

An Old Santa Fe Trail Map Recovered

By Margaret Sears

[Due to space limitations, the maps identified herein, which are the subject of this article, are located on the Santa Fe Trail Association website www.santafetrail.org/publications/new-research/. The advantage of online copies is that they can be enlarged to see details more clearly. Hard copies are available from SFTA. Email trailassn@gbta.net or call 620-285-2054.]

Some years ago the late William Chalfant, renowned Santa Fe Trail historian/author, informed the National Park Service, National Trails Intermountain Region (NTIR) office in Santa Fe that he had uncovered an article from the July 20, 1876, *Great Bend* [Kansas] *Register* stating:

During the years 1863, 1864, and 1865 the government contracted with a firm in Leavenworth to transport freight from Fort Leavenworth to Fort Union, at a certain price per mile. When the contract expired the government paid the contractors for 735 miles. The contractor[s] claimed the distance to be about 30 miles greater and for that difference the contractors sued the government for a balance of about \$2,000,000. To ascertain the exact distance, both contractors and government have employed the survey of the entire route by different corps of engineers. The two companies pass through our city to-day and to-morrow.¹

The NTIR staff was much too small to research this item, so it was passed on to me, the volunteer. Thus began a journey “along the Santa Fe Trail,” which has sporadically consumed me for over 20 years.

My goal was to flesh out the facts behind the Great Bend newspaper clipping and locate the maps and survey notes documenting these two resurveys. My first task was to locate the contractors. These were freighters William W. Shrewsbury and Andrew Stuart, veterans in the Santa Fe trade, usually contracting for the government to haul freight between Forts Leavenworth, Kansas, and Union, New Mexico. It was from the National Archives and Records Administration (NARA) that I was able to obtain many of the facts that uncovered this story.

The origin of the controversy traces to July 25, 1864, when Stuart signed a contract with the U.S. government to transport 6,147,815 pounds of stores from Fort Leavenworth to Fort Union from April 1 to September 30, 1864.² A year later, on March 27, 1865, Shrewsbury signed a similar contract to transport 6,741,975 pounds of stores between the same forts from May 1 to September 30, 1865.³ However, in a petition dated May 5, 1871, the freighter stated that 6,940,750 pounds were transported.⁴ This is but one ex-

ample of disparity among various figures reported by both freighters. [This may be simply that the actual shipment was more than the contract.]

Upon returning to Fort Leavenworth the freighters turned in their records. The government determined that the mileage reported was greater than the distance of the Santa Fe Trail the freighters traveled. All trains did not take the same route. Some took the Mountain Route, or Raton Route as that alternate track was also called, through southern Colorado, while others took the Cimarron Route, which crossed the Arkansas River 12 miles east of present Dodge City, then entered into the present Oklahoma panhandle. Nor were any military orders given that they follow a particular route.⁵ A “train,” as described by the U.S. Court of Claims consisted of 25 wagons, each drawn by 4-6 yoke of oxen.⁶

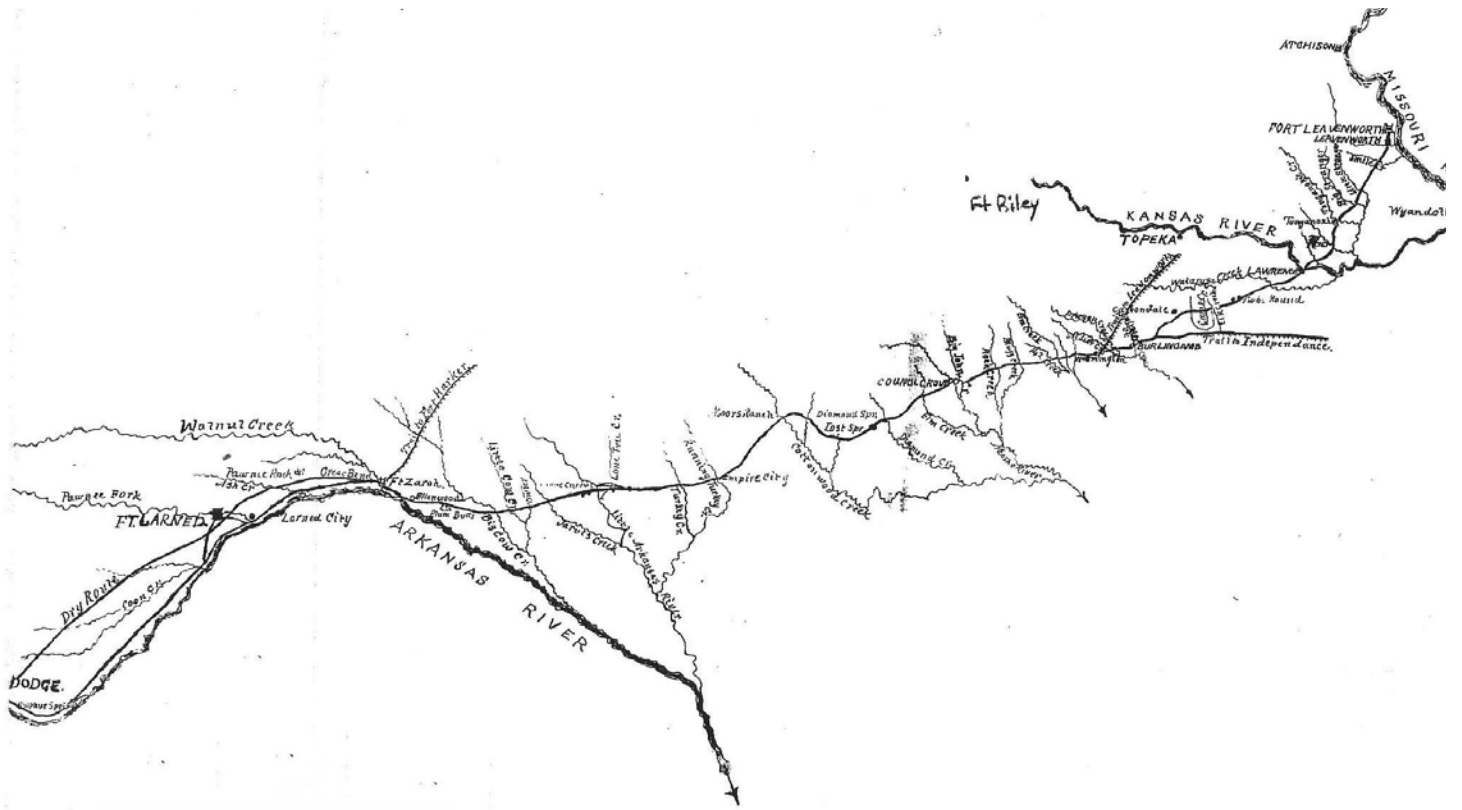
To compound the problem, there were other short deviations, such as the Wet and Dry routes which extended some eight miles west of Fort Zarah to six miles east of present Dodge City, Kansas, at Ft. Dodge. The Dry Route was first travelled in 1833 by freighter Charles Bent who veered from the main route along the Arkansas River. The original trace then became known as the Wet Route. Over the years there were several realignments of the Dry Route, the last being set in 1866. The Wet Route was considered the better and safer, although longer by 15 miles, and generally used by those transporting for the government. Other freighters thought the Dry Route, which hugged the ridge, was the better, although short of grass and water,⁸ especially after the first of July, or “later part of June,” as Henry Booth reported in his testimony.⁹ (See Maps #3, 4, and 5, showing entire Wet and Dry routes.)

Yet another variation existed on the Mountain Route where two routes extended south of Raton, New Mexico. One went by Maxwell’s Ranch, and the other, which was four miles shorter, passed east of the ranch.¹⁰

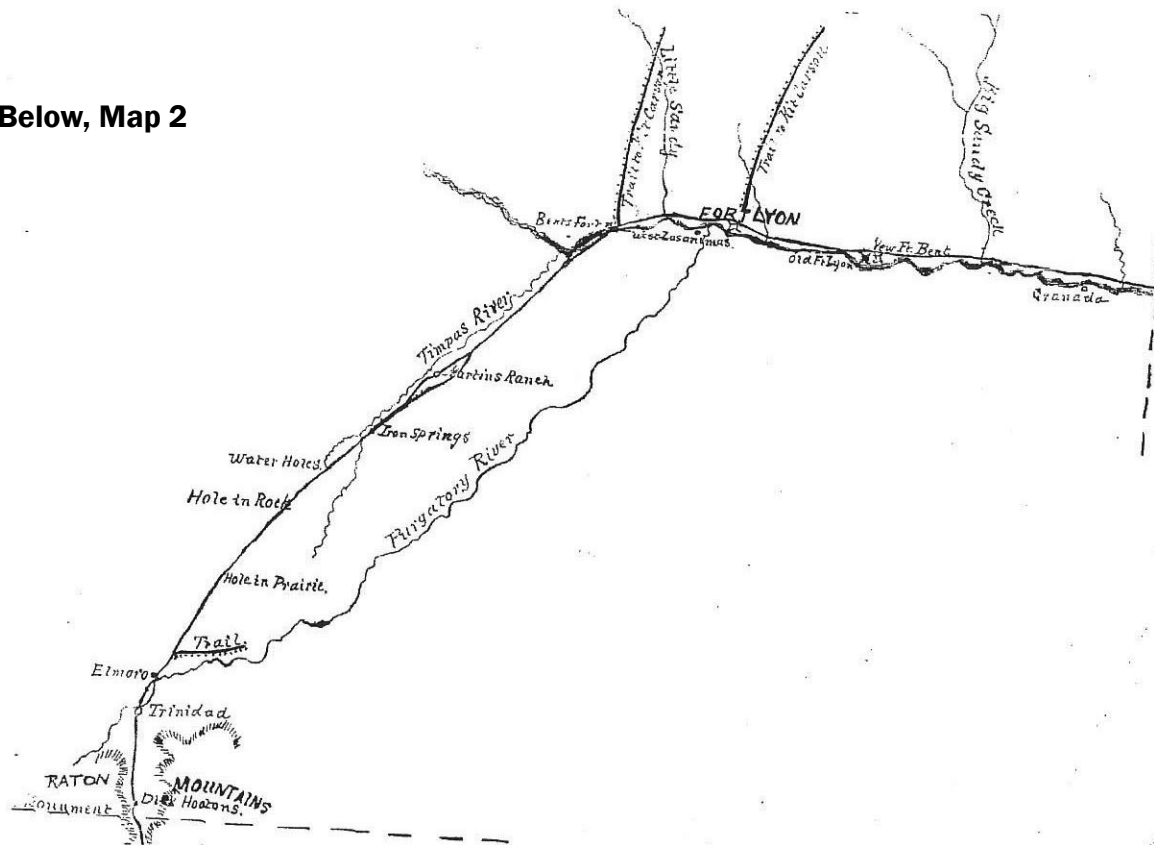
Stuart and Shrewsbury brought a lawsuit against the government in 1870 for underpaying them for the 1864 and 1865 freighting trips, respectively. Stuart was a partner in the Stuart, Slemmons & Co. freighting firm, location undetermined but possibly Leavenworth. Shrewsbury was not, although his name was used in the Company’s business matters, having assigned his contract with the government to the Company.¹¹ Stuart claimed in 1864 the distance between Forts Leavenworth and Union was 820 miles, while the Chief Quartermaster at Fort Leavenworth determined that the distance between the two forts in question was 735 miles via the Mountain Route in 1865, and settled with

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Top: Map 1; Below, Map 2



Shrewsbury on that basis. The same distance was allowed and paid to Stuart earlier in 1864 by the government.¹²

Actual trail distance declared by the government was generally consistent. However, the freighters' claims were less so. Compounding the issue, prior to the trial, Brevet Brigadier Gen. Benjamin C. Card, Acting Chief Quartermaster, Military Division of the Missouri, in a letter to the Chief Quartermaster, Military Division of the Missouri, St. Louis Missouri, dated October 9, 1868, stated, "At this time [four years later] it is hardly possible to determine what distances the contractors . . . were compelled to travel . . . [or the routes they followed]; but I am convinced that, in most instances, they were paid at less distance than they . . . traveled."¹³

Not being satisfied that all evidence had been heard, the claimants moved that the case be remanded, that is, ordered back. The Court granted the motion. Three years later the case was heard again, both sides having brought "a large amount of new evidence."¹⁴

To determine the actual mileage the freighters traveled between Forts Leavenworth and Union, the Court decided the Santa Fe Trail should be resurveyed. Thus, in 1876 the claimants re-measured the Trail, and the U.S. Department of Justice "sent a party [May 29–Sept. 30, 1876] which followed after the claimants' party and also measured distances according to the courses pursued."¹⁵ Lt. George Borden, 5th Infantry, U.S. Army, led the government party.

Harvey Spalding, claimants' solicitor, announced to the government that Shrewsbury & Stuart shall "dispatch from Ft. Leavenworth [on May 25, 1876] a measuring party under charge of Martin O. Jones, Surveyor to measure the wagon roads . . . over which military Supplies . . . were transported in 1864 and 1865, and to determine specifically the distance" between Forts Leavenworth and Union.¹⁶ In a later letter, Spalding notifies Jones of his instructions as surveyor in charge of the measuring party.¹⁷ "You [Martin Jones] are . . . to measure accurately with the chain the Military wagon road over which the Govt. contractors in the [said years] transported military supplies . . ."¹⁸

Four days later, on May 29, 1876, Lt. Borden's party left Ft. Leavenworth. They were not authorized to measure the routes the claimants traveled in 1864 and 1865, but to measure the same track the claimants did on this specific trip, to determine that the distance was correct.¹⁹

The claimants measured by chains the military road they followed in 1864 and 65. The measuring implement used was Gunter's 4-pole chain, the surveyor's primary tool used since roughly 1579, and named for its designer, Edmund Gunter. A chain was 66 feet long, divided into 100 links, each link

made of iron or steel wire and measuring 7.92 inches long.²⁰

Early in the expedition the War Department was informed that Jones "will measure no further."²¹ What precipitated this action is not explained. Any problem was obviously resolved, because various witnesses in their depositions mention him measuring throughout the route.²²

The government ordered that there was to be no communication between the two parties. Quoting Jones, "We were not even to camp together [beyond Camp Creek, east of

Burlingame, KS]. We had to go forward, and if we were lost we were lost, and had no one to help us out. We were to be like the Jews and Samaritans, a separate and distinct people."²³

Throughout, Lt. Borden's team testified that the claimants did not always measure the correct track. For example,

Percival G. Lowe, who as guide (also titled "pioneer") was to "observe the movements of the other [claimants] party and look over the road or trace, to see whether they went the right road or not . . ." ²⁴ stated, "I should not cross a train at the mouth of Pawnee Fork and go to Fort Larned . . . There were quite a number of places . . . where the old trail was not measured correctly."²⁵ In contradiction, William Sharp declared that the Shrewsbury/Stuart team, for whom he was a chainman, "followed the road as near as it could be got at."²⁶

Surveyor for the government party was Peter Cosgray. Rather surprisingly, when asked by the examiner whether (or not) his job was to determine the accurate distance over the true trail the trains traveled to Fort Union, he replied that he did not know. Somewhat testily, the examiner asked Lt. Borden if he knew any reason the government would secretly attempt to defeat the claimant party's purpose in ascertaining the correct distance traveled in 1864 and 1865. The answer, "no sir." Further confounding the Court's dilemma was the impossibility to determine which trains followed the Mountain Route and which went by the Cimarron Route.²⁷ The Quartermaster General expressed this opinion under oath.²⁸

Most of the witnesses—and there were many—were experienced freighters, and knew the Santa Fe Trail well. Occasionally, an examiner, who had no reason to know the Trail, asked a witness for more detail. Often, I could identify a specific site I had visited, based on a witness description.

At times, transcript pages were missing or in incorrect order, and there were occasional contradictory testimonies by witnesses. For example, Martin O. Jones was incorrectly stated to be a member of the government team rather than the claimants.²⁹

The Court records included exhibits pertinent to the testimony of witnesses. However, there was a major problem in

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that the exhibits per se were missing, the record containing only reference to same. An exception was the Shrewsbury 1865 contract central to his case against the government.³⁰ The author expressed astonishment at this omission to an NARA archivist, who stated such was not unusual.

The disparate and incomplete financial records contained in the NARA documents were confusing and incomplete; thus it was impossible to confirm whether Shrewsbury and Stuart were under- or over-paid. Because the purpose of the lawsuit was to settle the amount owed the freighters, it was bewildering that the final decision by the Court was silent on this.

The records of the poundage they carried were more reliable, though not absolutely so. These “prairie” wagons, or Santa Fe wagons as an 1860s freight wagon was commonly called,³¹ carried from 5,500 to 6,500 pounds of cargo each. Using the figures quoted earlier, Shrewsbury owned an estimated 1,037 wagons, Stuart, 946. This assumes that each wagon made only one trip, per contract.

The absence of survey notes was also disturbing. Throughout the records these were referenced variously as “notes,” “chain distances,” “field notes,” “book of measurements.” But no bona fide survey notes were included in the records.³²

Even more vexing, the maps of the Trail drawn by the government team were not identified in the record. They simply were there. In fact, most exhibits were missing, only referenced by the Court examiners or witnesses.

The resurvey maps in the NARA files (see Maps #1-5) were created by Peter Cosgray, surveyor for Lt. Borden’s 5th Infantry team,³³ and are the most detailed Santa Fe Trail maps this author is aware of. Such detail convinced her that the government expected that the mapping be accurate, and for more than strictly monetary reasons. Although Cosgray’s handwriting is quite small, most words were readable.

The freighters followed both the Mountain and Cimarron routes. However, the government decided that the resurvey would chart the Mountain Route only. The survey teams departed Ft. Leavenworth on the 1846 Military Road, and joined the Santa Fe Trail at Burlingame, Kansas.

Interestingly, Cosgray identified on the maps the state welcoming monuments (Kansas, Colorado, New Mexico) located at state borders (Map #2). Some discrepancies noted include: the spelling of Richens Wootton’s surname (well-known Santa Fe Trail rancher on Raton Pass) was badly mangled (Map #2); Chouteau’s Island, a noted site in western Kansas, was also misspelled (Map #2), as was Offerle, Kansas (Map #4b).

Several miles east of Bent’s Old Fort was a totally undecipherable word (Map #2). The author needed an authority, so contacted Ron Dulle, an active Bent’s Fort chapter member

and author of *Tracing the Santa Fe Trail*.³⁴ He determined the word to be West Las Animas. Founded in 1873, the village name was later changed to present Las Animas. Two other sites difficult to decipher were Stone Corral (Map #1), southwest of McPherson, Kansas, and El Moro (Map #2), north of Trinidad, Colorado. A short gap exists between Fort Dodge and Cimarron Crossing where Maps #1 and 2 join, which may have occurred many years ago when the Court records were initially reproduced, rather than an omission by Cosgray. A similar error is found southwest of Lakin, Kansas, where “Indian” is missing from Indian Mound. Sulpher Spring, east of Ft. Dodge (Map #2), included by Cosgray, is not on the other maps examined.

Calhoun Stage Station at Ocate Creek Crossing in northern New Mexico is identified only by Kenyon Riddle. Cosgray does not show a huge eastward sweep around Apache Mesa leading down to the crossing. He calculated the distance from Raton, New Mexico, to Ft. Union as being roughly 50 percent greater than does Riddle (Map #2). Even though this difference does not appear elsewhere between these maps, it confirms the importance of survey notes.

Maps #3, 4, and 5 cover the Wet and Dry routes which existed between Forts Zarah and Dodge. The routes are not labeled on each map panel, possibly because originally the pages were continuous. However, organization of storage space for the court records required these be physically separated. The map titles specify that the Dry Route was shorter than the Wet. Map #5 covers the entire Wet/Dry Route. Map #4 extends from Larned to Ft. Dodge. Map #3 covers an even shorter stretch. Although there was some duplication among Maps #3-5, each map was individually drawn. Neither these maps nor the record state which route the 1876 resurveying parties followed. If it was the Dry Route, it is assumed, though not confirmed, that this was the 1866 realignment.

Cosgray’s detailed maps include many features which most cartographers omit. For example, he identifies minor creeks, farms, bridges, railroad stations and tracks, timber, fords, and villages, such as Empire City near McPherson, Kansas³⁶ (Map #1), and a Mennonite village [Dundee?] between Great Bend and Larned, Kansas (Map #3a). To determine the detail and accuracy of Cosgray’s maps, the author compared them with two maps, those by Riddle and by the National Park Service.³⁷

Where are the claimants’ maps? There is no mention of them in the NARA records, aside from numerous references by witnesses that the survey team was on the road ahead of the government detail. For example, Percival Lowe, U.S. 5th Infantry group guide, testified that he “had nothing to do but to observe the other party and to see whether they went on the right road or not .”³⁸

The names of persons on the government team were in

the record,³⁹ but not so the claimants' men. I located eight names spread through the records, these usually mentioned in witness testimonies, but cannot verify that there were not others. One could thus question the exactness of the record. Government members were hired by the month; therefore the total changed from month to month. The same applied for the military escort that accompanied them. Over the three plus months they were on the road, the number of members ranged from seven to 14, plus two to eight soldiers assigned to protect the crew. Examiners rarely asked witnesses who employed them: this had to be deduced from the testimony. Throughout the proceedings, the human beings involved were nameless. Although hundreds of pages of witness depositions verified that these cases were thoroughly examined, there were no claimant maps nor survey notes, no government notes, no list of claimant team members, not even mention of them. In my view, such a situation could produce errors in the judicial process.

The most flagrant example of this lax process occurred in the exchange between the examiner A.D. Robinson and witness A.B. Lawrence, Ft. Larned Quartermaster, between September 1865 and February or March 1866. During testimony, the examiner handed Mr. Lawrence records detailing trains dispatched between Forts Leavenworth and Union.⁴⁰ Examiner to witness, "I will hand you a map and call your attention to the point right upon the map. (Witness and Counsel examining map.)"⁴¹ Neither the map nor the dispatches are contained in the record. Elsewhere during Mr. Lawrence's testimony, maps and dispatches were again mentioned but not placed in the record.⁴²

The original newspaper clipping from the July 20, 1876, *Great Bend Register* stated that Shrewsbury and Stuart had sued the government for a balance of approximately \$2,000,000. However, nowhere in the Court records could an amount remotely close to that be found, even in the aggregate, although hundreds of pages of bills of lading appeared.

The U.S. Court of Claims records are filled with descriptive, even colorful, statements. For example, when asked by the examiner if claimants' measurements were inaccurate (e.g. measurement "made diagonally across parallel traces"), Percival Lowe, party guide (official title was "pioneer"⁴³), answered, "I always attributed it to the carelessness of the guide and not any intentional wrong . . . of the managers."⁴⁴ Still later, in response to the instruction of claimants' attorney (Harvey Spalding) to the witness that he, the witness, should state only what he knew, the examiner instructed Lowe to "answer my question and pay no attention to Mr. Spalding till he gets you."⁴⁵

The judge, possibly exasperated that the case was being

tried a second time, questioned, "If we grant this second request [from Shrewsbury] why might we not do so a third, fourth, or fifth time?"⁴⁶ Perhaps equally frustrated, defendants' counsel, A.D. Robinson, somewhat sarcastically grumbled, "The court and the parties have already had much labor in the premises. Let the claimant try the Supreme Court for a while."⁴⁷ Perhaps the most colorful comment was Martin Jones' mournful utterance comparing the plight of his troupe with that of the Jews and Samaritans (cited earlier).

Andrew Stuart died in 1872, four years before the resurvey, and two years after the original suit was brought. His portion of the suit was carried forward by his widow, Henrietta Stuart. Mrs. Stuart stated in her testimony "that there are now [March 23, 1874] pending some three or four suits, two in the name of . . . Stuart and two or more in the name of . . . William S. Shrewsbury." She further claimed that Andrew had been in the freighting business from 1861 through 1867, transporting for the U.S. government, and additionally, that the business "was quite extensive, amounting to millions of dollars."⁴⁸

Stuart and Shrewsbury's cases were filed separately in 1870, although the verdicts were the same. In its "Findings of Facts," the Court of Claims record accepted the ruling that the Mountain Route was the preferred route traveled ("Findings of Fact" III, IV, and V), and the longer one by Maxwell's Ranch was allowed ("Finding of Fact" XXIII) because the shorter route required two difficult creek crossings, "rendering it difficult to get stock to water."⁴⁹ The remaining 20 findings were denied.

In his closing remarks, the judge ruled that both "the claimant's [reference to Shrewsbury; same applied in Stuart case] petition and the defendant's counter-claim be dismissed."⁵⁰ The reason given was that there were too many unknowns which divided the Court. Specifically, determining the number of trains that followed the Mountain Route in contrast with those that chose the Cimarron Route was impossible. The same related to the Wet/Dry Routes. Of course, that was not the end of the matter because the government appealed. On November 25, 1879, the U.S. Supreme Court rejected the appeal, and thus ended the nine year dispute.

Who were these freighters who sued the U.S. Government, William S. Shrewsbury and Andrew Stuart? The 1860 census reported that Shrewsbury, born in Kentucky in 1827, lived in Council Grove, Kansas, in 1864-65. No specific records of his freighting experience were located aside from references as joint owner in Shrewsbury, Slemmons, & Co. By 1870 he had moved to Olathe, Kansas, with his wife and children, and was a grocer. In the 1880 census he was in St. Louis, Missouri, employed in a beef canning factory.

St. Louis was his residence until his death in 1893.

Andrew Stuart was born in 1823 near Pittsburgh, Pennsylvania. In 1850 he moved to Steubenville, Ohio, with his wife, Henrietta, where he was elected to the U.S. House of Representatives in 1853. He was unsuccessful in his re-election bid. After this short and disappointing venture in politics, he turned to freighting between the years 1861-67. During his Santa Fe Trail freighting days he served as Shrewsbury's attorney. He died in Washington, D.C. in 1872, where he had resided since 1869.

Among the many witnesses to the suit was John W. Prowers, who freighted for Shrewsbury, Slemmons, & Co. in 1865.⁵¹ John Prowers is well known to Santa Fe Trail patrons as the co-founder with Thomas Boggs of Boggsville, a historic town south of Las Animas, Colorado, along the Santa Fe Trail. Prowers County in far eastern Colorado, through which courses the Mountain Route of the Santa Fe Trail, is named for him.

The tale of the 1876 Santa Fe Trail resurvey is not finished, but until some presently-hidden evidence emerges, it is time to stop. There are troubling gaps in the Court records, the most significant being the absence of all Shrewsbury/Stuart maps, and survey notes produced by both parties. Was the judge derelict, or perhaps the court recorder? Although the government's maps do not bring any significant changes to the Santa Fe Trail route, they do provide detail missing in most other maps, thus contributing important data to what is already known about the Trail. But most importantly, the public now has a new official Santa Fe Trail map. All the struggles notwithstanding, the search was definitely worth the 20 years it was in progress.

Notes

1. *Kansas State Historical Society Collection*, XVII: 866.

2. National Archives and Records Admin. (NARA), RG 123 Gen. Jur. Case File #6201

Folder #3, 37. "Cases Decided in The Court of Claims," December Term, 1877, Decisions of the Supreme Court, Appealed Cases, XIII: 192. Washington: Govt. Printing Office, 1879. The July date is questionable, considering that the contract extended from April 1 to September 30, 1864, and the train was already on the road. No explanation in NARA files.

3. *Ibid.*, File #6321 #1, 63-7; "Cases Decided in The Court of Claims", 185.

4. *Ibid.*, File #6321 #1, 62.

5. *Ibid.*, File #6321 #1, 234.

6. *Ibid.*, File #6201 #3, 32. Two oxen constitute a yoke.

7. Clapsaddle, David, *A Self Guided Auto Tour of the Santa Fe Trail in Pawnee, Edwards, and Ford Counties, Kansas*. (Wet/Dry Chapter, Santa Fe Trail Association).

8. NARA, File #6321 #1, 81, 174, 201.

9. *Ibid.*, 232.

10. *Ibid.*, File #6321 #1, 1.

11. *Ibid.*, File #6321 #5, 2-3.

12. *Ibid.*, File #6321 #3, 108-09.

13. *Ibid.*, File #6201 #3, 59.

14. *Ibid.*, "Cases Decided in The Court of Claims", 188.

15. *Ibid.*, File #6201 #1, 29-30. Brevet Maj. Gen. Quartermaster Gen., U.S. Army. Signature illegible.

16. *Ibid.*, File #6321 #5, 15.

17. *Ibid.*, File #6321 #6, 94-8.

18. *Ibid.*, 94.

19. *Ibid.*, File #6201 #3, 29.

20. "Gunter's Chain," Topographical Engineer Detachment, United States Corps of Engineers. http://pages.suddenlink.net/topogs/gunters_chain.htm.

21. NARA, File #6321 #5, 17.

22. *Ibid.*, File #6201 #2, Peter Cosgray, p.60; Percival Lowe, p. 25; Robert E. Palmer, p.47.

23. *Ibid.*, File #6321 #6, 84.

24. *Ibid.*, File #6201 #2, 19.

25. *Ibid.*, File #6201 #2, 21.

26. *Ibid.*, File #6321 #6, 125.

27. *Ibid.*, File #6321 #1, "Court of Claims, Opinion," 5.

28. *Ibid.*, File #6201 #3, 29.

29. *Ibid.*, File #6321 #2, 74. Jeremiah Fields

deposition

30. *Ibid.*, File #6201 #1, 10.

31. Gardner, Mark L., *Wagons for the Santa Fe Trade*, (Albuquerque: University of New Mexico Press, 2000), Chap. 6.

32. NARA, File #6201 #2, 26; File #6321 #3, 145; File #6321 #4, 5; File #6321 #6, 84.

33. *Ibid.*, File #6321 #1, 69-74, 103-4, 106-7.

34. Dulle, Ronald J., *Tracing the Santa Fe Trail*. (Missoula, Mont: Mountain Press Publishing Co., 2011).

35. Riddle, Kenyon, *Records and Maps of the Old Santa Fe Trail*. (West Palm Beach: John K. Riddle, 1963).

36. Linda Colle, from McPherson, KS Public Library.

37. *Santa Fe National Historic Trail, Comprehensive Management and Use Plan: Map Supplement*. Washington: Dept. of the Interior/National Park Service, 1990.

38. NARA, File #6201 #2, 19.

39. *Ibid.*, "Report of Persons and Articles Hired," Record Group No. 2, Additional Information.

40. *Ibid.*, File #6201 #2, 81-2.

41. *Ibid.*, File #6201 #2, 97.

42. *Ibid.*, File #6201 #2, 82, 99, 103, 112, 117.

43. *Ibid.*, "Report of Persons and Articles Hired."

44. *Ibid.*, File #6201 #2, 25.

45. *Ibid.*, File #6201 #2, 24.

46. *Ibid.*, File #6321#1, 3.

47. *Ibid.*, File #6201 #2, 127.

48. *Ibid.*, File #6321 #5, 2, 4-5.

49. *Ibid.*, File #6321 #1, 18-26, 91-102; "Cases Decided in The Court of Claims," 186-7, 194.

50. *Ibid.*, "Cases Decided in The Court of Claims," 190, 195.

51. *Ibid.*, File #6321 #5, 26-7. ♦

Margaret Sears has served as president of SFTA, and has held numerous other positions in over two decades of membership. End of the Trail is her home chapter. She has traveled the entire Trail numerous times, and is especially knowledgeable about north central New Mexico.