

NATIONAL HISTORIC LANDMARK NOMINATION

NPS Form 10-900

USDI/NPS NRHP Registration Form (Rev. 8-86)

OMB No. 1024-0018

WYANDOTTE NATIONAL BURYING GROUND, ELIZA BURTON CONLEY BURIAL SITE Page 1

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

1. NAME OF PROPERTY

Historic Name: Wyandotte National Burying Ground, Eliza Burton Conley Burial Site

Other Name/Site Number: Huron Cemetery, Huron Indian Cemetery

2. LOCATION

Street & Number: Huron Place

Not for publication:

City/Town: Kansas City, Kansas

State: Kansas County: Wyandotte Zip Code: 66101

3. CLASSIFICATION

Ownership of Property Category of Property
Private: ___ Building(s): ___
Public-Local: ___ District: ___
Public-State: ___ Site: X
Public-Federal: X* Structure: ___

*The cemetery is held in trust by the Federal government for the Wyandotte Nation.

Number of Resources within Property
Contributing

Noncontributing

1

___ buildings
___ sites
___ structures
___ objects
___ Total

Number of Contributing Resources Previously Listed in the National Register: 1

Name of Related Multiple Property Listing:

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4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ____ nomination ____ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ____ meets ____ does not meet the National Register Criteria.

Signature of Certifying Official

Date

State or Federal Agency and Bureau

In my opinion, the property ____ meets ____ does not meet the National Register criteria.

Signature of Commenting or Other Official

Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I hereby certify that this property is:

- Entered in the National Register
- Determined eligible for the National Register
- Determined not eligible for the National Register
- Removed from the National Register
- Other (explain): _____

Signature of Keeper

Date of Action

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6. FUNCTION OR USE

Historic: Cemetery

Sub:

Current: Cemetery

Sub:

7. DESCRIPTION

ARCHITECTURAL CLASSIFICATION:

MATERIALS:

Foundation:

Walls:

Roof:

Other:

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Describe Present and Historic Physical Appearance.**Introduction**

The Wyandotte National Burying Ground (Huron Indian Cemetery) is an open, tree-covered, roughly 2 ½-acre tract on a hill in the center of what is now Kansas City, Wyandotte County, Kansas.¹ Today, the hill is approximately twelve to eighteen feet higher in elevation than the streets that surround the present-day city block. Over the years street construction and commercial development cut away the hill, leaving the Burying Ground as the only part of the hill that remains. Stone retaining walls have been constructed around part of the perimeter of the Wyandotte National Burying Ground because of its higher elevation.

Lying at a southwest to northeast angle within the city block, the southwestern corner is occupied by the 7th Street Casino. Northeast of the Burying Ground are the Kansas City, Kansas Public Library and the United Missouri Bank building; Huron Park occupies the southeastern portion of the block. Sidewalks wind through the Burying Ground. Although the Burying Ground is less than a mile west of the Kansas River and Missouri River confluence, historically the distance would have been much less as the rivers have been re-channeled and the low-lying bank areas have been filled in over time.

The entire city block is called "Huron Place" and the cemetery lies within the block. Although the Wyandotte refer to the cemetery as their "National Burying Ground;" its current signage identifying it as the "Huron Indian Cemetery" is fairly recent and comes from the inaccurate shortening of the "Indian Cemetery in Huron Place." The Wyandot rarely, if ever, referred to themselves by the old French given name "Huron."

Long time defender and protector of the Wyandotte National Burying Ground, Lyda Burton Conley, a Wyandot descendant and attorney who filed suit against the Secretary of the Interior in 1906 to protect the cemetery and was heard in the U.S. Supreme Court in 1909, is buried in the cemetery along with her parents and sisters and other relatives.

Historic Physical Appearance

After many years of resisting removal from Ohio and Michigan, in 1843 the Wyandot consented to move to Indian Territory west of the Mississippi River. They were to exchange land in their beloved Ohio and Michigan for a promised 148,000 acres in Indian Territory. Upon arriving to Indian Territory no land was deemed available by the U.S. government west of the Missouri River; therefore, the Wyandot initially resided east of the Missouri River on land known today as the "West Bottoms." This meager parcel of land was still in Indian Territory; however, it was condemned land considered inhabitable at the confluence of the Missouri and Kansas Rivers. Because the land was low-lying and swampy many Wyandot died from exposure and disease. Henceforth, the Wyandot were given a small parcel of land west of the Missouri River, on a hill overlooking their temporary abode, by their good friends the Delaware Tribe upon which to bury their dead. This tiny parcel of land became the Wyandotte National Burying Ground. After a historical treaty, the first of its kind between two sovereign Indian tribes, the Wyandot purchased 36 Sections of land from the Delaware on the Kansas side

¹ The Wyandotte National Burying Ground (Huron Indian Cemetery) will also be referred to as the "burying ground" and the "cemetery" throughout this document. The Huron Indian Cemetery is the name used by local Kansas City, Kansas, officials and residents, whereas both the Wyandotte Nation and the Wyandot Nation of Kansas refer to the cemetery as the Wyandotte National Burying Ground or burying ground. All of these names refer to the same site.

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of the river and were gifted an additional three Sections by the Delaware that included the hill. The Wyandot moved across the river and settled along the slope of the Burying Ground hill down to the Missouri River.²

The January 31, 1855 Treaty between the U.S. and the Wyandot Tribe resulted in the tribe being officially terminated. This caused the Wyandot Reserve to be allotted, or divided among the citizens of the tribe. In addition U.S. citizenship was extended to tribal citizens. However, one exception to the Wyandot Reserve being allotted and placed into patent and fee simple was: "The portion now enclosed and used as a public burial ground, shall be permanently reserved and appropriated for that purpose." Along with a survey of its boundaries, the cemetery was reserved for the use of all 555 Wyandot and their descendants.³

A little less than half of the Wyandot ultimately chose to reject or rescind their U.S. citizenship and move to Indian Territory in present day Oklahoma. The treaty of February 23, 1867 again brought federal recognition to the Wyandot people; however, the spelling of the tribal name was changed to "te." By 1872 a tribal government had been reorganized and reinstated. Today, the descendants of these people are the federally- recognized Wyandotte Nation.⁴ Burials in the Wyandotte National Burying Ground continued to be used by the Citizen Class Wyandot in Kansas and the Wyandotte Nation throughout the 19th Century and well into the 20th Century, "often with the express approval of the Bureau of Indian Affairs. The last such burial in the cemetery was that of Dr. Frank A. Northrup on February 25, 1965."⁵

Under Article 1 of the 1855 Treaty, the Wyandot Tribal Council was intended to function until all the treaty provisions were carried out. As part of that function, the council maintained the Burying Ground. For example, in November of 1857, the council paid fifty dollars to Matthew Mudeater for repairs to the property. On February 2, 1858, the council had a notice placed in the local newspapers stating that only Wyandot could be buried in the cemetery. Also in 1858, the council asked Matthew Mudeater to determine how many Wyandot chiefs had died and then directed Irvin P. Long to arrange to have stones made for those graves. The work was completed by November 1, 1858, at a cost of \$300.⁶

During the building booms between 1880 and 1900, local business people began to maneuver to obtain the Burying Ground because of its location in the very center of downtown Kansas City. William E. Connelly, a newspaper "man" and amateur historian, conducted a detailed survey of the cemetery in 1896; he was assisted by an elderly Wyandot, Ebenezer O. Zane.⁷ The campaign for the cemetery land to be sold eventually resulted in the Secretary of the Interior's agreement to a sale. Thus, began the law suit brought by Lyda Burton Conley

² Lloyd Divine, Wyandotte Nation Cultural Committee Chairman.

³ Divine, and Larry K. Hancks, Principal Planner, Department of Urban Planning and Land Use, *Huron Place Historic District*. (Unified Government of Wyandotte County/Kansas City, Kansas, 2006), 3. See "Historic Landmarks and Historic Districts" webpage found at <http://www3.wycokck.org/Dept.aspx?id=9502> (3 March 2014).

⁴ Divine.

⁵ *Ibid.*, 6.

⁶ *Ibid.*, 5.

⁷ Larry Hancks email to Michele Curran on April 4, 2014. The Connelly survey has been reproduced by the City of Kansas City, Kansas, financed in part through a Community Development Block Grant for the Department of Housing and Urban Development. The Connelly Survey exists in two forms, the first is a 6" x 10" bound ledger book with rules pages containing the original field notes, written in an elegant by occasionally hard to decipher hand. The second is an update, type transcript of the field notes. Both original documents are among the Connelly papers housed in the Kansas History Collection of the Kansas City, Kansas Public Library.

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against the Secretary in 1906, the hearing of the case in the Supreme Court in 1909, and the loss of the case in 1911. In reaction to the Supreme Court decision, Kansas Senator Charles Curtis stepped in and successfully passed legislation to protect the cemetery in 1913 and in 1916 gained passage of further protective legislation.⁸

As a result of the Curtis legislation, in 1916, Congress authorized \$10,000.00 for improvements to the cemetery, including stone walled entries from both 7th Street and Minnesota Avenue, with ornamental gates at the 7th Street entry, ornamental light fixtures similar to those found in several of the city parks, and a paved walkway through the center of the cemetery connecting the two entrances. The alignment of the walkway remains in place today and most likely lies over unmarked burials. A branch of the walk led to a steep flight of steps on the eastern side of the cemetery, tying the improvements to the then new Carnegie Library (1902) located in Huron Square [Park]. An agreement with City of Kansas City, Kansas for the carrying out of the improvements was signed on March 20, 1918. Congress agreed to pay the City \$1000.00 per year; "To forever maintain, care for, preserve the lawns and trim the trees..."⁹

During the McCombs city administration (1927-1947), maintenance of city parks was almost completely abandoned and the cemetery's condition deteriorated. In September 1965, the Wyandotte Tribal Council in Oklahoma unanimously adopted a resolution calling for the cemetery to be preserved and designated as a historic site, while the Department of the Interior was considering the possible transfer of the property title. During the same time period, the Kansas City Urban Renewal Agency initiated a Center City Urban Renewal Project that included a second major renovation of the cemetery property. At the Agency's request the City adopted its first historic landmarks ordinance and proceeded to list just one site, the "Huron Indian Cemetery." The Huron Indian Cemetery was listed on the National Register of Historic Places on September 3, 1971.¹⁰

Despite numerous delays to the cemetery improvements, the work was finally carried out under City supervision in 1978-1979. Designed by the architectural firm of Buchanan Architects and Associates, the improvements included a refurbished interior sidewalk and three new entrances to the Burying Ground (Huron Indian Cemetery) from North 7th Street Trafficway on the west, Minnesota Avenue on the north, and the Municipal Rose Garden to the East. The new 1978 entry structure off Minnesota Avenue replaced an earlier entrance (ca. 1918) that was composed of a series of concrete steps, landings, and stone walls. A stone or concrete sign, engraved with the words "Indian Cemetery," had been set within one prominent wall fronting Minnesota Avenue. This sign was salvaged when the earlier entry structure was dismantled and the later entry ramp entrance was built as part of the 1978-1979 work (and is still present today).¹¹

The 7th Street entry to the Burying Ground is a concrete mini-plaza that included a series of bronze tablets depicting Wyandot history. The architect, Gene Buchanan asked Larry Hancks (Principal Planner, Department of Urban Planning and Land Use) to edit two different versions of that history, provided by Robert S. Wood and Charles W. E. Garrard, into the text to be engraved on the plaques. The text was approved by the Wyandotte

⁸ Janith K. English, Principal Chief Wyandot Nation of Kansas, "Huron Indian Cemetery Chronology." <http://www.wyandot.org/cemetery.html> (4 September 2012) and at Larry Divine, <http://www.wyandotte-nation.org/culture/huron-cemetery/> (October 15, 2012).

⁹ Larry K. Hancks, Principal Planner, Department of Urban Planning and Land Use, *Huron Indian Cemetery (Wyandot National Burying Ground)*. (Unified Government of Wyandotte County/Kansas City, Kansas, 2006), 7. Historic Landmarks and Historic Districts webpage, <http://www3.wycokck.org/Dept.aspx?id=9502> (March 3, 2014).

¹⁰ *Ibid.*, 8.

¹¹ Larry Hancks email correspondence to Geoffrey Burt (NPS Historical Landscape Architect), May 29, 2014.

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Nation. The clan symbols on the small round bronze plaques placed above the bronze tablets were designed by the architectural firm of Charles W. Moore (1925-1993) for the Urban Renewal Agency.¹²

The addition of numerous new bronze grave markers, some of which were marked in error, also occurred during the 1978-79 improvement projects. The problem was corrected after extensive research and a full remarking program funded by local tax monies was carried out by the Kansas City, Kansas Parks Department in 1991.¹³

Note: See Appendix for an alphabetical listing of the burials in the Wyandotte National Burying Ground.

History of the Land Surrounding the Wyandotte National Burying Ground

The Wyandotte City Company was an organization of business people who purchased the core of the existing town from the Wyandot allotment owners in 1857 with the exception of Allotment No. 126 owned by Hiram M. and Margaret Northrup. The resulting plat was drawn in agreement with the survey of the burial ground conducted for the 1855 Treaty, which delineated the site with an irregular boundary that cut off the northwestern corner from the remainder of the square. The present day cemetery boundary still retains the angular projection into the rights-of-way of both Minnesota Avenue and North 7th Street Trafficway.¹⁴

The plat of the Wyandotte City Company purchase contained several dedications of public land; including a double-sized block or town square which the company named Huron Place in 1857 (the Wyandotte National Burying Ground lies within the town square). The corner adjacent to the cemetery (NW corner) was occupied by the Wyandot Methodist Episcopal Church South on land that had been given to the church by the Northrups in 1856. In a similar fashion, the town company reserved land on each of the other three corners of Huron Place for church use, on lots 150 feet square. The triangular tract bounded by the church, the cemetery, and 7th Street was not included in the sale, but remained the private property of the Northrups. In addition to the cemetery and the church lots, an irregular and somewhat indistinct parcel in the center of Huron Place was labeled Seminary Place, with outlets on Minnesota Avenue, 6th Street, and Ann Avenue.¹⁵

Previously known as the City of Wyandott, in 1886 it was consolidated with two smaller cities to become part of Kansas City, Kansas, which had been formed in 1868 and incorporated in October 1872. Despite the changes to the Wyandot original lands and the development that occurred over time to Huron Place, the Wyandotte National Burying Ground has retained, to the present day, its boundary as surveyed in the 1855 Wyandot and U.S. Treaty.¹⁶

Northeast Corner

In order to frame the changes surrounding the Burying Ground that occurred to the town square known as Huron Place, a brief description of the evolution of the 1857 plat will be discussed. The Northeast Corner Church Lot, where the United Missouri Bank now stands, was sold to Wyandotte County on September 8, 1868.

¹² Ibid., June 5, 2014.

¹³ Hancks, *Huron Place Historic District*, 9.

¹⁴ Ibid., 4.

¹⁵ Ibid.

¹⁶ Ibid., 27.

It was surveyed and fenced by the county on June 15, 1880 with the intention to build a new courthouse on the lot. On February 21, 1882 the First Presbyterian Church of Wyandotte sued the County Commissioners on the grounds that the original town plat dedicated the lot for church purposes. The District Court and the Kansas State Supreme Court upheld the church's claim. In 1884, the church erected a small frame building on the south end of the lot facing 6th Street. By 1888, two double track street car lines had been constructed adjacent to the church property, one on Minnesota Avenue and the other on 6th Street, which was placed in a stone-walled cut about fifteen feet in depth in front of the church building.¹⁷

Later in 1888, the church filed a petition in District Court where they asked permission to sell the property and invest the proceeds in a new church building at a more suitable location. When the petition was granted, O.S. Bartlett purchased the lot. Following some further legal entanglements, the Portsmouth Building Company built the 5-story Portsmouth Block on the eastern half of the lot. The Block housed the Merchants Bank, and later the Home Bank. The Portsmouth Annex (Merriam Building) occupied the western half of the block. In 1925 the Portsmouth Block was demolished and replaced by the present day Commercial Building. In the 1970s the building housed Commercial National Bank, whose owners extensively modernized the building. In 1979 the same bank took over the Merriam Building and its separate identity was concealed by the addition of a large featureless wall facing Minnesota Avenue.¹⁸

Southeast Corner

The Southeast Corner Church Lot was owned by the St. Paul's Protestant Episcopal Church that was organized in 1857. Although the congregation was too poor to build a church at the location, they eventually constructed a church rectory on the west portion of the lot. In 1882, the cornerstone was laid for a new church just east of the rectory. Despite ongoing financial problems, the church building's wood-framed, shingled superstructure was finally completed in 1891. The holder of the loan, the Prudential Insurance Company filed for foreclosure in 1895. The church eventually accepted an offer from Prudential who took over the land in 1896 and the church building was removed. In 1906, the luxurious Grund Hotel was built on the lot. Designed by W.W. Rose, it was the finest hotel in the city at that time. The hotel was demolished in the late 1960s as part of the Center City Urban Renewal Project. Although many ideas were considered for the property by the City's Finance Commissioner, it was finally determined that the Southeast Church lot would become part of Huron Park. As of now, the lot is still vacant and is a mowed grass area.¹⁹

Southwest Corner

The Southwest Church lot was originally set aside for the German Methodist Church, who declined to build on the lot and gave the land to the Saint James African Methodist Episcopal Church (later First A.M.E.) in 1863. The congregation quickly cleared the land and built a small church structure that was used until they constructed a new wood-frame church building in 1868. By 1873, the church needed a larger building and they built a new brick church. With the arrival of Exodusters in 1879 and 1880 the membership expanded even more. In addition, commercial developers were pressuring the church to sell the lot. All through the years since 1863, the church never had a title to the property; this situation was rectified in 1890 with the assignment of the title to the church by Hiram M. Northrup, the holder of the original patent title under the Wyandot Allotments. Under

¹⁷ Ibid., 22.

¹⁸ Ibid., 22-24.

¹⁹ Ibid., 25-26.

continuing pressure to sell the lot, on October 15, 1901, the church sold the lot Henry F. Wulf for \$12,343 with the sale being finalized on February 14, 1902. The church building then became home to the Coordinate Bodies of the Ancient and Accepted Scottish Rite (a Masonic organization). On October 20, 1906 the building was destroyed by fire. Masonic leaders decided to build a more substantial structure at the site and purchased the lot from Wulf in November 1906. Locally prominent architect, W.W. Rose drew up plans for the new Scottish Rite building and construction was completed in 1909. The building was designated a Kansas City, Kansas Historic Landmark in 1983 and was listed on the National Register of Historic Places in 1985. In the early 1990s the building was sold to a private business and the Scottish Rite Association moved out of the building. In 1996, the private owner sold the building to the Wyandotte Nation, who after numerous lawsuits finally won the right to use the building as what is now the “7th Street Casino.”²⁰

Northwest Corner

Unlike the other portions of Huron Place, the ownership of the Northwest Corner (a triangular shaped tract) has always been in private hands. Hiram M. and Margaret Northrup donated a portion of their Allotment No. 126 adjacent to the Burying Ground to the Methodist Episcopal Church, which was constructed in 1857. The deed was signed in 1860. Suspected of pro-Confederate sympathy during the Civil War, the church closed and did not reopen until 1867. In 1870 the church building was demolished and a new brick church was built at the same location. The church sat twelve to fifteen feet above the street, just a little below the level of the Burying Ground. In 1884 new steps and a stone retaining wall were built. For several years the church was rented to the U.S. District Court. The church relocated to another location and the lot was sold in 1887. The building materials in the church were recycled for use in the new church building.²¹

Over the year a variety of commercial uses have occupied the tract of land, but little is known of those buildings. The current structures were mostly built in the 1920s. The corner where the church once stood was leveled with the street, leaving the cemetery on the only remaining portion of the original hill. By the early 1900s, three commercial buildings occupied the corner from 7th Street to the cemetery. A small, one-story shop sits in the angle next to the cemetery and is now a barber shop. Next to that building was the Stubbs Building which was acquired by the City and demolished in 2000. The building on the corner was built circa 1901 and housed the Banking Trust Company. In 1907 it became the People’s National Bank which merged with the Security National Bank in 1933. It was a three-story, red brick structure that was remodeled in 1924 and again in 1938-39. The bank vacated the building in 1975-77 to move into a seven-story new office building across the street. The old building was then conveyed to the City and it was demolished in 1999-2000.²²

The parcel south of the bank building was occupied by the Elks Club building (constructed in 1924) which was twelve-stories high and trapezoidal in shape with the rear wall running parallel to the west line of the cemetery. Financially over-extended the Elks sold the building to a Chicago syndicate who renamed it the Huron Building. During the 1980s the ownership of the building changed hands a number of times and then sat vacant for many years. In 1999 the City authorized the demolition of the building—in 2000 the building was imploded. At that time it became evident that the buildings structural frame provided necessary support for the 14-foot high retaining wall adjacent the cemetery. The solution was a sloping fill that extended from the level of the

²⁰ Ibid., 27-28.

²¹ Ibid., 31-38.

²² Ibid.

cemetery hill down to the level of the sidewalk adjacent to North 7th Street Trafficway.²³

The parcel between the Huron Building and the Federal Reserve Life Insurance Building contained three small, one-story, brick shop fronts that had been built in 1921 and were demolished along with the Huron Building. A surviving brick front was built circa 1924. The center two-story structure began as a one-story office in 1900, when it changed ownership in 1924 a second story was added. The building is still extant and it currently houses a shop. To the south of the Northwest Corner facing 7th Street is the Federal Reserve Life Insurance Company Building. Built in 1922-23, the six-story with penthouse building has also been known as the Bennett Building, the Siebers Building, and is currently known as the Arrowhead Building. The next building to the south is the three-story Getty Building, and should be considered an extension of the Arrowhead Building; it is not known when the structure was built. A small triangular parcel south of the Getty Building is now owned by the City. During the 1930s the site was occupied by a small gas station, which was replaced by a one-story wooden lunch counter with six stools. During the Urban Renewal Project in the 1970s a substantial bus stop shelter was erected on the parcel. Designed by the late Charles W. Moore, his firm also designed the Wyandot clan symbols displayed on a concrete structure at the west entrance to the "Huron Indian Cemetery" which is identified on a large concrete structural sign. The bus stop structure itself was demolished in 2002.²⁴

Central Area

Today, the center of Huron Place is occupied by Huron Park and the Kansas City, Kansas Public Library. In the past the space was occupied from 1889 to 1899 by the Parmler Academy that became the Wyandotte Academy and then the name was changed to Central School.²⁵ During the same time period public interest in a free library grew and the need for a separate library building became a priority. By 1895 the library could no longer be housed in Central School. The first solution called for a new high school building at Huron Place, but the City sued the Board of Education to prevent the construction from happening. Although the decision was overturned by the Kansas Supreme Court, by that time the Board of Education had selected a new location for the high school. Legislation was introduced in 1901 that would allow the Board of Education to transfer their property at Huron Place to the City and it was to be used as the site for a new public library. In the meantime negotiations with Andrew Carnegie resulted in his agreement to fund \$75,000 for the construction of a library. The east front of the new Carnegie Library would have 67-feet of frontage on Sixth Street and 110-feet of frontage on Ann and Minnesota Avenues. The two-story library was completed in 1903.²⁶

The rest of the square was to be converted into a park that would be under City control. In 1907, the park was designed by the landscape architecture firm of Henry Wright, George E. Kessler & Company. In preparation for the construction of the library and the park, the City approved grading some twenty feet or more of the hill on which the Old Central School building once stood. The park designed by Kessler included curving walks and steps tying the three segments of the park to the library and to each other, with a paved plaza between the front of the library and Minnesota Avenue, graced by a large fountain and lily pool and surrounded by flower beds. In 1936, the Municipal Rose Garden was carefully inserted into Kessler's design on the south side of the park

²³ Ibid.

²⁴ Ibid.

²⁵ Patricia Adams, "The History of our Public Schools, Wyandotte County, Kansas," p. 3. <http://www.kckps.org/disthistory/openbuildings/wyandotte> (March 25, 2014).

²⁶ Ibid., 4-6.

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facing Ann Avenue. It was part of a W.P.A. work relief project.²⁷

By 1961, library plans called for a new building to be erected in front of the Carnegie Library on the "Grecian Urn" tract and partly on the park land fifty feet back from Minnesota Avenue. The new Kansas City, Kansas Public Library and School Administration Building was completed by January 1965 and the old Carnegie Library was razed. The 1965 library building is extant.²⁸

Along with the new library building, portions of the parking lot and all of the access road from Ann Avenue were built on City property. The plaza and fountain that had fronted the Carnegie Library on Minnesota Avenue were demolished for the citing of the new library, but the original walks and flower beds still exist to the east and to the south of the new parking lot. The rose garden, stone piers and iron gates as well as an octagonal stone gazebo with a peaked roof remained in place. The columned pergola that once flanked the gazebo is now gone. Although a rose garden renovation was carried out in 1989, the City has since removed the rose garden because of the high maintenance cost. The area has been partially paved with a semi-circular brick plaza.²⁹

In consideration of all of the changes that have occurred to Huron Place since 1855, it is remarkable that the Wyandotte National Burying Ground has retained its exact location on the highest hill in the surrounding area since 1843 and its same boundary as established by the survey for the 1855 Treaty.

Note: See Appendix: Alphabetical listing of the known burials within the Wyandotte National Burying Ground.

Current Physical Appearance and Condition

The Wyandotte National Burying Ground is a relatively small oasis of green tucked within the hustle and bustle of downtown Kansas City, Kansas. To those unaware of its presence, one might pass it by or, if curiosity led them within, they might understandably assume they had come across a small urban park. On closer inspection, the presence of headstones and obelisks would indicate that this is a cemetery that has in fact occupied this space since the mid-19th century. Within this greenspace lie the remains of generations of Wyandot people, including Eliza "Lyda" Burton Conley, who so passionately gave of herself to ensure its continued existence in the face of formidable odds. Its retention of landscape characteristics and an enduring sense of place and venerability betray an adherence both to its lengthy history and Lyda Burton Conley's desire to honor her ancestors and broader history of the Wyandot people by protecting this significant piece of land. It is imbued with cultural meaning and sacred value that extends far beyond its humble physical appearance.

The Burying Ground today rests above the adjacent streets of the city and can be accessed along various points of its periphery, but the main entrance is situated near its southwest corner. The stone block pillar and part of the retaining wall remain from the 1918 cemetery renovation. This location is marked by a large sign, with "Huron Indian Cemetery" inscribed on both sides. The sign is composed of a textured cast concrete or masonry veneer and it is anchored along the top of an extended stone wall. The entry space is a paved, semi-circular area adjacent to the sidewalk along N. 7th street, notable for the presence of a large shade tree growing out of a circular concrete planter that doubles as a seating area for people waiting for the bus. The entry space contains a

²⁷ *Huron Place Historic District*, 20-21.

²⁸ Adams, 6.

²⁹ *Huron Place Historic District*, 21.

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series of interlocked concrete or masonry components on which bronze panels explaining the history of the Wyandot are affixed, and each panel is accompanied by smaller circular bronze medallions with Wyandot gente (clan) symbols.

From this area a textured concrete sidewalk leads up a slope into the interior of the Burying Ground. Adjacent to and south of this sidewalk lies a stone retaining wall that drops off to a parking lot, separating the cemetery from the 7th Street Casino. The retaining wall is topped off by a black steel picket-style fence that provides an additional barrier along the south side. A separate, likely more recent retaining wall, composed of cast concrete or masonry units, reinforces the far south side of the cemetery's slope.

Each of the three remaining sides of the cemetery exhibit a variety of graded slope, retaining walls, mix of vegetation, or buildings that are constructed within the slopes and serve as embankment reinforcement. The east side, separating the cemetery from the library and Huron Park, slopes down to an adjacent sidewalk and entry drive and the hillside is lined with a fairly consistent mix of both mature and young shade trees and shrubby growth. The vegetation is fairly dense along this side, in comparison to the other three sides. There are also two points of access along this side that at some point have been abandoned and are in various stages of disrepair. Concrete steps and an adjacent retaining wall lead from the sidewalk on the southeastern corner, but additional steps once present further up the slope have been removed and all that's left are the decayed timber stringer foundations.

Further along on the northeast corner of the cemetery, a fairly extensive switchback ramp structure is present that is currently blocked off and inaccessible. The entry to this ramp structure is along the sidewalk adjacent to Minnesota Avenue; both free-standing and retaining walls of stone-and-mortar composition and facing define this entry. A stone or concrete sign inscribed with the words "Indian Cemetery" is affixed along the wall's coping. The sign was salvaged from an earlier, more extensive stone wall and concrete steps entry structure (constructed ca. 1918) that was removed as part of an urban renewal project in 1968-1970. The ramp structure, (constructed ca. 1979), is composed of concrete (lower section) and wood planks for the base surface, supported by an engineered earthen embankment that is stone wall-veneered, and a steel bar fence with wood plank and metal hand railing lines the outer edge of the ramp. As of the writing of this nomination the wood plank portion of this ramp was in severe disrepair and inaccessible to the public.

The northern side of the cemetery that borders Minnesota Avenue is the only portion of the cemetery that does not abut the adjacent street as a straight line manner; rather, the slope of the embankment bows out slightly and the street bends to accommodate the curvature of the embankment. The majority of this steeply sloped embankment is grass-covered and unencumbered by trees or man-made features. Only the northwestern corner of this slope is included in the cemetery's boundary, but this feature provides a substantial spatial buffer between the crest of the cemetery and the street below.

Along the northwest corner of the cemetery, a one-story, brick-faced flatiron (triangle-shaped) building (currently a barbershop) had been constructed so that it is embedded within the hillside and as mentioned previously, acts as a reinforcement of sorts. A recently constructed retaining wall further reinforces the lower slope and connects the current barber shop with a cluster of buildings situated along the west side of the cemetery. The stone-faced retaining wall undulates in a north-south direction, and embedded tiles inscribed with Wyandot Clan symbols are consistently spaced throughout the length of the structure. Immediately adjacent to this retaining wall is a recently constructed paved mini-plaza that serves as a transit station/bus stop. South of this newly constructed plaza, four interconnected buildings of varying heights are situated directly along the cemetery's west side. Two of these buildings are constructed so that their rear sides are angled to be in direct alignment with the border of the cemetery. The remaining two buildings retain a more typical rectangular

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shape and as such there is a small triangular space between the cemetery's border and the building's back side. A modern concrete retaining wall connects this group of buildings with the entry space to the cemetery described previously. Other than the entry area located along 7th Street, it should be noted that none of the slopes, buildings, retaining walls, etc. described heretofore are included within the cemetery's boundaries; rather, these adjacent features all reinforce the cemetery's borders either visually and/or physically and assist in its separation from the surrounding city.

Entering into the Burying Ground proper from the southwest corner of 7th Street, the aforementioned concrete sidewalk leads up a gentle incline and intersects with an additional sidewalk that bisects the cemetery in a general southwest/northeast direction. This central sidewalk leads through the length of the cemetery and curves lightly in the direction of the northeastern corner, where it ultimately joins with the ramp structure (currently blocked off, as described). Apparently the central sidewalk was constructed as part of the ca. 1918 improvements to the cemetery. It has been refurbished during the 1978 improvements.

The topography of the cemetery retains the characteristics as the crest of a gentle hill; its high point is situated in the central portion of the property and gradually slopes down in all directions from there. As mentioned previously, the most pronounced and extensive slope occurs along the north/northeastern side adjacent to Minnesota Avenue. It should be noted that the most substantial and open view off site occurs here, and in particular this view encompasses a large mural on the side of a building across Minnesota Avenue. The mural is a vibrant, colorful montage of Eliza Burton Conley and other imagery associated with Wyandot culture.

The cemetery's ground surface is covered with well-tended lawn, punctuated here and there with sporadic shrubbery and beds of iris and lilies. Deciduous trees of various species, height, and maturity are present throughout the cemetery and provide shade, auditory absorption, visual variety, and collectively contribute to the cemetery's distinct sense of place: tranquil, sacrosanct, sacred. Historic images indicate trees have been present dating to the period of significance, in a manner similar to the current situation.

But, of course, it is the knowing that within these grounds lie many generations of Wyandot that imbues this place with singular meaning. The many extant headstones (and some footstones as well), ranging from those reduced to deteriorated remains, to simple bronze plaques set in a flush concrete base and inscribed with the word "Unknown," to the more elaborate obelisk type composed of granite or marble, only partially impart the true number of individuals interred here. The extant stones are generally situated in the same alignment as the cemetery, most situated in rows or clusters alongside the sidewalk, predominantly clustered in the center of the site. As one walks throughout the grounds, it is evident that additional grave markers are also present, perhaps once part of more formal arrangement but now scattered here and there as individual testaments.

Because many of the Wyandot were Methodist and to a lesser extent Catholic, the cemetery was laid out following traditional Christian church practices, with the graves in north-south rows and with individual graves oriented east-west with the head of the grave to the west. It is not known how many individuals are buried in the cemetery—estimates range from nearly 400 (the number of names that can be identified through historical records) to over 600—but only about 120 grave locations are currently marked. There are about forty tombstones on which the inscriptions are still legible, a number of flat plaque-type markers of bronze or polished granite, numerous remnants of deteriorated stones, and open areas that probably contain unmarked burials. While the burials are mostly those of the Wyandot, there were also some Civil War Union soldier burials in 1864 that are probably located in the southeastern corner of the cemetery: "Eight of the Union dead, from Topeka Battery, 2nd Regiment, Kansas State Militia, were later exhumed and reinterred in Topeka, but the body of a black teamster attached to the unit was apparently never moved, and others may still remain."³⁰

³⁰ Hancks, *Huron Indian Cemetery*, 2.

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The Conley plot is situated in the northeastern section of the cemetery. The six grave sites are aligned in a generally north/south row alignment, with Eliza's sister Helena lying furthest to the north, followed by Eliza Burton Conley, the father Andrew Syrenus Conley, the mother Eliza Burton Conley, sister Sarah McIntyre Conley, and finally sister Ida Conley in the southernmost plot. The headstones are uniform in material and appearance, of the slant marker type, tapered at the top of the stone. They consist of red granite, rough-textured on all sides except for the polished, inscribed tablet faces. All six headstones are supported by concrete bases and face west. The inscription on Eliza's grave reads: "Eliza Burton Conley—Departed This Life May 28, 1946—Attorney at Law. Only Woman Ever Admitted to the United States Supreme Court." The latter part of the inscription is inaccurate; she was the first American Indian to try a case in the U.S. Supreme Court.

Assessment of Integrity

The Wyandotte National Burying Ground retains a high degree of integrity. It exists in the same location since the first recorded burial in 1843 and is directly associated with the life and legacy of Lyda Burton Conley in addition to the burial of hundreds of Wyandot people, including Lyda Burton Conley and her family. The boundaries that were defined by the Treaty of 1855, resulting in the distinctive parallelogram shape and orientation of the site, have not changed in the intervening years. Although the small communities surrounding the cemetery inevitably grew and eventually consolidated to form Kansas City, the cemetery's boundary has remained the same. As Kansas City increased in size and population, with its grid layout and high-rise buildings enclosing and overshadowing the cemetery, the site has retained its simple, open, verdant characteristics, and, most importantly, its intended purpose, for which Lyda fought so passionately.

Although the exterior surroundings have changed quite drastically over time, the cemetery itself and its relationship to the surroundings have been retained. The sides of the original hill upon which the cemetery was situated have been altered and cut into as various construction projects have occurred. Due to the premium and high value placed on available land upon which to build in downtown Kansas City, this has led to the instances whereby buildings have been constructed immediately adjacent to the cemetery's boundaries. Although several of those buildings have been removed, four still remain along the west border. Retaining walls have been constructed along other portions of the cemetery's borders, and where earthen slope is extant, it too has likely been modified either by erosion or grading modifications.

However, it is that portion of land existing within the original 1855 boundaries that successfully conveys the cemetery's national significance. The gentle topography of the cemetery landscape that slopes down on all four sides imparts the recognition that this is the crest of the original hilltop chosen by the Wyandot people and bestowed by the Delaware for their burying ground in the mid-19th century. Taken together, it is the assemblage of shade trees, shrubs, flower beds, lawn, variety of extant headstones, combined with a minimum of modern embellishments that collectively comprise the cemetery's sense of place and conveyance of historic character and feeling.

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8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties:
Nationally: X Statewide: Locally:

Applicable National

Register Criteria: A X B X C D

NHL Criteria: 1 and 2

Criteria Considerations

(Exceptions): 4 and 5

NHL Theme(s): III. Expressing Cultural Values
 6. Traditional culture
 IV. Shaping the Political Landscape
 4. Political ideas, cultures, and theories

Areas of Significance: Ethnic Heritage: Native American
 Law

Period(s) of Significance: 1843-1965 and 1906-1946

Significant Dates: 1910 (Supreme Court Decision)

Significant Person(s): Eliza (Lyda) Burton Conley

Cultural Affiliation: American Indian: Wyandot, Citizen Wyandot, Huron

Architect/Builder:

Historic Contexts:

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State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.**Summary**

The Wyandotte National Burying Ground (Huron Indian Cemetery), which dates from 1843, is located in what is now downtown Kansas City, Kansas.³¹ The Burying Ground contains the remains of hundreds of Wyandot and Wyandot descendants.³² The first burials took place there in 1843 shortly after the removal of the Wyandot from Ohio under the Indian Removal Act of 1830 to the “Indian Territory” west of the Missouri River. It is estimated that from fall 1843 through the end of summer 1844, nearly 100 of the tribe’s population of around 700 members died as a result of disease and exposure to the harsh climate.³³ The Burying Ground was used continuously by the Wyandot from 1843 until 1965. The vast majority of the graves in the Burying Ground are unmarked. Most of the Wyandot’ important leaders during the removal period and thereafter are buried in the cemetery. Among those whose remains lying in the Burying Ground is Eliza (Lyda) Burton Conley, the first American Indian to argue a case before the United States Supreme Court, in 1910. Conley was herself a

³¹ The Wyandotte National Burying Ground (Huron Indian Cemetery) will also be referred to as the “Burying Ground” and the “cemetery” throughout this document. The Huron Indian Cemetery is the name used by local Kansas City, Kansas, officials and residents, whereas both the Wyandotte Nation and the Wyandot Nation of Kansas refer to the place as the “Wyandotte National Burying Ground” or “Burying Ground.” All of these names refer to the same place. In some legal documents the Burying Ground is also referred to as the “Huron Place Cemetery.”

Scholarly and popular literature uses a variety of terms to describe the ancestors of today’s Kansas and Oklahoma Wyandot/Wyandotte tribal groups; in fact, Wyandotte historian C.A. Buser of the Wyandotte Nation has identified 101 distinct names given the Wyandotte tribe, and/or their ancestors, since first contact by the French in 1534. C.A. Buser, “101 Names,” Wyandotte Nation, n.d., <http://www.wyandotte-nation.org/culture/history/general-history/names-given/> (2 May 2014). The most common of these are Huron, and three spelling variations of Wyandot. See also Patricia Roberts Clark, *Tribal Names of the Americas: Spelling Variants and Alternative Forms, Cross Referenced* (Jefferson: McFarland & Co., 2009) *passim*. References to matters occurring before dispersal to Michigan and Ohio in the 18th and 19th centuries will use the name “Wyandot” instead of “Wendat,” a name liberally and generally applied in historic references to certain ancient Iroquoian speaking tribes of which three united and formed the historic Wyandot tribe.

The Wyandot tribe was dissolved in 1855, but re-formed in 1867; the 1867 treaty references both the “Wyandott” and the “Wyandotte.” The tribal group established pursuant to the 1867 treaty is located in Oklahoma and is the Wyandotte Nation, which is a federally recognized tribe. Specific references to the Wyandotte Nation or its citizens will use the name “Wyandotte.” Descendants of the “citizen-Wyandot” have established the Wyandot Nation of Kansas; although this nation is not currently federally-recognized it operates as a tribal entity and has a strong relationship with the Wyandotte Nation, and the Wyandot of Anderson Nation, a third yet non-federally recognized band of Wyandot located in Detroit, Michigan. Historic references to the tribe will be “Wyandot” and tribal members of the Wyandot Nation of Kansas will be referred to herein as the “Wyandot.” Historic references occasionally refer to the “Wyandott.”

³² Most sources list the number of Wyandotte in the Burying Ground as ranging from 400 to 600. E.g., *Huron Place*, 1. “Huron Indian Cemetery (Wyandotte National Burying Ground),” n.d., Unified Government of Wyandotte County/Kansas City, Kansas, <http://www3.wycokck.org/WorkArea/DownloadAsset.aspx?id=8290> (31 May 2014).

³³ The official roll indicates that 664 Wyandot were removed to the territory. Larry K. Hancks, Principal Planner, Department of Urban Planning and Land Use, *Huron Place Historic District*. (Kansas City, KS: Unified Government of Wyandotte County/Kansas City, Kansas, 2006), 1. See “Historic Landmarks and Historic Districts.” Unified Government of Wyandotte County/Kansas City, <http://www3.wycokck.org/Dept.aspx?id=9502> (3 March 2014). According to at least one source, however, not all persons listed on the roll left Ohio in 1843; while some Wyandot not listed on the roll were removed to the Indian Territory with their people. Contemporaneous accounts of the removal indicate that about 700 Wyandot were moved from Ohio to Indian Territory. Reports of the Committees of the House of Representatives Made During the Second Session of the Thirty-Sixth Congress 1860-‘61 (Washington, D.C.: Government Printing Office, 1861) 1688 (sworn statement of Lucy B. Armstrong).

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Wyandot; her case was filed as part of her lifelong effort to protect the Burying Ground, where her parents' graves were located, from destruction.

The Wyandotte National Burying Ground, Eliza Burton Conley Burial Site is nationally significant under NHL Criterion 1 because it is associated with events that made a significant contribution to, are identified with, or that outstandingly represent the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained. The Burying Ground serves as tangible evidence of the consequences of federal American Indian policy during the 19th century, particularly the consequences of removal policy to a tribal population and its identity. Lyda Conley's long, and ultimately successful, battle to protect the Burying Ground from destruction is symbolic of Wyandot resilience and of their continuing efforts to preserve their language, culture, and history despite the United States' centuries-long effort to extinguish their very existence as a tribal nation.

The Wyandotte National Burying Ground, Eliza Burton Conley Burial Site is also nationally significant under National Historic Landmarks (NHL) Criterion 2 because it is associated importantly with the life of a person nationally significant in the history of the United States. The Burying Ground is the most important place associated with the life of Eliza (Lyda) Burton Conley who is nationally significant because she waged the historic legal battle to save a sacred American Indian burying ground from destruction. Conley's legal case in the Supreme Court was the first ever argued there by an American Indian attorney, the first to raise the legal argument that American Indian burying grounds are entitled to protection by the federal government, and the first to claim that the descendants of treaty signatories have the right to sue to enforce treaty provisions.

NHL Exception 4 applies to this nomination because the Wyandotte National Burying Ground, Eliza Burton Conley Burial Site is a burial site of a historical figure of transcendent importance and no other appropriate site, building, or structure directly associated with the productive life of that person exists. Lyda Conley was the first lawyer of American Indian descent to argue a case before the Supreme Court. Conley was buried at the site in 1946. No other remaining site is associated with her life, nor with her historic mission to protect and preserve the Burying Ground of her people.

NHL Exception 5 applies to the nomination The Wyandotte National Burying Ground, Eliza Burton Conley Burial Site is nationally significant as a cemetery associated with an exceptionally significant event. Almost all of the Wyandot leaders during the removal era are buried in the cemetery, along with Lyda Conley's parents, and her three sisters. The Burying Ground is associated with a historic Supreme Court case and several pieces of historic federal legislation enacted in the mid-to-late 20th century. The Burying Ground is thus an emblem of what is likely the first documented effort to use legal measures to save an American Indian burial site from destruction by commercial interests.

The Wyandotte National Burying Ground, Eliza Burton Conley Burial Site is eligible under two National Historic Landmark themes: III. Expressing Cultural Values (6) Traditional culture and IV. Shaping the Political Landscape (4) Political ideas, cultures, and theories. The period of significance for this NHL is 1843-1965, which is the period spanning the first burials at the site until the last burial (Frank Andruss Northrup, M.D.) in February 1965. The secondary period of significance is from 1906 until 1946 because it marks the years of Lyda Conley's defense of the site.³⁴

³⁴ NOTE: The following scholarly professional articles substantiate the national significance of Eliza "Lyda" Burton Conley as an American Indian woman attorney, of her lawsuit versus the United States Secretary of the Interior, and of her commitment to the protection of the Wyandotte National Burying Ground. Section 8 of this NHL nomination is a revision by the author, Kim Dayton, of an article published in the *Yale Journal of Law and Feminism* (Vol. 8:1, 1996) "'Trespassers, Beware!' Lyda Burton Conley and the Battle for Huron Place Cemetery," pages 1-30. The *Fordham Law Review* (Vol. 81:6, 2013) contains an article by Kristen A.

Events Leading to the Removal of the Wyandot from Michigan and Ohio to Kansas

The history of the Wyandot prior to their arrival in the United States is complex and to some extent uncertain. Some sources suggest that the French explorer Jacques Cartier encountered Haudenosaunee (Iroquois) that are the ancestors of today's Wyandot living in the region surrounding present day Montreal and Quebec city as early as 1534, when he sailed up the St. Lawrence River.³⁵ According to Wyandot oral tradition, some of these Iroquois moved west to modern day Ontario, settling in the region between the Georgian Bay and Lake Simcoe. Written accounts of this period do not agree, but it seems likely that a number of distinct tribal communities, and their constituent clans, called themselves "Wyandot." Some of these were part of the so-called Wyandot (Huron) Confederacy, while others were never admitted. Most authorities describe the Wyandot (Huron) Confederacy as comprising four or five culturally and linguistically related tribes including the Attignawantans ("People of the Bear"), Attigeneongnahacs ("People of the Cord"), Arendarhonons ("People of the Rock"), Tahontaenrats ("People of the Deer"), and possibly the Ataronchronons. Historian Richard White refers to the Huron-Petun (Tiononati) Confederacy. According to the Wyandotte Nation, which is at present the only federally-recognized tribal group derivative of the Wyandot who moved south from Ontario into Michigan and later Ohio, "The Wyandotte Nation consists of remnants of the Tionontati (Petun), Attignawantan and Wenrochronon (Wenro), all unique independent tribes," although the Tionontati and Wenrochronon were never admitted to the Wyandot (Huron) Confederacy.³⁶

The name "Huron" was given to the Wyandot by the French; it is a derisive term that is variously interpreted as meaning "boar's head," "bristly and unkempt," or "ruffian." The name is said to derive from the appearance of the Wyandot's hairstyle, which is depicted in illustrations dating from the 17th century as similar to that of the Kenienke'haka (Mohawk) warriors. References to the Huron, in historical materials as well as in literature and place names, are in fact references to the constituent tribes of the Wyandot Confederacy and related groups.

It is thought that prior to contact with Europeans, the Wyandot numbered at least 20,000 and possibly as many as 40,000. Samuel de Champlain encountered the Wyandot no later than 1615—some sources suggest as early as 1603—and formed alliances with them against the Haudenosaunee (Iroquois Confederacy). The Wyandot controlled the beaver trade in the region, and the French assisted the Wyandot in their wars against neighboring groups by providing weapons in exchange for trade.³⁷

During the first half of the 17th century, the Wyandot population was devastated, as a result of war with the Iroquoian Confederacy, and more significantly by diseases such as smallpox introduced by the Jesuits who arrived in 1633. Scholars do not agree on the demographics of the Wyandot during this time, but it is generally thought that the Wyandot population was reduced from at least 20,000 to 10,000 or less.

Carpenter and Eli Wald, "Lawyering for Groups: The Case of American Indian Tribal Attorneys," pages 3085-3163; and the *Thomas Jefferson Law Review* (Vol. 34:2, 2012) has an article by Stacy L. Leads and Elizabeth Mashie Gunsaulis, "Resistance, Resilience, and Reconciliation: Reflections on Native American Woman and the Law," pages 303-324.

³⁵ *Wendat (Huron)*, Library and Archives of Canada, n.d., <https://www.collectionscanada.gc.ca/settlement/kids/021013-2111.4-e.html> (31 May 2014) (archived materials).

³⁶ Lloyd Divine, Wyandotte Nation, Cultural Committee Chairman. The Wyandotte Nation is at present the only federally-recognized tribal group in the United States that is directly derivative of the Wyandot and associated tribal groups. *Are the Wyandottes Huron?* Wyandotte Nation (Wyandotte Nation), n.d., <http://www.wyandotte-nation.org/> (May 31, 2014).

³⁷ See generally Charles Garrad and John Steckly, *Craigleith and the Birth of the Wyandott Tribe* (1998), Wyandotte Nation, <http://www.wyandotte-nation.org/culture/petun-research-institute/craigleith-and-the-birth-of-the-wyandot-tribe/> (May 31, 2014).

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The Wyandot Confederacy's defeat by Iroquoian tribes in 1649 led to the Wyandot diaspora. Over the next century, some Wyandot were adopted by the Haudenosaunee (Iroquois Confederacy). Significant communities settled in present-day Ontario and Quebec; the descendants of this faction of the Wyandot are today the Nation Huronne-Wendat, whose reserve Wendake is located within the borders of Quebec City.

The Wyandot came into being from the many surviving souls of the Tionontati people along with like survivors from the remnants of the Attignawantan, and Wenrotronon peoples. In their defiant stance to resist extermination or absorption into tribes of the Iroquois Confederacy, the Wyandot eventually migrated south into what would become the United States by the early eighteenth century. Initially settling around the area of Detroit and southeastern Michigan, distinct groups of the Wyandot began to move and settle into the Ohio country establishing Upper Sandusky, Ohio, on the banks of the Sandusky River.³⁸ Between 1785 and 1817 a series of treaties with the United States resulted in the Wyandot relinquishing more and more of their lands in the Northwest Territories, part of which eventually became Ohio (1803) and Michigan (1837). Nonetheless, by the beginning of the 19th century, the Wyandot owned and controlled considerable lands in Michigan and Ohio.

The Ohio Wyandot were well-educated and relatively prosperous; their number included prominent lawyers, abolitionists, suffragists, and businessmen. Through marriage and adoption, they had assimilated members of other American Indian nations, a great many whites, and some African-Americans. John Stewart, an itinerant Methodist Episcopal missionary of mixed African-American and American Indian heritage, arrived among the Upper Sandusky Wyandot in about 1816. Stewart established a mission there that comprised the first Methodist mission among American Indians in North America.³⁹ Many Ohio Wyandot practiced Christianity according to the dictates of the Methodist Episcopal Church.⁴⁰ Despite their assimilation of many aspects of the so-called "white" lifestyle, however, the Wyandot maintained their historic cultural traditions and political practices, and most still spoke their Native language.

Indian Removal Act of 1830 and the Wyandot

On December 6, 1830, President Andrew Jackson in his Second Annual Message to Congress included his plan for the removal of all of the American Indian tribes located east of the Mississippi River to west of the same river. He said,

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.⁴¹

³⁸ Divine. Many place names (county, street names, etc.) in present-day Upper Sandusky, Ohio reflect the Wyandot's long history there.

³⁹ "Seventh Street Methodist Episcopal Church South, 1887-88," Unified Government of Wyandotte County and Kansas City, Kansas, n.d., <http://www.wycokck.org/assets/5CEEB257-893D-4D35-A4B2-E3E5EA B92689.pdf> (May 31, 2014).

⁴⁰ See generally Joseph Mitchell, *The Missionary Pioneer, Or, A Brief Memoir of the Life, Labors, and Death of John Stewart (Man of Color), Founder, Under God, of the Mission Among the Wyandottes at Upper Sandusky, Ohio* (New York: J.C. Totten, 1827); Beecher B. Pennington, *History of the Seventh Street Methodist Church South* 3-15 (Kansas City: Buckley Publishing, 1915).

⁴¹ The Library of Congress, Researcher, Virtual Programs and Services, Web Guides, Primary Documents in American History. Indian Removal Act, found in the *House Journal* and the *Senate Journal*, <https://www.loc.gov/rr/program/bib/ourdocs/Indian.html> (April 9, 2015).

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Introduced by Senator Hugh White, from the Committee on Indian Affairs on February 22, 1830, President Jackson signed the bill into law on May 28, 1830.⁴²

The Indian Removal Act contained five sections that made it lawful for the President of the United States to remove any of the tribes located east of the Mississippi River to lands west of the Mississippi River “to which the Indian title has been extinguished, as he may judge necessary... .” For the improvements to the land/property that were owned by any of the eastern tribes, the President could have the value appraised and money to be paid to the person who was responsible for the cost of those improvements to the land. Once the tribal member(s) received payment the United States would own the land in total, with no claims from the tribe or its members.⁴³

In Section 3 of the Act, each removed tribe was guaranteed that by accepting the “exchange” of land,

... it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; ...

In addition, the removed tribes were to be provided with aid and subsistence to enable “them to remove” and “as may be necessary” for the first year after removal.⁴⁴ In reality, few, if any, of the conditions of the Act were met on the part of the United States and many of the tribes removed to the Kansas-Nebraska Territory were later removed again to “Indian Territory” in Oklahoma.

The Wyandot’s eighteenth- and early nineteenth-century treaties with the federal government assured them perpetual rights to their Michigan and Ohio lands as well as federal protection against white encroachment. But with the passage of President Andrew Jackson’s Indian Removal Act in 1830, the forced removal of the Wyandot from their Ohio and Michigan lands became inevitable.⁴⁵ In 1831, a party consisting of several Wyandot leaders traveled to the Great Plains region that the federal government had indicated were the lands to which the eastern tribes would be removed, and for which the Wyandot’s Ohio property might be exchanged. Upon their return, this party reported to the tribal membership that the lands in question were inferior and recommended against any future agreement to be removed.⁴⁶

The Wyandot resisted removal longer than most other American Indian tribes; ultimately, however, they were compelled to accept their removal in an 1842 treaty with the federal government.⁴⁷ By this treaty, the Wyandot ceded their Ohio and Michigan lands to the federal government in exchange for immediate and future monetary payments, annuities, and the grant of “a tract of land west of the Mississippi River, to contain 148,000 acres, and to be located upon any lands owned by the United States, now set apart, or [that] may in future be set apart for American Indian use, and not already assigned to any other tribe or nation.” Although they were unable to

⁴² Ibid.

⁴³ Ibid. Section 1 and Section 4.

⁴⁴ Ibid. Section 5.

⁴⁵ Indian Removal Act of May 28, 1830, ch. 148, 4 Stat. 411.

⁴⁶ J. Orin Oliphant, ed., *The Report of the Wyandot Exploring Delegation, 1831*, Kan. Hist. Q. 15 (1947): 253-58.

⁴⁷ Treaty with the Wyandot, Mar. 17, 1842, U.S.-Wyandot, 11 Stat. 581, reprinted in Charles L. Kappler, ed., *Indian Affairs: Laws and Treaties* 2:534 (Washington: Government Printing Office, 1904).

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prevent their tribe's removal, Wyandot leaders did elicit from the federal government an unprecedented concession now known as "the Wyandot floats:" the right of each of the thirty most prominent families in the tribe to select 640 acres anywhere within the removal territories.⁴⁸ The Wyandot were allowed time to wind down their Ohio affairs and given assurances as to the timing and nature of the compensation they were due under the terms of the treaty.

Records of the Wyandot's arrival in Missouri indicate that the two steamers which brought them westward arrived in late July, 1843, at Westport Landing on the east bank of the Missouri River, where they were "turned out like sheep by a heartless shepherd."⁴⁹ Some secured lodging in the town of Westport, but most set up camp in temporary housing on the narrow strip of land near the confluence of the Missouri and Kaw (Kansas) Rivers, in what is now Kansas City, Kansas.⁵⁰ The Wyandot waited there for the payments and land that had been promised by the federal government in the Treaty of 1842.

In fact, the United States did not ever honor its treaty obligations under the July 1843 treaty. In the fall of 1843, Wyandot leaders began to negotiate with the Delaware for the purchase of land on which to rebuild their community. Lucy B. Armstrong, a Wyandot by marriage, and adoption, wrote of that period:

The settlement of Wyandot City was not at first like new settlements are usually -- one or two individuals making improvements which serve for a nucleus for a future town, but a nation of about seven hundred people, the Wyandots, came from the Sandusky river in Ohio, and not finding the lands promised to them by the United States Government in lieu of the lands they ceded to it in October, 1843, they purchased thirty-six sections of land of the Delawares, lying between the Kansas and Missouri rivers and the Delawares presented them with the three sections next to the confluence of these rivers.⁵¹

⁴⁸ Treaty of 1842, Article 14:

The United States agree to grant by patent in fee simple to each of the following-named persons, and their heirs all of whom are Wyandotts by blood or adoption, one section of land of six hundred and forty acres each, out of any lands west of the Missouri River set apart for Indian use, not already claimed or occupied by any person or tribe, viz: Silas Armstrong, John M. Armstrong, Matthew R. Walker, William Walker, Joel Walker, Charles B. Garrett, George Garrett, George J. Clark, Irwin P. Long, Ethan A. Long, Joseph L. Tennery, Robert Robertaille, Jared S. Dawson, Joseph Newell, John T. Walker, Peter D. Clark, James Rankin, Samuel McCulloch, Elliot McCulloch, Isaiah Walker, William M. Tennery, Henry Clay Walker, Ebenezer Z. Reed, and Joel Walker Garrett, and to the following chiefs and councillors one section each: Francis A. Hicks, James Washington, Squeendehtee, Henry Jaques, Tauroonee, Doctor Grey Eyes, George Armstrong, Warpole, John Hicks, Peacock, and George Punch. The lands hereby granted to be selected by the grantees, surveyed and patented at the expense of the United States, but never to be conveyed by them or their heirs without the permission of the President of the United States.

See Homer E. Socolofsky, *Wyandot Floats*, Kan. Hist. Q. 36 (1970): 242 (discussing unique nature of this aspect of the treaty and detailing the ultimate disposition of the 35 sections known as the "floats"). Many of Kansas' most prominent early cities, including Lawrence, Manhattan, and Topeka, were established on these "float" lands.

⁴⁹ William G. Cutler, *History of the State of Kansas* (Chicago: A.T. Andreas, 1883), n.p., in Kansas Collection, <http://www.kancoll.org/books/cutler/wyandotte/wyandotte-co-p2.html>

⁵⁰ Lucy B. Armstrong, *Journal of Lucy B. Armstrong, Excerpt: The Migration of the Wyandots to Kansas (1844-47)* n.p.: n.p., n.d., at "The Migration of the Wyandot to Kansas," *Wyandot Nation of Kansas*, http://www.wyandot.org/wn_lba.htm (31 May 2014); Larry K. Hancks, *The Emigrant Tribes, Wyandot, Delaware & Shawnee: A Chronology* (n.p.: n.p., 1993) 82 (unpublished manuscript); Smith, 63-64.

⁵¹ Lucy Armstrong, née Lucy Bigelow, was the daughter of a Methodist missionary who married John M. Armstrong, a Wyandot of mixed blood. He was an important lawyer who represented the Wyandots in treaty negotiations and in filing claims against the United States on their behalf; he also taught at the Wyandots' first school established in Indian Territory. See Paul Armstrong Youngman,

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The agreement consummating this sale of lands, dated December 14, 1843, appears to be the first Western-style treaty ever executed between two tribal nations.⁵² The Wyandot would pay for these lands with their annuity of \$4000 per annum.

During the fall of 1843 and through the winter and spring of 1844, many Wyandot died from diseases brought on by exposure, relentless flooding, and the epidemics that plagued the western frontier. As the death toll among the Wyandot mounted, the survivors identified the highest point within their encampment for a burying ground: a high bluff above the Missouri just west of the border between the state of Missouri and the territories of the Great Plains. The oldest marked grave in the cemetery today is that of Chief Ron-ton-dee (his Porcupine clan name) also known as "Warpole" who was the last war chief, and the first principle chief elected by popular vote by the citizens of the Wyandot tribe. Ron-ton-dee died on November 17, 1843, but there were almost certainly burials before that date.

Estimates as to the total number of Wyandot who perished during the first year after removal from Ohio vary. Most suggest that at least 100 tribe members--nearly one-seventh of the Wyandot population that had moved from Michigan and Ohio--had been buried on top of the bluff above the Missouri by November 1844.⁵³ That Burying Ground, the site of the Wyandot's futile wait for the federal government to fulfill its treaty obligations, eventually came to be called the "Huron Indian Cemetery" by local Kansas City residents. Some sixty-odd years later, the cemetery would become the focal point of Lyda Conley's landmark litigation with the federal government. Today, the site is known to both the Wyandotte Nation and the Wyandot Nation of Kansas as the "Wyandotte National Burying Ground."

The Wyandot Post-Removal: 1844-1890

As noted above, the Ohio and Michigan Wyandot who came to the territories in 1843 were well-educated and astute in matters of business and politics. Many were deeply committed to the tenets of the Christian faith, particularly Methodist Episcopalianism. By mid-1844 members of the tribe had built a church and established the first free school in the territories. Over the next ten years the town of Wyandotte City grew up on the high ground surrounding the cemetery and became a center of business commerce catering to the steadily increasing numbers of pioneers, adventurers, and homesteaders embarking across the American Indian country of the Great Plains for destinations to the west.⁵⁴ Streets were laid out that today still bear the names—Armstrong, Tauomee, and Northrup—of important families and leaders among the Wyandot tribe.⁵⁵ Yet the Wyandot

Heritage of the Wyandots and "The Armstrong Story" (Minnville, OR: Bennett & Miller, 1975) 36-40.

⁵² Agreement with the Delaware and Wyandot, 1843, Dec. 14, 1843, 9 Stat. 337, Ratified [Sanctioned] July 25, 1848, with the proviso: "That the Wyandot Indian Nation shall take no better right or interest in and to said lands than is now vested in the Delaware Nation of Indians." S. Con. Res. 19, 30th Cong., 1st Sess. (1848) ("A Resolution to sanction an Agreement made between the Wyandotts and Delawares for the Purchase of certain Lands by the former, of the latter Tribe of Indians").

⁵³ E.g., Taylor, 13; Wyandotte County and Kansas City, Kansas: Historical and Biographical (Chicago: Goodspeed Publishing Co., 1890) 150-55.

⁵⁴ The town of Wyandotte City was formally incorporated in 1859; maps from the 1850s depict the town as either Wyandott, Wyandotte or Wyandot City. By the mid-1880s, Wyandotte City and the nearby communities of Armourdale and Rosedale had been consolidated into the single city known today as Kansas City, Kansas.

⁵⁵ The Wyandot community, though bound together by a shared history and a unique cultural and religious heritage, nonetheless reflected many of the national political conflicts of the pre-Civil War era. In the late 1840s, the struggle over the issue of slavery manifested itself in the Wyandot community when one of the tribal leaders, William Walker, Jr., purchased a slave woman named Dorcas in Harrisonville, Missouri, and brought her to Wyandotte City. Hancks, *Emigrant Tribes*, 95. Walker's flagrant pro-slavery act drove a wedge between the majority of Wyandot, who were abolitionists (some of whom were themselves partly of African-American

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continued to speak their Native language (most classes in the schools were taught in the traditional Wyandot language) and to follow their cultural traditions.

In 1850, the Wyandot began to take steps to settle their claim to the 148,000 acres that they had been promised under the treaty of 1842. Tribal leaders made three trips to Washington, D.C. to demand that the federal government honor its treaty obligations. In August 1850, the Wyandot executed yet another treaty in which the federal government promised an \$185,000 payment to the tribe in lieu of the acreage promised in the Treaty of 1842.⁵⁶ Once again, the government failed to make the payment it had agreed to make. The Wyandot's land holdings were now reduced to the thirty-nine sections they had acquired by purchase and gift from the Delaware in 1843, along with the land rights represented by the "Wyandot floats" that had not yet been exercised by the Wyandot families owning them.

By 1853 it had become clear to Wyandot leaders that the politically unorganized Indian Territory would soon become a pawn in the divisive slavery issue, as well as the next target of westward expansion of white settlers. They organized an unofficial provisional territorial government; of which William Walker, Jr., was elected provisional governor in 1853. Abelard Guthrie, an Indian sub-agent who had married a Michigan Wyandot, was elected the unofficial territory's congressional delegate.⁵⁷

In 1854 the festering issue of slavery, the passage of the Kansas-Nebraska Act, and a revised federal American Indian policy to consign American Indians to "reservations" combined to alter permanently the relationship between the Kansas Wyandot and the federal government and, as it later developed, the nature of the Wyandot future legal claims to the Huron Place Cemetery in which their ancestors lay.⁵⁸ The Kansas-Nebraska Act, enacted May 30, 1854, opened the homesteading of the Great Plains and permitted those who properly laid claims in what are now Kansas and Nebraska to determine for themselves whether the new states would be slaveholding or free. The presence of various American Indian nations and their claims to lands within the newly designated Kansas-Nebraska Territories presented serious political and practical problems to the vision of statehood for Kansas and Nebraska contemplated by the Act. Eventually, some of the tribe's residents in the Kansas-Nebraska Territories, such as the Delaware and Shawnee, were removed yet again, this time to "Indian Country," in present-day Oklahoma. Some—the tribes of the Kickapoo and the Sac and Fox, for example—were consigned to tiny reservations carved out of the lands they held under their original treaties of removal.⁵⁹

descent), and the smaller, pro-slavery faction of the tribe. Until the Supreme Court's Dred Scott decision, *Dred Scott v. Sanford*, 60 U.S. (19 How.) 393 (1857), slave ownership was illegal west of the Missouri River. Nonetheless, over the next several years as many as twenty slaves were purchased and brought across the Missouri River, some of them by Wyandot tribal members. The schism that developed because of this issue resulted, among other things, in the establishment by the abolitionist Wyandot of a second church and, in 1851, a second Wyandot cemetery called Quindaro.

⁵⁶ Treaty with the Wyandot, Apr. 1, 1850, U.S.-Wyandot, 9 Stat. 987, reprinted in Kappler, 587.

⁵⁷ Socolofsky, 245. For contemporaneous accounts of this period of Wyandot history, see William E. Connelly, ed., *The Provisional Government of Nebraska Territory and The Journals of William Walker, Provisional Governor of Nebraska Territory* (Lincoln, Nebraska: State Journal Co., 1899); Taylor, 16.

⁵⁸ Kansas-Nebraska Act, ch. 59, 10 Stat. 227 (1850-51).

⁵⁹ Kenneth S. Davis, *Kansas: A History* (New York, NY: W.W. Norton & Co., Inc., 1984) 29. In addition to the large number of nomadic tribes that had always inhabited the plains regions that later became Kansas and Nebraska, several eastern tribes had legal claims on large acreages in those regions. In 1855, when the official public survey of the eastern third of present-day Kansas and the eastern quarter of Nebraska was published by the Surveyor General's Office, the survey noted eleven areas, reflecting the treaty-based claims of nine tribes or bands, occupying parts of the territories. See J. Calhoun, *Sketch of the Public Surveys in Kansas & Nebraska*. 51 x 30 cm. (Washington, D.C.: United States Surveyor General 1854), <http://specialcollections.wichita.edu/collections/maps/detailsframes.asp?var=1855-0001> (map). The Kansas-Nebraska Act required

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By 1854 the lands at the confluence of the Kansas and Missouri Rivers on which the Wyandot had made their home had proved to be both strategically located and commercially valuable given the new status of the Kansas and Nebraska Territories. Moreover, the sophisticated Wyandot leaders knew that the value of their property in Wyandott City had greatly improved since their arrival in 1843. They did not favor the idea of yet another removal, nor consignment to a "reservation" in the remote, undeveloped, and geographically undesirable Indian Country located in present-day Oklahoma. So, pursuing an idea that had first been broached (possibly by some of the Wyandot leaders themselves, although this is not entirely clear) during the treaty negotiations of 1850, the federal government concluded that the Wyandot then living in what was soon to be the state of Kansas had "become sufficiently advanced in civilization" to justify their becoming citizens of the United States.⁶⁰

There is a general understanding that the Wyandot tribe as a whole wanted U.S. citizenship so the land could be allotted and money made from the ensuing sales. This is not entirely true. Yes some, but not all our chiefs, chancellors, and leading men, did initially propose citizenship for the Wyandot tribe with the hope of obtaining individual land rights. As negotiations were being made for what ultimately became the Treaty of 1855, against the orders of the Tribal Council and Principal Chief, a few tribal representatives went rogue and initially proposed citizenship to obtain the desired land rights. Word of this was received by the Tribal Council and stopped. U.S. Citizenship was indeed being discussed by the Tribal Council; however, it was with the intent to seek Territorial Status and not the selling of our land. Our leadership knew change was coming that could not be stopped; therefore, they wanted to take preemptive efforts at organizing a territory of the United States governed and managed by the various Indian tribes. They knew the only way this could happen, and the Provisional Territory be recognized, was if the Indians were United States citizens. It was a grand and noble plan that was consumed in the Border War of 1854-1861, generally known as Bleeding Kansas.⁶¹

On January 31, 1855, the Wyandot and the United States signed the first federal treaty ever to confer citizenship on the members of an American Indian tribe:

The Wyandott Indians having become sufficiently advanced in civilization, and being desirous of becoming citizens; it is hereby agreed and stipulated, that their organization, and their relations with the United States as an Indian tribe shall be dissolved and terminated on the ratification of this agreement, except so far as the further and temporary continuance of the same may be necessary in the execution of some of the stipulations herein; and from and after the date of such ratification, the said Wyandott Indians, and each and every of them, except as hereinafter provided, shall be deemed, and are hereby declared, to be citizens of the United States, to all intents and purposes; and shall be entitled to all the rights, privileges, and immunities of such citizens...⁶²

In a similar case, in 1839 the Brothertown Indians, formerly of New York and later of Wisconsin, were deprived of their tribal status in exchange for citizenship through an act of Congress not via a treaty.⁶³

that these tribes be removed or otherwise dealt with prior to the opening of the territories to homesteaders. By the 1870s, treaties had been negotiated with a total of eighteen American Indian nations who relinquished to the federal government over thirteen million acres. Davis, 34.

⁶⁰ Treaty with the Wyandot, Jan. 31, 1855, U.S.-Wyandot, 10 Stat 1159, reprinted in Kappler, 677.

⁶¹ Lloyd Divine email correspondence to Michele Curran, July 10, 2015.

⁶² Treaty of 1855.

⁶³ See: Daniel J. Silverman, *Red Brethren: The Brothertown and Stockbridge Indians and the Problem of Race in Early America* (Cornell University Press, 2010) and Brad D.E. Jarvis, *The Brothertown Indians: Land Ownership and Nationalism in Early America, 1740-1840* (University of Nebraska Press, 2010)

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Consummate with the nascent federal policy of “allotment,” the treaty also obliged the tribe to cede to the federal government the lands that it had purchased from the Delaware in 1843. These ceded lands would later be disbursed by the government in “allotments” to individual Wyandot and their families; payments would also be made directly to the Wyandot to account for improvements made during their occupancy of the tribal lands.

With regard to the Wyandotte National Burying Ground, however, the treaty expressly provided that “the portion [of the Wyandot Purchase] now enclosed and used as a public burying-ground, shall be permanently reserved and appropriated for that purpose.” Later, the meaning and enforceability of that clause would become the legal centerpiece of Conley's litigation half a century later in the Circuit and Supreme Courts of the United States.

The Treaty of 1855 allowed for individual Wyandot to defer citizenship (for how long is not clear) and remain, temporarily, under the protection of the United States government, but it did not preserve these tribal members' right to hold property in common. Even those individuals who became “exempt” from the citizenship process were to receive allotments and cash. According to Bowes, many who chose exemption did not understand that the treaty extinguished the tribe's legal existence and its right to a reservation.⁶⁴ Moreover, many Wyandot who declined the offer of citizenship were nonetheless placed on the citizens list.

The Treaty of 1855 purported to dissolve the Wyandot tribe as a singular legal entity. It appears, however, that most eligible Wyandot did not take up the United States' offer to relinquish their tribal status and identity in exchange for the “privilege” of U.S. citizenship and a small allotment of what had been tribal property. Many years later, the Attorney General of the United States would write that “I find that practically the whole of the tribe of 1855 failed to become . . . resident allottees and citizens as the treaty of 1855 contemplated. They had been and continue to be tribal Indians.”⁶⁵

Among those persons declining citizenship was Hannah Zane, the grandmother of Lyda Conley. Others—including Eliza Burton Zane Conley, Conley's mother—were minors at the date of the treaty's execution and could not legally exercise their treaty right to become citizens until they reached the age of majority. Such individuals were characterized as “incompetents” in the treaty, and in many later documents.

The 1855 Treaty failed to address the long-term situation of Wyandot who chose to remain tribal members and who were placed in the exempt category. By midsummer 1857, many of the exempt Wyandot, had moved to the Indian Territory of Oklahoma where they became guests of the Mixed Band Seneca-Shawnee. Several years later, these Wyandot purchased 20,000 acres on the north side of the Seneca Reservation.

Despite the treaty's objective to eradicate the tribe and its political structure, the Wyandot continued to conduct their internal affairs according to their past customs and practice, and to celebrate traditional Wyandot ceremonies of religious and cultural significance, such as the Green Corn Feast held in August.⁶⁶ The federal

⁶⁴ John P. Bowes, *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (Cambridge; New York: Cambridge University Press, 2007) 213-14. Bowes writes extensively about the politics surrounding implementation of the 1855 Treaty and subsequent the division of the tribe into two factions—exempt Wyandot and citizen-Wyandot—neither of which retained federal recognition as a tribal entity until tribal status was restored to the exempt Wyandot [Wyandotte] in 1867.

⁶⁵ James A. Finch and John L. Lott, Eds., *United States Department of Justice, Official Opinions of the Attorneys General of the United States, “Attorney General Charles J. Bonaparte, letter to Secretary of the Interior James Garfield”* (Washington, D.C.: Government Printing Office 1908) 26:491-95.

⁶⁶ Hancks, *Emigrant Tribes*, 176.

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government viewed the 1855 Treaty as granting citizenship to a substantial portion of the Kansas Wyandot, thereby ending its obligation to pay annuities and otherwise support the tribe in any monetary capacity. The Wyandot themselves, however, did not regard the treaty as having altered the tribe's political or cultural practices.

During the course of the Civil War, critical legal and political issues left open by the implementation of the 1855 Treaty festered. The legal status of exempt (non-citizen) Wyandot and those who had been minors at the time the treaty was executed remained unaddressed. In addition, the distinction the 1855 Treaty drew between the Citizen-Wyandot and the "Indian Wyandot" who moved to Oklahoma and established permanent residence there created further status issues. In 1862, some of the Wyandot who had migrated to Oklahoma, including their Chief, Tauromee, returned to Wyandotte City, Kansas. While in Wyandotte City, Chief Tauromee organized the Indian Party Wyandot with the intent and purpose to seek and reclaim the Wyandot's status as a tribe. Unfortunately, Tauromee's Council from that moment onward would too often stand in conflict and opposition to the Citizen Party Wyandot, which only inflamed the legal and political issues.⁶⁷

The Indian Party Wyandot implicitly and explicitly challenged the authority of the Citizen Wyandot's tribal council, which had consistently operated in Wyandotte City, Kansas, since the tribe was dissolved by the 1855 Treaty. The Indian Party Wyandot led by Head Chief Tauromee, vested Abelard Guthrie with power of attorney, and in April of 1862 the Citizen Wyandot asked that authority over the Indian Party Wyandot be transferred to the jurisdiction of the Delaware agent. A political struggle developed within the Kansas Wyandot community over which council legitimately represented the interests of the Wyandot. In 1864 supporters of the Indian Party Wyandot returned to Indian Territory in Oklahoma intending to seek reinstatement by the government as an American Indian tribe.⁶⁸

In 1867 a delegation of Wyandot led by Tauromee traveled to Washington to negotiate a treaty that would restore the Wyandot's tribal status. In February, 1867, the federal government signed a treaty with several bands and tribes of the "Indian Country," including the Wyandot.⁶⁹ Through the 1867 treaty, "... the names of all who declare to be and remain Indians, and in a tribal condition, together with incompetents and orphans, as described in the treaty of one thousand eight hundred and fifty-five, and all such persons, and those only, shall hereafter constitute the tribe:..." All other Wyandot were to be denied citizenship "except by free consent of the tribe after its new organization ..." ⁷⁰ Anyone that did not initially fall into the criteria for tribal citizenship had to ask for reinstatement, or adoption, back into the newly reconstituted Wyandotte Tribe. Ask and be received, it was a simple and novel exception to a very exclusive and harsh ruling. All Wyandot could have easily become citizens of the new tribe. The Wyandotte's reservation was on lands ceded to the federal government by the Seneca. This treaty failed, however, to address the status of the "Huron Indian Cemetery."

Pursuant to the provisions of the 1867 Treaty, in 1904 Indian Agent Joel Olive again surveyed the Kansas Wyandot to determine who wished to retain tribal status and who wished to become citizens. His original notes indicate that many of the Citizen Wyandot now wished to renounce their citizenship. The treaty provided, however, that individuals who had opted for citizenship in 1855 could regain tribal status only if allowed to do

⁶⁷ Divine.

⁶⁸ Hancks, *Emigrant Tribes*, 153-75; Smith, 176-205; Bowes, 215-20.

⁶⁹ Treaty with the Seneca, Mixed Senecas and Shawnees, Quapaws, Feb. 23, 15 Stat. 513, reprinted in Kappler, 960.

⁷⁰ *Ibid.*, 963.

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so by the reconstituted Wyandotte Tribe. It appears that, for the most part, the Wyandotte would not admit to the tribal rolls those citizen-Wyandot who had remained in Kansas or elsewhere.⁷¹

Olive's survey included individuals who had been minors in 1855 at the date of the Treaty of 1855's execution but had since come of age. Among these was Eliza Burton Zane Conley, Lyda's mother, who met with Joel Olive in behalf of herself and her four daughters. Olive's notes indicate that "Eliza wishes herself and family placed on Indian list."⁷² In the final submission to the Bureau of Indian Affairs in 1871, however, none of the Conleys—neither mother nor daughters—were included in the roll of Wyandot tribal members.⁷³ In a subsequent 1896 census by Olive, the Conley sisters were designated as "absentee or citizen Wyandottes."⁷⁴ Their designation in the "Olive roll" as citizen-Wyandot would later become relevant to Conley's lawsuit to protect the Burying Ground.

In 1866, Kansas Governor John A. Martin had consolidated the towns of Wyandotte (sometimes recorded as Wyandott or Wyandott City), Kansas City, and Armourdale into the single city of Kansas City, Kansas.⁷⁵ By 1890, Kansas City, Kansas was a boom town strategically located between the cultivated East and the still rugged but rapidly growing West. It was a place of major commercial and industrial activity, its center radiating out from the square block in the middle of downtown where the Huron Place Cemetery, and the bodies of the Wyandot, still lay. This land occupied by the Burying Ground was valuable commercial property and was deemed to be an "eyesore" by some community leaders and businessmen.⁷⁶ They pressured local and state politicians to address this situation, and in the spring of 1890, Kansas Senator Preston B. Plumb introduced in Congress a joint resolution declaring the Huron Indian Cemetery a "nuisance;" he claimed that a majority of Wyandot in Kansas City favored removal of the cemetery to another, more "secluded" location.⁷⁷ When word reached the Wyandot community in Kansas City, however, many of its leaders protested the proposal. In an outraged letter to the Wyandotte Gazette, Lucy Armstrong,⁷⁸ wrote that:

⁷¹ Bowes, 217.

⁷² "Letters Received by the Office of Indian Affairs 1824-81. Wyandot Agency, 1843-1863; 1870-1872." Microfilm, Roll 951, Frame 221 (Washington, D.C.: The National Archives, 1959).

⁷³ Ibid.

⁷⁴ Joel T. Olive, "Census of the Absentee or Citizen Wyandotte Indians, taken by Joel T. Olive, special and disbursing United States Indian agent, November 18, 1896," U.S. Government document popularly called the Olive Roll, Wyandotte County Historical Society Collection (Kansas City, Kansas).

⁷⁵ *The Governor's Consolidation Proclamation, Declaring Kansas City, Armourdale and Wyandotte a city of the first class, under the name of Kansas City, State of Kansas, Executive Department, Topeka, March 6, 1886, reprinted in* Perl W. Morgan, *History of Wyandotte County, Kansas: and its people* (Chicago: Lewis Publishing Co., 1911) 1: 304.

⁷⁶ Hancks, *Emigrant Tribes*, 105.

⁷⁷ Morgan, 1:83; Janith K. English, *A Chronological History of the Wyandot Nation of Kansas* (n.p.: n.p., 1994) (unpublished manuscript), 1890.

⁷⁸ Armstrong was the highly educated daughter of a Methodist missionary to the Ohio Wyandot. Active in the pre-Civil War abolitionist movement and the statehood efforts of the New England free-staters, Armstrong was an ardent suffragist and advocate of women's rights; in 1858, she successfully persuaded the Commission of Indian Affairs that widows among the Wyandot should be counted as "heads of households" for purposes of distributions of allotments to the Wyandot under the provisions of the 1855 Treaty. "Correspondence of Lucy B. Armstrong," *Letters Received by the Office of Indian Affairs 1824-81*, Microfilm, Microcopy No. 234, Roll 951, Frame 221 (Washington, D.C.: The National Archives, 1959). She was a central figure in the public debate over the cultural and historical significance of the Huron Place Cemetery that had been precipitated by the remarks of Senator Plumb in 1890.

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to remove the 'burying-ground' now would be to scatter the dust of the dead to the winds. What a sacrilege! I remember with reverence many of the good Wyandots buried there, and my heart protests against such a desecration of that sacred ground. Such a sale is repugnant to every sentiment we cherish for our dead, as well as being offensive to the highest impulses of a Christian civilization.⁷⁹

Ultimately, Plumb's resolution did not pass. But the seeds for the potential future destruction of the cemetery had been sown.

In the late 1890s, William Elsey Connelly became involved in a second effort to sell the property on which the Burying Ground was located. Connelly was newspaperman, entrepreneur, and amateur historian who had long maintained an interest in the Wyandot communities in Kansas and the Indian Territories. He had written several works about the Wyandot, including a compilation of their legends and a short history of the Wyandot in Kansas.⁸⁰ His 1892 survey of the known burials in the Huron Indian Cemetery is today considered to be the best account of nineteenth-century burials there.⁸¹ Connelly was a remarkable historian and his works are critical to an understanding of the early history of Kansas both before and after it became a state. But Connelly was also a real estate speculator who saw the commercial value of the property on which the cemetery was located.

After nearly a half-century in Oklahoma, confined to the small area of land they had acquired from the Seneca, the Wyandotte of Oklahoma were impoverished. In 1899, Connelly approached the Oklahoma tribe with a proposal quite similar to what had been contained in Senator Plumb's failed resolution. The proposal involved selling the cemetery, removing the bodies to another site, and distributing the proceeds among the Wyandotte Tribe in Oklahoma. Connelly successfully coerced the Wyandotte Tribe to elect him as agent of the Wyandotte for this purpose and negotiated an agreement that, among other things, gave him power of attorney for the tribe and assured him a fifteen percent commission upon the sale for his legal fees.⁸²

Lyda Conley and the Battle for the Huron Indian Cemetery (Wyandotte National Burying Ground)

We had two large American flags in the shack . . . and in the event of troops putting in an appearance, we had decided to wrap the folds of the flag around us, and tell the boys in blue to shoot--for they would have to do that before they could disturb those graves.⁸³

Lyda Burton Conley was born Eliza Burton Conley sometime between 1865 and 1869 to Eliza Burton Zane Conley, a Wyandot, and Andrew Conley, a white man who emigrated from England. She reportedly despised her birth name of Eliza, and used the name Lidie or Lyda in her correspondence and "Lyda Burton Conley" on her business cards and as the name under which she argued before the Supreme Court. She was one of four daughters born to Eliza and Andrew; two of her sisters, Helena (called Lena) and Ida, survived to adulthood, while the third, Sarah (called Sallie), died while still a teenager. Conley's Wyandot forebears included Chief Tarhe, the lead chief representing the Ohio tribes during negotiations leading to the Treaty of Greenville in 1795.⁸⁴

⁷⁹ Grant Harrington, *Historic Spots or Mile-Stones in the Progress of Wyandotte County, Kansas* (Merriam, KS: The Mission Press, 1935) 119 (quoting from Armstrong's Letter); Wyandotte County, 173; English, *Chronological History*, June 4, 1890.

⁸⁰ E.g., William E. Connelly, *Wyandotte Folklore* (Topeka, KS: Crane & Co. 1900).

⁸¹ William E. Connelly, *Huron Place, The Burial Ground of the Wyandot Nation in Wyandotte County, Kansas, 1897* (Kansas City, KS: City of Kansas City, Kansas, 1980).

⁸² Grant Harrington, "Colorful History of Huron Cemetery Told in Protest to Proposed Sale" *Kansas City Kansan*, July 13, 1947.

⁸³ I.T. Martin, "Living in a City of the Dead," *Kansas Magazine*, June 1909, 51-52 (quoting Lyda Burton Conley).

⁸⁴ Conley was related through her great great-grandfather to famous Western writer Zane Grey. This common ancestor was Ebenezer

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Very little is known about Lyda Conley's childhood and youth, but it is certain that Lidie (as she was called by her family well into adulthood) was a girl of independent spirit and fearsome will. It is perhaps inevitable that she would have been so; Wyandot women had historically been resistant to the Western European norms. Moreover, the Wyandot were a matriarchal and matrilineal society that accorded women prominent roles in the religious and political structures of society.⁸⁵ Traditionally, Wyandot society vested significant political power in the women of the tribe, including the responsibility for naming tribal chiefs and the ownership of most marital property. Although Anglo-European traditions concerning the appropriate roles of women and men had certainly become entwined in the fabric of Wyandot culture by the latter half of the nineteenth century, Wyandot women remained influential in all matters of business and politics that could be expected to affect the interests of the tribe.

In the same spirit of independence and defiant strength as their ancestral Wyandot sisters, many of the Wyandot "queens," i.e. clan mothers, embraced Christianity in the early nineteenth century. They too stood firm and forged a path into the unknown for the protection and preservation of their people. The Rev. James B. Finley in *History of the Wyandott Mission* noted the 'queens' decision during council after the preaching of John Stewart, a Methodist Episcopal missionary to the Wyandots. Mononcue, clan chief of the Little Turtle clan relayed their decision, "...we love this religion too well to give it up while we live; for we think it will go bad with our people if they quit this religion..." In like manner of forging a path into the unknown, as young women, Lyda Conley and her sister Lena rowed a boat every day across the Missouri River to attend Park College in Missouri.⁸⁶ Lyda was trained as a telegraphic operator, and later became an instructor at Spalding Business College in Kansas City, Missouri. She was a devout Methodist Episcopal and regularly taught Sunday school classes at the Seventh Street Methodist Episcopal Church in downtown Kansas City. Conley's personal papers show that she

O. Zane, a colonel in the colonial army in the Revolutionary War. Ebenezer Zane's son Isaac had been kidnapped by the Ohio Wyandot in 1761 when he was seven years old. He was adopted as member of the tribe, a common practice among the Wyandot and some other northeastern tribes in that era. When offered the opportunity to return to his white family many years later, Isaac Zane declined, and later married Myeerah, daughter of the Wyandot Chief Tarhe. Myeerah and Isaac Zane were the great-grandparents of Lyda, Ida, Lena, and Sally Conley.

⁸⁵ See, e.g., John Wesley Powell, ed., *First Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution 1879-1880* (Washington, D.C.: Government Printing Office, 1881) 59.

In the social organization of the Wyandot four groups are recognized--the family, the gens, the phratry, and the tribe...The family, as the term is here used, is nearly synonymous with the household...The head of the family is a woman.

The gens is an organized body of consanguineal kindred in the female line. "The woman carries the gens," is the formulated statement by which a Wyandot expresses the idea that descent is in the female line.

The civil government inheres in a system of councils and chiefs. In each gens there is a council, composed of four women, called _Yu-waí-yu-wá-na_. These four women councilors select a chief of the gens from its male members--that is, from their brothers and sons. This gentile chief is the head of the gentile council. The council of the tribe is composed of the aggregated gentile councils. The tribal council, therefore, is composed one-fifth of men and four-fifths of women. The sachem of the tribe, or tribal chief, is chosen by the chiefs of the gentes.

There is sometimes a grand council of the gens, composed of the councilors of the gens proper and all the heads of households and leading men--brothers and sons. There is also sometimes a grand council of the tribe, composed of the council of the tribe proper and the heads of households of the tribe, and all the leading men of the tribe. These grand councils are convened for special purposes.

⁸⁶ Descendant of Wyandot Tribe Dies, *Kansas City, Kansan*, 16 September 1958, 1 (obituary of Helena (Lena) Gros Conley). See also Rev. James B. Finley in *History of the Wyandott Mission*, p. 107.

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was widely read and traveled and corresponded with many friends and relatives in and out of the Kansas City area.⁸⁷

During Conley's youth and into her young adulthood, Kansas was a comparatively accommodating place for non-traditional women. It was one of the first states to award women significant constitutionally-based legal rights, including the right to divorce, to have custody of their children in the event of divorce, to vote in school board elections, and to own property. During the last quarter of the nineteenth century, some of the nation's most radical female political figures, including Populists Mary Elizabeth Clynen Lease and Annie Diggs, were Kansans whose activities were widely reported and discussed throughout the state and country.⁸⁸ Jennie Mitchell Kellogg, who in 1881 became the first woman lawyer admitted to practice in Kansas, served as Assistant State Attorney General from 1891 to 1893 (although she was never formally appointed to the position).⁸⁹ The newly founded state was more hospitable to women attorneys than many: in 1897 a local publication reported that "Kansas has more successful women lawyers than any other Western State."⁹⁰ In 1900, Lyda Conley enrolled in the Kansas City College of Law.⁹¹ Her studies comprised the standard turn-of-the-century law school curriculum: courses on evidence, criminal law, jurisdiction, and remedies.⁹² Lyda graduated in May, 1902 (one of four women out of the sixty-seven in her graduating class). She was admitted to the Missouri bar on June 21, 1902.⁹³

Lyda Conley's ambition was to practice law, serving the interests of her fellow Wyandot and other American Indians, but a reliable, income-producing caseload was not initially forthcoming. After she graduated, Conley continued as a teacher of telegraphy at the Spalding Business College. Her personal papers and local court records indicate that she did maintain a modest practice, mainly representing relatives and her Wyandot neighbors in routine legal matters such as contract and property disputes. Occasionally American Indians sought her assistance on criminal and other matters.

In 1906, the events that would ultimately earn Lyda Conley a place in the annals of legal and national history began to unfold. On June 16 of that year Congress authorized "the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and Indian Territories to adopt a constitution and become the State of Oklahoma."⁹⁴ Five days later, at the urging of local businessmen and William Eley Connelly and in a clause inserted in the middle of an omnibus appropriations bill pertaining to every Indian

⁸⁷ Materials documenting the contents of this paragraph are part of Lyda Conley's personal papers, held in the permanent archives of the Wyandotte County (Kansas) Historical Society and Museum.

⁸⁸ See Martha J. Hodgesmith, *Women Lawyers in Kansas* ("Some of them [are] actually representing clients in court..."), in Robert W. Richmond, ed., *Requisite Learning and Good Moral Character: A History of the Kansas Bench and Bar* 96 (Topeka: Kansas Bar Association, 1982).

⁸⁹ Richmond, 96-97.

⁹⁰ Richmond, 97 (quoting *Topeka Mail & Breeze*, April 15, 1898).

⁹¹ The Kansas City College of Law is now University of Missouri-Kansas City School of Law.

⁹² This paragraph is based on archival material in the collection of the Wyandotte County Historical Society.

⁹³ Conley was admitted to the Kansas Bar in July 1910, six months after her historic argument before the Supreme Court. English, *Chronological History*, 1902.

⁹⁴ Act of June 16, 1906, 34 Stat. 267.

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agency, tribe, and educational institution in the country, the Congress of the United States authorized the Secretary of the Interior “to sell and convey, under such rules and regulations as he may prescribe, the tract of land located in Kansas City, Kansas, reserved for a public burial ground under a treaty made and concluded with the Wyandot tribe of American Indians on [January 31, 1855].”⁹⁵ The clause further provided for the removal of the bodies buried in the Huron Cemetery to the Quindaro Cemetery and for the distribution of the proceeds of the sale of the land--less the costs of re-interment and legal costs associated with the sale--among the Wyandotte Nation and the citizen-Wyandot.

Shortly thereafter, the Secretary of the Interior appointed a Commission of three, including two members of the Wyandotte Nation. The Commission’s mission was to proceed to Kansas City and make arrangements for removal of the bodies and the sale of the cemetery. William Connelly, who was behind the Wyandotte Tribes’ effort to sell the cemetery in 1899 and who continued to represent the Wyandotte of Oklahoma, stood to gain a substantial portion of the proceeds of the sale of the cemetery as his fee for serving as their agent. The Commission appraised the value of the property at \$70,000—a sum worth close to \$1.7 million today—and proposed to sell the property for that sum to the city of Kansas City, Kansas, or, if the city chose not to purchase the land, to another bidder.

Lyda Conley’s informal, and unconventional, battle to save the Wyandotte’s Burying Ground began late one night in the summer of 1906. On that evening, Lyda and her sister Lena stole into the Huron Place Cemetery and posted on each marked gravesite of their lineal ancestors a sign bearing the words “Trespassers, Beware.” They built a small hut “close to the graves of their parents, with tiny windows overlooking the cemetery on all sides,” armed themselves, and reportedly threatened “that the first man to turn a sod over one of those graves would either turn another for the Conley sisters or have some other person bury him.”⁹⁶ A historic photograph of the building taken in 1906 portrays a more substantial building than a “hut” and suggests that male members of the community may have had a hand in the construction of “Fort Conley.”

The encampment in the Huron Place Cemetery accomplished its immediate objective. The Conleys' unorthodox means of preventing the disinterment of their ancestors captured the fancy of women throughout Kansas City and the region, and many of the local ladies' reading clubs then prevalent among middle- and upper-middle-class women expressed their support for “the Conley girls.”⁹⁷ When the Commission left Kansas City in the fall, it had failed in its mission to remove the bodies of the buried Wyandot and sell the cemetery—Kansas City had rejected the Commission's offer and no other bidders came forward. But the statutory mandate was still in place, and so was Connelly's determination to consummate the sale and collect his fees. Conley knew that the legal threat to the cemetery raised by the Act of June 21, 1906 still loomed.

The said defendants have signified their intentions and threaten the wrongful removal of the remains of the ... persons interred in the . . . Burial-ground, and have declared their intentions and threaten to provide for the illegal sale of [the] Burial-ground⁹⁸

⁹⁵ Act of June 21, 1906, 34 Stat. 325, 328, repealed by Act of Feb. 13, 1913, ch. 44, 37 Stat. 668.

⁹⁶ “An Up-to-Date Heroine of the Wyandottes,” *The Indian’s Friend*, Sept. 1909 (reporting on an interview with Lyda Conley a few months before her argument in the Supreme Court). Conley’s shotgun may be seen at the Wyandotte County Historical Museum in Bonner Springs, Kansas, 11.

⁹⁷ See, e.g., Mrs. Randolph Nichols, Corresponding Secretary, Associated Clubs of Kansas City, Kansas, letter to Ida Conley, 27 Oct. 1906, Collection of the Wyandotte County Historical Society (Kansas City, KS) (pledging Associated Clubs' support in Conley's efforts to save Huron Cemetery) .

⁹⁸ Petition for Injunction at para. 6, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed June 11, 1907).

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The dramatic, certainly illegal physical defense of the Burying Ground that so thrilled the public was, perhaps, a hasty strategy to prevent the destruction of the graves of the Wyandot buried in the cemetery. Conley was surely aware, due to her legal training, that the two sisters' physical defense of their mother's grave was only a temporary measure.

On June 11, 1907, Conley filed a petition for injunction in the United States Circuit Court for the District of Kansas.⁹⁹ Named as defendants in the equitable action were James R. Garfield, as Secretary of the Interior of the United States, and the three members of the Commission appointed to execute the statute's authorization to sell the cemetery. In the petition, Conley claimed that as a Citizen-Wyandot, she had "seizin and a legal estate" in the Huron Indian Cemetery land. Conley asserted numerous constitutional grounds on which the sale of the cemetery should be enjoined, including a claim that the statutory authorization to sell the cemetery violated Article VI of the Constitution, which made "all Treaties . . . the supreme Law of the Land." She claimed also that the statutory authorization to remove the bodies and sell the Burying Ground impaired the United States' obligation of contract to the citizen-Wyandot deriving from the 1855 Treaty. Finally, she argued that the conditions of statutory authorization to remove the bodies to the Quindaro Cemetery were impossible to perform because that cemetery was held in adverse possession by the Quindaro Cemetery Association, which would not allow the burials. Conley sought an injunction enjoining and restraining the government and its appointed Commissioners from encroaching upon or disturbing the graves within the cemetery or from furthering its sale. She also sought a preliminary injunction pending disposition of the petition for a permanent injunction.

On July 1, 1907, the defendants demurred to Conley's equitable petition, asserting numerous grounds for dismissal.¹⁰⁰ Under the rules of civil procedure then applicable, a demurral comprised a contention that the plaintiff's complaint did not state a legally cognizable claim. The grounds for demurral to Conley's complaint included, among other things, that the federal court lacked subject matter jurisdiction because the petition did not allege diversity of the parties, the requisite jurisdictional amount of \$2000, or a substantial federal question; that Conley was not a citizen of the Wyandotte Tribe, nor of any American Indian tribe, but rather was a citizen of the United States and therefore had no right or interest stemming from the 1855 Treaty; that the Act of June 21, 1906, authorizing the sale of the cemetery was "of equal authority" under the Federal Constitution with any treaty; that Conley's petition was in reality a suit against the United States to which it had not consented; and that the Constitution does not prohibit Congress from impairing its obligation of contract "for good and sufficient reasons," which reasons existed in the statute authorizing the sale. The demurrer demanded that the petition be dismissed, with reasonable costs to the defendant.

At this juncture a curious series of events occurred. According to the district court records, the defendants' demurrer filed on July 1 and a hearing on the demurrer was held the same day. At the close of the hearing, District Judge John C. Pollock entered an order referring the matter to Special Master Charles Blood Smith "to determine and report whether said bill is susceptible of amendment so as to come within the jurisdiction of this court"¹⁰¹ That very same day, July 1, Special Master Smith prepared a lengthy report and recommendation in which, after discussing the authorities he deemed relevant, he concluded that the district court lacked jurisdiction to proceed in the matter.¹⁰²

⁹⁹ Ibid.

¹⁰⁰ Demurrer of Defendants to Complainant's Bill, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 1, 1907).

¹⁰¹ *Conley v. Garfield*, No. 8548 (C.C.D. Kan. July 1, 1907) (order referring matter to special master).

¹⁰² Report of Special Master, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 2, 1907).

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The speed with which Conley's petition was heard and referred to the Special Master, who was able to prepare a recommendation before the end of the day, raises serious questions about collusion between the defendants and certain judicial officers of the district court. The defendant-Commissioners had offices in the federal building, in close proximity to the chambers of Judge Pollock, and might well have had unauthorized private contact with him. Certainly the timing of events permits an inference that the district court and the Special Master had seen the defendants' demurrer before it was actually filed, or at least knew the nature of the defendants' contentions. This would violate legal and ethical rules that preclude private contacts between litigants and judicial officers regarding a pending case.

On July 2, 1907, just one day after the defendants' filed their response, Conley's petition was dismissed by order of Judge Pollock, on the ground that there was no basis for federal jurisdiction over the complaint and that Conley lacked standing to pursue her action to protect the Burying Ground.¹⁰³ This paved the way for Lyda Conley's historic appeal to the Supreme Court.

On July 20, Conley filed a bill of exceptions to the special master's report and an amended bill of complaint for injunction that attempted to cure the defects in her original pleading as identified in the special master's report.¹⁰⁴ In the amended bill, Conley averred her own standing on the ground that, as a descendant of the Wyandot party to the Treaty of 1855, she was, in effect, a third-party beneficiary of the treaty who could enforce its terms against the federal government. Her complaint alleged that, pursuant to the Treaty of 1855, the Huron Indian Cemetery land was forever reserved for use by the Wyandot people as a cemetery and burying-ground. Specifically, she argued that the treaty expressly stated that the land would be reserved for use as a cemetery, and that the Wyandot who continued to live in Kansas had relied on such statements. Since 1855, hundreds of Wyandot, including Conley's mother, father, and sister, were buried there—long after the schism among the Wyandot (in Kansas and Oklahoma) occasioned by the Treaty of 1855 had occurred.

In addition, the complaint alleged that the Act of Congress authorizing the sale of the Huron Indian Cemetery was unconstitutional under the Fifth Amendment of the United States Constitution because it authorized the taking of property without due process of law. Finally she argued that the act violated Article VI of the Constitution because it purported to override the express language of a duly ratified treaty of the United States.¹⁰⁵ The amended complaint sought to enjoin the defendants "forever, from encroaching upon or disturbing the remains of said persons interred in said Burial-ground, or the grave stones, or any other act or acts of desecration or violence, and perpetually enjoining and restraining the said defendants, forever, from advertising for sale or by bid or otherwise, or accepting bids for the sale of said Burial-ground"¹⁰⁶

Conley's original petition for injunction and her amended complaint reflect the workings of a creative and exceptional legal mind. Both documents invoke traditional principles of contract and constitutional law and

¹⁰³ Decree Dismissing Bill, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 2, 1907).

¹⁰⁴ Bill of Exceptions to Special Master's Report, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 20, 1907) and the Amended Bill of Complaint for Injunction, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 20, 1907). The concept of standing exists to limit the range of individuals and entities that can file suit to enforce a claim against the government. In federal court, standing restrictions derive from Article III's "cases and controversies" limitation. Only individuals whose personal rights have been or will be directly affected by government action have standing to sue for relief. See generally, e.g., *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), *Northeastern Fla. Chapter of the Associated Gen. Contractors v. City of Jacksonville*, 508 U.S. 656 (1993) and *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).

¹⁰⁵ U.S. CONST. art. VI, § 2.

¹⁰⁶ Amended Bill of Complaint for Injunction, at para. 7, *Conley* (No. 8548).

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apply them to the unique and complex history of the Wyandot. More important, the complaint and the amended bill in particular eschew the constraints of turn-of-the-century pleading requirements and the thin body of then-existing “Indian law” to articulate a jurisdictional basis for the lawsuit, and legal theories for the protection of the cemetery, that anticipate many fundamental components of modern-day federal American Indian law. Conley filed her action during a time when the United States regarded American Indians as wards of the state who were dependent on the “beneficence” of the federal government but who had no legal recourse for any actions the government took against them. They were not citizens of the United States, and had no rights as such. By 1871, for example, Congress had declared that the American Indian tribes were not sovereign nations capable of making treaties with the United States, thereby abrogating their right to enter into treaties with the federal government.¹⁰⁷ In 1903, the Supreme Court held in *Lone Wolf v. Hitchcock*¹⁰⁸ that the United States Congress could unilaterally repeal an existing treaty through federal legislation. Those treaties with American Indian tribes that remained nominally in force were deemed to be “not a grant of rights to the Indians, but a grant of rights from them.”¹⁰⁹

As of 1906, when Conley filed her complaint, no court had ever recognized a tribe's or an individual tribe member's legal right to enforce the provisions of an American Indian treaty through a lawsuit against a representative of the federal government, and general jurisdictional legislation authorizing American Indian tribes to sue in federal court was nonexistent.¹¹⁰

Yet Conley, regarded by the federal government and the circuit court as a citizen of the United States despite her Wyandot heritage, claimed derivative rights, or standing, to enforce the Treaty of 1855. Conley even contended that the government had legally enforceable duties stemming from the treaty. Conley could not ground her main argument—that the cemeteries of American Indians are sacred—in any legal precedents. Rather, she presented the case as a moral imperative, perhaps in the hope that such a strategy would ultimately compel the court to overturn existing precedent that permitted the government's sale of the Burying Ground.

The district court did not ever consider Conley's amended bill. It seems likely, given the suspicious disposition of her original petition that it would not have mattered if it had. On July 2, 1907, Conley filed a notice of appeal to the Supreme Court of the United States, limited to the question of whether the federal court had jurisdiction to hear her claims.¹¹¹

The effect of filing a notice of appeal, then as now, was to divest the Circuit Court for the District of Kansas of jurisdiction in the case. The subsequently filed amended petition was irrelevant; at least insofar as the circuit court proceeding was concerned. It is likely that Conley had strategic reasons for filing the amended petition: her later correspondence with the Supreme Court as well as her motion for rehearing of the case when she ultimately lost the appeal both indicate that the remedy she sought in the Supreme Court was a remand to consider the amended bill.

¹⁰⁷ Act of Mar. 3, 1871, ch. 120, 16 Stat. 566 (current version at 25 U.S.C. § 71 (2013)).

¹⁰⁸ 187 U.S. 553 (1903)

¹⁰⁹ *United States v. Winans*, 198 U.S. 371, 381 (1905).

¹¹⁰ See Reid P. Chambers, “Judicial Enforcement of the Federal Trust Responsibility to Indians,” *Stan. L. Rev.* 27 (1975) 1213-1248 (discussing federal trust responsibility as basis for suits by Indian tribes in federal courts). Congress did not explicitly abrogate the United States' sovereign immunity and authorize suits against the federal government to enforce treaty provisions until the 1960s.

¹¹¹ Decree, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 2, 1907); Assignment of Errors, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed Dec. 30, 1907).

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On October 9, 1907, the district court allowed Conley's appeal from the dismissal of the original petition, further paving the way for her ground-breaking argument before the United States Supreme Court.¹¹² Meanwhile, the Commission established to find a purchaser for cemetery land had run into a roadblock when the city attorney for Kansas City, Kansas, opined that the Department of the Interior could not convey clear title due to the 1855 treaty; specifically, the clause reserving the burying ground as a public burying place. Then-Secretary of the Interior James R. Garfield wrote a letter to the United States Attorney General Charles J. Bonaparte requesting a legal opinion on the issue of the burial ground's ownership. Bonaparte responded:

[T]he Indians, having long since reorganized and removed to Indian Territory (now Oklahoma), with a few insignificant exceptions, and their title...was a right of occupancy, having been transferred to the United States by the treaty of 1855...it would seem that fee title to this land has always been in the United States¹¹³

The Attorney General's opinion left the city free to negotiate a purchase of the Huron Indian Cemetery, even during the pendency of Conley's litigation.

Like Jacob of old, I, too, when I shall be gathered unto my people, desire that they bury me with my fathers in Huron cemetery, the most sacred and hallowed spot on earth to me, and I cannot believe that this is superstitious reverence any more than I can believe that the reverence every true American has for the grave of Washington at Mount Vernon is a superstitious reverence.¹¹⁴

Although she lost her case in the circuit court, the pendency of Lyda Conley's appeal to the Supreme Court, coupled with the concerns expressed by the city of Kansas City regarding title, bought time and a respite for the Burying Ground. The appeal was initially docketed for the October Term, 1907, but more than two years passed before her case was finally placed on the argument calendar of the Supreme Court.

The Supreme Court record in *Conley v. Ballinger*¹¹⁵ reveals that during those two years, Lyda Conley struggled to pay the filing fees and printing costs associated with litigating in the nation's highest court, to post an adequate appeal bond, and to file the requisite documents pertaining to her appeal.¹¹⁶ Conley's correspondence with the Supreme Court also reflects her concern about the lengthy delays associated with her suit—she wrote Chief Justice Fuller somewhat audaciously in March, 1909, stating that she wished to know precisely when her case would come on for a hearing, for “with me, ‘time is money,’ and I cannot afford to spend either in idleness.”¹¹⁷

Conley was also concerned that she would be unable to find a suitable member of the bar to vouch for her good character and so ensure her ability to argue her case before the Court. Shortly before she departed by train for

¹¹² Conley v. Garfield, No. 8548 (C.C.D. Kan. Oct. 9, 1907) (order allowing appeal).

¹¹³ Finch and Lott, 495.

¹¹⁴ Handwritten document found among Lyda Conley's personal papers (on file with the Wyandotte County Historical Society). These notes are presumed to be the basis for her arguments in the District Court and before the Supreme Court in 1910.

¹¹⁵ Richard A. Ballinger became Secretary of the Interior during the pendency of the appeal to the Supreme Court and was substituted as party-defendant in the case of Conley v. Garfield on January 31, 1910. *Mandate, Conley v. Ballinger*, 216 U.S. 84 (1910) (No. 21,023).

¹¹⁶ Transcript of Record, *Conley v. Garfield*, 216 U.S. 84 (1910) (No. 9-77).

¹¹⁷ Lyda B. Conley, letter to Chief Justice Fuller (March 25, 1909), in Transcript of Record, Conley (No. 9-77).

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Washington, D.C., en route to her historic moment before the Supreme Court, Conley told a reporter who had asked whether she was admitted to the Supreme Court:

No, but I am willing to take the examination, if I can find anyone who will stand to sponsor me. But you know one can plead his own case in any court, and this I intend to do. No lawyer would plead for the grave of my mother as I could, no lawyer could have the heart interest in the case that I have.¹¹⁸

Finally, in late December of 1909, Conley received word that her case would appear on the January docket of the Supreme Court. In January, she left with her sister Lena by train for Washington, D.C.

Conley's apprehension that she would be unable to find a qualified attorney to move her admission to practice before the Supreme Court proved to be well-founded. Although she had been admitted to the state bar of Missouri some eight years earlier, Conley was evidently unable to find a single attorney in the city of Washington D.C. who would vouch for her character and fitness to practice before the Supreme Court. Neither the Court's contemporaneous docket nor its records suggest that she was ever admitted to practice as an attorney before the Supreme Court. Instead, she argued the case in her own behalf, in her capacity as plaintiff against the Secretary of the Interior and the congressional Commission, rather than as an attorney representing a client. The Solicitor General of the United States submitted the government's case "on printed argument."¹¹⁹

On January 14, 1910, a singular moment occurred in the annals of legal history. Lyda Burton Conley stood before the Supreme Court of the United States as only the second woman attorney, and the first person of American Indian descent to appear and argue in that courtroom.¹²⁰

Much can be inferred about the content of her oral argument to the Court from her brief, her notes, and from the Court's final written decision. Her brief outlines the formal arguments she made, which were based on the best authority she could find in support of her all-too-radical (for the time) legal theories. Conley left what appears to be a handwritten account of her remarks to the Court, and from that account it is apparent that she spoke with eloquence of the history of the Wyandot, of their loyalty to the colonial forces during the Revolutionary War, and of the consistent failure of the federal government to honor its treaties with them. Formal legal authority for her arguments was lacking, as noted earlier, so Conley appealed to the Justices' sense that the graves of the great Wyandot leaders interred at the Wyandotte burying ground, no less than the grave "of Washington at Mt. Vernon," were deserving of federal protection and respect. Her argument may have been unorthodox for the time, but there is evidence that it had a profound impact on the Justices: one contemporaneous account reported "it is a matter of record that the judicial reserve was affected and penetrated by the force of that moving drama."¹²¹

Unfortunately, less than three weeks after the oral argument, the Supreme Court upheld the circuit court's dismissal of Conley's original petition. In an opinion by Justice Oliver Wendell Holmes, Jr., the Court indicated

¹¹⁸ Martin, 52.

¹¹⁹ Transcript of Record, Conley (No. 9-77).

¹²⁰ Seventy years to the day would pass before another American Indian attorney would present a case in that Court, when Rodney Lewis of the Gila River Indian Community, argued in *Central Machinery Co. v. Arizona Tax Commission*, 448 U.S. 160 (1980), on January 14, 1980. Marlene Trestman, "First 101 Women to Argue at the United States Supreme Court," July 10, 2014, *The Supreme Court Historical Society*, at http://supremecourthistory.org/history_oral_advocates.html. Accessed: June 18, 2015.

¹²¹ Kirke Mechem ed. & Jennie Small Owen, *The Annals of Kansas 1886-1925* (Topeka, KS: Kansas State Historical Society, 1954) 512.

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that it had “examined the facts with anxiety to give full weight to any argument by which plaintiff’s pious wishes might be carried out.”¹²² But it ruled unanimously that, if the Treaty of 1855 created any rights at all, they were tribal rights, not individual ones. In essence, the Court said that Conley had no standing to bring an action based on the treaty’s provisions. More important, the treaty did not confer any legally enforceable obligations on the part of the United States, which “was bound itself only by honor, not by law.”¹²³ According to the Court, the Treaty of 1855, with its language plainly reserving “permanently” the tract of land on which the Wyandotte National Burying Ground had been founded, did not create a legally enforceable trust obligation against the federal government to protect the cemetery:

It seems to us more reasonable to suppose that the words ‘shall be permanently reserved and appropriated for [use as a cemetery],’ like the rest of the treaty, were addressed only to the tribe and rested for their fulfillment on the good faith of the United States—a good faith that would not be broken by a change believed by Congress to be for the welfare of the Indians.¹²⁴

The Court found no basis for federal jurisdiction over Conley’s action. It upheld the district court’s dismissal of Conley’s suit, reversing only that part of the decree assessing costs. Conley’s petition for rehearing was denied on May 2, 1910. After nearly three years of litigation Conley had lost, and the path was again clear, at least legally, for the sale of the Wyandotte National Burying Ground.

But Conley’s passionate fight to save the Wyandotte National Burying Ground was far from over. Though the Court’s decision in *Conley v. Ballinger* enabled the sale of the cemetery pursuant to the provisions of the Act of June 21, 1906, Conley would not admit defeat. As it happened, Fort Conley still stood near the grave of her mother, and Lyda and her sister continued to guard the grave and the cemetery even after the Court’s mandate authorizing the sale had issued. The Kansas City Times reported:

Praying aloud to the Great Spirit by night and guarding the graves of their ancestors by day, the Conley sisters have kept a constant vigil at the old Indian Burial ground for the past 2 years. Even in the coldest months of winter they did not desert their post; and when the warm and pleasant days and the summer nights arrived, they were found ever faithful in their watch.¹²⁵

On July 29, 1910, federal marshals acting under a court order entered the Wyandotte National Burying Ground and destroyed the building in which the Conleys had kept their watch.¹²⁶ Undaunted; the two women rebuilt the fort. It would be destroyed and rebuilt a least twice more—some accounts suggest several times—before federal officials would give up the fight.¹²⁷ Moreover, the notoriety attending the Burying Ground due to the physical presence of the Conley sisters and their lawsuit had dissuaded potential buyers of the site, and the Commission that had been established to find a buyer for the property eventually gave up.

LEGISLATION

In the meantime, Conley’s activities had attracted nationwide attention, including that of Kansas Senator

¹²² *Conley v. Ballinger*, 216 U.S. 84, 89 (1910).

¹²³ *Ibid.*, 90.

¹²⁴ *Ibid.*, 91.

¹²⁵ Wyandotte Nation Website, Huron Cemetery, Timeline by Janith English at <http://www.wyandotte-nation.org/culture/history/general-history/huron-cemetery/> (September 5, 2012).

¹²⁶ English, Chronological History, July 29, 1910.

¹²⁷ *Ibid.*, July 30, 1911 and May 15, 1918.

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Charles Curtis, who would later serve as Vice President under President Herbert Hoover. Curtis was a Topekan of Kaw descent. He was born January 25, 1860, studied law and was admitted to the bar in 1881, and elected to Congress in 1893 where he served six more terms until 1907. At that time, he was elected as a Senator; he served from 1907-1913. He lost the election in 1912, but was re-elected in 1915 and served in the Senate until he resigned in 1929 when he became Vice President. Curtis served as Chairman of the Committee on Indian Depredations from 1905 through 1911.¹²⁸

While there is no known evidence to document that Conley and Curtis ever met, he was certainly sympathetic to the cause to protect the "burial ground." Curtis was the President pro tempore of the Senate during the 62nd Congress, when he introduced legislation (S. 3952) in the U.S. Senate on December 19, 1911, to repeal the portion of the law passed on June 21, 1906, that provided for the "sale of a tract of land located in Kansas City, Kansas, reserved for a public burial ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the thirty-first day of January, eighteen hundred and fifty-five..."¹²⁹ On February 8, 1912, Curtis submitted Report No. 328 to accompany S. 3952:

At the time of the provision providing for the sale of the above tract of land it was understood that the members of the tribe favored such action, but it has since been ascertained that a number of members of the tribe who had relatives buried in said cemetery objected to the removal of the remains and under the circumstances your committee believe a mistake was made and a great injustice was done by the act of June 21, 1906, and your committee believe that the feelings of the relatives should be respected, and therefore recommend the passage of the bill (S. 3952) without amendment.

It is believed that it would be better to retain the cemetery as a national monument to the Wyandotte Tribe of Indians than to sell it.¹³⁰

Curtis' strong support of the 1855 Treaty and his mention of the relatives of those buried in the cemetery imply his familiarity with Conley's legal and social activism.

In a Vice-Presidential biography, the following statements attest to Curtis's political knowledge and savvy:

He was said to know 'every senator's feelings on any pending legislation so thoroughly that he can tell in advance how that senator is going to vote.' ... The conservative Pennsylvania Senator George Wharton Pepper recorded that Curtis as majority leader 'displayed a remarkable talent for accomplishing good results for his party by what in international parlance are termed 'conversations' with the other side. He was unusually adept at making deals.' The progressive Nebraska Senator George Norris noted that, while he often disagreed with Curtis on legislative matters, he never knew Curtis to violate his word or fail to carry out an agreement. Idaho Senator William Borah acclaimed Curtis was 'a great reconciler, a walking political encyclopedia and one of the best political poker players in America.'¹³¹

A contemporary of Conley's, Joseph Taggart, Wyandotte County Attorney from 1907 to 1911, was elected to

¹²⁸ Biographical Directory of the United States Congress, 1774-Present, CURTIS, Charles, (1860-1936), <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C001008> (April 29, 2015).

¹²⁹ ProQuest: Legislative Insight: Legislative History of PL62-371 Wyandotte Tribe Burial Lands, Kansas City, Kansas, <http://li.proquest.com/legislativeinsight/LegHistMain.jsp> (Legislative Process) (May 4, 2015).

¹³⁰ Senate Committee on Indian Affairs, *Huron Place Cemetery, Kansas City, Kans*, 62nd Cong., 2d sess., 1912, S. Rept. 328.

¹³¹ Mark O. Hatfield, with the Senate Historical Office. *Vice Presidents of the United States, 1789-1993: Charles Curtis (1929-1933)*. (Washington: U.S. Government Printing Office, 1997), pp. 373-381. Introduction by Mark O. Hatfield. At: http://www.senate.gov/artandhistory/history/resources/pdf/charles_curtis.pdf. (May 10, 2015).

fill a vacancy to the 62nd Congress. He went on to be reelected to Congress in 1912 and 1914. Taggart introduced S. 3952 in the House of Representatives on February 13, 1912. The House Report No. 1187 included a letter from the Acting Secretary of the Interior, Carmi A. Thompson:

“... Lydia B. Conley brought suit to enjoin the Secretary of the Interior from selling the land and otherwise carrying out the provisions of the act, which case finally reached the Supreme Court of the United States, where it was disposed of January 31, 1910, the Conley bill being dismissed. Later the Attorney General was requested by this department to take the necessary steps to oust the Conley sisters from the grounds and to remove all obstructions placed thereon by them, so that the land could be sold ... Although this department has been advised from time to time of the various actions taken by the officials of the Department of Justice in connection with the matter, it is not informed at the present time as to whether the Conley sisters have been successfully removed.¹³²

Later in the letter, the Acting Secretary quoted a letter written to the Honorable Charles Curtis, on August 9, 1911,

I shall be pleased to suspend any further action looking to the sale of the cemetery if you consider that Congress is likely to take action...¹³³

In another letter to Curtis from the Acting Secretary on August 23, 1911

This department would be glad to see enacted legislation authorizing the retention of the cemetery as a national monument to the Wyandotte tribe...¹³⁴

Having served as the Wyandotte County Attorney during the years of Lyda Burton Conley's lawsuit and the Conley sisters' defensive occupation of the Burying Ground, it is highly probable that Taggart knew Conley and was familiar with all of the actions she had taken to protect the cemetery. Again, no documentation has been found to substantiate that Conley and Taggart communicated or discussed the law allowing the sale of the grounds or the legal case that followed.

During the Hearing for S. 3952, the following testimony was reported:

Mr. Ferris: Does it accomplish for these Indian women what the gentleman hopes to accomplish?

Mr. Taggart: It accomplishes precisely what they have demanded and what was the evident intention of the Senate in passing the bill...¹³⁵

The mention of Conley and her sisters in the letter from the Acting Secretary of the Interior and in the House Hearing on the bill makes it apparent that the Conley's activism did result in long-term protection for the Wyandotte National Burying Ground.

On February 13, 1913, Congress approved Curtis's legislation, which both repealed the part of the Indian Appropriation Act of 1906 authorizing the sale of Huron Indian Cemetery (Wyandotte National Burying Ground) and recommended that the cemetery become a national monument.¹³⁶ On September 8, 1916, Congress

¹³² House. *Repealing Certain Provisions of the Indian Appropriation Act of June 30, 1907*, 62nd Con., 2d sess., 1912. H. Doc. 1187.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ *Congressional Records*, 62nd Cong., 2nd sess., 1913, 59, 2497-98.

¹³⁶ Act of Feb. 13, 1913, ch. 44, 37 Stat. 668.

appropriated \$10,000 for the renovation and preservation of the cemetery as part of a sweeping federal revenue act, and assigned the Trustees of Haskell Institute, an American Indian vocational school located in Lawrence, Kansas, to administer the funds and assure the perpetual maintenance of the cemetery.¹³⁷

After his unsuccessful campaign for reelection to the Senate in 1912, on June 13, 1913, Curtis visited the Huron Indian Cemetery (Wyandotte National Burying Ground) at the invitation of W.R. Hornell, who was an Indian agent for the Potawatomi and an avid amateur historian with a long-standing interest in Kansas' pre-statehood era. He persuaded Curtis that only "a few real estate sharks" in Kansas City wanted the burial ground destroyed so that the property could be used for commercial purposes.¹³⁸ The newspaper account in the *Kansas City Kansan* does not mention whether or not Curtis met with Conley at that time.

Comparable NHL Properties

All American Indian Tribes that were removed to west of the Mississippi River under the auspices of the *Indian Removal Act of 1830* have their own stories of treaties not honored by the U.S. government and removal from their traditional homelands. Removal resulted in highly traumatic experiences and the loss of many lives for each of the American Indian tribes with ongoing ramifications felt into the present day. There are currently three NHLs related to treaty making between the U.S. government and American Indian nations and the Indian Removal Act of 1830. Two of those NHLs are also linked to the law suit filed by the Cherokee Nation in 1831.

Cherokee Nation v. Georgia (1830)

The Cherokee Nation hired former U.S. Attorney General William Wirt to sue the state of Georgia to prevent the state from extending its laws over the Cherokee Nation. The lawsuit was based on the Cherokee Nation's claim that the state's activity violated the Treaty of Hopewell (1785) and the Treaty of Holston (1791) between the Cherokee Nation and the United States. The *Cherokee Nation* lawsuit was in response to Georgia's citizens, whose violent actions were threatening Cherokee life, liberty, and property. "The Court dismissed *Cherokee Nation* for lack of original jurisdiction; on grounds that the Cherokee Nation was not a 'foreign state' entitled to sue Georgia pursuant to Article III."¹³⁹

In 1832, the Cherokee Nation hired Wirt to defend the treaty claims again, on behalf of two Christian missionaries who had been arrested on Cherokee Nation's lands by Georgia authorities. "Wirt won the second case, with Chief Justice Marshall holding in *Worcester v. Georgia* that, as a matter of federal law, including the treaties, Cherokee Nation was an independent territory in which the laws of the state of Georgia could have no force."¹⁴⁰

Despite the decision in *Worcester*, politics, President Andrew Jackson, the state of Georgia, and its white citizens refused to follow the Supreme Court's authority. In 1835, the United States induced a faction of Cherokees who opposed the elected Principle Chief John Ross, to sign the Treaty of New Echota which ceded all of their eastern lands in exchange for new lands in Indian Territory.

¹³⁷ Act of Sept. 8, 1916, ch. 468, 39 Stat. 844, Mechem and Owen, 218.

¹³⁸ English, Chronological History, June 13, 1913.

¹³⁹ Carpenter, Kristen A., and Eli Wald "Lawyering for Groups: The Case of American Indian Tribal Attorneys," *Fordham Law Review*, Vol. 81:6, 2013. Page 3097-3098. At http://fordhamlawreview.org/assets/pdfs/Vol_81/Carpenter_May.pdf. (May 2, 2015).

¹⁴⁰ Ibid.

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The majority of Cherokees continued to resist, but after losing property to local militias and then being physically corralled into federal stockades, the Cherokees were relocated to Indian Territory via the Trail of Tears, a devastating experience during which 4,000 people, or approximately one-quarter of the population, died.¹⁴¹

John Ross House, Rossville GA (11/07/73)

The John Ross House is a large, two-story square timber log house that John Ross moved to following the confiscatory acts of the Georgia legislature in 1830. When the state extended its jurisdiction over the Cherokee lands, Ross was ejected from his very fine home on the Coosa River in the vicinity of Rome, Georgia.¹⁴²

Ross was a prominent leader of the Cherokee Nation and was a member of the National Council of the Cherokee from 1817-1826. He then became Associate Chief of the Cherokee Nation in 1827 and served as Principal Chief of that nation from 1828 until his death in 1866. He was the leader of the National Party of the Cherokee who politically resisted federal removal policy, opposed the New Echota Treaty of 1835 that agreed to removal, led his people to Oklahoma in 1838 when the forced removal took place, and contributed significantly to the new constitution of the Cherokee Nation in 1839.¹⁴³

The John Ross home is nationally significant because it represents the history of the Cherokee Nation, Ross's opposition to the New Echota Treaty, his longtime leadership of the Cherokee people, and the establishment of the Cherokee Nation in Oklahoma.

"Chieftains;" Major Ridge House. Rome GA (11/07/73)

The Major Ridge House is a two-story white frame house built around a log house from 1792, which now sits within Rome, Georgia. Ridge was a leader of the Cherokee Treaty Party and was involved in negotiating and signing the Treaty of New Echota in 1835, which ceded the remainder of Cherokee lands to the United States.

Following the Cherokee Nation's removal to Oklahoma, Ridge was executed by the Cherokee Nation for his participation in the cession of Cherokee land to the U.S. government without authority from the tribe.

The Major Ridge home in Georgia represents the history of the Cherokee Nation along with Ridge's leadership of the Treaty Party, the significance of the New Echota Treaty and its damaging consequences that resulted in the removal of the Cherokee from their homeland to Oklahoma.¹⁴⁴

Akima Pinšiwá Awiki (Chief Jean-Baptiste De Richardville House) Fort Wayne IN(03/02/12)

The akima Pinšiwá Awiki is a rare and exceptionally well-preserved example of an extant treaty house in the United States that was constructed as the direct result of treaty-making between American Indians and the US government. Built in 1827 as part of the terms of the 1826 Treaty between the Myaamia (Miami) and the United States, the akima Pinšiwá Awiki was the primary residence and locus of Pinšiwá's activities as a sovereign leader in Myaamia negotiations with the United States government during the years 1818 to 1841. Pinšiwá was able to maintain the cultural identity of his tribe while achieving and maintaining tribal consensus under his strong leadership. Much of the Old Northwest Territory was shaped by treaties brokered by Pinšiwá, allowing for more than half of the Myaamia to remain in their traditional homeland even after much of the

¹⁴¹ Ibid.

¹⁴² Benjamin Levy, Historic Sites Survey National Park Service *John Ross House* [NHL nomination form], March 1, 1973.

¹⁴³ Ibid.

¹⁴⁴ "Chieftains;" Major Ridge House [NHL nomination form], n.d. [probably March 1, 1973 and same author as the John Ross House NHL nomination]

territory was ceded to the United States. By weathering the political changes brought about the westward expansion of the United States, the waning of European influence in the Great Lakes, and changing US policy toward American Indians, Pinšwa profoundly shaped the political landscape of his people, the state of Indiana, and the Old Northwest Territory of the United States.

Nonetheless at least half of the Miami located in Fort Wayne, Indiana, were removed to the Kansas-Nebraska Territory in 1847, and were removed again to Oklahoma in 1867. Although not recognized as a tribe by the federal government there is an active Miami Nation in the Fort Wayne area today. The Miami Nation in Oklahoma is a federally-recognized American Indian tribe.¹⁴⁵

Conley and the Wyandotte National Burying Ground Comparative Analysis

The Major Ridge House, the John Ross House, the Akima Pinšwa Awiiki, and the Wyandotte National Burying Ground properties and their national significance are a direct result of U.S. treaties and federal removal policy per the *Indian Removal Act of 1830*. When the Wyandot were removed from Ohio to the swamps at the confluence of the Missouri and Kansas Rivers in 1843, the unhealthy conditions resulted in the deaths of many Wyandot. The Wyandot buried their dead on a hill across the river in what is now Kansas City, Kansas. The location of the cemetery in what became prime commercial real-estate, the violation of the 1855 treaty for the attempted sale of the land, and the proposed relocation of the Wyandot buried there—caused Eliza ‘Lyda’ Burton Conley to sue the U.S. Secretary of the Interior in 1906. The Conley law suit shares a place in the legal history of American Indians along with the Cherokee Nation cases.

Conclusion

For the rest of their lives, Lyda and Lena Conley watched over and protected the Wyandot graves at the Wyandotte National Burying Ground. Even after the federal government had provided for the preservation of the cemetery, the Conleys sometimes perceived threats to the integrity of the cemetery and the Wyandot graves within it. In 1918, Conley sought an injunction in federal court to restrain city officials from completing cemetery renovations and improvements that she believed were undertaken carelessly, without regard for the presence of unmarked graves.¹⁴⁶ She and her sister Lena were arrested on several occasions on various charges relating to their attempts to interfere with city officials whose actions, the Conleys believed, were desecrating Wyandot graves.¹⁴⁷ Lena Conley achieved considerable notoriety in her own right for placing curses on local officials and others whom she perceived as not respecting the sanctity of the Huron Place Cemetery. In the early 1930s, Lyda spent 10 days in jail in lieu of paying a \$10 fine for trespassing.¹⁴⁸ Those who knew the Conley sisters in their later years have attested that the two women spent much of their time in the cemetery, close to the graves of their ancestors, watching over them and honoring their spirits.

Lyda Conley died on May 28, 1946, and was laid to rest in the Burying Ground she had spent her life protecting, near the graves of her mother, father, and grandmother. Her grave is marked with the headstone

¹⁴⁵ ARCH (Angie Quinn and Michael Galbraith), *Akima Pinšwa Awiiki (Chief Jean-Baptiste de Tichardville House)*, NHL nomination, May 12, 2011.

¹⁴⁶ Mechem and Owen, 218.

¹⁴⁷ English, Chronological History, May 5, 1918 and June 6, 1937.

¹⁴⁸ *Ibid.*, June 6, 1937 (“Wielding a broomstick, Lyda Conley chased some people from the cemetery. The judge gave her the choice of a \$ 10 fine or a 10 day jail term. Proudly she served the sentence.”).

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“Attorney at Law - Only woman ever admitted to the United States Supreme Court”, a claim that is inaccurate but nonetheless indicative of her historical significance and importance within the Wyandot community. Her sister Lena would later be buried alongside her; Lena’s grave marker is inscribed with her Wyandot name “Floating Voice” and her final warning, “Cursed be the villian [sic] that molest their graves.”¹⁴⁹

Although issues surrounding the burying ground continued until 1998, members of the Wyandotte Nation and the Wyandot Nation of Kansas signed an agreement forever precluding the use of the Wyandotte National Burying Ground for any purpose other than as a cemetery.¹⁵⁰ The agreement ended more than 100 years of controversy between the two tribal groups over the property’s fate. Congressional appropriations to the Department are made with an explicit stipulation that the Secretary of the Interior must ensure that “The lands of the Huron Cemetery [Wyandotte National Burying Ground] shall be used only—(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (B) as a burial ground.”¹⁵¹

The Wyandotte National Burying Ground is an important tangible reminder of one of the most significant legal battles in the history of American Indian-federal relations. It is the only remaining site that is distinctly associated with that legal battle, and with the life of Lyda Burton Conley. Her remarkable life deserves to be remembered by those of us who care about the role of individual women and of American Indians in making and shaping the law.

Although Lyda Conley did not win her formal legal fight in the Supreme Court, many of the arguments she made in the federal courts reflect what have, over time, become essential components of federal American Indian law. For example, her radical and unsupported argument that the federal government’s treaties with American Indians create duties that are enforceable by the descendants of the original signers or beneficiaries of the treaties has become an aspect of the trust doctrine.

Her theory that the burying grounds and places used by American Indians are sacred and entitled to government protection animates the provisions of the federal Native American Graves Protection and Repatriation Act which generally forbids the removal of the remains and cultural artifacts of American Indians from lands owned by the federal government, as well as a host of similar state laws.¹⁵²

Conley’s legacy also includes the example she set for women attorneys and Wyandot alike, and above all the continued existence of the Wyandotte National Burying Ground itself. Lyda Conley’s efforts to protect and preserve the burying ground have contributed to its survival for more than 170 years. The headstones are a tribute not only to those who lie beneath them, but to the many Wyandot whose graves in the cemetery are unmarked, and to Lyda Burton Conley who fought to preserve the integrity and sanctity of this nationally significant historic site.

¹⁴⁹ “Last of Conleys Joins Family,” *Kansas City Kansan*, 19 September 1958.

¹⁵⁰ John Carras, “Wyandot-Wyandotte Peace Pact Signed,” *Kansas City Kansan*, July 15, 1998, <http://www.wyandot.org/agreement.htm>, (May 31, 2014).

¹⁵¹ E.g., Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, P.L. 105-2771, 12 Stat. 2681-257 (1999).

¹⁵² 25 U.S.C. §§ 3001-3013 (2013). And e.g., Native American Historical, Cultural, and Sacred Sites Act, Cal. Pub. Res. Code § 5097.9 (2013); Kansas Unmarked Burial Sites Preservation Act, Kan. Stat. Ann. §§ 75-2741 to 75-2754 (2013); Indian Antiquities, Archaeological Resources and Unmarked Human Skeletal Remains Protection Act, 11 N.C. GEN. STAT. 70-1 (1991). See generally H. Marcus Price III, *Disputing the Dead: U.S. Law on Aboriginal Remains and Grave Goods* (Columbia, Mo.: University of Missouri Press, 1991) (reviewing federal and state statutes designed to protect aboriginal remains and artifacts).

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Previous documentation on file (NPS):

- Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
 Previously Listed in the National Register.
 Previously Determined Eligible by the National Register.
 Designated a National Historic Landmark.
 Recorded by Historic American Buildings Survey: #
 Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

- State Historic Preservation Office
 Other State Agency
 Federal Agency
 Local Government
 University
 Other (Specify Repository):

10. GEOGRAPHICAL DATA

Acreage of Property: 2 ½ acres

UTM References: A. Zone:15S Easting: 359423.64 Northing: 4330768.82

Verbal Boundary Description:

The boundary of the Wyandotte National Burying Ground is as follows: Commencing at the South West corner of Huron Place, A subdivision in the City of Kansas City, Wyandotte County, Kansas. Thence North 155 feet along the west edge of said subdivision to the point of beginning. Thence South 89 degrees 57 feet East, 186.92 feet. Thence North 18 degrees 7 feet East, 454.25 feet. Thence North 70 degrees 48 feet West, 172.60 feet. Thence South 18 degrees 41 feet West, 515.57 feet. Thence South 89 degrees 57 feet East, 12.49 feet. To the Point of Beginning. The boundary of the Wyandotte National Burying Ground is further identified and escribed as the "Huron Indian Cemetery" on the attached map of the "Huron Place Historic District" as approved by the City of Kansas City, Kansas, Planning Department on December 1, 1983, as well as on the attached "Huron Place - Huron Cemetery" site plan as prepared by Buchanan Architects Associates Chartered, Fidelity Building, 1300 N. 78th, Kansas City, Kansas, and issued on 9/15/75.

Boundary Justification:

The January 31, 1855, Treaty between the U.S. and the Wyandot Tribe included a survey of: "The portion now enclosed and used as a public burial ground, shall be permanently reserved and appropriated for that purpose." The cemetery's boundary has remained the same since that survey, which included all of the land used by the Wyandot for burials since 1843.

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NATIONAL HISTORIC LANDMARKS PROGRAM
February 24, 2016

APPENDIX: WYANDOTTE NATIONAL BURYING GROUND BURIALS¹⁵³

The following is a list of individuals who are believed to have been buried in the [Wyandotte National Burying Ground] Huron Indian Cemetery. The list is derived from the journals of William Walker, Jr., from various tribal and family records found in the Connelly Collection at the Kansas City, Kansas Public Library and in the archives of the Wyandotte County Historical Society and Museum, from William E. Connelly's 1896 survey of the cemetery, and from the Kansas City, Kansas City Clerk's Mortality Records, July 9, 1892 et seq. In many cases, the actual grave locations are not presently known. Those individuals who have marked or identifiable grave locations are noted with an asterisk (*). It should be noted that this list is by no means complete; estimates on the number of burials in the cemetery run from approximately 400 to over 600.

----- Clark Arms (Mrs. John Arms); ? - February 6, 1852

Eliza Arms; 1835 – 1859

John Arms; 1811 - June, 1856*

Duncin Armstrong; January 23, 1849 - February 22, 1850

George Armstrong; 1801 - November 19, 1851*

Robert Armstrong; August 19, 1835 - July 15, 1858*

Silas Armstrong; January 3, 1810 - December 14, 1865*¹⁵⁴

William Silas "Willie" Armstrong; January 30, 1851 - March 26, 1851*

Zelinda Hunter Armstrong; December 3, 1820 - February 10, 1883*

Antoinette Armstrong Barnes; February 15, 1858 - October 2, 1882*

T. B. and Antoinette Barnes' infant daughter; 1882*

Andrew A. "Andy" Barnett; ? - October 28, 1870*

Barrett Barnett; November, 1848 - April 4, 1858*¹⁵⁵ James Barnett; 1826 - March 6, 1862

Joseph Barnett; ND

Louis Barnett; March, 1832 - September 19, 1858*

William Barnett; 1835 - ?;

¹⁵³ Hancks, *Huron Indian Cemetery*, 2.

¹⁵⁴ Onetime Principal Chief of the Wyandot Nation (1865-66), and President of the Wyandott City Company.

¹⁵⁵ Not a Wyandot. He was the son of the Rev. William Barnett, missionary to the Wyandots' Methodist Episcopal Church South, which stood adjacent to the cemetery on the west.

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Bearskin; ND

Catherine Bearskin; 1846 - ?

Eliza Bearskin; 1828 - ?

James Bearskin; 1830 – 1859

John S. Bearskin; 1816 – 1859

William Big River; ? - July 6, 1848

Ethan Bigarms; 1834 - ?

John Bigsinew; ? - May 16, 1852

Baptiste Bigtown; 1807 – 1861

Sarah “Sally” Bigtown; 1799 – 1864

William B. Bigtown; 1846 – 1861

Catherine Bigtree; 1854 – 1858

James Bigtree; 1796 - March, 1856*

John Bigtree; 1827 – 1857

Mary Solomon Bigtree; 1830 – 1860

Black Sheep's wife; ? - February 3, 1852

Bowyer; ? – 1844

Broadhead; ND

Catherine G. Brown; 1810 - ?

James Brown; ? - January, 1852

Peter Buck's wife; 1792 - November 28, 1847

Captain Bullhead; 1785 - ca. 1860

Franklin and Harriet Butler's infant daughter; August 29, 1870 - September 5, 1870*

Harriet Brown Butler; 1837 - September 9, 1870*

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Judge Joseph Chaffee; ? - May 23, 1849¹⁵⁶

Jacob Charloe; ? - September 11, 1852

Jacob Charloe's child; ? - January, 1852

James T. Charloe; 1804 - October 24, 1854*

Jane Charloe's child; April, 1847 - August 13, 1847

Margaret Jacquis Charloe; December 24, 1780 - November 10, 1859*

Robert Cherokee's brother-in-law; 1831 - September, 1847

Catherine Clark; 1808 - January 18, 1858*

George Isaac Clark; June 10, 1802 - January 25, 1858*¹⁵⁷

Harriet W. Clark; 1840 - February 6, 1858*

Mary J. Clark; August 7, 1842 - October 12, 1882*

Richard W. Clark; August, 1837 - January 31, 1890*

Thomas G. Clark; 1793 - 1843

George Coke, or Cooke; 1827 - ?

Tom Coke; ? - April 28, 1853

Mary Collier; 1841 - 1861

Andrew Syrenus Conley; ? - November 23, 1885*

Eliza Burton Zane Conley; 1838 - July 11, 1879*

Eliza Burton "Lyda" Conley; 1869 - May 28, 1946*

Helena Gros "Lena" Conley; 1867 - September 15, 1958*

Ida Conley; 1865 - October 6, 1948*

Sarah McIntyre "Sallie" Conley; 1863 - March 3, 1880*

¹⁵⁶ Isaiah Walker's stepfather and guardian. He arrived in Wyandott on May 3, 1849, on his way from Ohio to the California gold fields.

¹⁵⁷ Onetime Principal Chief of the Wyandot Nation (1850-51, 1851-52, 1856-57, 1857-58), and Secretary of the Provisional Government of Nebraska Territory (1853-54).

Aaron Coon; 1804 - June 12, 1852*¹⁵⁸

Charlotte Coon; ? - May 1, 1847

Francis Coon; 1836 – 1857

George A. Coon; ? – 1859

J. Coon, Jr.; ? - August 10, 1849¹⁵⁹

John Coon, Jr.; ? - January 18, 1853¹⁶⁰

Mary Coon; 1838 – 1859

Robert Coon's widow; ? - May 15, 1852

Robert Coon's child; ? - May 15, 1852

Sarah Coon; 1815 – 1859

John B. Cornstalk; 1820 - ?

Sarah Cornstalk; ? – 1859

Amos Cotter; 1837 – 1870

Francis Cotter, Sr.; ? - September 29, 1852

Francis Jr. and Elizabeth Cotter's son; September 1, 1847 – September 21, 1847

Widow Cub; 1767 - November 11, 1847

Jacob Curleyhead; 1838 - August, 1870

John B. and Matilda Clark Curleyhead's twin daughters; January, 1848 - February 12, 1848

Mary Curleyhead, Jr.; 1855 - 1856.¹⁶¹

A. D.; ND*

Mary E. Day; June 19, 1852 - September 25, 1855*

¹⁵⁸ Family name was originally Kuhn (German).

¹⁵⁹ Murdered by Robert Cherokee.

¹⁶⁰ Executed by firing squad for the murder of Curtis Punch.

¹⁶¹ Death was attested to on September 14, 1870, but name appears on 1871 tribal roll.

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Francis Driver; 1802 - January 24, 1847*

Isaac P. Driver's wife's child; ? - July 5, 1847

Martha Driver; February 9, 1833 - September 13, 1844*

Mary A. Driver; 1830 - August 31, 1844*

Widow Driver; ? - March 2, 1848

Charles "Charley" Elliott; 1810 - June 13, 1851

Hannah Elliott; May, 1854 - ?

Jacob Elliott; 1850 - January 15, 1871

Mary Elliott, 1830 - January 27, 1857

Eudora "Dora" Fish Emmons; ? - April 10, 1877*

Eliza A. Espy; 1826 - June 9, 1915

Frank T. Espy; 1858 - October 18, 1922¹⁶²

George J. Espy; ND

Martha E. F.; ND*

Hester A. "Hetty" Zane Fish; ? - April 17, 1852*

Lucinda Armstrong Forseyth; 1834 - ?

Samuel E. Forseyth; ND

Holly Francis; ? - 1859

Michael Frost; 1824 - May, 1865.

D. G.; ND*

J. G.; ND*¹⁶³

¹⁶² Brother-in-law of Andrus B. Northrup. His burial was strongly protested by Helena Conley, as he was not a Wyandot. This resulted in her briefly going to jail. (She did not protest the burials of his parents, however; they were members of the same church and a good friend of the Conley sisters.)

¹⁶³ Cannot be Joel W. Garrett, as he returned with his family to Ohio in 1859 and is buried in the Garrett family plot in Upper Sandusky.

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Charles Garrett; September 26, 1842 - September 8, 1843

Charles B. Garrett; October 28, 1794 - December 2, 1867*

Cyrus Garrett; May 1, 1831 - February 20, 1859

Henry Garrett; March 16, 1832 - April 14, 1857

Maria Walker Garrett; July 9, 1807 - May 30, 1866*

Theodore F. Garrett; 1828 - May 7, 1869

William W. Garrett; December 29, 1821 - July 6, 1847

Elizabeth "Betsey" Greyeyes Gayamee; 1830 - 1857

John Gibson; 1807 - February 6, 1859*

William Gibson; 1830 - 1859

Barbara Emma Gollings; January 8, 1869 - August 9, 1870*

Charles "Charley" Graham; ? - July 14, 1851¹⁶⁴

Mary Graham; ? - July 9, 1847

Henry C. Greyeyes; 1836 - 1857

John W. Greyeyes' child; July 1, 1848 (died at birth)

John W. Greyeyes' wife; ? - July 3, 1848

Lewis "Esquire" Greyeyes; 1795 - ?

Matthew "Doctor" Greyeyes; 1795 - August, 1845*

Robert Greyeyes; ? - February 23, 1847

Robert Greyeyes' twin children; ? - March 5, 1848

Eliza Half John; 1823 - February 10, 1848

Eliza Half John's son; February, 1847 - November 10, 1847

Kenneth Zane Harding; 1896 - December 16, 1915*

Mary Emma Zane Harding; September 16, 1856 - March 22, 1936*

¹⁶⁴ Agency blacksmith to the Wyandot Nation for nearly 20 years.

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Newton Harding; 1844 - 1905*

Newton "Newt" Harding, Jr.; May, 1895 - June 2, 1895

Anthony Hat; 1837 - 1859

John Hat, or Tauomee; 1810 - January 15, 1870¹⁶⁵

John and Theresa Hat's child; January 30, 1848 (died at birth)

Theresa Hat; 1808 - January 30, 1848

Francis A. Hicks; 1800 - September, 1855*¹⁶⁶

John Hicks, Sr.; 1773 - February 14, 1853*

John Jr. and Mary Hicks' daughter; 1843 - February 17, 1848

Matilda Stephenson Driver Hicks; 1805 - June 29, 1866*

Sarah Hicks; 1839 - 1860

Sarah Hill; ? - January, 1852

Thomas and Sarah Hill's son; March, 1848 - April 11, 1848

Jacob Hooper; 1833 - ?

Henry Jacquis; 1788 - January 6, 1848*¹⁶⁷

Charlotte E. Clark Johnson; 1841 - ?*

Edward I. Johnson; ND*

Harriet Johnson; 1848 - 1850*

Harry Johnson; ND*

Maud Johnson; ND*

John Johnston's wife; ? - August 9, 1851

¹⁶⁵ Onetime Principal Chief of the Wyandot Nation (1853-54, 1854-55, 1855-56, 1867-70).

¹⁶⁶ Onetime Principal Chief of the Wyandot Nation (1837-38, 1841-42, 1848-49, 1849-50).

¹⁶⁷ Onetime Principal Chief of the Wyandot Nation (1833-34, 1842-43, 1843-44, 1844-45).

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John Johnston's two children; ? - August 9, 1851

Richard Johnston; 1846 - February 19, 1857*

Kayraho's mother-in-law; 1788 - March 24, 1848

John Kayraho, Sr.; ? - February 16, 1852¹⁶⁸

K. L.; ND*

Anna Haven Ladd; August 14, 1815 - October 17, 1885*

Celia Alverson Ladd; October 3, 1832 - December 4, 1854*

John Wanton Ladd; August 10, 1793 - September 25, 1865*¹⁶⁹

Lydia Sweet Ladd; February 10, 1791 - March 3, 1869*

Sarah R. Ladd; ND*

John Lewis (formerly John Coon); 1819 – 1859

Little Chief's wife; ? - February 19, 1848

John Little Chief; 1837 – 1862

Ann Long; ND

Catherine Zane Long; October, 1793 - October 13, 1851*

Elizabeth C. Long; 1855 – 1864¹⁷⁰

Ethan Allen Long; 1820 - ?*

Ethan A. Long's wife; ND

Henry Clay Long; 1824 – 1889¹⁷¹

William A. Long; 1838 - ?

Zachariah Longhouse, Sr.; ? - July 6, 1849

¹⁶⁸ Murdered by Isaiah Zane.

¹⁶⁹ Father-in-law of both Joel Walker and Matthew R. Walker.

¹⁷⁰ Grave was moved to Woodlawn Cemetery on December 30, 1893.

¹⁷¹ Grave was moved to Woodlawn Cemetery on December 30, 1893.

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Zachariah Longhouse, Jr.; 1829 – 1867 Theresa Lumpy; 1801 - ?

John Walker McAlpine; 1887 - June 20, 1962

Maria Walker McAlpine; June 17, 1847 - February 26, 1891

Thomas McKee, Jr.; 1800 - February, 1844

William McKendrick; 1808 - July 7, 1848¹⁷²

Livery B. McKenzie (McKendrick); 1838 – 1857

Russell McKenzie (McKendrick); 1844 – 1861

Widow Mononcue, or None-way-sa; ? - December 18, 1852

James Monture; 1825 – 1864

James Monture's wife; ? - February 2, 1849¹⁷³

Mary Monture; 1839 – 1864

Sam Monture; 1816 - April 19, 1847

Charlie Moore; 1886 - July 19, 1887*

Freddie Moore; 1887 - January 22, 1888*

Matthew and Nancy Pipe Mudeater's child; 1852 (died at birth)

Widow Mudeater; 1788 - March 28, 1848

Mary Rankin Muir; 1828 - ?

Little Nerot; ND*

Nofat; 1797 - April 8, 1847

Nofat's daughter; 1831 - July 17, 1847

John Nofat; ? - June 26, 1851

Margaret Nofat; ? - January 4, 1846

¹⁷² Named for Methodist Bishop William McKendree, spelling of name changed in just two generations from McKendree to McKendrick to McKenzie.

¹⁷³ Murdered by her husband.

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Andrus Bishop Northrup; April 27, 1849 - January 7, 1892*

Frank Andruss Northrup, M.D.; November 3, 1879 - February 23, 1965*¹⁷⁴

George Lee Northrup; January, 1881 - April 27, 1881*

Hiram Milton Northrup; June 4, 1818 - March 22, 1893*

Hiram M. Northrup II; 1867 - February, 1904

James Northrup; ND

Margaret Clark Northrup; September 28, 1828 - June 28, 1887*

McHenry Northrup; November 5, 1854 - December 1, 1857*

Milton Northrup; ND

Milton Catlin Northrup; October 5, 1846 - ?*

Thomas Clark Northrup; December 27, 1851 - October 10, 1876*

Tommy Espy Northrup; January 3, 1885 - February 13, 1886*

Daniel Peacock; 1817 – 1857

Isaac Peacock; ? - July, 1852¹⁷⁵

James Peacock; 1837 – 1864

Margaret B. Punch Peacock; 1815 – 1859¹⁷⁶

Mary Peacock; ? - August 28, 1868

Matthew Peacock; 1793 - March 4, 1848*

Moses Peacock; 1814 – 1857

Moses and Mary Peacock's daughter; 1833 - March 26, 1848

Swan Peacock; 1775 - October, 1843*

¹⁷⁴ Last burial in the Huron Indian Cemetery.

¹⁷⁵ Murdered by Killbuck Standingstone.

¹⁷⁶ Death was attested to on September 14, 1870, but someone of the same name appears on the 1881 tribal roll.

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Nancy Rankin Pipe; ? - June 25, 1853

John Porcupine; ? - March 18, 1849

Amanda Zane Powell; January 4, 1850 - January 8, 1917

Frank E. Powell; 1889 - December, 1930

Josiah Powell; ND

Charles "Charlie" Prindle; 1852 - 1905*

Elizabeth U. Armstrong Prindle; November 27, 1854 - 1909*

Curtis Punch; ? - December 10, 1852¹⁷⁷

Daniel Punch; ? - January 13, 1849

Eliza Punch; 1835 - 1861

George Punch, Sr.; 1775 - 1845

George Punch, Jr.; ND

Roy Randall; ND*

James Rankin, Jr.; 1775 - September 29, 1851*

Samuel Rankin, or Jack Brandy; ? - 1852¹⁷⁸

James Robitaille; December 10, 1845 - January 15, 1859

Julie Bernard Robitaille; 1812 - March 8, 1849

Cary Rodgers; 1845 - 1866

Widow Ronucay; ? - December 27, 1853

Mary Saint Peter, or Widow Saint Peter; 1785 - ?

N. Joseph Sandusky; ND

Nancy Sandusky; ND

¹⁷⁷ Murdered by John Coon, Jr. and Martin Bigarms.

¹⁷⁸ Brother-in-law of Adam Brown Sr. Not a Rankin by birth, he took the name out of respect for the family.

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Matthew Sarraheß, or Sarraheß; 1786 - December 18, 1846*¹⁷⁹

Henry "Harry" Shaffenburg; 1870 - March 11, 1896*

Harry Clay Shipp; 1861 - May 12, 1929*

Kate Zane Shipp; 1865 - 1958*

Roy Robert Shipp; 1888 - October 23, 1918*

Eugene J. Snyder, Jr.; 1885 - 1927*

Thomas N. Snyder; 1887 - November 9, 1929*

John Solomon, Jr.; 1834 - ?

Robert and Margaret Solomon's son; 1843 - September, 1847

¹⁷⁹ Onetime Principal Chief of the Wyandot Nation (1825-1828).

MAPS AND SITE PLANS

1. (ks_wyandottecounty_conley_001)

Wyandotte National Burying Ground (Huron Indian Cemetery) relationship to the Kansas and Missouri Rivers. Google Earth image.

2. (ks_wyandottecounty_conley_002)

Huron Place with streets and Wyandotte National Burying Ground identified. Google Earth image.

3. (ks_wyandottecounty_conley_003)

Wyandotte National Burying Ground. Google Earth image.

4. (ks_wyandottecounty_conley_004)

Huron Place Historic District close-up map. City of Kansas City, Kansas, Planning Department.

5. (ks_wyandottecounty_conley_005)

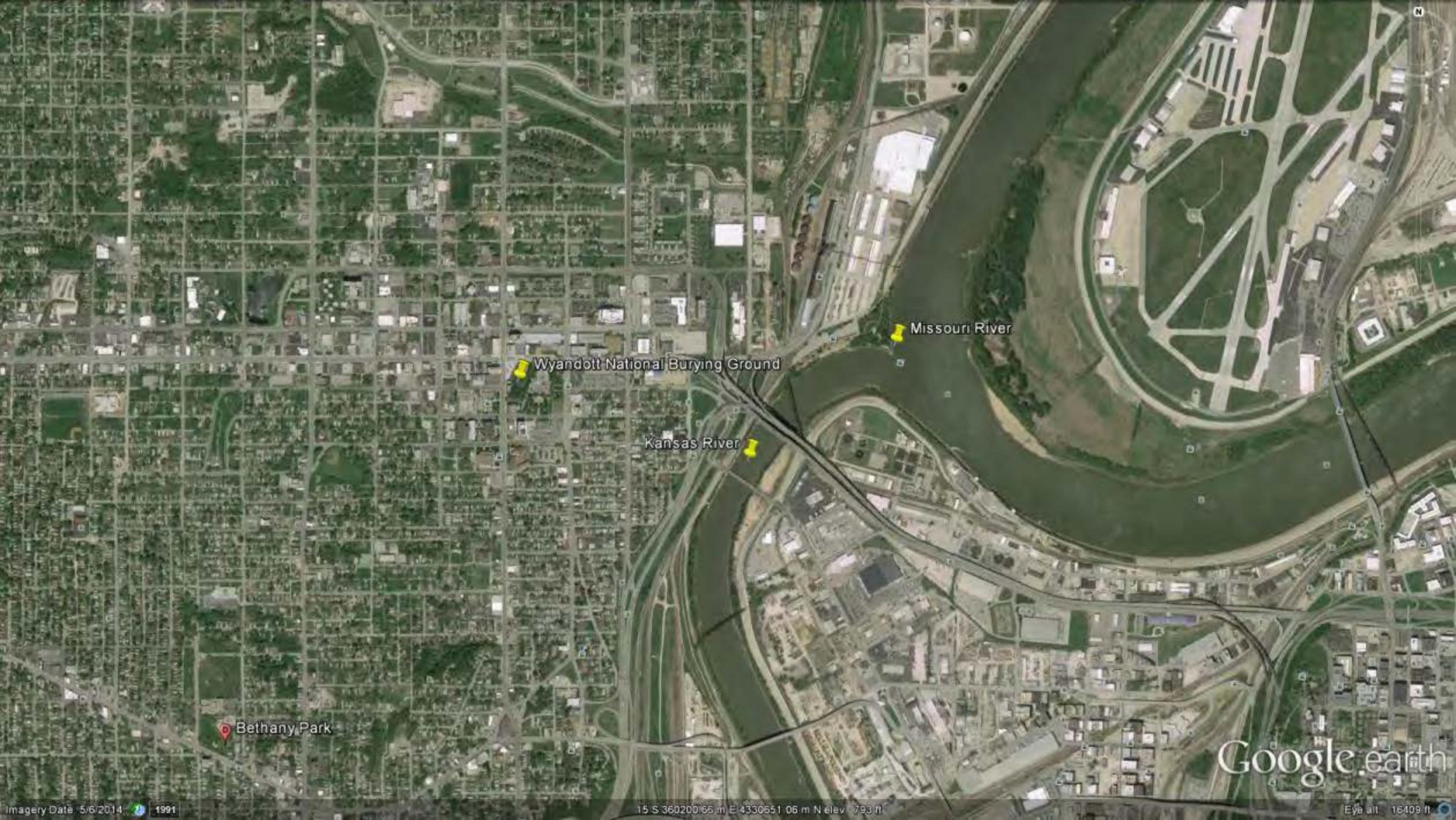
Huron Place Historic District plot map, 12/1/1983. City of Kansas City, Kansas, Planning Department.

6. (ks_wyandottecounty_conley_006)

Huron Place—Huron Cemetery [Wyandotte National Burying Ground internment map], 9/15/1975. Buchanan Architects and Associates Chartered. City of Kansas City, Kansas, Planning Department.

Conley Maps and Site Plan Log

USGS QUAD MAP



Missouri River

Wyandott National Burying Ground

Kansas River

Bethany Park

Google earth



7th St

6th St

Minnesota Ave

Wyandot National Burying Ground

Armstrong Ave

Huron Park

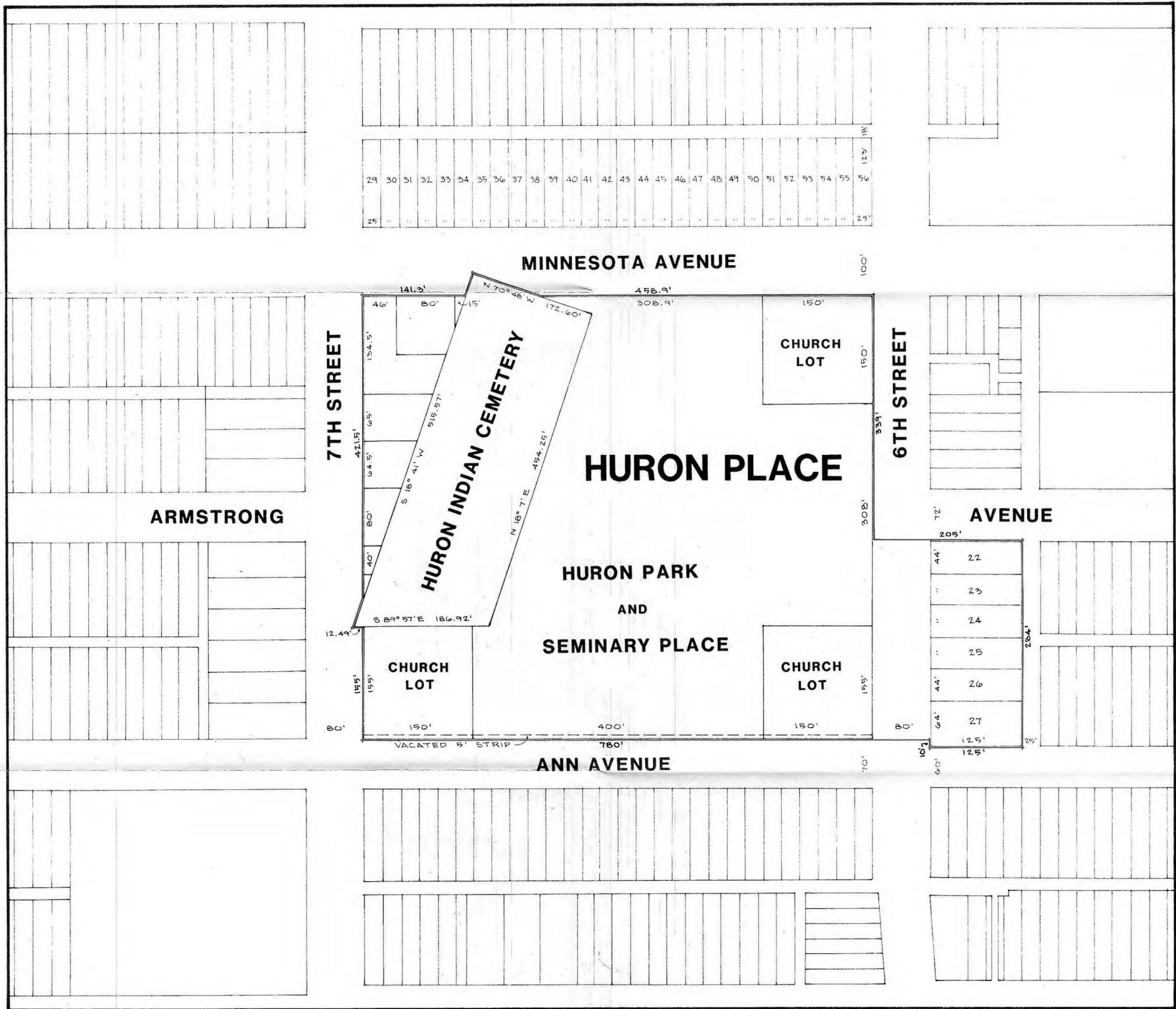
Ann Ave

Google earth

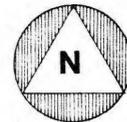


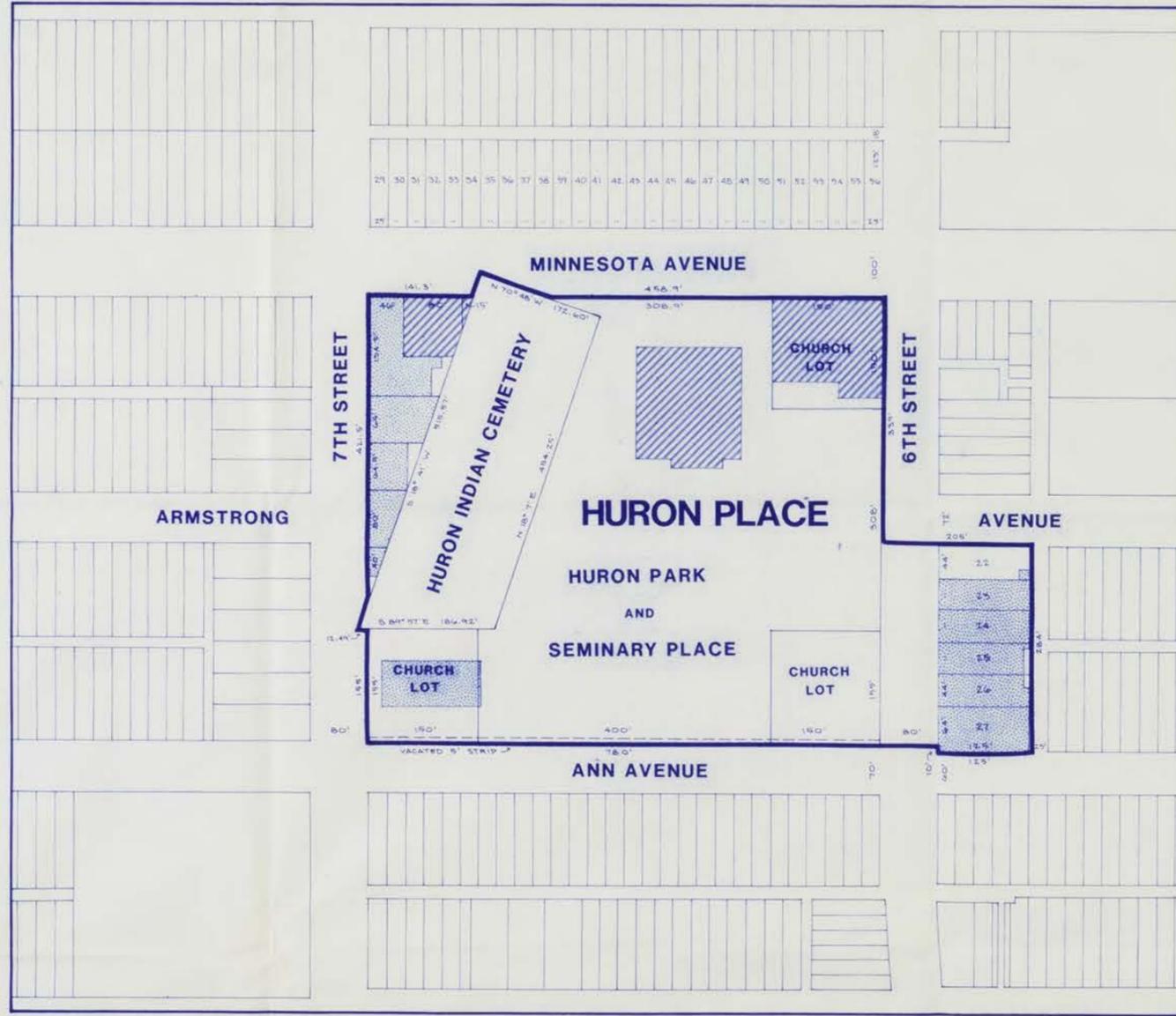
Wyandott National Burying Ground

Google earth

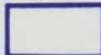


HURON PLACE HISTORIC DISTRICT





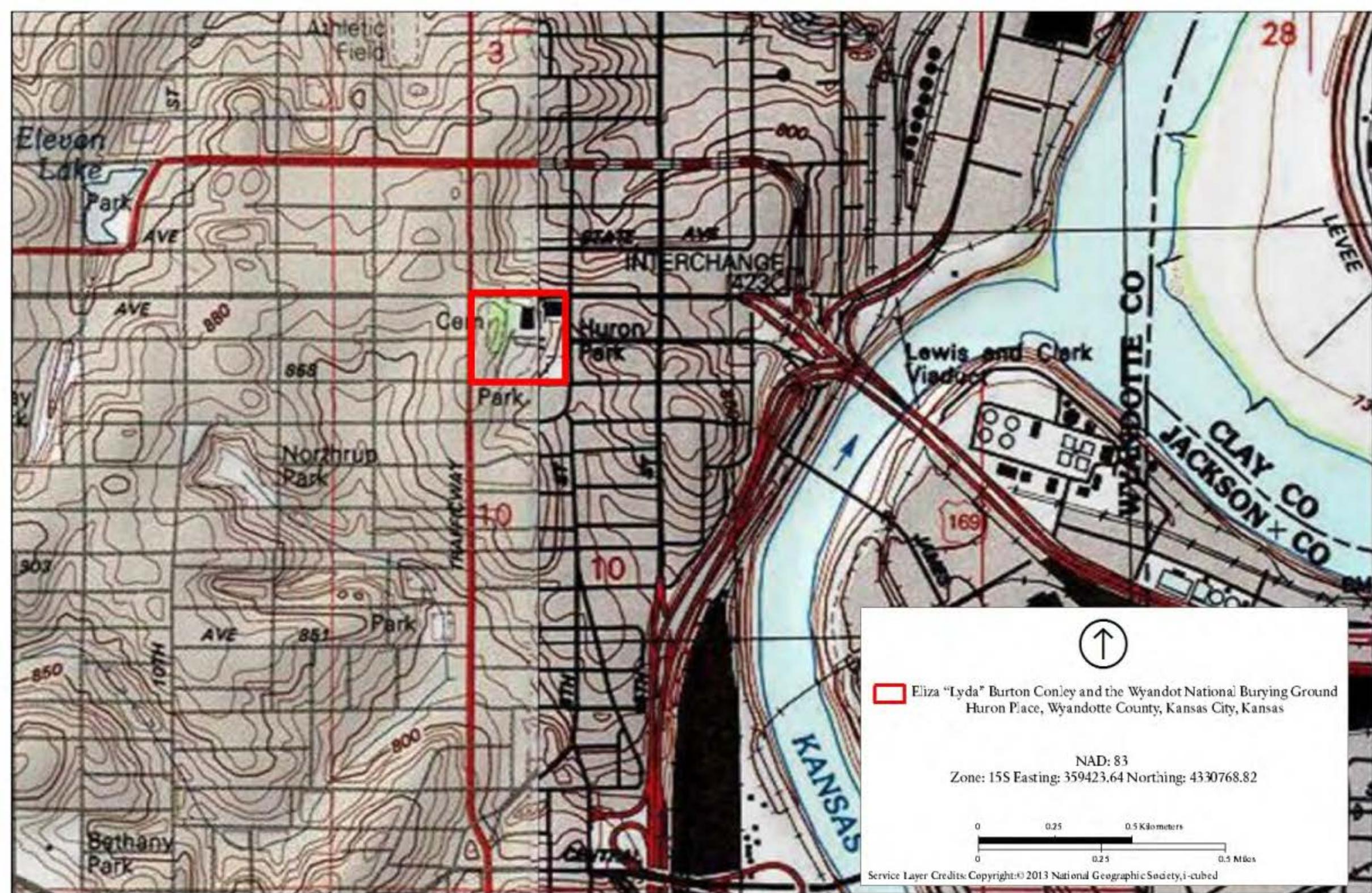
HURON PLACE HISTORIC DISTRICT

-  CONTRIBUTING STRUCTURES
-  NONCONTRIBUTING STRUCTURES
-  DISTRICT BOUNDARY



NOTE:

THE FOLLOWING PROPERTIES WITHIN THE DISTRICT HAVE BEEN ACCEPTED TO THE NATIONAL REGISTER OF HISTORIC PLACES:
 SCOTTISH RITE TEMPLE, 804 NORTH 7TH STREET
 HURON INDIAN CEMETERY
 ELKS CLUB BUILDING, 905 NORTH 7TH STREET

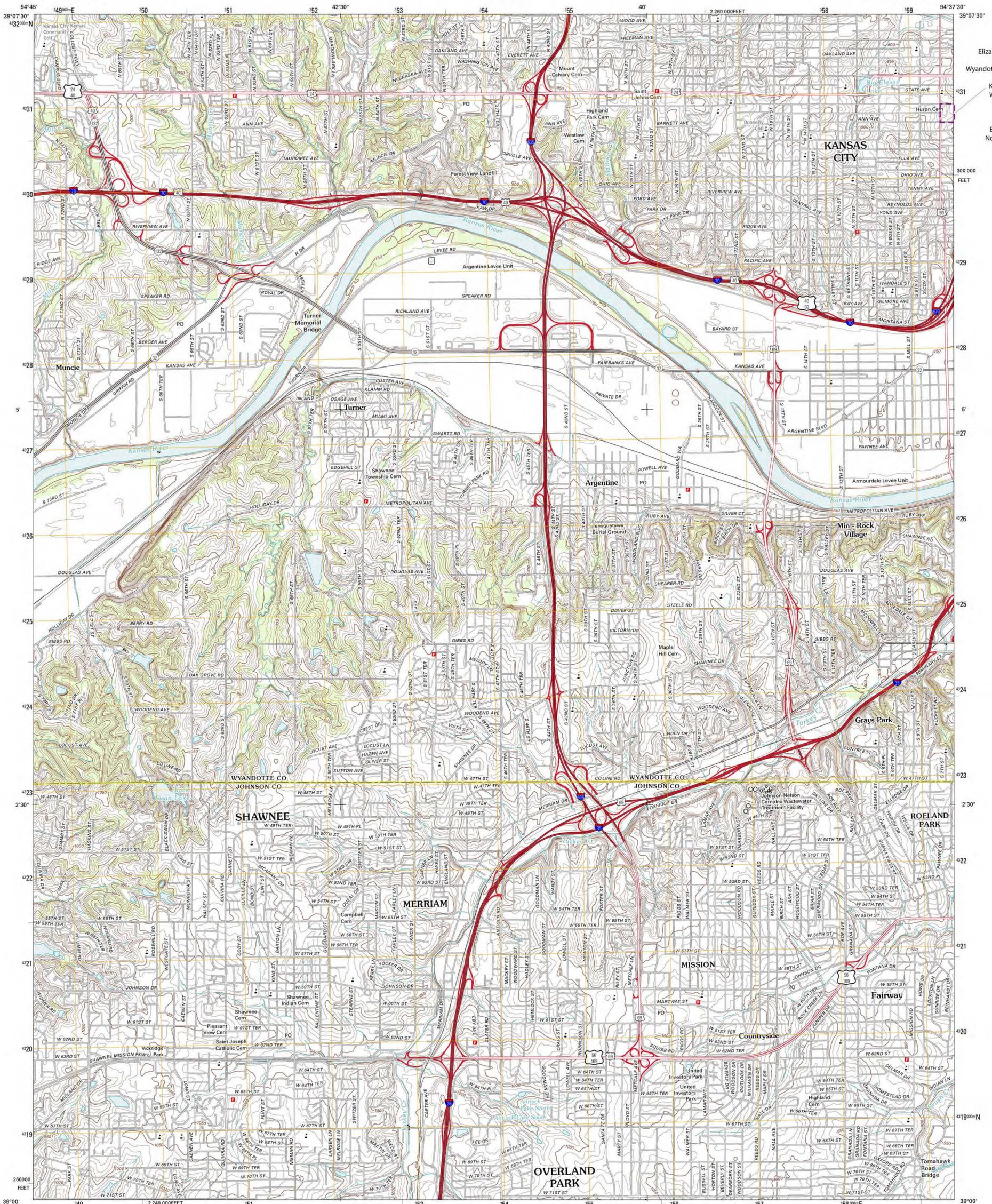




U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY



SHAWNEE QUADRANGLE
KANSAS
7.5-MINUTE SERIES

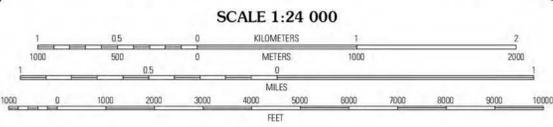


Eliza "Lyda" Burton Conley and the
Wyandot National Burying Ground
Huron Place
Kansas City, Kansas
Wyandotte County
NAD: 83
Zone: 15S
Easting: 359423.64
Northing: 4330768.82

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 15S
10 000-foot ticks: Kansas Coordinate System of 1983 (north
zone)

UTM GRID AND 2012 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

U.S. National Grid	18QUD
UTM	18QUD
Grid Zone Designation	15S



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.4



ROAD CLASSIFICATION

- Interstate Route
- US Route
- Ramp
- State Route
- Local Road
- 4WD

QUADRANGLE LOCATION

Wacot	Parkville	North Kansas City
Edwardsville	Shawnee	Kansas City
Olathe	Lenexa	Grandview

ADJOINING 7.5' QUADRANGLES

SHAWNEE, KS
2012



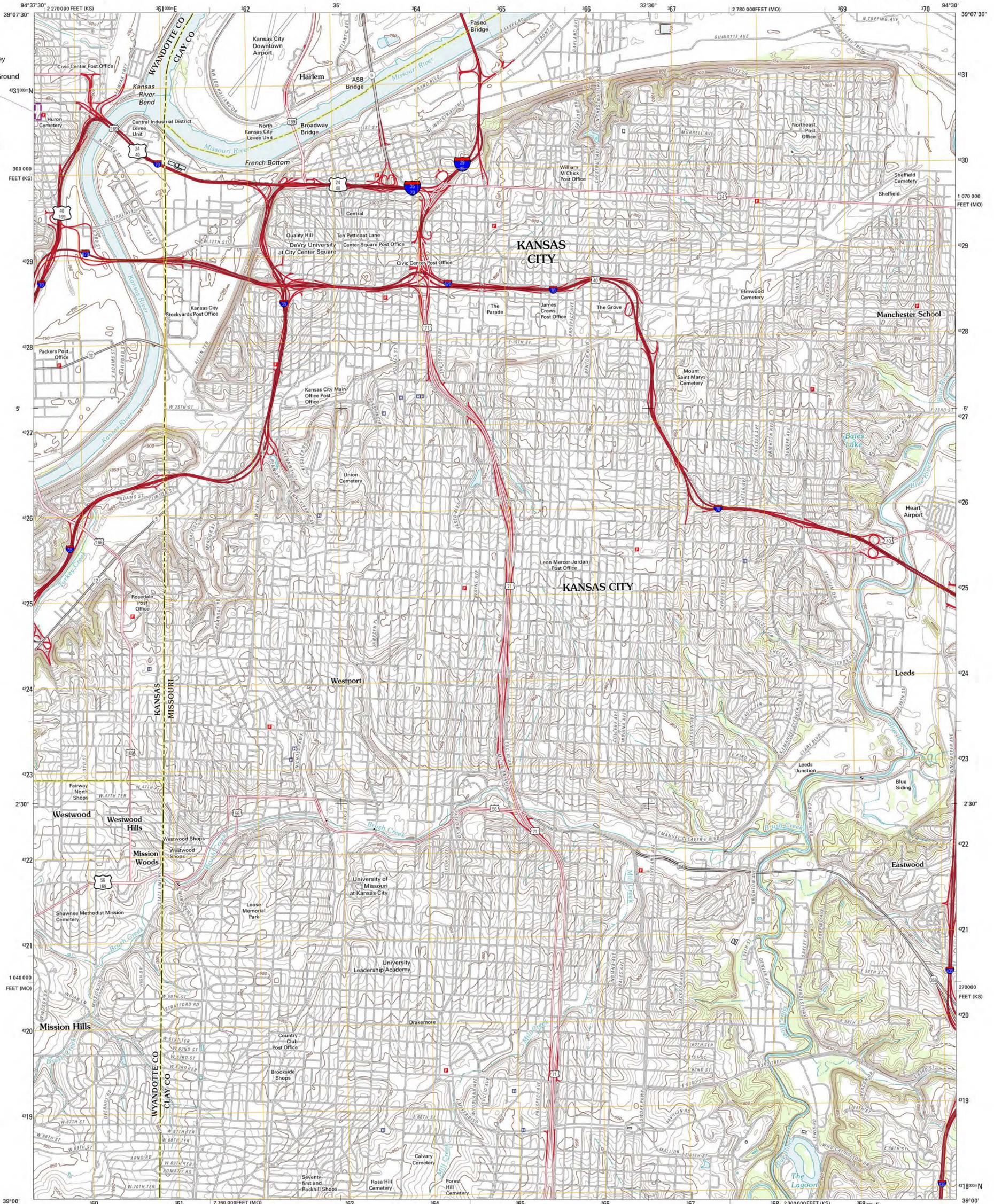
U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY



KANSAS CITY QUADRANGLE
MISSOURI-KANSAS
7.5-MINUTE SERIES

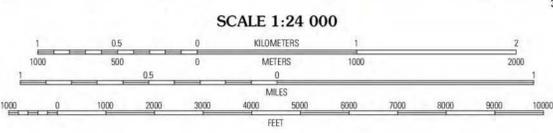
Eliza "Lyda" Burton Conley and the Wyandot National Burying Ground
Huron Place
Kansas City, Kansas
Wyandotte County

NAD: 83
Zone: 15S
Easting: 359423.64
Northing: 4330768.82



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 15S
10 000-foot ticks: Missouri Coordinate System of 1983 (west
zone), Kansas Coordinate System of 1983 (north zone)

Imagery: NAD, June 2010
Roads: ©2006-2011 TomTom
Names: ©2011
Hydrography: National Hydrography Dataset, 2010
Contours: National Elevation Dataset, 2008
Boundaries: Census, IBWC, IBC, USGS, 1972 - 2010



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.1.



QUADRANGLE LOCATION

Parkville	North Kansas City	Liberty
Shawnee	Kansas City	Independence
Lenexa	Grandview	Lees Summit

ADJOINING 7.5' QUADRANGLES

ROAD CLASSIFICATION

Interstate Route	State Route
US Route	Local Road
Ramp	4WD

Legend for road types: Interstate Route (thick red line), US Route (red line with shield), State Route (thin red line), Local Road (grey line), 4WD (dashed grey line), Ramp (red line with arrow), Rte (circle with number), State Route (circle with number).

KANSAS CITY, MO-KS
2012



Dr. J. H. ...
H. C.









Helena Conley, Lyda Conley, and cousin Nina Craig, ca. 1930.







HELENA CONLEY
FLOATING-VOICE

WAS DOTTED BY THE
"GLOBE" BY THE "GLOBE"
"GLOBE" BY THE "GLOBE"

ELIZA BURTON CONLEY

DECEASED FEB 17 1866
BORN 1811
DIED 1866

MRS. ANNA P. CONLEY

BORN 1811
DIED 1866

Wm
KENNETH ZANE
HARDING
1888-1917

Mrs. Anna
HARDING
1811-1866





INDIAN-CEMETERY



















ZELINDA ARMSTRONG
BARN
DEC 9 1826
DIED
FEB 11 1883



PHOTOGRAPH LOG

Photo #1 (ks_wyandottecounty_conley_0001)

Transit Center at the corner of Minnesota Avenue and 7th Street looking east southeast toward the Wyandot National Burying Ground. NPS Intern Mary Feitz photograph.

Photo #2 (ks_wyandottecounty_conley_0002)

Transit Center east retaining wall for the Wyandot National Burying Ground looking northeast. NPS Intern Mary Feitz photograph.

Photo #3 (ks_wyandottecounty_conley_0003)

Wyandotte Nation history display exhibit by the western entrance to the Wyandot National Burying Ground looking northeast. National Park Service photograph.

Photo #4 (ks_wyandottecounty_conley_0004)

Old bus stop area and Wyandotte Nation history display exhibit by the western entrance to the Wyandot National Burying Ground looking northeast. National Park Service photograph.

Photo #5 (ks_wyandottecounty_conley_0005)

Wyandot National Burying Ground west entrance looking north. Note the stone wall remains from the 1918 improvements to the cemetery. National Park Service photograph.

Photo #6 (ks_wyandottecounty_conley_0006)

West side entrance path to the Wyandot National Burying Ground looking northeast. National Park Service photograph.

Photo #7 (ks_wyandottecounty_conley_0007)

Wyandot National Burying Ground looking east. National Park Service photograph.

Photo #8 (ks_wyandottecounty_conley_0008)

Wyandot National Burying Ground pathway looking north northeast. National Park Service photograph.

Photo #9 (ks_wyandottecounty_conley_0009)

Wyandot National Burying Ground looking south. National Park Service photograph.

Photo #10 (ks_wyandottecounty_conley_0010)

Wyandot National Burying Ground broad view looking south. National Park Service photograph.

Photo #11 (ks_wyandottecounty_conley_0011)

Wyandot National Burying Ground grave marker for Frank A. Northrup, M.D. (the last burial in the cemetery in 1965). National Park Service photograph.

Photo #12 (ks_wyandottecounty_conley_0012)

Wyandot National Burying Ground grave with Iris looking southwest. National Park Service photograph.

Photo #13 (ks_wyandottecounty_conley_0013)

Wyandot National Burying Ground looking east. National Park Service photograph.

Photo #14 (ks_wyandottecounty_conley_0014)

Wyandot National Burying Ground Conley family graves looking east. NPS Intern Mary Feitz photograph.

Photo #15 (ks_wyandottecounty_conley_0015)

Wyandot National Burying Ground Eliza Burton Conley grave site. National Park Service photograph.

Photo #16 (ks_wyandottecounty_conley_0016)

Wyandot National Burying Ground gravesites of Eliza Burton Conley and her sister, Helena Conley. National Park Service photograph.

Photo #17 (ks_wyandottecounty_conley_0017)

Wyandot National Burying Ground graves looking northwest. National Park Service photograph.

Photo #18 (ks_wyandottecounty_conley_0018)

Wyandot National Burying Ground northwest corner fenced grave looking northwest. National Park Service photograph.

Photo #19 (ks_wyandottecounty_conley_0019)

Wyandot National Burying Ground entrance at the northeast corner of the cemetery. Note the "Indian Cemetery" sign which was recycled from the 1918 entrance.



DOWNTOWN KCK METRO CENTER

DEPARTURE TIMES

Line	Destination	Time
Blue	North	10:00 AM
	South	10:00 AM
Red	North	10:00 AM
	South	10:00 AM

COURTESY



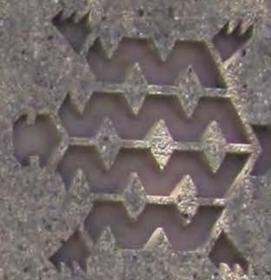




ARMSTRONG AVE



HURON
INDIAN
CEMETERY













FRANK A. NORTHRUP M.D.

NOV. 3,

1879



FEB. 23,

1965

WYANDOTTE #3 A.F. & A.M. 60 YRS.







ELIZA BURTON CONLEY

DEPARTED THIS LIFE MAY 28, 1945

ATTORNEY AT LAW.

ONLY WOMAN EVER ADMITTED TO
THE UNITED STATES SUPREME COURT



HELENA CONLEY
FLOATING-VOICE

WYANDOTTE NATIONAL BURYING GROUND
"CURSED BE THE VILLIAN THAT
MOLEST THEIR GRAVES"

ELIZA BURTON CONLEY
DEPARTED THIS LIFE MAY 28, 1946
ATTORNEY AT LAW
ONLY WOMAN EVER ADMITTED TO
THE UNITED STATES SUPREME COURT

ZELINDA ARMSTRONG
BORN
DEC 3 1920
DIED
FEB 10 1993







INDIAN-CEMETERY

HISTORIC PHOTOGRAPH LOG

Historic Photographs

Photographs (1-11) are courtesy of the Wyandotte County Historical Museum and Archives, Kansas City, Kansas, in order to not disrupt the files their names and numbers have been retained on the photographs.

Photo #1 (KS_Wyandotte Co._Conley_0001)

Lyda Conley (with hat) holding law school diploma, 1902.

Photo #2 (KS_Wyandotte Co._Conley_0002)

Lyda Conley, Atty at Law, Kansas City, Kansas, c.1905.

Photo #3 (KS_Wyandotte Co._Conley_0003)

Huron Park, looking west, 1906, taken by Harry Trowbridge.

Photo #4 (KS_Wyandotte Co._Conley_0004)

Fort Conley, Huron Indian Cemetery. 1906 (unknown newspaper photo).

Photo #5 (KS_Wyandotte Co._Conley_0005)

Conley sisters 1930s (unknown newspaper photo).

Photo #6 (KS_Wyandotte Co._Conley_0006)

Lyda Conley leaving Kansas City, Kansas, police station after arrest for protesting at the Burying Ground (mid 1930s-early 1940s).

Photo #7 (KS_Wyandotte Co._Conley_0007)

Huron Cemetery, South end looking north, toward Minnesota Avenue, 1959.

Photo #8 (KS_Wyandotte Co._Conley_0008)

Headstones of the Conley family. Image looks southeast inside the cemetery, showing Carnegie Library through the trees, 1959.

Photo #9 (KS_Wyandotte Co._Conley_0009)

Aerial image of 7th and Ann Avenue on the right side and Minnesota Avenue on the left (north side of Huron Park), 1957 (current Courthouse is seen under construction)

Photo #10 (KS_Wyandotte Co._Conley_0010)

Stone steps leading up to the grounds of the Huron (Indian) Cemetery, north entrance off of Minnesota Avenue, 1959.

Photo #11 (KS_Wyandotte Co._Conley_0011)

West entrance off of Seventh Street, 1959.

Historic Photographs

The following historic photographs (13-20) are from the Kansas State Historical Society Culture Resources Division and retain their National Register of Historic Places photograph identifiers.

Photo #12 (KS_Wyandotte Co._Conley_001.tif)

1949, View of Huron Cemetery from the north.

Photo #12 (KS_Wyandotte Co._Conley_002.tif)

Oct. 29, 1974, Looking NW from Rose Garden to Huron Cemetery.

Photo #13 (KS_Wyandotte Co._Conley_007.tif)

Oct. 29, 1974, Looking N from S end of Huron Cemetery.

Photo #14 (KS_Wyandotte Co._Conley_009.tif)

Oct. 29, 1974, Looking NW from S end of Huron Cemetery.

Photo #15 (KS_Wyandotte Co._Conley_012.tif)

Oct. 29, 1974, Huron Cemetery Conley family graves.

Photo #16 (KS_Wyandotte Co._Conley_013.tif)

May 29, 1973, Looking S, Huron Cemetery.

Photo #17 (KS_Wyandotte Co._Conley_014.tif)

May 29, 1973, Looking W, Huron Cemetery.

Photo #18 (KS_Wyandotte Co._Conley_015.tif)

May 29, 1973, Looking SW, Huron Cemetery.

Photo #19 (KS_Wyandotte Co._Conley_018.tif)

Oct. 29, 1974, Looking N from middle of Huron Cemetery.