Book Review: John N. Mack, Bucking the Railroads on the Kansas Frontier: The Struggle Over Land Claims by Homesteading Civil War Veterans, 1867-1876

Sean M Kammer, University of South Dakota School of Law

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Bucking the Railroads on the Kansas Frontier: The Struggle Over Land Claims by Homesteading Civil War Veterans, 1867–1876

by John N. Mack

xi + 211 pages, illustrations, appendix, bibliography, index.

In 1876 settlers in the Osage Ceded Lands of southeast Kansas, many of them Union veterans, enjoyed what they saw as a second great victory against the forces of slavery and oppression. This one was won not on the battlefield but rather in the chamber of the Supreme Court of the United States, and their opponent was no longer the Confederacy but rather the railroads. John N. Mack offers a compelling narrative of the settlers' struggle to create lawful, ordered communities on the Kansas frontier, and their efforts to protect these communities, once established, from a number of internal and external threats, including the railroads. His central questions are why their battle against the railroads took place in the legal (as opposed to the extralegal) forum, and why the settlers were so driven, and so united, to take the powerful corporations all the way to the Supreme Court. These are two important questions, to be sure, but one question he does not ask is why the settlers were ultimately victorious.

Although divided into five chapters, Mack’s central argument has three essential parts. First, he links the unity among settlers to their common experiences during the Civil War, experiences that committed them to the protection of “freedom” and “liberty,” whatever the threat. This ideological harmony manifested itself not only in their initial allegiance to the Republican Party but also in their formation of extralegal “claim clubs” to protect one another in their not-yet-legal claims to land. Mack then traces the establishment of formal social, political, and legal institutions, and the emergence of a legal culture within the communities, all of which led one newspaper editor, as early as 1870, to term the administration of law and order “regular Kansas style” (p. 105). Finally, Mack demonstrates how the settlers’ shared ideological commitment to the protection of personal “freedom,” their social and political unity (an idea challenged by scholars in recent years), and their commitment to the rule of law provided them the motivation and tools to fight the railroads in court, when the railroads laid legal claim to lands that the settlers saw as rightfully theirs.

Mack relies heavily upon newspapers for his primary source material, in part because newspapers were in many cases the only sources available for answering the questions asked, but also because newspapers in fact served as the principal voices of their respective communities. Indeed, this book is a treasure trove of rich, insightful quotations, skillfully contextualized with insights drawn from social, political, and cultural histories. However, harvesting newspapers as historical sources, he also at times takes them at face-value, even when the material is self-serving or self-celebratory.

Ultimately, Mack falls short of showing how the settlers’ opposition to the railroads “changed the course of American history, [changed] the nature of western settlement, and laid the foundation for the evolution of political thought in Kansas and the American west” (p. 6). Such a claim seemingly depends upon the settlers’ victory having to some degree “settled the question of land ownership” (p. 160), at least as between homesteaders and railroads. This was not the case. The Supreme Court’s reasoning in Leavenworth, Lawrence, and Galveston Railroad Company v. United States (1876) was neither original nor dispositive of the great bulk of future land disputes between railroads and settlers. Still, the case was undoubtedly of vital importance to those directly involved with or impacted by it. This is only part of the reason that Bucking the Railroads should be read by any student of Kansas or western history. The main reason is simple: it is a fascinating story, told with a proper mix of analytical and narrative history. If not an essential read, it certainly is an enjoyable one.

Reviewed by Sean M. Kammer, assistant professor, University of South Dakota School of Law, Vermillion.