Records of the Squatter Association of
Whitehead District, Doniphan County

Edited by Martha B. Caldwell

I. INTRODUCTION

Kansas was a part of the region west of the Mississippi river which in 1830 was set aside by the government for the Indians and solemnly guaranteed to them forever. All white persons except Indian agents, missionaries and licensed traders were prohibited. Within a few years approximately the eastern one-third of the present state was specifically set aside and occupied by Indian tribes. But before the Indians were little more than well established upon their new reservations, and notwithstanding the sacred promise that the country should forever belong to them, politicians at Washington, incited by a demand for more slave territory, started a movement to displace them. After two years of agitation and debate the Kansas and Nebraska bill was passed by congress and on May 30, 1854, was signed by Pres. Franklin Pierce. This act provided for the organization of the territories of Kansas and Nebraska under the doctrine of popular sovereignty.

In anticipation of the passage of the act treaties with various Indian tribes were hurried through, extinguishing their titles to the land. During the month of May previous to the passage of the bill Com. George W. Manypenny negotiated treaties with the Otoes, Delawares, Shawnees, Iowas, Sac's, Foxes, Kickapoos and the confederated tribes of Kaskaskias, Peorias, Piankeshaws and Weas. On June 5, a treaty was made with the Miami tribe. By these treaties the Indians relinquished the greater part of their reservations. The lands ceded by the Iowas, the confederated tribes, and the Delawares, with the exception of their “outlet,” were to be sold at public auction for the benefit of the tribes, and were not subject to the pre-emption law.

It had been the policy of congress to forbid white settlement upon public land until the Indian title had been extinguished and the land surveyed. As early as 1785 an ordinance to that effect was passed.

2. Revision of Indian Treaties; A Compilation of All the Treaties Between the United States and the Indian Tribes . . . (Washington, 1873), pp. 341, 494, 420, 427, 512; The Kansas Herald of Freedom, Lawrence, January 13, 1855.
In 1807 Congress enacted a law prohibiting any person from taking possession of, settling in, marking off or surveying any such lands until authorized by Congress. The president was authorized to take measures even to employing "such military force as he may judge necessary" to remove the intruders. The provisions of this act were extended as far as applicable to the lands ceded by the Miami, Delaware, Iowa and Wea Indians in the treaties of 1854. The treaty of the same year with the Shawnees provided that no white person should be permitted to make a location or settle upon their reservation until the lands had been surveyed and the Indians had made their selections. If the above agreements had been adhered to they would have precluded any white settlement until the treaty stipulations had been complied with.

The pre-emption law of 1841 made squatting upon surveyed land legal, and gave the settler a right to pre-empt his claim before the public sale. The benefits of this law were extended to the territories of Kansas and Nebraska by an act of July 22, 1854, with modification to permit settlement upon unsurveyed lands. However, the phraseology of the law was confusing and it was interpreted differently by different officials.

The government had been rather unsuccessful in enforcing its laws to keep settlers off the public domain and perhaps less successful in the opening of Kansas than at any other time previously. The settlement of the territory was stimulated not only by the ordinary westward movement but also by political and sectional rivalry. The incorporation of the squatter sovereignty doctrine into the act organizing the territory resulted in outside intervention and both the Northern and Southern states urged their citizens to migrate to Kansas. The organization of societies to promote this emigration greatly intensified the feeling between the two regions.

The first rush of settlers, nevertheless, was said to resemble that

4. Laws of the United States of America, From the 4th of March, 1789, to the 4th of March, 1845 . . . (1816), v. IV, p. 118.
5. Revision of Indian Treaties, p. 797, Art. 5.
8. Chief Justice Samuel D. Lecompte when asked by a settler to issue an injunction against a trespasser, answered on December 20, 1854, that he did not have the authority, that while the act extending the pre-emption law to Kansas had a proviso in relation to unsurveyed lands, yet it "requires notice, &c., amounting to conditions precedent to the investment of any right."—The Evening News, St. Louis, Mo., February 2, 1855, "Webb Scrapbooks," v. II, pp. 222, 223. (The scrapbooks of Thomas H. Webb are in the Library of the Kansas State Historical Society.)

Eight days later Gov. A. H. Reeder gave as his opinion that a man had the right to make a pre-emption on unsurveyed lands in Kansas, and if he complied with all the requirements he could not be prevented from obtaining his title.—Ibid.
which had taken place in the opening of other territories. The emigrants were interested in land rather than in the "political complexion or social regime to be established." 9

Emigrants began to arrive on the Kansas border in March, 1854,10 and on April 21, a squatter meeting was held at Henry Thompson's11 across the Missouri river from St. Joseph, Mo., by men who had already staked out their claims. This association met several times before the opening of the territory. At its meeting on May 3, D. M. Johnston, a lawyer of St. Joseph, Mo., was chosen register of claims.12 Claim jumping, therefore, had also commenced at this early date.13

By May 27 thousands were waiting to cross over. When the news reached the border that the president had signed the bill opening the territory the emigrants swarmed across. Within ten days two thousand claims had been made in the region around Fort Leavenworth.14 A newspaper correspondent wrote on June 13: "The excitement in border life is unparalleled. The rush to California was nothing like it." He was confident that there were not less than thirty thousand emigrants scattered along the line.15

In present Doniphan county all the land from ten to twenty miles back, with but few exceptions, had been taken by June 26.16 And C. C. Andrews wrote on June 27: "The immigration of settlers does not diminish. . . . I feel convinced . . . that the territory will be populated with a rapidity unparalleled in the rise of states."17 The scene within the territory in June was described by the editor of the Parkville (Mo.) Luminary:

Now is the time for Missourians to make claims. The country is swarming with emigrants. Men on horseback, with cup and skillet, and ham, flour, and coffee, tied on behind, and, with axe shouldered, are facing westward; while gentlemen and ladies are driving furiously to and fro in carriages, printers writing, lawyers speaking, doctors gallanting ladies, and selecting sites for residences, companies with flags waving, staking out the vast prairies, trees falling,

10. St. Joseph (Mo.) Gazette, March 29, 1854.
11. Henry Thompson operated a Missouri river ferry at St. Joseph, Mo. In 1853 he built a house on the west side of the river and moved his family there.—"Illustrated Doniphan County," supplement to The Weekly Kansas Chief, Troy, 1910, p. 226.
13. Ibid., May 3.
16. Letter dated June 26, 1854, in The Missouri Republican, St. Louis.—Ibid., p. 46.
tents stretching, cabins going up, everything alive, and everybody wide awake. Hurrah for Kansas! "Westward the Star of Empire takes its way!" 18

The majority of these emigrants came from Missouri, Iowa, Illinois and Indiana, Missouri sending the greatest number. Many home seekers who had had to compete with slave labor in the latter state were in favor of making Kansas a free state. 19 There were speculators who marked their claims and returned across the border intending to watch and hold their new possessions. Legally all were trespassers, for the land was unsurveyed and the time of Indian occupancy under the treaties had not yet expired. The squatters, therefore, could expect no protection from the general government in their imaginary rights. Furthermore, from the signing of the Kansas and Nebraska bill to the arrival of Gov. Andrew H. Reeder, a period of over four months, the territory was without formal government. To meet these conditions and to protect themselves from "land sharks" and "claim jumpers" the settlers formed claim associations or squatter associations as they were known in Kansas.

These extra-legal organizations were not peculiar to Kansas territory. They were a frontier institution dating back, probably, to the self-governing communities of Wautauga, Cumberland and Transylvania, 20 and functioning where conditions demanded on each frontier as it moved westward. Squatter associations were no doubt formed in all parts of Kansas wherever settlements were made, but unfortunately information on only a few is extant. Satisfactory manuscript records of but one, the association at Whitehead, has as yet come to light.

The constitutions adopted by these organizations were usually in the form of a set of resolutions and differed only in minor details. The purpose as stated was to protect the settler and to secure safety and fairness in the location and preservation of claims. A few of the later ones included rules regarding fencing against stock. 21 They laid down the rules and regulations for making a valid claim, provided for a register for recording all claims made and their transfer, and also provided a body to enforce the rules and settle disputes. Some associations more strongly Proslavery than others recognized the institution of slavery and refused protection to Abolitionists.

Few persons suffered from the latter clause, however, for the designa-

tion Abolitionist was almost as distasteful to the early Free-State settlers as to the Proslavery adherents. These constitutions were freely amended at subsequent meetings. Disputes were referred to a committee or court established by the association or were settled in mass meeting. The members bound themselves to abide by these decisions and each pledged himself to “do his duty” in case of trouble.

The decisions were enforced in different ways. There were penalties ranging from a warning to leave the country to the application of tar and feathers, and even to threats of death. Claim jumpers who refused to leave upon notice were usually forcibly ejected. Orville C. Brown, of Osawatomie, gave the following account:

Claim disputes were adjusted by the settlers, and all were obliged to yield to their decision. In one case some western men forbid Mr. John Carr to erect his cabin. Mr. Carr’s claim was known to be original. The opposers came with their shot guns, but seeing the structure being carried up by determined men retired in peace. I allowed a man and family to occupy my house until he could build a cabin. My family came, he refused to vacate. The squatters set his effects out upon the prairies and his wife refusing to go, was carried in her rocking chair and added to the household things.

When the time approached for the completion of the survey and the sale of the land the associations were especially active. Settlers were urged to register their claims and commit themselves to the squatter laws. Where the land was sold at public auction the squatter, surrounded by his fellows, bid in his claim at the minimum price, and no one dared bid against him. Squatters on lands subject to the pre-emption laws were protected by the association from having their claims entered by other persons.

II. THE SQUATTER ASSOCIATION OF THE WHITEHEAD DISTRICT

The association which met at Whitehead was a typical claim

24. Brown, O. C., to Charles Foster, November 28, 1855, in Charles Foster Papers.—Ibid.
25. Herald of Freedom, Lawrence, November 29, 1856. One resolution adopted by the citizens of Chase county read: “Fourth, that the citizens of Chase county attend the sales en masse, and forbid any person bidding on any lands that may be declared occupied by the township secretaries, and any person bidding in defiance of such warning shall then and there forfeit his life.”—Emporium News, August 11, 1856.
26. Whitehead began as a trading post established in 1852 by J. R. Whitehead, an Indian trader. A correspondent to the Missouri Republican wrote of it in June, 1854:

The town was platted in the spring of 1855. Later its name was changed to Bellemont. It is now extinct.—“Illustrated Doniphan County,” loc. cit., p. 226.
association, and, as mentioned above, is the only one whose manuscript records are at all complete. The minutes of its meetings, beginning July 22, 1854, and a registry of claims both appear in an old territorial record book (1855-1860) of the county commissioners of Doniphan county. A draft of the resolutions adopted at the first meeting on June 24, 1854, and the proceedings of the vigilance committee were given to the Kansas State Historical Society by Benjamin Harding, of Wathena, secretary of the committee. The minutes of the first meeting also appeared in The Weekly Kansas Chief, of Troy, August 16, 1883. The manuscript from which they were copied was picked up in the streets of Wathena before the Civil War. It seems certain from the editor's description that it was the first leaf in the record book mentioned above. 27

The association of the Whitehead district was formed at a large gathering of squatters at Whitehead on June 24, 1854. Col. W. Broadus Thompson 28 was said to be the leading spirit in its organization. Maj. Daniel Vanderslice, 29 Indian agent at the Great Nemaha agency, and his son, Thomas J., were among the members. The jurisdiction of the organization, defined in the minutes of the second meeting, embraced the Iowa, Sac and Fox and the northern part of the Kickapoo reservations. The majority of the members were Pro-slavery in sentiment, as a clause in the constitution refusing protection to Abolitionists and welcoming slaveholders makes clear. Yet at least four of the signers of the document became "red-hot Free-State champions," 30 and took an active part in the various Free-State conventions. However, politics seemed to play little part in the association, and the contests arising were for the possession of claims rather than in defense of any peculiar institution.

The speculators, or absentee claim-holders, were not numerous, apparently, in this organization. A study of the census of 1857,

27. "It is written on a large sheet of heavy, bluish flat paper, such as is used in public record books, is 12½ by 18 inches in size, with top and marginal ruling, like flateap, the blue lines for writing on being almost faded out. The pages are numbered 1 and 2, in printed figures, and it was doubtless the first leaf out of some Missouri record book."—The Weekly Kansas Chief, Troy, August 16, 1883.

28. W. Broadus Thompson was an attorney from St. Joseph, Mo. He was said to have been prominent in early Doniphan county politics. In 1867, he and his brother, M. Jeff Thompson, were associated with Cyrus K. Holliday, of Topeka, and others in the promotion of the St. Joseph and Topeka railroad.—Ibid.; see also, letters from the Thompsons in the "F. L. Crane Scrapbook," MSS. division, Kansas State Historical Society.

29. Maj. Daniel Vanderslice, a native of Pennsylvania, was agent at the Great Nemaha agency from 1863 to 1861. He had previously lived in Kentucky where he edited a newspaper. At the expiration of his term as Indian agent, he decided to spend the remainder of his life in Doniphan county and settled on his farm near Highland. He was a leader in the political and industrial affairs of the county until his death in February, 1889. Three generations of the Vanderslice family have been prominent in Doniphan county history.—"Illustrated Doniphan County," loc. cit., pp. 369-378.

30. The Weekly Kansas Chief, Troy, August 16, 1883. The names of John Fee, Benjamin Harding, A. Larzerelle and Henderson Smallwood appear in the Free-State county and state conventions.—The Kansas Herald of Freedom, Lawrence, September 1, 8, 1859.
taken three years after the opening of the territory, revealed that 43.2% of the forty-four signers of the constitution and 41.2% of the one hundred and thirty-six who registered their claims were still living in the district. Allowance must be made for the transfer of claims which was made possible by registration in the claim association. These figures agree quite closely with studies that have been made in the movement of population in Kansas.\footnote{31}

The last entry in the record book was the meeting of November 22, 1854. The book was lent to the Kansas Historical Society by the commissioners of Doniphan county for copying. The records here reproduced retain the spelling and punctuation used in the originals.

M\textbf{I}N\textbf{U}TES \textbf{O}F \textbf{T}HE \textbf{M}EETINGS

At a large and enthusiastic meeting of the Settlers of Kansas Territory, held on the 24th day of June, 1854,\footnote{32} at Whitehead, in accordance with notice previously given, the following proceedings were had:

Col. A. M. Mitchell was called to the Chair, and James R. Whitehead appointed Secretary.

On motion of Col. W. Broadus Thompson, the Chairman explained the object of the meeting, and appointed a committee to present resolutions for their consideration. The committee consisted of Col. W. Broadus Thompson, Capt. John H. Whitehead, Benjamin Wharton, and John R. Carter.

During the absence of the committee, the Chairman made an able address, shewing the necessity of an immediate organization for mutual protection against intruders, and for the promotion of the interest of the Territory. The committee, through their chairman, Col. W. Broadus Thompson, then reported the following resolutions:

\textit{Whereas, We, citizens of Kansas Territory, intending to fix our homes upon its fertile soil, have this day met at Whitehead, for the purpose of taking measures to secure safety, certainty and fairness in the location and preservation of claims.}

Therefore, be it resolved:

1st. That we are in favor of bona fide Squatter Sovereignty, and acknowledge the right of any citizen of the United States to make a claim in Kansas Territory, with the ultimate view of occupying it.

2d. That such claim, when made, should be held inviolate so long as a bona fide intention of occupying it is apparent; and for the purpose of protecting and defending such, we agree to act in concert, if necessary, to expel intruders.

3d. That any person of lawful age, or who may be the head of a family, who shall mark out his claim of 160 acres so that it may be apparent how the same lies, shall be deemed to have made a proper claim.

4th. That any person marking out his claim, shall be deemed to have forfeited it unless he commences his cabin or pitches his tent within (30) thirty

32. Taken from The Weekly Kansas Chief, Topeka, August 14, 1854. This is the only copy containing the signatures. It agrees in text with the rough original draft and also with the copy in House Report No. 209 (Ser. No. 889), 34 Cong., 1 Sess., p. 956.
days thereafter, unless the same shall be on such land as prohibit it by Military or Indian reservation.

5th. That all persons now holding claims shall have thirty days from this day in which to make the improvement contemplated by the foregoing resolution.

6th. That no person shall be protected by the Squatter Association who holds in his own right more than one claim.

7th. That any person building his cabin or tent within less than half a mile of another, shall be deemed an intruder.

8th. That a citizen of the Territory be appointed Register of Claims, who shall keep a book in which he shall note the name and description of all Squatters and their claims, for which he shall be allowed the sum of fifty cents for each claim, to be paid by the claimant.

9th. That a bona fide purchaser of a claim located and registered be recognized as entitled to the same under the laws of this Association, provided his intention be to occupy the same as a citizen of this Territory.

10th. That we will afford protection to no abolitionist as settler of Kansas Territory.

11th. That we recognize the institution of Slavery as already existing in this Territory, and recommend to Slaveholders to introduce their property as early as practicable.

12th. That a Vigilance Committee be appointed by the Chair, consisting of (13) thirteen members of this Association, whose duty it shall be to decide upon all disputes in relation to claims; and to ensure the execution of their judgment in regard to rightful claimants, they shall have power to call together the entire Squatter Association.

13th. That all persons who wish to become members of the Squatter Association, shall subscribe to the foregoing preamble and resolutions.

The foregoing preamble and resolutions, presented and supported by Col. W. Broadus Thompson in a forcible and eloquent speech, were unanimously adopted.


On motion it was resolved that the Chairman appoint five delegates to the General Territorial Convention, to be held at Salt Creek, on the 4th day of July, proximo.33 Whereupon, Capt. John H. Whitehead, Benjamin Wharton, Albert Heed [or Head?], Samuel P. Blair and John R. Carter were appointed said delegation.

It was further resolved that the papers of St. Louis, Independence, Weston, St. Joseph and Savannah be requested to publish these proceedings, for reference, and as notice to all interested.

33. An excerpt from the Platte Argus in The Democratic Platform, Liberty, Mo., of June 22, 1854, reads: "We are authorized to state that the citizens of Kansas territory, will celebrate the approaching Anniversary of American Independence at Salt Creek Valley near the trading post of Mr. Kivell [Kivley?]. Ample preparations will be made, and a public Dinner will be furnished. The citizens of Missouri, generally, are invited to be present. Charles Grover, Esq., has been requested—and has consented—to deliver the Address. . . ."
The meeting then adjourned, to meet again at this place, on this day four weeks.

Nimrod Duncan, David C. Montgomery,
Hezekiah Jackson, Nicholas Shookman,
Andrew J. Bruns[t]jon, Wm. Gore,
William H. Butram, A. Larzelere,
J. B. Anderson, Allen Wallis,
Michael McGee, Thomas H. Baker,
Peter O' Rourke, Sam. Perin Blair,
James R. Whitehead, Joseph H. Siceliff,
Henry Thompson, I. G. Rogers,
Peter Huver, Charles H. Rogers,
Thomas Byrne, George W. Breckenridge,
John W. Smith, John Fee,
Henderson Smallwood, Wm. G. Fee,
James J. Keaton, H. H. Frazer,
James B. O'Toole, Philip Manuel,
B. Harding, Eli Gabbert,
John H. Whitehead, W. G. Cox,
A. L. McChesney, Lester Deming,
Frederick Trent, John Mulloly,
Samuel Montgomery, James M. Teegarden,
George W. King, M.D., J. M. Holt,
James Muir, Joseph Crippen.

1854 At a meeting of the members of the Squatter association of Kansas Territory held at Whitehead on the 22nd of July, in accordance with a resolution passed by an adjourned meeting of the 24th of June, the following proceedings were had.34

Thomas W. Waterson was called to the chair, and James R. Whitehead, appointed Secretary of the meeting.

1. On motion of A. Lazalere the proceedings of the previous meeting were read and unanimously adopted.

2. On motion of Major D Vanderslice the 4th resolution of the previous meeting was amended so as to read as follows

Resolved That any person marking out his claim shall be deemed to have forfeited unless he commences his cabin or pitches his tent within (30) thirty days thereafter, unless the same shall be on such lands as prohibit it by military or Indian reservations. Provided That any Indian agent, officer, or employee, of the Government of the United States who shall have marked out his claim, and has been deterred from commencing his cabin or otherwise improving his claim, on the ground that it was a violation of the law, but have in all respects complied with the 3rd resolution then such claim shall be deemed good.

3. On motion of John H. Whitehead, it was resolved, that all persons having marked claims in Kansas Territory, within the following boundary, (To wit) Beginning at the mouth of Cadaw Creek,35 and running due west to the

34. This is the first of the entries copied from the county commissioners' record book.

35. This creek was possibly present Peter creek. It was named for Peter Cadue, a Frenchman, who came to this region about 1840, and became an interpreter for the Kickapoo Indians. —Gray, P. L., Gray's Doniphan County History (Burlington, 1906), p. 26.
western boundary of the Kickapoo Lands, thence north along said boundary to the Iowa & Sack lands, thence north along the western boundary of said lands to the Nemahaw, thence down the Nemahaw and Missouri rivers to the place of Beginning, shall be constituted members of, within the Limits, and under the jurisdiction, of this Squatter association. 36

4. On motion of James M. Te[e?]garden, it was resolved that there be but one register of claims within the limits of this Squatter association.

5. On motion of Samuel Perin Blair, James R. Whitehead was appointed said register.

It was further resolved that all claims registered previous to this meeting by a regular appointed register be considered valid, but such as are registered after this date by any other than the register appointed by this meeting be considered invalid.

6. On motion it was resolved that all claims made and properly authenticated since the first day of January 1853 be considered valid. 37

7. On motion the meeting adjourned to meet again at the same place on the 19th day of August next.

James R. Whitehead Secretary

Aug 19 Pursuant to previous appointment a meeting of the Squatter association of Kansas Territory was held at Whitehead on the 19th day of August 1854 James B Otoo[e?] being called to the chair made an appropriate address explaining the object of the meeting whereupon the following resolutions were unanimously adopted

1st Resolved That from and after this date all disputes in relation to claims shall be referred to a committee of three to be appointed by the Vigilance Committee who shall be authorized to settle all disputes so referred. Provided however that any person feeling themselves aggrieved have the right of appeal to the Committee of Vigilance previously appointed which shall hold its meetings on the first Monday in each month at Whitehead

2nd Resolved That said Committee of three shall receive fifty cents as compensation for their services in deciding each claim to be paid by the person against whom judgment is rendered

3rd Resolved That the secretary of the Committee be allowed twenty five cents each for issuing notices and that the Marshall be allowed fifty cents each for serving such notices and 10 cts pr mile for travelling any distance over four miles

4th Resolved that each party having a dispute to be settled by the Committee shall deposit with said Committee five dollars to cover the cost arising under the foregoing resolutions said cost to be paid out of the money so deposited by the person against whom judgment is rendered and the balance to be refunded to the proper owners

5th Resolved That any person failing to deposit the amount required by the foregoing resolution with the Committee after he shall have been duly cited to trial judgment shall be rendered against him by default.

6th Resolved That every person having a claim which is not recorded shall

36. The area embraced parts of Doniphan and Brown counties, and probably a part of eastern Nemaha county.
37. A number of the claims registered in the Whitehead association had been previously registered in the office of D. M. Johnston in St. Joseph, Mo. Johnston was register of claims in an earlier association.—See p. 18.
be required to record the same within thirty days from this date and if there is no house upon the same to erect one or a flag staff or put 4 posts in the ground and lay a foundation of 4 logs thereon or plough at least one acre of ground somewhere on said claim or erect some other evidence of his claim on the same which in the judgement of the Vigilance Committee of this association is a sufficient notice to those who may wish to make claims that these claims are taken.

On motion the meeting then adjourned to meet again at the same place on the 16th day of September 1854

James R Whitehead Sec

September 15th 1854.

On this day the association met according to adjournment. On motion of J. H. Whitehead Maj W. P. Richardson was called to the chair.

On motion of D. Vanderslice the secretary read a communication from T. J. Vanderslice, addressed to the Squatter Association in regard to the conflicting claims of said Vanderslice and Judge A. Lewis. Whereupon Maj. D. Vanderslice introduced various witnesses whose testimony was reduced to writing by a member of the association & filed with the records of the secretary, going to show the nature of the claims of T. J. Vanderslice, & D. Vanderslice, as well as the fact that Judge Lewis' claim conflicted with the same—and also going to show that said Lewis refused positively to submit to and abide by any decision which this association might render in the premises.

Whereupon, Upon motion of A. Larzelere, Resolved That it is the deliberate opinion of this association that D. & T. J. Vanderslice are the rightful owners of the claim occupied by Judge Lewis, and we will sustain them in holding the same.

Resolved, That a copy of the above resolution officially signed by the chairman of this association be furnished to Judge Lewis.

On motion of J. R. Whitehead the association adjourned until its next regular meeting.

J. R. Whitehead Sec

October 15th Pursuant to previous appointment the association met on this day whereupon the following proceedings were had.

On motion of John H. Whitehead—Thomas Wildbahn was called to the chair and Silas Woodson appointed Secretary.

Capt J. H. Whitehead in a few brief remarks explained the object of the meeting whereupon on motion of S Woodson the chair appointed a committee of (5) five to draft resolution's expressive of the sense of the meeting.

The committee consisted of the following gentlemen Silas Woodson D. B. Welden John H. Whitehead

The committee after a few minutes absence reported the following preamble and resolutions which were unanimously adopted.

Whereas it appears from the records of this association that George Jameson on the day of 1854 took possession of a claim owned by W. K. Richardson near Was. Sc. Na's 38 in Kansas Territory within the jurisdiction of this association, and that on the [22] day of [August] 1854 said Jameson at the instance of said Richardson, was duly notified to appear.

38. Wa-the-nah, Kickapoo chief, for whom the town of Wathena was named.
before the vigilance committee of this association for the purpose of contesting
the validity of his claim if he had any, and whereas—he failed to appear be-
fore said committee and judgment was in consequence thereof rendered against
him by default, and the marshal of this association was required to notify said
Jameson of said judgment and to require him to leave said claim before the
5th inst. and whereas—he refuses to leave said claim and is still thereon in
defiance of the Judgement of the Vigilance Committee and the notice to leave,
Therefore resolved by this association that the members of the association
this day present, being determined to enforce their rules & Judgements will
forthwith proceed to the claim in controversy, and require said Jamison to
leave the same and surrender the possession to said Richardson, and if upon
such request he refuses to leave said claim we will remove him therefrom
peacefully if we can & forcibly if we must, and put said Richardson in posses-
sion of said claim.

The committee farther state that the records of this association show that
Hamilton J. Johnson on the [26] day of [August] 1854 recovered a judgement
before the Vigilance committee of this association against
Mashan for a claim of 160 acres in Kansas Territory lying within the juris-
diction of this association and whereas it appears from satisfactory evidence
before the committee that after the rendition of the Judgement aforesaid
Mashan abandoned said claim and has put Jameson in pos-
session of the same as his agent or otherwise, & that said Jameson is now
residing on the same and refuses to deliver the same to said Johnson accord-
ing to the Judgement of said Vigilance Committee. We therefore recommend
the same proceedings to be adopted against said Jameson, as is provided in
the foregoing resolutions, for the purpose of putting W. K. Richardson in
possession of his claim.

November 22nd 1854 At a special meeting of the Squatter Association held
at the house of Milton Bryan this day the following proceedings were had
James B. O'Toole was unanimously appointed chairman and J. R. White-
head requested to act as secretary.

The secretary then in a brief manner announced to the meeting that the
regular chairman of the Vigilance Committee Capt. Jno. H. Whitehead was
then lying very sick with fever so much so as to render him unable to attend
to any of the duties of his office and that the said J. H. Whitehead had re-
quested him the said J. R. Whitehead to announce the same to this meeting
and tender it his resignation of said office—which was accepted.

Whereupon James B. O'Toole was appointed chairman of the Vigilance
Committee vs John H. Whitehead resigned

On motion of Benjamin Harding the following resolution was adopted
Resolved that the Vigilance Committee shall not take Coznizance of any
complaint made by any person who is not a resident of this Territory unless
he shall render satisfactory evidence by oath or otherwise that he intends to
become such within six months from this date

The meeting then adjourned to meet at Whitehead on the 15th day of
December proximo

December 15th 1854
DESCRIPTION OF SOME OF THE LAND CLAIMS

One hundred and thirty six claims were recorded in the association between July 1 and December 2, 1854. The time of making the claims varied, the earliest date being that of James R. Whitehead, who claimed the land “by right of actual settlement thereon and peaceable possession of the same from the 1st day of November 1851 to the present time.” The land had not yet been surveyed and the claims were identified by giving the names of adjoining claimants, by listing bordering roads or streams, and in a few cases by giving descriptions of land in Missouri opposite.

The following are representative of the record of land claims:

1854

July 1st

1

James R. Whitehead’s claim is bounded as follows on the north by John Montgomery on the East by the Missouri river on the South by John H. Whitehead and on the west by James Oconnel and Mary Burnets claims. This claim is composed of two fractional Quarter Sections supposed to contain 160 acres and lies on the west bank of the Missouri river opposite the following described Lands in Missouri (To wit) The south west quarter of section (34) thirty four Township (58) fifty eight Range (36) Thirty Six and of the north half of Section (3) three of Township (57) fifty seven of Range (36) Thirty Six.

J. R. Whitehead claims the above described parcel of Land by right of actual settlement thereon and peaceable possession of the same from the 1st day of November 1851 to the present time.

Witnesses

(Samuel Montgomery)

(James R. Whitehead Recorder of claims)

(John H. Whitehead)

11

July 1st

Thomas L. Lease records his claim as follows bounded on the Mo River on the east by Tobias S. Lease on the south by a claim marked VIE on a black oak tree and on the west by a vacant claim. This claim is situated near the head of the prairie bottom on the Mo river above banks’es ferry This claim includes a valley which is part timber and part prairie with a small branch running through it which usually sinks before reaching the river and was made on the 2nd day of June 1854

Witness

Tobias S. Lease

James R. Whitehead Recorder

33

July 15

Thomas W. Waterson’s claim is bounded as follows on the north by a vacant quarter on the east by a vacant quarter on the south by a vacant quarter and on the west by James Waterson This claim has a small grove on it with a tree near
by known by the name of the Loan Oak and was made by
Thomas W. Waterson on the 13th day of June 1854

Witness
James Waterson

James R. Whitehead  Recorder

37

July 17
Thomas J. Vanderslice made a claim on a quarter section of
land on the 15th day of March 1854 which claim is situated on
the east side of wolf river where the Indian tole bridge was,
on the road leading from St Joseph Mo to the Great Nemeahw
Agency embracing said road which runs near its northern bound-
ary and is bounded as follows on the north by a vacant claim
on the east by a vacant claim on the south by W. T. B. Van-
derslice and on the west by D. Vanderslice

Witnesses
(H. C. Clifford
(Saml McClasky
(John B. Roy

James R. Whitehead  Recorder

39

July 17
D. Vanderslice has a claim on wolf river embracing the road
from St Joseph to Great Nemeahw Agency which is paral[1]el or
nearly so to its northern boundary supposed to be 150 yds
within said boundary and is bounded on the north by a vacant
prairie claim on the east by Thomas J. Vanderslice on
the south by the claim of James J. Vanderslice and on the west by
a vacant claim D. Vanderslice made this claim on the 26th
day of May 1853 in the presence of Major Wm P. Richardson
and reiterated the same in the presence of Mr McMecken
George W. Manypenny and others in the following September
(This claim lies on the west side of wolf River)

James R. Whitehead  Recorder

49

July 18
Charles Estes records his claim as having the following bound-
daries on the north by Paten W. Estes Jr on the east by a
fraction & Mo River on the south by Mr. Acord's fraction on
the west by Peter Monroe this claim is all timber and was
made by Charles Estes on the day of 1854

Witnesses
Paten W. Estes Jr
George Estes

James R. Whitehead Recorder

The above claim was transferred to E. P. Wells by C Estes on
the 17th day of Oct 1854 for the sum of $25.00

J. R. Whitehead

57

July 22nd
Paten W. Estes Sen records his claim as bounded as follows on
the north by the Missouri river on the east by a vacant claim
on the south by a vacant fractional Quarter and on the west
by Paten W. Estes Jr this claim is mostly Timber and was
made by P. W. Estes Sen on the day of 1854
Witneses
(Charles Estes

(George Estes  James R. Whitehead Recorder
The above claim was awarded to Francis Bosair by the Vigi-
lence Committee on the 19th day of August 1854 by his estab-
lishing to their satisfaction priority of settlement
J. R. Whitehead Recorder

August 26th
William K. Richardson records his claim as being situated on
Peters creek and embracing said creek and is bounded as fol-
ows on the north by Anderson Cox on the east by J. W.
Crane on the south by Sidney Tennent and on the west by
clalmant unknown. This claim is all Timber and was made by
Mr. Richardson on the 19th day of April 1854

Witness
Anderson Cox  J. R. Whitehead Recorder
(Registered in Johnson’s office on the 19th day of May)

Sept 16
Johnston D. Carson’s claim of 160 acres in Kansas Territory on
the cotton wood prairie commencing on the S W corner of
H. H. Woodson’s claim and running south 160 poles to said
Carson’s S W corner thence east 160 poles to said Carson’s S E
corner thence north 160 poles to said Carson’s N E corner
thence west to place of beginning. This claim was made on the
27th day of July 1854 by putting 4 post in the ground and laying
4 logs thereon within said boundary

Witnesses
(Wm. Carson  James R. Whitehead Recorder
(Silas Woodson

Sept 16
Mary Dysart’s claim of 160 acres made in Kansas Territory on
the 28th day of July 1854 by setting 4 post in the ground and
laying 4 logs on them for a foundation said claim lies on the
cotton wood prairie and the foundation is made near the top of
the ridge about ¾ of a mile S east of the cotton wood spring
said foundation is near the south line of said claim and the
said claim is to extend 80 rods east & 80 rods west of the founda-
tion

Witness  Silas Woodson  James R. Whitehead Recorder

PROCEEDINGS OF THE VIGILANCE COMMITTEE

The association provided that disputes were to be settled by a
vigilance committee composed of thirteen members appointed by the
chairman. Possibly distances and difficulty of travel made it hard to
secure a quorum, for at its meeting of August 19, 1854, the associa-
tion ruled that all disputes in relation to claims should be referred
to a committee of three chosen by the vigilance committee. Any
person feeling aggrieved at a decision, however, had the right of appeal to the whole committee, which was to meet on the first Monday of each month.

The original records of the vigilance committee, as previously mentioned, were given to the Historical Society by Benjamin Harding of Wathena, who served as secretary of the committee. They are written on loose sheets of paper and apparently are not complete. The minutes of the meetings, which do not go beyond August 19, 1854, are as follows:

At a meeting of the committee of vigilance appointed at a previous meeting of the squatter association held at James R. Whitehead's in accordance to previous notice on the 15th day of July 1854, the following proceedings were had.

The meeting was called to order by the Chairman, Capt. John H. Whitehead and the roll called by James R. Whitehead when the following members answered to their names:

Capt. J. H. Whitehead, chairman, H. Smallwood, James B. O'Toole, John W. Smith, Sam'l Montgomery, Benj Harding, John W. Smith Jr., & James J. Keaton.


On motion, Benj Harding was appointed secretary and James R. Whitehead was appointed marshal.

Resolved that all complaints be made in writing to the chairman of the vigilance committee and that the person complained of be notified to appear at the next meeting of the committee to answer such complaint, also that said notice be issued in writing by the secretary and served by the marshal, at least three days previous to the time appointed for said meeting.

39. The following are illustrative notices:

Capt. J. H. Whitehead

Sir: As you are Chairman of the Vigilance Committee organized and appointed by the Squatter Association at Whitehead on the 24th June 1854 I address this note to you informing you that Mr. E Blackston has in violation of the laws passed by that Association intruded upon my claim and I have to request that you give him notice to answer this complaint before your Committee on the 22nd day of July at Whitehead's place in Kansas Territory.

Henry Thompson

Whitehead July 15th 1854

H. Thompson's Complaint

Spring Hill Farm, Kansas Ter.

July 17th 1854

Mr. E. Blackston

You are hereby notified in accordance to a resolution passed by the committee of vigilance, appointed by the Squatter Association at a meeting held at James R. Whitehead's on the 24th ult. to be and appear, at James R. Whitehead's, at the next meeting of said committee to be held on the 22nd inst. to answer the complaint of Henry Thompson as intruder on his claim.

B. Harding

Sec. Vig. Com.

[On reverse side]

July 18th 1854

Served this notice by reading the same to the defendant.

Jas. R. Whitehead

Marshal
Resolved. That the Secretary and marshal be allowed the usual fee for issuing and serving such notice.

Henderson Smallwood complained of Daniel O'Toole having made a claim within a half mile of his house.

Ordered that said O'Toole be notified to appear at said meeting to answer said complaint.

Henry Thompson complained of E Blackston building a house within a half mile of his own.

Ordered. That said Blackston be notified to appear at next meeting of the committee to answer said complaint.

Disputed claim, Muir vs. Branston. Referred to committee and decided in Muir's favor—Branston submitted like a philosopher.

On motion. The meeting adjourned until the 22nd instant.

B Harding  
Secretary

John H Whitehead  
Chairman

At an adjourned meeting of the committee of vigilance held at James R Whiteheads on the 22nd day of July 1854 the following members answered to their names:

Capt J H Whitehead, H Smallwood, J. B O'Toole  
John W Smith Sen.  
Sam'l Montgomery  
B Harding  


Case of Smallwood vs O'Toole, continued for want of witness.

Case of Thompson vs Blackston discharged on the understanding that Blackston shall, on condition that Thompsons quarter includes his house or improvement when the government survey is made, relinquish all land of which he may be possessed, belonging to said quarter, but reserving the privilege of removing his improvements provided said Thompson refuses to make a reasonable compensation for the same.

Adjourned to meet again in two weeks (Aug 5th) at twelve o'clock at Wa-the-nas.

B Harding

Secretary

At an adjourned meeting of the Squatter association vigilance committee held at Wa-the-na's on the 5th day of August 1854 a quorum being present the following proceedings were had:

The case of McChesney against Trent & Muir was called, but continued at the instance of the plaintiff for want of evidence.

Smallwood vs O'Toole.—Plaintiff unable to sustain his case—Dismissed.

Duncan vs O'Rourke—Continued.

Adjourned to meet at Thomas W Watersons on Saturday the 12th inst at eleven o'clock A. M.

B Harding

Sec. Vig. Com.

At an adjourned meeting held at Watersons on Sat 12th July [August] 1854 a quorum was not present and no business was transacted except settling a dispute between Hawkins & Acord which was decided in Hawkins favor.

Adjourned to meet at Whiteheads on Sat Aug 19th 1854.
August 19th 1854— Vigilance committee met.
Thomas W Waterson was appointed chairman pro tem.
The case of McChesney against Trent was continued for want of evidence
Duncan vs O Rourke— Continued
Francis vs Estes decided in Francis’s favor
McChesney vs Muir, Judgment rendered against Muir
In accordance with a resolution passed by the mass meeting on the same day John H Whitehead— John W Smith Sen and Thomas W Waterson were appointed a committee to settle disputes
Adjourned

B Harding
Sec Vig Com

Trials in claim disputes followed court procedure. In some cases the vigilance committee, when appealed to, reversed the decision of the committee of three. An example of such a decision appears below:

Whitehead Kansas Territory
Sept 4th 1854

A. L McChesney
VS
Frederick Trent

To the Marshall of the Squatter association for the district of Whitehead

You are hereby Commanded to notify F Trent that at a meeting of the Vigilance Committee held at Whitehead on the 25th day of August 1854 a verdict by default was rendered against said Trent and in favour of A L McChesney in relation to the rightful ownership of a Certain Claim lying and being in the Walnut Grove and bounded as follows on the north by Joseph Rakenger & Philip Shirer on the east by N Duncan on the south by A J Hawkins and on the west by Vacant Land. You are therefore Commanded to notify Said Trent to remove from and off of said Quarter Section of Land and leave the Same in peaceable possession of the above named A L McChesney within ten days from the serving of this notice

John H Whitehead
Chairman of Vigilent Committee

40. The claim in dispute was originally made jointly by Roland Shannon and A. L. McChesney. On April 10, 1854, Shannon relinquished his right to McChesney. The relinquishment read:

"Know all men By these Presents that I Roland Shannon have this day Delivered unto A. L. McChesney My Right Title & interest in a certain Claim that I had in Connection with the said McChesney in the Territory of Kansas Being Located in what is call[e]d the Walnut Grove this Claim was made by Me & McChesney in June 1853 & on this day I have Relinquished all My Right to said McChesney Given under My hand this the 10th day of April 1854
Witness
P. S. Roberts

Roland Shannon
[On reverse side]
A L McChesney
VS
Frederick Trent
Notice to remove
Served by reading the Same to Defendant Sept 4th 1854
James R Whitehead
Marshall

Whitehead Sept 4th 1854

To the Chairman of the Vigilance Committee of thirteen for the district of Kickapoo in Kansas Territory
Sir

having been informed that there has been a verdict by default rendered against me by the Committee of three of this association in the Case in which A L McChesney was plaintiff and I was defendant and believing that I have the best right to the property in dispute and that it will appear so to the Satisfaction of your honorable body upon a full investigation of the case and knowing that I have the right to appeal from the decision of Said Committee of three to that of your honorable body I take this method of doing so and hereby request that you will have Said McChesney notified of the fact and that he be and appear before your Committee to defend Said Suit on the 16th day of Sept 1854

Frederick Trent
vs
A. L. McChesney
Appeal

Whitehead Kansas Territory
Sept 11th 1854

To the Marshall of the Squatter association for the district of Kickapoo
Greeting

By authority vested in me by the Vigilance Committee of the Squatter association for the district of Kickapoo you are hereby commanded to notify A L McChesney to be and appear before Said Committee at Whitehead in Kansas Territory on the 16th day of Sept 1854 at 1 o’clock to answer the Complaint of Frederick Trent in regard to the equity of a verdict rendered by the Com. of three against Said Trent and in favour of A L McChesney on the 26th day of August last

B Harding
Sec. Vig. Com.

Frederick Trent Appellant
vs
A. L. McChesney Appellee

This day the parties appeared before the Committee in proper person and after hearing all the evidence, the Committee are of the opinion that the appellant is entitled to the possession of the claim in dispute the appellee having in the opinion of the committee forfeited his claim in consequence of
making an improvement on another and different claim after appellant settled upon and commenced improving the claim in dispute, thereby recognising the acts of appellant as being legal. It is therefore adjudged & ordered by the committee that the appellant recover & judgment is hereby awarded in his favor for the claim of 160 acres upon which appellant is living in the walnut grove in Kansas Territory and the Marshal of this association is required to see that this judgment is enforced. It is further ordered & adjudged that appellant recover of appellee his costs expended in this behalf to be taxed by the Secretary of this association.

John H Whitehead
Chairman of Committee

The last date in the records is December 2, 1854, for the registration of a claim. After the territorial government was established, and the land was surveyed and pre-empted, the squatter associations gradually disappeared.