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## A Speck of War: The Seventh Cavalry and the Post of South Eastern Kansas

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by Michael Guilfoyle and Randy Kane

**D**URING THE EVENING of October 18, 1870, Company A of the Seventh Cavalry rode into the town of Chetopa, Kansas, and set up camp on the edge of town near the Neosho River. The local newspaper, the *Southern Kansas Advance*, entitled its description of the following incident "A Speck of War":

It was raining hard, and officer and soldiers, leaving their camp to take care of itself, were soon sheltered in various saloons in the city. The "boys in blue" were soon merry, under the influence of mischievous

whiskey. A large party of them assembled at Hi Barns' saloon, where an attempt was made to check their demands for drink. They only became more clamorous. The Marshal, in a quiet way, made an effort to check their boisterousness, and to induce them to return to camp, but in vain. They became enraged, and commenced an indiscriminate onslaught upon the bar and its fixtures. The Marshal summoned assistance, and a lively fracas ensued between the civil and military arms of the government. The glass front of the building was badly smashed. In the high [sic] of the fracas

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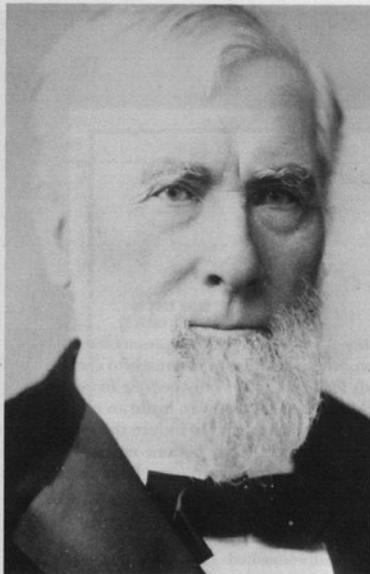
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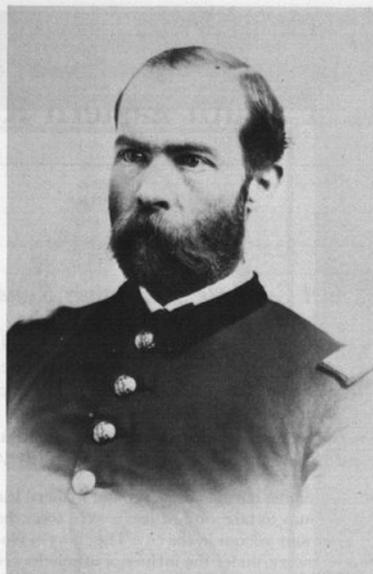
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*A birds-eye view showing Chetopa in 1871, shortly after a fracas at the El Dorado Saloon involving townspeople and troops from Company A Seventh Cavalry.*





*Railroad builder James F. Joy, whose land acquisitions sparked opposition from settlers.*



*John S. Poland, Sixth Infantry, shown as a United States Military Academy instructor about 1869.*

several citizens from the opposite corner, with a view to produce a wholesome scare and a dispersion of the drunken soldiers, commenced firing revolvers in the direction of the seat of war. This had the desired effect, though some of the shots were dangerously low. By chance no one was hurt, and the casualties of the war were limited to some slight bruises.<sup>1</sup>

The story began when a large part of the Cherokee Neutral Lands, twenty-five miles wide and fifty miles long, comprising now most of Crawford and Cherokee counties, was sold to James F. Joy in 1867.<sup>2</sup> Many settlers had filed preemption claims on the land prior to the sale but had been unable to have their claims confirmed. Joy transferred the land to the Missouri River, Fort Scott and Gulf Railroad, in which he had an interest, and established a land office in Fort Scott on December 18, 1868. Joy's agent offered land the railroad did not need to individuals at prices ranging from two dollars to five dollars per acre.

The outraged settlers were determined to stop Joy and the railroad by force. They formed a Land League and began harassing survey parties, burning

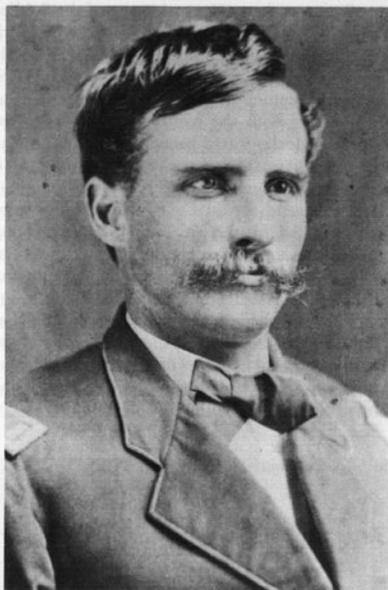
1. *Southern Kansas Advance*, Chetopa, October 26, 1870.

railroad equipment, and threatening to hang "higher than Haman and that without benefit of clergy" anyone who opposed them or purchased land from Joy.<sup>3</sup>

The situation became so bad that President Ulysses S. Grant ordered troops to southeastern Kansas. Originally four companies of the Sixth Infantry and one company of the Seventh Cavalry were transferred into the area. On January 14, 1870, the Post of South Eastern Kansas was established with headquarters located at Fort Scott.<sup>4</sup> To protect the railroad from the deprivations of the "Leaguers," soldiers were stationed in

2. "James Frederick Joy had begun building his railroad empire before the Civil War. . . ." After the war, "Joy continued to expand his railroad interests. In 1869 . . . he acquired control of the Kansas and Neosho Valley Railroad Company which was struggling to build its line south from Kansas City. Joy reorganized the company under the name of the Missouri River, Fort Scott, and Gulf Railroad. Through the summer and fall construction crews pushed southward and on December 6, Fort Scott was linked to Kansas City and the East by rail." Erwin N. Thompson, "Fort Scott, Kansas, Site Identification and Evaluation" (U.S. Department of the Interior, National Park Service, 1967, Mimeographed), 155. Nathaniel Thompson Allison, *History of Cherokee County, Kansas, and Representative Citizens* (Chicago: Biographical Publishing Co., 1904), 29, states that Joy purchased the land on October 1, 1867.

3. Allison, *History of Cherokee County*, 29-33.



Shown about 1875, Lt. Algernon E. "Fresh" Smith, adjutant and quartermaster for the Post of South Eastern Kansas, died at the Little Big Horn in 1876.

camps along the line of construction. Consequently, camps were established at Drywood Creek, north of Girard; Girard; Limestone Creek, south of Girard; and Columbus.<sup>5</sup>

"The Post of Southeast Kansas was barely organized when the Army gave it an additional mission besides guarding the railroad," writes a recent historian. Very few Indians were then living in eastern Kansas, "but to the south the Indian Territory was still the protected reserve of a large number of tribes. Because of Fort Scott's location, the reactivated post was ordered from time to time to give assistance to the several Indian agents who experienced trouble from whiskey dealers, squatters, and land speculators."<sup>6</sup>

4. See Bvt. Col. G. W. Mitchell, Department of the Missouri, to Maj. J. P. Roy, Fort Scott, January 14, 1870, stating that "South Eastern Kansas" will be regarded as an Independent Post." Fort Scott, Letters Sent and Received, 1869-73, Records of United States Army Commands, Record Group 98, M1077, roll 1, National Archives and Records Administration (microfilm copy at Fort Scott National Historic Site), hereafter cited as Fort Scott, Letters Sent and Received.

5. Thompson, "Fort Scott, Kansas, Site Identification," 159. See also Leo E. Oliva, *Fort Scott on the Indian Frontier* (Topeka: Kansas State Historical Society, 1984), 67-68.

All in all, the military situation was a difficult one. The army's role as a police force in a civilian community in peacetime was appreciated by neither settlers nor soldiers. Relations between civilians and soldiers eventually became so strained that Maj. Lewis Merrill, commander of the Post of South Eastern Kansas, claimed, "There is a strong and almost undisguised hostility towards the troops on the part of both the people and civil Authorities arising not from any misconduct by the troops but solely because the troops are suppose[d] to be present in the interest of Mr. Joy."<sup>7</sup>

On September 9, 1870, orders came from Headquarters Post of South Eastern Kansas for Capt. John S. Poland, Sixth Infantry, to proceed with Company A Seventh Cavalry to the Cherokee lands.<sup>8</sup> Company A Seventh Cavalry was under the immediate command of Capt. Samuel M. Robbins.<sup>9</sup> The order did not say precisely what the mission of the troops was to be, but correspondence between the post commander, Capt. J. J. Upham, and John Craig, Cherokee Indian agent, discussed the need to seize unlicensed traders' goods and remove squatters and intruders from Indian lands.<sup>10</sup>

On September 24, 1870, and again on October 5, 1870, Lt. Algernon E. Smith, post adjutant and quartermaster of the Post of South Eastern Kansas, was directed to proceed to Chetopa, Kansas, and purchase

6. Thompson, "Fort Scott, Kansas, Site Identification," 165.

7. Maj. Lewis Merrill, Commanding Officer, Fort Scott, to Adjutant General, Department of the Missouri, November 25, 1870, Fort Scott, Letters Sent and Received. Merrill was graduated from the United States Military Academy in 1855. At first assigned to the Dragoons, he transferred to the Second Cavalry in 1861. During the Civil War he was colonel of the Second Missouri Cavalry and was breveted to the rank of brigadier general. He was assigned as major in the Seventh Cavalry in 1868. In 1877, he was breveted brigadier general for service in the Nez Perce War. He was promoted to lieutenant colonel, Seventh Cavalry, in 1886. Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, 2 vols. (Washington: Government Printing Office, 1903), 1:705.

8. Capt. J. J. Upham, Commanding Officer, Fort Scott, September 9, 1870, Fort Scott, Special and General Orders, 1869-73, Records of United States Army Commands, Record Group 98, M1077, roll 2, National Archives and Records Administration (microfilm copy at Fort Scott National Historic Site), hereafter cited as Fort Scott, Special and General Orders. John S. Poland was graduated from the United States Military Academy in 1861. Brevetted lieutenant colonel during the Civil War, he was assigned to the Sixth Infantry as captain in 1869. Promoted to colonel in the Seventeenth Infantry in 1891, he served as brigadier general of volunteers during the Spanish-American War. He died in August 1898. Heitman, *Historical Register*, 1:796.

9. Samuel Marshall Robbins served as captain of the First Colorado Cavalry, November 30, 1861-October 26, 1865. He became a first lieutenant of the Seventh Cavalry July 28, 1866, and was promoted to captain November 27, 1868. He resigned March 1, 1872, and died September 5, 1878. Heitman, *Historical Register*, 1:834.

10. Upham to Craig, September 1, 1870, Fort Scott, Letters Sent and Received.

food and forage in open market to supply Company A Seventh Cavalry operating in the Cherokee Nation.<sup>11</sup>

On October 18, 1870, Company A Seventh Cavalry camped near the town of Chetopa. The "official" army version of what happened that evening was described in detail in the investigation report of Major Merrill.

Headquarters Post S.E. Kans.  
Fort Scott Kansas  
Dec. 4<sup>th</sup> 1870

Adjutant General  
Dept. of the Mo.  
Fort Leavenworth Ks.

I have the honor to report that in obedience to verbal instruction of the Dept. Commander, I went to Chetopa and investigated the facts of the riotous [*sic*] conduct of certain men of Troop 'A' 7th Cavalry in that place on Oct 18th 1870. The following are the facts as gathered from the best evidence I could find including the report of Captain Poland 6th Infantry which is in its essential statements fully confirmed by the evidence of the witnesses of Chetopa.<sup>12</sup>

On the afternoon of Oct. 18th Troop 'A' 7th Cavalry camped about four hundred yards from the edge of the village of Chetopa. It came on to rain heavily just about this time and the men were very uncomfortable in camp and appear to have sought the town for more shelter and warmth than anything else. Some five or six of the men drank enough to make them somewhat boisterous but the testimony of the reliable persons who saw them at this time is that they were not disturbing or annoying any one. Several of them went into the Eldorado Saloon and one asked for liquor which was refused. While still there some citizens came in and called for drinks which were furnished. One of the soldiers demanded thereupon to know if "Soldier's money was not as good as other peoples."—and was told in reply that the Barkeeper refused to

sell any liquor to them. Upon this one of the Soldiers took a couple of glasses from the counter and remarking that he would help himself to the glasses if he could not get liquors, put them in his pocket. There was probably nothing intended by this but good humored chaffing with the bar keeper—as up to this time no angry feelings had been shown by either barkeeper or Soldiers. There was present at the time in the Saloon a man named Broaddus a quarrelsome ruffian who apparently because of his blood thirsty reputation is selected by the city marshal as a deputy whenever occasion [*sic*] arises for having one. This man alleges that at this time he was acting as deputy marshal. I think it doubtful, if he was so acting by any authority except whenever anyone was wanted. Whatever that fact may be, he took the opportunity at this time to interfere and by his own account of it to be in a very ruffianly and offensive way. I judge from his own account of the matter that he had been itching all eve-

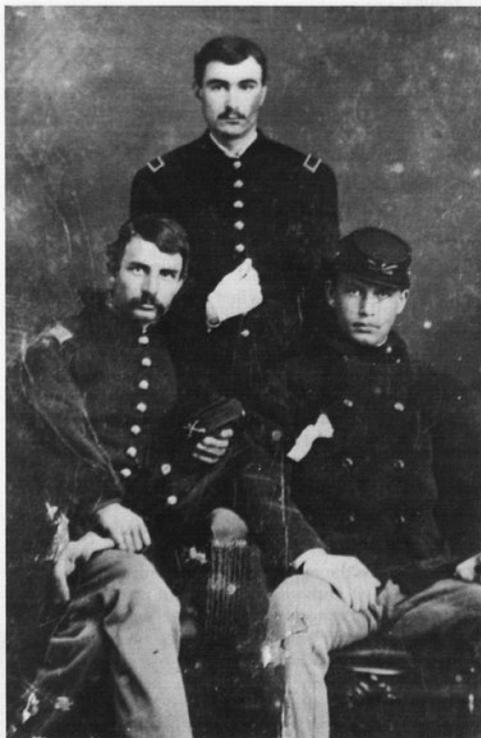


Maj. Lewis Merrill, commander of the Post of South Eastern Kansas, shown here during the Civil War as a colonel in the Second Missouri Cavalry.

11. Captain Upham, September 24 and October 5, 1870, Fort Scott, Special and General Orders. Algernon E. "Fresh" Smith "was mustered as a second lieutenant in the 117th New York Infantry in 1862 and emerged a captain three years later." After the war Smith was appointed second lieutenant in the Seventh Cavalry and was breveted first lieutenant and captain for Drury's Farm and Fort Fisher. Smith suffered from a wound received at Fort Fisher so that he could not raise his arm above the level of his shoulder. He was killed at the Battle of the Little Big Horn, June 25, 1876. Robert M. Utley, ed., *Life in Custer's Cavalry: Diaries and Letters of Albert and Jennie Barnitz, 1867-1868* (New Haven: Yale University Press, 1977), 275-76.

12. Throughout this article, the excerpts from the official records are reproduced exactly as written, except that for ease of reading, initial capitals and ending punctuation have been supplied silently as needed. Superfluous dashes have been omitted. The report of Captain Poland was not located with the other testimony in the microfilm files at Fort Scott National Historic Site.

ning for a chance to show his admirers that he was not afraid of Soldiers & interfering in this spirit at once provoked a quarrel in which he was clearly the agresor [*sic*]. Attempting to strike one of the men with his pistol, it was taken from him by one of the soldiers, who were none of them armed and thrown away, & he was knocked down. At this time the barkeeper interfered [*sic*] & a general scrimmage commenced which terminated in the Soldiers being put out of the saloon & the citizens inside leaving it by the back way. In the general row previous to this one pane of a large mirror was broken by the barkeeper, in throwing a bottle at one of the men, the bottle missing the man & breaking the mirror. Outside the saloon one of the soldiers picked up a bottle & threw it through the glass front whereupon some citizens on the opposite side of the street fired at the party of soldiers. This was the signal for a general attack, by the soldier's upon the saloon, ammunition being plentiful in the shape of a number



2d Lt. Francis Marion Gibson (standing), Captain Robbins' second in command of Company A at Chetopa, posed with two other members of the Seventh Cavalry at Leavenworth in 1867.



Samuel M. Robbins served as captain in the First Colorado Cavalry (1861-65) before joining the Seventh Cavalry.

of boxes of empty soda water bottles that stood in front of the Saloon. The result was a general smashing up of the glass of the saloon, of which the whole front was glass. During this time a number of shots were fired at the men by a citizen or probably several citizens from the opposite side of the street. The soldiers were not armed and no shots were fired in return at that time. The destruction completed the men went to camp, and sometime after this several of them returned to town & some shots were fired from Carabines, but apparently at no one, the streets being at the time deserted. No mischief resulted from the firing by either citizens or Soldier's, except a slight wound to one of the Soldiers.<sup>13</sup>

In contrast to Major Merrill's explanation were several affidavits given by Chetopa citizens to Frank M.

13. Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

Graham, attorney for Hiram Barnes, the owner of the El Dorado Saloon. Among them were accounts by Joseph Burk, clerk and barkeeper at the El Dorado; Jacob Franks, marshal of Chetopa; R. L. Broaddus, the "special deputy" to whom Merrill had referred; and Hiram Barnes, who included his list of damages; and an affidavit signed by many citizens of the town.

Bartender Burk's affidavit best represented the citizens' view of the affair. Burk testified that

... during the whole evening from darkness ... soldiers of said detachment perambulated the streets of said town in a riotous and disorderly manner—being then under the influence of liquor—much to the disturbances of the citizens and business men of said town and about 9 o'clock of said evening a number of said soldiers; about ten or twelve in number—did enter the Hall of said Barnes where I was clerking—and did then and there commit a riot as follows. Some of their number came in and called for liquor [which] I refused to give them. At that time two citizens came in and enquired for drinks I gave it to them. After this one of the soldiers grabbed two glasses—I demanded of him which he refused being backed by his allies—I telling him I wished to wash them. At this time W. Broaddus a special police stepped up and took the glasses from him. Upon this he attacked the Special Constable and all the rest rushed into this affray being thereupon wrestling. The Marshal thereupon came in and tried to quiet the disturbance and arraign the parties—but the soldiers were to[o] strong to make arrest—and after they had been put out of the building they went of[f] for the space of ten or fifteen minutes, when they returned with renewed strength and numbers and broke down the doors which I had closed as well as knocking in all the front of said building and thereupon made complete havoc of all property therein—destroying all the mirrors, lamps, glasses, and ornaments and [illegible] mutilated four first class billiard tables—and furthermore state took out and carried away a large quantity of wines liquors and cigars and a number of costly articles of furniture. In this crowd that returned and committed this damage there must have been 20 men. And in the mean time shooting began which was done in a promiscuous manner endangering the lives of every person in the vicinity. I saw as I was walking down Third Street towards the camp—seven men with their carbines—who asked me where the "El Dorado Billard Hall was as they were going to clean it out. . . ."<sup>14</sup>

Marshal Jacob Franks said that after he succeeded in putting the soldiers out of the building

... they went away for a short time, then returned with increased strength and numbers—to wit about eighteen men and attacked the building breaking in the doors and knocking in all the front of said building—and did there and then with glasses bottles clubs and various missels [*sic*]—did break the lamps mirrors billiard tables and all the fixtures—almost completely ruining [illegible] of said room and they did take carry away and steal a large amount of wines liquors cigars and other chattels—and after they had been making complete havoc of said room for nearly half an hour shooting began between them and a complete shooting melee occurred between them and one or two of the citizens who attempted to stop the riot—the bullets whistling in every direction through the town endangering everyone's life who was in the vicinity of the affray—and further says that a number of soldiers ran to their camp in the affray and returned with their carbines—and did shoot in every possible manner, the bullets entering the dwelling houses in the vicinity. . . .<sup>15</sup>

Major Merrill's account related subsequent events. His report continued:

The following morning the Major [Robbins] caused the arrest of such of the men as were known and the result of this is fully set out in Col. Poland's report. In these arrests he had the cheerful assistance of the officers of the command. The allegations made in the various affidavits accompanying this report that the Officers were drunk &c is I think entirely false as is also the statement that no effort was made by the officers to stop it.

The officers were all at their camp and in bed and though everyone in town knew where the camp was and though the mayor himself sat quietly in his office within fifty yards of the whole row and heard it all neither he nor anyone else made the slightest effort to bring the matter to the knowledge of the officers until the following day. The mayor in reply to my question why he had made no effort to stop the row or to let the officers know what was going on, stated that he had lost his presence of mind and did not know what to do.

Without the least justifying or excusing the conduct of the soldiers, the facts convinced me that the citizens were the aggressors and provided the row & that the civil authorities though fully cognizant of what was going on, only attempted to do anything about the matter some twelve hours after it was all over. A number of the better class of citizens of the town called upon me while there to express this opinion and to say that in their opinion the blame of the

14. Joseph Burk affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

15. Jacob Franks affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

whole matter rested with the city authorities. While not agreeing in this opinion which entirely excuses the soldiers, I do not hesitate to say that unusual provocation for misconduct was given.<sup>16</sup>

All of the citizens' reports disputed this passage. Concerning the officers and the provocation of the soldiers, Burk said:

I was ordered at all times by Mr. Barnes to refuse intoxicated men liquor and I further depose and say that there was not the slightest provocation for any such an assault that evening on the part of the troops and nothing but negligence on the part of the officers and drunkenness of the almost entire detachment would have produce[d] such an affray. The Captain and many of the Soldiers were drunk during their stay in the City and that if the Captain had only ordered his men into camp instead of allowing them to run at large in their drunken condition that the accident could not have happened.<sup>17</sup>

Marshal Franks' deposition corroborated Burk. He said:

... I was in said room when the affray began and can say that the affray was created by the soldiers—they stepping into said house ask[ed] for drinks and immediately seized glasses and commenced the assault—and further deposes and says that said house is one of the most orderly of the kind that can exist—being frequented by those who wish to spend an hour or two playing billiards—and is not kept as a tippling house—the proprietor and clerk refusing at all times to sell to intoxicated persons and that they have always kept a good first class billiard hall quiet at all times and there has never heretofore been any disturbance in said house of the most trifling kind. . . .<sup>18</sup>

Broadus continued the contradiction, saying:

... said assault was entirely unprovoked and that if the officers had restrained their soldiers that the casualty would not have happened and this affiant says that during all the time of the command staying at this point that the officer in command Capt Robbins was drunk and that his soldiers roamed the streets in a drunken condition.<sup>19</sup>

16. Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

17. Burk affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

18. Franks affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

19. R. L. Broadus affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

The citizens' affidavit stated that "the Officer in Command of said Company we are informed was in a state of intoxication and that he did not use any effort to suppress said riot."<sup>20</sup>

The Chetopa newspaper wholeheartedly concurred with the citizens, saying:

The fault of the entire affair is chargeable to the unsoldier like conduct of the officer in command, who permitted his men in a body to abandon their camp and take refuge in a saloon, while he, in a half drunken condition, was seeking diversion in quite as questionable a way in another portion of the town.<sup>21</sup>

Major Merrill countered in his report:

I think no blame can be attached to the officers in this matter, except possibly that the disagreeable weather and the temptations surrounding the men ought to have led to more than usual watchfulness while only ordinary care seems to have been exercised. The charges made by the local newspaper & by some of the affidavits are I believe utterly unjust and untrue.<sup>22</sup>

In addition to the issue of who was responsible for the riot, a second issue pertained to a discrepancy over the amount of damages sustained by the owner of the saloon, Hiram Barnes. Merrill's account continued:

On my return to Capt. Robbins Camp I informed the troop that the damages done would be charged against the whole of them unless I was voluntarily informed by the men themselves who had done it. Upon this the men hereafter named stepped to the front and acknowledged that they were the ones who were present at the row. Under these circumstances & because a number were fined and punished by the civil authorities—I recommend no other notice of the offence, except to make them pay for damages actually done.

I have carefully estimated the damages from what I saw of the Saloon as repaired and from Col. Poland's

20. Citizens' affidavit from Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

21. *Southern Kansas Advance*, Chetopa, October 26, 1870. Capt. Sam Robbins had a history of such nefarious conduct. The charges made against the officer in charge appear to be true to character. Robbins served well as a captain of the Colorado Volunteers during the Civil War, but as a Seventh Cavalry officer after the war, "he increasingly fell under the influence of drink." In 1871, in Kentucky, Robbins was court-martialed "for offenses involving repeated public drunkenness: he had openly cohabited with a prostitute in Louisville's Galt House, he had beaten Lt. A. E. Smith's horse and then Smith himself, and he had knocked down a quartermaster sergeant who declined to drink with him. The court decreed dismissal, but . . . Robbins was allowed to resign." Utley, ed., *Life in Custer's Cavalry*, 272.

22. Merrill to Adjutant General, Department of the Missouri, December 4, 1870, Fort Scott, Letters Sent and Received.

and Mr. Barnes inventories of the articles damaged. I have made careful inquiry here since my return, of dealers as to the cost of the various articles & find that the amount of damages is very liberally estimated as follows:

Mirror broken	\$ 80.00
Glass fittings of lamps & chandeliers broken	\$ 60.00
Glassware - tumblers &c broken in bar	\$ 57.00
Billiard tables damaged by broken glass and oil falling on them	\$160.00
Window panes broken out of glass front	\$ 60.00
Cost of replacing repainting and setting same	\$ 25.00
Bottles broken	\$ 12.00
1 Set of billiard balls damaged	\$ 25.00
Liquors taken or spilled	\$ 27.00
Billiard cues broken	\$ 12.00
Cigars taken	\$ 45.00
Total	\$563.00

In this estimate I have charged the full value of the damage done supposing no use could be made of the articles damaged as for instance the billiard clothes & balls but the fact is I found both in use & though damaged likely to remain in use for a long time. A great deal of what is charged in Mr Barnes inventory was not broken at all he charging the full outfit of his bar and charging at more than double what it would cost to replace.

I found charged in Mr. Barnes inventory two thousand Cigars. He told me himself that there were very few cigars in the saloon but that a large number of

cigars & some liquor had been stolen that night from another saloon belonging to him and situated at some distance from the other & that he had charged these cigars also in this inventory. There is no evidence to show that this was done by soldiers at all & it is certain that the men concerned in this row were not the persons who stole the things from the other saloon. I have allowed in my estimate more than the number (and at a higher rate) which I think any evidence shows were taken by these men. In my estimate I have added about fifty per cent to the prices given me by dealer's as the value of the articles destroyed and making this addition as the reasonable difference in the two places.<sup>23</sup>

Apparently Barnes was trying to slip some expenses past the government. The total amount of his inventory of damages was \$1151.00. Nevertheless, the amount of Merrill's estimate, \$563.00, stood as the amount to be paid Barnes. The method of payment was fairly direct. In a letter from Merrill to Graham, dated January 12, 1871, Merrill said:

... the Paymaster General has directed that the amount stopped against certain men of 'A' Troop 7th Cavalry, to be turned over to Mr. Hiram Barnes be turned over by the Paymaster paying the Troops to me upon each payment of the Troops.

This will accordingly be done & immediately upon receipt of each installment the Amt will be deposited with the First National Bank of Ft Scott subject to Mr. Barnes draft or order.<sup>24</sup>

*The junction of Maple and Third streets in Chetopa about 1875. The El Dorado Saloon may have been located in the small wooden building on the corner.*



On January 18, Merrill wrote Barnes, "I have the honor to inform you that I have this day deposited with B. P. McDonald Banker Ft Scott Ks. subject to your order or draft the sum of two hundred forty dollars collected from certain enlisted men of 'A' Troop 7th Cavalry to reimburse you for damage done you."<sup>25</sup>

In an attempt to prevent further disturbances from occurring,<sup>26</sup> Merrill issued General Orders No. 21, dated Headquarters Post South Eastern Kansas, Fort Scott, Kansas, December 19, 1870:

The attention of all Officers of this Command is called to the urgent need of better discipline among their several Companies—such occurrences as have been recently the subject of just complaint can only occur when discipline has become lax & when too little watchful care is used by the Officers to prevent & avoid the temptations to excesses. . . . Want of occupation and whiskey drinking are the fruitful source of all the disorder & crimes that disgrace the service & bring discredit on the Officers on duty with the Troops, where they occur.<sup>27</sup>

Merrill went on to prescribe mandatory daily drill, both horse and foot, every day except Sunday. He also encouraged foot races and ballgames among the troops for exercise and occupation and to avoid the monotony of military life. He further directed that "Regular theoretic instructions in the tactics, regulations, & customs of service will be given twice a week by the Comdg. Officer of each Camp to the Officers & Non-commissioned Officers & such intelligent privates as may be selected."<sup>28</sup>

On one level the Chetopa bar incident may be viewed simply as unruly soldiers getting out of hand. Yet, the soldiers' violent response to any attempted control of their actions suggests something more. Merrill's official correspondence stated that the soldiers felt hostility from the citizens and thought they were being discriminated against by the local law enforcement officers.

Merrill blamed the hostility on the fact that the citi-

zens perceived the soldiers' presence as solely in the interest of Joy's railroad line, but nearly every town along the line including Chetopa considered the coming of the railroad its lifeblood and as essential for the town's continued existence. The citizens' antipathy toward the soldiers was likely rooted in their dislike of what the soldiers' presence represented—policing by an outside force.

Like previous incidents of frontier civilization, the Chetopa incident constituted a microcosmic reflection of the irreconcilable conflict between first-wave and second-wave civilization forces. The Land League squatters and settlers, their values, and their way of life were directly threatened and jeopardized by James Joy and the railroad. The forces of commerce, business organization, and high finance were incompatible with the simple agrarianism of the frontier settlers. As second-wave civilization forces became paramount, the military became an agent of their interests. At Chetopa the soldiers became the lightning rod for the hostilities of the soon-to-be-vanquished first settlers.

#### Epilogue

The Chetopa affair proved to be merely a rehearsal on the historic stage for Company A Seventh Cavalry. That unit participated in the Battle of the Little Big Horn, June 25–26, 1876. A check of the twelve Seventh Cavalry enlisted men accused of participating in the bar incident reveals that not a single one served at the Battle of the Little Big Horn less than six years later.<sup>29</sup> This suggests that the turnover rate of enlisted men in the Seventh Cavalry and in the army in general at that time was considerable. For the Seventh Cavalry officers this was not the case.

Capt. Sam Robbins left the military unwillingly in March 1872. Maj. Lewis Merrill's presence was requested by Custer for the summer 1876 campaign, but denied. Merrill was assigned duty with the Philadelphia Centennial Commission, March–November 1876.<sup>30</sup> Lt. Algernon E. "Fresh" Smith, adjutant and quartermaster for the Post of South Eastern Kansas, was killed with Custer at the Little Big Horn while in command of Company E Seventh Cavalry. Lt. Francis Marion Gibson, Captain Robbins' second in command of Company A at Chetopa, served as Captain Benteen's lieutenant of Company H at the Little Big Horn. He survived the battle. [KH]

29. Kenneth Hammer, *Little Big Horn Biographies* (Billings: Custer Battlefield Historical and Museum Association, 1964).

30. George W. Cullum, *Biographical Register of the Officers and Graduates of the U.S. Military Academy*, 3 vols. (Boston: Houghton Mifflin and Co., 1891), 2:625.

23. *Ibid.*

24. Merrill to Frank M. Graham, Esq., January 12, 1871, Fort Scott, Letters Sent and Received.

25. Merrill to Hiram Barnes, January 18, 1871, Fort Scott, Letters Sent and Received.

26. Less than a month after the Chetopa affair, some enlisted men of Company A Sixth Infantry, while on a pass to the town of Columbus, Kansas, were arrested for disorderly behavior and thrown in jail. Their comrades came from camp and broke them out, and shots were exchanged with the police during the escape. Merrill to Adjutant General, Department of the Missouri, November 21, 1870, Fort Scott, Letters Sent and Received.

27. General Orders No. 21, Post of South Eastern Kansas, December 19, 1870, Fort Scott, Special and General Orders.

28. *Ibid.*