



Pictured here, Captain William Sloan Tough participated in notable events of early Kansas state history, such as being a Pony Express rider, military scout, state legislator, and U.S. Marshal.

Affair at Circleville:

The Strike on the Kansas Central Railway in the Aftermath of the Great Upheaval

by Charles F. Harris

Having survived the eleven-year-long border war, Kansas experienced an explosion of settlement and growth in the following decade. What had been referred to as the “Great American Desert” began to develop into a region of bountiful agriculture. Between 1860 and 1870, the population of Kansas jumped from 107,000 to almost 400,000. This rapid development was expedited by the expansion of the railway system. No longer limited to a patchwork of dirt roads or a few navigable waterways, the railroads provided the state with the opportunity for small farming communities to connect with the eastern markets in a way that had not been previously possible. However, the rapid growth of the railway system was dependent on aggressive financing by investors and uninterrupted labor to lay the tracks. In July 1877, the *Ellsworth Reporter* noted that the building of more railroads was a sign of returning prosperity.¹

In late July 1877, a wave of labor unrest swept across the United States. Commencing in Martinsburg, Pennsylvania, the strikes lasted for only a few weeks. Known as the “Great Upheaval,” the labor strikes temporarily paralyzed the country. According to the *Wichita Eagle*, the strike “swept over the country with the suddenness of an electrical flash, paralyzing the authorities and blocking trade and commerce.”² Kansas appeared to have avoided the worst of the national event until September 1877, when a strike of the Kansas Central Railway in Jackson County confirmed that the seeds of labor unrest had been sown in Kansas.

Charles F. Harris is a retired attorney in Wichita. He holds a BA in history from Wichita State University and a JD from Washburn University. He has written three books, *Alias Charley Hart*; *Blood on the Border*; and *Captain Tough, Chief of Scouts*, and is currently working on a book about the Kansas Red Legs.

1. U.S. Census Bureau, *Statistical Abstract of the United States*, Population Division, 2017; “The Gould Party,” *Leavenworth (KS) Times*, December 2, 1879; “Central Kansas,” *Ellsworth (KS) Reporter*, July 26, 1877.

2. “The Great Strike Ended,” *Wichita (KS) Eagle*, August 2, 1877; “Railroad Rioters,” *Wheeling (WV) Daily Intelligencer*, July 18, 1877.



Alexander Gardner took this photograph of workers laying track on the Union Pacific Railroad, Eastern Division, west of Hays, Kansas, dated 1867. When the Kansas Central Railway commenced construction in 1871, the track construction crew consisted of men of mostly Swedish and Irish heritage.

The foundations of the Great Upheaval could be found in the "Panic of 1873," a financial event that created an economic depression in the United States. Historian Alton Lee explained, "In the six years following the Panic of 1873, laborers saw their wages decline an unprecedented 20 percent, which was generally not accompanied by any kind of public empathy."³ Years later, the economy still had not recovered. The major railroads unilaterally began to cut the wages of workers. The *Emporia News* reported that the Atchison, Topeka and Santa Fe had reduced workers' wages for various positions by 5 percent to 25 percent. At the same time, the railroads increased the number of hours that workers were expected to work.⁴

Unlike modern labor strikes, the Great Upheaval was not centrally organized. Instead, the strike, which began as a spontaneous refusal to allow the Pennsylvania rail-

road to operate, jumped from community to community like a prairie fire driven by the wind. Trains were stopped, depots were vandalized, property and freight were destroyed, and workers were prevented from doing their jobs. While sympathetic to the workers' plight, Kansas newspapers generally reacted negatively to the strike. The wave of unrest lapped into Kansas, where a number of railroads were subjected to the strike.⁵

However, as quickly as it had begun, the Great Upheaval ended. The three-week-long event proved to be the deadliest labor action in American history. Although the exact extent of the casualties is unknown, at least 117 people were killed, and hundreds were wounded. In addition to the extensive casualties, the national strike tied up 79,000

3. R. Alton Lee, *Farmers vs. Wage Earners: Organized Labor in Kansas 1860-1960*, (Lincoln: University of Nebraska Press, 2005), 22.

4. "The A.T. & S.F. Railroad Joins the Movement," *Emporia (KS) News*, July 27, 1877.

5. "Railroad Rioters"; "The Great Strike," *Chicago Tribune*, July 25, 1877; "Kansas City Controlled by Strikers," *Evening Star* (Washington, DC), July 25, 1877; untitled, *Atchison (KS) Champion*, July 28, 1877; "The Great Strike," *Wyandotte (KS) Herald*, August 2, 1877; "The Outlook," *Ellsworth (KS) Reporter*, July 26, 1877; untitled, *Saline County (Salina, KS) Journal*, July 26, 1877.

miles of railroad track and forced several cities to become armed military camps. At its peak, the strike brought the nation's transportation network to a complete standstill, affecting every industry in the country.⁶

Because of a lack of common goals and the aggressive response of the railroad companies, the nationwide strike ultimately faded away. The *Wichita Eagle* observed, "The strikers are the principal losers; next the property holders of cities, and lastly the railroads."⁷ Even after the national strike had ended, hostility concerning wages and working conditions continued to fester between workers and owners.

In September 1877, the Kansas Central Railway was being built from Leavenworth to Denver, Colorado. A strike by the track graders occurred over the issue of back pay. The president of the Kansas Central requested assistance from the sheriff of Jackson County, who in turn engaged Captain William S. Tough and a group of men to travel to Circleville to deal with the strike. The events that followed reflected the conflict between labor and owners amidst the pressures to build railroads to connect the early communities of Kansas and open the way for future development of the state.

The Kansas Central Railway Company, which was chartered in Kansas on May 31, 1871, proposed to build a narrow-gauge railroad from Leavenworth to Denver. The narrow-gauge track with a width of three feet claimed a number of advantages over the standard-gauge track of four feet eight inches. The cost of the narrow-gauge track was \$15,000 per mile versus \$30,000 per mile for standard gauge. The construction was cheaper for several reasons: the rails were lighter and cost less; the narrower width required narrower road cuts, thus reducing cost; the railroad ties supporting the tracks were shorter and therefore cost substantially less; and the narrow-gauge trains could make tighter turns, thereby requiring less land.⁸

In an article discussing the historical significance of the railroad to the community, the *Leavenworth Times* later noted that the Kansas Central was extremely important to Leavenworth. In the mid-1800s, the city had been the most prominent trade center in eastern Kansas. However,

during the 1860s, it began to decline. Two events hastened that decline: the Union Pacific Railroad chose Kansas City as its terminus, and a railway bridge across the Missouri River was completed at Kansas City. In response, leading citizens of Leavenworth decided that the best way to respond was to establish a cross-state railroad from Leavenworth to Denver.⁹

As noted by historian I. E. Quastler, strategies for achieving urban superiority were based on a community becoming a regional railway center. Because of severe limitations on river transportation in Kansas, community leaders had to develop elaborate railroad plans in order to reach growing agricultural resources. Local newspapers were used to promote these plans.¹⁰

To fund the Kansas Central, the eight directors planned to invest between \$50,000 and \$100,000 each.¹¹ President Leonard (Len) T. Smith also sought \$250,000 in bonds from the city of Leavenworth, and the city held a special bond vote in August 1871. The citizens were anxious to obtain rail service, and the bond issue passed with almost 90 percent approval. A new locomotive christened the *Leavenworth* that could pull twelve passenger cars holding four hundred people at a speed of forty miles per hour was ordered from the Baldwin Locomotive Works in Philadelphia, Pennsylvania. The Kansas Central commenced construction on October 1, 1871, with a track construction crew of six hundred to seven hundred men of mostly Swedish and Irish heritage. The first passenger train left Leavenworth on June 28, 1872. The departure of the engine pulling a baggage car and two passenger cars was witnessed by a large number of citizens. By August 11, 1872, the track had been extended fifty miles to Holton in Jackson County. The impact of the Kansas Central on the communities that it had reached was quickly felt. The railway reported that by the end of 1874, it had carried over four million pounds of freight.¹²

Unfortunately, the Panic of 1873 caused a national economic depression. The panic dried up sources of additional funding for the railway, and construction stopped

6. Michael A. Bellesiles, *1877, America's Year of Living Violently* (New York: New Press, 2010), 145.

7. "The Great Strike Ended."

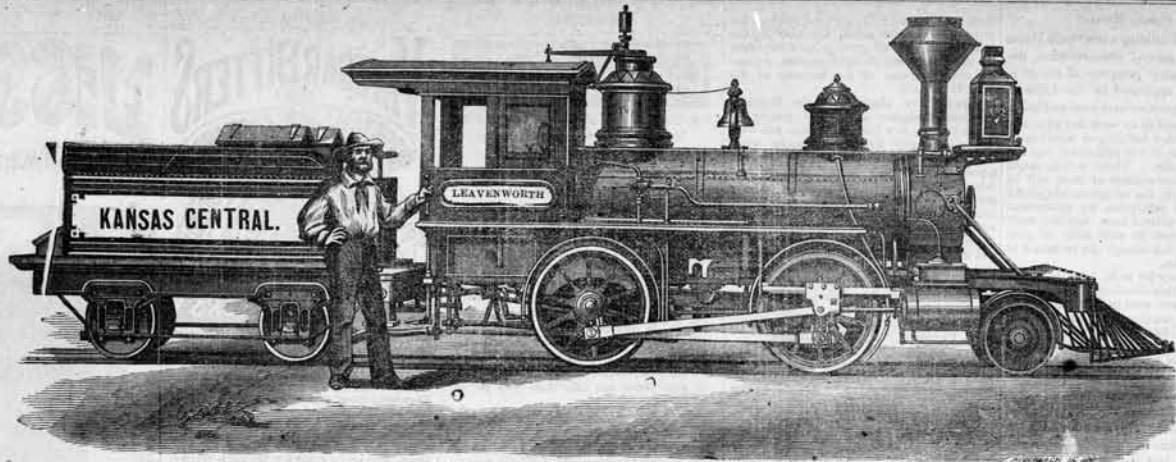
8. Charter of the Kansas Central Railway Company, Kansas Secretary of State, File B-3: 336; untitled, *Leavenworth Weekly Times*, August 10, 1871; "The Kansas Central Extension," *Holton (KS) Recorder*, July 5, 1877; Harold Crimmins, "History of the Kansas Central Railway, 1871-1935," *Emporia State University Research Studies* 2 (June 1954): 4.

9. "L.K. & W. Is Existing Proof of Triumph over Many Obstacles," *Leavenworth Times*, October 19, 1910.

10. I. E. Quastler, *Railroads of Lawrence, Kansas, 1854-1900* (Lawrence, KS: Coronado Press, 1979), 17.

11. Jessica Wheeler, "Slender Rails, Big Risk" (Chapman Center for Rural Studies, Kansas State University, 2013), 3

12. "Notice," *Leavenworth Weekly Times*, August 10, 1871; Crimmins, *History of the Kansas Central Railway*, 11, 17, 12; Wheeler, "Slender Rails, Big Risk," 5; "The Narrow-Gauge," *Holton Express*, August 23, 1872; untitled, *Salina County (KS) Journal*, July 11, 1872; Crimmins, *History of the Kansas Central Railway*, 6.



**Kansas Central Railway--Narrow Gauge. 3 Feet.
THE KANSAS CENTRAL ENGINE, "LEAVENWORTH."**

We have the pleasure this morning of presenting to our readers a cut of the first Narrow Gauge Engine for the Kansas Central Railway. The electrotype was sent to us by M. Baird & Co., Proprietors of the Baldwin Locomotive Works, at Philadelphia. M. Baird, Esq., is a Director of this road.

The first Engine for the Leavenworth & Denver road is very appropriately named "Leavenworth." This Engine has the capacity of hauling a train of twelve passenger cars, with four hundred passengers, forty miles an hour. The Engine, with construction cars, will arrive here about the time the iron is ready. The Company intend to carry out their pledge and have the cars running to the west line of the county by January 1st next, to Holton by the 1st of April next. The good effects of the inauguration of the K. C. R., narrow gauge, is already felt in Leavenworth. Our merchants had full faith; they have bought fifty per cent. larger than usual, and our wholesale men, particularly, claim that they never sold the same amount of goods in any one season before. Real Estate has advanced, within the last sixty days, at least ten per cent. Indeed, all branches of business are brightening up, and the outlook for Leavenworth was never so good as at this moment. Leavenworth is, as we predicted she would be, the Proudest City in the Missouri Valley.

This ad in the Leavenworth Weekly Times, on September 14, 1871, illustrates the Kansas Central Railway's first narrow gauge engine, the Leavenworth. It was touted as having the capacity to haul a dozen passenger cars, four hundred passengers, at a speed of forty miles per hour.

at Holton. No further work was done until June 1877, when westward construction on the track was recommenced. Because the Kansas Central was just getting back under way, the great strike in July 1877 did not affect it. The owners' plan was to immediately build the track twenty-five miles from Holton into Pottawatomie County.¹³ The progress of the track was noted with excitement by the newspapers in Jackson County. The *Holton Argus* observed, "This certainly is the most important railroad move now on foot in the State. The people west of us will hail its advent with much greeting . . . we feel confident that the people all along its western route will gladly receive it and lend the hearty support that all such laudable enterprises deserve."¹⁴

When the work on the railroad recommenced, communities in the vicinity began to press for the track to pass through their town or for a branch connect their town to

the main line. The citizens expressed their understanding of the importance of a connection to the outer world.¹⁵

By September 1877, the track had reached a point several miles west of Circleville. The small farming community fifty-seven miles west of Holton had been established in 1863 and consisted of a hotel, a bank, one church, and two general stores. A dispute about pay arose between the crew responsible for grading the track and the firm of Shire and McCrystal, the grading contractors. The workers claimed that the contractors owed them two months of wages and declared a strike.¹⁶ When the graders not only quit working but also forcibly prevented other crews, including the track layers, from performing their work, the *Leavenworth Daily Times* observed,

Workmen who are dissatisfied, have a perfect right to quit work themselves, but they have no right to prevent other men working. When they do so,

13. Crimmins, *History of the Kansas Central Railway*, 19; "Extension of the Kansas Central Railroad," *Holton Argus*, June 6, 1877.

14. Untitled, *Leavenworth Weekly Times*, September 27, 1877; "Extension of the Kansas Central Railroad".

15. "The Kansas Central Extension."

16. "Extension of the Kansas Central Railroad"; William G. Cutler, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), 1343; "No Pay—No Work," *Leavenworth Daily Times*, September 29, 1877.

they undertake, by mob violence, to over-ride all law, and the civil authority—with the military too, if necessary—should be promptly used to suppress such demonstrations of lawlessness. The laborer who strikes must respect the rights of the laborer who works, and if he will not do it voluntarily the law must compel him to do it.¹⁷

At the time of the strike, labor relations in the Kansas railroad industry were headed for a collision. While relatively lucrative, jobs in the industry presented special perils for workers in terms of a high probability of injury or death. At the same time, wages were declining significantly.¹⁸

The strike at Circleville began on Wednesday, September 26, 1877. The next day, the apparent leader of the strike, William B. Hartman, was at the end of the track, encouraging the striking graders to prevent the track-laying crews from proceeding with their work.¹⁹ The graders were responsible for leveling and cutting the track bed before the track-laying crew could lay the ties and the rails. Hartman was heard to threaten the track layers and encourage violence if they continued. The *Atchison Champion* reported that the track layers were afraid of Hartman and his supporters because the striking workers had threatened to shoot them if they picked up a shovel or attempted to lay a tie. On September 28, in an attempt to resolve the strike, the contractors paid one month's wages to the graders who had their time cards. However, for an unknown reason, the contractors refused to pay the remaining month's wages. The graders feared that the contractors did not intend to pay the balance, so they continued to demonstrate and would not permit the track-laying work to continue. Railway president Smith offered to pay the workers if they could get their time records from the contractors. The contractors refused to cooperate, and the strike continued. A. H. Williams, the sheriff of Jackson County, then went to the strike site to try to resolve the situation. He was met with hostility from the strikers and returned to Holton.²⁰

The historian Joseph Tripp found that during the period of the Kansas strikes, local communities responded in diverse ways. Some communities viewed the strikers



Leonard (Len) T. Smith, president of the Kansas Central Railway, sought out Captain Tough in Leavenworth to convince him to form a posse and break up the strike at Circleville.

as anarchists and communists, whereas others approved of the strikes as a legitimate response by oppressed workers. Some objected to the accompanying violence but saw the strikes as an opportunity to correct the imbalance of power between workers and management.²¹

As was repeatedly the case during the Great Upheaval, when confronted with a strike and the inability of the local authorities to deal with the situation, the owners quickly turned to private police to assist in regaining control. Because of their significant investment in the Kansas Central, the investors and the Leavenworth community could not afford a delay in the construction work. After

17. "The Strike of the Kansas Central," *Leavenworth Daily Times*, September 30, 1877.

18. Lee, *Farmers vs. Wage Earners*, 22.

19. "The Kansas Central Strike," *Holton Argus*, October 3, 1877.

20. "The Narrow Gauge Strike," *Atchison Daily Champion*, October 2, 1877; "No Pay—No Work"; "The Narrow Gauge Strike."

21. Joseph F. Tripp, "Kansas Communities and the Birth of the Labor Problem, 1877–1883," *Kansas History: A Journal of the Central Plains* 4 (Summer 1981): 115.

meeting with Sheriff Williams in Holton, Smith took a train to Leavenworth, where he met with Captain Tough. In the meeting, Smith requested that Tough form a posse to deal with the strike.²²

William Sloan Tough seems an odd choice for the task of breaking up a strike. He was born and raised in Baltimore, Maryland, the son of the owner of a lamp store. In 1860, at the age of twenty, he traveled to St. Joseph, Missouri, to seek his fortune. Shortly thereafter, he went on to Colorado to try his luck in the Colorado gold rush near Pikes Peak. After several months, he returned empty-handed and opened a horse stable in St. Joseph. That same year, he obtained the opportunity to ride for the Pony Express. Following his service in the Pony Express, Tough moved to Leavenworth, where he hauled freight for the McDonald's freight firm in eastern Kansas and western Missouri. During the early 1860s, he also established a successful horse-selling operation in Leavenworth.²³

In 1862, Tough became a member of the Kansas Red Legs, a group of thirty to fifty men who served as Union scouts and detectives in northeast Kansas. The force quickly developed a reputation for indiscriminate violence and horse stealing, primarily among citizens in Jackson County, Missouri. During this time, after being promoted to an officer in the Red Legs, Tough became known throughout the area as Captain Tough, an honorific title that he would carry for the rest of his life.²⁴

By the summer of 1863, the depredations of the Red Legs along the Kansas-Missouri border had become so bad that Generals William Blunt and Thomas Ewing, who then shared Union command of the state of Kansas, were forced to disband the group. Tough was subsequently appointed Blunt's chief of scouts. During this period, he repeatedly demonstrated his nerve by capturing Confederate guerrilla leaders and engaging in several gunfights that resulted in the death of his opponents.²⁵ In

October 1863, he was present with Blunt at the Battle of Baxter Springs in southeastern Kansas and continued his duties as a scout until the end of the war.

When the Civil War ended, Tough returned to Leavenworth and appeared to settle down. He married, fathered two children, and reopened and expanded his livestock operation. Tough quickly became a leading citizen in the Leavenworth area, serving in the Kansas Legislature from 1871 to 1873 and as U.S. marshal for Kansas from March 1873 to March 1876. After he resigned as U.S. marshal, he returned to the operation of his horse and mule business. Wherever he went, he continued to be known simply as Captain Tough.²⁶ At this point, he might have been expected to pursue a quiet life as a private citizen. However, that was not to be the case.

At the meeting with Smith, Tough was asked to lead a posse to Circleville to break up the strike. It is unclear why a highly successful family man who had already served his community in a variety of capacities would undertake this dangerous and potentially violent task, but Tough may have hoped to again experience the excitement that he had enjoyed during the Civil War.

The strike leader, William B. Hartman, was born in 1835 and moved to Carbondale, Kansas, fifty miles south of Holton, in 1873. In September 1875, he purchased land on the outskirts of Carbondale. According to a Carbondale acquaintance, Hartman had a good reputation in that community. He was married and had one child. At the time of the strike, he was employed as a subcontractor on the Kansas Central track.²⁷

Tough's posse consisted of eleven men from the Leavenworth community. One of the members, Fred Willard, was also acting as a special reporter for the *Leavenworth Times*. It is unclear why Tough selected these men for this dangerous task, but on the evening of September 28, he gathered his group and took the train

22. "The Trouble on the Kansas Central," *Crisis* (Chillicothe, MO), October 11, 1877.

23. Robert McE. Schauffler, *Incidents in the Life of Captain William Sloan Tough*, Collections of the Kansas Historical Society (Topeka, KS; 1948), genealogical chart; for a complete biography of Tough, see Charles F. Harris, *Captain Tough, Chief of Scouts* (Wyandotte, OK: Gregarth Publishing Company, 2015).

24. William Elsey Connelly, *Quantrill and the Border Wars* (Cedar Rapids, IA: Torch Publishing Company, 1910), 414; William F. Cody, *The Life of Hon. William F. Cody, Known as Buffalo Bill, the Famous Hunter, Scout, and Guide* (Hartford, CN: Frank E. Bliss, 1879; Lincoln: University of Nebraska Press, 2011), 134.

25. "General Ewing's Speech at Olathe," *Smoky Hill and Republican Union* (Junction City, KS), July 11, 1863; "Captured a Guerrilla,"

Independence (KS) Daily Reporter, March 8, 1894; "Fatal Occurrence at Fort Scott," *Leavenworth Times*, August 4, 1863.

26. *Leavenworth City Directory 1868-1869* (Leavenworth, KS), 261; D.W. Wilder, *Annals of Kansas* (Topeka, KS: Kansas Publishing House, 1886), 607; "Kansas Horses," *Wichita Eagle*, October 9, 1873; "Big Horse Ranch," *Leavenworth Times*, June 16, 1901; "About Captain Tough," *Lawrence (KS) Daily World*, May 30, 1904.

27. Headstone, William B. Hartman, Carbondale, KS, cemetery; Warranty Deed, September 4, 1875, Register of Deeds, Osage County, KS; "Circleville," *Holton Recorder*, October 11, 1877; Estate of William B. Hartman, District Court, Osage County, KS; "The Narrow Gauge Strike."

to Holton. By the time the Leavenworth posse arrived in Holton, Sheriff Williams had assembled some additional men. These recruits and the Leavenworth men were sworn in as special deputies and issued rifles from the Holton Militia Company; Tough was elected as the head of the combined posse. From Holton, Sheriff Williams and the combined posse took a train to Circleville and then out toward the end of the track.²⁸

At approximately 2:00 a.m. on September 29, George W. Drake went to the end of the track to try to persuade Hartman to return to Holton to avoid the posse. Drake was a friend of Hartman and was aware that Smith was in the process of gathering a posse to deal with the strikers. When he reached the end of the track, Drake contacted Rev. S. H. Cozad, who was camping with the strikers. The two men located Hartman and spent the next several hours attempting to persuade him to return to Holton with them. Finally, Hartman agreed to leave. Taking along his horse, they departed in Drake's wagon, but after several miles, Hartman decided to return to the strikers. Despite Drake's strong admonitions, Hartman refused to rejoin him and rode back to the end of the track.²⁹

By 8:00 a.m. on September 29, when the train carrying the posse reached the end of the track, a group of several hundred workers had gathered. The strikers were yelling and protesting. When the train carrying the posse arrived, Hartman was speaking to the group on horseback.³⁰ From the train platform, Tough called to Hartman to come to the train so that they could talk. The strike leader refused to dismount and yelled, "You g—d d—d s—n of b—h, you come this way another step and I will shoot your heart out." Tough then asked Sheriff Williams if he wanted Hartman arrested. Although Williams apparently did not have an arrest warrant, he instructed Tough to take Hartman into custody.³¹ Tough had the posse spread out across the track in a line, and it moved down the track, forcibly removing the strikers along the way. Tough again called out to Hartman in a second attempt to get him to come over to the train. Instead, Hartman took out his pistol and fired a shot in the direction of the posse. In response, the posse fired a salvo over the heads of Hartman and the strikers. The gunfire only served to arouse the strikers. Hartman fired a second round in the

direction of the posse and spurred his horse to ride away. At this point, Tough and Willard had moved forward and appeared to be the specific targets of Hartman's shots. In response, the posse fired at the fleeing rider.³²

There are conflicting reports about what caused the posse to fire. According to the *Holton Argus*, "The Sheriff was standing beside Capt. Tough at the time of the firing, and he now says, positively, that neither himself nor Tough gave the order to fire. The word 'Fire!' was spoken by some one in the crowd, and the men under the Sheriff opened fire." Some of the bullets appeared to strike Hartman but failed to knock him off his horse.³³ The *Atchison Daily Champion* reported that Tough and Willard both fired at Hartman, but the impact of those shots surprised the posse, "as the order was given to fire low, to kill the horse." Hartman's horse was struck in the leg, and its tail was cut off by the bullets. Although apparently wounded, Hartman managed to ride away in the direction of a group of men farther down the track.³⁴

After Hartman had ridden about a mile, he dropped his revolver and fell from his horse. From his position near the train, Tough could not observe exactly what had happened to Hartman, and he began to walk along the track toward the spot where Hartman lay on the ground. A portion of the striking workers began to crowd around Captain Tough, and some expressed a desire to lynch him on the spot. The reporter for the *Leavenworth Weekly Times* reported that when someone among the strikers threatened to hang him, Tough drew his pistol and replied, "The next man that repeats those words, I will make him eat them!" When there were no volunteers, Tough was able to walk away unharmed.³⁵

After this exchange, the rest of the posse joined Tough. They found that Hartman had indeed been shot and was in very serious condition. At the time of the shooting, Hartman had in his possession time cards from other workers and almost \$1,200 in cash. One report suggested that he was buying time cards from the desperate workers for a few cents on the dollar with a plan to turn them in and make a profit. Another report suggested that he had been involved in this practice on other occasions. Hartman was taken back to the train and transported to Holton for medical treatment.³⁶ The posse and a number of the strikers

28. "Bloody Riot," *Leavenworth Weekly Times*, October 4, 1877; "The Strike," *Holton Recorder*, October 4, 1877; "Trouble on the Kansas Central Resulting in a Tragedy," *Crisis*, October 11, 1877.

29. "The Strike."

30. "Bloody Riot"; "The Kansas Central Strike."

31. "Bloody Riot."

32. "The Kansas Central Strike"; "Strike," *Crisis*, October 11, 1877.

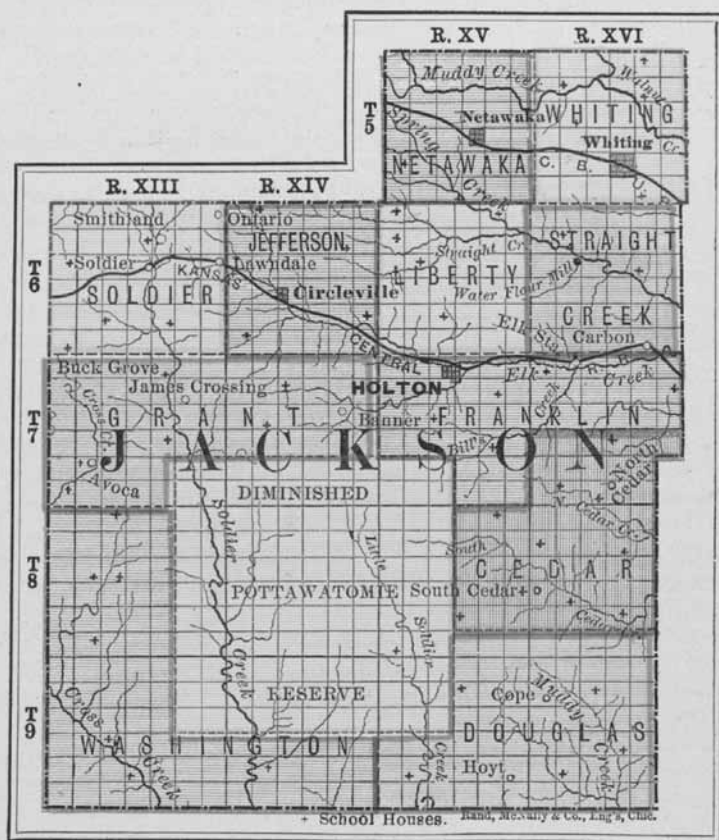
33. "The Kansas Central Strike."

34. "The Narrow Gauge Strike"; "Bloody Riot."

35. "Strike," *Crisis*, October 11, 1877; "Bloody Riot."

36. "The Strike"; "Bloody Riot"; "The Narrow Gauge Strike".

MAP OF JACKSON COUNTY, KANSAS, 1878.



This 1878 Jackson County, Kansas, map from the Kansas State Board of Agriculture's First Biennial Report shows Circleville, Holton, and the Kansas Central line traversing the county.

rode back on the same train. When it reached the town, W. W. Embry, a member of the posse, was left with Hartman. According to the *Atchison Champion*, in his delirium, Hartman pointed out Embry as the person who had shot him. As the strikers turned their attention to Embry, one spoke up and declared that Embry was not the shooter. Embry was released and allowed to return to the posse.³⁷

In Holton, Hartman was taken to Drake's home, where he was treated by three physicians.³⁸ Tough, Smith, and the posse boarded the train to return to Circleville, where they remained until midafternoon. Upon his arrival at Circleville, Smith announced to the strikers that he was

37. "The Narrow Gauge Strike." Embry had been involved in gunplay on one occasion prior to the strike and was subsequently killed in a bar fight. "The Anthony-Embry Quarrel," *Leavenworth Daily Journal*, May 12, 1875; "Fatal Result," *Leavenworth Times*, January 3, 1880.

38. "Bloody Riot."

ready to pay any workers who had their time card. This offer, together with the removal of the threat of Hartman, had a calming effect on the workers, and the group began to disperse. The striking graders permitted the track-laying crew to return to their work, and the progress of the railroad recommenced.³⁹

Upon the arrival of the train at Circleville, Sheriff Williams, who had by that time received a warrant from Justice of the Peace H. J. Ransom, arrested Tough and took him into custody.⁴⁰ The train, with Tough and the posse on board, returned to Holton. Word of the shooting had spread through the town, and a crowd of strikers and irate citizens gathered near the train station to demand that Tough be surrendered for hanging. Sheriff Williams decided that it would be better not to try to enter the Holton station and directed that the train be backed toward Circleville. After it had proceeded about two miles, Tough and the posse disembarked, walked to Holton on a route that avoided the protesters, and occupied a hotel in the town. Upon learning that the posse was in the hotel, the citizens approached with the apparent intention of seizing Tough. The posse held its position, and when the citizens realized that the posse was armed and determined to defend Tough, they dispersed.⁴¹

At approximately 6:00 p.m. on September 29, Hartman died from his injuries. His last words to Drake were "George, if I had taken your advice and came home with you, I would have been alive and well." Hartman's wife, Mary, arrived in Holton by train at 10:00 p.m., and when she was informed of her husband's death, she began to scream and wail. Her cries increased the anger of the protesters in Holton. Hartman was later buried in the Carbondale cemetery.⁴²

On the morning of September 29, Sheriff Williams, who anticipated more trouble, took Tough from the hotel to

39. "The Strike"; "The Narrow Gauge Strike."

40. Warrant, *State v. Tough*, District Court, Jackson County, KS.

41. "The Kansas Central Strike"; "The Narrow Gauge Riot," *Atchison Daily Champion*, October 3, 1877,

42. "Geo. W. Drake," *Holton Recorder*, October 4, 1877; "The Strike."

the Jackson County Courthouse, where he was formally charged with murder. As an indication of Tough's notoriety, the complaint referred to the defendant simply as Captain Tough rather than using his legal name. Tough remained in Holton overnight until he was arraigned before the justice of the peace. His bond was set at \$10,000, and a preliminary hearing was scheduled for October 31, 1877.⁴³ A group of citizens from Leavenworth, led by Daniel R. Anthony, the publisher of the *Leavenworth Times* and brother of noted suffragist Susan B. Anthony, quickly stepped forward to sign as sureties on Tough's bond, and he was released on his own recognizance. Upon Tough's release, he and the posse took the train from Holton and returned to Leavenworth.

Anthony's presence was indicative of Tough's high standing in the Leavenworth community. Anthony was one of the more significant and colorful characters in the development of early Kansas. Born in Massachusetts, he joined the New England Emigrant Aid Society to help found Lawrence, the "Abolitionist Capital of Kansas," in 1854. During the war, he was an officer in the Seventh Kansas Cavalry, known as "Jennison's Jaywalkers." Following the war, he built a monopoly of Leavenworth newspapers, which he used as a powerful platform to promote the city.⁴⁴

The shooting of Hartman caused a swirl of competing claims about the incident, and the strike drew publicity across the nation.⁴⁵ The citizens of Holton were outraged by the shooting. One local newspaper, the *Holton Recorder*, printed several articles arguing that the men from Leavenworth were simply hired thugs sent to assassinate an innocent man. A competing newspaper, the *Holton Argus*, claimed that by the actions of the strikers, "the peace of the people of the county was disturbed, and that these men, however righteous their cause, were lawbreakers and violators, and that their riotous proceedings must be



Influential Leavenworth newspaperman Daniel Read Anthony, brother of noted suffragist Susan B., migrated to Kansas with the New England Emigrant Aid Society in 1854 and later served in the Seventh Kansas Cavalry. He helped finance Tough's bond, which allowed his release until the trial began on December 13, 1878.

suppressed." One of Anthony's papers, the *Leavenworth Times*, published several articles that characterized Hartman as a "desperate man" and Captain Tough as "the bravest of the brave, . . . who watched over them [the posse] like a father."⁴⁶ On October 1, 1877, some citizens of Jackson County held a mass meeting to discuss the topic and express their outrage at the shooting. The stated purpose of the meeting was "to take legal steps to bring to justice the murderer or murderers of Wm. B. Hartman, and denounce the false and slanderous charges made

43. Charge, *State v. Tough*, District Court, Jackson County, KS; Complaint, *State v. Tough*, District Court, Jackson County, KS; Complaint, *State v. Tough*, District Court, Jackson County, KS; "The Strike."

44. Untitled, *Boston Globe*, July 31, 1904; "Brief Biography of a Remarkable Man," *Wichita Daily Eagle*, November 12, 1904; Bond, *State v. Tough*, District Court, Jackson County, KS.

45. "Rioter Properly Served," *New York Times*, October 2, 1877; "Labor Troubles," *Rock Island (IL) Argus*, October 1, 1877; "Serious Trouble," *Memphis (TN) Daily Appeal*, October 2, 1877; "That Fatal Strike," *Chicago Tribune*, October 5, 1877.

46. "The Strike"; "Narrow Gauge," *Holton Recorder*, October 7, 1877; "The Kansas Central Strike"; "Improved Mail Facilities," *Leavenworth Weekly Times*, October 4, 1877.

against our citizens by the *Leavenworth Times*." These articles demonstrate the diverse opinions concerning the shooting. One reason for the differences in the reactions between the Holton and Leavenworth communities may have been that Holton had only a \$60,000 bond commitment in the Kansas Central, whereas Leavenworth had a \$250,000 commitment in addition to the directors' contributions.⁴⁷

On October 3, in recognition of the posse's service, President Smith presented each member with a \$10 bill and gave Captain Tough a box of Cuban cigars. In making the presentation, Smith stated, "I wish to tender our sincere thanks to Sheriff Williams of Jackson County and the other gentlemen who so willingly gave their assistance in preventing, what might have been, but for their prompt interference, a terrible riot." Upon his return to Leavenworth, Tough quickly resumed his normal life. On October 9, he judged a horse race, and the next day one of his horses won first prize at the Leavenworth County Fair.⁴⁸

On October 31, Tough and his defense team, accompanied by a large group of citizens from Leavenworth, returned to Holton for the preliminary hearing. The *Holton Recorder* observed that Captain Tough had "walked around over the city and mixed with the crowd with perfect impunity and safety." A number of witnesses were subpoenaed to testify at the preliminary hearing. However, Tough waived the hearing and was bound over for trial.⁴⁹

In March 1878, the formal information was filed by Jackson County Attorney Case Broderick, alleging that Tough had with premeditation murdered Hartman and specifically claiming that Tough had fired the shot that killed Hartman. Tough's attorneys filed a motion to change the venue of the trial from Jackson County because "a fair and impartial trial of said cause cannot be had in said County of Jackson."⁵⁰ The motion to change venue was supported by an affidavit filed by John C. Lillie, the editor of the *Holton Argus*. In the affidavit, Lillie stated that he was present when Hartman was shot. He further stated

that after he wrote an article setting forth the facts of the shooting, the public in Jackson County was so enraged by his version of the events supporting Tough that he lost patronage to the point that the *Argus* went out of business. He concluded that he did not believe Captain Tough could receive a fair trial in Jackson County. The motion to change venue was granted, and the case was transferred to the Shawnee County District Court in Topeka for trial.⁵¹

The much-anticipated trial of Captain Tough began on December 13, 1878, and lasted four days. The evidence presented at the trial was contradictory regarding whether Tough had fired at Hartman and whether he had been justified in having the posse fire at Hartman. The jury, after deliberating for only eighteen minutes, returned a verdict of "not guilty." The *Leavenworth Times* ran an article about the acquittal of Captain Tough with the headline "Not a Stain Rests on Him." The *Holton Recorder* took a different view: "Such bold murderers as Captain Tough, may by monied influence, be acquitted in courts of Kansas, but there is a court in which they will be impartially tried and justice meted out to them. 'Vengeance is mine saith the Lord.'"⁵²

As a free man, Tough returned to his private life in Leavenworth. He expanded his horse operation until he became the owner of the largest horse ranch in the world, consisting of approximately nineteen thousand square acres of land in Gove County, Kansas. He ended his career as the operator of the horse and mule division of the Kansas City Stockyards, handling more than fifty thousand head of horses and mules per year, and died in 1904.⁵³ He lived up to his reputation: "Tough in name and tough in deed!"

Following the shooting of Hartman, work on the Kansas Central recommenced, and by October 5, 1877, the track had been extended to the eastern boundary of Pottawatomie County, six miles west of Circleville. The *Leavenworth Times* lauded the positive effect of the renewal of work on the Kansas Central, observing that every mile that the track was extended into the interior of the state improved the interests of the property

47. "Soldier," *Holton Recorder*, October 25, 1877; "Jackson," *Leavenworth Weekly Times*, April 3, 1879.

48. "Presentation," *Leavenworth Weekly Times*, October 4, 1877; "The Races," *Leavenworth Daily Times*, October 10, 1877; "The Last But One," *Leavenworth Daily Times*, October 13, 1877.

49. "Off to the Front," *Leavenworth Weekly Times*, October 1, 1877; "Capt. Tough," *Holton Recorder*, November 1, 1877.

50. Information, *State v. Tough*, District Court, Jackson County, KS; Motion to Change Venue, *State v. Tough*, District Court, Jackson County, KS.

51. Affidavit of John C. Lillie, *State v. Tough*, District Court, Jackson County, KS.

52. Untitled, *Holton Recorder-Tribune*, December 26, 1878; untitled, *Holton Recorder*, December 12, 1878; untitled, *Holton Recorder*, December 19, 1878; "Not a Stain Rests on Him," *Leavenworth Weekly Times*, December 26, 1878.

53. "Kansas News," *Topeka State Journal*, June 15, 1901; "Big Ranch for Horses," *Jamestown (ND) Weekly Alert*, July 11, 1901; *Horse Show Monthly* (Kansas City, MO), May 1896; "Death of Captain Tough," (Lincoln) *Nebraska State Journal*, May 28, 1904.

owners in Leavenworth.⁵⁴ The track reached the town of Onaga, twenty-eight miles west of Holton, in early 1878. Unfortunately, by that time the Kansas Central had run out of funds. On February 5, 1879, a foreclosure action was initiated in Leavenworth County by two bond holders seeking the sale of the assets of the railway. The foreclosure sale occurred in April 14, 1879, with a high bid of \$250,000 from none other than Len Smith, the president of the Kansas Central. Using the assets purchased at the foreclosure sale, he formed a new company called the Kansas Central Railroad. He was joined in the acquisition by Commodore C. K. Garrison, the owner of the Missouri Pacific Railroad. Garrison agreed to furnish the money to purchase the Kansas Central bonds for \$6,000 per mile so that the railroad could be extended to Miltonvale in Cloud County, one hundred miles west of Holton. Subsequently, the millionaire entrepreneur Jay Gould purchased the Missouri Pacific and agreed to assume the obligations of the Kansas Central. However, he then reneged on the commitment, forcing the shareholders to sell at a nominal price. He then sold the railway to the Union Pacific Railroad. The Kansas Central was later renamed the Leavenworth, Kansas & Western Railroad

and was absorbed into the Union Pacific system after being converted to standard gauge.⁵⁵

Author Jessica Wheeler observed,

The Kansas Central Railroad never reached the Colorado border, and it was never part of a continental narrow gauge system. In this regard it failed. However, the Kansas Central did play an important role in the communities through which it traversed. In an era when towns were founded as quickly as they were abandoned, the Kansas Central lent stability to the towns it serviced by providing a connection to larger markets. Even after the dream of expansion was squelched, the line was in a prime location to become a branch of the UP, a branch that continued to connect these towns to cities until 1935.⁵⁶

The strike and the shooting that followed demonstrated that Kansas was not immune to the conflict between workers and owners that had led to the Great Upheaval during the period of its intense development. Thus ended the affair at Circleville. KH

54. "Completed," *Leavenworth Weekly Times*, October 11, 1877

55. Untitled, *Emporia News*, December 28, 1877; Leavenworth District Court, February 5, 1879, Docket 3, Case 7505; Crimmins, *History of the Kansas Central Railway*, 22, 26; "L.K. & W. Is Existing Proof of Triumph over Many Obstacles."

56. Wheeler, "Slender Rails, Big Risk," 11.