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Compiled by Darren McMannis

## When Ballots & Bullets Fly

**Episode Number:** 1871-06

**Date:** August 1871

**Summary:** Several historical accounts detailing incidents of violence in Newton, Kansas during early August 1871. The sources highlight the volatile atmosphere of the newly established town, particularly the tension between local citizens ("short-horns") and the influx of Texan drovers and herdsmen. The events described underscore the lack of effective law enforcement and the prevalence of gun violence in this frontier environment. These incidents serve as a prelude to a larger event the following week, referred to as the "Newton General Massacre."

### Key Themes and Ideas:

- **Prevalence of Violence and Gun Use:** The sources clearly indicate that gun violence was a common occurrence in Newton during this period. Both described incidents involve shootings and fatalities. The environment is portrayed as one where disputes quickly escalate to deadly force.
- **Tension Between Texans and Local Citizens:** A significant theme is the animosity and conflict between the Texan drovers/herdsmen and the established or more permanent residents of Newton. This tension is explicitly mentioned in several accounts, with Texans being described as "fierce, gun toting" and "domineering." Bill Bailey, a Texan, is noted for his aggressive behavior towards "short-horns," the term used for citizens not from Texas.
- **Lack of Law and Order:** The sources consistently depict Newton as a place with minimal effective law enforcement. The description of J.H. Lee's death being "allowed to go as an accident" despite considerable indignation, and the report that "no effort was made to apprehend [McCluskie], nor is apprehension desired by the people" after he killed Bill Bailey, illustrate the weakness or absence of formal legal processes. The *Weekly Democratic Statesman* explicitly states, "There is but little law in that region and more trouble is anticipated."
- **Transient and Unsettled Community:** Newton is portrayed as a frontier town lacking fundamental social and religious institutions. The absence of churches, schools, and even religious organizations, as reported by *The Kansas Daily Commonwealth*, indicates

a transient population and a focus on the economic activity brought by the railroad and cattle drives rather than community building. The difficulty in finding someone to offer a prayer at a burial further emphasizes this point.

- **The Role of Saloons and Dance Houses:** The incidents of violence are frequently located in saloons and dance houses, establishments associated with the transient and often rowdy population. J.H. Lee was killed in a "dance house," and the Bill Bailey incident escalated in a "saloon."

#### **Most Important Ideas/Facts:**

- **J.H. Lee Killing (August 1, 1871):** A young herdsman, Lee, was shot and killed in a Hyde Park dance house. While claimed to be accidental, there was "considerable indignation" and a belief among citizens that they were "helpless before the fierce, gun toting Texans and this incident was also allowed to go as an accident." (Moran)
- **Bill Bailey Killing (August 11, 1871):** William Wilson, alias William Bailey, a Texan described as a "desperado" who had previously murdered three men, was killed by William McCluskie, a railroad man, during a drunken row. Bailey had been serving as a "special policeman" on the day of a railroad bond election and was reportedly "very abusive, insulting, and domineering," particularly towards non-Texans. Multiple sources confirm Bailey was the aggressor in the incident that led to his death. "He became very offensive to a man named McCabe; following him about, and finally with a number of friends went into a saloon where McCabe was, and drawing a revolver threatened to shoot him. McCabe drew his pistol and shot Bailey..." (*The Leavenworth Daily Times*).
- **McCluskie's Fate (August 20, 1871):** Despite initially escaping, William McCluskie returned to Newton and was subsequently "murdered by the deceased Bailey's friends." (*The Kansas Daily Commonwealth*) This act highlights the retaliatory nature of violence and the absence of legal consequence for those seeking vengeance. The *Weekly Democratic Statesman* refers to this as a "general fight" between Texans in which McClusky and a Texan were killed, and others wounded.
- **Lack of Social and Religious Infrastructure:** Newton in August 1871 had "neither Church nor school house in town, nor is there even a religious organization." Efforts to find someone for a simple prayer at a burial were "fruitless." (*The Kansas Daily Commonwealth*) This underscores the frontier nature of the town and its lack of established community norms or moral guidance.

**Conclusion:** The sources paint a vivid picture of Newton, Kansas in August 1871 as a town marked by lawlessness, ethnic tensions, and frequent violence. The deaths of J.H. Lee and Bill Bailey, and the subsequent killing of William McCluskie, exemplify the volatile atmosphere and the apparent failure of formal legal structures to maintain order. The lack of community institutions further contributed to this unstable environment. These events set the stage for potential further violence, as indicated by the anticipation of "more trouble" due to the large congregation of Texan drovers and the prevailing lack of law. The incidents reviewed here serve as important context for understanding the subsequent "Newton General Massacre."

## Thought-Starters

### **Who was J.H. Lee and what happened to him?**

J.H. Lee was a young cowboy, around 20 years old, who was shot and killed in a dance house in Hyde Park around August 1, 1871. While initially claimed to be an accident in some accounts, others suggest it occurred amidst considerable indignation and helplessness on the part of citizens against armed Texans in the area. One newspaper report from August 12, 1871, specifically states he was a herdsman killed by another herdsman on August 9th at Slate Creek in Newton, which at the time was in northern Sedgwick County (before Harvey County was formed).

### **Where did the death of J.H. Lee take place?**

J.H. Lee's death occurred in a dance house in Hyde Park in Newton, also generally referred to as Slate Creek. Both common colloquial terms are associated with the Newton area in Kansas during this period. The newly inaugurated but unofficial "Boot Hill" cemetery was along Slate Creek on the eastern edge of town.

### **What is the significance of the mention of "Hyde Park"?**

Hyde Park is referenced as the location where J.H. Lee was killed in a dance house. It was a specific area off of Newton's Main Street known for such establishments, catering to the transient population, including cowboys and herdsman.

### **Who was Bill Bailey and what role did he play in the events?**

William Wilson, also known as William Bailey, was a Texan desperado who had reportedly murdered three men. He served as a special policeman during an election on a railroad bond proposition in Newton. During this time, he was described as abusive, insulting, and domineering, particularly towards citizens ("short-horns") as opposed to drovers or Texans.

### **What led to the initial shooting of Bill Bailey?**

Bailey became aggressive towards the other special policeman appointed for the day, a man named McCluskie (accounts calling him McCabe are in error). He followed McCluskie and, with friends, entered a saloon where McCluskie was present. Bailey drew a revolver and threatened to shoot McCluskie, leading McCluskie to draw his own pistol and shoot Bailey.

### **What happened after the initial shooting of Bill Bailey?**

Following the shooting of Bailey by McCluskie, the action became general, resulting in a man being shot in the foot, the only injury reported besides Bailey, who died shortly after. There was a strong sentiment that Bailey "was served right," and no effort was made to apprehend McCluskie who left town for the rest of the week.

### **How did the events surrounding Bill Bailey escalate further?**

Because there was no effort to apprehend him, McCluskie returned to Newton. A feud between Texans, stemming from Bailey's death, culminated in a general fight where McCluskie and several others were killed.

### **What do the reports reveal about the social and religious environment of Newton at this time?**

Newton was known as a fast town lacking significant religious and educational institutions. There were no Churches or schoolhouses, and efforts to find someone to offer a prayer at a burial were unsuccessful. Even attempts to hold religious services were met with disruptions or were planned alongside events like horse races and badger fights in unconventional locations like a gambling establishment. The town was seen as greatly in need of religious and Church influence, with many citizens desiring to welcome a preacher.

## **Study Guide**

### **Quiz**

1. What historical period and location are the events in the source material primarily focused on?
2. According to the various accounts, where did the killing of J.H. Lee take place?
3. What was the claimed reason for J.H. Lee's death according to the 1882 Harvey County Atlas Introduction?
4. Who was Bill Bailey serving as on the day he was shot, according to The Kansas Daily Commonwealth on August 23, 1871?
5. What was the election in Newton about, according to the Leavenworth Daily Times?
6. Who killed Bill Bailey, according to the Kansas Daily Commonwealth on August 23, 1871, and what was his profession?
7. Why did the Austin, Texas newspaper refer to the citizens of Newton as "short-horns"?
8. What happened to McCluskie after he killed Bill Bailey, according to The Kansas Daily Commonwealth on August 23, 1871?
9. According to The Kansas Daily Commonwealth on August 23, 1871, what was lacking in Newton regarding religious and educational institutions?
10. What kind of establishment was the "Gold Room" where a religious service was once attempted?

### **Answer Key**

1. The events are primarily focused on Newton, Kansas, in August of 1871, during the period of westward expansion and cattle drives.
2. The source material states J.H. Lee was killed in a dance house in Hyde Park, near Slate Creek, in Newton, Kansas.
3. The 1882 Harvey County Atlas Introduction claims J.H. Lee's death was accidental.

4. According to The Kansas Daily Commonwealth, Bill Bailey had been serving as a special policeman on the day he was shot.
5. The election in Newton was on the railroad bond proposition.
6. William McCluskie, a railroad man, killed Bill Bailey.
7. The Austin, Texas newspaper referred to citizens as "short-horns" to distinguish them from drovers or Texans.
8. According to the source, McCluskie initially escaped, but was later murdered by Bill Bailey's friends.
9. There was neither a Church nor a school house in town, nor was there even a religious organization.
10. The "Gold Room" was a gambling establishment.

### Essay Format Questions

1. Analyze the differing accounts of J.H. Lee's death. What do these discrepancies suggest about the nature of record-keeping and reporting in this time and place?
2. Compare and contrast the various descriptions of Bill Bailey's character and actions leading up to his death. How do these accounts influence the reader's perception of him?
3. Discuss the role of Texans and drovers in the events described. How did their presence contribute to the "murder and mayhem" in Newton?
4. Examine the description of Newton's social and moral environment as presented in The Kansas Daily Commonwealth on August 23, 1871. What does this reveal about the challenges of establishing order in a frontier town?
5. Trace the events surrounding the killing of Bill Bailey and the subsequent killing of McCluskie. What does this sequence of events illustrate about the concept of justice and retaliation in Newton at this time?

### Glossary of Key Terms

**Herdsmen:** A person who tends or drives a herd of animals, especially cattle.

**Dance House:** An establishment where people gathered to dance and socialize, often associated with saloons and other forms of entertainment.

**Hyde Park:** A specific location mentioned in the source material, likely an area within or near Newton known for its entertainment venues.

**Chisholm Trail:** A major cattle trail used in the post-Civil War era to drive cattle overland from ranches in Texas to Kansas railheads.

**Indignation:** Anger or annoyance provoked by unfair treatment.

**Desperado:** A bold, reckless criminal, especially one who is dangerous and violent.

**Drovers:** People who drive herds of livestock, especially cattle or sheep.

**"Short-horn":** A derogatory term used in the source material, likely referring to citizens who were not Texan drovers.

**Railroad bond proposition:** A proposal to issue bonds to fund the construction or development of a railroad. In this case, it was a spur from Newton to Wichita to keep the cowboys away from Newton.

**McCluskie, Mike:** The other extra patrolman on duty for the election, the man identified as having killed Bill Bailey.

**McMannis, Darren:** The individual associated with the Harvey County Genealogical Society introducing the material for this episode, from his book, "Murder & Mayhem In Harvey County" (available on Amazon.com).

**Muse, Judge R.W.P.:** The author of the Introduction to the 1882 Harvey County Atlas. He was a town father who sold town lots and had a financial interest in the proposed railroad spur.

**Moran, William:** The author of "Santa Fe and the Chisholm Trail in Newton (1971)."

**Wichita Vindette:** A newspaper from Wichita, Kansas.

**Kansas Daily Commonwealth:** A newspaper from Topeka, Kansas.

**Leavenworth Daily Times:** A newspaper from Leavenworth, Kansas.

**Weekly Democratic Statesman:** A newspaper from Austin, Texas.

**Slate Creek:** The location of the Boot Hill cemetery on the east edge of Newton.

**Sedgwick county:** The county where Newton was located, before Harvey County was carved out from it.

**Newton General Massacre:** An event to be discussed in the next installment, related to the events described in this episode.

**Revolver:** A type of handgun with a revolving cylinder containing the cartridges.

**Saloon:** An establishment where alcoholic drinks are sold and consumed.

**Feud:** A prolonged and bitter quarrel or dispute.

**Mortally wounded:** Injured in such a way that death is likely.

**Burial:** The action or ceremony of burying someone or something.

**Fruitless:** Failing to achieve the desired results; unproductive or useless.

**Accustomed to:** Familiar with or used to something.

**"Gold Room":** A specific establishment in Newton, identified as a gambling establishment.

**Horse race:** A competition of speed between horses, especially racehorses.

**Badger fight:** A blood sport involving the baiting of a captured badger, outlawed in many places.

**Gratuitously:** Without charge; free.