

THE PROCESS OF CIVILIZATION ON THE KANSAS FRONTIER,
NEWTON, KANSAS, 1871--1873

by

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INTRODUCTION

"Wilderness," Roderick Nash suggests, "was the basic ingredient of American civilization." The idea of transplanting civilization to areas of thick forests and virgin soil thought to be inhabited only by beasts and barbarians gave a profound purpose and sense of mission to men leading the westward advance. Proud pioneers pointed to their rapid subjugation of the wilderness and saw progress. "What a people we are! What a country is this of ours," exclaimed Josiah Grinnell in 1845, "which but as yesterday was a wilderness." Settlers who toiled daily for personal survival were also engaged in the broader process of establishing organized society. In the words of a guidebook for settlers, pioneers conquered the wilderness "and made the chaos pregnant with order and civilization" ¹ The inexorable advance of civilization was a fact of American life that even romantics were compelled to admit. Natty Bumppo, James Fenimore Cooper's hero-scout, was forced to submit to the declaration that "Society cannot exist without wholesome restraints." ²

Anarchy and order, excessive liberty and law--in a very real way these forces waged a continual battle in the American West. Settlers could look to no binding national institutions to lend stability to life on the frontier. A national church, time-honored definitions of class, and a centralized bureaucratic government were not in the vanguard of western settlement. Still, pioneers carried within themselves notions of law, government, and social order which would mold life on the frontier. Faced by the disintegrating forces of frontier life--the absence of legal and

moral restraints--frontiersmen were called upon to establish bases for an orderly way of life. Out of chaos, they must produce order, out of liberty, the law.

Each frontier community engaged in essentially the same task. Wherever wilderness previously existed pioneers thrust civilization into the vacuum. The process of the development of an orderly life, however, varied at each location. Due to differences in the motives, types, and concentration of settlers, and their location and distance from traditional restraints, the process varied considerably. A group of settlers might found a community and establish "wholesome restraints" without difficulty. The transition from wilderness to civilization might appear to be smooth and unspectacular.

The process, on the hand, might be dramatic. In some western communities, the Kansas cattle towns, for example, the absence of restraints produced some spectacular results. An image--not entirely mythical--of violence, drunkenness, and debauchery is conjured up at the mention of Abilene, Wichita, and Dodge City. So, too, with Newton, temporarily a cattle town on the Atchison, Topeka and Santa Fe line. A glimpse of the first years of life in Newton vividly portrays the difficult task of establishing traditional ways of life on the Kansas frontier.

All previous accounts of Newton's encounter with the cattle trade have been sketchy and have focused solely on the sensational. One journalist recently called Newton "the toughest town on the plains," and wrote that for early residents "death by lead poisoning was never far away."³ Historians have done no better. Wayne Gard, Paul Wellman, and Floyd Streeter all treat Newton's cattle trade season as a bloody saga from beginning to end.⁴

Not only have treatments of Newton as a cattle town been superficial,

but descriptions of Newton's transition from cattle to agricultural center have been shallow. Authors have oversimplified the task and role of what Louis B. Wright would term Newton's "better element"--the culture bearers. One early resident described the establishment of traditional society in Newton as follows:

[Following the "big killing"] citizens organized and armed themselves. The worst characters were ordered out of town on penalty of being shot at sight if found there after twelve hours. They got out in less time, and that ended the history of Newton as a "bad town." Go out to Newton today, see its churches and schools, its theatres, its business blocks, its electric cars, its bank buildings, its parks, and you won't believe that forty years ago a man's life there was of less value than a glass of beer.⁵

The historian Floyd Streeter shows the same lack of comprehension of the complexities which early residents faced. Newton's "law-abiding citizens" faced a group of outlaws and trouble-makers during the cattle trade season. Finally, after several homicides, they formed a "law and order committee," and hired a marshal who simply "cleaned up the town."⁶ This analysis focuses upon those complexities which made the establishment of "wholesome restraints" difficult in Newton.

A word on methodology and rationale is in order. This is not a traditional narrative account of a town's early experience. It is a local history, but not one with an antiquarian stripe which compounds colorful tidbits and anecdotes in sentimental praise of local heroes or a community's "progress." Neither does it delve into how a particular broad national issue--racism, prohibition, or reconstruction, for example--operates within a specific local context. Instead this is an attempt to determine the influence of the frontier upon Newton as a social unit. In order to do so the totality of events included within the chronological scope of this study were considered relevant. Traditional sources such as newspapers, local histories, and reminiscences were utilized. They were, however, buttressed

by information found in the manuscript census returns, local tax and property rolls, and legal records. Only after a prolonged sifting and synthesis of information from all sources did insights begin to emerge.

The work and thoughts of two authors in particular form the methodological foundation for this study. Robert Dykstra's recent analysis of The Cattle Towns (New York, 1968) was singularly influential. Dykstra emphasized "decision-making" as the most significant aspect of local life and concluded that conflict, not unity of purpose, sparked the "urban impulse." Newton's cattle town experience was shorter-lived than that of Abilene, Ellsworth, Wichita, Dodge City, or Caldwell. After a single hectic season as a cattle town, Newton developed into an established agricultural community. As might be expected, in some ways Newton conformed to Dykstra's generalizations; in others--particularly concerning violence--it deviated. Nevertheless, Dykstra's model, the questions he asked, and the conclusions he drew provided valuable guidelines for a local study of Newton.

Also influential was Merle Curti's, The Making of An American Community (Stanford, California, 1959). A Turnerian, Curti examined the extent and development of democracy in Trempeleau County, Wisconsin. Curti's study differs from this analysis of Newton in several ways. He chose Trempeleau county because of its rural nature; no large commercial center upset the purely agricultural balance of the county. Curti also studied Trempeleau County over a period of several decades and was able to describe broad changes through time. Curti's use of evidence--especially the census returns--and his objective compilation of information, however, were helpful for this study. Specific issues studied by Curti--the development of local government, of educational and cultural opportunities, and of local leadership--also provided valuable insights for this

study of Newton.

This account is more confined in space and time than either Curti's or Dykstra's. Their influence, nevertheless, is overriding. The present study is an attempt to probe events in early Newton. It is a description of the first two years of a town's existence during which frontiersmen created organized society in the wilderness.

Notes ~ Introduction

1. Roderick Nash, Wilderness And The American Mind (New Haven: Yale University Press, 1967), p. vii, 42.
2. See James F. Cooper, The Pioneers (London: George Routledge and Sons, 1966), p. 382.
3. George D. Wolfe, "Trouble In Newton, Kansas--1871," The Westerner's Brand Book, New York Posse, XV, No. 1 (1957), p. 18.
4. See Wayne Gard, The Chisholm Trail (Norman, Oklahoma: University of Oklahoma Press, 1954), p. 157-160; Paul I. Wellman, The Trampling Herd (New York: Doubleday and Co., Inc., 1951), p. 180-190; Floyd Streeter, The Kaw, The Heart of A Nation (New York: Farrar and Rinehart, 1941), p. 149-160.
5. "When Newton Was An Open Town," The Santa Fe Employee's Magazine, no volume (March 1912), p. 92.
6. Streeter, The Kaw, p. 160.

BEGINNINGS OF CATTLE-TOWN NEWTON

In early summer of 1871 prospects in Kansas were good for a record-setting Texas cattle trade. Abilene, which enlarged its stockyards and loading chutes in the spring of that year, symbolized the success of Joseph McCoy's scheme to unite the Texas cattle driver and eastern buyer at a Kansas railroad town. Located along the Kansas Pacific right of way in Dickinson county, Abilene had been transformed from a sleepy cluster of mud and timber huts in 1867 to a busy market community. For three full cattle seasons Abilene monopolized the Chisholm Trail traffic, and in 1871 she looked forward to a lively trade. That summer more long-horns than ever were headed northward. Texas owners prepared to trail an estimated 700,000 head to Kansas. Suddenly in 1871, however, there appeared a rival cattle town on the Chisholm Trail. In mid-July the Atchison, Topeka and Santa Fe rails reached Newton, Kansas, and intercepted the north-bound stream of cattle. Situated south of Abilene, Newton shortened the "long drive" by sixty-five miles.¹

Before 1871 there had been few signs of Newton's eventual bustling commercial status. Until the late 1860's Harvey county had remained unsettled. The land sloped imperceptibly toward the center of the county where the main river system flowed southward. Twisting creek beds were laced with boxelder and green ash and were punctuated by an occasional towering cottonwood. Tall blue stem and clumps of shorter switch grass provided forage for wandering herds of buffalo in the western half of the county and for Texas steers driven up the Chisholm Trail.² Early settlement, which clung to the creek beds, was sporadic and scattered. (See the map of

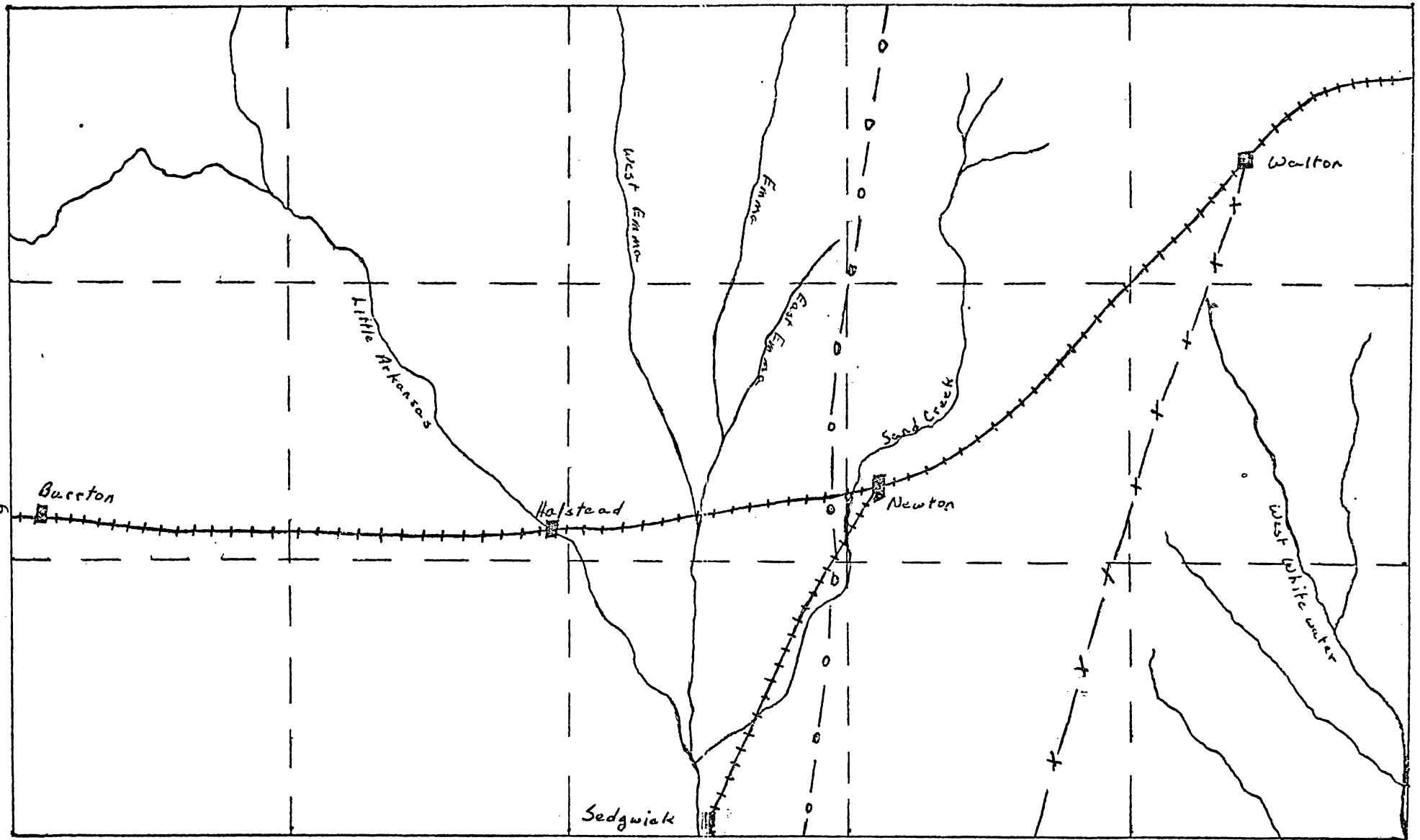
Harvey county on page 9).


The gently-rolling eastern townships were drained by the west branch of the Whitewater River whose fan of tributaries flowed southeastward and joined the Walnut River near Augusta. In June, 1869, Harvey county's first settler took a claim along the West Whitewater River in Richland Township. In July a Connecticut-born farmer settled nearby. The following March his brother-in-law joined him and together they began to raise blooded cattle and horses.³

The southeastward-flowing Little Arkansas River and its tributaries formed the chief drainage system in the county. In the early fall of 1869 a colony of ten Frenchmen settled along the banks of Turkey Creek in Alta township. The next summer, in adjacent Garden township, an Irish settlement appeared. The flat grassy land at the confluence of the three Emma creeks also attracted early settlement. There in the summer of 1869, four men established a cattle ranch where they, too, bred blooded stock.


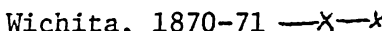

The Little Arkansas River, Emma Creek, and Sand Creek watered a fertile valley before flowing together near the southern edge of Harvey county. In the fall of 1869 a party of men took claims in Sedgwick township along the eastern bank of the confluence. Soon after, Dr. T. S. Floyd arrived, settled nearby, and established a tidy farm graced with orchards. Led by Dr. Floyd the men laid out the town of Sedgwick in late 1869. The following summer they formed a town company, with Floyd as president, and filed a plat with the Register of Deeds at Wichita.⁴ By the middle of 1870 only one-half of the townships in Harvey county showed settlement, and only at Sedgwick were there any signs of probable town growth.

It was no coincidence that most of the early settlers of Harvey county



North 

MAP OF HARVEY COUNTY

Legend: AT&SF Railroad 
 Proposed RR to Wichita, 1870-71 
 Chisholm Trail 

were attracted to the southern tier of townships. Wichita, an incorporated town of about three hundred persons, was located on the Chisholm Trail twenty miles south of Sedgwick. By the time Dr. Floyd filed the Sedgwick town plat, Wichita was an important link in the transportation and communication lines of south-central Kansas. Wagon roads connected Wichita with Augusta and El Dorado to the east, and with Emporia--the Santa Fe railhead in 1870--to the north. The Southern Kansas Stage Company stocked their road and stations in order to run a tri-weekly stage between Wichita and Augusta. It connected with stage lines running from Humboldt and Emporia to Eureka. In the spring of 1871, when the Santa Fe tracks reached Florence, the same stage company built stations in order to run a line of coaches directly to Wichita from the railhead. To the north a fine wagon road connected Wichita with Salina.⁵ Wichita had stage and wagon links, but more important, her energetic promoters agitated to attract a railroad.⁶

Texas cattle on the Chisholm Trail forded the Arkansas River just south of Wichita and passed by the town on the drive to Abilene. Wichita's promoters, however, were not blind to the benefits of snaring the cattle trade. A booster-editor in August, 1870, wrote: "The Texas cattle trail is now permanently located at this point and when railroads reach us, think, oh! wise men of the East, and study a way to this cattle Mecca!"⁷ Citizens hoped soon to attract a railroad. In the spring of 1870, Thomas J. Peter, general manager of the Atchison, Topeka and Santa Fe, passed through Wichita with a survey party, and he told local citizens that the railroad was considering building through Wichita on its way to the western border of Kansas. He also hinted that a "substantial subsidy" in the form of railroad bonds would help the Board of Directors make their final decision.⁸

In the late summer of 1870 the Wichita Vidette editors drenched their

readers with pro-railroad rhetoric. On August 25, Wichita's boosters were rewarded when the county voters offered \$200,000 to the first railroad to lay its tracks to Wichita. Soon Wichitans' hopes were reinforced by the news that the Santa Fe railroad had successfully negotiated for funds to lay forty miles of track in a southwesterly direction from Emporia.⁹ The Vidette editors were certain that their bonds would attract a railroad and that Wichita soon would become a thriving cattle market. "Sedgwick county has voted the sum of \$200,000 to the first railroad that strikes the Arkansas Valley at Wichita," they wrote. "That railroad, whatever its name, will secure that [cattle] traffic. Abilene will no longer exist as a cattle mart, and a source of wealth to the Kansas Pacific Railroad will pass into other hands."¹⁰

By February of 1871 Wichitans were confident that their bonds had been sufficient enticement. For a time the Santa Fe planned to build to Wichita in 1871.¹¹ The Santa Fe Company filed a map of the proposed route of their railroad from Emporia to Wichita with the Commissioner of the General Land Office at Washington, D. C. An informant who saw a copy of the map in the land office at Augusta assured Wichitans that the road would locate "at or near Wichita," cross the Little Arkansas, and follow the north bank of the Arkansas River westward.¹² "Now that the building of the AT&SF road to Wichita is a settled fact, property has taken a rise," a Wichita editor observed.¹³ Little did Wichitans realize that their fight to secure a railroad was far from over. The Santa Fe would not veer south from Walton in 1871. The railroad directors spurned Wichita's tantalizing bonds and surveyed the line west from Walton so that it ran twenty-five miles north of Wichita. Newton, not Wichita, would be the railhead cattle town in the summer of 1871.¹⁴

Initial plans to bypass Wichita already were taking shape in the late summer of 1870. On August 25, 1870, Judge R. W. P. Muse--a West Virginia-born lawyer and Topeka real estate agent--joined D. L. Lakin--land commissioner for the Santa Fe Railroad--and travelled to Emporia where they obtained a team and provisions. The next day, accompanied by an Emporia merchant and ex-Governor Samuel J. Crawford, who had promoted land sales in the Wichita area for the Santa Fe, they started westward to inspect part of the proposed northern route.¹⁵ Lakin had been authorized to select a point on the railroad line west of Cottonwood Falls "to locate an office for the sale of lands of the Railroad Company."¹⁶

On August 28, they rested their team along the east bank of shallow Sand Creek, seven miles west of Walton¹⁷ and twenty-five miles north of Wichita. Close to the tangled creek banks the ground was low and flood-prone, but the prairie rose steadily until one-quarter of a mile from the stream the land was high and flat. Lakin studied the area, approved of it, and decided to lay out a town site.¹⁸ That afternoon the four men staked out a one-half-section town site that straddled the proposed railroad line. As they measured the ground and pounded down their survey pins the only spectators to their labors might have been Texas steers and dusty cowboys, because the broad Chisholm Trail passed less than a mile and half west of what would be Newton.

For several months after the men returned to Emporia and Topeka the only heralds of a town were mounds of dirt and survey stakes. In February, 1871 three settlers finally located in Newton township;¹⁹ but by early April Newton still existed "only in name and, perhaps, the fertile imagination of its projectors."²⁰ With the spring thaw, tall blue stem again grew up around the stakes marking the town's streets and lots. By then, however,

it was certain that the Santa Fe would by-pass Wichita and follow the northern route. It had become known that Newton was to be the principal shipping point for Texas cattle that summer on the Santa Fe line. With warm weather shrewd businessmen were arriving quickly.²¹

Early in the morning of May 10, 1871, Muse returned to the townsite to build the railroad land office. "The grass was high, rank and green around us, and but little else to be seen," noted Muse when he arrived.²² But some changes were evident and a sudden transformation was imminent. Muse tethered his horse in the tall grass at the corner of Sixth and Main and strolled south past Peter Luhn's newly erected Pioneer Grocery Store to Davis and Steele's Bakery, one block north of the proposed railroad tracks. There Muse breakfasted and surveyed the activity at the townsite. Two other frame buildings were standing--a saloon and a blacksmith shop. In addition, several foundations had been dug and stacks of lumber, hauled thirty miles from the railhead town of Florence, marked Main Street business lots. A few days later S. J. Bentley unloaded lumber for his hotel, the Newton House, and Henry Bulmer began framing his National Hotel. "From this time on," Muse wrote, "persons arrived daily, until by June 1st, there were nearly 100 people living on the town site."²³ Business lots, allowed only to those who would build immediately, sold for one hundred dollars; residential lots sold for fifty.²⁴

During the next few months Newton boomed at a phenomenal pace. "The sound of the saw and hammer could be heard at all hours of the day and night, including Sundays."²⁵ By mid-June a daily stage travelled from Newton to Wichita, and Newton's inhabitants also carried on a lively trade with Florence.²⁶ Newton's growth impressed contemporaries. The wife of a pioneer lawyer wrote: "Newton sprung up like magic, from the prairie sod to a village

of 1000 or more inhabitants."²⁷ A Texan who trailed cattle that summer on the Chisholm Trail was astonished at the mushrooming town:

We crossed Bluff Creek into Kansas and passed Newton during the latter part of May. A blacksmith shop, a store, and about a dozen dwelling places made up this town at that time, but when we came back through the place on our return home thirty days later, it had grown to be quite a large town, due to the building of a railroad. It did not seem quite possible that a town could make such a quick growth in such short time, but Newton, Kansas, sprang up almost over night.²⁸

Anticipation of the railroad and the Texas cattle trade were the chief reasons for Newton's eruption. By the middle of August 1871, the town claimed one thousand residents and boasted two hundred buildings.

Some early settlers complained about Newton's lack of natural advantages. Fuel had to be hauled from the Little Arkansas River near Sedgwick or from the Whitewater in Richland township. Until the Pioneer Grocery was fully stocked Florence remained the nearest food supply.²⁹ But the Chisholm Trail and the prospect of the railroad insured for Newton "a rapid growth and lively times."³⁰ The Santa Fe intended to tap the cattle trade at Newton; "The road will be completed to Newton on the 17th [of July] I have no other advice than that we shall get our proportion of the cattle business," the railroad treasurer wrote.³¹ In the spring of 1871 railroad officials made arrangements with a Topeka cattleman to erect and operate "a good stock yard" at Newton. The cattleman in turn contracted with Joseph G. McCoy, who had conceived of the Kansas cattle town idea and was instrumental in Abilene's success. For a percentage of the railroad receipts from the Newton cattle trade, McCoy agreed to supervise the construction of the yards and to induce Texas drovers to stop their herds at the new cattle town. By early July Newton's stockyards and loading chutes were ready for use.³²

Newton's yards were located about a mile and a half southwest of the

townsite. They measured 300 by 450 feet and had a capacity of 4000 head. Near the stockyards a large cottage housed McCoy and provided temporary accommodations for cattlemen. In addition, there was a telegraph office connected with the station agent at the depot in Newton. The stockyards and cottage cost the railroad company nearly \$10,000 and were reputed to be the most complete and convenient of any in the state.³³ To attract cattle owners further, the Santa Fe withheld from the market its lands west of the Sixth Meridian so that they might be used as grazing grounds for the vast herds.³⁴ By the end of August an estimated 40,000 head foraged within ten miles of Newton.

In the early weeks of May the first herds of cattle passed by Newton on their way to Abilene. On May 11, a Wichita editor observed: "The first herd of about 500 passed through here a week ago last Sunday. The next 3250 passed through on Friday, and on Sunday 1600 head; Monday 1500, and Wednesday 500 head; making a total of 7350 up to this date."³⁵ McCoy was able to stop some herds near Newton, and a few cattlemen took their stock to Florence for shipment on the Santa Fe.³⁶ Nevertheless, until the railroad reached Newton, most cattle were driven to Abilene and the Kansas Pacific road.

In order to capture as large a portion of the cattle trade as possible, the Santa Fe raced construction to Newton. The weather proved to be the greatest hindrance as summer rains mired the grading operations and high winds twice flattened telegraph poles along the construction line. Finally, on June 23, the roadbed was graded into Newton. Tracklaying followed quickly, and on Monday, July 17, the first passenger train steamed into town. A passenger and mail train then made regular daily runs to Newton and a special stock train left the yards early each morning in order to make close connections with eastbound trains at Topeka.³⁷

After the completion of the railroad, "going to Newton" became a fad. Nine out of ten on Conductor James' sunrise passenger train out of Topeka were sightseers bound for Newton. Those on board passed through the rich Cottonwood Valley where cornfields and compact farmsteads bordered the railroad tracks. Only after the locomotive sped west of Peabody were there obvious signs of recent construction. Prairie grass, not yet burned off, sprang up between the ties, and scores of tents lined the roadbed where workers were busy surfacing the road. To some visitors, Newton was at first glance an "agreeable disappointment." Even though the stockyards were located some distance from town, heavy summer winds were a constant reminder that Newton's chief business was "trafficking with Texas cattle." Jerry-built shacks and businesses huddled along Newton's broad Main Street. Most of the buildings were yet unpainted, and the white pine glared in the sun.

Most of the new cattle town was squeezed into the three blocks north of the Santa Fe tracks where the town company sold a majority of lots to businessmen. The purchase of Main Street lots outnumbered residential ones two-to-one. Residential construction dotted the townsite on both sides of Main, but most dwellings were built within a block of Main Street. The heaviest concentration of residential housing focused three and one-half blocks northeast of the tracks. There especially families with children tried to escape the physical discomforts of locomotive whistles and Santa Fe smoke and the moral elasticity of Newton's rowdy night-life. Little construction occurred south of the Santa Fe right-of-way. Some lumber yards and freight docks crowded into the first block south of the tracks and a cluster of dance houses and brothels appeared near the southwest corner of the townsite. Newton presented a hastily-built but compact appearance.³⁸

Newton glared with freshness, but exuberance and bustling activity were just as strongly sensed by visitors and residents. A stagecoach awaited the

arrival of each train and, for a reasonable fare, whisked passengers to Wichita. Freighters forwarded goods to towns yet outside of the expanding network of steel rails. Newton's wide Main Street moved with life. Hundreds of mustangs waited patiently at hitching rails, while the middle of the street was a jumble of wagons and teams of all descriptions. "Herders," with their long hair, revolvers, gaudy shirts, and slouch hats, were everywhere visible. Farmers from the area shopped in Newton for supplies. New buildings were under construction; others received new additions. Less than a month after the rails reached Newton the town sported hotels, restaurants, dry goods' stores, four lumber yards, two drug stores, a hardware shop, several grocery and provisions stores, twenty-seven saloons, and eight gambling halls. What had been a combination of survey stakes and imagination in April, by mid-August was transformed into a bustling market community, an attractive location in which to spend and to make money.³⁹

FOOTNOTES FOR CHAPTER 2--
Beginnings of Cattle Town Newton

1. The most comprehensive works on the range cattle industry include: Ernest S. Osgood, The Day of the Cattleman (Minneapolis, 1929), Edward E. Dale, The Range Cattle Industry (Norman, Oklahoma, 1930), and Louis Pelzer, The Cattleman's Frontier (Glendale, California, 1936). The best account of life on the Chisholm Trail remains Wayne Gard's, The Chisholm Trail (Norman, Oklahoma, 1954). Two other indispensable sources for studying the cattle trade are Andy Adams, The Log of a Cowboy (1903), and Joseph G. McCoy, Historic Sketches of the Cattle Trade of the West and Southwest (1874). Robert R. Dykstra does a brilliant job of studying the Kansas cattle towns as social units in his recent book, The Cattle Towns (New York, 1968). Earlier attempts to deal with the Kansas cattle towns resulted in accounts which stressed violence and local color and little else. For examples, see Floyd B. Streeter, Prairie Trails and Cow Towns (Boston, 1936) and Harry Sinclair Drago, Wild, Woolly and Wicked: The History of the Kansas Cow Towns and the Texas Cattle Trade (New York, 1960).

2. See A. T. Andreas and William G. Cutler, History of the State of Kansas (Chicago, 1883), p. 772.

3. Genealogical Record of Early Settlers, Harvey County, located at the Newton Public Library, Newton, Kansas; Andreas and Cutler, History of Kansas, p. 771.

4. Andreas and Cutler, History of Kansas, p. 771; Wichita Vidette, Aug. 25, 1870; "Firsts in Harvey County," in Harvey County Scrapbook, located at the Bethel College Historical Library, North Newton, Kansas.

5. Wichita Vidette, Oct. 7, 1870, Feb. 2, 25, 1871.

6. See Dykstra, The Cattle Towns, pp. 41-55 for an examination of Wichita's efforts to attract a railroad.

7. Wichita Vidette, Aug. 13, 1870.

8. Dykstra, The Cattle Towns, p. 48.

9. Wichita Vidette, Aug. 25, Sept. 13, Oct. 13, 1870.

10. Ibid., Oct. 20, 1870.

11. Lawrence L. Waters, Steel Trails To Santa Fe (Lawrence, Kansas: Kansas Univ. Press, 1950), p. 47.

12. Wichita Vidette, Feb. 25, March 11, 1871.

13. Ibid., March 11, 1871.

14. The Santa Fe Company originally planned to build west from Wichita, "taking a short cut where the Arkansas River veered to the north." In early 1871, however, the Directors finally decided in favor of a northern route which followed the north bank of the Arkansas River without dipping south to Wichita. Waters explains, "Although the route was longer, construction was easier." Newton was on the northern route. See Waters, Steel Trails, p. 47.

15. For Governor Crawford's role in land sales and the formation of Wichita's Town Company, see Dykstra, The Cattle Towns, p. 43.

16. This account of the location of Newton is taken from R. W. P. Muse, "history of Harvey County," in J. P. Edwards, Historical Atlas of Harvey County, Kansas (Philadelphia, 1882), p. 7-10. A reprint of Muse's history appeared in the Arkansas Valley Democrat, June 1, 1883, see Harvey County Clippings, Vol. I, pp. 88-125, located at the Kansas State Historical Society Library, Topeka, Kansas. Probably some time before this episode the Santa Fe Company entertained thoughts of laying out a town to tap the cattle trade at the same location as their proposed land office on the northern route.

17. On Aug. 28, 1870, Muse recalled that they "passed over the ground now occupied by the town of Walton, at which point the line of the Railroad, as then surveyed, turned south-westward and ran to Wichita. It had, however, then been decided to continue the line westward, along the north side of the great Arkansas River." See Muse, "History of Harvey County," in Edwards, p. 7.

18. The role of the Santa Fe Railroad in Newton's conception is obvious. A Santa Fe land agent decided where to locate the town. The town was named after Newton, Massachusetts, home of several large stockholders in the railroad. Also, the first Newton Town Company, which filed a plat on August 19, 1871, was headed by Thomas J. Peter, general manager of the road. See Newton Kansan, 50th Anniversary, August 22, 1922, p. 34; Harvey County Clippings, Vol. I, p. 168.

19. Andreas and Cutler, History of Kansas, p. 771.

20. Harvey County Clippings, Vol. I, p. 68.

21. Ibid., p. 69.

22. Muse, "History of Harvey County," in Edwards, p. 9.

23. Ibid.; "Newton Firsts," in Harvey County Scrapbook; Andreas and Cutler, History of Kansas, p. 773; Harvey County Clippings, Vol. I, p. 68.

24. Topeka Daily Commonwealth, Aug. 15, 1871.

25. Floyd B. Streeter, The Kaw, The Heart of a Nation (New York, 1941), p. 149.

26. Topeka Daily Commonwealth, June 19, 1871.
27. Harvey County Clippings, Vol. I. p. 132.
28. J. Marvin Hunter, (ed.). The Trail Driver of Texas Vol. I, (n.p., n.d.), p. 369.
29. See John Johnston, "Highland Township," in Harvey County Scrapbook; Muse, "History of Harvey County," in Edwards, p. 9; Wichita Tribune, July 6, 1871.
30. Topeka Daily Commonwealth, June 30, 1871.
31. Atchison, Topeka and Santa Fe Treasurer's Letter Press Book, March 25, 1870--August 24, 1871. No. 938, July 11, 1871. On microfilm KSHS.
32. McCoy, Historic Sketches of the Cattle Trade, p. 228.
33. Topeka Daily Commonwealth, Aug. 15, 1871.
34. Emporia News, Sept. 1, 1871.
35. Wichita Tribune, May 11, 1871.
36. Ibid., July 6, 1871.
37. Topeka Daily Commonwealth, June 24, July 12, 13, 1871; Topeka Kansas State Record (Daily), July 12, 1871, (Weekly), July 26, 1871.
38. See Topeka Daily Commonwealth, Aug. 15, 1871; Emporia News, Sept. 1, 1871; Topeka Kansas State Record (Weekly) Aug. 2, 1871; Henry Mayer, "Early Day - Newton And Vicinity," in Harvey County Scrapbook.
39. See Topeka Daily Commonwealth, Aug. 15, 1871; Emporia News, Sept. 1, 1871; Topeka Kansas State Record (Weekly), Aug. 2, 1871; Streeter, The Kaw, p. 150.

MOBILE BUSINESSMEN AND A TRANSIENT MARKET

The business ethic pervaded nearly all of life in early Newton. In a cattle town large sums of money continuously changed hands, and the lure of profits attracted aggressive businessmen of all types. At cattle towns, "Entrepreneurship remained a general matrix to which virtually all other aspects of local life were fixed in one way or another."¹ Newton was no exception. In early April of 1871, when the town was no more than waving blue stem and squat tents, a newspaper reporter noted that "a number of shrewd businessmen were to be found almost daily looking the situation over, with a view to locating here temporarily, at least."² Mobile businessmen anticipated a season of large profits at Newton.

Cattle town merchants depended upon two pillars of the cattle trade economy. The Texas cattle drover and the northern railroad were essential to a Kansas cattle town. Joseph McCoy's plan for a cattle town, as he conceived of Abilene in 1867, was "to establish at some accessible point a depot or market to which a Texan drover could bring his stock unmolested, and there, failing to find a buyer, he could go upon the public highways to any market in the country he wished."³ The motives of the drover were simple. He might net an immense profit by driving longhorns, which glutted the Texas ranges, to a northern market town. In 1868, for example, M. A. Withers trailed six hundred head to Abilene. Valued at \$4500 in Texas, his herd brought \$16,800 at Abilene and showed a \$9000 profit over expenses.⁴ Not all drovers, of course, were so fortunate. Swollen streams, stampedes, rustlers, and Indians took a heavy toll from some herds. On the other hand, with luck during the drive and a friendly market when he sold his herd, the Texas

drover stood to make a substantial profit for his efforts.

Railroads were also vital to the Kansas cattle towns. The prospect of eastbound freight tied the railroads to the cattle trade.⁵ As the railroads pushed west they extended into areas of sparse population and low agricultural production. A train trip was often a one-way ride for passengers and freight. The cars that hauled building materials and settlers in order to construct and to populate new towns returned empty. Eager to reduce the imbalance between westbound and eastbound freight, railroad officials quickly recognized the benefits of the cattle trade, and they courted the cattleman. At Newton, as at other cattle towns, the railroad built and maintained an efficient stockyard and provided telegraph facilities to drovers. In return, the cattlemen supplied eastbound freight.

The difference was substantial between westbound and eastbound freight on the Santa Fe line during the summer of 1871. Table 1 lists the number of cars of non-company freight hauled by the Santa Fe in May, June, and July of 1871. In May a majority of freight cars rattled eastward empty. Probably all of the cars containing merchandise, lumber, flour, meal, and agricultural implements were westbound. Only hides, stock, some grain, and a few cars of Burlingame stone and coal could have provided eastbound freight for the railroad. Out of a total of 826 cars of freight hauled in the month of May, a minimum of 630 cars carried westbound freight.⁶ During June the same imbalance prevailed. Lumber shipments increased, "emigrants' outfits" added to the difference, and stone shipments fell off. An increase in stock and coal shipments perhaps worked to mitigate the imbalance, but the gap between westbound and eastbound freight remained.

TABLE 1⁷ --Number of Cars of Non-Company Freight Hauled by the Atchison, Topeka and Santa Fe Railroad, May, June, July 1871.

	May	June	July
Merchandise	257	239	146
Lumber	312	325	476
Salt	7	14	26
Flour and meal	23	10	77
Brick	1	1	2
*Grain	98	35	16
Stoves	1	1	1
Ag. Implements	33	99	49
*Coal	38	99	49
Furniture	4	3	1
Sand	9	13	29
*Hides	4	3	1
Stone	24	--	38
Lime	--	3½	5
*Stock	15	26	79
Emigrants' outfits	--	9	--
Total	826	776½	878

Asterisk denotes eastbound freight

The Santa Fe freight reports for July 1871, however, provide a clue to the railroad's efforts to solve the problem. Again there is a large difference between west and eastbound freight--the completion of the railroad to Newton served to send the lumber shipments soaring. But, where the railroad had shipped fifteen cars of stock in May and twenty-six in June, in July the total jumped to seventy-nine. When the tracks reached Newton the Santa Fe could look forward to some benefits of eastbound traffic.

Lack of records makes it impossible to determine exactly the number of cattle shipped from Newton during the 1871 season. Information in newspapers from towns along the Santa Fe line, however, provides monthly totals of cattle cars shipped by the railroad from July 1871 to January 1872.⁸ Table 2 suggests that the railroad tapped the Chisholm Trail traffic just before the peak of the trading season. In the months of August through

November, 1412 cars were shipped from Newton. This coincided with the usual peak of cattle trade activity.

TABLE 2⁹ --Number of Cattle Cars Shipped from Newton, July 1871--January 1872.

July	79
August	274
September	159
October	577
November	402
December	21
January	10
Total	<u>1522</u>

Drovers usually bought their herds in Texas for fifty per-cent down and signed a three-month note for the balance. Upon reaching the cattle town, they held their herds and waited for the highest eastern market price before selling. In August and September, however, many drovers ran out of time and were forced to sell. Others, more daring, borrowed money to pay off their notes and held their herds longer.¹⁰ With the threat of winter in October and November, most of the holdouts flooded the market with their cattle. Those drovers who still held their cattle made arrangements to winter their herds nearby and hoped for a friendlier market in the spring. The rise and fall in the number of cattle cars shipped from Newton reflects these fluctuations in cattle trade activity. By the end of September the Santa Fe had transported 12,000 head of cattle; more than 30,000 had travelled the rails by mid-winter.¹¹

Longhorns shipped east from Newton meant large revenues for the Santa Fe coffers. Again, however, the lack of records makes it impossible to determine precisely the amount of money in freight receipts that the railroad

realized from Newton's cattle trade. Figures for daily freight receipts at Newton are available only in an undifferentiated sum. It is impossible, for example, to determine what was paid on lumber and merchandise coming into Newton or on cattle leaving Newton. A comparison, however, with the freight receipts from Florence, another new and growing Santa Fe town, provides some idea of the importance to the railroad of the cattle in Newton. In Table 3 are listed the available monthly freight receipts from Newton and Florence for August 1871 to January 1872.

TABLE 3 ¹² --Atchison, Topeka and Santa Fe freight Receipts from Florence and Newton, August 1871-- January 1872.

	Newton	Florence	Grand Total (15 stations)
August	\$29,074.15	\$3713.29	\$-----
September	19,891.09	5770.95	45,332.87
October	16,719.27	9271.55	53,954.15
November	19,383.44	-----	-----
December	14,778.83	3808.70	35,688.65
January	10,429.53	2783.60	27,918.49

Fifteen stations along the Santa Fe line sent daily freight receipts to the Topeka office. Nearly one-half of the Santa Fe receipts came from Newton and Florence. Newton's extremely high freight totals for the months August to November, peak months in the cattle trade, suggest that duty on Texas cattle provided a sizable portion of the total Santa Fe freight receipts during those months.

Table 4 emphasizes the significance of the cattle trade. In March, 1872 the Wichita and Southwestern Railroad, a Santa Fe feeder which branched south from Newton, reached Wichita. The drop in Newton's freight receipts dramatically shows this shift in the cattle trade.

TABLE 4¹³ --Atchison, Topeka and Santa Fe
Freight Receipts from Newton and Wichita,
March--September 1872.

	Newton	Wichita
March	\$26,043.72	\$-----
April	25,041.85	-----
May	9,526.63	19,511.20
June	26,214.96	19,610.39
July	3,425.11	19,129.08
August	2,249.10	14,740.83
September	3,434.36	19,917.53

Only in June, 1872 did Newton's freight receipts exceed those of Wichita. The upsurge was probably due to final shipments of wintered stock in the Newton area. By July, 1872 the Texas cattle trade had clearly shifted to a new headquarters on the Santa Fe road. Newton's season as a cattle town was over.

The Texas drover and the railroad remained vital to the Kansas cattle towns. Without them there could have been no cattle trade as Abilene, Ellsworth, Newton, Wichita, and Dodge City knew it. The large profits made by the drover, however, usually found their way back to Texas for investment in land or larger herds. Railroad receipts daily were sent to the treasurer's office. The largest profits made at a cattle town did not line the pockets of cattle town residents. A variety of related business activity pumped the "life's blood of the cattle town's economic organism." "For most local businessmen, the principal attraction of the commerce in livestock was its need for associated goods and services." Merchants perceived the cattle town as a market for "everything from cabbages to dance hall queens."¹⁴ Cattle-town businessmen tempted the transient with an array of goods and services in an effort to attract his patronage.

Most of Newton's business activity fell into five major categories--groceries, housing, dry goods, entertainment, and the construction industry. A variety of businessmen catered directly to the transients; others would have been essential to the growth of any new town. All, nevertheless, were bound to the cattle-town boom in Newton in 1871. The town's prospect of intense, rapid growth afforded unique opportunities to those not directly involved in the cattle trade. Any number of enterprising businessmen could tap the mushrooming market at Newton. Their investments in the town varied considerably. Most, however, were there chiefly because of a profit motive. Men and women saw an opportunity to make money, and to make it quickly.

After a long siege with sourdough, navy plug, and alkali dust, cowboys craved fresh vegetables. Of all the goods sold to cattle town transients, groceries exceeded any other item in value.¹⁵ As herds approached town grocers sent runners to the cowboy camps to solicit orders from the cook. Drivers made large purchases. A party of herders out of provisions, for example, cleaned all the groceries out of the town of Raymond with a single purchase.¹⁶ At Wichita, in 1873, a grocer who supplied herder camps averaged sales of \$12,000 per month.¹⁷

Out of a known total of sixty-nine business and professional men in Newton, at least fifteen engaged in feeding transients and citizens for a price.¹⁸ Saloon and dance hall proprietors offered cheap or free meals in order to attract customers. Hotels and boardinghouses also supplied meals to patrons. Several restaurateurs located in Newton and offered a single line of services to customers.¹⁹ Four wholesale and retail, grocers, however, dominated the food trade. Each made a sizable investment in the new town.²⁰ At Newton in 1871 a merchant could buy a lot, erect a ram-

shackle saloon, and stock the bar for a minimum investment of about four hundred dollars.²¹ The large grocers, on the other hand, invested far more. David Hamill invested \$4100 in his imposing wholesale grocery and dry goods house. Peter Luhn's Pioneer Grocery required an investment of \$3400. The smallest wholesale grocery firm showed an investment of at least \$500, still a larger sum that was required of many merchants.²²

These large investors also received heavy returns. At the Red Front Grocery Texans purchased wagon-loads of vegetables, fruit, squawking chickens, and "et ceteras." In early August, before the peak of the cattle trade, these grocers averaged sales of \$300--\$700 daily.²³ Profits multiplied. One wholesaler sold out to his partner in November, 1971. For an initial investment of fifty dollars in early summer he received three hundred dollars. David Hamill's four-thousand-dollar investment more than doubled during the next three years.²⁴

Housing was another significant service offered by Newton businessmen. For a pittance cowboys could flop in saloons and dance houses, or they might choose a cheap boardinghouse. But drovers and some cowboys with money to spend preferred at least the semblance to luxury found in cattle town hotels. In Newton four hotelmen captured a major portion of the housing trade. The hotel owners made large investments. A boarding house proprietor invested four hundred dollars in a building, beds, and a small kitchen and opened for business, "but hotels required a much greater cash outlay. Newton's hotelmen invested from \$1325 to \$2150 in their businesses."²⁵ One proprietor lured patrons with the promise of livery services, another boasted the only carpeted rooms in town, and all maintained dining facilities.²⁶

Newton's hotels, well-filled throughout the peak of the cattle

trade, underscored the freshness of the town. They were hastily built and displayed none of the elegant features of the Drovers' Cottage at Abilene. "The present hotels are small, unfinished, illy-furnished and more poorly kept," complained one patron. "The prices, however, are first class, being three dollars per day." Joseph McCoy, who resided at the cottage built near the stockyards, declared that the lack of comfortable accommodations at Newton decided many drovers in favor of Abilene. A patron at one of Newton's hotels lamented the lack of clean sheets. "Grayback" was commonly contracted.²⁷ In their hurry to erect buildings before the cattle season started, Newton's hotelmen underestimated the volume of trade. Their rough, unpainted structures required sizable additions before the height of the transient trade in August and September.

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Dry goods merchants also made substantial contributions to Newton's economy. McCoy noted that after the herd was sold and delivered, a cowboy with two or three months' wages in his pockets was concerned about his appearance. A clothing store is "gone through," wrote McCoy, "and the cowboy emerges a new man, in outward appearance, everything being new, not excepting the hat and boots"²⁹ At least eight merchants in Newton competed for a portion of the dry goods market. Some sold a narrow line of products while others offered a complete and diversified stock. Their captial investment varied accordingly. One merchant, who specialized in fancy boots and shoes, opened for business after a seven-hundred-dollar investment. Owners of a saddle and harness shop promising "full rig Texas saddles, outfits and Spurs," made an \$1100 outlay. The largest dry goods store in town which stocked clothing, boots and shoes, caps and furs, dress goods, and bedding required the much heavier investment of \$4650.³⁰ The two largest grocery wholesalers in Newton also successfully combined

a complete dry goods line with their food products.³¹

What Dykstra terms the cattle town "entertainment industry" provided essential goods and services to transients and to many citizens. Contemporaries were unanimous in their descriptions of the cowboy's appetite for sin. McCoy observed that after he was newly attired, the cowboy sought "fun and frolic." "The bar-room, the theatre, the gambling room, the bawdy house, the dance house, each and all come for their full share of attention."³² An observer in Newton concurred, adding that the cowboy "is a character the like of which can be found no where else on earth." "They drink, swear and fight, and life with them is a round of boisterous gayety [sic.] and indulgence in sensual pleasure."³³

An estimated twenty-seven saloons provided the most obvious source of "indoor relaxation" in Newton.³⁴ Sightseers in Newton were appalled at the deluge of saloons where "drinkists" downed "pizen" within full view of passers-by. Colorfully christened the "O. K.," "Texas," "Lone Star," "Alamo," and "Side Track," Newton's saloons wooed transients.³⁵ Most visitors agreed that Newton suffered an overdose of bar-rooms. A correspondent fancifully strolled down Newton's Main Street and passed a

Store--saloon--harness shop--saloon--big saloon--alley--saloon--barber pole--saloon-- a shoe shop-- saloon--whisky shop--lager beer store--bakery--gin mill--saloon--drug store--saloon--free concert business--saloon--livery stable--beer hall--refreshment house--coffin store--lawyer shop--beer foundry--hotel with beer attachments--saloon etc.

"The above is as nearly correct as we can make it at present," he added, "but if we have omitted anything it is one or two saloons."³⁶ Another visitor in Newton who stopped to quench his thirst at one of the public wells heard a resident call to his companion: "That is the first man I have seen drinking water in this town." The water-biber believed it to be true, "when the number and liberality of patronage of saloons is observed,"³⁷

Investments in the saloon business were usually quite light. Whereas one needed thousands of dollars in order to erect a hotel or stock a large grocery or dry goods house, a saloon-keeper could begin business after a small outlay. One invested \$400; two others expended only \$525. For slightly over \$600 one proprietor added billiard tables to the usual liquid attractions in order to lure customers. The largest and most elaborate saloon in Newton cost its owners only \$1040.³⁸

Gamblers and prostitutes also separated the intemperate cowboy from his wages. "There is a mania for gambling in Newton," testified one correspondent. Professionals with a wide reputation were numerous enough to "well season the human pot pie" in town. The click of chips and the shrill cry of the dealers lured Texans to continuous games of monte or keno in Newton's gambling halls.³⁹ "Soiled doves" and "unfortunate girls" flocked to Newton. Occasionally painted women brazenly paraded up and down the town's sidewalks and solicited pedestrians.⁴⁰ Some prostitutes realized that Newton offered a clientele eager for their services and came voluntarily. Others, like Madame St. Justine and her two "nymphs" from Chicago, were forced to leave previous establishments before arriving at Newton. Most prostitutes worked in dance houses or saloons; some worked only in brothels.⁴¹

The most successful entertainment establishments combined all recreational alternatives under a single roof. Midway between Fifth and Sixth streets stood "Doc" Thayer's and William Pierce's Gold Rooms Saloon. It was a rough frame building whose timber-ribbed sloping roof evidenced hasty construction. Daylight glimmered through numerous cracks in the ceiling and the place had a "new, fresh, rough look, that well accords with the general appearance of the town." Near the entrance was a twenty-foot bar with storage barrels full of wines and liquors. Clusters of polished decanters and glasses lined the mantle behind the bar. Large baize-covered gaming

tables occupied one side of the room; scattered throughout were smaller tables for private games. A cowboy looking for a game of monte could sit in with "Three-Card Johnny" Gallagher, "Poney" Reid, or "Trick" Brown. Johnny always let a Texan win the first stake. "He is sure to come back at me again," he said, "and then I not only get his money, but his watch and revolver besides, if he has any." At the rear of the room was a raised platform with a piano and chairs for musicians who played for cowboys enjoying free lunches. Waitresses took orders, carried drinks, and doubled as prostitutes in some back rooms behind a curtain partition. During a busy evening the proprietors would sell over one hundred dollars worth of liquor and take an additional cut of profits from the gaming tables and back rooms.⁴²

Competition to entertain cowboys in Newton was keen. The southwest corner of the townsite, set off a short distance from the rest of town, was reserved for Newton's "red-light" district--aptly named Hide Park.⁴³ It consisted of five buildings--two large dance houses and three smaller barracks-like structures that served as brothels. Half-a-dozen girls worked in each dance house, and late into the night one could hear music and the "hippity-hoppity of the dancers." There was a bar in each which had to be patronized by the dancers after every dance. The girls drank twenty-five-cent-a-shot whisky with their male companions and the house realized two dollars per dance. The girls got drunk, swore, and made "exhibitions too indecent for description." "A staid man," mused one observer, "would think hell had broke loose assuredly, to witness one of these disgusting dances."⁴⁴ Gaming tables, for those not wishing to buy female company, ringed the dance floor.

The construction business boomed during Newton's early months. Building continued day and night, and an estimated two hundred structures were erected in the space of a few weeks. Newton's four lumber companies

provided a substantial part of the total investment in the town. The largest yard contained more than \$10,000 worth of goods and was built along its own railroad siding. Lumbermen tapped the construction market before the railroad reached Newton. In mid-June two Topeka lumbermen travelled to Chicago in order to purchase building materials for Newton. A Florence dealer freighted wagonloads of his stock to Newton weeks before the rails arrived. A Topeka hardware dealer, with a large stock of goods on hand, was an early arrival at the townsite, and early in the summer a firm of Topeka building contractors opened an office in town.⁴⁵

Aggressive mobility characterized Newton's businessmen. Most had previously engaged in their particular line of business before moving to the new Santa Fe cattle town. There were, however, some notable exceptions. A few individuals moved to Newton and established a new trade. David Hamill, for example, had earlier operated a freighting business in Leavenworth with his father and brother. He had also tried his hand at railroad construction on the Union Pacific line. In 1871 Hamill was an early arrival at the Newton townsite where he erected a large store and began a successful grocery and dry goods business.⁴⁶ J. B. Dickey also found a new activity in Newton. Born in Wisconsin, he had drifted from lumber mills to the California gold fields. When the Santa Fe reached Newton, Dickey was ranching along the Little Arkansas River west of town. In early winter of 1871 he fell ill with a fever and rode to Newton for some quinine. Dickey bickered with the druggist over the high price, insisted that he could sell drugs more cheaply, and leased the drugstore.⁴⁷ Annie Glinn came to Newton from St. Louis via Kansas City and hoped to work as a servant girl. Instead she ended up as a Hide Park dance hall girl and prostitute.⁴⁸ But Hamill, Dickey, and Annie were exceptions. As a general rule businessmen came to

Newton because they were experienced in a specific line of trade and attempted to exploit a new market in the process of rapid expansion.

Experienced merchants saw an opportunity for quick profits in Newton. The lumber trade was dominated by Charles F. Pierce, a well-entrenched Emporia businessman who sold throughout a seven-county area. A Topekan, A. F. Horner, operated a forwarding and commission business at Newton and had previously done so at Florence and Cottonwood Falls. Emporia grocers and a Topeka restaurateur conducted similar business activities in Newton. Kullak and Millis, an enterprising Topeka contracting firm, played an important role in construction at Newton. Kullak not only shipped his own lumber from Topeka, but he sent Topeka carpenters to Newton as well. The two furniture stores in Newton belonged to firms which had branch stores in Topeka, Florence, and Emporia. The proprietors of Newton's most successful saloon and dance house each previously had obtained experience in a similar line of business. Most of Newton's prostitutes did not learn the rudiments of their profession at Newton. A successful Newton hotelman and a dry goods merchant both had been well known at identical trades in Topeka. Newton's blacksmith had earlier been a blacksmith. The prospect of a mushrooming town and free-spending crowds of transients attracted clear-headed and experienced businessmen.⁴⁹

After establishing in Newton businessmen continued to display dynamic enterprise. Many came specifically to tap the cattle trade. The cattle town "entertainment industry" was prominent in Newton. More than twenty saloons, eight gambling halls, and two dance houses located in Newton to cater chiefly to cowboys. When the cattle trade bubble burst in 1872, most businessmen directly linked to entertainment left Newton. Already in October 1871, Wichitans noticed "a great many persons here from Newton."⁵⁰ In late June 1872 a Topeka newspaper reported that "Many of the saloons and

the greater portion of Hide Park are emigrating from Newton to other new towns along the road"51

A large part of Newton's business community was indeed on the move. The town's army of saloon-keepers dwindled to six in 1873. When the railroad reached Wichita in the spring of 1872, "Rowdy" Joe Lowe, a Newton dance house proprietor, loaded his building onto a flatcar and transported it to the new railhead. A co-owner of the Gold Rooms Saloon sold out and opened a "theatre comique" in Wichita. James Gregory, Newton's liquor wholesaler, followed the Santa Fe line to Granada, Colorado, where he opened another liquor business in that railhead town. A Newton hotel owner dismantled his building and hopped down the Santa Fe road to Granada. Some Hide Park brothel owners carefully tore down their buildings and shipped the material and inmates to Raymond in the summer of 1872. Thought one reporter, Newton was "sending her bummers to the front."⁵²

Individuals directly linked to the cattle trade were not the only ones to display aggressive mobility. J. B. Dickey, the druggist, and a pioneer Newton doctor opened drugstores in Hutchinson as soon as the rails arrived. Dickey later branched to Granada. A Newton dry goods and grocery merchant also erected a new store in Hutchinson. As soon as the Santa Fe pushed west to Great Bend, Newtonians were conspicuous among businessmen there. A Newton grocer opened a grocery store, a Newton lubmerman erected a hotel, and a Newton hardware dealer started a branch store in Great Bend. Newton's building contractors moved their Newton office to Wichita in 1872. A. F. Horner erected a warehouse in Hutchinson.⁵³

At least sixty-nine merchants located in Newton in 1871. After one year their number dropped by one-half.⁵⁴ The town's population plummeted from an estimated one thousand in 1871 to less than five hundred a year later. Some of the heaviest investors in Newton in 1871 were there only temporarily.

The market was transient and so were the businessmen. By the end of 1872, Newton's emigrants included three lumber dealers, a wholesale grocer, two furniture store owners, a hotelman, and the proprietor of the towns largest dry good store. When the rails pushed south and west, many saloon-keepers also departed.⁵⁵

Most people came to Newton in 1871 in order to make money. They saw an opportune, if fleeting, moment for quick profits. They built Newton instantly, and many as quickly left it. Those who remained would have to carry on the more demanding, undramatic, and subtle processes of townbuilding.

NOTES FOR CHAPTER 3--
MOBILE BUSINESSMEN AND A TRANSIENT MARKET

1. Dykstra, The Cattle Towns, p. 74.
2. Harvey County Clippings, Vol. I, p. 68.
3. McCoy, Historic Sketches of the Cattle Trade, p. 40
4. Dykstra, The Cattle Towns, p. 75.
5. Ibid., p. 79.

6. This figure is obtained by adding the totals for the following categories--merchandise, lumber, flour and meal, stoves, agricultural implements, and furniture. It is a minimum figure for westbound freight.

7. These figures are the freight totals for the entire Santa Fe line, which at that time ran from Topeka to Newton. The data for this table are taken from freight reports found in the Topeka Daily Commonwealth, July 20, Aug. 30, 1871.

8. Some newspapers, particularly the Topeka Daily Commonwealth, paid quite close attention to the cattle trade. The Daily Commonwealth consistently listed the number of cattle cars that passed through Topeka. Since Newton was the only cattle town on the Santa Fe line in 1871, one may safely assume that all cars listed loaded at Newton. Errors of omission, however, probably occurred, and the volume of Newton's cattle was larger than the figures indicate.

9. The figures for this table are taken from reports in the Topeka Daily Commonwealth, Aug. 30, Sept. 13, 14, 16, 20, 22, 23, 24, 26, 29, Oct. 4, 5, 6, 7, 8, 12, 14, 15, 17, 18, 19, 20, 21, 22, 25, 26, 29, 31, Nov. 1, 2, 3, 5, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 29, 30, Dec. 3, 5, 7, 8, 19, 21, 22, Jan. 4, 5, 10; Topeka Kansas State Record (Daily), July 21, Aug. 18, 19, 23, 25, 29, 30, Sept. 1, 2, 5, 7, 8, 23, Oct. 10, 11, 13, 14, 16.

10. Topeka Daily Commonwealth, Aug. 5, 1871.

11. Topeka Kansas State Record (Daily), Sept. 29, 1871. The figure of 30,000 was obtained by multiplying the number of cattle cars by an average of twenty cattle per car. See Dykstra, The Cattle Towns, p. 81. When cattle shipments resumed in spring, the figures recorded in the Daily Commonwealth were too spotty to be of any use.

12. Figures for this table are taken from the Atchison, Topeka and Santa Fe Assistant Treasurer's Receipt Book, 1871--1872, found in the Santa Fe Records Warehouse, Topeka, Kansas.

13. Ibid.
14. Dykstra, The Cattle Towns, p. 85-86.
15. Ibid., p. 87.
16. Topeka Daily Commonwealth, June 19, 1872.
17. Dykstra, The Cattle Towns, p. 88.

18. The figure of sixty-nine was obtained with the aid of the Harvey County Tax Roll, City of Newton, 1872. The individuals in town who bought and improved Main Street lots were assumed to be businessmen or professional men. Those known merchants who had property off of Main Street are included in the total. The figure of fifteen does not include the saloon-keepers. There is no accurate way of measuring which ones did and did not offer a solid as well as a liquid diet.

19. After Newton's dance houses were constructed they proved to be so popular that saloons and gambling halls had to offer free lunches and music in order to compete; see Topeka Daily Commonwealth, Aug. 15, 1871. Also see Topeka Daily Commonwealth, Nov. 2, 1871; Topeka Kansas State Record (Weekly), Sept. 6, 1871, (Daily), Sept. 4, 1871; Emporia News, July 21, 1871; and Henry Brunner to Harvey County Historical Society (n.d.), in Genealogical Record of Early Settlers, Harvey County.

20. In figuring the investment that each businessman made in Newton it was necessary to rely upon the assessed property values found in the county tax rolls and, whenever pertinent, in the 1875 Census for Harvey County. Admittedly this method has its drawbacks. The assessors were often poorly trained and errors were frequent. It should not be supposed that the assessed value of a piece of property always indicates its actual worth. Nevertheless, with the absence of any more accurate records the tax rolls were used. Hopefully the figures provide at least a partially correct picture of the relative worth of Newton's business establishments. For a discussion of the difficulties encountered in using tax rolls and census records for these purposes, see Merle Curti, The Making of An American Community (Stanford: Stanford Univ. Press, 1959), p. 455-456.

21. J. B. Cunningham built his saloon on Main Street for only \$400. See Tax Roll, Newton City, 1872.

22. The wholesale grocery establishments were capitalized as follows: D. Hamill and Co., \$4100; Luhn's Pioneer Grocery, \$3400; Joseph L. Mullen and Thomas Finan's Red Front Grocery, \$1550; L. S. Rowe and C. J. Blake's wholesale and retail firm, \$500. See Tax Roll, Newton City, 1872.

23. See Topeka Daily Commonwealth, Aug. 15, Nov. 2, 1871.

24. See Warranty Deed, Newton Town Co. To Rowe and Blake, Aug. 28, 1871, and Warranty Deed, C. J. Blake to L. S. Rowe, Nov. 20, 1871, located at the Harvey County Historical Society, Newton, Kansas. Hamill's store was initially worth \$4100. In 1875 the census taker assessed its worth at

\$10,000. See Tax Roll, Newton City, 1872 and 1875 Kansas Census, Harvey County.

25. H. L. Hart invested \$400 in his boardinghouse. Newton's hotels were capitalized as follows: John Winram's Winram House, \$1325; Henry Bulmer's National Hotel, \$1750; S. J. Bentley's Newton House, \$1973; Jacob Batdorf's American House, \$2150. See Tax Roll, Newton City, 1872.

26. Topeka Daily Commonwealth, Nov. 2, 1871; Wichita Tribune, July 27, Sept. 21, 1871; and Muse, "History of Harvey County," in Edwards, p. 9.

27. Topeka Daily Commonwealth, Aug. 15, Nov. 2, 1871.

28. On August 2, 1871, for example, Henry Bulmer bought \$466.00 worth of lumber in order to build a substantial addition to this National House. See Mechanic's Lien, Swayze and Edwards against H. Bulmer, Oct. 13, 1871, located at the Harvey County Hist. Soc. Dance house owners also built hastily and underestimated the volume of traffic. In mid-August G. E. Crum was making a large addition to his "Alamo." See Mechanic's Lien, C. F. Pierce against G. E. Crum, Oct. 28, 1871.

29. McCoy, Historic Sketches of the Cattle Trade, p. 138.

30. See the value of property for George Clapp, Foy and Arnold, F. Johnson and Son, D. A. Maxwell, Charles Hoff, David Hamill, and Peter Luhn in Tax Roll, Newton City, 1872.

31. Topeka Daily Commonwealth, Nov. 2, 1871.

32. McCoy, Historic Sketches of the Cattle Trade, p. 138.

33. Topeka Daily Commonwealth, Aug. 15, 1871.

34. Ibid. Awed visitors to cattle often exaggerated the number of saloons; see Dykstra, The Cattle Towns, p. 101. Correspondents were unanimous in describing the excess of saloons in Newton. If one takes into account the lack of a very diversified business district during Newton's first year, and the large number of businesses capitalized at the same amount that known saloons were worth, then the figure cited in the Daily Commonwealth appears to be nearly correct. See Tax Roll, Newton City, 1872.

35. Texas cowboys were usually a moody lot who distrusted northerners. Good rapport with transients was essential; it might determine the difference between success and failure for a businessman. At Abilene, for example, as well as at Newton, businessmen displayed this "entrepreneurial courtship." See Dykstra, The Cattle Towns, p. 87.

36. Ellsworth Reporter, May 16, 1872.

37. Emporia News, Sept. 1, 1871.

38. J. B. Cunningham began a saloon for \$400; William Mooney and W. J. Wheeler both spent \$525; Judd Calkin's billiard tables boosted the worth

of his Dexter Saloon to \$630. The Gold Rooms Saloon, Newton's most elaborate and notorious, was worth only \$1040. See Tax Roll, Newton City, 1872.

39. Topeka Daily Commonwealth, Aug. 15, Sept. 17, 1871.

40. Harvey County Clippings, Vol. I, p. 150, from Kansas City Star, Feb. 15, 1925.

41. Abilene Chronicle, Aug. 17, 1871; Topeka Daily Commonwealth, July 22, Aug. 20, Sept. 20, 1871; Topeka Kansas State Record (Daily), Sept. 18, 1871.

42. Topeka Daily Commonwealth, Aug. 15, Sept. 17, 1871. The Gold Rooms Saloon, while Newton's plushiest, was a crude building. Finally in April 1872 its proprietors decided to buy flooring and ceiling board for the saloon. See Mechanic's Lien, Frank Porter against Isaac Thayer, June 21, 1872.

43. Topeka Daily Commonwealth, Aug. 15, 1871.

44. Topeka Daily Commonwealth, June 20, 1871; Muse "History of Harvey County," in Edwards, p. 9; Topeka Kansas State Record (Weekly), August 2, 1871; Andreas History of Kansas, p. 773, 778; Tax Roll, Newton City, 1872, for C. F. Pierce, Frank Porter, Shellabarger and Leidligh, and W. C. Edwards.

45. Andreas, History of Kansas, p. 777.

46. Newton Kansan, 50th Anniversary Issue, August 22, 1922, p. 20
Also see Tax Roll, Newton City, 1872.

47. Topeka Daily Commonwealth, September 5, 1871.

48. Topeka Kansas State Record (Weekly), August 2, September 6; (Daily) September 4, 1871; Emporia News, July 21, 1871; Topeka, Daily Commonwealth, July 11, 22, August 20, September 17, 1871; Muse, "History of Harvey County," in Edwards, p. 9.

49. Wichita Tribune, October 26, 1871.

50. Topeka Daily Commonwealth, June 29, 1872.

51. For the licensing of saloons in Newton see City Council Minutes, A, City Clerk's office, Newton, Kansas, Apr. 28, May 5, 7, 13, 19, Aug. 4, 1873. Also see Topeka Daily Commonwealth, June 6, July 14, 1872; Newton Kansan, March 27, July 10, Aug. 7, 1873.

52. For the mobility of Newton's businessmen, see Topeka Daily Commonwealth, Jan. 23, May 16, July 5, 24, 27, 1872; Wichita Eagle, April 26, 1872; Newton Kansan, April 3, July 10, 1873; "A. F. Horner's Black Walnut House," Harvey County Scrapbook.

53. See Tax Roll, Newton City, 1872 and 1873.

54. Tax Roll, Newton City, 1873; Warranty Deed, Maggie and Noah Lofland to Joseph L. Mullen and Thomas Finan, Dec. 8., 1871.

NEWTON AND VIOLENCE: SALVAGING A REPUTATION

Legend has turned cattle towns into homicide mills. The figure of a Texan belted heavily with six-guns and spoiling for a fight is familiar to pulp fiction fans and television addicts. Historians have helped to perpetuate the myth. Ray Allen Billington writes that in cattle towns "mobs of mounted cowboys 'took over' by day, their six-shooters roaring while respectable citizens cowered behind locked doors."¹ Recently an author turned a statistical eye to the issue of cattle town violence and exploded the traditional myth. In his brilliant study of five major Kansas cattle towns, Robert Dykstra concluded that the "average number of homicides per cattle town trading season amounted to only 1.5 per year."² Before tradition is completely reversed, however, the case of Newton deserves attention. While Newton's rate of violence does not fit Billington's exaggerations, neither does it wholly correspond to Dykstra's revisions.

Newton's violent reputation was a contemporary product. "I have been in a good many towns but Newton is the fastest one I have ever seen," declared a freighter doing business in the town. "It is a common expression that they have a man every morning for breakfast."³ Precisely how many people were killed during Newton's season as a cattle town is impossible to determine. The town had no newspaper, and spotty reporting by correspondents may have left some homicides unrecorded. Contemporaries recited totals ranging from twelve to fifty, while the correct figure undoubtedly lay somewhere between.⁴

Residents and visitors to Newton during the cattle trading season sensed an undercurrent of potential violence. During peaks of cattle trade activity,

Main Street was often turned into "a racing lane for yelling cowboys and drunken fools." An early resident recalled nights "when the dance halls were flaming and the saloons frothed trouble, when it was best to keep your hand on your holster and your mouth shut, going down that avenue."⁵

A Texan who trailed a herd to the Santa Fe boom town in 1871 was appalled: "Newton was one of the worst towns I ever saw, every element of meanness on earth seemed to be there."⁶ Newspaper correspondents echoed their sentiments. Newton's cattle trade, one wrote, "while it brings much business and profits to the place, renders it at the same time one of the least desirable as a residence."⁷

Townsmen saw transients as the chief cause of violence. Herders crowded Newton's streets and businesses. One observer reported: "They are mostly composed of men who fight their way through the world, and carry the implements buckled by a strap around them."⁸ Brightly costumed in colorful shirts, new trousers, slouch hats, spurs, and revolvers, the cowboys thronged to Hide Park dance houses and the Gold Rooms Saloon. "They were a queer lot," thought one resident. "Some of them would get full [of liquor] and then a fight would be started and they would go to shooting and frequently some cowboy would be shot, killed, or wounded."⁹

After the monotony of the "long drive," cowboys frequently engaged in rowdy funmaking. In order to celebrate the Fourth of July a "party of Texas Rangers" visited Perry Tuttle's dance house. They evacuated the building, forced the dance hall girls to stretch full-length on the prairie, and then riddled the house with bullets.¹⁰ On another occasion a Texan rode his horse into Tuttle's house. When the rider tried it a second time, Tuttle appeared at the door and ended the spree when he "slung a bunch of fives" against the cowboy's "smeller."¹¹

Reckless fun, however, could easily spiral toward near tragedy. Bill Dow, a gambler and saloon keeper, stopped on a September evening for a watermelon snack and a chat with Lottie Foster, an "unfortunate girl." During the conversation, Dow's friend, "Little Mike," playfully began throwing watermelon rinds at Lottie. She seized a stick but was unable to catch the culprit. Lottie turned to Dow in anger and struck him in the face with a heavy key in her hand. Dow swore and threw her to the ground, whereupon Lottie rushed into the brothel, returned with a pistol, and fired three times at Dow. One bullet struck and severely injured Dow's thigh.¹²

In Newton most transients carried weapons and gunshot accidents were frequent. In July a man mounted his horse and discharged his pistol by accident. The ball passed almost entirely through a bystander.¹³ A saloon keeper mistakenly shot an unidentified man, and the bartender at the American House accidentally shot himself in the arm. Another man was showing some boys how to handle a revolver safely when the weapon discharged and the bullet struck his arm. Late in the trading season a Texan was injured at Perry Tuttle's dance house when a revolver fell to the floor and was fired by the concussion.¹⁴

Boisterous transients and an abundance of weapons were not the only reasons for violence in Newton. Faced with unruly cattle trade personnel, citizens found themselves unable to establish an effective police force. At other Kansas cattle towns, Wichita and Ellsworth, for example, anticipated acquisition of the cattle trade led to municipal incorporation.¹⁵ Cattle town businessmen feared rampant violence. Their investments in the cattle town business district were often substantial, and they feared riot and arson. To safeguard their investments businessmen sought restrictions on violence which would not hamper the cowboy as he spent his money. The earliest city council meetings in these cattle towns resulted in ordinances which curbed

violence and provided for the hiring of a police force. Following incorporation in Wichita, for example, the Board of Trustees met on July 25, 1870. Their first ordinance described penalties for assault and battery, and for discharging firearms within the city limits.¹⁶ Cattle town entrepreneurs reckoned with violence and tried, usually with success, to suppress it.

In Newton, however, such legal safeguards were impossible. A statute approved by the state legislature in March 1871 permitted incorporation during the first two months of the year. Newton could not meet the March 1 deadline. With neither a mayor and council to draft ordinances nor policemen and a judge to enforce regulations, Newton was governed by township constables and Justices of the Peace in the early months of the cattle trade. Cyrus S. Bowman, a pioneer lawyer, was elected Justice of the Peace in a township election on June 17.¹⁸ On September 2, 1871 Governor Harvey appointed George Halliday, formerly of Topeka, as another Justice of the Peace in Newton.¹⁹ Two township constables rounded out Newton's early law enforcement agency.²⁰ Without funds to provide for a large police force or municipal regulations curbing rowdyism, the constables' task was overwhelming. A correspondent wrote of the situation: "Here is a town of fifteen hundred inhabitants, among which are some of the most uncouth and reckless men in the world, who need the restraints of the law if any people ever need them, that have to rely upon township organization for its government."²¹

Reckless transients, an abundance of firearms, and weak law enforcement provided a backdrop for homicide in Newton. On June 16, a cowboy was shot to death in front of Gregory and Means' Liquor Store. During the next months several more deaths were recorded. A drifter was killed in the Parolor Saloon, and a youth died in a Hide Park dance house fight. Another man was killed when he was violently thrown from a wagon in a drunken brawl.²² In late October

James Beam, a traveler from Ohio, arrived in Newton. Beam wished to "see the sights" in a frontier town and strolled out of his hotel about midnight. With \$1500 in his pockets he walked into the Gold Rooms Saloon and was never seen again. Three shots and a cry of "Murder" were heard on the night Beam disappeared.²³

Several more deaths were recorded during the remainder of the cattle season. One evening at "Rowdy" Joe Lowe's dance house, a stranger made overtures toward "Rowdy" Kate. The next morning "Rowdy" Joe found the man and shot him to death.²⁴ Another bloody episode occurred in early March 1872. A desperado known as "Cherokee" Dan paraded Main Street, discharged his revolver at random, and proclaimed himself to be the "best man in the country." Dan strode into Harry Lovett's Side Track Saloon and proceeded to shoot out the mirrors and pictures behind the bar. Lovett drew a pistol from under the counter and shot him four times. "Cherokee" Dan died of his wounds two days later.²⁵

Newton's most sensational acts of violence, however, cannot be attributed only to lawless transients and lack of law enforcement. The most notorious episodes stemmed from the explosive tensions between transients and townsmen. While many cattle town merchants catered to the cowboy and thrived on his trade, other townspeople resented him.²⁶ Potential and actual violence posed a threat to the security of life in a cattle town. Confederate herders in a northern town tended to be clannish and were "easily roused to a kind of ethnocentric defensiveness."²⁷ Furthermore, Texans were at the mercy of exploitative cattle town merchants. Their only source of redress was the threat of arson and riot. In Newton the antagonism led to tragic results.

During the second week of August, "Captain" French, a Texas drover, had Mike McCluskie, a popular Santa Fe employee, arrested on charges of garroting.²⁸

McCluskie was tried before Cyrus Bowman, but French failed to prove the charges. On August 11, townsmen voted in a county railroad bond election. McCluskie and a Texan, William Bailey,²⁹ were appointed as special policemen to keep order at the polls. During the day Bailey became abusive and "domineering," and swore to disarm all the "short horns" in town. While at the polls McCluskie argued with Bailey over the matter of his arrest. That evening Bailey and several of his friends followed McCluskie into a saloon. Bailey was drunk and demanded that McCluskie set up drinks. McCluskie refused. Blows followed and Bailey ran from the building and crouched in the shadows across the street. When McCluskie appeared at the door of the saloon Bailey fired and missed. McCluskie was more accurate, and a few hours later the Texan was dead from his wounds.³⁰

The shooting aggravated tensions and set the stage for Newton's General Massacre. Because of Bailey's offensive character, the citizens spared him no sympathy. McCluskie escaped, and "no effort was made to apprehend him, nor is apprehension desired by the people," wrote a reporter. "The unanimous verdict is that [Bailey] was served right."³¹ Unanimity, however, did not include the Texans. Bailey was reputed to have murdered two men in a drunken brawl, but he was still popular among his fellows. Despite Bailey's faults, Texans rallied together after his death. They stood by one another "with a dogged obstinacy that might be called chivalrous, were it not so often exercised in a bad cause."³² To make matters worse McCluskie was added to Newton's regular police force. Bailey's friends swore revenge, and McCluskie thought it wise to leave town for a few days.³³

Hugh Anderson led the avenging Texans. He vowed to kill McCluskie and break up his crowd. During the week following Bailey's death, several "small difficulties occurred between the parties and their friends."³⁴ On

Saturday, August 19, McCluskie returned to Newton. Despite warnings that his life had been threatened he rashly walked to Hide Park and settled down to a card game in Perry Tuttle's dance house. Near midnight both dance halls began emptying and men walked in groups toward town. "There will be a fracas tonight, boys, and Mac is a dead man," said a heavily-bearded Texan to his companions. Another jerked his thumb toward Tuttle's and remarked, "Texas is on the rampage to-night in dead earnest, and before morning there will be lively music over yonder."³⁵

At one o'clock, Tuttle began shutting up for the night. Anderson and his friends closed on McCluskie. With his weapon drawn, Anderson strode over to the seated McCluskie and hissed, "You are a cowardly s-n of a b---h! I will blow the top of your head off." Instantly a ball crashed through McCluskie's neck. The victim lurched to his feet, and pressed his pistol against Anderson's breast. But the cap hung fire. Discharging his weapon, McCluskie fell to the floor. Anderson stood over the prostrate man and fired another bullet into his back. Suddenly, one of McCluskie's friends appeared at the dance house door and fired into the crowd of Texans clustered around the body. A total of eleven men were shot, six of whom died of their wounds.³⁶

The next morning Cyrus Bowman held a coroner's inquest into McCluskie's death. The six-man jury concluded that McCluskie died from Anderson's pistol shot, "and that the said shooting was done feloniously and with intent to kill McCluskie."³⁷ Soon after they adjourned, members of the jury received threats that if they did not leave town their bodies would be found "ornamenting neighboring telegarph [sic.] poles."³⁸ Excitement on Sunday was intense. A warrant for Anderson's arrest was filled out and handed to Marshal Harry Nevill.

The warrant, however, was never served. The critically-wounded Anderson and several other injured Texans were taken to the rear room of a provisions store where they were treated by a doctor. Assistant Marshal Tom Carson³⁹ and some special deputies, all heavily armed with revolvers and shotguns, paraded Main Street with the warrant for Anderson's arrest. They announced their intention to serve the warrant as soon as Anderson was well enough to be moved. The room where Anderson lay, however, was guarded by a well-armed posse of his friends who were "spoiling for a fight" with Carson. Three days later Anderson was gone. His friends had hidden him on a train bound for Kansas City.⁴⁰

Shocked by the Massacre a Topeka editor recommended that the Governor send a contingent of soldiers to Newton. Bolstered by militiamen, Newton's sagging law enforcement might then "offer protection to the people."⁴¹ The Massacre, however, prompted Newton's "short horns" and "long horns" momentarily to "bury all past difficulties and appoint a police force composed of Texas men and Newtonians." At a mass meeting of Texans and townsmen there was voiced a common determination to preserve peace and maintain order. Some notorious desperadoes departed for other haunts and five deputies were added to the police force. A petition was circulated which forbade the carrying of weapons in Newton. On August 25, Judge Muse led a meeting at which a mayor, councilmen, police judge, and "sheriffs" were nominated.⁴² The Massacre seemed to have healed divisiveness in Newton. But reconciliation was only surface-deep and short-lived.

The election to form a city government was held on August 26. Complete details of the election are not available. But from all indications the election did not foster unity. Two powerful factions developed in local politics. The nominations made on August 25 were obviously an attempt at reconciliation.

Fundamental differences of interest were to be found on that ticket. Nominated for mayor was R. M. Spivey, Judge Muse's partner at the Santa Fe land office. Jerry Johnson Barker, a lawyer who handled the legal affairs for the Santa Fe in Newton, was nominated for police judge. One of the nominees for sheriff was Tom Carson, who had aroused Texan antagonisms when he was earlier appointed Assistant Marshal. Of the five nominees for the city council one was a businessman who was not directly tied to the cattle trade. L. E. Steele was a partner in the town's only bakery. The other four nominees, however, directly offered goods and services to the cowboys. Two of them, E. Chamberlain and J. B. Cunningham, were saloon-keepers. James Gregory was a partner in the largest wholesale liquor establishment in Newton and Bill Dow was a saloon keeper and gambler. Their interests were far different than were Spivey's or Barker's.⁴³

The compromise ticket was doomed. The Gold Rooms, which was extremely influential because it had daily contact with nearly every make inhabitant in town, opposed the railroad interest. When the election was held on August 26, James Gregory had bolted the compromise ticket and headed a new ticket put up by the Gold Rooms group. Even though the "Spivey ticket" reportedly carried by a "strong majority," the new city officials had to contend with a powerful opposition representing those businessmen tied to the transient trade.⁴⁴ The unity of interest which seemed to characterize Texans and townspeople immediately after the Massacre showed signs of faltering at the polls. During the following month it disappeared altogether.

One month after the Massacre Newton was the scene of another homicide which was the result of underlying tensions. On September 23, Marshal C. B. King disarmed Thomas Edwards, a Texan, in "Rowdy" Joe's Hide Park dance house. King met with some resistance and Tom Carson stepped to his aid. After Edwards

turned over his pistol Carson walked back to town while King remained in Hide Park. Two hours later, while King was standing watch outside of the dance house door, Edwards approached him, thrust a Derringer against his breast, and fired. King staggered inside and fell dead. Edwards escaped. Again the town was "tremendous with excitement and indignation over it." A correspondent reported: "Thus does the red hand of the assassin continue to do its bloody work, for the taking of King's life is known to have been a premediated act,--plotted by others and accomplished by Edwards."⁴⁵

On November 9, 1871, Governor Harvey and a party of political friends made an inspection tour down the Santa Fe line. When they briefly stopped at Newton all appeared quiet and peaceful. But by nightfall, Newton was again the scene of a "bloody affray." About half past five o'clock, a night policeman, Charles Bowman, attempted to disarm some rowdy Texans who were firing their revolvers at random in front of the American House. While Bowman was making the arrests, Dan Hicks, a friend of the Texans, appeared and shot the officer through the hips. When Bowman fell to the ground another desperado, John Murray, shot him again. An off-duty policeman watched, but refused to aid Bowman. That night a mob of an estimated thirty "thieves and roughs of Newton" armed themselves and paraded the streets in defiance of civil authorities. Citizens telegraphed the county sheriff in Wichita who arrived the next morning with a posse of twenty-five men. Meanwhile Murray and Hicks had escaped to Kansas City. Eventually the pair was arrested and Hicks was taken to Wichita for trial. He was released for want of evidence. Bowman had been shot in full view of several bystanders, but no one would risk testifying against Hicks.⁴⁶

For a combination of reasons Newton's cattle season was unusually bloody. Newton experienced birth and growth pains common to other new communities.⁴⁷ Transients and inadequate law enforcement also helped create an atmosphere

within which assaults and homicides occurred with grim regularity. Chief among the reasons for Newton's violent record, however, was the fact that the town was economically knit to transients of the cattle trade. "Texas support is, and will be, the foundation of the prosperity of Newton," wrote a correspondent. "The cattle trade is the jugular vein of its business"48

Fear of alienating the drovers explains why transient violence never met with a concerted vigilante effort in Newton.⁴⁹ A freighter in Newton after the Massacre advised the people to form into "vigilant committees and rid the town of the rogues. But they were afraid to do that as the rogues, gamblers and lewed [sic.] men and women run the town."⁵⁰ With more bluntness than grace the freighter captured the spirit of the situation in Newton. Many townspeople not only were afraid of the Texan's penchant for rowdyism and violence, they could not afford strict law enforcement which would send the drovers seeking another market town.

For a short time the Massacre "revolutionized Newton." The town offered a "solid, unbroken front against turmoil and disturbance." Soon after that "first flush of excitement," however, several "influential cow drivers" who felt that the inhabitants of Newton "were inimical to their people and interests, declared their intention of moving their stock northward in the direction of Abilene." At that same time, the Gold Rooms' faction and James Gregory made a bid for the political control of Newton in order to assure the transients that they were indeed welcome. Even though Gregory failed at the polls in 1871 the faction's influence led to a breakdown of the "solid, unbroken front." An astute correspondent accurately observed: "It might be said that no amount of unnatural excitement can turn the cattle business away from Newton."⁵¹

The cattle trade and its accompanying violence helped mold a reputation for Newton which frustrated permanent residents, "Townbuilders" who established

frontier communities envisioned rapid growth for their towns. The small towns which charm the twentieth-century Kansas landscape were begun with ambitious hopes. Vigorous promoters at each budding community hoped for the elusive prize of urban status. During the crucial formative years of a town's existence perceptive boosters realized that their opportunities to attract capital, population, and transportation facilities were at a premium. Town-builders agitated vigorously, for individual endeavour was of real importance during the early critical years.

Cattle towns held several advantages over most rival towns. They were active market communities. Cattle towns possessed transportation facilities and attracted persons with large amounts of capital. The town's economy rested upon commerce which stimulated the "urban impulse" more than did local agriculture.⁵² In their attempts to attract large numbers of settlers, however, cattle town boosters faced an acute problem. The image of the town that was projected to the prospective resident was significant. A reputation for violence might turn away a potential investor with a wife and several children.

Cattle town editors emphasized the importance of an attractive reputation. Anticipating Wichita's first season as a cattle town, for example, a local editor wrote:

During the coming season, Wichita desires law and order, with their consequent peace and security, and not bloodshed and a name that will cause a thrill of horror whenever mentioned and which will effectually deter the most desirable class of people from coming among us. Right speedily will the latter follow if the former are not maintained.⁵³

During Caldwell's period as a cattle town, an editor also urged strict law enforcement. If the lawless "element" should "get the upper hand," he warned, "then we may be certain that business men, men with capital and men having families, whom they love and respect, will steer clear of this place, and go

to other localities, where law and order is the watchword of the day." He added that "Nothing would more surely kill the rapid growth, the substantial growth of our city."⁵⁴

Newton's editor in 1872, Henry C. Ashbaugh, also stressed the importance of the town's reputation.⁵⁵ The cultivation of a favorable image was instrumental in attracting settlers and trade, and the editor quickly censured any acts damaging to that image. Late in the winter of 1872, for example, a young man from McPherson county came to Newton to buy supplies. When his horse bolted and accidentally broke a plank in front of the mayor's store, the youth was promptly arrested and fined in Newton's police court. "It is more than probable that the man will hereafter do his trading elsewhere," wrote Ashbaugh. "We can hardly believe that our mayor and council realize what they are doing and how they are cutting the throat of our town by such proceedings."⁵⁶ During Newton's cattle season, however, the town acquired an unsavory reputation which hurt booster efforts. "The name of Newton was known hundreds and thousands of miles in all directions, as the wickedest town in Kansas," wrote Ashbaugh, "and people already west and other good and respectable ones seeking new homes, new luxuries and new associations, passed by hardly daring to take a glimpse of the place."⁵⁷

When the Santa Fe rails reached Newton in July 1871, the town became both a principal shipping point for Texas cattle and a lively tourist attraction. Journalists who quickly promoted news about life in the newest Santa Fe town blended fact and fiction in their stories. Truth and fancy forged an image of Newton that the town's promoters deplored. "To see roughness, chaotic society and original sin," wrote a Daily Commonwealth correspondent, "one wants to visit a town on the plains at the temporary terminus of a railroad, such as is Newton"⁵⁸ Loosing an active imagination another reporter wrote:

How shall we describe Newton, the youngest daughter of the A. T. and S. Fe railroad? Plain unfigurative English fails. We therefore have to resort to comparison. Take the Pennsylvania oil cities and multiply them by twenty California mining gambling establishments, and throw in an indefinite number of New York dance houses, and you have the faint outlines of this place in a moral point of view.⁵⁹

Only days after the railroad reached Newton a Leavenworth newspaper warned its readers that there "is more gambling, drinking, and general ruffianism than was ever seen at the periodical towns on the Kansas Pacific Railway."⁶⁰ When Newton's cattle season was scarcely a month old, her reputation already had spread westward. After hearing tales of debauchery, drunkenness, and homicide in Newton a self-righteous citizen in Fort Zarah thought: "To Newton might be applied (if we are to believe not more than half we hear) the name of 'Hell upon Earth,' with all its horrors."⁶¹ In mid-August a correspondent, displaying more reserve than most of his colleagues, observed that Newton "is a novel and interesting place now to visit, and the moralist and philanthropist can there find food for thought and study which can be found no where else."⁶² One writer was more blunt. "Here you may see young girls not over sixteen," he said, "drinking whisky, smoking cigars, cursing and swearing until one almost loses [sic.] the respect they [sic.] should have for the weaker sex, I heard one of their townsmen say that he didn't believe there were a dozen virtuous women in town"⁶³

The Massacre sealed Newton's violent reputation. Earlier reports were chiefly concerned with excessive drinking, "orginal sin," and "general ruffianism" in Newton. After the Massacre, however, state newspapers made Newton synonymous with gunplay and homicide. Initial accounts of the Hide Park slayings were nothing short of sensational. The Daily Commonwealth began:

NEWTON
More Wholesale Butchery,
Three Men Killed,
Several Wounded,

While at Newton, a few days ago, we were informed that inas-
 much as a man had been killed on the morning of the day of our
 arrival, a week would probably elapse ere another killing scrape
 would occur; that usually after a killing in that town no events
 of any amount, saving an occasional head breaking or an unimportant
 stabbing affray, occurred for a week or so.⁶⁴

Not to be outdone, the Emporia News carried an equally sensational account
 of the Massacre headlined:

Wholesale Murder At Newton
 Five Men Killed and Six Wounded.
 The Jury Ordered to Leave.
 The "Leading Man" Not Arrested.⁶⁵

After the Massacre journalists exploited the topic of violence in
 Newton. Readers expected slayings in that "hole of iniquity." Even when
 no shootings occurred, newspapermen exploited the issue. "No effusions of
 blood at Newton up to twelve o'clock to-day," noted the Kansas State Record
 a week after the Massacre.⁶⁶ In October a reporter on his way to Wichita
 stopped at Newton. "Not a single body for the improvised cemetery here for
 the last five days." he wrote. "And from this fact we presume that Newton
 is becoming a moral town."⁶⁷ In mid-winter the Emporia News reminded its
 readers: "Newton is reported dull, only one man having been shot in the last
 two weeks."⁶⁸

As the shock generated by the Massacre subsided, horror gave way to
 amusement. "If any of our citizens desire a quick exit from this sphere,"
 wrote a Wichita editor, "let them go to Newton. They do a wholesale business
 there."⁶⁹ Another newspaper informed its readers that "men die in Newton
 before they take sick."⁷⁰ One of the most sensational reports about Newton
 came from a fanciful correspondent who gave free rein to his witty imagination:

The leading articles of commerce here are whisky and beauty, and
 the principal amusement of the citizens is wading about barelegged
 in blood. We do not believe there is a village in Kansas where
 ammunition is more freely expended, or where funerals are got up
 with greater neatness or dispatch. The merry crash of bottles
 mingles with the jolly notes played on the skulls of our leading
 citizens, while the lively yell of the revolver is answered by the
 cheerful yells of gentlemen who have caught divers chunks of lead

in their bowels. Oh, it's a gay place, you can safely bet your bowels on that. . . . A new pair of horse is wanted for our village hearse, as the old ones are completely worn out with the travelling they have done lately.⁷¹

Prominent citizens in Newton, to be sure, tried to salvage the town's reputation during the winter of 1871-72. Judge Muse, who was busy showing Santa Fe lands to prospective buyers in October, reported that "matters are quiet and prosperous" in Newton.⁷² His partner at the Santa Fe land office, Mayor Spivey, also tried to improve Newton's image. During a visit to Topeka, Spivey told the Daily Commonwealth editor: "Newton and the country around it is rapidly filling up with good and substantial citizens. . . . The town company are determined to make Newton a permanent and desirable location for business men, and at the same time look after its moral and social interests."⁷³ Such reports, however, were overwhelmed by attempts to exploit Newton's violence and immorality. The image of Newton conveyed to most readers was highly unfavorable.⁷⁴

By the fall of 1872, however, Newton's reputation was changing. Earlier that summer a newspaperman, who had passed through Newton during the cattle season of 1871, re-visited the town. This time he wrote of a "regenerated and reformed Newton."⁷⁵ In October, a Wichita editor observed that Newton "is gradually outgrowing the evil reputation of its early days. The morals of the place are improving most decidedly, and in consequence good families are locating in and around the city."⁷⁶

A change in attitude is clearly seen in newspaper responses to a double shooting in Newton in early November 1872. A drunken saloon-keeper murdered George Halliday, a prominent Newton Justice of the Peace, in the Gold Rooms Saloon. Minutes later the town marshal shot Halliday's murderer. The Daily Commonwealth, which one year earlier had relished each detail of homicide in Newton, disposed of the 1872 murders in a few lines of print.⁷⁷ No attempt

was made to exploit Newton's violent past. The Kansas State Record also indicated a different attitude towards Newton:

The present population of Newton are not to be held vicious in consequence of this double tragedy. We know personally that any number of good citizens live there and are doing their best to make it a town of decency and respectability. It is growing faster and doing a better business than ever before. With this exception her streets are quiet and life has been as secure as in any town in the State. The new slaughter is not, therefore, to be set down to her present people for none will regret it more than they.⁷⁸

To what did Newton owe her change in character and reputation?

Of chief importance was the fact that in the summer of 1872 the cattle trade deserted Newton for Wichita. The lucrative trade was not given up without a struggle. During the winter of 1871-72, approximately 8,000 head of cattle were wintered near Newton for shipment in the spring.⁷⁹ Texas drovers also had planned to drive their cattle to Newton's stockyards in 1872. Already in February, herds for the long drive were being formed in Texas. Letters from owners there indicated that "Newton is the objective point of shipment."⁸⁰ Several Newton businessmen employed agents and "runners" who travelled southward over the Chisholm Trail and promoted their cattle town among Texas drovers preparing for the spring drive.⁸¹ Their reports reinforced earlier hopes. One agent learned from a cattleman that "Wichita and Newton will be the principal shipping points for this summer."⁸²

Businessmen who stood to lose heavily if the cattle trade left their town helped to lay out an alternate route to Newton. Instead of crossing the Arkansas River at Wichita, their route by-passed Wichita, curved west of Park City, and then turned towards the Newton yards.⁸³ Some Newtonians hoped that 100,000 head of cattle would be shipped from their yards during the 1872 trading season.⁸⁴

Opposition from settlers in the county, however, stifled Newton's hopes

as a cattle town. On March 8, 1872, the Daily Commonwealth reported: "The [Santa Fe] company are [sic.] making extensive arrangements for the coming Texas cattle trade, which from all accounts, will center at Newton." On the same page appeared: "The eastern train was crowded yesterday with immigrants, who went south on the Atchison, Topeka and Santa Fe road."²⁵ In April a report from Newton indicated that grass was "one foot high around Newton, affording excellent feed for cattle." Ironically, it added: "The growing crops promise well."⁸⁶ Settlement of the open grazing lands meant the end of the cattle trade at Newton.

In December 1871, the Santa Fe railroad offered for sale its lands south and west of Newton.⁸⁷ During the summer of 1871 the railroad had withheld its lands in order to provide forage for the vast herds awaiting shipment from Newton. The next year, however, instead of a virtually unbroken prairie west of the Sixth Meridian, numerous homesteads dotted the landscape.

The settlers of Reno county, immediately west of Harvey County, flatly prohibited the shipment of Texas cattle from Hutchinson in the summer of 1872. The farmers who rapidly filled in the countryside around Hutchinson, thirty-five miles west of Newton, voted for a herd law which would bar Texas cattle from entering the county.⁸⁸ The farmers of Harvey were instrumental in passing a similar measure. On May 20, 1872, at an election in Harvey county, the "chief question involved seemed to be whether or not Texas cattle shall be permitted to pass through the county to Newton."⁸⁹ Anti-cattle forces triumphed. In July numbers of domestic cattle were being shipped to Harvey county "as the agricultural community are assured of the non-appearance among them of the long horns."⁹⁰

Wichita secured the cattle trade on the Santa Fe line in the summer of 1872. Texas cattlemen were already in Wichita arranging to sell their herds

when rails reached that town in May. The Santa Fe company erected large stockyards at Wichita with facilities for loading one hundred cars per day. Near the middle of July, when the cattle trade began in earnest, the Santa Fe started running a daily stock train from Wichita.⁹¹

Newton's loss of the cattle trade also meant the loss of prostitutes, gamblers, and desperadoes who had helped shape the town's notorious reputation. When it was certain that Texas cattle and cowboys would not arrive in Newton in 1872, numerous mobile businessmen and women who tapped the cattle trade in various ways left for Wichita and other shipping points.⁹² With them they carried much of Newton's unsavory reputation.

FOOTNOTES FOR CHAPTER 4--

- Newton And Violence: Salvaging A Reputation

1. Ray Allen Billington, Westward Expansion, A History of the American Frontier, Third edition. (New York: The Macmillan Company, 1967), p. 678.
2. Dykstra, The Cattle Towns, p. 146. For a complete discussion of cattle town violence see Dykstra's chapter, "The Adjustment to Violence."
3. Wichita Tribune, Aug. 24, 1871; also see Nyle Miller and Joseph Snell, Why The West Was Wild (Topeka, Kansas), p. 98 for a reprint of the article.
4. R. W. P. Muse, even though he was absent from Newton much of the first year, emphatically stated that only twelve deaths occurred. The Topeka Commonwealth reported that by February 27, 1872, "twenty men have been buried at Newton, every one of whom 'died with his boots on.'" John C. Johnston, once town marshal of Newton, remembered thirty-two as the figure he heard most often discussed, though "I have always thought that this was an exaggeration." The most fanciful reporters guessed that forty of fifty deaths occurred during Newton's first year. See Muse, History of Harvey County, in Edwards, p. 9; Topeka Commonwealth, Feb. 27, 1872; Harvey County Clippings, Vol. I, p. 149, from July 28, 1921, Newton Kansan Republican, KSHS.
5. Harvey County Clippings, Vol. I, p. 150, from Kansas City Star, Feb. 15, 1925.
6. Hunter, Trail Drivers of Texas, Vol. I, p. 158.
7. Emporia News, Sept. 1, 1871.
8. Emporia News, Sept. 1, 1871.
9. Harvey County Clippings, Vol. 1, p. 149, from Newton Kansan Republican, July 28, 1921.
10. Topeka Daily Commonwealth, July 11, 1871.
11. Topeka Daily Commonwealth, July 25, 1871.
12. Topeka Daily Commonwealth, Sept. 20, 21, 1871; Kansas State Record (Daily), Sept. 18, 21, 1871. Following the incident Lottie Foster abandoned her life as a Newton prostitute, and boarded a train bound for the Cincinnati House for Friendless Women. Topeka Daily Commonwealth, Sept. 23, 1871.
13. Topeka Daily Commonwealth, July 18, 1871. The unfortunate man was severely injured, "and it is thought he cannot recover."

14. Topeka Daily Commonwealth, Aug. 6, Nov. 26, 1871; Emporia News, July 21, Aug. 11, 1871. The sound of gunfire was familiar to townsmen. Newspapers carried several reports of indiscriminate shooting in Newton; "Railroad men report numerous shots heard at the maisons de joie in Newton." "Twenty shots were heard in Newton on last Saturday night, but no lives were reported lost at last accounts." "Several shots were heard in Newton night before last, and one man was wounded." See Topeka Daily Commonwealth, July 29, Dec. 19, 1871; April 24, 1872. Criminal assaults were also frequent in Newton and reflect the potential for more violent crime. Examples of reported incidents are: "On Friday night last, a man was knocked down in Newton and robbed of fifteen or twenty dollars. His head was badly cut and it is thought he cannot recover." In Newton, G. W. Vandenberg of Texas "was waylaid and robbed of \$4,000. He was seriously injured and lay unconscious three or four hours before he came to enough to crawl to a house." In November, 1871, a reporter noted the frequency of fights in Newton: "Bitten fingers and ears are displayed on almost all of the street corners, which speaks pretty well for carnivorous Newton." See Topeka Daily Commonwealth, July 23, Nov. 10, 15, 1871.

15. See Robert Dykstra, The Cattle Towns, p. 117 ff. for a discussion of the incorporation of cattle towns.

16. Wichita Vidette, Aug. 25, 1870. Wichita's first ordinance provided penalties against any person "who shall in a rude, insolent and angry manner, unlawfully touch another. . . ;" any person who shall "by signs, words or gestures provoke or attempt to provoke another to commit assault and battery . . . ;" and any person who "shall shoot or discharge any gun, pistol or fire-arm" within the town limits.

17. The Laws of The State of Kansas Passed At The Eleventh Session of The Legislature. (Topeka, Kansas: State Printing House, 1871.) See "Cities of the Third Class," p. 118.

18. See a copy of the "Certificate of Election" for C. S. Bowman in the Harvey County Scrapbook.

19. See Official Bond Record, A., Sedgwick County for a record of Halliday's appointment. Located in the Sedgwick County Courthouse, Wichita, Kansas.

20. Names of the earliest policemen in Newton are not known. In the middle of August, however, the duties were handled by Harry Nevill and Tom Carson. See Topeka Commonwealth, Aug. 22, 1871.

21. Topeka Daily Commonwealth, Aug. 15, 1871.

22. Muse, "History of Harvey County," in Edwards, p. 9; Topeka Commonwealth, Aug. 15, 1871.

23. Topeka Daily Commonwealth, Oct. 31, 1871; Emporia News, Nov. 10, 1871.

24. Topeka Daily Commonwealth, Feb. 21, 1872.

25. Topeka Daily Commonwealth, March 2, 5, 1872.

26. Reasons for this resentment will be seen more fully in a following focus upon Newton's reputation. Townbuilders, who planned to stay after the cattle trade deserted Newton, resented the reputation that cattle town violence acquired for Newton.

27. Robert Dykstra, The Cattle Towns, p. 116. This point cannot be over-emphasized. It is a key to understanding the social ferment which underlay several violent outbreaks in Newton.

28. McCluskie--which appears as McCabe, Clusty, and McClusten in some accounts of the shooting--was an alias. On his deathbed he revealed that his name was actually Arthur Delaney, notorious in Ohio before coming to Kansas. See Topeka Daily Commonwealth, Aug. 22, 1871.

29. Bailey's name appears as Baylor in some accounts of the shooting. See Topeka Daily Commonwealth, Aug. 22, 23, 1871.

30. Emporia News, Aug. 25, 1871; Topeka Commonwealth, Aug. 15, 1871; Kansas State Record (Daily), Aug. 14, 1871.

31. Topeka Daily Commonwealth, Aug. 15, 1871.

32. Topeka Daily Commonwealth, Aug. 22, 1871.

33. Kansas State Record (Daily), Aug. 21, 1871; Abilene Chronicle, Aug. 24, 1871.

34. Emporia News, Aug. 25, 1871.

35. Topeka Daily Commonwealth, Aug. 22, 1871.

36. Topeka Daily Commonwealth, Aug. 22, 23, 1871; Emporia News, Aug. 25, 1871. A less reliable account of the Massacre appeared in the Abilene Chronicle, Aug. 24, 1871. Incidentally, it should not be assumed that all Texans were gunmen. Branch Isbell, of Odessa, Texas, wrote: "I got back to Newton on the morning after the famous night gunfight among cowmen, officers and gamblers, in which seven or eight men were killed. That tragedy clinched my aversion to habitual pistol toting." See Hunter, Trail Drivers of Texas, Vol. II, p. 21. Further evidence of Texan clannishness is given by a correspondent in Newton who submitted a story about the massacre to the Daily Commonwealth. A few days after the Massacre he wrote: "There has been some little feeling among Texas men in regard to my first letter, many of them looking on it as an unjust aspersion on Texas character generally" See Topeka Daily Commonwealth, Aug. 27, 1871.

37. Topeka Daily Commonwealth, Aug. 23, 1871.

38. Emporia News, Aug. 25, 1871.

39. Tom Carson was Kit Carson's nephew and had recently been on the police force at Abilene with "Wild Bill" Hickok. His appointment in Newton aroused anger. "On Monday evening last, threats were made by many desperadoes, that in case Tom Carson, late a policeman in Abilene, were placed upon the police force [at Newton], that they would kill him." See Abilene Chronicle, Aug. 24, 1871, reprinted in Miller and Snell, Why The West Was Wild, p. 103.

40. Muse, "History of Harvey County," in Edwards, p. 10; Topeka Daily Commonwealth, Aug. 27, 1871; Topeka Kansas State Record (Weekly), Aug. 30, 1871. In Kansas City Anderson eventually recovered from his wounds and returned to Texas.

41. Topeka Daily Commonwealth, Aug. 23, 1871.

42. Ibid., Aug. 27, 1871. The ordinance had no legal basis and the election that followed was extra-legal, but was sanctioned by the 1872 Kansas legislature. See The Laws of the State of Kansas, Passed At The Twelfth Session of the Legislature . . . 1872; (Topeka, Kansas; Commonwealth State Printing House, 1872), p. 38.

43. Topeka Daily Commonwealth, Aug. 27, 1871.

44. Topeka Daily Commonwealth, Sept. 17, 1871. The power of the Gold Rooms faction, protector of the transients' interests, is probably best revealed in the types of ordinances passed by Mayor Spivey and his council. The first ordinance, passed on October 7, 1871, dealt not with controlling violence, but with license taxes. There was no obvious attempt to restrict the number of saloons in Newton. "Hotels, Saloons, Drug Stores, Furniture Stores, Lumber Yards, Livery Stables, [and] Hardware Stores" all received an identical levy of \$10. The second ordinance, passed two days later, provided penalties for failure to pay the license tax. The third ordinance, also passed on October 9, provided for the removal of dead animals. Not until after a municipal election in April, 1872, were additional ordinances entered in the record book. See City of Newton, Record of Ordinances--A. City Clerk's Office, Newton, Kansas.

45. Topeka Commonwealth, Sept. 28, 1871; Emporia News, Sept. 29, 1871; Kansas State Record (Weekly), Sept. 25, 1871.

46. Topeka Commonwealth, Nov. 10, 15, 17, 25, 1871; Kansas State Record (Daily), Nov. 16, 1871; Western Union Telegraph, George Halliday to Gov. Harvey, Nov. 16, 1871, in Governor Harvey Papers, KSHS. The preceding discussion of violence and homicide in Newton has produced a total of fourteen homicides during a single cattle season in Newton. There were possibly more. That Newton's rate so far exceeded even the most violent year studied by Dykstra (1873 when six were killed) suggests that all cattle towns might not have been as successful in containing violence as Dykstra contends.

47. See Robert Dykstra, The Cattle Towns, p. 113, for a discussion of Ellsworth's violent reputation during the first year after settlement there.

48. Topeka Commonwealth, Aug. 27, 1871. Newton's dependence upon cattle trade personnel is seen in two reports from correspondents late in the cattle season after most cowboys had returned home. In November: "The pool of local trade and traffic, agitated in the past mainly by Texas patronage, has been slowly stagnating for the last few weeks and the 'Wickedest City in Kansas' has lost some of its dash." In December, when the cattle trade at Newton was flat, a businessmen remarked to a correspondent: "Tell them that everyone is broke and waiting for spring." The reporter added: "The above remark . . . was made in a playful spirit, but it is very true nevertheless." See Topeka Commonwealth, Nov. 2, Dec. 6, 1871.

49. Citizens' groups were a traditional last resort for dealing with lawbreakers. In the winter 1870-71, a vigilante group in Augusta broke up a gang of stock thieves and murderers with mass lynchings. See James R. Mead to Gov. Harvey, Dec. 8, 1870, in Governor Harvey Papers: William B. Parsons to Gov. Harvey, Jan. 4, 1871, Governor Harvey Papers, KSHS. Closer to Newton, in the summer of 1871, citizens in and near Sedgwick City organized into an association "to prevent the stealing of stock throughout the Valley of the Little Arkansas." See "Anti-Thief Association," in Harvey County Scrapbook.

50. Wichita Tribune, Aug. 24, 1871.

51. Topeka Commonwealth, Aug. 27, 1871.

52. Dykstra, The Cattle Towns, p. 6.

53. See Wichita Eagle, June 7, 1872, in Dykstra, The Cattle Towns, p. 115.

54. See Caldwell Post, March 25, 1880; in Dykstra, The Cattle Towns, p. 115.

55. Ashbaugh came to Newton from Iowa in 1872. On August 22, 1872 he produced the first issue of the Newton Kansan.

56. Newton Kansan, Jan. 2, 1873.

57. Ibid., Aug. 14, 1873.

58. Topeka Daily Commonwealth, Aug. 15, 1871.

59. Ibid., Aug. 17, 1871.

60. From Leavenworth Times (no date given), reprinted in Abilene Chronicle, July 20, 1871.

61. Topeka Daily Commonwealth, Aug. 19, 1871.

62. Ibid., Aug. 15, 1871.

63. Wichita Tribune, Aug. 24, 1871.

64. Topeka Daily Commonwealth, Aug. 22, 1871.

65. Emporia News, Aug. 25, 1871.

66. Topeka Kansas State Record (Daily), Aug. 30, 1871.

67. Topeka Daily Commonwealth, Oct. 11, 1871.

68. Emporia News, Feb. 2, 1872.

69. Wichita Tribune, Sept. 21, 1871.

70. From Olathe Mirror (no date given), reprinted in Topeka Daily Commonwealth, March 23, 1872.

71. Topeka Kansas State Record (Daily), Sept. 18, 1871.

72. Topeka Daily Commonwealth, Oct. 8, 1871.

73. Ibid., Dec. 12, 1871.

74. For an example of the wide acceptance of this image of Newton, see Ibid., April 7, 1872. An inebriated Negro wandered into the Commonwealth offices and finally managed to tell the editors his story. The man was a drunkard and could not hold a job, so his wife had to work in order to feed and clothe their children. Finally she deserted him and took the children to Newton. The man was astonished and said to the editor: "I want to know how a consistent member of the African M. E. Church can leave a drunken husband in Topeka and go to Newton to get among pious people."

75. Ibid., June 25, 1872.

76. From Wichita Eagle (no date given), reprinted in Newton Kansan, Oct. 31, 1872.

77. Topeka Daily Commonwealth, Nov. 8, 1872.

78. From Topeka Kansas State Record, Nov. 8, 1872, reprinted in Newton Kansan, Nov. 21, 1872.

79. Topeka Daily Commonwealth, May 21, 1872.

80. Ibid., Feb. 27, 1872.

81. Wichita Eagle, May 3, 1872.

82. Ibid., May 10, 1872.

83. Ibid., June 7, 1872; Emporia News, June 14, 1872.

84. Topeka Daily Commonwealth, April 25, 1872.

85. Ibid., March 8, 1872.

86. Ibid., April 21, 1872.

87. Ibid., Dec. 12, 1871.

88. Ibid., May 22, 1872.

89. Ibid., Emporia News, May 24, 1872.

90. From Newton Gazette (no date given), reprinted in Emporia News, July 5, 1872.

91. Topeka Daily Commonwealth, March 28, June 8, July 20, 1872; Abilene Chronicle, July 11, 1872.

92. Topeka Daily Commonwealth, July 14, 1872.

LAW, ORDER, AND LOCAL GOVERNMENT

The development of institutions and a change in the quality of life in Newton accompanied the loss of the cattle trade to Wichita. Two of the most significant changes were the establishment of a machinery for effective law enforcement and the development of a dynamic local governing body. Following the Massacre an extra-legal town administration was elected, but it was weak and unable to curb crime and violence effectively. In fact, it had no legal basis for action. Not until the spring of 1872 were its acts sanctioned by the state legislature.¹

In the spring of 1872, Newtonians petitioned for third-class city status. On February 22, the District Judge in Cottonwood Falls approved the petition and called for an election of city officials to take place on the first Monday in April 1872. In that election James Gregory, leader of the Gold Rooms faction, captured 131 of the 215 votes cast for mayor.² The five newly-elected council members were sympathetic to his interests. One councilman was the owner of the Gold Rooms Saloon. Another was a close business friend of Gregory's, while a third had been nominated to the ineffective extra-legal 1871 council.

On April 8, 1872, the council met to pass ordinances regulating crime and violence in Newton. One ordinance prohibited any person other than a police officer from carrying firearms. Penalties were also described for anyone found guilty of disturbing "the quiet of the City," assault and battery, using profane language, drunkenness, and discharging firearms within the town limits. A second ordinance further declared that anyone failing

to pay his fine shall be committed to jail for "safe keeping." Such persons were to be discharged to the marshal and compelled to work on the streets. For their forced labor convicts would receive seventy-five cents per day toward payment of their fine.³

During the following weeks in April and early May the council passed ordinances prohibiting vagrancy, gambling, and the carrying of concealed weapons. One regulation forbade houses of prostitution north of the Santa Fe tracks, while another imposed a Sunday closing rule for all businesses.⁴ In another move to improve law enforcement and speed justice, the city council ordered the marshal to report six times daily--three times each in the morning and afternoon--at the office of the police judge.⁵

The effect during the summer and fall of 1872 was an impressive outward show of law enforcement. The absence of rowdy transients and the implementation of a machinery for law enforcement changed the extent of crime in Newton. During the summer and fall of 1871 crime and violence in Newton was virtually unchecked. Even if the exaggerations of newspaper correspondents are taken into consideration, homicide, assault, drunkenness, and indiscriminate shooting were common. During 1871 Newton's police officers were paid from a fund raised by gamblers in the saloons and dance houses.⁶ Following municipal incorporation that policy changed. During 1872 the city council set the marshal's salary at \$75.00 per month and paid out \$588.60 for law enforcement during the year.⁷ An observer in Newton in 1871 and 1872 would have noticed differences. The most flagrant violations of the law had disappeared, and only two homicides occurred during the year after the cattle trade left.

In addition to his salary the marshal received \$1.50 per arrest. Between April and September, 1872, Newton's marshals made seventy-two arrests for misdemeanors. The cases, all of which were heard before the police

judge, reveal the change in the nature of crime in Newton. The police judge's docket is now badly mutilated--some pages have been torn out, others are disfigured. Forty of the seventy-two cases, however, are legible and can be classified according to the following offenses: drunkenness--thirteen; assault and battery--nine; operating a business without a license--six; carrying and discharging firearms--four; gambling--three; driving on the sidewalk--two, vagrancy--two. One man was arrested for illegally drawing water from one of the city wells.⁸ Backed by statutes, Newton's officers appeared to be determined to curb crime. During the first six-month period after Newton was incorporated, marshals made an average of twelve arrests per month. But despite the new ordinances and well-financed police officers, law enforcement remained lax. Hindered by an unfriendly town administration, law enforcement remained virtually a sham. In spite of the arrests some citizens were justifiably unhappy with their law enforcement.

Justice in Newton's first police court was not impartial. On June 3, 1872 Judge Muse and R. M. Spivey were arrested and charged with operating a real estate agency without having a license. Both were prominent citizens and the judge granted a continuance of three days. Presumably Muse bought a license in the interim, because he was acquitted when he reappeared.⁹ Another early resident and prominent citizen, Dr. Gaston Boyd, was charged with the same offense. Boyd pleaded guilty, but was discharged "on the grounds of not being notified of the law by the Marshal."¹⁰ The owner of Newton's largest grocery store pleaded guilty to a charge of assault, but was not fined.

The police judge also made little effort to impose strict penalties upon offenders whom he did fine. An individual arrested for gambling

was fined ten dollars. The maximum fine for gambling was fifty dollars and judge was perhaps showing leniency for a first offense. One week later, however, the same man appeared in court again charged with gambling. Instead of increasing the fine for a second offense, the judge lowered it to eight dollars.¹² One ordinance stipulated that if a defendant was unable to pay his fine he would be forced to work on the city streets.

During the summer and fall of 1872 the police judge never enforced that law. When one defendant could not pay his fine for assault, it was reduced to an amount he could afford.¹³ Another man, found guilty of carrying a firearm,

could not pay his fine, but was released when he paid the constable's fees.¹⁴

Nine of the thirteen persons arrested for being drunk were released without paying their fines. The minimum fine for drunkenness was five dollars, but in several cases the judge lowered the fine to three dollars. When some were still unable to pay the reduced fine the judge discharged them from custody.¹⁵

Newton's law enforcement problems were reflected in the parade of men who wore the marshal's badge in 1872. Long terms did not characterize the office. The acting marshal when the city election took place in April lasted until the middle of June. The man who succeeded him remained as marshal until September 4, 1872. The next marshal was not hired until October, and he lasted only one month. The fourth man to be marshal in 1872 was appointed in late October. He served until early in the spring of 1873 when he absconded with fifteen dollars' worth of license tax collections.¹⁶

The police judge and the mayor were chiefly responsible for lax law enforcement. The police judge was often drunk and several times failed to turn over promptly to the City Treasurer the fines he had collected. He

finally became so derelict in his duties that the city council ordered him to file an additional one thousand dollar bond for this office as security. They further stated that if the judge "shall fail or refuse to pay over any moneys collected by him belonging to said City within three days. . . it shall be lawful for a vote of all the councilmen elect to remove said Police Judge from office." On December 2, 1872, the police judge resigned.¹⁷

The mayor, James Gregory, also hampered effective law enforcement. Gregory's influence, established during the cattle season of 1871, was still strong.¹⁸ He had headed the Gold Rooms' ticket in 1871 and was elected mayor by a large majority in 1872. Gregory's attitude toward law enforcement was displayed in an incident which occurred during the fall of 1872. A farmer came to Newton in order to sell his wagon-load of corn. A swindler lured him into an alley where in a short time the farmer lost not only the corn, but his wagon and horses as well. Judge Muse heard of the transaction and entered a complaint at the mayor's office. Gregory retorted: "You old gray headed s--- of a b----, what do you mean by poking your nose into business that does not concern you, don't you know that if such d----d puritans as you drive these gentlemen you complain of out of our city, you will ruin trade, and the town will go to h---."¹⁹ While Muse's description is perhaps exaggerated, the portrayal of Gregory's interests is accurate.²⁰

The administration's lenient attitude toward lawbreakers fostered discontent. In early November 1872, citizens' indignation over lax law enforcement came to a head. On the morning of November 7, an intoxicated saloon-keeper strode into the Gold Rooms Saloon. He had some words at the bar with George Halliday, one of Newton's Justices of the Peace. Suddenly he drew a revolver, struck Halliday on the head, and shot him through the

heart. The murderer walked out of the saloon defying anyone to touch him. Minutes later the marshal shot him to death. Within fifteen minutes a crowd of fifty armed citizens organized. They obtained the names of several "hard cases" in Newton and ordered them to leave town. Henry Ashbaugh, the Kansan editor, wrote: "While we lament the death of Mr. Halliday, we believe that this has been one of the best days our thriving young city has seen. Our respectable and law abiding citizens, have taken the matter into their own hands, and will see that hereafter Newton shall give no shelter to men who live by murdering and robbing good people"21

The next week Ashbaugh used the double slaying to launch an attack upon the town's administration. While "such disasters" were rare, he insisted that countless minor incidents lay the groundwork for tragedy. Lesser offenses were often excused "by those whose lawful duty it was to condemn and punish." He added:

In times past and even recently, all that has been necessary for the biggest loafer in christendom to do to take the sidewalks and run the town business of this place in opposition to the whole police department, was simply to get drunk and then treat the crowd. If someone happens to be arrested he is given a school-boy trial; if he can't pay his fine and doesn't make any [trouble?] . . . he is marched to the calaboose, left until sober, and then let out, the expenses being charged to the city. The city council might pass ordinances till doomsday under such officials, and to no effect. Is this the kind of administration that is to insure our property and our lives?22

The mayor and city council responded and took what appeared to be corrective steps. On November 8, Gregory called a special session of the council in order to empower the marshal to appoint a sufficiently large police force to preserve the peace.²³ The position of chief law enforcement officer steadily had been losing esteem. In April 1872 the marshal's salary was \$75.00 per month. On September 4, Gregory had called a special session at which he presented an ordinance to abolish the office of marshal. Until October 1, when the office was re-created, Newton was without a marshal.

When a marshal was appointed his salary had been cut to \$50.00 per month.²⁴
 But on the afternoon following the slayings five deputies were added to the town police force.²⁵

The council's action, however, was not enough to satisfy critics. In January, 1872 Ashbaugh noted: "We have made much advancement toward reform during the past few months, but there are many leakages yet of enormous size, and it is with the council to mend them."²⁶ No dynamic leadership came from the council or other city officials. During the first three months of 1873 the council was practically defunct. One member, previously an owner of the Gold Rooms Saloon, had stopped attending council meetings in August 1872. A second council member resigned in late December 1872.²⁷

The council held no meetings in January and February 1873, and met in March only to perform routine business. While local governmental affairs stagnated, critics of the administration eagerly anticipated the April election.

Law enforcement in Newton was the chief issue in the local election. During the week before the election, Ashbaugh reminded readers that "much depends upon the result of the election in this city next Monday . . ." He admitted that though there had been a "remarkable change for the better" during the past months, it had been brought about by determined citizens, not the mayor or council. He stated that the past administration must bear the blame for the state of law enforcement. Only a "new and altogether different administration" would provide the needed leadership in the coming year.²⁸

The election on April 7, 1873 showed an overwhelming approval of Ashbaugh's sentiments. The power of the Gold Rooms faction was shattered. H. C. McQuiddy, a Tennessee-born retailer in farm supplies, was elected mayor by a large majority over E. Chamberlain--a member of the 1872

council, a saloon-keeper, and a Gold Rooms sympathizer. The only incumbent to survive the election was David Hamill. He operated a large grocery and dry goods store and had made the shift from a cattle trade to an agricultural clientele. The new council, which included Ashbaugh, was wholly separated from the saloon and those favoring lax law enforcement. One of the leading vote-getters symbolized the shift in emphasis. Joel T. Davis, who had been instrumental in the erection of Newton's first schoolhouse in the fall of 1872, was elected president of the 1873 council.

The new administration had been elected on a promise of strict law enforcement. One of their first moves was the appointment of a new city marshal.³⁰ Their choice brought stability to that office: the new marshal served throughout the one year term of the new mayor and council. The council also stiffened regulations on vice. Fines for prostitution remained the same--three to ten dollars. For operating a brothel, however, the 1872 council had set a five to fifty-dollar-fine upon conviction. The new council raised the penalty for brothel owners to fifty to seventy-five dollars for the first offense, and to seventy-five dollars for subsequent offenses.³¹ In 1872 conviction for gambling could bring a three-to fifty-dollar fine. In 1873 fines for operating a gambling house could range from twenty-five to one hundred dollars, and for subsequent convictions of gambling, one faced a fine of from ten to one hundred dollars.³²

Liquor and the saloon were the new council's chief targets. "The whisky license which was finally made the issue at the city election," wrote Ashbaugh, "has since become the subject of considerable argument and conjecture as regards what action the new council will take in the matter."³³ Under the previous administration a license to operate a saloon or "dram shop" would cost the applicant one hundred dollars.³⁴ The ordinance required the

approval of the council and mayor, and the filing of a bond "in the penal sum of one thousand dollars, conditional that he will keep an orderly house."³⁵

The new council passed a far more stringent regulatory provision. In 1873 any person wishing to sell liquor was required to file with the council "a petition signed by a majority of the residents of said City over the age of 21 years both male and female, which said petition must state that the applicant is a person of good moral character and a suitable person to sell intoxicating liquors in accordance to law" ³⁶ The petition was to be accompanied by a two-thousand-dollar bond. Upon approval by the city council the applicant had to pay three hundred fifty dollars for a one-year license. The council meant to enforce its regulations. Harry Lovett, who had operated the Side Track Saloon since April 1871, saw his petition for a license rejected because of a lack of signatures. Only six saloons were licensed in Newton during 1873 under the strict regulation. ³⁷

Petty crime also dropped below the level of 1872. Between May and August 1873, only fifteen cases were heard in Newton's police court. Of the twelve known cases, five were for drunkenness, four for assault, two for using profanity, and one for vagrancy. ³⁸ During a six-month period in 1872 there were thirteen cases of drunkenness and none of assault. In 1873 the monthly average was sharply reduced. The 1872 monthly arrest average of twelve dropped to 3.75 during the summer of 1873.

Not only did incidence of crime decline, but in 1873 the police judge began to exact penalties according to the law. In May 1873 a man arrested for drunkenness was committed to jail when he told the court that he could not pay his fine. He spent the night in jail and thought it over. The next morning he asked permission to pay his fine. Another individual who could not pay was ordered "recommitted to the City prison with instructions to the

City Marshal to put him at manual labor on streets, alleys or other places within the City as he may decree."³⁹

In June, 1873 a citizen urged that the marshal rid Newton of its "loose characterized gentry." The editor replied that "while there may be some amongst us which should be got rid of . . . we must admit that such a renovation of that class of persons is hardly on record as has been in this place within the past year."⁴⁰ Ashbaugh pointed to the killing of Halliday and the election of the new city council as the significant turning points in the improvement of law enforcement. "Houses of prostitution were ordered closed, and the inmates to leave town, which they did," he wrote, "vagrants and street drunkards made to work the streets when arrested; in fact, a systematized set of ordinances were enacted and carried out" ⁴¹ The quality of law enforcement in Newton had undergone a profound change since the town's first autumn in 1871.

Between the spring of 1872 and the fall of 1873, the city council also underwent significant changes. In April, 1872 the Gold Rooms' faction swept the local election. Gregory, the whisky wholesaler, was elected mayor, and a majority of his council in 1872 held his interests. But in 1873 what remained of the power of the Gold Rooms was crushed. The councilmen of 1873 represented far different interests than did those of 1872. Evidence suggests that a new spirit accompanied the turnover in council membership.

The 1872 council met twenty-six times during their term in office. Table 1, however, shows that council meetings were not spaced at even intervals throughout the year. Five meetings occurred during the first month. Initial business of the council was chiefly concerned with drafting ordinances. The extra-legal council of 1871 had passed ordinances to raise revenue through requiring business operating license taxes. The new council

further refined license tax regulations in its early sessions.⁴² In addition, during the first month the council passed ordinances regulating crime and violence.⁴³

TABLE 1⁴⁴ --Meeting Dates of the 1872-73 Newton City Council

Apr. 5	May 27	Oct. 18	Dec. 30
Apr. 8	June 17	Oct. 29	Mar. 3
Apr. 15	July 12	Nov. 8	Mar. 10
Apr. 22	Aug. 5	Nov. 11	Mar. 17
Apr. 24	Sept. 2	Nov. 25	Apr. 9
May 6	Sept. 4	Dec. 2	
May 13	Oct. 1	Dec. 19	

Following the initial flurry of activity the council settled into an irregular schedule of monthly meetings. Only when a crisis in law enforcement occurred did they meet in a special session. In September the council met twice in order to abolish the office of city marshal. In October they met twice to re-create it. Following the double murder on November 7, the 1872 council met in special session to make a temporary show of bolstering Newton's police force. They met on December 2 and 19 in order to accept the resignation of one police officer and to appoint a new one. Only when the council met in extra sessions during March 1873 to make preparations for the coming city election were they not responding to the issue of law enforcement.⁴⁵ Still, at no time during their special sessions did the council assert dynamic leadership in the area of law enforcement. Furthermore, during January and February 1873, the council failed to meet.

In contrast, the 1873 council met thirty-one times during their term in office. Table 2 reveals a similar distribution as in Table 1. Again there is a flurry of activity during the first few months followed by a tapering off in the number of meetings. Both councils met in more than one

session per month in only seven months during their term in office. Although the 1873 council met more than 20% more times than did their predecessors, neither council was characterized by frequent regular meetings throughout the year.

TABLE 2⁴⁶ --Meeting Dates of the 1873-74 Newton City Council

Apr. 12	May 19	July 21	Dec. 1
Apr. 14	June 2	July 28	Jan. 19
Apr. 21	June 17	Aug. 4	Jan. 26
Apr. 28	June 29	Aug. 7	Feb. 2
Apr. 30	July 3	Aug. 18	Feb. 7
May 5	July 7	Aug. 27	Mar. 2
May 7	July 14	Sept. 23	Apr. 8
May 13	July 18	Oct. 7	

There is, nevertheless, a significant difference in the way in which the members of the two councils apparently perceived their role as councilmen. One clue is in the number of absences. The members of the 1872 council in twenty-six meetings accumulated twenty-seven absences. On the other hand, in 1873 a council which met thirty-one times tallied only nineteen absences. In Table 3 are listed the councilmen and the number of recorded absences for each. In 1872, Isaac Thayer--co-owner of the Gold Rooms Saloon--attended only one council meeting after August 5, 1872. He moved

TABLE 3⁴⁷ --Recorded Absences For Newton City Council Members, 1872-73; 1873-74.

1872-73		1873-74	
Thayer	13	Hamill	6
Winram	5	Ashbaugh	6
Arnold	4	Davis	5
Hamill	4	Hart	1
Chamberlain	1	Edgett	1
	27		19

to Wichita and opened a dance house.⁴⁸ John Winram also moved from Newton before his term in office expired. He loaded his dismantled hotel onto a Santa Fe flatcar and headed for Granada, Colorado.⁴⁹ A third councilman, Robert Arnold, remained in Newton but resigned his duties at the end of December 1872.⁵⁰ Members of the 1872 council were not characterized by strong dedication to their duties. In contrast, the members of the 1873 council remained in Newton and in office throughout their term and attended meetings more regularly.

A comparison of the number of times individual councilmen sponsored motions or seconded motions also reveals a difference between the two councils. Table 4 shows the number of recorded motions and seconds for each council member. Action taken during meetings of the 1872 council appears to have been largely dominated by two council members. Chamberlain and Arnold were far more vocal than the three other members. In contrast, there appears to be a greater sharing of responsibility for council decisions in 1873. A comparison of this nature, however, is not entirely accurate. Late in the term of the 1873 council the clerk began a shorthand method of recording the minutes. Instead of recording every motion and second, he often simply noted that "it was resolved," or that "it was decided." Nevertheless, from the available information there seems to be a difference between the two councils. While the members of the 1872 council leaned toward domination by a minority, the 1873 council reveals more sharing of participation in the determination of council goals.

In order to carry out council decisions the mayor had at his disposal the appointment of a special committee. The use of special committees again points to a difference between the councils. The 1872 council utilized six committees. Four were created in April, one in October, and the last

TABLE 4 ⁵¹--Recorded Motions and Seconds For
Newton City Council Members, 1872-73; 1873-74

1872-73			
Name	Motions	Seconds	Total
Chamberlain	20	13	33
Arnold	16	9	25
Hamill	4	12	16
Winram	7	7	14
Thayer	1	7	8
1873-74			
Hamill	7	4	11
Ashbaugh	4	6	10
Davis	8	2	10
Hart	3	6	9
Edgett	2	6	8

one in November 1872. Membership on these committees was not distributed uniformly. Two council members in 1872 served on only one committee each, while one member served on all six.⁵² In 1873 the mayor made use of a special committee eleven times. Committees were utilized throughout this council's term in office. Four were created in April, one in May, three in June, and one in December 1873. Membership on these committees also was more evenly distributed than during the previous year. No one served on more than eight committees, and only one man was appointed to fewer than five.⁵³

The most significant difference between the two councils, however, was the kinds of issues to which each addressed itself. Noting the frequency of meetings, number of absences, and the degree to which participation is shared helps towards defining the differences in perceptions of the council members. But an examination of the programs undertaken by each council most strongly underscores the different role that the members of the two councils felt that local government should play.

The 1872 council compiled an impressive number of ordinances regulating vice and crime. Their attitudes toward enforcement of the law, however, differed substantially from the council of 1873. The 1872 council, for example, passed an ordinance requiring that all dogs be licensed and registered. Despite the law enforcement was lax. Dogs continued to be a nuisance in Newton.⁵⁴ On April 29, 1872, the council prohibited the running at large of swine. The next week they repealed the ordinance without explanation.⁵⁵

The 1872 council also took steps to restrict fire hazards in a highly flammable town. In an April ordinance they required that all businesses install "patent flues and extend the pipe four feet above the roof of their respective houses, so as to guard the roof and ceiling . . . in order to prevent fire."⁵⁶ In August they further refined the regulation by allowing owners to substitute brick or cement chimneys for patent flues. A deadline of October 1 was set and the council established penalties for offenders. In order to enforce the regulation the mayor authorized the marshal to notify all property owners of the requirements and penalties. The mayor also appointed a citizens' committee to examine buildings and report defective chimneys.⁵⁷ The citizens' committee never reported back to the council, and no charges were filed against those failing to comply with the fire prevention regulation.⁵⁸

In early November, 1872 a small fire occurred which impressed citizens with the need for better fire protection. After the blaze was extinguished a large group of men, "under the pressure of excitement," assembled and organized the Newton Hook and Ladder and Bucket Company. The group, conspicuous for the absence of elected officials among them, appointed three citizens to meet with the council and urge upon it the need for fire-fighting equipment. The council responded by appropriating money for the purchase of

ladders and buckets.⁵⁹ Instead of taking the lead in effective fire prevention, the council had been content merely to pass ordinances. Only vigorous citizens spurred them to take additional steps.

The 1872 council also appeared to be interested in maintaining the city streets. The mayor appointed a special committee on Sidewalks and Street Grades, and a local ordinance provided that prisoners be put to work on the town's streets.⁶⁰ The special committee, however, was ineffective. It neither made reports to the council nor provided funds to have the grade of streets established by a surveyor. The police court also failed to compel prisoners to work on the streets. The only action taken by the council in maintaining streets came after repeated urgings by citizens. "That mud hole near Brown's store, and which has been such a nuisance to that locality especially, has again made its appearance," wrote Ashbaugh in February 1873. "The council could spend a few dollars to good service in having it filled up." A week later the council hired a man to fill that "fever and ague hole."⁶¹

On the other hand, the 1873 council provided dynamic leadership in several areas of community life. The council passed and enforced more rigid controls on crime and vice in the community. The mayor also appointed a three-man committee to employ engineers to survey and grade the town's streets. The committee hired surveyors and throughout the year made payments to workers for draining and working on the streets. In addition, the 1873 council passed a sidewalk ordinance and built several at the owners' expense.⁶²

The 1873 council was also concerned with community health. In April 1873 a councilman urged that the town buy forty acres for a cemetery. By the end of June negotiations for a tract had been completed and land was

secured.⁶³ In May 1873, Ashbaugh noted: "Persons having foul out-houses, pig pens, manure piles, etc., of a nuisance character, unless the same be cleaned up soon may look for a visit from the Marshal." The mayor appointed a two-man "smelling committee" to sniff out the particularly offensive privies and hog pens. Those who failed to remove such health hazards were billed for the job by the city council.⁶⁴ Following a small-pox threat in January 1874, the mayor appointed a committee "to do any and all things that may be deemed necessary for the preservation of the health of the citizens"65

Between the spring of 1872 and the winter of 1873 a significant change had taken place in the nature of local government in Newton. The first council was content to pass laws and did not insist upon firm enforcement. The council members were not strongly dedicated to their jobs and did not view the role of government as dynamic. In contrast the 1873 council insisted upon enforcement of laws, and was made up of men more dedicated to their offices. They viewed local government in a dynamic way; the council members led in law enforcement, protection of community morals, and in ensuring safety and health to citizens.

FOOTNOTES FOR CHAPTER 5--
Law, Order, And Local Government

1. The Law of the State of Kansas, Passed At The Twelfth Session of The Legislature . . . 1872 (Topeka, Kansas: Commonwealth State Printing House, 1872), p. 38.
2. Newton City Council Proceedings, Book A. Minutes, Feb. 22, Apr. 2, 1872. (Hereafter cited as Council Minutes).
3. Newton City Ordinances, Book A. See Ord. no. 6,7. (Hereafter cited as Ordinances).
4. Ibid., See Ord. no. 10, 11, 12, 13, 14.
5. Council Minutes, Apr. 22, 1872.
6. Topeka Daily Commonwealth, Aug. 15, 1871.
7. See Annual Report of the Treasurer of the City of Newton, in Newton Kansan, March 20, 1873.
8. City of Newton, Police Judge's Docket, A. See cases for May--Sept. 1872. (Hereafter cited on Police Judge's Docket)
9. Ibid. See case no. 36. Also see case no. 5 where William Mooney, not a prominent citizen, was fined for operating a boarding house without a license.
10. Ibid. See case no. 61.
11. Ibid. See case no. 58.
12. Ibid. See case no. 22. Also see Ordinances, Ord. no. 13.
13. Police Judge's Docket. See case no. 71.
14. Ibid. See case no. 68.
15. Ibid. See cases no. 47, 49, 50, 52, 55, 56, 65, 66, 67.
16. Council Minutes, June 17, Sept. 4, Oct. 1, 28, 1872; Newton Kansan, May 1, 1873.
17. See Ordinances, Ord. no. 36; Newton Kansan, Dec. 5, 1872, Aug. 14, 1873; Council Minutes, Dec. 2, 1871.
18. For an example of Gregory's influence see the wording of Ordinance 5; Section 1: "That any person who shall keep a billiard saloon, ball alley, or dram shop with or without charge or shall directly or indirectly sell, carten [sic.], or dispose of any spiritous, vinous, fermented, or other

intoxicating liquors in any quantity less than a gallon . . ." without first obtaining a license was subject to a fine. As liquor wholesaler, Gregory ran the only business in town that was exempt from a license tax requirement. The council of 1873 quickly acted to impose a \$75.00 license tax upon liquor wholesalers. See Ordinances, Ord. no. 5, 46.

19. Muse, "History of Harvey County," in Edwards, p. 10.

20. For another example of Gregory's bias and a townsman's complaint, see Newton Kansan, Jan. 2, 1873.

21. Ibid., Nov. 7, 1872.

22. Ibid., Nov. 14, 1872.

23. Council Minutes, Nov. 8, 1872.

24. Ibid., Sept. 4, Oct. 1, Oct. 29, 1872; Ordinances, Ord. no. 30, 31, 32.

25. The addition of the five deputies was largely a temporary show of force. During the remaining five months of the administration's term in office they were used only briefly. One deputy earned \$2.00, another \$3.00, a third \$6.00, and a fourth \$8.00. One of them, O. J. Flick, was himself arrested for misdemeanors after he had been deputized. See Newton Kansan, Jan. 30, March 22, 1873.

26. Ibid., Jan. 2, 1873.

27. Council Minutes, Dec. 30, 1872.

28. Newton Kansan, April 3, 1873.

29. Ibid., April 10, 1873; Council Minutes, April 12, 1873.

30. Council Minutes, April 28, July 28, Sept. 23, 1873.

31. Ordinances, Ord. no. 10, 43.

32. Ibid., Ord. no. 13, 44.

33. Newton Kansan, April 10, 1873.

34. Incidentally, the 1872 fee was below that of 1871. A saloon license during the cattle season cost the owner \$150. See Topeka Daily Commonwealth, Aug. 15, 1871.

35. Ordinances, Ord, no. 5.

36. Ibid., Ord. no. 40.

37. Council Minutes, Apr. 28, May 5, 7, 13, 19. Aug. 4, 1873.

38. Police Judge's Docket. Again some pages are mutilated, but see the following legible cases: 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 115.

39. Ibid., See cases no. 101, 103, 105.
40. Newton Kansan, June 5, 1873.
41. Ibid., Aug. 14, 1873. °
42. Ordinances, See ord. no. 5, 8, 9, 17, passed Apr. 8, 24, 1872.
43. Ibid., See ord. no. 4, 6, 7, 10, 11, 12, 13, 14, 18, passed Apr. 8, 15, 22, 1872.
44. Information for this table comes from Council Minutes.
45. Council Minutes, Sept. 2, 4, Oct. 28, 29, Nov. 8, 11, Dec. 2, 19, 1872, March 3, 10, 17, 1873.
46. Information for this table comes from Council Minutes.
47. Ibid.
48. Council Minutes, Aug. 5, 1872--April 9, 1873; Newton Kansan,
49. Newton Kansan.
50. Council Minutes, Dec. 30, 1872.
51. Information for this table comes from Council Minutes.
52. Ibid., Apr. 5, 8, Oct. 28, Nov. 11, 1872.
53. Ibid., Apr. 12, 14, 28, May 19, June 17, 29, Dec. 1, 1873, Jan. 26, 1874.
54. Ordinances, Ord, no. 28; Newton Kansan, Dec. 7, 1872.
55. Ordinances, Ord. no. 21, 22.
56. Ibid., Ord. no. 19.
57. Ibid., Ord. 29; Council Minutes, Oct. 1, 28, 1872.
58. Despite council decrees fire prevention continued to be a problem. See Newton Kansan, Jan. 16, 1873.
59. Ibid., Nov. 7, 1872; Council Minutes, Dec. 19, 30, 1872; Ordinances,
60. Council Minutes, Apr. 8, 1872, Ordinances, Ord. no. 6, 7.
61. Newton Kansan, Feb. 20, March 20, 1873; Council Minutes, March 3, 1873.
62. Council Minutes, Apr. 14, 28, May 19, June 17, July 14, 21, Aug. 7, Dec. 2, 1873, Feb. 2, 1874; Newton Kansan, May 1, 1873.

63. Council Minutes, Apr. 28, June 29, 1873; Newton Kansan, May 1, 1873.
64. Newton Kansan, May 22, July 3, Aug. 7, 1873.
65. Council Minutes, Jan. 26, 1874.

CLUBS, ORGANIZATIONS, AND INSTITUTIONS

Excessive freedom on the frontier generated sensational events at Newton. The conspicuous absence of restraints--legal and moral--created an atmosphere within which the disintegrating forces of the frontier went unchecked. In spite of the exaggeration of journalists, life in Newton during 1871 was very unlike life in towns further east. At each successive frontier settlement, however, was what Louis Wright terms the "potent minority of culture bearers who plant and cultivate the elements of traditional civilization. . . ." ¹ Coexisting with drifters, mobile businessmen, and outlaws in new frontier towns were self-conscious men who tried "to reproduce in the new environment the best of the civilized way of life they had previously known." ² So it was in Newton. One correspondent referred to these bearers of civilization in Newton as "substantial family men." Mayor Spivey termed them the "good and substantial citizens" of Newton, while editor Ashbaugh called them the "truly virtuous." ³ These individuals who came to Newton "to build them up houses" engaged in the difficult task of townbuilding.

The establishment of an effective police force and a dynamic local governing body were perhaps the most noticeable changes in Newton after the loss of the cattle trade. A decline in violent crime, the sight of marshals and deputies enforcing the law, and the leadership of the city council provided a sharp contrast to events during Newton's early months. In addition to the establishment of legal restraints, other significant changes occurred less immediately obvious but equally important. At the same time that citizens worked to establish law enforcement they developed

other bases for an orderly, refined life. Between the summers of 1872 and 1873 Newtonians founded churches and built a school house. During 1872 the townspeople formed organizations--fraternal, political, social, and cultural--which gave a cohesion and refinement to local life which was absent in 1871.

A facelift of Newton's business district was symptomatic of the undercurrent of change. One striking change in Newton was a decline in the number of saloons. Most of the town's twenty-seven saloon-keepers migrated with the cattle trade. Only six survived the loss of the transient trade and the stern regulations enforced by the 1873 council. The Gold Rooms Saloon changed hands three times during 1872-73 and was closed much of the time. The owner of the Mint Saloon refined his establishment with new decorations and a coat of paint. He emphasized a "quiet house" where one might drink "free from [the] interruption of loafers" Residents put several old saloons to new use. The Age Saloon became a railroad eating house, lumber from another provided material for sleeping quarters at the rear of Peter Luhn's Grocery. A merchant opened a shop of women's fashions in an old Saloon room, and Harry Lovett bought a Hide Park building, moved it north of the Santa Fe tracks, and remodelled it as a dwelling house. Judge Muse purchased the Delmonico Saloon and furnished it with seats and a platform for public functions. "Thus one by one," said Ashbaugh, "these barbaric domiciles are being remodelled into fit places for good society."⁴

Other physical changes were more subtle but also underscored a new atmosphere in Newton. After sustained prodding by the city council, merchants began constructing sidewalks in front of their stores. One merchant put down a concrete walk in front of his butcher shop; others added awnings to their structures. Plastered and papered walls appeared in some buildings.

A hardware dealer rented a vacant building and filled it with agricultural implements for sale. One merchant advertized the first stock of children's toys in Newton, and three women opened millinery shops offering "hats, bonnets, hair goods, feathers, posies," ribbons, dresses, and underwear. An ice cream parlor, several soda fountains, a jewelry store, a photography studio, and a savings bank rounded out the new business establishments. The Town Company ploughed, fenced, and landscaped a public park, and an auction sale in late May 1873 ridded the town of the final Hide Park buildings.⁵ Newton merchants now catered to a non-transient clientele, and the town took on a more permanent appearance.

The absence of homicides and notoriety led one resident to recall that the "years '72 and '73 were uneventful ones in the history of our city . . ."⁶ As a "sensation mill" Newton was indeed "played out." In fact, however, the winter of 1872-73 was busy for individuals who worked to establish a feeling of community in Newton. Following the loss of the cattle trade and its attendant transient businessmen, townspeople increased their recreational and cultural opportunities.

During 1871 social activity revolved around the institution of the saloon. The Gold Rooms was the social hub of Newton; daily it came into contact with nearly every male in town. One went to a saloon to eat, relax with a drink, or cultivate political alliances. A man might associate with his fellows over a game of dominoes or cards, and catch up on the local news and gossip. What religious activity there was took place in the saloons, which also served as houses of worship. Saloons and dance houses provided the milieu in which men sought and developed relationships with members of both sexes. During 1872-73, however, the saloon declined in importance. Townspeople took their recreational and cultural activities outside of the

saloon and created clubs and organizations to serve their purposes.

During the fall of 1872 Judge Muse remodelled the old Delmonico Saloon room into a public meeting house and provided one new setting for entertainment troupes and speakers. At Delmonico Hall, for example, one might attend a show of the "Crystal Vocalists and Comic Performers" or a lecture on a "Home for destitute and fallen women."⁷ Dancing was also removed from the saloons and Hide Park houses. In October 1872 residents who "delight in sociability and shaking the 'fantastic toe'" formed a local dancing club. Comprised of about twenty couples the club held dances throughout the year.⁸

Public dances, held at Delmonico Hall or one of the town's hotels, were also popular. Citizens celebrated Thanksgiving Day, Christmas Eve, the dedication of their school house, and the first anniversary of the founding of Newton with public balls.⁹ During the winter of 1872-73 residents also began the practice of holding Friday-night "sociables."¹⁰ These open-houses served to bring relaxed, informal social intercourse out of saloons and into private homes. Saloons, to be sure, continued to play a social role, but it was diminished. "Hart's Minstrel Troupe" entertained in the Parlor Saloon, the keeper of the Mint offered an orderly atmosphere at his house, and the incidence of drunkenness recorded in the police files testify that saloons were not defunct. No longer, however, was the saloon the only, or even the chief, social institution. The local election of 1873 emphasized its demise.

The creation of other organizations and institutions further enriched the social and cultural alternatives available to Newtonians. Residents with a desire to read books, eastern newspapers, or monthly magazines could join an informal library club. At her Bazaar of Fashion, Mrs. R. F. Lindsey

kept a small library and more than forty current newspapers and magazines. There one could either purchase reading material or, for a fifty-cent fee, he could read anything in the library.¹¹ Persons more dedicated to studying literature formed the Newton Literary Society. The society had over fifteen regular members and met in private homes.¹² A local Lyceum chapter was also formed and held irregular meetings throughout the winter of 1872-73.¹³

The formation of a Newton Dramatical Association during the last months of 1872 provided culture and entertainment to large numbers of townspeople. The group, comprised chiefly of professional men and wives of leading merchants, entertained in Delmonico Hall. They usually presented two plays-- a melodrama or tragedy followed by a farce. During intermission group singing and poetry-reading provided entertainment. Ashbaugh declared that their "efforts were a grand success." "Amid the tingling of bells, changing of scenery, and music of the orchestra," he boasted, "the audience seemed to contrast them with the theatre in such cities as Chicago and st. Louis."¹⁴ Ashbaugh's comments were overblown with local pride, but the Dramatic Association did provide an important form of entertainment and culture that had been absent during Newton's first year.

Political clubs, fraternal organizations, and a Harvey County Bible Society completed the list of associations which townspeople formed during 1872. In August 1872 a Grant and Wilson Club and a Greeley Club were begun. The Grant and Wilson Club was more popular than its liberal rival; by election time it had more than one hundred twenty-five members. The political clubs also served a social function. The Republicans featured instrumental music as well as speeches, and they invited women to attend.¹⁵ Twenty-two women eventually became honorary members. During the winter of 1872-73, the Masons and Odd Fellows in Newton received charters, organized lodges,

and settled into a pattern of weekly meetings.¹⁶ The county Bible Society was formed in September 1872 and met periodically. Its leaders were chiefly concerned with starting Sunday Schools and securing "good and permanent attendance."¹⁷

The establishment of educational and religious institutions coincided with the formation of these other organizations. Contemporaries attached fundamental importance to the founding of churches and schools in new towns. "Every church and school house in our land, enhances the security of life and property," wrote a Wichita editor. "Schools and churches are the known barriers to vandalism in whatever shape it may come to frontier life."¹⁸ A correspondent in early Newton who witnessed drunkenness, vice, and violence offered the following explanation: "There is neither church nor school house in town, nor is there even a religious organization."¹⁹ Referring to the absence of institutional restraints in Newton, a Topeka editor declared: "From all such godless towns as Newton, 'the good Lord deliver us.'"²⁰

Initial efforts to remedy the situation in Newton failed. In December 1871 a Topeka teacher travelled to Newton and helped to organize the township into school districts. The Town Company set aside lots for a school house and offered them to anyone wishing to erect a school building.²¹ There were no takers. During the spring and summer of 1872, when a large section of the business community and a substantial part of the town's population was on the move, the school issue remained unsettled. Finally, in August, 1872 townspeople took the first significant step and approved a \$5000 bond issue for a school house.²² Meanwhile, Miss Mary Boyd held classes in an empty storeroom. As the structure neared completion, Ashbaugh noted that "everything betokens that the wickedest town in Kansas is likely soon to have a school of the first order in successful operation." In late January the school opened

to sixty-two students. "Thus one of the objections immigrants have always had to settling in Newton has been remedied."²³

Fruitful efforts to establish churches in Newton also did not take place until 1872. Visitors to Newton during the town's frenzied first months noticed the absence of religious influences. During early August a man was killed in a brawl. When he was buried onlookers tried to find someone to offer a prayer at the grave, "but the result was fruitless, as no one was accustomed to the business." But there are "good solid men" among those following "legitimate callings" in Newton, declared a correspondent, "and it needs only the influence of the church to eradicate the vice and gross immorality of the town."²⁴

In mid-July, of 1871 the Rev. Overstreet, an Emporia Methodist minister, tried to stem the tide of sin at Newton. He travelled to town, strode into the Gold Rooms Saloon, and asked to be allowed to preach the following Sunday morning. The bartender fidgeted nervously and then agreed. Fun-loving townsmen hoped to make it a memorable morning and scheduled a horse race and a badger fight immediately after the service. Early that Sunday morning, however, a heavy downpour cancelled all activities. Overstreet returned to Emporia, leaving Newton's churchless record unbroken.²⁵ Several weeks later an itinerant minister from the Sedgwick area finally conducted religious services in Newton. On a busy Saturday night he preached at the Gold Rooms Saloon. During the service members of the audience played faro, prostitutes carried drinks, and the room resounded with the oaths of card players cursing their luck. At least one observer thought that "the result was rather damaging to the cause of Christianity."²⁵

During the first year Newton experienced no sustained organized religious activity. A Catholic priest from Wichita worked among Santa Fe

railroad workers, but not until the spring of 1872 were initial efforts begun to establish a church in Newton. In March, 1872 nine members of the Methodist Episcopal Church received a charter from the Kansas Secretary of State. The following July six Presbyterians organized a church.²⁶ After formal organization each group immediately elected a board of trustees and appointed a building committee. Months elapsed before results were visible.

In late September Presbyterians announced that a minister would soon arrive to begin a term of service. The Reverend N. K. Crowe from New York arrived in early October and began regular meetings in Delmonico Hall. In addition to a schedule of three Sunday services he preached each Thursday evening to "overflowing" crowds. Crowe soon tried to organize support to build a church. He urged upon his listeners the "importance of building up a church in Newton." "No community can expect good morals and intelligent, refined citizens without churches," he said. By early December 1872 the Presbyterians and Methodists regularly attended Crowe's services and he hoped that they would soon build a church. Apparently a rift developed because there was no united effort to construct a building. In November a Presbyterian drive to raise funds in order to rent Delmonico Hall throughout the winter failed. The Presbyterians were forced to use the school house as a meeting place.²⁷

Without a minister of their own Newton's Methodists for a time met with Crowe and the Presbyterians. They were determined, however, to build their own church. When the Presbyterians went begging for a building in January, 1873, the Methodists organized to raise funds. "Our town is suffering much from the want of a church building of some kind," wrote Ashbaugh, a trustee of the Methodist Church in Newton, "and everyone should help what they [sic.] can." The trustees solicited donations and pledges but still fell short of their goal. Late in the spring of 1873 the Kansas Methodist

Episcopal Conference voted to send a minister to Newton. The Reverend L. F. Laverty arrived in early May and immediately organized a new building committee. In less than a week local Methodists had again determined to erect a church. Ashbaugh once more praised their plans; a church "would speak volumes for the morals of any growing place like this."

Laverty's leadership produced results. Using money from their several fund-raising "festivals," the Methodists began building a church in late May. Construction proceeded steadily through the next two months and in mid-August 1873 residents dedicated their town's first church. "A heathenish appearance has a place minus a church," Ashbaugh was finally able to say. "A town without a church must be a Sodom indeed."²⁸ By the end of the summer of 1873 Newtonians had developed the institutions and created the organizations which would give refinement and stability to community life.

A close examination of the known members of each organization in Newton shows no prevailing pattern. Class lines blur in most organizations and a great deal of democracy seems evident. In the Masons leading merchants rubbed shoulders with carpenters; the same was true of the Odd Fellows. Property-owners developed a sense of community with non-property-holders. Affiliation with one group also did not preclude membership in another. Membership in the Grant and Wilson Club and the Methodist Church, for example, was not restricted to Masons. Nor did Odd Fellows only belong to the Greeleyites and the Presbyterian Church. Grant and Wilson Club members were heavily sprinkled throughout the Masons, Odd Fellows, Methodist Church, and Presbyterian Church groups.²⁹

In three organizations, however--the Lyceum, Dramatical Association, and Literary Society--there is evidence of a professional-business elite consciousness. Local lawyers comprised the entire known membership

of the Lyceum. Several of the same lawyers, wives of two leading merchants, and the town's new photographer made up the Dramatical Association. Some members of the Dramatical Association also belonged to the Literary Society. The known membership of the Literary Society too, was entirely made up of lawyers and wives and family members of Newton's wealthiest merchants.³⁰ Only in these three clubs, however, do there appear to be social barriers to membership. Townspeople seemed to exercise a high degree of freedom in joining the newly created organizations in Newton. If studied over a period of years, perhaps more rigidly-defined patterns of membership would emerge. During the first year after the organizations were created, however, residents seemed free from social bars to membership in most groups. Friendships and intimate associations followed no rigid class lines.

Most townspeople were not avid joiners. Of the known members of all organizations several were content to join only one group. To those belonging to only one organization the large Grant and Wilson Club was the most attractive. The majority of known members, however, joined two groups, with the most popular combination being a political and a fraternal organization. Some individuals were exceptions. H. L. Langan, a lawyer, belonged to the Lyceum, the Literary Society, and the Greeleyites. Samuel Lehman, a prominent hardware dealer, belonged to the Grant and Wilson Club, the Dramatical Association, and the Literary Society. Druggist George Munger was a member of four organizations--the Grant and Wilson Club, Dramatical Association, Masons, and the Presbyterian Church. These individuals, however, were not typical. Membership in one or two groups was the general rule.

Because of the loss of the cattle trade, the development of legal and moral restraints, and the broadening of recreational and cultural alternatives, life in Newton during 1872-73 was very different from what it had been previously. The physical facelift accompanied by the establishment of bases

for orderly community life had transformed the town's atmosphere. Visitors to Newton were impressed by the change. A Peabody editor "missed the features of some characters who used to haunt the streets of Newton, and [was] glad to see in their places gentlemen whose hair was short enough to be nearly covered by their hats, and whose revolvers were not so unpleasantly prominent."³¹ A correspondent who had visited Newton as a cattle town returned during 1872 and found a Sabbath School in session. He spoke of a "regenerated and reformed Newton," an "oasis in the desert."³² During 1872 Newton came to resemble most other Kansas small towns farther east. One newcomer strolled down Main Street on a Sunday morning and remarked that it "seem [ed] like home."³³ In August, 1873 Ashbaugh commented upon the change in Newton: "The name of Newton was known hundreds and thousands of miles in all directions as the wickedest town in Kansas Newton was the Nazareth of Kansas." After repeated efforts, however, local government was reformed, law and order established, and a school and church built. The process of civilization was in full swing. "Mark the change of to-day, in Newton: We have a young city . . . being rapidly populated by a energetic and moral class of people, possessing within itself all the attributes to be found perhaps, in any place in Kansas-- . . . morally, intelligently and energetically."³⁴

FOOTNOTES FOR CHAPTER 6--
Clubs, Organizations, and Institutions

1. Louis B. Wright, Culture On The Moving Frontier (Bloomington, Indiana: Indiana Univ. Press, 1955), p. 30.
2. Ibid., p. 12.
3. Topeka Daily Commonwealth, Dec. 12, 1871, June 29, 1872; Newton Kansan, May 29, 1873.
4. Newton Kansan, Sept. 26, Oct. 31, Dec. 12, 1872, May 22, June 5, 12, 26, 1873.
5. Ibid., Nov. 7, 21, Dec. 19, 1872, Feb. 6, Apr. 3, May 1, 22, 29, July 24, 31, 1873.
6. Harvey County Clippings, Vol. I, p. 68.
7. Newton Kansan, Oct. 31, 1872, May 1, 1873.
8. Ibid., Oct. 24, Nov. 7, 1872, Jan. 2, Feb. 27, 1873.
9. Ibid., Nov. 28, Dec. 26, 1872, Jan. 2, Apr. 24, 1873.
10. Ibid., Sept. 5, Oct. 10, 1872.
11. Ibid., Nov. 7, 1872.
12. Ibid., 50th Anniversary, Aug. 22, 1922, p. 58.
13. Ibid., Oct. 10, 31, Nov. 7, 1872.
14. Ibid., Nov. 21, 1872, Jan. 9, 16, 23, 30, Feb. 27, Mar. 20, Apr. 17, 1873.
15. Ibid., Aug. 22, 29, Sept. 5, 12, 19, 26, Oct. 3, 10, 1872.
16. Ibid., Nov. 14, 28, Dec. 26, 1872, Feb. 6, 13, 20, Mar. 13, June 26, July 10, 1873, Aug. 22, 1922, p. 101; Andreas, History of Kansas, p. 774.
17. Newton Kansan, Sept. 5, 1872, Apr. 3, 10, May 3, June 5, 1873.
18. Wichita Vidette, Sept. 1, 1870, Feb. 2, 1871.
19. Topeka Daily Commonwealth, Aug. 15, 1871.
20. Ibid., Sept. 19, 1871.

21. Ibid., Dec. 12, 20, 1871.
22. Andreas, History of Kansas, p. 773.
23. Newton Kansan, Aug. 22, 29, Sept. 12, Oct. 3, Dec. 19, 1872, Jan. 2, 23, 30, 1873.
24. Topeka Daily Commonwealth, Aug. 15, 1871.
25. Ibid., Sept. 12, 1871.
26. See "First Presbyterian Church," "Charter of the Methodist Episcopal Church," "letter From Sec. of State With Charter For M. E. Church," in Harvey County Scrapbook.
27. Newton Kansan, Sept. 26, Oct. 10, 31, Nov. 28, Dec. 12, 1872, Jan. 2, 1873.
28. Ibid., Jan. 23, Mar. 13, May 8, 15, 29, June 12, 19, July 3, 31, Aug. 14, 1873.
29. For information concerning membership of the Masons, Odd Fellows, Presbyterians, Methodists, Greeleyites, and the Grant and Wilson Club, see Newton Kansan, Aug. 22, 29, Sept. 5, 12, 19, 26, Oct. 3, 10, Nov. 7, 1872, Feb. 6, Mar. 3, July 10, 1873; Kansan, Fiftieth Anniversary Issue, Aug. 22, 1922, p. 101; Andreas, History of Kansas, p. 774, "First Presbyterian Church," "Charter of the First Methodist Episcopal Church," in Harvey County Scrapbook.
30. For the known membership of the Lyceum, Dramatical Association, and Literary Society See Newton Kansan, Nov. 7, 1872, Jan. 23, 1873, Kansan Fiftieth Anniversary Issue, Aug. 22, 1922, p. 58.
31. Newton Kansan, July 24, 1873.
32. Topeka Daily Commonwealth, June 25, 1872.
33. Newton Kansan, Oct. 10, 1872.
34. Ibid., Aug. 14, 1872.

NEWTON'S CATTLE TOWN EXPERIENCE AND THE PROCESS OF CIVILIZATION

"The towns," contends Richard Wade, "were the spearheads of the frontier. Planted far in advance of the line of settlement, they held the West for the approaching population."¹ For a brief time, so it was with Newton. But the town's location beyond the pale of dense population meant difficulties in the establishment of institutional restraints. The lure of profits compounded the problems. In this respect Newton resembled a mining boom town where "the average gold seeker was not eager to sacrifice his time for the public good."² A Montana miner could also have been writing about Newton in 1871 when he said: "Every man has left his home to better his condition. Bannock was not supposed to be a settlement, but simply a mining camp where everyone was trying to get what he could, and then go home. Consequently the majority were simply trying to attend to their own business and to let that of others alone."³ In Newton during the first year a majority of citizens was content to mind its own business and make profits.

For antiquarians Newton's engagement with the cattle trade provided grist for a rich local lore. The town fathers have preserved nothing resembling "Old Abilene," Dodge City's "Front Street," or Wichita's "Frontier Village." Nevertheless, aged residents and members of the county historical society recall with zeal Newton's reputation as the "Wickedest City in the West." Some residents point out--usually inaccurately--the "exact location" of the Gold Rooms Saloon, the Side Track, or Hide Park. Mention of the General Massacre provides a thrill of excitement and vicarious participation in a bygone era. Newton's brief cattle town heyday supplied a rich vein of colorful tales about early town life.

Residents in Newton during its early decades also assigned special significance to the cattle trade days. To these individuals chiefly concerned with local "progress" the migration of the cattle trade provided a convenient dividing line in the town's development. Muse writes that after the rails pushed west Newton's "bloody epoch" came to an end. The "well disposed" citizens saw a "bow of promise" and followed it to their destiny of growth and prosperity.⁴ Another observer declared that after the "flush times of '71" Newton

arrived at the period in its history when, trembling in the balance, it was uncertain whether it would progress or retrograde. During this time many of the houses in the city were taken up bodily and moved to the country and a number of business men here "pulled up stakes" and went west; but a sufficient number of our staunchest men, men who to-day are the recognized leaders in the several lines with which they are connected, had faith enough in the future of the city to remain, and its substantial growth in the past four or five years has demonstrated that their faith was well founded.⁵

A booster brochure in 1886 echoed the same sentiments. It praised those permanent residents--Luhn, Bentley, Muse, Hamill, Reese, and Lehman-- who took the "initiative step" after the cattle trade left. These men "infused into [Newton's] outgrowth activity and strength."⁶ Early chroniclers viewed the cattle town experience as a negative one. The cattle trade brought capital, transportation facilities, and population, but its effects were essentially disintegrating. Only after the demise of the "cowboy reign," felt contemporaries, could sustained growth, prosperity, and "progress" occur.

On the surface, this study of Newton might seem to confirm that notion. Anticipation of the Texas cattle trade provided an impetus for instant growth. Transients and mobile businessmen lent instability to local life during Newton's first year. When the cattle trade left, the "bummers" and many businessmen followed. Only in 1872 and 1873 were townsmen able to establish effective law enforcement, local government, schools, churches,

and associations. Newton's reputation changed and the town "seemed like home" to newcomers. Newton's early experience provides some insight into the process by which Wright's "culture bearers" established "wholesome restraints" in the wilderness.

A study of Newton's cattle town experience, however, also provides a significant guideline with which to view local life.⁷ An examination of early Newton confirms Dykstra's hypothesis that conflict, not unity of purpose, characterized the cattle town decision-making process. Newton's cattle town experience vividly portrayed the disintegrating forces of the frontier and the conflict involved in the establishment of stabilizing institutions. Early chroniclers and local boosters, however, viewed the phenomenon as an event which occurred within clear boundaries of space and time. When the cattle trade left, they felt, "progress" occurred; divisiveness was gone. But, to cite only one example, unity of purpose in the establishment of law enforcement and local government did not follow immediately upon the loss of the cattle trade. It suggests rather that conflict was part of a continuing process and did not give way to inexorable "progress." Viewed in such a manner the cattle town experience becomes an amplification of all of local life, not an isolated part of it, and can provide a framework within which to view local history at any given point in time.

FOOTNOTES FOR CHAPTER 7--
Newton's Cattle Town Experience And The Process Of Civilization

1. Richard C. Wade, The Urban Frontier, The Rise of Western Cities, 1790-1830 (Cambridge: Harvard Univ. Press, 1967), p. 1.
2. Rodman W. Paul, Mining Frontiers of the Far West, 1848--1880 (New York: Holt, Rinehart and Winston, 1963), p. 164.
3. From William Fergus, "A Leaf from the Diary of James Fergus Relative to the Fisk Emigration Party of 1862, and Early Mining Life at Bannack, 1863," quoted in Paul, Mining Frontiers, p. 164.
4. Muse, "History of Harvey County," in Edwards, p. 10.
5. Harvey County Clippings, Vol. I, p. 69.
6. The Republicans Pictorial Annual For 1886 (Newton, Kansas: n. p., 1886), p. 1.
7. I am indebted to Robert Dykstra's concluding chapter of The Cattle Towns for the following comments about the meaning of the cattle trade experience.

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