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# "As Long As Grass Grows And Water Flows": Lyda Conley And The Huron Indian Cemetery

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“AS LONG AS GRASS GROWS AND WATER FLOWS”: LYDA CONLEY AND  
THE HURON INDIAN CEMETERY

being

A Thesis Presented to the Graduate Faculty  
of the Fort Hays State University in  
Partial Fulfillment of the Requirements for  
the Degree of Master of Arts

by

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## ABSTRACT

Amongst a sea of concrete in a restless city stands a cemetery that predates the Civil War. The final resting place of at least four hundred Wyandots, Huron Indian Cemetery reflects the tribe's long history. Today a sense of calm surrounds the sacred grounds, canceling out the noise of Minnesota Avenue in Kansas City, Kansas, but this grassy space was once the target of controversy and legal dispute. Beneath the century-old trees, surrounded by her immediate family members and Wyandot ancestors, lies Eliza "Lyda" Burton Conley, attorney and historic preservationist. Without her dedication, strength, and love for her people, the cemetery would now be a distant memory replaced by a parking lot or warehouse.

Conley earned her law degree to save the Huron Indian Cemetery. Using that degree, and physical occupation of the grounds, Conley fought to save the cemetery with the help of her sisters Helena and Ida. Conley stood against those who threatened the cemetery, making history when she presented the case to the United States Supreme Court in 1910. However, defending the cemetery became Conley's full-time occupation. Knowing the importance of funerary customs in Wyandot culture, preserving this aspect of her ancestor's history was more important to her than money, or life itself. Conley made it clear that the destruction of the cemetery and Wyandot remains would happen "over her dead body."

The Huron Indian Cemetery, protected as a National Historic Site since 1971, stands as a testament to history, heritage, and the difference one person can make. Against seemingly insurmountable odds, Conley fought to save the last remnant of

Wyandot heritage in the state of Kansas. Though she did not secure its final safety herself, Conley's fight on behalf of the dead led to the sites' eventual preservation. For that, history owes Lyda Conley the courtesy of remembering her name.

## ACKNOWLEDGMENTS

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Finally, I want to thank Lyda Conley. Without her courageous spirit to stand against all odds and protect a piece of her Wyandot heritage, and American history, this thesis would not exist.

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## INTRODUCTION

This thesis tells the story of Lyda Conley and her fight to preserve the Huron Indian Cemetery in Kansas City, Kansas. The chapters strategically provide the necessary background information about her ancestors, both Wyandot and American, including their cultural respect for the dead. The evolution of the relationship between the tribe and the United States generated laws that both helped and threatened the cemeteries safety. Conley first used her law degree to give her cause a voice, but when she lost her case against the United States Supreme Court, she refused to allow the ruling to destroy the graves she swore to protect. This research supports the theory that Conley was a historic preservationist in every sense of the term. She honored her ancestors by aiding in the survival of a precious piece of Wyandot heritage. Conley did everything in her power to keep the memory of her people alive, even if that meant protecting their bones.

The story of the Huron Indian Cemetery reflects the relationship between Native Americans and white society. Like their ancestors and living relatives, the Wyandots at rest in the cemetery were in the way of progress and the development of the white world. Established on a bluff overlooking the Missouri River, the cemetery was supposed to be out of harm's reach. The Wyandots who dug the first plot in 1843 could not have dreamt of how much controversy would surround the little cemetery a few decades later.<sup>1</sup> The cemetery itself was a consequence of the Indian Removal Act of 1830, something that even the "civilized tribe" of Wyandots could not avoid. The burial ground, a necessity

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<sup>1</sup> Kim Dayton, "Trespassers Beware!: Lyda Burton Conley and the Battle for the Huron Place Cemetery," *Yale Journal of Law & Feminism* 8, no. 1 (1995): 6, <http://digitalcommons.law.yale.edu/yjlf/vol8/iss1/2/> (accessed July 01, 2015). The first recorded person buried in the cemetery was Chief Ron-ton-dee in November of 1843.

after the substantial loss of life suffered by the tribe during their first year in Kansas, became a platform for heritage and historic preservation. Decades after its establishment, the two acres of peaceful property found themselves surrounded by buildings in the heart of Kansas City, Kansas.<sup>2</sup> When word spread that the Oklahoma Wyandottes planned to sell the property, the fate of the cemetery looked grim. However, one woman whose ancestry was only a fraction Wyandot dedicated her life to protecting it. With nothing but a law degree and an old shotgun in her arsenal, Eliza “Lyda” Burton Conley took up the cause with the help of her sisters Helena and Ida. After years of fighting and a failed U.S. Supreme Court appeal, the Conley sisters took matters into their own hands. Though their actions were not always legal, their intention of preserving the cemetery and a part of their heritage came from a sense of duty to their people.

It is impossible to understand fully the Wyandot Nation, the Huron Indian Cemetery, or Lyda Conley without discussing how one affected the other. Chapter One discusses the history of the Wyandots, from their original home in Ontario, Canada to their forced migration to Kansas. The chapter also discusses the developing relationship between whites and the Wyandots, including the United States government’s influence on the tribe. Chapter Two discusses the original burial customs and religious beliefs of the tribe, and how white intervention affected the traditions over the course of three centuries. The chapter also shows how the Huron Indian Cemetery symbolizes this blended culture. Chapter Three focuses on Lyda Conley, providing a detailed biography of her life, law career, and her unwavering devotion to the cemetery. A recurring theme

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<sup>2</sup> Richard Pankratz, *National Register of Historic Places Inventory-Nomination Form*, U.S. Department of the Interior, February 17, 1971. [http://www.kshs.org/resource/national\\_register/nominationsNRDB/WyandotteHuronCemeteryNR.pdf](http://www.kshs.org/resource/national_register/nominationsNRDB/WyandotteHuronCemeteryNR.pdf).

throughout this work is that Conley was caught between the two worlds, though she was willing to jeopardize her life in white society rather than lose her connection with the Wyandots. Chapter Four concludes with the aftermath of Conley's fight to save the cemetery, and the new preservation laws that directly benefited Native American artifacts and burial grounds, including the Huron Indian Cemetery. Despite these positive steps toward historic preservation, threats still surround these sites and encourage people to continue where Conley left off.

Several different sources support the ideas presented in each chapter, including the claim that Conley is most memorable for her work as a historic preservationist. Newspapers covered Conley extensively, generating attention for the cemetery beginning in 1895. In interviews, Conley explained her reason for protecting the remains of her ancestors. The few secondary sources that mention Conley focus on her degree and her appeal before the U.S. Supreme Court. While this was an unprecedented accomplishment for a woman in 1910, many primary sources support the theory that her legal career was merely a footnote in Conley's life. There is no evidence that Conley expressed a desire to pursue a legal career beyond protecting the cemetery and aiding her fellow Wyandots. Even the legal documents regarding the case at both the district and federal level support the claim that Conley used her legal knowledge to attempt to preserve a sacred piece of land containing the remains of her mother, grandmother, and other Wyandots. She felt a strong moral obligation to her people and her heritage, thus dedicating her life to save two acres of hallowed ground.<sup>3</sup>

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<sup>3</sup> "Defend the Graves," *Leavenworth Post*, July 18, 1907, 3, accessed January 03, 2016, Newspapers.com.

The biggest danger still facing the Huron Indian Cemetery is its location. In 1843, the cemetery stood alone on the outside of the Wyandotte Village. Less than fifty years later, the city swallowed the little cemetery whole, and a fight began over the two acres of prime real estate occupied by the dead. With the Wyandottes of Oklahoma pushing for the sale, Conley faced enemies on all fronts. Despite her defeat in the U.S. Supreme Court, a law was passed in 1913 that appealed the Act of 1906 allowing the sale of the cemetery. The amount of legislation connected with the cemetery required an extensive amount of research of government and legal documents, including court records, treaties, and case files.

Since many Native American tribes did not record their history until after contact with Europeans, secondary sources fill in the gaps for chapters one and two regarding the Wyandot's history and burial customs. A few of the sources used throughout these chapters include Robert E. Smith's dissertation "The Wyandot Indians, 1843-1876"<sup>4</sup> and Erik R. Seeman's *The Huron-Wendat Feast of the Dead*.<sup>5</sup> Both of these sources provide extensive information on the Wyandots and their relationship with white society, including the United States. Pearl E. Morgan also provides useful information regarding the Wyandots' settlement in Kansas and the establishment of Wyandotte Village and

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<sup>4</sup> Robert E. Smith, "The Wyandot Exploring Expedition of 1839" (Ph.D. diss., Oklahoma State University, 1977). The source provides a detailed history of the Wyandots, from their original home in Canada to their split in Kansas when half of the tribe left for a reservation in Oklahoma. While it only mentions the Huron Indian Cemetery briefly, it is a significant collection of information about the Wyandot tribe.

<sup>5</sup> Erik R. Seeman, *The Huron-Wendat Feast of the Dead* (Baltimore: The John Hopkins University Press). The source provides specific details regarding the burial customs of the Huron-Wendat tribes, including how the French missionaries and the introduction of Christianity influenced their rituals. The source also contains excerpts from some of the missionaries journals regarding their view of the Indians' pagan rituals and how the Huron-Wendat's responded to Catholicism.

Wyandotte County in *History of Wyandotte County, Kansas: and its people*.<sup>6</sup> Together, these sources examine over three hundred years of Wyandot history.

The best of the few scholarly essays written about Conley and the cemetery is Kim Dayton's essay, "Trespassers Beware!: Lyda Conley and the Battle for the Huron Place Cemetery."<sup>7</sup> This source focuses primarily on Conley's contributions to feminism and her work as a female attorney; her arguments are clear and provide a substantial amount of information on Conley's legal battle. Like Chapter Three, Chapter Four also relies heavily on government documents. However, these documents focus on preservation laws created during and after Conley's era that aided in protecting the cemetery from future legal disputes. Newspaper articles provide a distinct perspective on what the general public thought of Conley, the cemetery, and Native Americans themselves. Public opinion and outside forces, including government officials both for and against the sale of the cemetery, significantly affected the perseverance efforts. The overall opinion regarding historical preservation changed drastically throughout the years, with efforts originating in the latter half of the nineteenth century. By the time the Huron Indian Cemetery was placed on the National Register of Historic Places in 1971, the consensus regarding the cemetery, and the Conleys, was that of support and admiration.

While preservation laws now protect the cemetery, it is still not safe from those who wish to develop the land for economic gain. It again became the center of

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<sup>6</sup> Pearl W. Morgan, *History of Wyandotte County, Kansas: and its people*, vol. 1 (Chicago: The Lewis Publishing Company, 1911). Morgan discusses the creation of Wyandotte County in Kansas City, Kansas and the part the Wyandots played in "taming" the Kansas territory.

<sup>7</sup> Dayton, "Trespassers Beware!," 1-30. With Dayton's background as an attorney and professor of law, this source is highly acclaimed for its explanation of Conley's legal proceedings. Dayton provides a detailed description of the various court cases, from district court up to the Supreme Court.

controversy in the 1990s and early 2000s when the Wyandottes of Oklahoma considered building a casino on the cemetery land. Though the action was prevented, it created issues between the separate groups of Wyandot people. The cemetery has now stayed out of the limelight for over a decade, although controversy seems to follow the little cemetery and keep its occupants from eternally resting in peace.

The story of the Wyandot tribe provides a perfect example of the need for historic preservation. They lost much of their history over the course of four hundred years, including burial sites of beloved tribal members. However, the cemetery remains as it was one hundred years ago with only a few improvements, including plaques that provide visitors with information about the Wyandot tribe and the people buried there. The Huron Indian Cemetery was Conley's last connection to her people, and she was willing to sacrifice everything, even her life, to keep that thread unbroken. It was her greatest strength and greatest weakness. The love for her ancestors, including her mother and grandmother, kept her spirit alive. True to her word, Conley dedicated her life to saving the Huron Indian Cemetery, making herself a part of both American and Wyandot history through her efforts as a historic preservationist.

## CHAPTER ONE

From Ontario to Oklahoma: How the Wyandots became the Wyandottes

*“Sweet vale of Wyandotte, how calm could I rest  
In thy bosom of shade with friends I love best;  
When the storms which we felt in this cold world shall cease  
Our hearts like thy waters shall mingle in peace.”*<sup>8</sup>

*– Governor William Walker, Jr.*

By the time they negotiated their removal from Ohio to Kansas with the United States government in the 1830s, the Wyandots already had over one hundred years of experience with whites’ politics.<sup>9</sup> Their history reflects their conflicts and compromises with white society. Once they left their homeland along the St. Lawrence River and the Great Lakes region in Canada, the Wyandots searched for a place to call home, while outside forces invaded their territory.<sup>10</sup> This cycle continued over the course of four centuries and fifteen hundred miles.<sup>11</sup> Before European contact, the local tribes peacefully coexisted. However, with the introduction of the fur trade and European influence, including new cultural ideas regarding religion and customs, tensions rose between the smaller tribes and the Iroquois Confederacy.<sup>12</sup> The Iroquois attacked the Wyandot villages with brutal force, eliminating all competition and forcing the survivors

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<sup>8</sup> Morgan, *History of Wyandotte County, Kansas: and its people*, 71.

<sup>9</sup> Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. II, *Treaties, 1778-1883* reprint, (New York: Interland Publishing Inc., 1972). This source contains the various treaties between the Wyandot tribe and the United States during the given time span.

<sup>10</sup> Seeman, *The Huron-Wendat Feast of the Dead*, 10. This source contains a hand-drawn map, by Bill Nelson, of the original home of the Wendats.

<sup>11</sup> *Ibid.*, 59-60. The many spellings of the tribe include Wandat or Wendat (traditional tribal name), Wyandot (Indian spelling), Wyandott (English spelling), Wyandotte (French spelling), Huron (French nickname for the tribe).

<sup>12</sup> Charles Garrad, *Petun to Wyandot: the Ontario Petun from the sixteenth century* (Ottawa: The University of Ottawa Press, 2014), 45. The Iroquois Confederacy, or Five Nations, was made up of the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas.

to flee from their homeland. After facing the Iroquois's wrath, the remaining members of the small tribes created the Huron Confederacy. It consisted of four tribes: the Attignaouanton (Bear people); Attigneenongnahae (Cord people); Arendahronon (Rock people); and Tohontaenrat (Deer people).<sup>13</sup> In search of a safe haven, the Wyandots made their way down the Great Lakes, never camping in one spot for too long. They had little choice but to continue or face extinction. The Wyandots entered modern day Michigan and Ohio in 1701 when Europeans coveted territory throughout North America. The Wyandots' evolving relationships with the French, from their business partnerships to the interracial marriages that mixed their peoples, exposed the tribe to white culture, more so than some other Native American tribes.

Wanting nothing more than peace in their Ohio territory, the Wyandots tried to exist side by side with whoever inhabited the area, often creating alliances with white settlers. As a result, they found themselves constantly involved in white affairs, from the Seven Years' War to the Civil War. The Wyandots learned from their white allies and enemies, making themselves civilized in the eyes of the white population. The Ohio Wyandots managed to put off their move for twelve years, making them the last tribe to move west of the Mississippi, until pressure from the United States was too much to

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<sup>13</sup> William E. Connelley, "Religious Conceptions of the Modern Hurons," *The Mississippi Valley Historical Review* 9, no. 2 (September 1922): 110-125.



bear.<sup>14</sup> For the sake of survival, the Wyandots knew when to fight, when to compromise, and when to walk away.<sup>15</sup>

Before the outbreak of the Beaver Wars (1638 to 1701) that forced the Wyandots out of Canada by the Iroquois Confederacy, a lesser-known war erupted between the Wyandots and the Seneca during the first few decades of the sixteenth century. The tribes were neighbors, with the Seneca living near Montreal and the Wyandots living slightly further up the St. Lawrence River.<sup>16</sup> Since they belonged to different branches of Iroquois, the Senecas and the Wyandots considered themselves cousins. Despite tension caused by trade with the Europeans, the Wyandots and Senecas remained peaceful. However, this state of affairs changed during the early 1600s when the Wyandots instigated a war that lasted one hundred years and uprooted the natives from their ancient homes.<sup>17</sup>

One of the most detrimental events in the Wyandot's history, the Wyandot-Seneca War originated in the aftermath of disappointed love.<sup>18</sup> Though there are several theories on what sparked the war, it is clear what happened next. The tribes engaged in such

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<sup>14</sup> Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1932), 92-98. The U.S. government used Indian Agents to negotiate with the tribes. The Wyandots were one of the last tribes to leave the Ohio Valley in 1843.

<sup>15</sup> Ibid. The Wyandot Chiefs who negotiated the Treaty of 1843 knew that it was better to leave their home in Ohio on their terms, rather than have the government force them out as had happened to many other tribes as a direct result of the Indian Removal Act of 1830. For them, a peaceful removal was the best option for the survival of the Wyandot tribe.

<sup>16</sup> Conrad E. Heidenreich, *Huron: a history and geography of the Huron Indians, 1600-1650* (Toronto: McClelland & Stewart, 1971), 234.

<sup>17</sup> Morgan, 61-62.

<sup>18</sup> Several sources have different variations of the story. According to Joseph Warrow, "Wyandot-Seneca War," *Wyandotte Nation*, <http://www.wyandotte-nation.org/culture/history/general-history/wyandot-seneca-war/> (accessed January 08, 2016), a Seneca chief refused to give his blessing to a young couple who planned to marry. The woman wanted revenge, refusing to marry any man unless they murdered the chief. A Wyandot warrior killed the chief, taking the beautiful woman as his wife. This incident began the feud between the two tribes.

vicious attacks that by the end of a hundred years of fighting, both the Wyandots' and Senecas' had seen their numbers measurably reduced.

The Senecas made their first counterattack while a large number of Wyandot warriors were away on a hunting trip. They slaughtered most of the Wyandot village, killing women, children, and the elderly. The Senecas also took some of the survivors captive, giving them a day to pack their belongings. Meanwhile, the Wyandot warriors returned and saw what had occurred. They chased the Senecas, sneaking up on their camp while they celebrated their revenge and feasted on what appeared to be two unfortunate Wyandot men, remarking on the delicious taste of "Wyandot beef." After the Senecas fell asleep, the Wyandot warriors slaughtered all of them.<sup>19</sup> After this incident, the rest of the Iroquois Confederacy and the Tuscarora, who eventually became a part of the Iroquois Confederacy in the eighteenth century, joined the Senecas on their warpath. Greatly outnumbered, the Wyandots fled from their homeland.<sup>20</sup>

While this feud began on a small scale, it eventually became absorbed by the Beaver Wars. In addition to helping the Senecas on their quest for revenge, the rest of the Iroquois Confederacy wanted to rid the lands of their competition for beaver furs and trade. The Iroquois were trading partners with the Dutch and the English. The Tionotatis and other tribes that formed the Wyandot Nation did most of their business with the French. However, with such a high demand for beaver pelts, the animal was on the brink of extinction in the territory inhabited by these tribes. The Iroquois Confederacy

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<sup>19</sup> Morgan, 62-63. The Seneca-Wyandot War is the first wave of hardship the Wyandots endure, which results in their move from Ontario to Michigan and Ohio.

<sup>20</sup> Garrad, *Petun to Wyandot: the Ontario Petun from the sixteenth century*, 45-46.

massacred entire villages of other Indians. Those not killed, or tortured, were taken as slaves.<sup>21</sup> While some counterattacked, the enemy was too strong, and the Iroquois Confederacy annihilated a large number of tribes.<sup>22</sup>

As the Wyandots continued down the Great Lakes region toward Michigan, they grew weak with starvation and exhaustion. After several attacks by the Iroquois Confederacy, the French missionaries that accompanied the Wyandots returned to their headquarters in Quebec. In 1650, three hundred Wyandots moved with these missionaries to Lorette, a town near Quebec.<sup>23</sup> The few thousand remaining, consisting of members from the Tionontatis (Petuns), Attignawantans, and Wenrohoronons (Neutrals) tribes, banded together to form the Wyandot Nation. The new nation consisted of twelve different clans: the Snake clan, Deer clan, Bear clan, Porcupine clan, Wolf clan, Beaver clan, Hawk clan, Big Turtle clan, Little Turtle clan, Prairie Turtle clan, Mud Turtle clan, and Striped Turtle clan. The Wolf clan traditionally acted as the mediator, so when two clans disagreed, they presented their case to the Wolf clan. This process helped keep the peace between the tribal chiefs. The Deer clan was considered royalty, meaning that the Chief of the Deer Clan ruled the Wyandot Nation. After Half King, a Principal Chief, died in 1788, the Porcupine clan took over as the royal clan, until Principal Chief became an elected position in 1838.<sup>24</sup> Clan laws forbade members from marrying one another,

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<sup>21</sup> Alan Axelrod, *A Savage Empire: Trappers, Traders, Tribes, and the Wars That Made America* (London: Macmillan Publishers, 2011), 67-69.

<sup>22</sup> *Ibid.*, 69-71.

<sup>23</sup> Wyandot descendants are still in the area to this day.

<sup>24</sup> Morgan, 62-63.

and any children from marriages between the clans belonged to that of their mother's. As time passed, some clans became extinct.<sup>25</sup>

In 1701, the Wyandot Nation arrived at the French military base of Fort Detroit. Wanting friendly natives near the newly established fort, Antoine Laumet de la Mothe Cadillac, a soldier and explorer, encouraged the Wyandots to camp nearby.<sup>26</sup> In desperate need of refuge and aid against the approaching Iroquois Confederacy, the Wyandots agreed and the French provided them with firearms. While the Iroquois already possessed guns, given to them by the Dutch, this was the Wyandot's first direct exposure to them.<sup>27</sup> With the playing field somewhat leveled, the Wyandots faced their enemy head-on. In the middle of Lake Huron, the Iroquois and Wyandots fought their final battle. Warriors from both sides paddled canoes out into the lake and fired at their enemies until the Wyandots eventually claimed a victory. However, most of the men who fought in this water battle were either severely wounded or killed. Nonetheless, this ended the war between the Iroquois Confederacy and the Wyandot Nation.<sup>28</sup>

The continuous fighting between the native groups during the seventeenth century played a role in the Europeans' conquest. Between the petty feuds, like the Seneca-Wyandot War, and the large scale wars, like the Beaver Wars, thousands of Indians died, and several entire tribes disappeared. While bouts of disease killed many natives between the seventeenth and eighteenth centuries, nothing compared to the

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<sup>25</sup> Ibid. By the time the Wyandots moved to Kansas, only seven clans, the Snake, Deer, Bear, Porcupine, Wolf, Big Turtle, and Little Turtle, still existed.

<sup>26</sup> James Foster, *The Capitulation, or, A History of the Expedition Conducted by William Hull* (Chillicothe, OH: James Barnes, 1812).

<sup>27</sup> Axelrod, *A Savage Empire: Trappers, Traders, Tribes, and the Wars That Made America*, 70-71.

<sup>28</sup> Morgan, 63.

damage caused by the Iroquois Confederacy. Many tribes, including the Wyandots, were forced to consolidate their tribes to form new ones just to avoid total extinction. The decades of fighting the Iroquois in the Beaver Wars massively depleted the Wyandots' resources. In many ways, the Native Americans were their own worst enemies, clearing a path for whites in their quest to take land in North America. However, the Wyandots needed the French now more than ever for their protection, trade, and friendship.

The relationship between the French and the Wyandots dates back to 1534 when Jacques Cartier encountered the tribes while exploring the St. Lawrence River Valley. Samuel de Champlain also made contact with the Wyandots in 1615 during his exploration. Around the same time, French missionaries brought Christianity to the tribes and many Indians converted to Catholicism. The missionaries cultivated a good relationship with the Wyandots, who trusted them as both friends and business partners. This relationship endangered the French missionaries, forcing them to flee the St. Lawrence region with the Wyandots when the Beaver Wars erupted in the mid-1600s.<sup>29</sup>

Because of their long history and help during the Seneca-Wyandot War and Beaver Wars, the Wyandots felt an allegiance to the French. The French gave the tribe the name "Huron," meaning bristle, referring to their headdresses that resembled boar bristles. Another translation of the word is "rough," which might suggest that the French were referring to the Wyandots' character.<sup>30</sup> Their bond with the French only grew stronger with the international marriages and births that frequently happened. Chief

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<sup>29</sup> Axelrod, 68-69.

<sup>30</sup> Smith, "The Wyandot Exploring Expedition of 1839," 1-4.

Tarhe, or “Crane,” a Chief of the Wyandot Nation, married a French woman, raised from an orphaned baby by the natives.<sup>31</sup> The Wyandots named her “Ronyouquaines,” and their union produced Myeerah, or “White Crane.”<sup>32</sup> Countless stories similar to this one explain why the Wyandots’ bloodline became more diluted by the French, British, Americans, and other non-Native American groups, resulting in a stronger affiliation with their policies and culture.<sup>33</sup>

The Wyandots aided their friends during the French and Indian War, or Seven Years’ War (1756-1763). Some natives did not like either the French or the British, but most believed the French were the better option. Aside from a few tribes of the Iroquois Confederacy, most of the Ohio Indians fought against the British and their quest to take over the territory.<sup>34</sup> Though the French allies won many battles, including the Wyandot victory over the British at Fort Duquesne in Pennsylvania on July 9, 1755, this was not enough. The Wyandots eventually surrendered to the British and signed a peace treaty at Presque Isle, Pennsylvania in 1760. After three more years of fighting, the French also surrendered to the British, signing the Treaty of Paris in 1763. The British compensated

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<sup>31</sup> “Zane, Isaac - Ohio,” Genealogy.com (July 1999), <http://www.genealogy.com/forum/surnames/topics/zane/79/> (accessed January 02, 2015). While some sources claim she was abducted, others say this is highly unlikely given the close relationship between the French and the Wyandots. Little is known about Ronyouquaines though her maiden name is believed to have been LaDurant.

<sup>32</sup> Basil Meek. “Tarhe--the Crane,” *Ohio Archaeological and Historical Quarterly* 2, no. 2 (January 1991): 64-70. See more information about Chief Tarhe in chapter 2 and 3.

<sup>33</sup> Connelley, “Religious Conceptions of the Modern Hurons,” 112. While the majority of sources agree that the last full-blooded Wyandotte died in the early 1800s, according to a news article, “A Venerable Indian,” *The Kansas City Kansan*, June 12, 1890, 6., an eighty-five year old, full blooded Wyandotte, James Clark, visited the grave of his half-brother, Chief George Clark. Clark is buried in the Huron Indian Cemetery. The last full-blooded Wyandot is believed to have died in 1820 in Canada.

<sup>34</sup> Morgan, 65.

for their war debt by increasing taxes on their American colonies, eventually sparking the American Revolution.<sup>35</sup>

While many Wyandots wished to remain neutral during the American Revolution, the continuous fighting between the Americans and British on Wyandot land forced them to take a stand. Most scholarly sources indicate that the Wyandots fought on the side of the British during the war. Half King, who was Principal Chief of the Wyandot Nation, favored the British. After the British took control of Fort Detroit from the French, they supplied the Wyandots with weapons and the promise of money and scalps. They also used propaganda against the Americans, warning the natives that they wanted to steal their lands. By the spring of 1777, most Ohio Indians, including the Wyandots, had joined forces with the British against the Americans.<sup>36</sup>

In 1783, American colonists defeated the British and forced them to leave the Ohio Valley. However, the British did not surrender all of their forts and territory, which led to the War of 1812. Choosing to coexist with yet another group of white settlers, the Wyandots accepted the United States' protection by signing the Treaty of Fort McIntosh on January 21, 1785.<sup>37</sup> However, Ohio tribes maintained their hostility toward the incoming Americans. After receiving pressure from Tecumseh, who sought revenge against the incoming group of white settlers, the Wyandots soon found themselves

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<sup>35</sup> "French and Indian War/Seven Year's War, 1754-63," *U.S. Department of State Office of the Historian*, <http://history.state.gov/milestones/1750-1775/french-indian-war> (accessed January 15, 2016).

<sup>36</sup> Douglas R. Hurt, *The Ohio Frontier: Crucible of the Old Northwest, 1720-1830* (Bloomington: Indiana University Press, 1998), 63-65.

<sup>37</sup> Treaty of Fort McIntosh, January 21, 1785, U.S.-Wyandot, etc., 7 Stat., 16, *reprinted in* Indian Treaties, 1778-1883 6 (Charles J. Kappler ed., 1972).

involved in the Northwest Indian Confederation.<sup>38</sup> After their defeat at the Battle of Fallen Timbers, led by General Anthony Wayne, the Wyandots, and other Ohio Indians, signed the Treaty of Greenville on August 3, 1795.<sup>39</sup> This treaty also reconstructed some of the boundary issues between the white settlers and the Ohio Indians. While many tribes still opposed the Americans, the Wyandots tried to make peace with the new nation in hopes of creating a stable environment for their tribe to prosper.

As the United States laid the foundation for a new country following the American Revolution, the Wyandots grew roots in their new home in the Ohio territory. Under the command of Chief Tarhe, the Wyandots supported the United States against the British during the War of 1812. Not all British forts were abandoned as promised after the American Revolution, and the Wyandots wished to rid their territory of British forces for good. For their help, the U.S. drafted a second Treaty of Greenville in 1814, this time, promoting peace and friendship between the government and the Ohio Indians, including the Wyandots.<sup>40</sup> The treaty also promised to uphold all boundaries set down in the Treaty of Greenville (1795).

After over a century of aiding the whites in their quest to obtain territory in North America, the Wyandots were ready for peace. With the treaties between the U.S. and Wyandots, the Wyandots acquired a large amount of land in both Michigan and Ohio. A stable home in their new territory allowed the tribe to grow in size and power. It

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<sup>38</sup> For more information about Tecumseh, see Amy H. Sturgis, *Tecumseh: A Biography* (Westport: Greenwood Press, 2008).

<sup>39</sup> Treaty of Greenville, August 03, 1795, U.S.-Wyandot, etc., 7 Stat., 49, *reprinted in* Indian Treaties, 1778-1883 39 (Charles J. Kappler ed., 1972).

<sup>40</sup> Treaty of Greenville, July 22, 1814, U.S.-Wyandot, etc., 7 Stat., 118, *reprinted in* Indian Treaties, 1778-1883 103-104 (Charles J. Kappler ed., 1972).



was time for them to focus on internal affairs as opposed to feuds between Europeans. Determined to set down roots in the Ohio Valley, Wyandot leaders believed that prior treaties between themselves and the U.S. guaranteed the latter would respect their boundaries and claim to the territory. Despite a flood of white settlers, the Wyandots delayed their move from Ohio for nearly two decades.

During the early 1800s, the Wyandots tried to coexist with whites through assimilation. By this time almost all tribal members were of mixed ancestry. However, the tribe sought to prove themselves a “civilized tribe” by practicing certain customs important to the Americans. Religion was already important to the majority of the Wyandot Nation, and while a few still practiced pagan rituals, others adopted Christian values. Though they were exposed to Catholicism by the French in the 1600s, the Wyandots were first introduced to the Methodist Episcopal church in 1816.

John Stewart, a black missionary, established the first Methodist Episcopal mission in the world in the Upper Sandusky in Ohio.<sup>41</sup> After meeting Stewart and hearing his sermons, the majority of the tribe converted and became Methodists. Their faith was so important to the Wyandots that a Methodist church was one of the first structures built after their move to Kansas in 1843.<sup>42</sup> Along with religion, the missionaries in Ohio influenced the Wyandots’ sense of fashion and mannerism. Female Wyandots were taught to ride side-saddle, dress in a feminine manner, and tend to their families and homes in a more “civilized” way. The missionaries taught male Wyandots how to dress

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<sup>41</sup> Connelley, 111.

<sup>42</sup> Morgan, 70-73.

more appropriately for white society, and how to farm effectually with the use of new technology and methods.<sup>43</sup>

Every year more white settlers flocked to the Ohio Valley. On September 29, 1817, the Wyandots signed the Treaty of Fort Meigs, which gave the U.S. a large portion of their territory in the northern half of Ohio.<sup>44</sup> However, the tribe still clung to their remaining territory. The Wyandots knew their time was limited when President Andrew Jackson signed the Indian Removal Act on May 28, 1830.<sup>45</sup> One by one, the Wyandots watched their fellow native tribes be removed from their homes with little or no negotiation. By 1839, the Wyandots were the only tribe left in Ohio.<sup>46</sup> While they began negotiations with Indian agents in 1831, the Wyandots did not agree to anything until the Treaty of 1842. Though a part of the Wyandot Nation negotiated with Colonel James Gardiner about their removal to territory in Kansas, some tribal members decided to sell their land to the U.S government and move to north Michigan and Canada.<sup>47</sup>

The remaining Wyandots continued negotiations with Gardiner and demanded the opportunity to conduct an exploratory expedition of the promised territory in Kansas. Led by William Walker, who was one-fourth Wyandot, a group of prominent tribal members went to the Kansas territory to survey the land in 1831, and again in 1839. They reported back to the tribe on the condition of the land, which they believed to be fertile,

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<sup>43</sup> Ibid., 66-67.

<sup>44</sup> Treaty of Fort Meigs, September 29, 1817, U.S.-Wyandots, etc., 7 Stat., 160, *reprinted in* Indian Treaties, 1778-1883 6 (Charles J. Kappler ed., 1972).

<sup>45</sup> Records of the U.S. Senate, *On Indian Removal*, December 6, 1830, NationalArchives.gov (accessed January 30, 2016).

<sup>46</sup> Grant Foreman, *The last trek of the Indians* (Chicago: University of Chicago, 1946), 94.

<sup>47</sup> Ibid., 93.

but remarked on the small stature of the game. The turmoil between Missouri and Kansas also factored against the Wyandots wanting to move to the new territory. Because the reservation's location was in Missouri, the Indians would live in a slave state. Walker commented in his report that whites who favored slavery would not be friendly to Native Americans, because of similar racist views.<sup>48</sup>

After several years without a deal, Gardiner was replaced by Colonel John Johnston on March 26, 1840.<sup>49</sup> Johnston sympathized with the Indians' attachment to their home in Ohio, but knew his job was to achieve a reasonable negotiation with the Wyandots. Hostility erupted between the Native Americans and white settlers as they moved further west, pushed by the ideology of Manifest Destiny. While the Wyandots still held out hope, the murder of Chief Summundewat and his wife by two white men in 1840 made them realize that they could no longer remain peacefully in the Ohio Valley. Although the men were incarcerated, a sympathetic jailer allowed the killers to escape. Johnston personally recaptured them and brought the men to justice, but the damage could not be undone.<sup>50</sup>

Realizing it was time to move before additional harm could befall their tribe, the Wyandots finally agreed to begin serious treaty negotiation with the U.S. government. On March 17, 1842, seven Wyandot chiefs relinquished their remaining land in Ohio totaling 109,144 acres, plus land in Michigan totaling 4,996 acres, in exchange for 148,000 acres

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<sup>48</sup> Morgan, 43-45.

<sup>49</sup> *Report, 1841*, 252; *Report of Secretary of War, 1842*, 191; Kappler (ed.), *Laws and Treaties*, Vol. II, 395; 9 U.S. Stat. 581.

<sup>50</sup> Mary Stockwell, *The other Trail of Tears* (Yardley, Pennsylvania: Westholme Publishing, LLC, 2014), 305-306.

of unassigned land west of the Mississippi River. The U.S. also promised to pay the Wyandots \$17,500 in 1842, and \$500 every year after beginning in 1845. This money was allotted to building a school house.<sup>51</sup> This agreement ended over one hundred years of Wyandot residence in the Ohio Valley.

The Wyandots accepted their fate with dignity. Despite the chief's efforts to prolong it, they had known for some time that this move was inevitable. The treaty gave them two years to move to their assigned territory in Kansas, leaving their home in Ohio forever. With their families, three respected Wyandots, Silas Armstrong, George I. Clark, and Jane Tillies, ventured ahead of the rest of the tribe to ready the reservation.<sup>52</sup> According to records from the Office of Indian Affairs, three hundred horses and one hundred thirty wagons carried the rest of the six hundred seventy-four Wyandots away from Ohio on July 9, 1843.<sup>53</sup> Around fifty Wyandots too sick to travel remained in Ohio until they could make the journey to Kansas later.<sup>54</sup>

While some of the men traveled by horseback from Ohio to Kansas, most of the tribe traveled by steamboat. After arriving in Cincinnati, the Wyandots boarded the *Republic* and *Nodaway* and made their way down the Ohio River.<sup>55</sup> From there, they took steamboats up the Mississippi River to St. Louis, and then up the Missouri River to Westport Landing. On July 31, 1843, they reached their final destination. However, the

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<sup>51</sup> Treaty of 1842, March 17, 1842, U.S.-Wyandot, 11 Stat. 581, *reprinted in* Indian Treaties, 1778-1883 (Charles J. Kappler ed., 1972).

<sup>52</sup> Morgan, 68.

<sup>53</sup> U.S. Department of the Interior, Office of Indian Affairs, *Wyandot-1843 (M-1627)*, McElvain to Cawford, March 3, 1843, NationalArchives.gov (accessed January 15, 2016).

<sup>54</sup> Foreman, *The last trek of the Indians*, 96.

<sup>55</sup> *Ibid.*, 97.

Wyandots soon realized that the land promised by the government was already occupied by the Shawnees and Delawares. The tribe was forced to settle on a narrow strip of land along the river. Colonel Henry Leavenworth had previously surveyed the same territory in 1827 as a potential site for a fort. However, Leavenworth said that the land was too low and in danger of flooding, and decided to continue north to find better ground to build his fort. This stretch of land was not the deal the Wyandots bargained for, to say the least.<sup>56</sup>

To obtain more land, the Wyandots first turned to their “younger brother,” the Shawnee. Given their long history, including an incident when the Wyandots allowed the Shawnee to stay on their territory in Ohio, they expected them to return the favor. However, the Shawnee did not offer to sell even a single section. The Wyandots then turned to their other allies, the Delaware. On December 14, 1843, the Wyandots and Delawares drafted an agreement that allowed the Wyandots to buy thirty-six sections of land and that gifted them with three additional sections. This gave the Wyandots around 25,000 acres, for which they paid \$48,000.<sup>57</sup> However, the few months of living on the unsuitable land assigned to them by the U.S. government had taken its toll on the Wyandots. They became victims of mosquito-borne illnesses due to close proximity to the river. Between forty-four and one hundred Wyandots died from typhoid and yellow fever, as well as exposure to the severe climate. Because of the number of deaths in the tribe, one of the first things the Wyandots did was establish a cemetery.

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<sup>56</sup> Morgan, 68-69.

<sup>57</sup> Ibid., 69-70.

The chiefs sited the Wyandot National Cemetery, or the Huron Indian Cemetery as it is commonly known, high on a ridge in the Kansas territory overlooking the Missouri River.<sup>58</sup> The main concern was locating the cemetery at a high enough elevation that it would not be flooded like the lower areas next to the river bank. Keeping with tribal tradition, only the chiefs had marked graves. Today it is impossible to determine how many Wyandots are buried in the cemetery, though it is estimated that the number is between four hundred and eight hundred.<sup>59</sup>

By early 1844, the Wyandots had moved to their new territory. The leaders of the tribe, including the Principal Chief Francis Hicks, the future territorial governor William Walker, Jr., and attorney John Armstrong, worked tirelessly to build a new and better home for their people. In the coming months, they built a Methodist Episcopal church, led by Reverend James Peery.<sup>60</sup> By July 1, the first class met in the new school house. Residence soon established a blacksmith shop, a general store, and other businesses essential for a functioning community on the prairie. The Wyandots not only built a town from the ground up, but introduced law and order to a rather lawless area. Before long, the Wyandotte Village was a thriving and “civilized” town.<sup>61</sup>

Continuing their role as leaders among relocated tribes, the Wyandots established the first territorial government in Kansas. They drafted their constitution, modeled after

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<sup>58</sup> Pankratz, *National Register of Historic Places Inventory-Nomination Form*, 1-6.

<sup>59</sup> William E. Connelley, *Huron Place: The burial ground of the Wyandot Nation in Wyandotte County, Kansas* (Kansas City: Community Development Program of the City, 1896). The dead rested in peace for several decades until rumors of a sale, organized by William E. Connelley, surfaced in 1890. See chapter three and four for more information on the Huron Indian Cemetery.

<sup>60</sup> Foreman, 98.

<sup>61</sup> Morgan, 70.

the United States Constitution, while still in Ohio. It focused on promoting equality while ensuring justice. Despite this emphasis, not all Wyandots were anti-slavery. Walker purchased a slave woman, Dorcas, in Missouri in the late 1840s and brought her to Kansas.<sup>62</sup> Most Wyandots were anti-slavery, so this stance by a prominent leader divided the tribe. Potentially shifting borders connected to the Kansas-Nebraska Act of 1854 raised Wyandot fears that white affairs would once again push them off of their territory.<sup>63</sup> The Wyandot Council put aside their objections to Walker's controversial stance and elected him as the first governor of their territory in 1853.<sup>64</sup>

History repeated itself twenty years after their move from Ohio to Kansas. The Wyandots watched again as government officials forced the Delawares and Shawnees to move to reservations in Oklahoma. This time, the Wyandots were determined not to leave their new home in Kansas. Using their centuries of experience with white policies, and knowing that the U.S. was looking for a way to wipe their hands clean of their financial obligations and debts to native tribes, the Wyandots and the U.S. government struck a deal. The government offered to grant the Wyandots citizenship, which would terminate all previous treaties. In exchange, all Wyandots who agreed to the treaty would receive the same rights as U.S. citizens, but could not claim any rights as Native Americans.<sup>65</sup> In addition, the Wyandot territory in the Kansas territory would be divided amongst all

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<sup>62</sup> Dayton, 8-9.

<sup>63</sup> U.S. Congress, Senate, *An Act to Organize the Territories of Nebraska and Kansas*, 1854, <http://www.ourdocuments.gov/doc.php?flash=true&doc=28> (accessed January 30, 2016).

<sup>64</sup> *Ibid.*, 80-81.

<sup>65</sup> Kappler, 677-681.

tribal members. While the Wyandots received equal portions of land, the treaty effectively dissolved the Wyandot territory in Kansas.<sup>66</sup>

Though the tribe as a whole was torn, the decision remained with each Wyandot of legal age deemed “fit” by the United States. No idiots, orphans, or drunks were allowed to become citizens. However, some Wyandots did not wish to “abandon” their heritage in favor of citizenship. Two hundred fifty Wyandots refused to sign and abide by the new treaty. Those who did not sign the treaty moved to a reservation in the Oklahoma territory, dividing the Wyandot people even further. On January 31, 1855, over half of the tribe signed the treaty, making themselves “absentee” Wyandots.<sup>67</sup>

The sectional tension between Kansas and Missouri had reached its breaking point by 1854, erupting into outright war on the states’ border. The “unwanted” land reserved by the U.S. government for the Wyandots and other tribes soon became a battleground between the jayhawkers and bushwhackers.<sup>68</sup> With the future of the United States

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<sup>66</sup> Treaty with the Wyandots, Jan. 31, 1855, U.S.-Wyandot, 10 Stat 1159, *reprinted in* Indian Treaties, 1778-1883 (Charles J. Kappler ed., 1972). According to article 3, “As soon as practicable after the ratification of this agreement, the United States shall cause the lands ceded in the preceding article to be surveyed into sections, half and quarter sections, to correspond with the public surveys in the Territory of Kansas; and three commissioners shall be appointed—one by the United States, and two by the Wyandott council—whose duty it shall be to cause any additional surveys to be made that may be necessary, and to make a fair and just division and distribution of the said lands among all the individuals and members of the Wyandott tribe; so that those assigned to or for each shall, as nearly as possible, be equal in quantity, and also in value, irrespective of the improvements thereon; and the division and assignment of the lands shall be so made as to include the houses, and, as far as practicable, the other improvements, of each person or family; be in as regular and compact a form as possible, and include those for each separate family all altogether. The judgment and decision of said commissioners, on all questions connected with the division and assignment of said lands, shall be final.”

<sup>67</sup> *Ibid.*

<sup>68</sup> Jayhawkers was a term used to refer to Kansans fighting against slavery. Missourians fighting for slavery were called bushwhackers. Fighting between the groups began during the Kansas-Missouri Border War and continued until after the end of the Civil War.



on the line, Native Americans were forced with having to move or join in the fight. The Wyandots found themselves, yet again, caught in the middle of a war that was not theirs.

By 1858, members of the Kansas territorial legislature had already drafted three constitutions, dealing primarily with the territory and borders of the state. The fourth and final constitution, drafted on July 29, 1859 at Wyandotte Village, discussed the rights and obligations of Kansas citizens.<sup>69</sup> In an ironic twist given where the constitution was drafted, Native Americans were prohibited from voting.<sup>70</sup> After much debate, white women were allowed the right to vote, but only in school board elections. Satisfied, the legislatures campaigned for the Wyandotte Constitution, as they named it, and an election on October 4, 1859 approved the constitution for submission to congress and the president in Washington, D.C. In the spring of 1860, congress approved the bill and after nearly a year, President James Buchanan signed Kansas into statehood on January 29, 1861.<sup>71</sup>

Now that Kansas officially had entered the Union as a free state, fighting reached an all-time high. The location of many native tribes, including the remaining Delaware and Shawnee near the Kansas River, created chaos resulting from the outbreak of the Civil War. Wyandots and Delawares still living in the Ohio Valley fled to Kansas, believing that it was safer to join the bulk of their tribes than face the fighting on their

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<sup>69</sup> Morgan, 96. Wyandot Village was incorporated as the city of Wyandotte on January 29, 1859.

<sup>70</sup> Kan. Const. art. V, sec. 1., "Every white male person, of twenty-one years and upward, belonging to either of the following classes, who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days next preceding such election, shall be deemed a qualified elector: First, Citizens of the United States. Second, Person of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization."

<sup>71</sup> Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era*, (Lawrence: University of Kansas, 2004),

own.<sup>72</sup> However, they had livestock stolen by groups of white soldiers.<sup>73</sup> Some even feared for their safety, begging for the protection of the U.S. military. With no soldier to spare on Indian affairs, they were left to their own devices.

Choosing to fight for their new country, many young men in Wyandotte County enlisted in the Union army. Poor records provide little information about the actual number of Wyandots involved in the war. Though county records state that 960 men joined the Union from Wyandotte County, it is vague about the total number of Indians who fought. The Fifth, Sixth, and Twelfth Regiment Kansas Volunteer Cavalrys all show records of Wyandot soldiers. It is also recorded that some Wyandots fought in the Kansas Colored Regiments. Among the Wyandots who gave their lives was Silas Armstrong, the Head Chief of the Wyandotte Indian Nation.<sup>74</sup> A plaque located in the Huron Indian Cemetery honors the Wyandots who fought during the Civil War. It reads, “In service to their country: The William E. Connelley Survey of 1895-1896 indicates a large grave in this area. By tradition, Union dead were buried in this part of the Huron Indian Cemetery following the Battle of Westport, October 21-23, 1864.”<sup>75</sup>

Order returned to Kansas following the end of the Civil War, and the remaining Wyandots in Kansas prepared themselves for change. In 1867, Indian agents visited the Wyandots still living in the area and took another survey. Many of the Kansas Wyandots denounced the Treaty of 1855 and gave up their rights as U.S. citizens, reinstating their

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<sup>72</sup> Annie Able, *The American Indian in the Civil War, 1862-1865*, (Lincoln: University of Nebraska Press, 1992), 206-207.

<sup>73</sup> Senate, *Claims of the Wyandott*, 41st Cong., 2nd sess., 1870, S. Doc. 1406, no. 77.

<sup>74</sup> Morgan, 201-206.

<sup>75</sup> Photo of Civil War plaque in Huron Indian Cemetery, Kansas City, Kansas, July 2015, (author's photo).

claim to the Wyandot tribe.<sup>76</sup> Conley's mother, Eliza Zane Conley, who was a minor in 1855, put herself and her daughter's names on the list of Wyandot citizens.<sup>77</sup> However, their names never appeared on the official document submitted to the Bureau of Indian Affairs.<sup>78</sup> As a result of faulty paperwork, this error hurt Lyda Conley's 1910 case and claim to the Huron Indian Cemetery.<sup>79</sup>

In 1886, Wyandotte County consolidated with the towns of Armourdale and Armstrong and became a part of Kansas City, Kansas.<sup>80</sup> Like the rest of the United States during the Gilded Age, Kansas City turned its attention to rebuilding the damage inflicted by the Civil War. With J.P. Morgan, Andrew Carnegie, and John D. Rockefeller as prime examples, the country became consumed by the acquisition of wealth and power. The Oklahoma Wyandottes were not immune from the idea of economic growth and financial independence, spelling trouble for the Huron Indian Cemetery. By 1890, the cemetery land had become prime real estate, attracting investors wanting businesses located in the heart of Kansas City. While the U.S. government had always treated Native Americans like a burden, the Kansas Wyandots could not have guessed that their kin in Oklahoma would side with the United States. In the decades to come, they realized that no one, not even the dead, was safe from the destruction of greed.

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<sup>76</sup> Dayton, 12.

<sup>77</sup> Ibid. Letters received by the Office of Indian Affairs, 1824-81, *microformed on* Microcopy No. 234, Roll 951, Frame 221 (Nat'l Archives Micro. Publications).

<sup>78</sup> Dayton, 12.

<sup>79</sup> *Conley v. Ballinger*, 216 U.S. 84 (1910).

<sup>80</sup> Morgan, 96.

The Wyandots had already given in to pressure by the U.S. government to the point that their tribe had been shattered.<sup>81</sup> Their ancestors' burial ground was the last thing the Wyandots had left to give. Since its establishment in 1843, no harm had come to the cemetery. Though the Treaty of 1855 acknowledged the its presence and function, the government used the treaty to their advantage in the 1910 case against Lyda Conley, determining who could claim rightful ownership of the land.<sup>82</sup> After centuries of separations and division in the tribe, the debate over the cemetery created a rift that lasted several decades.

The Wyandot Nation was a product of circumstance, caught in the middle of white affairs that soon became their own. At every turn, Wyandots encountered a new group of natives or Euro-Americans that wanted to strip them of their valuable possessions and land. However, the Wyandots did not play the role of the victim. They were loyal to those who showed them kindness, and fierce toward those who did them wrong. The Kansas Wyandots who fought for the Huron Indian Cemetery remembered their history. They were willing to fight so that their ancestors could rest in peace for all eternity, not just until the United States was ready to make room for the white population again. With the odds always against them, the Wyandots prepared themselves for another battle against the U.S. government that meant more than territory or wealth. They were fighting for their ancestors and the memory of their tribe, something that was non-negotiable.

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<sup>81</sup> Garrad, 26. By the 1870s, there were Wyandots scattered from Quebec to Oklahoma. They were mainly grouped as the Wyandot Nation of Kansas, the Wyandotte Nation of Oklahoma, and the Wyandot Nation of Anderdon, near the Detroit River.

<sup>82</sup> *Conley v. Ballinger* (1910). See chapter 2 and 3 for more detail on the Huron Indian Cemetery, Lyda Conley, and the Supreme Court case.

## CHAPTER TWO

### The Huron Indian Cemetery: The Debt the Living Owe the Dead

*“Cursed be the Villian That Molests Their Graves.”*

*-Helena Conley<sup>83</sup>*

In fighting for the Huron Indian Cemetery, Lyda Conley carried on an important aspect of Wyandot culture: honoring the dead. Despite European influence over the course of three centuries, the Wyandots’ ancient burial customs and religious beliefs remained central to their identity. Later observing the natives’ strong connection to their ancestors, whites developed a superstitious reverence toward “Indian burial grounds.” However, the cemetery attests to the two worlds the Wyandots lived in: one influenced by white culture and another designated to preserving their native heritage.

Before French missionaries and explorers had infiltrated tribal culture, the Wyandots’ beliefs reflected their values, appreciation of nature, and respect for their ancestors. Since the various tribes that eventually created the Wyandot Nation branched from the Iroquois Confederacy, the two shared many of the same stories and rituals. Jean de Brébeuf, a French Catholic missionary, first recorded the Wyandots’ “creation story” in his journal in the late 1620s. It had previously been preserved through oral traditions and history. While there are several variations, most versions begin with a woman, often portrayed as a beautiful Indian princess from the Sky world, falling through a hole in the ground into a giant body of water. When two swans saw the woman fall, they dove into the hole and kept her from drowning. Other aquatic mammals, including the otter and

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<sup>83</sup> Photo of Lyda Conley’s headstone in Huron Indian Cemetery, Kansas City, Kansas, July 2015. (author’s photo). Original spelling retained.

beaver, tried to gather dirt to put on the turtle's back so the woman could walk on dry land. The toad succeeded in collecting the soil and the animals formed an island called North America. Land animals fell from the sky and inhabited the island. Lightning crafted the sun, and together the sun and moon gave birth to the stars. As the earth began to grow and expand, the woman realized she was not alone. An old woman sometimes referred to as "grandmother" appeared to guide and aid the woman. Soon, the young woman mysteriously became pregnant and gave birth to twin boys, Tijuská'a, "the Good One," and Taweskare, "Flint," who was evil. Taweskare killed his mother by emerging through her armpit.<sup>84</sup> However, the woman's corpse produced the corn and other vegetables. Being the first person to die in the new world, the woman went to the Underworld and became the caretaker of souls. The evil twin, Taweskare, created the rugged mountain range, thorny bushes, and dangerous animals, while Tijuská'a created "gentle, game animals" and the Indian man. Taweskare followed his brother around North America, spoiling the good things Tijuská'a created. In a final battle, the good twin defeated his brother by killing him with a deer antler.<sup>85</sup>

Like other pagan religions, the underworld was not evil or a reference to hell. It was simply the place that souls went after a person died. The "creation story" explains the Wyandots' origins and their close connection to nature and everything on the "turtles' back." They celebrated the connection between the living and the dead, and while the Wyandots accepted death, they did not fear it.

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<sup>84</sup> Schoolcraft, *Oneóta*, 207-211; H. Hale in *Jour. Am. Folk-Lore*, 181-183; and Mr. Walker's version in C. M. Barbeau, *Supernatural Beings of the Huron and Wyandot*, 292. The vulnerability of the armpit is a reoccurring theme in many of the Wyandots' stories.

<sup>85</sup> C. M. Barbeau, "Supernatural Beings of the Huron and Wyandot," *American Anthropologist*, vol. 16, no. 2 (April-June 1914): 292. There are half a dozen versions of the creation story, though all follow the same outline with various other details.

The arrival of the French in 1627 marked a substantial shift in the Wyandots' culture and beliefs. While the missionaries' teachings of Christianity did little to sway the Wyandots at first, they provided insight into a new religion and belief system for both groups. The missionaries recorded their time with the Indians in their diaries and described the various beliefs and customs the Indians practiced that were so foreign to them. They noticed that the Wyandots looked to their various gods for answers in both good times and bad. They attributed times of disease and drought to angry gods, and the Wyandots performed different rituals to please them. When crops would not grow, they burnt tobacco in a fire to appease *Hino*, the Thunderer.<sup>86</sup> If a Wyandot drowned or froze to death, the tribe believed the sky spirits were angry. The entrails of the deceased were removed and burned as a form of further sacrifice to satisfy the gods, and the body was buried. Similarly, European Catholics gave monetary offerings, or indulgences, to protect their own deceased, and to ensure passage to Heaven. Both believed that by respecting their deities, the latter would then return the favor and protect them from harm. The dead were central to both groups' cosmology, providing a connection to the underworld for the Wyandots and a connection to the universe for Christians.

Like most every other culture during the sixteenth and seventeenth century, Wyandots did not understand the concept of disease and illness. They believed that the supernatural, including demons and angry gods, caused mysterious diseases and an increase in death tolls. Despite their own misunderstanding about life, death, and disease, the French missionaries were appalled by the Wyandots' primitive notions. The missionaries sought to explain some of these irrational beliefs by introducing the

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<sup>86</sup> Barbeau, "Supernatural Beings of the Huron and Wyandot," 302.

Wyandots to Christianity and teaching them reason and rational thinking. They forced the conversion of Catholicism on this impressionable group of people, and their Christian beliefs on both the living and the dead. While the Wyandots' creation story bears a few similarities to the Christian story, the missionaries emphasized the significance of a single God and Jesus Christ. Some retellings of the Wyandots' creation story claim that the good twin met the "God of the white man" and frightened him away with his superior magical abilities and strength.<sup>87</sup>

It is accusations like this that did not please the French Jesuits, and they worked hard to change them. As the Wyandots became more familiar with Christian teachings, they referred to the white man's God as Hamendiju, or "His-voice-is big or powerful."<sup>88</sup> The missionaries taught the Wyandots that the crucifix was the symbol of Christianity, and therefore a sacred relic. Though the Wyandots did not take to Christianity overnight, the missionaries took every opportunity to prove that their religion and beliefs were right. The longer Brébeuf stayed with the Wyandots, the more he began to understand their thought processes.

Drought hit the St. Lawrence region in the summer of 1628. The Wyandots, who blamed their gods' moods for troubled times, believed that it was Brébeuf's red cross that angered them, and that the color frightened the Thunderbird away. Luckily, Brébeuf had already befriended the Indians, and they simply asked him to remove the cross until the rains returned. However, Brébeuf saw this as an opportunity to demonstrate the powers of the Christian God. He painted the cross white, but it still did not rain, proving that the

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<sup>87</sup> Connelley, *Wyandot Folk-lore*, 91.

<sup>88</sup> Barbeau, 301.



cross and the red color that signified the blood of Christ did not offend the Sky Gods. Brébeuf then taught the Wyandots how to pray to the Christian God and ask for the deliverance of rain. It rained that day.<sup>89</sup>

After this seeming miracle, the Wyandots gradually opened themselves to the teachings of Christianity, regardless of whether they believed in the religion. Some Wyandots even believed that the missionaries, especially Brébeuf, possessed magical abilities. Epidemic hit the Wyandots between 1630 and 1639, caused by their exposure to new diseases. Smallpox and measles spread by the French gave the Jesuits a chance to exercise their healing abilities through the power of prayer and baptism.<sup>90</sup> Brébeuf began blessing and baptizing the sick and preformed last rites on the dying. There are a few accounts of the missionaries, and Brébeuf himself, baptizing a dying Wyandot only to have them return to complete health soon after. Gaining more of their trust, the Wyandots allowed the missionaries to teach their children the Christian faith. The inclination to Christian practices is possibly the most significant turning point in the “Black Robes” mission to convert the Wyandots. Once the future generation began openly accepting and practicing Christianity, their belief system had been changed drastically.<sup>91</sup>

It took several years to achieve that breakthrough with the Wyandots. However, they still clung to many beliefs that differed from the Catholic faith. One of the major differences was the Wyandots’ attitude toward death. Death itself is a focal point in nearly all religions, including Christianity and paganism. While the missionaries taught

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<sup>89</sup> Seeman, 47-48.

<sup>90</sup> Garrad, 186.

<sup>91</sup> Seeman, 50-57. The missionaries used the epidemic to practice their healing techniques. A cure-all for most ailments was bloodletting, which often did little to cure and resulted in infections and a low blood supply.

the Wyandots that the death of Jesus, who died for the sins of mankind, promised an eternal afterlife, it was difficult for the tribe to accept this when they already had their ideas about life after death.

The Wyandots believed that death was simply the next chapter and held nothing to fear, a notion that comforted the Indians and made them brave. Brébeuf commented on this quality, remarking on the bravery of sick and dying Wyandots. The men never cried, and the women allowed themselves to express sadness only when they mourned the deceased. The Wyandots prided themselves on not showing any pain, and women did not scream or cry when they gave birth. The missionaries admired the strength and unyielding characteristics of the Wyandot people.<sup>92</sup>

In May of 1636, Brébeuf witnessed the Wyandots' most sacred ritual that honored the deceased. The Feast of the Dead, an annual event that occurred in the spring, opened the missionaries' eyes to how deeply the Wyandots cared for and honored their ancestors. It is unknown when the tradition began, but it was one of the most sacred rituals in Wyandot culture. When an elder was dying, the tribe held a feast to celebrate their life and eat good food. After the elder passed, the body was wrapped in beaver fur blankets inside a bark coffin and placed upon a scaffold, often with the person's worldly possessions next to them. Infants who died at two months of age or younger were buried close by so that their souls could be reborn. If the deceased Wyandot was married, their widow would enter a period of deep mourning lasting ten days. During this time, the widow stayed in their longhouse, face down on a pile of beaver furs. They remained in

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<sup>92</sup> Ibid., 59. "Black Robes" was a slang term that referred to the garments worn by the French missionaries.

complete silence, eating only cold meat. To show their devotion to their spouse, the widow cut off a large portion of their hair. Spouses remained in a state of mourning for about a year, often blackening their faces during that time.<sup>93</sup>

While many Wyandots embraced Christianity or, at least, tolerated the missionaries' beliefs, they continued to hold the Feast of the Dead. Every spring the Wyandots paid their final respects to the departed by removing them from their scaffolds and cleaning the bodies and bones. If the Wyandot had died early in the year, their body was often well decayed, and the bones were easy to scrape and clean. The bones were placed in a bag and thrown into a large burial pit. If the Wyandot died within a few months of the ritual, their body was usually infested with maggots. They washed intact bodies, combed their hair, and removed bugs. They then buried the bodies at the bottom of the pit. This love moved the missionaries who witnessed this ritual and care the Indians showed for the dead, but the act still reviled them. The ritual and the missionaries' reactions show the impasse that the two cultures reached, with the missionaries set on spreading Christianity in all forms, including burial customs.

Troubled times created by epidemic and threats from the Iroquois Confederacy bred chaos and fear in the Wyandot village. Death was always on their doorsteps, so the afterlife was always on their minds. After the epidemic of the 1630s subsided in 1639, many Wyandots embraced Christianity.<sup>94</sup> The village of Sainte-Marie, established in 1639, incorporated an Indian Catholic church and a Catholic cemetery, St. Joseph Cemetery. The first Wyandot buried in the cemetery, and not mourned during the Feast of

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<sup>93</sup> Ibid., 6-22.

<sup>94</sup> While many Wyandots converted to Christianity, others still blamed the Jesuits for the disease and death wrought upon the tribe since their arrival.

the Dead, was in 1640. Most Wyandots remained traditional and continued to practice pagan rituals, but the fraction of Christian tribal members created a divide in an otherwise unified community. Not only was death central to both Christians and traditionalists, but so was the whereabouts of the person's soul. Many Wyandots, even practicing Catholics, refused to allow the Jesuits to baptize them before death, fearing the separation of their souls from their families. Both in life and in death, family was extremely important to the Wyandot identity.<sup>95</sup>

The rising tension between the Iroquois Confederacy and the Wyandots finally erupted in the late 1630s. The Iroquois did not welcome the French Jesuit teachings and their influence on the Wyandots. In retaliation, the Iroquois murdered several Wyandots who openly practiced Christianity. The Christian Wyandots declared their willingness to fight for their beliefs. When the Iroquois launched the full force of their attacks against the Wyandots, they annihilated several villages, murdering hundreds and adopting others. The Iroquois invaded a village full of Christian Wyandots and Jesuits. While they killed most of the Wyandots, they saved the Jesuits, including Brébeuf, for torture. They tied the Jesuit to a stake, tore off his lips when he tried to conduct a sermon, draped him with hot iron hatchets, and "baptized" him with scalding water. Taking a note from the Wyandots, to whom he had dedicated over ten years of his life, Brébeuf calmly stared death in the face. He continued to preach and speak of the healing powers of the Christian faith. When he finally succumbed to his injuries after enduring various forms of torture

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<sup>95</sup> Seeman, 111-113.

for six hours, the Iroquois cut out his heart and ate it to gain Brébeuf's strength.<sup>96</sup> A fellow Frenchman, who saw him as a martyr of the Christian faith, saved Brébeuf's mutilated body and buried him at the Catholic church in Sainte-Marie.<sup>97</sup>

After over a decade of epidemic, as well as torment by the Iroquois, the Wyandots' numbers declined rapidly from four thousand to around two thousand.<sup>98</sup> The remaining Jesuits and Wyandots fled together south along the shore of the Great Lakes, staying for a few years at a place the Jesuits called Christian Island. Famine hit the refugees. The Jesuits returned to their headquarters in Quebec, taking only three hundred of the Christian Wyandots with them. The remaining Wyandots survived by consuming the remains of fellow tribal members.<sup>99</sup>

It is important to note that the Wyandots who went to Quebec incorporated their pagan rituals by blending Christianity and the Feast of the Dead. New burial traditions reflected the Wyandots' changing faith. While the body was buried underground, as the French did, the walls of the hole, around five feet deep, were covered in bark so that the corpse would never touch the dirt. The Wyandots also gave presents and had a large feast

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<sup>96</sup> Eating the heart of one's enemy was a practiced ritual among natives. It often showed their admiration for their enemies' courage and strength.

<sup>97</sup> Seeman, 126-132. Before they left Sainte-Marie, his fellow Jesuits exhumed Brébeuf's grave, cleaned his bones, and took them to Quebec. For the unwavering commitment to his faith, Brébeuf was canonized in 1930.

<sup>98</sup> Clarence Burton and William Stocking and Gordon K. Miller, ed., *The City of Detroit Michigan, 1701-1922*, vol. 1 (Detroit: S. J. Clarke Publishing Company, 1922), 47. According to the source, around 30 families arrived at Fort Detroit in 1703, joining an unknown number of Wyandots already there. There were 300 Wyandots living with the missionaries in Quebec.

<sup>99</sup> While some rituals incorporated cannibalism, Wyandots never consumed the flesh of their loved ones. Since they had a deep respect for the dead, this shows how desperate the Wyandots were for food.

after the funeral. The Wyandots took communion and prayed that the soul went safely to Heaven.<sup>100</sup>

The Wyandots who did not go to Quebec ventured on to Fort Detroit, where the Christian Wyandots practiced their new faith and the traditionalist Wyandots held onto their ancient ways. The French outnumbered the Wyandots, so the influence of Christianity weighed heavily on the traditionalists. Their pagan practices, including the Feast of the Dead, were forgotten by the mid-1700s.<sup>101</sup>

While some of these French missionariess journals still exist, including Brébeuf's detailed records, the burial pits provide a glimpse into the ancient Wyandots' culture and customs. These pits are scattered along the St. Lawrence River and near Georgian Bay. British Army surgeon Edward Bawtree published an article in the *Edinburgh New Philosophical Journal* in 1848 describing the Wyandot burial pits and the artifacts he found. Bawtree discusses the various artifacts found at the burial site, including beads, pottery, and beaver furs. Most intriguing is Bawtree's description of the remains found in the pits, including the probable causes of death from his examination of the bones. This physical proof of the burial pits verifies what the Jesuits recorded in their journals when they lived among the Wyandots centuries before the excavation of these sites.<sup>102</sup>

Despite Bawtree's reports, archeologists did not survey the pits extensively until the 1940s, when they began carefully removing artifacts and bones to study and preserve the Wyandots' ancient culture. St. Joseph's cemetery was also discovered in the late

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<sup>100</sup> Seeman, 138.

<sup>101</sup> Ibid., 133-138.

<sup>102</sup> Andrew F. Hunter, *Notes of Sites of Huron Villages in the Township of Tiny (Simcoe County)* (Toronto: Warwick Bros. & Rutter, 1899), 16-20.

1940s, providing clues that showed just how important Christianity had become to the Wyandot people. One grave contained the skeletons of a man and a woman. The man was buried in a Christian fashion, laid with his head toward the west. The woman's bones were in the traditional beaver skin bag, suggesting that her body and bones were cleansed at the Feast of the Dead. This grave underscored the influence the French had on the Wyandots.<sup>103</sup>

As decades passed, and the older generation died off, white influence became stronger and the Wyandots became increasingly more Christianized. The majority of the Wyandot Nation was Catholic because of their association with the French in the early 1700s. However, embracing another culture's beliefs came at a price. The traditional Wyandots slowly drifted away from pagan practices, adopting Christianity and incorporating the teachings of the Bible into their beliefs and stories. Their creation story contains similar elements to the Book of Genesis and the story of Adam and Eve. While they practiced Christianity by worshipping Hamendiju, the white man's God or "Great Voice," they also prayed to Hinoq, the Thunderer, the deity the Wyandots honor during the Green Corn Feast.<sup>104</sup>

By the early eighteenth century, the Wyandots had reached Fort Detroit. Their burial customs strongly reflected their Catholic faith and French influence. As was common, even among white settlers in an unestablished land, the Wyandots were not always able to bury a body in designated burial places. Violence and disease contributed to numerous unexpected and untimely deaths. The natives also did not use headstones to

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<sup>103</sup> Seeman, 105-106.

<sup>104</sup> Barbeau, 302. The Green Corn Festival is an annual event still celebrated by the Wyandotte (Wyandot) Nations every August.

mark plots unless it was for a chief. Poor records and little written history led to many lost grave sites. These things all added to the displacement of burial grounds and lost records of tribal members. However, the Wyandots never wavered in their respect for the dead. It is possible that because of these lost graves, and lost ties to ancestors, that the designated burial grounds, both in Ohio and Kansas City, Kansas, were so special and worth the fight.

After nearly a hundred fifty years of influence and friendship, defeat in the Seven Years' War forced the French to leave their territory and the Wyandots. Though the British took over Fort Detroit and much of the territory the Wyandots inhabited, they did not attempt to influence Indian religious beliefs or burial customs. The British focused on military and territorial advances in the new country; they were not concerned with converting the Ohio Valley Indians. The British maintained a business relationship, but the Wyandots never trusted them as they had the French.<sup>105</sup> However, they did aid the British in their efforts against the Americans during the American Revolution, believing British promises of more land. The British also warned the Wyandots that the Americans would push them further west and out of the Ohio Valley. Aside from having an enemy in common, the Wyandots held little loyalty for the British. Once the Wyandots realized that the Americans could offer them peace, protection, and territory, their allegiance changed.

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<sup>105</sup> The British inhabited the fort and the area for only a few decades, from the end of the French and Indian War in 1763 until the Americans ran them out after the War of 1812. None of the sources the author studied regarding the British and Wyandot relationship suggest that the British cared about changing their cultural or social customs and beliefs.



Despite the French absence, the Wyandots continued to practice the customs and beliefs taught to them by the French until they formed relationships with the Americans after the end of the American Revolution. Then, the Wyandots came under the influence of American Protestant beliefs. John Stewart, a Methodist missionary, introduced the Wyandots to Methodism in the early 1800s. After Chief William Walker, Jr. explained their similarities, most of the Ohio tribe abandoned Catholicism for this new, more forgiving, religion.<sup>106</sup> Americans did more than alter Wyandot faith; they also affected their bloodline. The white population encouraged “mingling” and interracial marriages. The founding fathers, especially Thomas Jefferson who openly vocalized his opinion on the matter, believed this would strength the country. The U.S. government went so far as to offer “bounties” to white men and women who married Native Americans and strengthened this alliance. The government believed that marriages to whites would civil the Indians, and their offspring would adopt the traits of their white parent. They also believed that the influence of white society through marriage and children would tame Native Americans and further the nation’s desire for westward expansion.<sup>107</sup>

The relations and families formed during this time intertwined the Wyandots and the Americans. While many Wyandots can trace their first non-native ancestors back to the French, the relationships created during this time diluted the Wyandot bloodlines.

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<sup>106</sup> Morgan, 66.

<sup>107</sup> Robert E. Bieder, “Scientific attitudes toward Indian mixed-bloods in early nineteenth century America,” *The Journal of Ethnic Studies*, vol. 8, no. 2 (Summer 1980): 19-20.

According to the article written by William E. Connelley, Wyandot historian, the last full-blood Wyandot died in the 1820s.<sup>108</sup>

By the turn of the nineteenth century, attitudes toward the Native Americans and the idea of peaceful coexistence had diminished. A boom in scientific research, influenced by Enlightenment ideas, contributed to a surge in racism in the United States. Native Americans and African Americans were believed to have smaller skulls, resulting in less intelligence than Europeans. Society viewed white women who married Indian men unkindly and children from the union were believed to inherit negative traits from their Native American parent. “Mix-bloods,” as these children were often called, were viewed as outcasts if their features or skin tone betrayed their Indian roots too prominently.<sup>109</sup>

One of the most heinous legal crimes against Native Americans was the Indian Removal Act of 1830, abusing and disrespecting Indians both living and dead. The forced evacuations from their homes meant that Indian culture and heritage, including burial practices, were destroyed in the process. The Wyandots left behind a cemetery in Wyandot County, Ohio when they moved to Kansas. Charles Dickens observed this connection when he passed through the territory and stopped for the night to visit the Wyandot Indian Agent, John Johnston. Dickens remarked on this in his journal, noting “. . . [Wyandots’] strong attachment to the familiar scenes of their infancy, and in particular to the burial-places of their kindred; and of their great reluctance to leave

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<sup>108</sup> Connelley, “Religious Conceptions of the Modern Hurons,” 111-112. For more on Connelley, see chapter 3.

<sup>109</sup> Bieder, “Scientific attitudes toward Indian mixed-bloods in early nineteenth century America,” 23-25.

them.”<sup>110</sup> While their ancestors remained in Ohio, their faith and ties to white culture and custom accompanied the Wyandots to Kansas.

The prejudice that followed the Wyandots arose not only because of their ethnicity, but because of the superstitions that surrounded them. Superstition and supernatural elements regarding Indian burial grounds cast Native Americans as the “eternal others.”<sup>111</sup> The Wyandots themselves believed in many of these superstitions, which factored into their acceptance of Christianity and their desire to please the whites’ god. Sources show that while supernatural beliefs regarding Native Americans and their burial grounds are untrue, the superstitions themselves are real. Some scholars find that white society still carries guilt stemming from centuries of abuse inflicted upon Native Americans, from their removal to the destruction of their culture. Those who believe in the superstitions and mystical powers surrounding Indians and burial grounds accept their wrongdoings, or those of their ancestors.<sup>112</sup>

While white society felt guilty for its treatment of Native Americans, they portrayed Indians negatively by connecting them to myths and magic. Indians are often linked with magic, because of their pagan rituals. However, many tribes, including the Wyandots, did not allow magic or witchcraft. Wyandots convicted by their tribe of witchcraft or sorcery were often executed. Leatherlips, a respected Wyandot and friend of the United States, was accused of witchcraft by the Shawnee when he refused to join

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<sup>110</sup> Charles Dickens, *American Notes* (Chicago: 1885), 398 in Foreman, 95.

<sup>111</sup> Colleen Boyd and Coll Thrush, ed., *Phantom Past, Indigenous Presence* (Lincoln: University of Nebraska Press, 2011), xiii.

<sup>112</sup> Bernice M. Murphy, *The rural gothic in American popular culture*,” (New York: Palgrave Macmillan, 2013), 1-5. Murphy discusses the idea of “white guilt.” Several other works in the late twentieth and early twenty-first century discuss this topic, including Renée L. Bergland’s *The National Uncanny: Indian Ghosts and American Subjects*.

them and Tecumseh in their fight against the United States. They held a false trial and executed him on the spot.<sup>113</sup> Though this was a political move, it demonstrates that Native Americans feared witchcraft as much as the Protestant Americans did.

Superstitious beliefs surrounding Native American burial grounds factored into Lyda Conley's fight to save the Huron Indian Cemetery in the early twentieth century. When reasoning failed Lyda in her case to persevere the cemetery, her sister Helena aided her efforts by playing on white fear of curses. Helena was well aware of the superstitions people had about Indian burial grounds. She played to their fears by cursing those who favored the destruction of the cemetery.

There is evidence throughout her life that suggests that Helena did believe in the supernatural, claiming that a female Wyandot bestowed powers to her that gave her the ability to connect with the dead and curse the living.<sup>114</sup> Though many believed that Helena used these threats only to scare people, a few accounts suggest otherwise. According to a newspaper article published in 1959, Helena took responsibility for at least two deaths and three political misfortunes attributed to curses she placed on those who opposed her and the cemetery. The year after Senator Preston B. Plumb pushed for the sale of the cemetery, he died an "untimely" and unexplainable death. An Oklahoma representative died suddenly during a game of cards.<sup>115</sup> The words on her tombstone still pose a threat; "Cursed be the Villain That Molest Their Graves."<sup>116</sup>

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<sup>113</sup> C.A. Buser, "Leatherlips," *Wyandotte Nation*, [www.Wyandotte-nation.org](http://www.Wyandotte-nation.org) (accessed February 29, 2016).

<sup>114</sup> For more information on Helena and her curses, see chapter three.

<sup>115</sup> Jay Lastelic, "Curse May Play Role in Cemetery Combat," *Kansas City Star and Times* (May 17, 1959).

<sup>116</sup> Photo of Helena Conley's gravestone at Huron Indian Cemetery in Kansas City, Kansas, (author's photo).

While Helena generated attention from local newspapers with her theatrical curses and spells, other forms of media-influenced popular culture in the late nineteenth and early twentieth century did little to help the Native Americans' cause. With plays and dime novels portraying Indians as villains, society associated them with the savage and dangerous nature of the untamed west. This only contributed to the superstition and unease surrounding Native Americans and their culture, even though many tribes, including the Wyandots, embraced white customs and religions. Countless works of early literature, and later books and movies, also depict the Euro-American fear of the wilderness. Movies like *The Amityville Horror* instill a sense of unease in viewers, portraying the wrath of disturbed Indian remains. This reoccurring theme of "white guilt" allows white society to acknowledge their wrongdoings while placing the blame on Native Americans for inflicting evil and haunting the innocent, unsuspecting whites. This, in turn, distances white society from Indians and what they represent. No matter how "civilized" Native Americans are, they represent the unknown and danger associated with the wilderness.<sup>117</sup>

The literature and media that capture these ideas were inspired by real life events in the late nineteenth century. The Sand Creek Massacre in 1864 fueled Native Americans' bad feelings toward the United States and white society. Newspapers provided gruesome details regarding the senseless violence inflicted upon the Cheyenne. Many accounts condemned the U.S. soldiers for their actions.<sup>118</sup> However, the Battle of Little Bighorn in 1876 created negative opinions about Native Americans, and support

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<sup>117</sup> Murphy, *The rural gothic in American popular culture*, xiii-xiv.

<sup>118</sup> "The Chivington Massacre," *The Atchison Daily Champion*, August 10, 1865, 2, accessed March 01, 2016, Newspapers.com.

for their removal and elimination grew. The same year the cemetery was first threatened, Sioux Indians performed the Ghost Dance, believing it would protect them against the U.S. military. This event contributed to the Battle of Wounded Knee at the Pine Ridge Indian Reservation in South Dakota. Newspapers reported on both massacres and empathized that a “squaw” killed and mutilated the daring General George A. Custer and the brave U.S. soldiers.<sup>119</sup> These incidents resulted in even more racism and bad feelings toward Native Americans. The Indian Wars on the plains left a bad taste in both parties’ mouths.

Though white society did not respect living or dead Indians, the Wyandots continued to practice their funerary rituals. Migration and exposure to white customs affected the tribe’s traditions, but it did not hinder their respect for their ancestors. Conley carried this essential element of Wyandot heritage with her while fighting to preserve one of the final remaining Wyandot cemeteries. Conley herself was a devout Methodist, and the speech she presented before the Supreme Court was filled with scripture.<sup>120</sup> Conley’s spiritual connection, both her belief in God and her respect for her ancestors, led Conley to take drastic measures to protect the cemetery.

The Huron Indian Cemetery is a visual reminder of the influence white culture has had on the Wyandots. While the Conleys fought to keep their native heritage free of white influence, this task was impossible. The Wyandots had lost many of their own traditions since their introduction to the French in the sixteenth century and acceptance of

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<sup>119</sup> “Pine Ridge: Squaws and Papooses Come into the Agency,” *The Kansas City Gazette*, January 08, 1891, 8, accessed February 29, 2016, Newspapers.com.

<sup>120</sup> Lyda Burton Conley, “Huron Cemetery,” Kansas City, Kansas, 1909. Argument presented to the U.S. Supreme Court.

Christianity a few decades later. However, the Wyandots continued to pass down their creation story and tribal history through oral traditions and celebrate their blended heritage.

The continuity of Wyandot burial customs formed one of the arguments Conley used in her case to save the cemetery. Government officials cared more about removing the bones than respecting them, and ignored the fact that most of the bodies in the Huron Indian Cemetery buried before 1900 were not in coffins. Instead, bodies were wrapped in blankets with nothing to protect or contain them, making exhumation nearly impossible. Some graves hold the remains of veterans of the War of 1812, the Civil War, and other conflicts. Historically important to both Wyandots and Americans, these individuals deserved respect in death. Regardless of who they were, or how native their bloodline, the Wyandots of Kansas protected their graves. Conley and her sisters dedicated their lives to honoring their ancestors and ensuring that they rest in peace.

## Chapter Three

### Lyda Conley: The Life, Labor, and Love of a Historic Preservationist

*“I am part Indian, and I will not see my people so robbed of their rights and the bodies of their dead taken from the sacred burying ground of the tribe in defiance of the treaty because there is now no one to stand up for the rights of the Indians. I have tried to save the cemetery from being desecrated by law, and now I will take care of it myself, law or no law.” - Lyda Conley<sup>121</sup>*

As paved roads replaced dirt, and buildings covered the wide open prairies, the little cemetery remained as untamed as ever. For years, investors swarmed the “vacant” plot, but an astronomical price kept them at bay. So did the efforts of Lyda Conley and her sisters. After the first attempt to sell the cemetery in 1890, the sisters guarded the graves for the next fifty years. No one dared trespass on the cemetery Conley swore to protect from harm or sale. Though only a fraction of the blood coursing through her veins was Wyandot, her heart beat only for the cause of preserving the Wyandot’s final resting place.<sup>122</sup>

According to the 1870 United States Census records, Conley was born between 1868 and 1869.<sup>123</sup> Her father Andrew was of English descent from Connecticut and her mother Eliza was one-eighth Wyandot from Ohio. Conley was one of four daughters, all born in Kansas. As stated in Dayton’s essay, “Trespassers’ Beware!,” scholars know little

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<sup>121</sup> “Defend the Graves: Miss Lyda Conley says she will use a shotgun,” *Leavenworth Post*, July 18, 1907, 3, accessed February 19, 2016, Newspapers.com.

<sup>122</sup> Conley was one-sixteenth Wyandot through her mother’s family. Eliza’s father was Isaac Zane Jr., the son of Myreeh, the Wyandot Princess.

<sup>123</sup> 1870 U.S. Census, Kansas City, Kansas, population schedule, Wyandotte, 51, household 367, Lydia Conley; microfilm publication, FamilySearch.org, accessed January 31, 2016, <https://familysearch.org/ark:/61903/1:1:MCJ1-YJX>. Conley was a year old at the time of the census, her sister Helena was six, her sister Ida was seven, her sister Sallie was nine, her mother Eliza was thirty-two, and her father was thirty-five. While other sources, including her original gravestone, claim that Conley was born in 1874, it is most likely that this census record is accurate.



about Conley's childhood. When Conley was eleven, her mother and sister Sarah died.<sup>124</sup> Her father was left to support three daughters by working as a farmer; Ida, the eldest living daughter, took on the role of housekeeper.<sup>125</sup> Their father died five years later in 1885, and their grandmother Hannah died in 1886.<sup>126</sup> After the death of their grandmother, Lyda, Ida and their sister, Helena, were on their own.<sup>127</sup>

The sisters lived in poverty for much of their adult lives. According to census records, they lived together in a modest old house.<sup>128</sup> Newspaper covered the floors and windows for insulation, and a cook stove provided the main source of heat.<sup>129</sup> Ida served as cook at the county jail for many years until she was laid off due to budget cuts in September of 1912.<sup>130</sup> Despite their poverty, Lyda and Helena somehow furthered their education and attended Park College in Parkville, Missouri. The pair paddled a boat across the Missouri River to attend classes every day. While she completed college,

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<sup>124</sup> Photo of Eliza Burton Conley and Sarah McIntyre Conley's gravestones at the Huron Indian Cemetery in Kansas City, Kansas. (author's photos). Eliza Zane Conley died in 1879 and Sarah (Sallie) Conley died in 1880.

<sup>125</sup> 1880 U.S. Census, Kansas City, Kansas, population schedule, Wyandotte, p. 296B, household 8944110, Lida Conley; microfilm publication, FamilySearch.org, accessed January 31, 2016, <https://familysearch.org/ark:/61903/1:1MF5R-5P2>.

<sup>126</sup> Photo of Andrew Syrenus Conley and Hannah Zane's gravestones at the Huron Indian Cemetery in Kansas City, Kansas. (author's photos).

<sup>127</sup> Photo of Helena, Lyda, and Nina, Lyda Conley File, Wyandotte County Historical Society, Bonner Springs, KS. The sisters still had relatives, including their cousin, Nina Craig, in the area.

<sup>128</sup> 1940 U.S. Census, Kansas City, Kansas, population schedule, Wyandotte, p. 9B, family 259, Ida, Helena, Lyda Conley; digital publication, FamilySearch.org, accessed January 31, 2016, [https://familysearch.org/search/record/results?count=20&query=%2Bgivenname%3AIda~%20%2Bsurname%3AConley~%20%2Bbirth\\_place%3AKansas~](https://familysearch.org/search/record/results?count=20&query=%2Bgivenname%3AIda~%20%2Bsurname%3AConley~%20%2Bbirth_place%3AKansas~).

<sup>129</sup> "Luxury, balanced against principles can hold no lure for descendants of red men who guard K.C. graves," *Kansas City Kansan*, January 22, 1922, 6, accessed December 04, 2016, Newspapers.com.

<sup>130</sup> "County Employes Fired," *The Gazette Globe*, September 4, 1912, 1, accessed January 25, 2016, Newspapers.com.

Helena never had a job. Lyda, however, learned telegraphic operator skills at Park College and taught at Spalding Business College in Kansas City, Missouri.<sup>131</sup>

While Lyda had steady work as an instructor, teaching was not her passion. She already knew that trouble was brewing for the Huron Indian Cemetery. Though the first attempt to sell the cemetery was squashed by protesters in 1890, the U.S. government and the majority of the Wyandotte Nation of Oklahoma were set on selling the grounds and exhuming the bodies. Keeping with the tradition of her Wyandot ancestors, Conley first played by the rules of the white man. Knowing her best chance was to fight for the cemetery through the courts, Conley attended the Kansas City School of Law in Kansas City, Missouri. She attended classes for two years, including “courses on evidence, criminal law, jurisdiction, and remedies.”<sup>132</sup>

Conley was one of three women who graduated with the class of 1902. Many schools on the East coast, including Yale, Columbia University, and Harvard, did not accept female students into law programs until the early to mid-1900s. Schools in the Midwest accepted female students at a higher rate, though women attending law school were still rare. Women who graduated from law school often did not advance with their degree or take the bar exam. This was partially due to the amount of sexism they faced from men and other women who did not believe it was an appropriate profession for the “gentler sex.” However, Conley was on a mission to save her beloved cemetery, and she did not let anything, not even her own gender, stand in the way of accomplishing her

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<sup>131</sup> Dayton, 15. While Helena did not hold a traditional job, she did tell fortunes out of her home for a fee.

<sup>132</sup> Ibid., 17.

goal. She was admitted to the Missouri Bar in June of 1902 and the Kansas Bar in 1910, allowing her to practice law in both states and legally defend her case.<sup>133</sup>

While Conley considered all Wyandots her ancestors, her family lineage uncovers some prominent characters, both Wyandot and white. Through her mother's family, Conley is related to Elizabeth "Betty" Zane, the frontier girl who saved Fort Henry from an Indian attack; Isaac Zane, the boy captured by the Wyandots who grew up to advocate for the Indian cause; Chief Tarhe, the Principal Chief of the Wyandot Nation during the War of 1812; and his daughter, Myeerah, an Indian Princess. Conley was also related to Zane Grey, the famous western novelist.<sup>134</sup> Conley's ancestors and relatives show her intertwined white and Indian heritage, explaining why she felt the need to protect the cemetery and its connection to these people at all costs. Conley undoubtedly heard the stories about the bravery exhibited by Betty, the empathy for the natives shown by Isaac, and the efforts Chief Tarhe made toward peace with the United States.

Chief Tarhe, great-great grandfather of Conley, was the Grand Sachem of the Wyandot Nation. Though Tarhe lived in a world divided, he led the Indians that hoped for peace between themselves and the white man.<sup>135</sup> As previously discussed, Tarhe married Ronyouquaines, a French woman captured or adopted as a baby by the Wyandots. In 1754, they had a daughter, Myeerah, or the White Crane. She was so beautiful that it inspired legends. The Wyandots were a matriarchal tribe, meaning that

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<sup>133</sup> Robert C. Downs, "From Petticoats to Briefs: A History of Women at the University of Missouri-Kansas City School of Law," *University of Missouri-Kansas City Law Review*, 72, 2004 (January 2009): 1014, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1326954](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1326954) (accessed January 20, 2016).

<sup>134</sup> Dayton, 16.

<sup>135</sup> Meek, "Tarhe--the Crane," 68.

women played pivotal roles in the tribe's government. Four Wyandot women were elected to a council and it was their responsibility to choose the eligible men who became leaders and chiefs. Decedents regard having an Indian Princess from a matriarchal tribe in one's ancestry as special, because it shows the family's strong influence. Conley understood that allowing the destruction of the cemetery would essentially erase her mother, grandmother, and every other Wyandot buried in the cemetery, from history. She constantly looked to her ancestors and their spirits for guidance and support to protect their graves.<sup>136</sup>

In 1762, Isaac Zane, the younger brother of Colonel Ebenezer Zane, was captured by the Wyandots at age nine. Romantic tales suggest the pair grew up together, though Zane showed no interest in the Indian princess until she rescued him from being burnt alive by another group of Indians.<sup>137</sup> After this rescue, Zane married Myeerah, and the pair had eight children, including Conley's grandfather, Isaac Zane, Jr.<sup>138</sup>

Like his great granddaughter, Zane found himself divided between two worlds. Although an American citizen, he lived much of his life with the Indians and sympathized with their cause to protect their native land. Zane was involved with and present at nearly every negotiation and treaty signing between the Wyandots and U.S., including the Treaty of Greenville (1795).<sup>139</sup> Zane advocated for peace between the

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<sup>136</sup> James George Frazer, *Marriage and Worship in the Early Societies*, vol. 3 (New Delhi: Mittal Publications, 1986), 36-38.

<sup>137</sup> Zane Grey, *Betty Zane* (New York: Grosset & Dunlap, 1933). Grey is a descendent of the Zane family and Conley's fourth cousin.

<sup>138</sup> "Zane, Isaac - Ohio." Ebenezer was the Colonel at Fort Henry during the American Revolution.

<sup>139</sup> Treaty of Greenville, August 03, 1795, U.S.-Wyandot, etc., 7 Stat., 49, *reprinted in* Indian Treaties, 1778-1883 39 (Charles J. Kappler ed., 1972).

whites and natives alongside his father-in-law, Tarhe, whom he greatly admired. During the War of 1812, Zane was a mail carrier working on behalf of the United States. Buried within the very cemetery Conley fought to protect are Isaac Zane's sons Ebenezer and Isaac Zane, Jr.<sup>140</sup>

Perhaps Conley got her tenacious spirit not only from her native ancestors, but from her great-great aunt, Betty Zane. Betty moved west with her five brothers, settling at Fort Henry along the Ohio River near Wheeling, West Virginia.<sup>141</sup> While Betty was already famous for her beauty, her historic moment occurred in 1774 when Ft. Henry was under attack by Native Americans who supported the British cause. Though Betty was already helping the men by molding bullets and tending to the wounded, her shining moment came when the block house she was in ran out of powder for the men's muskets. Betty bravely volunteered to run the two hundred yards to the other block house to retrieve a keg of powder. She dashed to the block house and made it halfway back before the Indians realized what she was doing. While many fired at her, she returned uninjured. With their powder replenished, the men warded off the natives until they gave up and retreated.<sup>142</sup>

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<sup>140</sup> Conley, "Huron Cemetery," 1909. Isaac Zane, Jr. and Hannah Zane, Conley's grandparents are both buried in the Huron Indian Cemetery.

<sup>141</sup> Morgan, 76.

<sup>142</sup> Ibid., 76-77. Betty Zane was known for her bravery and speed. She dashed between the barracks, making it half way back before the Indians realizing her plan. Betty is still regarded as a hero and a daughter of the American Revolution for her bravery on that day.

Conley's cousin, Zane Grey,<sup>143</sup> a western novelist, wrote stories about their shared ancestors. His most famous books, including the *Betty Zane* trilogy, tells the story of Betty's heroic endeavor.<sup>144</sup> Like Conley, Grey believed that it was important to preserve the history and memories of his ancestors. The Zane family contributed a great deal to the American cause during the American Revolution, and to the relationship between the United States and Ohio Indians.

Conley continued her family's legacy by opposing the injustices inflicted on the cemetery and fighting for her ancestors. Conley argued in and out of court that the cemetery was more than just a plot of land containing a few hundred bodies. It was a sacred place meant to honor, remember, and respect those who died after coming to Kansas from Ohio. It was the last place in Kansas that the Wyandots, and the Wyandots alone, could claim as theirs. Conley knew from the beginning that the fight ahead was an uphill battle. When she needed strength to continue, she remembered what her ancestors fought for, and she knew they would never give up easily.<sup>145</sup>

Before examining Conley's legal battle at both the state and federal level, it is important to understand how and why the push for the sale of the cemetery began. While Senator Preston B. Plumb's plan failed in 1890, due to ample support and signed petitions against the sale, that did not stop other politicians and businessmen from trying to find a way to move the remains and develop the land. William E. Connelly, an "amateur

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<sup>143</sup> Pearl Zane Gray was his Christine name, though he dropped "Pearl" and changed the spelling of "Gray" to Grey.

<sup>144</sup> Grey, *Betty Zane*, 1-296.

<sup>145</sup> Isaac and Myeerah are buried in Zanesfield, Ohio. The exact location of Tarhe's grave has been lost, though it is near Upper Sandusky, Ohio. Betty is buried in Wheeling, West Virginia.

historian,” surveyed the two acres in 1892. His findings concluded that roughly four hundred to eight hundred graves rested in the cemetery, including those of infants and young children. In 1899, the Oklahoma Wyandottes gave Connelly power of attorney over the Huron Indian Cemetery.<sup>146</sup> He convinced the Wyandottes that his idea of selling the two acres and moving the remains to Quindaro Cemetery was beneficial to all parties involved. While he had a good relationship with the Kansas Wyandots, Connelley also knew that convincing the Oklahoma Wyandottes to sell the cemetery benefited him financially.<sup>147</sup> The Wyandottes wanted financial independence for their tribe and believed selling the cemetery was their best option. It is possible that distance and time had lessened their connection to their ancestors and relatives buried in Kansas. Whatever the reason, the Oklahoma Wyandottes agreed to the proposal of selling the ground and moving the bodies to a neighboring cemetery.

On June 16, 1906, an approved Congressional appropriations bill reignited problems for the cemetery.<sup>148</sup> Connelley and others who supported the sale of the cemetery hid a clause in the sixty-five pages of the bill, allowing the sale of the Huron Indian Cemetery and removal of the remains to Quindaro Cemetery.<sup>149</sup> When the bill passed, the Treaty of 1855 was effectively voided and the cemetery was legally up for sale. James Rudolph Garfield,<sup>150</sup> Secretary of Interior, quickly appointed three men to the

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<sup>146</sup> Dayton, 13. If the sale happened, Connelly was set to make a fifteen percent commission.

<sup>147</sup> Connelley, “Religious Conceptions of the Modern Hurons,” 111-113.

<sup>148</sup> Janith English, “Huron Cemetery Chronology,” *Wyandotte Nation* (website), <http://www.wyandottenation.org/culture/history/general-history/huron-cemetery/> (accessed February 4, 2016).

<sup>149</sup> Dayton, 18.

<sup>150</sup> “Past Secretaries,” *U.S. Department of Interior*, [https://www.doi.gov/whoweare/past\\_secretaries/#garfield](https://www.doi.gov/whoweare/past_secretaries/#garfield) (accessed January 31, 2016). Garfield became Secretary of Interior on March 5, 1907. He served under President Theodore Roosevelt in 1906. Roosevelt

Huron Commission. Horace B. Durant, Thomas G. Walker, and William A. Simpson negotiated a deal between Kansas City and the Wyandottes.<sup>151</sup> Though they originally asked for \$100,000, the Wyandottes finally settled at \$75,000. The city was not willing to go a penny over \$70,000, and therefore the two parties reached an impasse.<sup>152</sup> People were also torn on what to do with the cemetery if it was purchased. While many entrepreneurs favored the idea of Kansas City selling the plot of land to the highest bidder, others wanted to turn it into a public park. Conley faced a fight on all fronts from people with big ideas on what to do with the land once they exhumed the Indian remains.<sup>153</sup>

Conley's partners in crime, both figuratively and literally, were always her sisters. After hearing that Congress had authorized the sale, and investors began hovering like vultures waiting for their next business opportunity, the sisters rushed to the cemetery. They locked the gate and placed a sign on it that read "Trespass at Your Peril." Not taking any chances, they erected a six-by-eight foot shack that was only big enough to hold a small cot. The sisters proudly named this structure "Fort Conley."<sup>154</sup> Armed with their father's Civil War shotgun, the sisters guarded the cemetery for over six years.<sup>155</sup> While they occupied the grounds out of necessity to ensure their protection, they also

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signed the bill that potentially doomed the cemetery, despite his well-documented efforts to preserve nature and national landmarks.

<sup>151</sup> *Conley v. Ballinger*, 216 U.S. 84 (1910).

<sup>152</sup> It was rumored that the Wyandottes asked such a high amount and were unwilling to negotiate more because their hearts were really not into selling the cemetery.

<sup>153</sup> "For Park Purposes," *The Kansas City Kansas Globe*, May 01, 1906, 1.

<sup>154</sup> Henry Van Brunt, "Three sisters' defense of cemetery continued for nearly forty years," *Kansas City Times*, June 7, 1946, 1, accessed August 21, 2015, Newspapers.com.

<sup>155</sup> Andrew Conley's shot gun is on display at the Wyandotte County Historical Museum in Bonner Springs, Kansas.



tended to upkeep. During the height of Conley's fight, newspapers reported that the women kept the cemetery in pristine condition between 1907 and 1922. One article in the *Kansas City Times* recalls Helena, "felling dead trees with an ax while awed bystanders admired the play of her muscles. . ."<sup>156</sup> Others credit the sisters for warding off vandals and deterring further destruction of the tombstones.

In the first few years of their fight, the media collectively viewed Conley and her sisters with both curiosity and admiration for their mission against the local government. However, as time passed newspapers published unflattering stories about the sisters and the cemetery. These stories showcased the sisters eccentricity, from chasing away passers-by with brooms to Helena shouting curses at those who threatened the cemetery. This made many believe that the sisters were slightly insane. However, Conley cared little about the public's opinion of her, both good and bad, refusing to concern herself with anything else but her cause.

Conley spent her time away from Huron Indian Cemetery crafting a legal defense against the Act of 1906. However, on several occasions Conley ignored the law to protect the cemetery. Many people viewed the sisters as public nuisances. On more than one occasion they were threatened with not only local police officers, but soldiers. In 1907, Mr. H.B. Durant, a member of the Huron Commission, reported to the *Kansas City Kansas Globe* that soldiers from Fort Leavenworth would be sent to remove the Conleys if they did not leave willingly.<sup>157</sup> No matter how many times they were arrested, or what

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<sup>156</sup> Brunt, "Three sisters' defense of cemetery continued for nearly forty years," 1.

<sup>157</sup> "May Send Soldiers," *The Kansas City Kansas Globe* (July 26, 1907), 1, accessed January 10, 2016 Newspapers.com. Soldiers were never actually sent to the cemetery.

kind of threats they received, the Conleys refused to leave their post. Like dutiful soldiers, they continued to guard the cemetery day and night, rain or shine.

Almost a year to the day after the Act of 1906 passed, allowing the Secretary of the Interior to sell the land, Conley's petition for injunction was filed in the United States Circuit Court for the District of Kansas on June 11, 1907.<sup>158</sup> Conley crafted an argument that brought attention to her Wyandot heritage, the Constitution, the Treaty of 1855, and the resistance of the Quindaro Cemetery Association.<sup>159</sup> After stating her case, she also sought an injunction that kept the government out of the cemetery's business.<sup>160</sup> While Conley believed she had covered all of her bases, the court disagreed with her on all counts. They ruled that Conley herself had no legal claim to the cemetery since she was a U.S. citizen, and not a member of the Wyandotte Nation. They also stated that the Constitution did not legally bind them to honor treaties made with Native Americans. The inserted clause in the Act of 1906 voided the Treaty of 1855, which stated that the cemetery was protected from sale or removal.<sup>161</sup> This ruling in and of itself was

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<sup>158</sup> Dayton, 19.

<sup>159</sup> Petition for Injunction at para. 1,2,5, Conley v Garfield, No. 8548 in Dayton, 20.

<sup>160</sup> Ibid.

<sup>161</sup> *Conley v. Ballinger*, 216 U.S. 84 (1910), reprinted in Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. III, *Laws, compiled to December 1, 1913* (Washington D.C.: Government Printing Office, 1913), 216. The Act of 1906 states, "That the Secretary of the Interior is hereby authorized 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 Wyandotte Tribe of Indians on the thirty-first day of January, eighteen hundred and fifty-five. And authority is hereby conferred upon the Secretary of the Interior to provide for the removal of the remains of persons interred in said burial ground and their reinterment in the Wyandotte Cemetery at Quindaro, Kansas, and to purchase and put in place appropriate monuments over the remains reinterred in the Quindaro Cemetery. And after the payment of the costs of such removal, as above specified, and the costs incident to the sale of said land, and also after the payment to any of the Wyandotte people, or their legal heirs, of claims for losses sustained by reason of the purchase of the alleged rights of the Wyandotte Tribe in a certain ferry named in said treaty, if, in the opinion of the Secretary of the Interior, such claims or any of them are just and equitable, without regard to the statutes of limitation, the residue of the money derived from said sale shall be paid per capita to the

contradictory, given that the judge used the Treaty of 1855 to bind Conley to her U.S. citizenship. Furthermore, they dismissed Conley’s entire petition, stating 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.”<sup>162</sup>

It is possible that the judges had already decided the outcome before Conley presented her case. Their demurrer, or written dismissal,<sup>163</sup> was filed and deliberated in one day, on July 01, 1907.<sup>164</sup> Headed by Judge John Calvin Pollock, Conley’s petition was dismissed “on the ground that there was no basis for federal jurisdiction over the complaint.”<sup>165</sup> Conley continued to work toward finding new combinations of arguments that would legally protect the cemetery. Despite her setbacks at the district level, Conley refused to give up. On July 2, 1907, she filed a “notice of appeal”<sup>166</sup> to the U.S. Supreme Court. Several months later, on October 9, the district court granted Conley’s request to present her case to the highest court in the land.<sup>167</sup>

Conley waited for two years while her appeal made its way up the ladder.<sup>168</sup>

According to Kim Dayton, Conley had a difficult time paying the fees and costs that went

members of the Wyandotte tribe of Indians who were parties to said treaty, their heirs, or legal representatives.”

<sup>162</sup> Demurrer of Defendants to Complainant’s Bill, *Conley v. Garfield*, No. 8548 (C.C.D. Kan. filed July 1, 1907) in Dayton, 20.

<sup>163</sup> Gerald and Kathleen Hill, “demurrer,” *Legal Dictionary* accessed February 03, 2016 <http://dictionary.law.com/default.aspx?selected=487>.

<sup>164</sup> Dayton, 21. Dayton raises the question about how quickly Conley’s petition was dismissed, claiming that it is possible that Judge Pollock knew what the defendants were planning.

<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*, 23.

<sup>167</sup> *Conley v. Garfield*, No. 8458 (C.C.D. Kan. Oct. 9, 1907) in Dayton, 23.

<sup>168</sup> “Past Secretaries,” *U.S. Department of Interior*, accessed January 31, 2016, [https://www.doi.gov/whoweare/past\\_secretaries/#ballinger](https://www.doi.gov/whoweare/past_secretaries/#ballinger). Ballinger succeeded Garfield, becoming Secretary of Interior on March 5, 1909.

along with presenting a case before the U.S. Supreme Court.<sup>169</sup> This also contributed to the lengthy delay, though it was not the entire reason for the slow response. On January 4, 1910, over sixty-six years after the Wyandots' removal to Kansas, Conley defended the last resting place of her ancestors before the U.S. Supreme Court. Consequently, Conley became the first Native American, and the third woman in history, to argue a case before the U.S. Supreme Court.<sup>170</sup> Since no male lawyer in Washington D.C. would sponsor her, Conley had to represent her case as a plaintiff rather than a licensed attorney.<sup>171</sup>

Conley presented a sixty-nine page legal brief about the history of the cemetery and a verbal argument to the nine U.S. Supreme Court justices.<sup>172</sup> In her testimony, Conley tactfully played to the justice's emotions, comparing the Huron Indian Cemetery and her ancestor to Mount Vernon and George Washington. As a woman of faith, Conley used Bible references eight times during her speech: "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. . ." <sup>173</sup>

The overall tone of the speech captured the respect and love she had for her people, believing that the "oldest burial ground in the state of Kansas," and the hundreds

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<sup>169</sup> Dayton, 24.

<sup>170</sup> *Conley v. Ballinger*, 216 U.S. 84 (1910).

<sup>171</sup> Dayton, 24. Female attorneys had to have a male attorney "sponsor" them, or vouch for their character before they were allowed to practice before the Supreme Court. Conley was never legal allowed to practice before the Supreme Court.

<sup>172</sup> "Justices 1789 to Present," *Supreme Court of the United States*, accessed February 04, 2016 <http://www.supremecourt.gov/about/members.aspx>. Horace Harmon Lurton, William Henry Moody, William Rufus Day, David Josiah Brewer, Oliver Wendell Holmes, Joseph McKenna, and John Marshall Harlan were the Supreme Court Justices that Conley presented her case to on January 4, 1910. Melville Weston Fuller served as Chief Justice.

<sup>173</sup> Lyda Burton Conley, "Huron Cemetery," 1909.

of Wyandots buried in it, deserved the protection that only the justices could provide.<sup>174</sup> While her case touched their emotions, the justices unanimously upheld the ruling of the lower court, and denied her another chance to appeal. However, the justices waived all legal fees.<sup>175</sup> Conley's last legal attempt to save her beloved cemetery, the only thing the Kansas Wyandots had left that could be taken, had failed.

Much curiosity surrounded Conley's case and her efforts to save the remains of her ancestors. The trial in 1910 made national headlines, with the media both praising and patronizing Conley. Conley herself drew much attention because of her gender, ethnicity, and the subject matter of her case. Even before the trial, many women's organizations, including the Ladies' Reading Club of Kansas City, supported Conley.<sup>176</sup> However, Conley and her sisters made many enemies along the way.

The Huron Commission was dismissed shortly after the U.S. Supreme Court case, without any new potential buyers or offers. Nevertheless, Conley continued to watch over the cemetery and defended it in unorthodox and illegal ways. She and her sisters patrolled the grounds around the clock, during every season. On no fewer than three occasions, law enforcement was dispatched to tear down "Fort Conley" and the fence that surrounded the shack.<sup>177</sup> Every time, the sisters rebuilt it with unbreakable determination. United States Marshals were eventually called to tear down the shack and destroy the lumber. In

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<sup>174</sup> Ibid.

<sup>175</sup> While it is unclear why the Justice's waived her legal fees, some reports speculate that it was because of Conley's level of poverty. Others suggest it showed their sympathy toward her case, though they upheld the ruling of the district court.

<sup>176</sup> See, e.g. Letter from Mrs Randolph Nichols, Corresponding Secretary, Associated Clubs of Kansas City, Kansas to Ida Conley (Oct. 27, 1906) (pledging Associated Clubs' support in Conley's efforts to save Huron Cemetery) (original on file with the Wyandotte County Historical Society), in Dayton, 19.

<sup>177</sup> Brunt, 1946. The cemetery was torn down and rebuilt at least three times.

response, the sisters said they would rebuild.<sup>178</sup> During these years Conley proved that her will was stronger than anything the law could throw her way.

While Conley lost faith in the judicial system after losing her argument before the U.S. Supreme Court in 1910, the uproar from the case caught the attention of Senator Charles Curtis.<sup>179</sup> Curtis, a one-eighth Kaw from Topeka, Kansas, began his political career in Washington, D.C. as a state representative before becoming a senator. During his successful career Curtis used his power to see to it that the U.S. government honored their treaties and obligations to the Native Americans, including the Kaw, Osage, and Wyandots. In 1911, Curtis introduced the Act of 1913, Public, No. 371, to the senate and began the process of legally protecting the Huron Indian Cemetery for good.<sup>180</sup>

Like Conley, Curtis waited two years for Congress to examine his bill. This time, however, it was worth the wait. On February 13, 1913, Curtis's bill was approved by Congress, making it law that the cemetery was to be protected permanently.<sup>181</sup> The bill not only offered protection, but allotted a sum of \$25,000, and no less than \$500 a year, for the upkeep and improvement of the cemetery. Kansas City, Kansas was also expected to support the cemetery through financial means. On June 13, 1913, Curtis visited the

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<sup>178</sup> "Fort Conley Fallen," *The Gazette Globe*, July 29, 1911, 1, accessed January 11, 2016, Newspapers.com.

<sup>179</sup> For more information on Curtis, see Berlin B. Chapman, "Charles Curtis and the Kaw Reservation," *The Kansas Historical Quarterly*, XV, no. 4 (November 1947): 337-351. Chapman states that Curtis himself reviewed the article, making factual corrections before it was published in the journal.

<sup>180</sup> Act of 1913, February 13, 1913, 37 Stat., 668, *reprinted in* Indian Treaties, Laws complied to December 1, 1913 554 (Charles J. Kappler, ed. 1913).

<sup>181</sup> U.S. Congress, *Congressional Edition* vol. 6899 (Washington, D.C.: Government Printing Office, 1916).

cemetery.<sup>182</sup> Moved by the mystique of a burial ground within an industrial downtown, Curtis knew that his efforts were worthwhile, and a part of the Wyandots' heritage was saved.

While peace seemed possible, Conley knew better than to believe that the cemetery was safe. She and her sisters continued to defend the graves with sticks, stones, and the antique shotgun, just as before. On more than one occasion, law enforcement was called to the scene, and the sisters were fined or jailed. In 1922, Helena spent a night in jail after using foul language and “damning” a trespasser’s soul to hell. During the same year, Lyda was detained for preventing city employees from mowing the cemetery.<sup>183</sup> She also spent ten days in jail in 1937, after chasing people off cemetery grounds with a broomstick.<sup>184</sup> Nearly every report of the sisters attending court includes the judge advising the sisters not to reenter the cemetery, and the sisters vocally dismissing the warning. Judge J. S. West, a local judge in Kansas City, Kansas, told the sisters, “. . . see that you folks don’t disturb the peace of anyone who wishes to go thru the cemetery.” Lyda replied, “Thanks for the remittance, judge, but we’ll be right back over there.”<sup>185</sup> Their moral obligation was to their ancestors and the cemetery, and nothing was going to stop them.

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<sup>182</sup> “Curtis to save Huron Cemetery,” 2. It is unknown if Curtis and Conley ever met, though they are considered the two great “saviors” of the cemetery.

<sup>183</sup> “Woman Keeps Watch Despite Arrest and Orders From Police,” *The Kansas City Kansan*, May 27, 1922, 1, accessed October 20, 2015, Newspapers.com.

<sup>184</sup> Brunt, 1. The judge gave Conley the choice between a \$10 fine or a 10 day jail sentence, which she served for disturbing the peace.

<sup>185</sup> “Miss Conley Sleeps in Jail; Is Fined \$50,” *The Kansas City Kansan*, November 9, 1922, 2, accessed January 12, 2016, Newspapers.com.

Conley's story intrigued a number of local newspapers in the Kansas City area, including *The Kansas City Times* and *The Kansas City Kansan*. These papers reported on Conley several times a year, with the bulk published between 1911 and 1922. Conley's fight to protect the cemetery launched her into the public spotlight, a place that women did not frequent as often as their male counterparts. All records regarding her character confirm that fame was not Conley's goal. While she often spoke to reporters, even giving an occasional interview at her home, it was simply to raise awareness about the cemetery and defend her cause.

In later years, journalists took a sharp tone in articles regarding Conley and her sisters. As previously stated, the public regarded Conley with curiosity in the beginning. In the years leading up to the Supreme Court case, some papers advocated for her, believing she had a good chance of persuading the court in her favor.<sup>186</sup> However, as the Conleys' behavior became more erratic and extreme, papers cast the sisters in an unflattering light. Controversy arose in 1922 when the sisters protested the burial of a white man, Frank Espey, in the cemetery. Though Espey's sister, who was married to a Wyandot, requested his burial in their family plot, the Conleys' saw this as inappropriate given the man's non-Indian lineage.<sup>187</sup> The behavior of the sisters generated attention from the media, with reporters taking pictures of Conley lying on the ground of the cemetery to prevent the burial.<sup>188</sup> While Espey was laid to rest in the designated plot, Conley and her sisters protested, with Helena cursing all who attended. The police were

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<sup>186</sup> "Fighting to the Last," *The Kansas Globe*, July 1, 1907, 1, accessed January 10, 2016, Newspapers.com.

<sup>187</sup> "Conleys Lose Fight to Prevent Burial," *The Kansas City Kansan*, October 24, 1922, 7, accessed January 12, 2016, Newspapers.com.

<sup>188</sup> Photo of Lyda Conley at the Huron Indian Cemetery in Kansas City, Kansas, 1922. (author's photo).



on site, the police matron woman holding onto Lyda to keep her from disrupting the ceremony.<sup>189</sup>

While the sisters never gave up their mission of protecting and preserving the cemetery, few articles appeared on Conley after 1922. None of the sisters lived to see their beloved cemetery preserved by the protection of the U.S. government. Lyda's life ended tragically on May 28, 1946. After spending an evening at the Kansas City Public Library, located to the left of the cemetery, a mugger struck Conley on the head with a brick and stole her purse containing twenty cents. After suffering for twenty-four hours, Lyda Conley died at the age of seventy-seven.<sup>190</sup>

Though reports claim she was a handsome woman, Conley never married or had children to inherit her tenacious spirit. She gave up living to save the dead. She fought for her ancestors, her mother and grandmother. A spiritual woman, she relied on her faith in her cause and on God. She knew all along that she was on the right side of history, using her law degree to preserve the cemetery. When her degree did her no good, she broke the law that she once swore to uphold. However, her passion was not a prosperous one, and Conley died nearly penniless. This is not how her story deserved to end, but as with other figures in history, tragedy marred an otherwise heroic tale. The woman who dedicated her life to preserving the burial ground of her mother, grandmother, and other Wyandotte Natives, joined them at last in the Huron Indian Cemetery.

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<sup>189</sup> "Conleys Lose Fight to Prevent Burial," 7.

<sup>190</sup> Brunt, 1.

Unfortunately, the fighting did not die with Conley. The cemetery's welfare was threatened just a few months after her death. Between 1946 and 1949, political figures in Kansas City, Kansas pushed to draft a bill that would allow the sale and destruction of the cemetery. The Oklahoma Wyandottes, once again, sided with this idea and a proposal was made in 1949 to make the cemetery a National Monument. However, this idea was put on hold because of opposing forces, including the Wyandotte Nation of Oklahoma. The Wyandottes obtained the title to the Huron Indian Cemetery in 1955, debating what to do with the land, with reports from the *Kansas City Times* claiming that the Wyandottes looked to sell the land for \$1.5 million dollars. Whether it was their conscience, or the absence of prospective buyers, the Wyandottes decided to go forward with making the cemetery a National Landmark. For the next two decades, the Oklahoma Wyandottes managed to keep politicians at bay while gaining support toward saving the cemetery for good.<sup>191</sup>

Conley's fight was about more than saving a plot of land, or even the bones of her ancestors. It was about preserving the memory of people with a long history deeply ingrained in the fabric of the United States. Her contributions to the Wyandot people meant the difference between a peaceful place of remembrance, or another building blocking the view of the Missouri River. Conley was a fearless woman with big goals. She let no one, not even the United States Supreme Court, keep her from saving a piece of history.

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<sup>191</sup> English, "Huron Cemetery Chronology." English is the Chief of the Wyandot Nation of Kansas.

## CHAPTER FOUR

### An Ongoing Battle: Keeping Preservation Present

*“The spirit and direction of the Nation are founded upon and reflected in its historical heritage. . .the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.”*

*-National Historic Preservation Act, 1966<sup>192</sup>*

Lyda Conley’s fight and efforts made by different branches of the United States government aided in preserving the Huron Indian Cemetery and other Native American landmarks. In the decades following the Civil War, lawmakers began crafting legislation to protect pieces of American heritage. The Antiquities Act of 1906, the development of the National Historic Register in 1966, and the creation of the Native American Grave and Repatriation Act of 1990 aided in saving significant pieces of Indian history. Despite these laws and subsequent advancements in environmental and historic preservation, landmarks are still in danger, with many places protected by law destroyed in recent years. In light of these ongoing threats to historic sites, Conley’s preservation efforts take on a measure of importance.

In spite of preservation laws established in the past century, the cemetery still faces challenges. After the 2008 recession, the entire country faced hard times and budget cuts. The Huron Indian Cemetery’s condition reflected Kansas’ budget priorities, the state taking a hard hit during the downturn. Nevertheless, despite a broken wooden staircase on its east side and an untidy lawn, the cemetery still exhibits a deep sense of

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<sup>192</sup> National Historic Preservation Act of 1966, October 15, 1966, 16 U.S.C. 470, *reprinted in Federal Historic Preservation Laws 6-41* (Sara K. Blumenthal, 1993).

Wyandot heritage. Overall, little has changed since Lyda Conley walked among the graves nearly one hundred years ago. This untouched link to the past, preserved by law and the efforts of advocates like Conley, provide present and future Wyandots with a connection to their history.

The popularity of Native Americans and their culture, including the fields of anthropology and archeology rapidly increased during the first half of the twentieth century, alongside Conley's efforts to preserve her own tribe's heritage. There is a noticeable parallel in the timeline between Conley's fight and the push for preservation laws. The first attempt at selling the cemetery occurred in the same year (1890) that efforts toward protecting Indian heritage first gained traction. Conley attended law school in Missouri and earned her degree to protect the Huron Indian Cemetery while scientific communities formed committees to create laws designed to protect landmarks. Congress approved the Antiquities Act the same year (1906) that the cemetery became legal to sell. While scholars discussed issues important to Native American history, small attempts like Conley's fight were overlooked.

The United States government first made efforts to save Native American heritage in 1879 when an active interest in Indian anthropology occupied scholars and the public.<sup>193</sup> Congress approved the creation of the Bureau of (American) Ethnology to study the heritage of Indians. Universities saw an increase in students majoring in anthropology in the late 1800s and early 1900s. As the academic and scientific world

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<sup>193</sup> Ronald F. Lee, *The Antiquities Act of 1906*. 1970; electronic edition, 2000, accessed March 2, 2016, <http://www.nps.gov/archeology/pubs/Lee/index.htm>. Blumenthal's book is a collection of preservation laws enacted over the twentieth century that provides footnotes regarding the amended documents and changed citations.

focused on Native America, the public's curiosity contributed to the creation of laws that protected Indian culture and heritage. This interest inspired the first drafts of legislation which eventually became the Antiquities Act (1906).<sup>194</sup> The scientific and anthropological communities attracted the public's attention with various exhibits of Indian artifacts. Scientists displayed their findings in a multiple exhibit at the World's Columbia Exposition in Chicago, Illinois in 1893.<sup>195</sup> By 1904, this collection had expanded to contain objects that represented dozens of the American Indian tribes, generating even more interest from the public and politicians. Beginning in 1906, museum exhibitions throughout the United States gave audiences more opportunities to admire the collections. These widely viewed exhibits popularized the image of Native Americans and allowed the public to sympathize with their history. It also encouraged anthropologists and archeologists to preserve their culture through research and exhibitions.<sup>196</sup>

While scholars and scientists provided factual reports and displays to their audiences, they were not the only ones generating attention for Native Americans. The entertainment industry profited from the romanticization of the American West, with Indians playing a pivotal role alongside or opposite the cowboy. Dime novels, magazines, and live entertainment sparked an interest in Indians by people around the world. William F. Cody's Buffalo Bill's Wild West shows also capitalized on this growing popularity and toured in both the United States and Europe. Native Americans themselves, including

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<sup>194</sup> American Antiquities Act of 1906, June 08, 1906, 16 USC 431-433, *reprinted in* The Antiquities Act of 1906 (Robert F. Lee, 1970).

<sup>195</sup> L.G. Moses, *Wild West Shows and the Images of American Indians: 1883-1933* (Albuquerque: University of New Mexico Press 1996), 129-149.

<sup>196</sup> Lee, *The Antiquities Act of 1906*, 2000.

individuals like Sitting Bull, graced the arenas and gave audiences a chance to “experience” life in the American west. Since the Indian Wars had ended only a decade before the twentieth century, tension still existed between Indians and the United States. However, the rise in awareness regarding Native American culture persuaded many lawmakers to consider, or even draft, legislation that protected aspects of their heritage.<sup>197</sup>

The American Association for the Advancement of Science (AAAS), a scientific community, pressured Congress to pass legislation that preserved Native American culture for further study and research. Two committees were formed to draft bills that protected places like the Huron Indian Cemetery. The “Committee on the Protection and Preservation of Objects of Archaeological Interest” and the “Standing Committee on American Archaeology,” both led by Dr. Thomas Wilson, a lawyer and a diplomat, combined their efforts to draft an antiquities bill.<sup>198</sup>

As scholar Robert F. Lee asserts in his work *The Antiquities Act of 1906*, “This is the first link between historic and natural areas in the history of federal preservation legislation.”<sup>199</sup> No longer were the two separate; historians expanded their study beyond the written word. The law now allowed a physical connection to the past. With this, the act stressed the importance of archaeological sites and the findings as useful resources to the general public. However, anthropologists and scientists needed a passable bill. The committee redrafted it three different times between 1900 and 1906, giving the

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<sup>197</sup> Richard Aquila, *Wanted Dead or Alive* (Chicago: University of Illinois Press, 1996), 73-102.

<sup>198</sup> Lee, *The Antiquities Act of 1906*.

<sup>199</sup> Ibid.

Department of the Interior, Department of War, and Department of Agriculture various powers and responsibilities that received majority approval. The bill did not give any particular department control over preserving lands, but suggested that the proposed location determine which department had jurisdiction. It also gave the power of creating and appointing National Landmarks to the president. After nearly twenty-five years of work by the scientific community, President Theodore Roosevelt signed the Antiquities Act into law on June 8, 1906.<sup>200</sup>

Several other pushes for preservation laws followed the Antiquities Act, including the Historic Sites Act of 1935.<sup>201</sup> This act encouraged the government to further protect designated historic sites. The Antiquities Act preserved Native American burial grounds and sacred lands. While the National Park Service legally protected dozens of places significant to the United States' history and creation, Native American lands remained vulnerable. No further preservation law was passed until 1966. The National Historic Preservation Act was not only significant to the preservation movement, but in protecting the Huron Indian Cemetery. The NHPA created the National Register of Historic Places, which provided further federal protection, and on September 3, 1971, the Huron Indian Cemetery secured a spot on that list.<sup>202</sup>

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<sup>200</sup> American Antiquities Act of 1906, *reprinted in* The Antiquities Act of 1906 (Robert F. Lee, 1970). For more information regarding preservation laws, see Hal Rothman, *Preserving Different Pasts: The American National Monuments* (Chicago: University of Illinois Press, 1989).

<sup>201</sup> Historic Sites Act of 1935, August 21, 1935, 4(f) U.S.C. 1653(f), *reprinted in* Federal Historic Preservation Laws 2-5 (Blumenthal, 1993).

<sup>202</sup> National Historic Preservation Act of 1966, October 15, 1966, 16 U.S.C. 470, *reprinted in* Federal Historic Preservation Laws 6-41 (Blumenthal, 1993).

While early laws addressed the concerns of science, later laws focused on the need for heritage preservation. A major advancement for the protection of Native American heritage occurred when President George H. Bush signed into law the Native American Grave and Repatriation Act (NAGPRA) on November 16, 1990.<sup>203</sup> Unlike the Antiquities Act, which covered all historical landmarks and monuments in the United States, this law specifically protected Native American burial grounds, human remains, and artifacts. Kathleen Sue Fine-Dare, a professor of anthropology at Fort Lewis College in Durango, Colorado, claims, “. . . that NAGPRA is a cultural and political process as well as a legal ‘event.’”<sup>204</sup> While NAGPRA is intended to preserve Indian heritage, it creates new stipulations for museums and tribes. Fine-Dare also suggests that NAGPRA creates new tension and highlights unresolved issues between the Indians and the U.S. government.<sup>205</sup> Like all legislation, it was favored by those that benefited politically from its existence. However, the act aids Native Americans seeking legal protection for their heritage.

NAGPRA accomplished several different goals for Native Americans and historians. First, it includes all Indian tribes in the United States and Native Hawaiians. The act gives specific definitions for which kinds of burial grounds and artifacts fall under the protection of the law. It also provides a detailed list of the requirements for museums and organizations, and the penalties for not following these regulations. NAGPRA also outlines the expectations of the government, including funding for

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<sup>203</sup> The Native American Graves Protection and Repatriation Act, November 16, 1990, 25 U.S.C. 3001, *reprinted in* Federal Historic Preservation Laws 63-74 (Blumenthal, 1993).

<sup>204</sup> Kathleen Sue Fine-Dare, *Grave Injustice: Indian Repatriation Movement and NAGPRA* (Lincoln: University of Nebraska Press, 2002), 7.

<sup>205</sup> *Ibid.*, 8.



research, documentation, and preservation of artifacts. The wording of this document is so thorough, possibly a result of previously abused legislation between the U.S. and Native Americans, that it is undeniable who, where, and what falls under its jurisdiction.<sup>206</sup> NAGPRA has preserved over 50,000 human remains and nearly 5,000 sacred objects as of 2014.<sup>207</sup> While no legal records indicate a direct connection to the Huron Indian Cemetery, NAGPRA even helped mend the fractured relationship between the tribes of the old Wyandot Nation.

Under NAGPRA, bones uncovered in burial pits and displayed at the Royal Ontario Museum were returned to their rightful resting place and reburied by the three Wyandot(tte) tribes.<sup>208</sup> In a ceremony that brought together the Wyandots of Anderdon, the Wyandots of Kansas, the Wyandottes of Oklahoma, the tribes returned the bones of their ancestors to Huronia on August 29, 1999. As they honored the dead with a proper burial, the tribes ceremonially released the hurt and bad feelings they had toward one another, including tension between the Kansas and Oklahoma tribes regarding the Huron Indian Cemetery. The tribes remained on good terms until a new business proposal tempted the Oklahoma Wyandottes once more.

Although the cemetery seemed safe at last under the protection of the National Register of Historic Places and NAGPRA, Kansas Wyandots faced another legal battle over the cemetery in the late 1990s and early 2000s. Looking to gain financial

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<sup>206</sup> The Native American Graves Protection and Repatriation Act, November 16, 1990, 25 U.S.C. 3001, *reprinted in* Federal Historic Preservation Laws 63-74 (Blumenthal, 1993).

<sup>207</sup> "National NAGPRA," *National Park Service U.S. Department of the Interior*, <http://www.nps.gov/nagpra/FAQ/INDEX.HTM> (accessed March 1, 2016).

<sup>208</sup> While NAGPRA applies exclusively to the United States, Canadian policy has long supported the return of First Nations' remains and artifacts to its tribes.

independence for his tribe, Chief Leaford Bearskin of the Wyandotte Nation of Oklahoma pushed for the construction of a casino and a bingo hall on cemetery grounds. Bearskin claimed that it was in the tribe's best interest to build a casino, and their only option was to use cemetery land. Many politicians, such as Kansas Governor Sam Brownback and members of the Wyandot Nation of Kansas, fought against the plans. The case engendered a legal battle that lasted over a decade. Like Conley, her Wyandot relatives fought against the same unresolved issues presented by the Treaty of 1855.<sup>209</sup>

Despite the rebirth of the Wendat Confederacy in 1999, this controversy tested the new relationship between nations.<sup>210</sup> Though Bearskin made many attempts to occupy the cemetery, including the idea of using "air space" by building the casino on pillars above the graves, the casino was eventually sited just south of the cemetery in a former Scottish Rite Temple.<sup>211</sup> Holly Zane, an attorney for the Kansas Wyandots and a cousin of Lyda Conley, said in regards to the construction of the casino,

"Our top priority with the agreement was to prevent gambling on the cemetery site. We don't think the temple is the right place either. But we have shut off any possibility of gambling at the cemetery itself."<sup>212</sup>

The 7th Street Casino opened for business on January 10, 2008.<sup>213</sup>

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<sup>209</sup> Treaty with the Wyandots, Jan. 31, 1855, U.S.-Wyandot, 10 Stat 1159, *reprinted in* Indian Treaties, 1778-1883 (Charles J. Kappler ed., 1972).

<sup>210</sup> Seeman, 142-143.

<sup>211</sup> Bearskin reasoned that only a handful of graves would need to be exhumed, and moved to the local Quindaro Cemetery, if the casino hovered above the cemetery. This solution was not an acceptable compromise for either the U.S., the Kansas government, or the Kansas Wyandots.

<sup>212</sup> Carras, *supra* note 367, at 3 in John W. Ragsdal, "Sacred in the City: The Huron Indian Cemetery and the Preservation Laws," (August 20, 2015) [http://papers.ssrn.com/so13papers.cfm?abstract\\_id=2648526](http://papers.ssrn.com/so13papers.cfm?abstract_id=2648526) (accessed March 28, 2016), 73-74.

<sup>213</sup> Rick Alm, "Burial ground brings remarks," *The Kansas City Star*, September 23, 1997, B3, accessed March 10, 2016, Newspapers.com.

While the Huron Indian Cemetery stayed out of the headlines in recent years, other controversies arose surrounding the desecration of another Wyandot burial site. In 2015, a Huron-Wendat burial site in Allandale, Ontario was unearthed and disturbed by a GO Transit rail line. Despite several archeological reports, the Canadian government did not interfere and allowed the construction of the GO Transit on top of the site. Locals still call this area of Canada “Huronian” the original home of the tribes that became the Wyandot Nation. Given the long connection to the land and the uncovering of Wyandot bones, the Huron-Wendat First Nation Grand Chief, Konrad Sioui, is presently communicating with Canadian political officials to resolve the issue and protect his ancestors. According to an article posted on March 14, 2016, Sioui is now working with the mayor of Barrie, Jeff Lehman, to come up with a plan that preserves the remains. Much like Lyda Conley one hundred years prior, Sioui is determined to do whatever it takes to ensure that his people are respected, even in death.<sup>214</sup>

“We will continue to fight for the protection of our history and against the destruction of our heritage and ancestors . . . These are our ancestors and we will take all of the necessary measures to restore their dignity so that they may rest in peace. We have been faced with many situations where the remains of our ancestors have been unearthed, examined, studied, unilaterally appropriated or simply disposed of like garbage. As in all such cases, this situation is unacceptable to us.”<sup>215</sup>

Another Native American tribe faced similar issues in recent years. In March of 2016, Congress reached a verdict regarding a dispute between Arizona lawmakers and

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<sup>214</sup> Bob Bruton, “Mayor to meet with Grand Chief over Allandale site,” *Barrie Examiner*, March 14, 2016, accessed March 20, 2016, <http://www.thebarrieexaminer.com/2016/03/14/mayor-to-meet-with-grand-chief-over-allandale-site>.

<sup>215</sup> Konrad Sioui interviewed by Kenneth Jackson, “Huron-Wendat call for immediate investigation after APTN uncovers Ontario desecrated burial site in Barrie,” *APTN National News*, March 11, 2016, accessed March 20, 2016, <http://aptn.ca/news/2016/03/11/huron-wendat-call-for-immediate-investigation-after-aptn-uncovers-ontario-desecrated-burial-site-in-barrie/>.

the Apache Indians over sacred grounds. Arizona politicians wanted the lands, known as Oak Flat, for the potential economic gain through sale to Australian mining companies. In a situation eerily similar to that of the Huron Indian Cemetery, the grounds are already on the National Register of Historic Places despite Arizona lawmakers' insistence that the land is not worthy of this status. Protestors flooded the area, traditionally used for coming-of-age ceremonies, to show their support against the sale and the lawmakers' plan.<sup>216</sup> The Obama Administration and the Park Service ruled for the Apaches and upheld the land's protection of the National Register list.

These are only a few examples of the danger Indian lands and sacred places still face despite the creation of protection laws. There is still a political divide regarding the whereabouts of protection laws and Native American rights. The Huron Indian Cemetery was protected by law at least four separate times, beginning with the Treaty of 1842. Every time, these laws were either overlooked or voided specifically to obtain a mere two acres of land. Conley, a woman who studied and practiced law before she was allowed to vote, knew that the law was a relative term, upheld when it benefited those with the most influence, a circumstance that remains true to the present day.

It is impossible to predict the future of the Huron Indian Cemetery. On paper, the cemetery appears safe, though the dispute in the late 1990s hints otherwise. Every time it faced harm during its nearly one hundred and seventy years of existence, the cemetery's advocates prevailed. Like the Apache sacred grounds, the cemetery may become

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<sup>216</sup> María Inés Taracena, "Congressman Gosar Claims Oak Flat has never been a sacred site, wants to kick out Apache stronghold protesters," *The Tucson Weekly*, accessed March 18, 2016, <http://www.tucsonweekly.com>.

vulnerable once again if its status on the National Register of Historic Places is challenged and revoked. The Kansas City skyline, full of buildings and construction, looms over the quiet grounds despite the cemetery's raised elevation off Minnesota Avenue.<sup>217</sup> Undoubtedly, if the land was placed on the market today at a fair price, it would sell fairly quickly. However, its story demonstrates that the burial place still holds sentimental value, and the Kansas Wyandots will continue the fight.

Though the government has kept its promise of maintaining the cemetery, upkeep reflects current economic constraints. No matter how many headstones crumble or etchings fade away, the cemetery still stands as a quiet reminder of the difference one voice can make. Though Conley's contribution occurred during only a few years of the cemetery's long history, she was the fighter of her generation who refused to bow to society's expectations. Conley was a rebel with a great cause, determined to save her ancestors' remains and the history of her people. She prevented an atrocity from occurring through the disturbance of a burial ground. Though she is remembered as the first Native American woman to present a case to the Supreme Court, Conley's true occupation was as the cemetery's guardian.

Conley's name remains absent from textbooks, with few scholarly works available regarding her life and heroic efforts. A hidden treasure, she is now buried in the cemetery she protected all of her life. As one of the final remaining pieces of the Wyandot Village established in 1843, the cemetery stands as a symbol of perseverance.

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<sup>217</sup> "Huron Indian Cemetery," <http://www.travelks.com/listings/Huron-Indian-Cemetery/120/> (accessed April 20, 2016).

Despite tribal politics, and decades of legal battles that almost ended in disaster, the cemetery remains unscathed. Conley fought to preserve the cemetery out of respect and love for her ancestors. This unwavering respect for the dead is as old as the Wyandots themselves. With this bit of wisdom engraved on her original tombstone, “Though I am dead the sun will glow, the stream will flow, the grass will grow,” Conley inspires others to look beyond their own lifetime and preserve pieces of history for the future.<sup>218</sup>

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<sup>218</sup> English, “Huron Cemetery Chronology,” <http://www.wyandotte-nation.org/culture/history/general-history/huron-cemetery/>. It is unclear where this saying originated, given the lack of written recorders, but English claims it is ancient Indian philosophy. A variation of this saying was also on Lyda Conley's original headstone.

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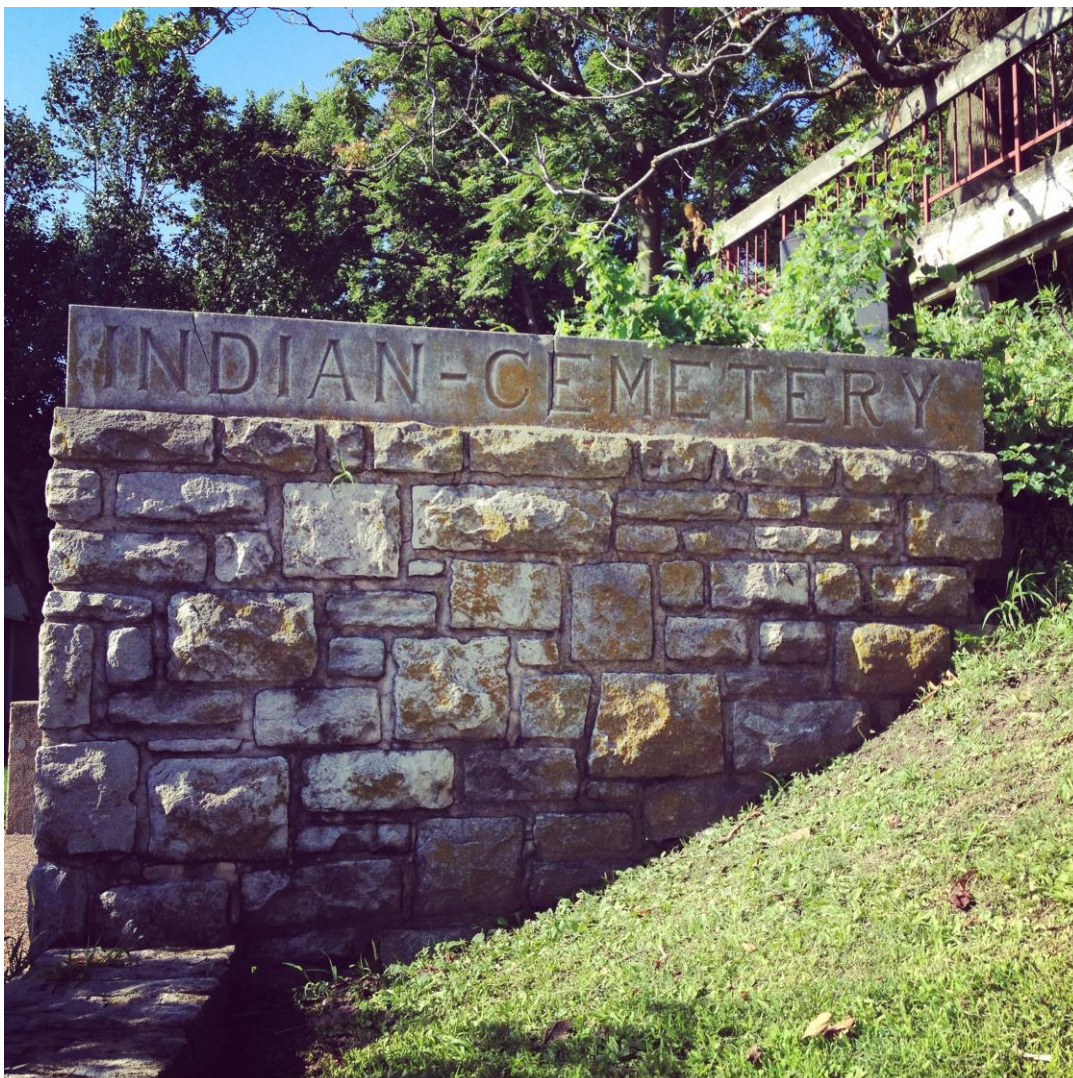
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## APPENDIX



Front entrance of the Huron Indian Cemetery along Minnesota Street  
in Kansas City, Kansas.<sup>219</sup>

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<sup>219</sup> Photo from the author's personal collection.



Eliza "Lyda" Burton Conley.<sup>220</sup>

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<sup>220</sup> Image courtesy of the Wyandotte County Historical Museum & Archives, Bonner Springs, Kansas.





Lyda Conley protesting the burial of a white man in the cemetery, 1922.<sup>221</sup>

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<sup>221</sup> Image courtesy of the Wyandotte County Historical Museum & Archives Bonner Springs, Kansas.



“Fort Conley,” first built by the Conley sisters in 1906.<sup>222</sup>

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<sup>222</sup> Image courtesy of the Wyandotte County Historical Museum & Archives, Bonner Springs, Kansas.





Lyda Conley's second tombstone. Her original was replaced to acknowledge her accomplishments as a female attorney.<sup>223</sup>

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<sup>223</sup> Photo from the author's personal collection.

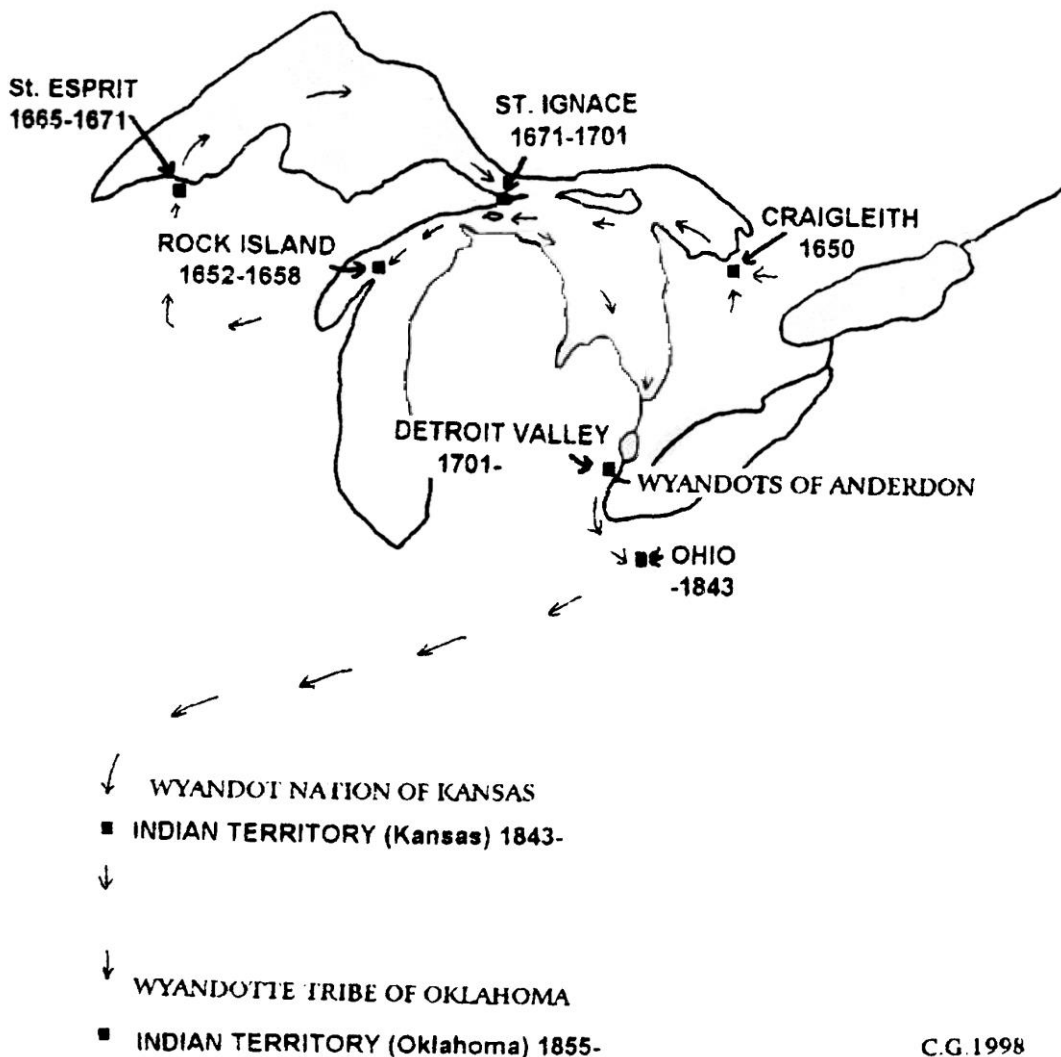


The Conley plot: (From left to right), Helena, Lyda, Andrew, Eliza, Sarah, and Ida.<sup>224</sup>

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<sup>224</sup> Photo from the author's personal collection.





Map of the Wyandots' journey from their original homeland in Ontario to Kansas and Oklahoma.<sup>225</sup>

<sup>225</sup> Charles Garrad, "Commemorating the 350th Anniversary," <http://www.wyandotte-nation.org/culture/petun-research-institute/commemorating-the-350th-anniversary/> (accessed April 10, 2016).