrence when 2700 Missourians menaced the town. He was a member of the first house of representatives under the Topeka constitution, and afterward a senator; was also a member of the first state legislature, and in 1866 was elected state senator.

In 1859 Dr. John Doy was arrested near Lawrence, carried to St. Joseph, Mo., tried there upon the charge of abducting slaves from that state, convicted, and sentenced to the penitentiary for five years. It was well known that the charges were false, and that Doctor Doy had not been in Missouri for some time before the escape of those slaves. At the earnest request of Doctor Doy's friends, Major Abbott organized a party of ten men to rescue the doctor from the St. Joseph jail. The exploit was one of the most daring and chivalrous of all the exploits of the free-state men. The pro-slavery papers, while condemning the action, spoke of its execution as most skilfully accomplished, and characterized the deed as one of wonderful daring.

The party consisted of James B. Abbott, Silas Soule, Joseph Gardner, Joshua A. Pike, S. J. Willis, John E. Stewart, Thomas Simmons, Charles Doy, Lennox, and Hays. They were organized at Lawrence, were to disperse and quietly to assemble at Elwood, opposite St. Joseph, there to consult and arrange a plan of action. They were entire strangers in Elwood and St. Joseph, and were compelled to proceed with great caution. The only person consulted in St. Joseph was Doctor Grant, the editor of the free-state paper there, who rendered them valuable assistance and proved a friend indeed. In their conversations with citizens they variously represented themselves, some as miners, others as Eastern men on their way to their mines. Sometimes they met as strangers, in some restaurants, and attempted to drive sharp bargains for teams and mining outfits with one another. One plan discussed was to take a prisoner to the jail upon a charge of horse stealing, and thus effect an entrance, but learning that such persons were usually confined in the calaboose of the city, the plan seemed impracticable, and was abandoned.

They next determined to break into the jail by main force, and Silas Soule was sent into the prison to communicate with the prisoner. Representing himself as coming from Doy's wife, he was admitted, and proceeded to deliver his message of consolation, in which the prisoner was urged to bear his misfortunes like a man, and expressing the hope that he would soon be pardoned. Soule had with him a note, wrapped in a small piece of twine, bearing these words: "To-night, at twelve o'clock," and it was with great difficulty that it was delivered; the jailer standing, during the entire conversation, between the outer and inner doors of the cell, and never removing his eagle eye from the visitor for a single instant. On leaving the cell, Soule turned his back to the prisoner and remarked to the jailer that he had a wonderfully strong building, at the same time casting his eyes around. The jailer's eyes naturally followed, and Soule threw the twine behind him into the cell. A small stone attached to this twine, hanging over the stone wall, soon apprised Major Abbott that Doy was ready. Soule, however, reported adversely to the plan of a forcible entry, declaring that it would take at least three hours to break in, and that the project was impracticable. The same evening they learned that prisoners from outside the city were not always taken to the calaboose, and determined upon the original plan of the horse-thief strategy. It was a bold, desperate undertaking, but it must be accomplished.

The day was one of driving rain. The new excavations in the streets rendered

them not only fearfully muddy but unsafe for rapid travel by strangers in the darkness. They walked backward and forward to familiarize themselves with the route to the river, until past ten o'clock. Two boats had been previously secured, without consultation with the owners. The jail was in the very heart of the city of 11,000 inhabitants, suspicious of free-state men, and revengeful; where no man accounted an abolitionist could hope for a fair trial, provided he escaped the vengeance of the mob. A sentinel made his weary rounds about the jail. The night was so dark that the party, not daring to speak, were obliged to clasp hands in order to keep together, and thus, in perfect silence, they approached the jail, passing up a narrow pathway through a high bank as they left the street.

Major Abbott assigned each man his position and acquainted him with his duty, no man knowing what would be required of him until the orders were given. Simmons was to be the "thief." Heavy thongs of buffalo hide entwined his wrists and apparently confined his hands, but in the hollow of his right hand, attached to the thong, he held a leaden egg—it had been cast in the shell of a hen's egg—and was a dangerous weapon in the hands of such a man, sturdy, powerful, and as desperate as the circumstances in which he was placed. Gardner, a man of prodigious power, six feet four inches high, and Willis, almost equally as strong, led the "thief" to the jail door and rapped. The jailer inquired, "What's wanting?" Willis replied: "We have a desperate horse-thief here; we have pursued him in the rain all day and are worn out; we want him put into a cell." The response was: "Wait; I'll be down," and down he came. "Are you officers? Have you any warrants?" "No, we are only citizens; this man was in the employ of one of our neighbors. Last night they had some difficulty in the settlement, and this morning the horse and man were missing; so, without waiting for the issue of any papers, we and three neighbors started out in pursuit, struck his trail, and followed him to within about four miles of the city, where we found him under shelter from the rain in a hovel with the horse. There is no doubt of his being a thief." "Gentlemen," said the jailer, "I dislike to take a man into jail without a warrant, as I would lay myself and my bondsmen liable to damages should he prove himself innocent." "There is no mistake," they replied; "we know him well and know the horse." Turning to Simmons, the jailer said, "Are you willing to admit that you stole the horse?" "No," said Simmons with an oath, "I want a trial." To which the jailer replied, "You look like a thief, and I will risk putting you in."

In went Simmons, Gardner, and Willis, with the jailer, the rest of the party standing to their posts. Abbott then stepped into the lower room to hear what followed and be ready to render assistance. The jailer unlocked the door of the cell, and directed Simmons to pass in. He refused, declaring, "I won't go in there among niggers." This was the signal that they were in the right direction for Doy's cell. The jailer replied: "The niggers are below; this floor is for white men," and immediately opened the door of the room in which Doy was confined, ordering Simmons to walk in. Doctor Doy had drawn the skeleton of a man upon the white wall in charcoal, which looked so hideous in the glare of the light that it seemed to terrify Simmons, and he refused, with an oath, to enter such a place. The jailer told him that was nothing but a charcoal sketch, and entered the cell to assure him. At this Gardner stepped to the door and carelessly inquired, "What has become of that old nigger thief, Doy, or Day, or some such name?" The jailer said, "I presume you refer to Doctor Doy, and if that is so, here he is." Gardner quickly replied: "That's the man we want; we propose to take him home to his family."

The situation seemed to flash upon the jailer in an instant, and he sprang to close the door. At that moment Gardner and Willis drew knives and revolvers; told him they were there with a sufficient force to take Doy at all hazards, and that his life depended upon his making no resistance, at the same time assuring him that they had no desire to harm him; that they appreciated his general good treatment of the prisoner, and that Doctor Doy must come out instantly. The jailer represented, on behalf of Doy, that if he was carried off in this way he would always be liable to seizure, while if he remained he would doubtless get a new trial and be liberated. They replied they were not there to force Doy against his will, but if he desired to leave he must go. Doy quickly said, "I will go with my friends," and came forward with his little bundle of effects ready to depart.

Other prisoners sought to avail themselves of this opportunity, and had to be driven back with revolvers in the hands of the rescuing party, who said "they did not come to release thieves and murderers, but to rescue an innocent man, and that Doy alone should come out." The party passed down into the reception room, and the jailer was introduced to Major Abbott, as the captain of the party, to whom he said: "Captain, this will be very embarrassing to me, and exceedingly difficult to explain to the public so as to escape the accusation of being a party to the transaction." Major Abbott replied: "You can publish a statement in your papers just as this appears to you; when we return we will publish the facts just as they have occurred. This young gentleman," referring to a young man who slept in the room, "will confirm whatever you say, and we will exonerate you from all complicity in the matter. We will leave a strong guard around your building, and, as soon as we pass out of the house, you will put out your lights and keep perfectly quiet until daylight; any attempt to leave the building, by yourself or any one else, or to raise any alarm, will be done at the peril of life."

The major then shook hands with the jailer, and, bidding him good night, walked backward to the door—partly out of politeness, and partly as a precaution—bowed himself out, and departed for the boats. By this time the moon had risen, and, although obscured by clouds, afforded sufficient light to see and be seen. The audiences of two little theaters were just departing from the halls, and with these they mingled, according to previous arrangements, in order to escape remark from the watchman and the police, who would be attracted by the appearance of such a party alone upon the streets at that hour. They passed along the streets in this manner, singing snatches of songs and spouting Shakespeare, till in the vicinity of the river. Here they divided, in order to reach the boats which they had selected, but dare not move in daylight. Doy's party was followed by two policemen, who stood with their lanterns watching them while they baled out their boats with their hats. Quietly shoving out into the stream, they crossed the Missouri, secured the boats on the other side, laughingly thanked the owners, were met by friends with good teams and a guide, and were soon on their way to Lawrence.

Resting over night at Grasshopper Falls, they continued their journey, and, on the afternoon of the second day, reached home, amid the plaudits of friends, who had received the news through the St. Joseph papers but did not know who had accomplished the heroic deed. A posse followed them all one day, on their return, but did not dare to approach. A spy overtook them, and they compelled him to mount their wagon and travel with them until night, when they dismissed him with the admonition not to be seen again in their presence. From Oskaloosa a guard of thirty riflemen escorted them to within two or three miles of Lawrence.

The rescue was boldly and successfully accomplished, and the entire party acquitted themselves with cool, determined bravery and remarkable self-possession.

For several years Major Abbott was agent of the Shawnee Indians, and in all his transactions with them evinced his usual integrity, good judgment, and capacity.

If two questions which a discerning future will ask can be answered here and now—rightly answered—the future may know something of the man and hold him in the same high esteem as do all who knew him here. How did he get his living? He wrought with his own hands. He was an every-day working man; he was a self-helping man; could build cabins, dug-outs, make “shakes,” tables, shoes, bedsteads, culverts, and bridges. He was a competent man whenever and wherever tried; a good, judicious worker on legislative or political committees; he was as much at home in doing business at the various government offices at Washington as he was at Lawrence, Olathe, or the capitol at Topeka. He was in close counsel and hearty cooperation with the great makers and leaders of anti-slavery opinion of his time. While earnest, and even enthusiastic, yet he was not fiery, flashy, noisy, or fanatical, but cool, deliberate, and calculating. When a dangerous duty confronted him he was iron, ice, and fire.

When Kansas was free and slavery was dead, he lost no time tramping the ground down hard over the dead enemy. He moved on against intemperance, intolerance and ignorance with the same persistent, uncompromising opposition which he waged so successfully against chattel slavery. He never sat down and wept by the waters of Babylon or of the Wakarusa; he never hung his harp on the willows while the fight was on, nor shouldered his crutch to tell you how it was won when it was over. He planned and executed some of the most daring feats in the record of the bravest pioneers of this or any other age. The rescue of the Cuban girl, Cisneros, was a tame affair, in plan or execution, by the side of the “Doy deliverance” from the St. Joseph prison. He was a self-evolving sort of man; his mental activities were more active in the advanced years of life than in his prime. He was growing all the time. A generous enthusiasm for the good of all about him kept him young in mind and spirit. There came no winter to him, but a rich, mellow autumn at life’s close. “What did he do for himself, his family, his neighborhood, his state, and nation?” is another question the future will ask. This answer should be written with the iron pen of history, and “lead in the rock forever.” *He made the world within his reach better and happier.* His grand nature clung fondly to home loves and friendships of dear old friends and neighbors.

The place above all others we would have the world see this man of Kansas is in his pleasant home at De Soto. It is just such a spot a man of his nature would select for a pleasant, quiet, home; an enchanting view of river, prairie, timber, and sky.

He should be seen in the shop he built and worked in, among the many curious tools he used, many of which he not only made but invented, and the many useful things he made and mended for his neighbors; there in that home of his own planning, its fair, quiet chambers open to summer and songs of the birds. There in the library room is a choice collection of the best books in the world. Major Abbott was no studious recluse, yet he was a great reader. There are collections of rare things of art and nature in that house. But the crowning glory of that home is the noble woman, wife, and companion in all the dangers, trials and hardships of the great struggle for free Kansas. Only two such people could make such a home; a peace dearer, a sweetness sweeter, pervades that home for the trials, joys and sorrows they so long shared together. Never to that grand

young state came two truer, braver, better hearts. The true history of Kansas cannot be written without recording their good deeds in the political, moral and social regeneration of the territory and state of Kansas.

I would convey a glimpse of the deep spiritual nature of this man, but when I try to fathom that part of him the words of "a woman of Samaria" at a wayside well rebuke me: "*Sir, thou has nothing to draw with, and the well is deep.*"

Major Abbott never seemed absolutely certain just how the world was to be saved. He was not self-asserting in his views of the great question of man's existence here and hereafter. He was always unloading the useless lumber of ritual and creed when it no longer served the present. He possessed that quiet, resolute spiritual and mental independence which lead through the forms of religion to the reality, the truth. He would follow the truth as he saw it, if it led him over Niagara. The fatherhood of God, the brotherhood of man, was his creed. He belonged to no particular church; he would permit any and all to join him in making the world better. To him, doing good was worship, "each smile a hymn, each kindly act a prayer." He grew more deeply spiritual in his nature as years increased; he looked cheerfully into the future for an infinitely enlarged existence beyond this life.

He seemed to feel the sweep of unseen wings and hear the sound of waves breaking on another shore. His soul seemed hungering for more than man can teach; so, with increasing tenderness and love for all about him, he peacefully went from us to meet "what the future hath of marvel or surprise."

## L. R. ELLIOTT.

Prepared by FRANK A. ROOT, for the Kansas State Historical Society.

**D**URING the past year the Historical Society has lost another of its honored members. Mr. L. R. Elliott, for a number of years one of its directors, died at his home in Manhattan, Riley county, on May 27, 1899, after an illness of several months; age, sixty-four years, six months, and six days.

Mr. Elliott was the third son of John J. and Jane (Blake) Elliott. His father came from Scotland, his mother from England. They settled in Chenango county, New York, where the deceased was born, November 21, 1835. His education was obtained chiefly in the common schools of his native state, where, for a few terms, before he was out of his teens, he taught in the country schools. After this, in the fall of 1854, he entered the Chenango *News* printing-office, at Greene, beginning his apprenticeship as a roller boy.

He served nearly three years at the printing business. On account of impaired health, he quit the office and purchased a farm in the adjoining county of Broome, New York, which he cultivated for two years; then engaged as a commercial traveler for about eight years, his field being confined mostly to southern New York and the northern and central districts of Pennsylvania. A considerable portion of his leisure hours during this time he was corresponding editor of the Binghamton (New York) *Standard*. He contributed hundreds of columns under the heading, "Notes by the Way." For a few months in the early part of 1866 he was in Michigan, engaged in the crockery and house-furnishing business. Besides, he was editorially connected with the *Daily Enterprise* at East Saginaw.

In the summer of 1866, having a strong desire to see more of the West, he drifted to Kansas, and located at Atchison. He was employed for a time as city