

# THE Kennedy Train

Our Company got contrary and some refused to stand guard." So recorded a member of John K. Kennedy's 1862 wagon train to Oregon and Washington Territory. Another diary entry by the same man: "Some of the company falling out with captain Kennedy...15 wagons seceded from his company."

Not only had John Knox Kennedy selected and recruited the members of his wagon train company, the nucleus from among his friends and neighbors of Mahaska and Wapello Counties, Iowa, those friends and neighbors had selected him as their captain. Even so, Kennedy learned the limits of command and authority over independent-minded, contrary 19th-century Americans. Bernard DeVoto, in his *Year of Decision: 1846*, expressed his view on this subject: "The captain's duties were large, but his authority was theoretical; everyone had the inalienable privilege of dissent and especially of criticism."

Taking command of a wagon train company on the overland trail posed an unusual set of challenges to anyone who attempted it. To do the job to the satisfaction of the heads of families in the company was almost impossible, even for an experienced leader. Kennedy was experienced and prepared, but the problems he encountered confirm the difficulty of wagon train command.

Born in 1811 in Greene County, Tennessee, John K. Kennedy was by 1845 a

widower with five children living in Morgan County, Illinois. In May 1847, with the Mexican War in progress, he left his four younger children with family members and enlisted in the army, taking his almost 16-year-old son James with him.

experience he would later need as trail boss, but young James was killed by Indians in October 1847. His son's death may have influenced Kennedy's later extreme emphasis on careful preparation for defense against Indian attack.

His army service earned Kennedy bounty land in Wapello County, Iowa, where in 1849 he married Sarah Stotts, a widow with three children. That same year Kennedy and two neighbors traveled the overland trail to California. After the gold rush Kennedy returned to adjacent Mahaska County. There he joined the Masonic Lodge, was county sheriff for two years, and served as captain in the Iowa militia. The 1860 census showed the value of his real property as \$4,200, indicating a sizable farm acreage.

Kennedy hit the trail again in 1859, this time over the Oregon Trail to Walla Walla County where he visited his cousin, Robert P. Kennedy. Returning again to Iowa, he finally decided to move west himself and began talking up the trip to his neighbors, persuading many to join him. Sarah Zaring Howard commented: "The cap-

tain had pictured to his people a pleasurable trip with camping, fishing, hunting, and traveling at leisure. However... each day brought more trials... we were somewhat like the Children of Israel wandering in the desert...."

At least five close neighbor families joined the Kennedy train: the Zarings, the Fileses, the Ellises, the Joseph Pauls



Private collection

## By Everell Cummins

Kennedy was assigned to a battalion of Missouri mounted volunteers, and young James was employed in a civilian capacity. Kennedy's battalion took on the job of establishing military posts on the overland trail, particularly Fort Kearny on the Platte River.

Kennedy served with the battalion as a first sergeant teamster, adding to the

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*Meeting the Challenge of Leading a Wagon Company  
on the Overland Trail*

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and the Thomas Pauls. Thomas Paul and Ellis E. Ellis agreed to go, even though both of their wives were six months pregnant at the start and would have to deliver on the journey. Elizabeth Paul died during childbirth on the trail.

Kennedy appeared to be the ideal captain. He was familiar with the route, of course. More importantly, Kennedy was seen as someone capable of maintaining control and getting them to Oregon safely. A journey across the plains in 1862 presented some unusual difficulties, some of which he was familiar with—e.g., the absence of an army presence over much of the territory due to the shift of manpower to Civil War battlefields back east. Many of the regular army cavalry soldiers had been replaced by inexperienced volunteers; long stretches had no army presence whatever.

In the early 1860s, Indians posed a much greater threat than they had years earlier when the first wagon trains came through. Some charged that the few soldiers stationed along the trail did more harm than good as troops eager for battle treated Indians so badly that even friendly Indians sought revenge.

**OPPOSITE PAGE:** John Knox Kennedy and his wife Sarah.

**BELOW:** Independence Rock, 1849, in Wyoming, where Kennedy organized his own militia as he neared the last cavalry detachments.

While a leader with a military and law enforcement background was ideal, Kennedy had some limitations—a contempt for Indians and a military approach to decision-making that complicated his relationships with the very independent family heads in his party. Looking at the events of what came to be a difficult crossing, we see that Kennedy had to make a number of critical decisions, each of which affected the outcome of the trip and invited criticism.

Kennedy left Fremont, Iowa, on April 24, 1862, with about 12 wagons. Several other emigrants had agreed to rendezvous at Glenwood, Iowa, near the popular Missouri River crossing point at Council Bluffs. For safety reasons Kennedy decided to wait there to recruit even more wagons. One 1845 trail veteran estimated a need for 10 to 15 wagons for safety, but by 1862 more were necessary. Kennedy wanted 50, and after a wait of nine days he had 52.

Kennedy started west from a campsite outside Omaha on May 22, 1862, and that same evening called the entire party together. Forty years later Robert Cummins, who had been a member of the company, remembered: "We organized, made our laws which we were to be governed by on our journey west. Officers elected were: John Kennedy, captain; Robert Cummins, judge; James Standfield, corporal and constable." James McClung recalled: "...organizing our selves in to a

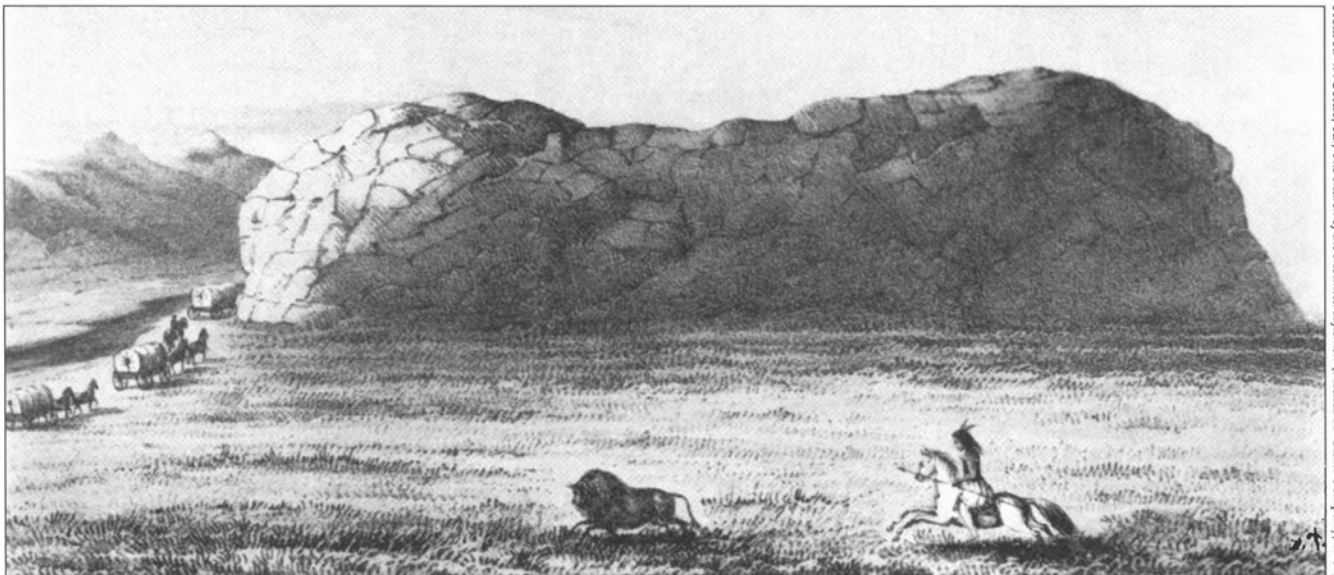
company. Our constitution and by laws was read and adopted." McClung listed Cummins as justice of the peace.

John Phillip Reid, in *Policing the Elephant*, wrote:

*During the early years of overland emigration, companies frequently wrote constitutions and bylaws.... The practice was largely discontinued after the 1850 emigration. By then most emigrants knew that few companies would remain united and rules could be made ad hoc to deal with problems as they arose.*

Kennedy, however, wanting to keep his train tightly controlled, extracted a commitment from the members that converted the company into something like a government body—a courthouse on wheels. Their vote to approve governing rules cemented a sense of obligation to the company as a whole, but in the end even that did not keep them together.

The diary of Hamilton Scott recorded his account of an attack drill: "We had an alarm in camp about eleven o'clock last night. The guards called three times, 'Who comes there?' This [was] followed by about 20 shots in succession, at the same time 'Indians, Indians, Indians! Help, help!' was shouted. The camp was in great confusion, women were greatly alarmed..." Scott, writing the next day,



From R. W. Settle, ed., *The March of the Mounted Rifemen* (Arthur H. Clark Company, 1940)

explained the incident as a white man trying to steal a horse. James McClung gave a similar account but had Indians trying to steal a horse.

Both were wrong. Alvin Zaring provided the true explanation many years later: "Captain Kennedy thought best as we were getting out among the Indians, to test the bravery of the men in the train. He fell upon the plan to have the guards raise an alarm that the Indians were coming and attacking the horse guards..."

Kennedy must have represented the drill as an actual attack since both diary entries made the following day support that impression. If Kennedy misrepresented the nature of the "attack," he violated an elementary rule of leadership—conduct sure to erode his effectiveness.

As the Kennedy train continued west it grew in size. A June 10 census counted 52 wagons and 222 men, women, and children. By July 5 the company had grown to 80 wagons. Kennedy's large train had attracted smaller parties to join.

On July 5, while the company was camped at Independence Rock, Kennedy organized a group of young, armed horsemen into something approaching a small cavalry troop. The fear of Indian attack had grown as the emigrants continued west. Young James McClung, in a diary entry on that day, noted that they had learned from a company of soldiers stationed on the trail that the Indians "was still robbing and committing depredations among the emigrants. So we formed ourselves into a military company called the Independent [*sic*] Braves to go in advance of the [train] so as to be ready for at any time we needed it."

At that point in the journey Kennedy's train was nearing the last presence of cavalry contingents for hundreds of miles. The mention of soldiers in any of the accounts was last made on July 10 in central Wyoming. Perhaps there were others, but none are mentioned until August 28 in south central Idaho where the Kennedy train was met by 300 soldiers from Fort Walla Walla.

Kennedy had organized the train into a quasi-governmental entity when he reached the zone where civil authority ended. Now, as he neared the no man's

land of military authority, he organized his own militia, and this action was even more timely than he realized. Two days after the Independent Braves were formed they were called into action.

On Sunday, July 6, 1862—the day the Kennedy train left Independence Rock—a man named R. Young (full name unknown) shot and killed his partner, George Scott, took over Scott's wagon, money, and other possessions, and continued west on the trail. Both were miners working in the Pike's Peak mining district of Colorado. They had heard about the discovery of gold in the Powder River area of Oregon and set out together for the new find, pooling their resources and acquiring the necessary provisions.

Sometime before they reached Independence Rock, Young and Scott had a major falling out and dissolved their partnership. They divided everything and continued on their separate ways. But Young believed that the other man had taken property that belonged to him. Particularly in question was the ownership of a team of horses. After brooding over the perceived injustice, Young decided to settle the matter himself.

James McClung describes Young's alleged action in his diary entry that day: "[Young] slipped up behind Scott, shot him in the back with a double barreled shot gun, killing him immediately. Then digging a hole, threw him in and drove on. When we came up, the grave had been opened by Pitman's train. The scene was a awful one. We dug the grave deeper and buried him in a respectable manner and drove several miles and camped on the Sweetwater. No grass."

Hamilton Scott's diary also records the murder: "Two men quarreled about a team, one shot the other, took his team and money. We traveled late, found no grass; cattle suffering for feed." The next day: "Started at sunrise, traveled four or five miles and found grass on river bottom. Several trains were camped here." The grassy spot on the Sweetwater was at Three Crossings, near what is now Jeffrey City, Wyoming.

The wagon trains camped there were small. When they realized the murderer was brazenly camped in their midst—now in possession of his victim's horses, wagon, property, and money—they declined to take action. The arrival of the Kennedy train changed everything. The "sheriff and the cavalry" had arrived. Kennedy had once been a sheriff. The Independent Braves, however, were no army cavalry—too green for that—but they were the closest thing to it. Kennedy seemed like the answer to the problem of the murderer in their midst.

Kennedy would have had sound reasons to avoid getting involved. Neither he nor anyone from his train had witnessed the murder. And there was the inherent difficulty of trial and punishment on the trail. Beyond the reach of courts, there was no way a standard, by-the-book trial could be held, even given the looser legal procedures of the time. The larger problem was punishment. Once a guilty verdict was reached there were only two options—execution or banishment. Prison was not an alternative, nor could a criminal be turned over to a higher authority. The army refused to take custody of civilian criminals, even when there were no civil authorities within hundreds of miles. They simply did not have that authority.

Without hesitation, however, Kennedy agreed to take on the problem. A number of members of the party left written recollections about the capture, trial, and punishment of Young for the murder of his former partner, but the two diary accounts by Hamilton Scott and James McClung are similar and perhaps more reliable than other, later recollections.

According to Scott, "Captain Kennedy...ordered out twenty men to surround and take him. With court organized and a jury of twelve men selected, he was given a fair trial and a twelve to one verdict, guilty of willful murder." McClung's account reads: "So Captain Kennedy called out the Independent Braves and took Mr. R. Young a Prisoner and give him a fare trile and was foun guilty..."

Later accounts include one from Robert Cummins: "We were called on to arrest a man on a charge of murder, for which he was given a trial, convicted, and

William H. Jackson painting of *Three Crossings, on the Sweetwater River in Wyoming, near the location of the capture and trial of R. Young.*

Courtesy National Park Service



executed." Mary Elizabeth Paul Maxon recalled "...coming on a man's body half buried in a rocky grave and the pursuit of the murderer and his trial by jury."

Martha McGuire Fitzsimmons recalled: "Some of the men in the party caught sight of a dead man half buried in the ground.... Murder was suspected.... A group went ahead and arrested the fellow and he was brought back, tried, and convicted." Even Christena Taylor Chambers, only five years old in 1862, claimed to remember the trial: "A jury of twelve men assembled.... Children clambered on logs and others drew near and listened.... The man had little to say for himself except that he didn't know there was any harm in killing a man on the plains." Young's brazen actions after the murder are consistent with Chambers' memory of his testimony.

The trial did not last long. Only four or five hours elapsed from the time Young was surrounded and captured by Kennedy's Independent Braves to the pronouncement of the jury's verdict. Scott wrote: "The prisoner kept under guard, we hitched up at two PM and drove eight miles. Grass and water good."

Accounts of the trial leave questions: How was the court organized? Who presided? How was the jury selected? Did Young have a defense counsel? Did Young testify for himself, as five-year-old Chris-

tena Chambers recalled? Perhaps Robert Cummins presided, but he later wrote about the incident without claiming that role. Perhaps Kennedy himself presided.

**W**e may look at Kennedy's decision to take responsibility for Young and ask, "What else could he have done?" However, that view would ignore how rare Kennedy's action was. In his article, "Pioneer Justice on the Overland Trail," in *Western Historical Quarterly* (October 1974), David J. Langum comments: "Well run pioneer trials are isolated instances...only in the relatively rare situation of deliberate murder did the pioneers ever unite in a calm manner to effectuate judicial deliberation and punishment." Langum reached that conclusion "on a reading of approximately 200 overland diaries and reminiscences."

The article names only five trials for murder on the plains that were "serious efforts at judicial action, in which calm deliberation was combined with real punishment...." Langum lists the five trail-side murder trials, four by name. The fifth is undoubtedly the trial of R. Young for the murder of George Scott, but he refers only to an "unnamed assailant of July 6, 1862," the date of the Scott murder.

Langum cites the diary of Randall A. Hewitt: "On July 24, 1862, Hewitt found

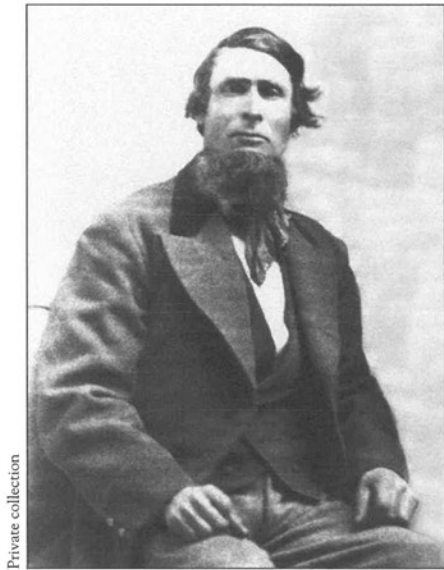
the grave of the murdered man. On the next day: 'Soon after noon we passed another new grave; it was the tomb of the murderer mentioned yesterday. A paper tacked to a headboard detailed the story of his pursuit, capture, trial, and death by shooting. He had been followed by men of his party, caught, a trial by jury summoned from among the emigrant trains and his guilt being established his condemnation and death followed promptly.'

By the date and location of the murder and the circumstances described, Langum concluded Young's trial was one of only five "serious efforts at judicial action."

From McClung's diary we gain his understanding of what Kennedy had in mind when, prisoner in tow, he got the train under way so quickly:

*We then traveled on, expecting to deliver him into the hands of the soldiers. So towards night we camped near a company of 6 Ohio cavalry. Captain Greg and several others from Laramie was present tonight but as they were not present at the trial said that they had no right to punish him but it was Kennedy's place.*

Kennedy probably knew the army would not take jurisdiction. He likely traveled to the army detachment to gain the support of the commanding officer for the execution. If that was his aim, he



Private collection

Robert Cummins, c. 1876.

more than succeeded. He not only had the captain's agreement that it was "Kennedy's place" to punish Young, Kennedy also persuaded the army officer to participate in the execution. McClung wrote: "He then put it to a voat what should be done with the prisnor and was carried by a large magority in favor of his deth."

Kennedy prepared for the execution, which was scheduled for eight in the morning, July 8. The Independent Braves were to be his firing squad. Kennedy had persuaded the army captain to take command of his 25 volunteers and escort the prisoner to the place of execution.

The youthful James S. McClung, who was himself a member of the Independent Braves, reported the execution in emotional detail:

*He picked the Spot him self on the bank of the little Sweetwater, where he was to be laid in the Mother earth. . . . Captain Greg took command and escorted the prisoner to the place of exicution, where captain Kennedy again took charge of the company. They giv him 15 minetz to talk, when the tears again fell like rein. . . weaping like a child, Kennedy giving the orders to fire, the prisoner fell ded in the presence of a thousand people. No one moved, but held their breath.*

In Hamilton Scott's July 8 diary entry: "When the signal was given they all fired,

the prisoner falling backwards and dying within one minute. . . . We immediately laid him in his grave without even a rough box. As soon as our work was completed, we moved on toward the setting sun."

For some, watching the execution as children created a vivid and emotional memory. When she was 92, Mary Elizabeth Paul Maxon remembered "the prisoner's cries all through the night." Martha McGuire Fitzsimmons remembered "seeing the poor fellow taken away." Christena Taylor Chambers at 93 said, "I can hear those guns yet."

The execution was Woodson Cummins's chief memory of his trip across the plains at age seven, and he retold the story to his grandchildren many times of peeking under the wagon cover to watch. Since other accounts place the execution a half-mile away from the wagons, we can question that part of his story.

**N**one of the accounts by members of Kennedy's wagon train criticized him for trying and executing Young, even though the action was completely extralegal. Still, Kennedy did not entirely escape criticism. Jane Gould, a member of another wagon train, pronounced a severe judgment on Kennedy. After encountering the Kennedy train 20 days later, Gould noted in her diary the difficulties Kennedy's party had experienced, such as cattle stampedes and deaths, then declared: "Some say it is a judgment on [Kennedy] and his train for meddling with and depriving a man of his life without the aid of the law."

If Gould disapproved of Kennedy's acting "without the aid of the law," Randall A. Hewitt, who passed the two graves, later held up Kennedy's actions as a model worthy of emulation: "He was caught, tried, and shot the next day. The tedious, tardy, and often doubtful manner of what is termed 'justice' in the States, has few admirers on the plains."

While Kennedy's actions certainly deprived Young of his life without the aid of the law, there was no law to aid Kennedy on the trail. Members of the Kennedy train had chosen to travel with a man ready and willing to take prompt, decisive

action. Moreover, their vote for execution made them all accomplices.

Nine days after the execution, Hamilton Scott reported a new crisis—crossing the flooded New Fork River: "The river was very high. . . . It seemed almost a miracle that we got safely across." Sarah Zaring Howard explained: "Everything had to be unloaded from the wagons and the [wagon] boxes made water tight. The wagons were taken to pieces and all loaded into the boxes. . . . We did not have a very good feeling until all were safely across on the opposite side of the river."

They did it in two days, and we might suppose that Kennedy would get some of the credit for managing such a difficult operation successfully. Instead, safely across the river, 15 wagons had had enough of Kennedy and set out on their own. According to McClung: "Some of the company [fell] out with Captain Kennedy as he was never satisfied and always finding fault in the company." What he said or did to cause 15 families to invoke the "inalienable privilege of dissent" we may never know.

More trouble lay ahead, including a stampede and more defections. The train was on the Lander cutoff, approaching the difficult ascent into the Salt River Range in Wyoming. Indians had been troublesome in this area, and the cavalry was far away. James McClung gives us his version of these tribulations:

*The cattle got scared. No one knows why they started to run. Some supposeing it was the dogs and was afraid they might scare them again. So the company held a election and passed a dog law that every dog in the train had to be killed in 30 minutes. This caused a good deal of hard feeling towards Captain Kennedy and several left the train on the account of it.*

In the 15 days after the stampede and dog law, the company experienced the death of Elizabeth Paul in childbirth; the departure of several more members, including Robert Cummins; and two more serious stampedes, one causing a woman's death. Then, on August 9, 1862, near American Falls on the Snake River, came the attacks they had feared and for which

Kennedy had made such careful preparations. Hamilton Scott recorded:

*When we stopped for dinner there was a man came riding back and told us the Indians were then robbing a train about four miles ahead and they wanted assistance . . . but before we got there, the Indians had driven the emigrants away and had taken all their stock and provisions, clothing and everything. . . . It was only a small train of eleven teams. There were not less than two hundred Indians that made the attack. There were only twenty-five men in the train and a few women. They killed one man . . . and one woman was shot in the neck. We took them in and hauled their wagons to a suitable camping place about four miles away. We will make arrangements to take them along with us. Here we found a horse train of about twelve wagons that was attacked about the same time that the other train was. Eight of their horses were stolen and two of their men killed.*

Jane Gould, whose train joined the encampment the following night, estimated 150 wagons plus the 34 of her train were camped together. The Kennedy train had given what aid and protection they could to the attacked trains. Now Kennedy had to decide whether to pursue the Indians and try to recover the livestock and stolen goods. The odds were not good with his small force and no army cavalry at hand. Yet, John D. Unruh, Jr., in *The Plains Across*, cites examples of emigrants helping “strangers search for stock which had been stolen by Indians . . . emigrant cooperation at its best, for such errands of mercy could be dangerous.”

Predictably, Kennedy did not hesitate to take his small force into a fight with the Indians. Both Hamilton Scott and McClung described the fight, McClung giving high tribute to Kennedy:

*Kennedy . . . proved himself worthy of the [emigrants'] gratitude . . . a desperate fight took place . . . when Kennedy had to retreat under a heavy cross fire he was severely wounded in the side. But being on horseback he still fought and gave orders. He lost 4 killed and 7 wounded.*

Hamilton Scott wrote that Kennedy's 35 armed men were nine miles from camp when a band of Indians came riding up raising a white flag: “One of the boys shot at them. The Indians immediately raised a war whoop and began circling our boys.”

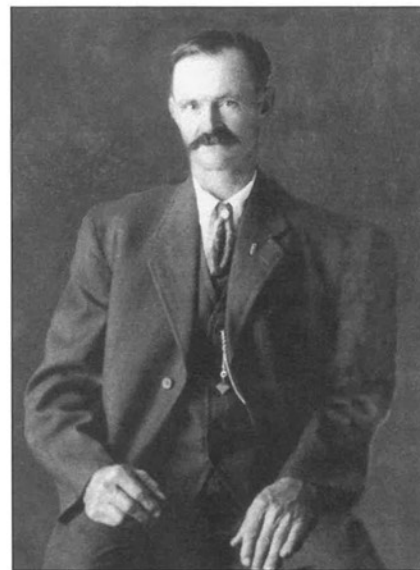
Kennedy's wound was serious, but after the last of the dead was buried on the morning of August 12, reported McClung, the wagon train set out on the trail again with “something over 200 wagons.”

Kennedy's mission to recover the stolen livestock and goods was a brave act, but his decision turned out to be a mistake. Perhaps even 35 experienced army cavalymen could not have succeeded, and the Independent Braves had neither the know-how nor the discipline to face a far larger force. Still, Kennedy's willingness to take on the job marks him as a man who deserves more than a footnote in the history of the Oregon Trail.

Two weeks later, still in hostile territory, McClung reports a mutiny of sorts: “Our company got contrary and Some refused to stand guard So the Officers all resined their offices. However the Company was called together by Buckskin Hall and Organized over again and elected the same officers we had before.” Still in dangerous country, the majority supported Kennedy and his tight discipline.

Three days later the dangerous part of the trip ended as the company met 300 soldiers from Fort Walla Walla. Two weeks later, on September 13, 1862, now in Oregon, 65 miles from the first settlement on the Powder River, Hamilton Scott reports that Kennedy had resigned, adding: “The company is well pleased that he did.” McClung also made clear he was glad to see him go: “[Kennedy] fell out with the company and we drove off, leaving him behind.”

A month later, from the safety of the Willamette Valley, James McClung excoriated Kennedy in most intemperate terms in a letter to his mother in Iowa. He called Kennedy one of the “meanest men unhung. . . . He was drunk the whole time could out Suare any man I ever saw and told more lies than any lier ever did.” No one else recorded the flaws McClung saw, nor did he mention these deficiencies in his diary. McClung's letter also advises his



Woodson Cummins, 1910, at age 55.

friends in Iowa to stay put until “the Indians is all killed and their wigwams scattered like Sheaps wool on a brush fence.”

We lack specifics to understand what Kennedy did to lose the confidence of his company and are left to presume that it was his demanding discipline and rigidity. The wagon train elected Kennedy for those very qualities, and the majority stood by him and sought the protection of his discipline throughout the most dangerous part of the trip. When the sense of risk subsided, they no longer needed him.

Still, in later years members of the company were proud of their association with the Kennedy train and identified themselves as members of the John K. Kennedy company. Some of their pride came from the selfless action he took going to the rescue of other wagon trains at high cost, something not many wagon train captains would have done.

After the trip Kennedy settled in Oregon's Grand Ronde Valley, but by 1864 he and his family were living in Walla Walla County. He moved to a farm near Dayton in 1872. After he died on June 25, 1889, Kennedy was buried at Waitsburg.

*Everell Cummins was born in Walla Walla near where his great-grandfather, Robert Cummins, settled in 1862. A retired Social Security administrator, he became interested in the Kennedy train as a result of research into his own family history.*

# COLUMBIA

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# COLUMBIA

THE MAGAZINE OF NORTHWEST HISTORY ■ SUMMER 2003

From the Editor 2

History Commentary 3

Opposite ends of the pole: two geographic histories of Washington's trees.

By Jana Dean

Shaken but Still Standing 6

Washington's Legislative Building has weathered three major earthquakes.

By Heather Lockman

Atoms for Peace 11

How WSU's Nuclear Radiation Center came into being and why it still exists.

By Darlene A. Croteau

1001 Curious Things 17

For over a century, Ye Old Curiosity Shop has offered visitors a glimpse of things rare, weird, and wonderful.

By Kate Duncan

Hunting for Empire 24

As hunters and "men of science," Lewis and Clark laid claim to America.

By Daniel Herman

History Album 31

Car camping—the great escape.

Boeing's Flying Boat 32

Tracing the fate of the B314, Pan Am's largest and last Clipper.

By Kenneth L. Calkins

From the Collection 37

Home on the range.

The Kennedy Train 38

The trials and tribulations of leading a wagon train over the Oregon Trail.

By Everell Cummins

Columbia Reviews 44

Correspondence & Additional Reading 46

To Our Members 47

FRONT COVER: In colonial America, to call a man "buckskins" was to call him an oaf; hence colonists wore their finest clothing when they sat for a portrait. This image, however, breaks with colonial tradition by depicting Meriwether Lewis in buckskins and wearing the ermine tippet given him by Shoshone chief Cameahwait, thus making Lewis into a white indigene. Charles Willson Peale created a wax likeness of Captain Lewis in similar attire for display in his American Museum in Philadelphia. Lewis, along with Daniel Boone, served as a prototype for the ubiquitous image of the hunter hero in 19th-century America. (Charles Balthazar Julien Févret de Saint-Mémin, "Captain Meriwether Lewis," 1807, watercolor over graphite, 6<sup>1</sup>/<sub>8</sub>"x3<sup>3</sup>/<sub>4</sub>", #1971.125, collection of The New York Historical Society.)