

Joseph Gardner

When the Kansas-Nebraska Bill was signed in 1854, it included the proviso of “squatter rights,” i.e., that the people of Kansas Territory would decide by vote whether Kansas would be a “free state” or a “slave state.” When Joseph Gardner learned of this situation through friends and his relatives, the Macys, he decided to cast his lot with the anti-slavery movement. In May of 1855 he came to Kansas and staked his claim on the southeast quarter of Section 30, Township 13, Range 19. In compliance with the Homestead Act, Joseph began to dig a cellar and lay a sandstone foundation for his new cabin in Kansas. After three months in Kansas, Joseph returned home to his family in Indiana. According to his granddaughter Mary, Joseph and his brother spent time in Louisville, Kentucky, where they worked building a dam across Bear Creek a few yards below a packing house and engaged in skimming grease off the surface of the water to sell to a soap manufacturer. When he returned home late that winter, Joseph was richer by some hundreds of dollars, all in twenty-dollar gold pieces.

In May of 1856, he returned to his claim in Kansas and spent the summer at Dr. Eliab G. Macy’s cabin, half-a-mile east of Bloomington. He worked hard at riving “shakes” and shaving shingles for use in covering his new cabin. The logs that Joseph bought for use in the construction of his cabin were hewn by Joseph Lovelace, George Lovelace, Silas Bond and Thomas Overfield assisted in the construction of the cabin.

In late 1856 Joseph had his cabin ready for his family and in February 1857, the family (then consisting of Joseph, 37, Sarah, 33, and children Mary W., 15, Theodore, 12, Eudoros, 8, Enos, almost 7 and Eva, almost 5) left Indiana for their new home in Kansas. Little did they know of the hardships to come, the inconvenience and discomfort of pioneer life, and the stark realities of survival on the Kansas prairie.

Traveling by covered wagon from Indiana to Cincinnati, Ohio, they loaded all of their household goods and worldly possessions on board the steamer *Silver Wheels*, and sailed first down the Ohio River, then up the Mississippi to St. Louis. There they transferred to the steamer *Omaha*, which carried them up the Missouri River to Leavenworth, Kansas. They reached Kansas Territory, after 24 days en route from Indiana, on March 5, 1857. The next morning, Joseph hired a three-seated covered spring wagon for \$20 and headed for Lawrence, Kansas. They crossed the Kansas River on the Baldwin Ferry, landing at the foot of New Hampshire Street, then drove through the town of Lawrence and stopped at the home of J. S. Morgan (northeast quarter of Section 1, now part of the KU campus), where they spent the night. Joseph must have had a good deal of information from friends and relatives in the Wakarusa Valley area to have been able to make such detailed plans for his journey to his claim north of Washington Creek. On March 7, Eli Huddleston hitched up his old oxen Buck and bright and moved the family to Augustus Wattles’s home on Rock Creek near Bloomington. The Huddlestons were to be one of Gardner’s nearest neighbors to the northeast, on the southwest quarter of Section 20.

The Gardner’s apparently waited for their household goods to catch up with them while staying with the Wattles family, before moving on to their home. They possessed one yoke of oxen, a rickety old wagon, and approximately \$135.00 cash on hand.

Finally, the Gardner's possessed a quarter section of unbroken prairie that would be theirs if they could only survive the following three years. Imagine Sarah's thoughts at the very first moment she saw their new land! It was a beautiful location, nestled on the south side of a ridge that would protect them somewhat from the severe winter blizzards and sub-zero cold. To the southwest and east, the view of the Washington Creek Valley was breath-taking in any season. To be sure, Sarah had a very personal reason for wanting to get settled in their new home; she gave birth to her second son, Orlando Boyd, on November 2, 1957. Dr. Eliab Macy was in attendance.

In the summer of 1859 Joseph was asked to be one of a select party of men involved in the dramatic rescue of Dr. John Doy from a Missouri jail. Many articles have been written about this incident that took place in territorial days in Kansas, stemming directly from the enactment of the Kansas-Nebraska Act of 1854 which had put the question of free- or slave-state up to the settlers themselves.

The following article appeared in the *Kansas City Times* on May 3, 1954:

A Sensational Jail Delivery in St. Joseph

Freed Dr. John Doy, An Abolitionist

Dr. Doy was with the first party sent out by the New England Emigrant Aid Society to Lawrence, Kansas. Lawrence quickly became the best-advertised anti-slavery town in the world, and a gathering place for slaves and freeborn Negroes. Many slaves were kidnapped and returned to their owners for \$100 or were sold to others for half the market price.

Because of this activity, the Underground Railroad was organized to hide and transport fugitive slaves north to freedom.

Dr. Doy was assigned to take thirteen Negroes as far as Holton. He used two wagons, one driven by his son, Charles, the other by a young farmer named Clough.

Their plans were discovered and they were captured by pro-slavery men and taken to Weston, Missouri. Young Clough was released. Dr. Doy and his son were charged with kidnapping slaves and kept in a cell of boiler iron, eight feet square, for four months, and then transferred to Platte City. They were put in a cell with other prisoners, among them a drunken Irishman, who when released carried a note to the Leavenworth Times. That was the first news the Doy's friends in Kansas had of them.

Kansans went into action. The new territorial Legislature appropriated \$1,000 and sent lawyers to defend Dr. Doy. These lawyers asked for a change of venue. To their surprise the request was granted. The prisoners were transferred to St. Joseph.

The trial at St. Joseph was a farce. Charles Doy was released, but his father was held for \$5,000 bond which none of his Kansas friends dared go to Missouri to furnish. In June he was tried again, and sentenced to five years in the penitentiary in Jefferson City.

To his friends in Lawrence that meant he must be rescued before being committed. A rescue party was organized, led by Maj. James Abbott. In absolute secrecy, he picked nine men on whom he could rely [including Joseph Gardner]. On July 20, 1859, he [Gardner] and Silas Soule, one of the nine, mounted their horses and rode quietly out of Lawrence. The others were to follow in two "Pike's Peak" wagons and meet them at Elwood, just across the Missouri River from St. Joseph. They were to pose as disappointed gold seekers, back from the West, trying to sell their teams and wagons.

The meeting at Elwood was affected early on a Friday morning. To their keen [d]isappointment W. D. Wilder, for whom Major Abbott had a letter, was out of town. They knew no one else in Elwood in whom they could confide, so they crossed to the Missouri side and Major Abbott took S. J. Willis and made a call on Dr. Grant, publisher of a free-state newspaper. After the necessary sparring to learn how Dr. Grant stood, Major Abbott disclosed his purpose. Dr. Grant immediately offered his help.

The rest of Friday they milled around St. Joseph, the sale of the wagons giving an excuse for them to apparently dicker together. The original plan had been to take one of their number to the jail around midnight and represent him as a captured horse thief, thus gaining entrance. Dr. Grant upset that plan, saying that he understood that prisoners captured after dark were taken to the city calaboose instead of the jail. So they sent Silas Soule to the jail on Saturday morning, carrying a suitcase. He was to say he was passing through and Mrs. Doy had begged him to deliver a message to her husband.

The jailer obligingly led Soule to the cell where Dr. Doy was confined with other prisoners. Soule stretched out the message as long as possible, to give him time to size up the situation. Finally, he managed to slip Dr. Doy some twine and a [piece of] paper which read:

“Tonight, at midnight.”

But the report he carried back was very discouraging. The Kansans were mulling over the gloomy prospect when Dr. Grant appeared with good news. He told them he had learned that prisoners taken outside the city after dark would be admitted to the jail. He also, advised them to change the hour from midnight to 11 o'clock – city lights would go out then and they could mingle with the crowds from the theaters and more easily escape detection.

They went back to the original plan. Thomas Simmons was chosen for the horse-thief. Hands bound, he was taken by his captors, S. J. Willis and Joseph Gardner, to the jail at 10:45.

At their loud knocking the jailer stuck his head out from an upstairs window. He came down, but was reluctant to accept the prisoner without a warrant. They finally convinced him that they had had no time to get a warrant. They had taken out after the prisoner at once when they discovered the theft, and had captured him six miles outside the city.

Simmons put on a good act, and the jailer took him to the common cell and ordered him to go in. There was a drawing of a skeleton on the far wall of his cell and Simmons put on another good act, refusing to enter. While this argument was going on Gardner asked, casually: “Is that nigger stealer, Daw, or Day, or something like that, here?”

Dr. Doy came forward at that, his few belongings tied with the twine that had been given him. Immediately the “horse thief” drew his hands free. The three men presented pistols, Willis told the jailer:

“We came to take Dr. Doy away. Let him out and open the front door for us. As soon as we are outside, lock the doors, put out all the lights, and keep quiet ‘til morning. We are leaving a strong guard and any violation of these instructions will be punished.”

Actually, the only guard was the jailer’s fears. He protested violently, but complied.

The others in the rescue party were outside. Grant had seen to it that two boats were waiting for them at the Missouri River. They crossed quickly and found their wagons, again thanks to Dr. Grant. Soon they were on the way to Lawrence, covering quite a distance before stopping for breakfast at a place John Stewart, one of the nine, had arranged for.

About 10 that morning (Sunday) they found that they were being followed by six or seven armed men, who kept a steady half-mile behind. When they stopped at noon to eat, this posse stopped also. Then one of the group started walking toward them. He tried, by his questions, to find out if Dr. Doy was with them, and what their strength was.

When they started up again they “persuaded” their visitor to ride along with them. Late in the afternoon, they set him down by the side of the road with instructions to advise his fellows not to follow. That was the last they saw of the posse.

That, however, did not wholly free them of uneasiness. About 10 o’clock that night they found their way to a farmhouse a bit off the road, near what was then Grasshopper Falls. They spent the night there quite comfortably. Fearing that the men who had followed them might get reinforcements at Lecompton, they sent a rider to Capt. Jesse Newell at Osawatomie, asking that he provide an escort from his rifle company. This he did.

Reaching Lawrence about 6 p.m., they found the streets lined with excited citizens. A St. Joseph paper had reached them an hour before carrying the news.

The jailer had argued, when forced to free Dr. Doy, that he would be charged with connivance. He was told that as soon as they got back to Lawrence they would send in their story, completely exonerating him. That was done.

Even the boats commandeered to take the party across after the rescue, were returned to their rightful owners.

The following is an anecdote about the Rescue, related by Theodore Gardner:

A rather laughable incident occurred five years after the rescue. I had for a comrade in the First Kansas Battery, in the Civil War, a little old Irishman by the name of Patrick Fay, who at the time of the rescue was working as a section hand on the Hannibal and St. Joe Railroad, and lived in the city. One day in the winter of 1864 while sitting around a campfire down in Tennessee, Fay (we always called him Paddy) began telling a hair-raising tale about the Doy rescue. He said, “Be jabbers, there was tin ghoussand min in the city, ye dasent put your head out side the durs for two whole days or begorra you’d have it blown off.” When I called his attention to the fact that there were but ten instead of ten thousand men engaged in that affair, he said, “Ah, gwan, ye murtherin spalpeen, your spoiled me story.”

Joseph’s activities during the Doy rescue made him a marked man along with the other nine men involved. A \$500.00 reward for their capture, dead or alive, was offered for each of the rescue party. Joseph was not intimidated by the threats of the pro-slavery people. Sometime between October and December of 1859, Joseph traveled to Harrisburg, Pennsylvania, to join a group of men planning to rescue John Brown. Brown refused to accept their help, so the men returned home.

As it was Joseph’s anti-slavery militancy that had sparked his migration to Kansas in the first place, it should come as no surprise that his cabin became a station for the purpose of moving runaway slaves from the South to northern states and on to Canada. These same convictions also gave rise to his openly hiring runaways and paying them wages. These activities infuriated his pro-slavery neighbors and attracted the attention of bounty hunters. Joseph’s grandchildren related that at the end of one particularly long day of fieldwork, as Joseph was returning home through the timber along Washington Creek, he spotted some strange men at the cabin talking to Sarah. He decided to wait until after dark, when the strangers were long gone, to return to the farmstead, where he stabled and fed his horses and then carefully approached the house. Sarah told him that the strange men had demanded to know his whereabouts, and she had assumed they were attempting to collect the \$500 reward for Joseph’s capture. She had ultimately convinced the men that her husband had been gone for some time and she did not know where he was. (Joseph’s activities in 1859-60 would lend credence to her story.) The pro-slavery men of the community were probably still smarting over the raid on their fort, Ft. Saunders, in August of 1856. Joseph was then living with Dr. Eliab Macy while working on his new cabin. All of his activities ultimately led to an attack on the Gardner family and the slaves that he was sheltering.

Accounts of the raid on the cabin of Joseph and Sarah Gardner were first printed in *The Republican of Lawrence, Kansas* on June 14, 1860. Another account "The Last Battle of the Border War: A Tragic Incident in the Early History of Douglas County," was related by Theodore Gardner on October 12, 1920, and appeared in the *Kansas Historical Collections*. The following is a first-person account of the raid by Theodore Gardner entitled "Pro-slavery Attack on Gardner Home," also published in the *Lawrence Journal World* (date unknown) in his own handwriting.

My father, Joseph Gardner, was a Quaker and a non-combatant until he read Uncle Tom's Cabin, then he renounced the Orthodox Church, joined the "Hicksites" and became a militant abolitionist.

He came to Kansas in 1855 and took a claim near Lone Star to which he moved his family on 1857. As soon as the log cabin was completed, he established a station on the "Underground Railroad."

In the spring of 1859 Napoleon Simpson, a runaway slave from Missouri, came along. He was fed and passed on to the next station and forgotten. In May of 1860 he came back with a view to liberating his wife. He was taken to her cabin in the night in a covered wagon driven by John E. Stuart (a Doy rescuer). One can hardly imagine his disappointment at finding her sick in bed. He returned to our house to wait a few days for her recovery.

Meantime another colored boy had arrived and the South having abandoned all hope of planting slavery in Kansas, my father hired the two men and set them at work on the farm, insisting that their being runaway slaves cut no figure in the case. He was a firm believer in the principle embodied in the celebrated axiom evolved at a later date by Abraham Lincoln: "It is wrong for a man to subsist upon the fruits of the unrequited toil of his fellow man." As an aftermath of the turbulent state of affairs existing on the border, a gang of marauders having headquarters at Westport and Lecompton made a business of kidnapping every colored man they could lay their hands upon, hold him in hiding until a reward was offered, otherwise run them south and sell them to a shady trader, no questions asked.

We had several pro-slavery neighbors who soon learned of our farm hands, and word was passed along to the "boys" that the Gardner's were harboring "niggers" and that "Gardner is a Quaker, he won't fight. Let's go get them." We got word of the move and "prepared."

We depended upon two trusty bulldogs to act as sentinels, and at one o'clock A.M., June 9, 1860, they sounded the alarm in such a vociferous manner that we knew the "zero hour" had arrived.

Snatching his revolver from the holster which hung on the bedpost, father hastened to the door arriving just as the ruffians seized the latch on the outside, he asked, "Who is there?" and a gruff voice answered, "Damn you, open the door." He opened the door. Standing upon the broad stone step were two men, revolvers in hand. In less than one second, he shot one of them, dropping him in his tracks.

Then the battle was on, shots were fired through every window and door. We had equipped Simpson with a Sharp [sic] rifle, and when he could no longer discover a fleeing enemy from his post at a window he opened the door and stepped out. He evidently saw a man as he fired his rifle, and while stooping to get an object between his eye and the horizon, a man hiding behind the well curb, ten feet away, shot him, fixing both barrels at once. The charge struck him in the left collarbone, and owing to his stooping posture, completely riddled his left side with buckshot. He turned and fell upon his pallet exclaiming, "Ah! I am shot." A few minutes later, as he was gasping for breath, father asked if he could do anything for him, he said, "Fight, fight hard!" These were the last words of as brave a man as ever died fighting for freedom and loved ones. He lived forty minutes.

These fiends, finding they could not dislodge us by "gun fire," essayed the torch. Procuring a bundle of straw from the stack yard they placed it against the house with a view to burning us alive.

Here comes the sequel. The real "old settlers" will remember that 1860 was the year of the great drought. There were no weather stations at that time, but I venture to say, without the fear of contradiction, that not an inch of rain

fell during the entire year. But upon this eventful night, a cloud about the size of the main building of the University passed over and a few raindrops fell. So when these devils undertook to light the straw, their matches had absorbed enough moisture to prevent their ignition. When the morning came, there was the evidence, the straw and the matches.

Was it Fate or Providence?

The Gardner's were fortunate that none of their family members were wounded. Sarah, Joseph, and two of their children were sleeping in a trundle bed on the first floor of the cabin. Napoleon was sleeping on a pallet. The four remaining children and the other runaway slave were sleeping on the second floor.

At the time of Napoleon's death the Clinton Cemetery had not yet been established, although there have been reports of an early Indian burial ground. Maurice Tate, a friend of Gardner descendants, said that Napoleon was buried in an unmarked grave in a cultivated field just north of the D. F. Smith claim (originally home of Col. J. C. Steele), now the location of the Wakarusa River Valley Heritage Museum.

By March of 1861, Joseph Gardner apparently felt that the older boys Theodore, now 17 and Eudorus, 13, were old enough for him to leave the family safely in their hands. He left Kansas and walked to see Abraham Lincoln inaugurated as president of the United States in Washington D.C. The round trip took six weeks, and it marked the fifth or sixth time that Joseph left Sarah behind with their young family.

Joseph's wandering days were not over. With civil war raging, he could not resist the call to arms for the North. In July of the same year he enlisted as a private in the 3rd Kansas Volunteers. The following autumn, a portion of the 3rd Kansas known as Lane's Brigade undertook a campaign into Missouri, penetrating as far as Springfield, where they were forced north and subsequently driven back to Kansas.

In July of 1862, President Lincoln called for 300,000 volunteers and appointed Senator Jim Lane of Kansas Recruiting Commissioner for the Department of Kansas. On August 4th, Senator Lane issued a Proclamation "[t]o the loyal men of Kansas, Nebraska, Colorado, and Dacotah," urging them to "join the host marshaling for the conflict." It was expected, he said, "that every loyal heart" would "swell with a chivalric patriotism in the holy cause."

Joseph was now a First Lieutenant in the First Regiment Kansas Colored Volunteer Infantry, Company F. In early October 1862, a detachment of 225 men from the 1st Kansas Colored moved one hundred miles southeast of Leavenworth, Kansas to near Butler, Missouri. On October 28, a group of about 500 Confederates surprised and attacked them. This, the Battle at Island Mound (sometimes referred to as "Toothsman's Mound") marked the first combat engagement of black troops in the Civil War! One of the black corporals under Joseph's command was George Washington, a brother-in-law of the same Napoleon Simpson who had died in the 1860 raid on Gardner's cabin. After a sharp skirmish, the 1st Kansas drove off the enemy, taking 22 casualties (ten dead and twelve wounded), among them Lieutenant Joseph Gardner. He fell, shot in the thigh and knee by a heavy load of buckshot, and while thus incapacitated was approached by one cowardly demon, who dismounted and – remarking that he would "finish the d---d son of a b---h" – placed his revolver to Gardner's head and fired. The ball by

some miracle did not kill him, but struck his skull and glanced around his head, coming out on the other side. He would recover and re-join his command, but Joseph Gardner would never come home.

There exists conflicting documentation on his death. While the date – August 23, 1863 – is fairly certain, the circumstances and place of his death are a puzzle. The Adjutant General’s Office in Washington D. C. states that Joseph was “reported to have died in Camp Fort Blunt, Cherokee Nation, on August 24, 1863.” But family records show that he died in a field hospital at Fort Gibson, Indian Territory (now Oklahoma). Perhaps the most troubling riddle in the enigmatic life of Joseph Gardner is the whereabouts of his remains. Family records say that he was buried in an unmarked grave somewhere near Fort Gibson, numbered among the thousands of unknown dead who freely offered their lives that slavery and oppression might be banished from American soil.