

# Favorite song originated in Smith County

The words to the song "Home on the Range" were from a poem by Dr. Brewster M. Higley written in Smith County in 1871. The poem was called "Oh give me a Home".

Dr. Higley took the poem to Gaylord and showed it to Dan Kelley. Kelley, a member of the Harlan Brother orchestra, had been a bugler in the Union army during the War and could compose music. On the way home he hummed while he thought of the words Dr. Higley had written. As soon as he got home he got a piece of wrapping paper and put down the notes.

The next evening, Kelley went to the home of Judge John and Sarah Harlan to see if their sons Cal and Gene, liked the tune. The song was first played that night with Gene and Dan playing violins and Cal plucking his guitar.

Judge Harlan said it should have some sort of a refrain. The three worked it out together, the words being slightly different than now.

Mrs. Harlan liked the song and

the tune and the refrain the boys had composed. Judge Harlan's granddaughter, Virgie, 9, caught up the song quickly and sang with the men as they played the new melody and sang the song. "Why don't we have a dance and surprise everybody? We'll sing this song for them," the child suggested.

The dance was held on a Friday night in April 1873, at the Harlan home. Young people from miles around came for the social event. Dancing stopped for refreshments at 11 p.m.. Afterwards Kelley began to play the music on his violin and he and Virgie sang the words. It was a hit from the start and it spread over the country as if magic.

In later years, a lawsuit was filed on the original writing and music of "Home on the Range". The sudden success of the song, which was being played on every radio station in the land, caused William and Mary Goodwin of Tempe, Ariz. to bring suit for infringement of copyright against many large publishing houses

in 1934. They asked \$5 million damages. They claimed that Goodwin had written the words of a song entitled "My Arizona Home" and Mrs. Goodwin the melody and that the copyright had been registered on Feb. 27, 1905.

Samuel Moanfeldt, a New York lawyer, was employed by the Music Publishers Protective Association to investigate. The lawyer received a letter from a woman, who said she had a scrapbook which showed that the song had appeared in Smith County in 1873.

Moanfeldt contacted L.T. "Trube" Reese of Smith Center, who told him that he had discovered the words on the piece of fool scrap paper in Dr. Higley's cabin back in 1873.

He then found Cal Harlan, who was 86, and asked him to sing the song. Although nearly blind, Mr. Harlan brought out his guitar and played and sang the song from memory. "He didn't miss a word," Mr. Moanfeldt reported and he sang it as it appeared in the scrapbook from the newspaper.

With the evidence, Moanfeldt returned to New York City in 1936 with the proof that the song originated in Smith County, that the words were written by Dr. Brewster M. Higley and that Dan Kelley supplied the music.

The Goodwins lost the suit.

In 1947 it was officially adopted as the Kansas state song. Here are the original words:

Oh, give me a home  
Where the buffalo roam

Where the deer and the antelope play,

Where seldom is heard a discouraging word,

And the sky is not cloudy all day.  
"Chorus"

A home, a home

Where the deer and the antelope play,  
Where never is heard a discouraging word  
And the sky is not cloudy all day.

Oh, give me land, the land where the bright diamond sand throws its light on the glittering stream

Where glideth along the graceful white swan like a maid in her heavenly dream.

Oh, give me the gale  
Of the Solomon vale  
Where the life stream of buoyancy flows

On the banks of the Beaver  
Where seldom, if ever  
Any poisonous herbage doth grow.  
I love the wild flowers

In this bright land of ours, I love, too, the wild curler's scream  
The bluffs and white rocks and antelope flocks,  
That graze on the mountain so green.

A home, a home  
Where the deer and the antelope play,

Where never is heard a discouraging word,

And the sky is not cloudy all day.  
How often at night

When the heavens were bright  
By the light of the twinkling stars,  
Have I stood here amazed

And asked as I gazed  
If their glory exceeds that of ours.  
The air is so clear,

The breeze so pure,  
The zephyr so balmy and light;  
I would not exchange My home here  
on range Forever in assure so bright.

A home, a home

Where the deer and the antelope play;

Where never is heard a discouraging word

And the sky is not cloudy all day.



Dan Kelley



Dr. Brewster Higley



**YOUNG AND OLD ALIKE** enjoy finding bargains at the many stands along the road during the annual Great U.S. Highway 36 Treasure Hunt. Whether your taste is dishes, old tools or toy trucks, your perfect purchase is probably somewhere along the route.

## Fourth treasure hunt will have fun, bargains

Yard sales come in all sizes and a big one is being planned along U.S. 36 this fall.

The fourth annual Great U.S. Highway 36 Treasure Hunt will give buyers and sellers a chance to get together from the Missouri state line to the Colorado border and beyond.

The event, basically a 400-plus-mile-long garage sale along U.S. 36, is planned for Friday through Sunday, Sept. 18-20.

Last year dozens of vendors lined up along the highway and many others had

signs on the road showing how to get to their homes or businesses.

Chambers of Commerce work with the U.S. 36 Association to get maps and signs out and many people and groups just set up along the highway with their own, homemade signs.

While the sale does not officially extend into Colorado several people in the Centennial State have said they would like to put up booths.

