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ROWDY JOE & THE PLUG HAT GUEST

Episode Number: 1872-13

KNOWLEDGE PACKET

Date: February 1872

Summary: Lawlessness and the Quest for Order. This episode reviews key events and themes from early 1872 in Newton, Kansas, highlighting the pervasive lawlessness, attempts at establishing order, and the public's perception of the burgeoning frontier town. The provided sources detail several violent incidents, the political aspirations for Newton's future, and the challenges faced in taming its "wild west" image.

Main Themes:

- **Pervasive Lawlessness and Violence:** The sources consistently depict Newton as a town rife with violence, often stemming from alcohol, perceived insults, or a general disregard for life. Multiple killings are documented within a short period, frequently resulting in acquittals for the perpetrators.
- **The Struggle for "Law and Order":** There is a clear tension between the chaotic reality of Newton and the aspirations of its respectable citizens and civic leaders to establish a more peaceful and law-abiding community. The establishment of city governance and the creation of Harvey County are seen as crucial steps in this direction.
- **Frontier Justice vs. Formal Legal Processes:** While official legal proceedings (coroner's juries, preliminary examinations) are mentioned, the outcomes often suggest a form of frontier justice where self-defense or a reputation for "deadly aim" can lead to acquittal, even in cases of clear fatalities.
- **Newton's Reputation as a "Hurrah" Town:** Newspaper accounts, both local and national, frequently portray Newton as a dangerous and "notorious" place, a "terminus of the road" that attracted "gamblers" and "desperadoes." This reputation was both a reality and a challenge for the town's development.

- **The Role of Alcohol and Public Spaces:** Saloons and dance halls are repeatedly identified as locations where violence erupts, highlighting the role of these establishments in the town's social fabric and its problems.

Most Important Ideas or Facts:

1. The A.M. Sweet Shooting (February 18, 1872 - Case # 1872-HM05): This incident vividly illustrates the swift and often lethal nature of conflicts in Newton. A dispute originating from a dance at "Rowdy Joe's house" escalated quickly. A.M. Sweet, after making advances toward "Rowdy Kate" and taking her to Fanny Grey's house, was confronted by Rowdy Joe.

- **Key events:** "Sweet pulled his revolver; but before he fired, Joe fired two shots, both taking effect in Sweet's body, from the effects of which he died in 3 hours."
- **Outcome:** Rowdy Joe "immediately went to the Sheriff and gave himself up" and was subsequently acquitted, with the coroner's jury ruling it "Justifiable Homicide" and a justice acquitting him on "the plea of self-defense." This highlights the leniency shown to individuals claiming self-preservation in violent encounters.
- **Aftermath:** "Rowdy Joe" himself was later reported "to have been snuffed out in Texas" by 1877, suggesting a continued pattern of violence in his life.

2. The Birth of Harvey County and Newton's Future (February 28, 1872): This period marks a pivotal moment for Newton as it officially becomes a city of the third class and aims to shed its "hurrah" town image.

- **Aspiration for Order:** The "Topeka Commonwealth" articulates the hope that Newton will "continue her career as a 'hurrah' town, or whether, under the restraint of law and order, she is to seek her destiny through paths of peace and tranquility."
- **County Seat Significance:** The article explicitly states, "If Harvey county becomes an accomplished fact and Newton the county seat, the sun will shine on as peaceful and law-abiding a community as there is in Kansas. If it does not the question is a problematical one." This emphasizes the perceived link between official governance and the establishment of peace.
- **Underlying Problems:** Despite these aspirations, the presence of "several counterfeiters" and parties with "no visible means of support" being "narrowly watched" indicates that criminal elements were still a concern.
- **Mayor Spivey's Role:** Mayor Spivey is credited with "assisting in securing the passage of the county line act," indicating a leadership commitment to establishing a stable civic structure.

3. The Cherokee Dan Hicks Killing (March 1, 1872 - Case # 1872-HM06): This case further exemplifies the extreme violence and the public's reaction to it, particularly when a "notorious desperado" is involved.

- **Cherokee Dan's Character:** Described as a "half-breed" buffalo hunter who was "often drunk and 'shooting up the town,'" Cherokee Dan was a persistent source of disturbance.
- **Marshal Baumann's Encounter:** An earlier incident shows Marshal Charles Baumann's attempts to bring order, being shot by Cherokee Dan after demanding he stop "shooting up the bull painted on the sign above the door" of the Bull's Head Saloon. Dr. Gaston Boyd's intervention, being "respected by all concerned," prevented a fatal outcome, highlighting the ad-hoc nature of conflict resolution.
- **Fatal Encounter:** Cherokee Dan's spree continued into Harry Lovett's saloon, where he "started shooting at the paintings of women." Lovett's immediate and lethal response ("shot Cherokee Dan with his six-shooter") underscores the immediate self-preservation prevalent in such environments.
- **Public Reaction:** "Newton was delighted to have Cherokee Dan removed from its midst." The subsequent "excitement and jollity," "numerous bonfires," and "brilliantly illuminated" buildings demonstrate a strong public desire for the cessation of such violent behavior. The "Atchison Daily Champion" morbidly notes, "Tally One For Newton," and describes Lovett as "not heeding the admonition, 'slow to anger,' sent a bullet through the brain of poor sportive Dan."
- **Justified Killing:** Lovett "appeared before Justice of the Peace Halliday, who held the killing justified," reinforcing the pattern of self-defense as a valid legal claim.

4. Attacks by Native American Tribes (May 12, 1872 - Case # 1872-HM07): This source introduces another dimension of danger facing the settlers: external threats from Native American groups.

- **Ongoing Depredations:** "The Cheyennes and Osages are strongly inclined to continue the series of depredations and murders inaugurated by them as far back as the middle of the winter."
- **Impact on Development:** The threat led to "Railroad employees, terrified at the losses of life and stock," abandoning their work, severely impacting infrastructure development, with "but five teams in the employ of Cutter and Wiley." This illustrates how pervasive insecurity affected economic progress.
- **Widespread Danger:** The mention of "Newton, Sedgwick, Wichita, Larned, Zarah, and Dodge" indicates a broad area of conflict, underscoring the general perils of frontier life.

5. The "Deadly Aim" Acquittal (May 13, 1872 - Case # 1872-HM08): This peculiar incident further highlights the unusual nature of justice in Newton.

- **Unconventional Defense:** A man charged with "assault and battery, with intent to kill" (having shot the plaintiff through the thigh) argued that his "reputation for 'deadly aim'" proved he *lacked* intent to kill, because "he could have killed him if he wanted to."

- **Proof by Exhibition:** The defendant's demonstration of "at twenty paces, put six balls into the bottom of an oyster can in as many seconds" convinced the justice.
- **Acquittal Rationale:** "The defendant was discharged on the ground that such an excellent 'shot' could not possibly have had any intent to kill." This underscores a pragmatic, almost theatrical, approach to justice, where a display of skill superseded conventional evidence of intent.

6. The "Plug Hat Guest" Killing (May 18, 1872 - Case # 1872-HM09): Perhaps the most illustrative case of Newton's violent reputation, this incident, though not officially reported in local papers, became town lore.

- **Trigger for Violence:** A man's choice of attire—a "plug hat"—provoked mockery from locals, particularly M.J. Fitzpatrick, who "mocked him harshly and told him to take off his ridiculous looking hat."
- **Fatal Outcome:** Fitzpatrick's drunken attempt to "shoot that hat off your head" resulted in the guest being "shot... between the eyes and killed him instantly."
- **Lack of Identity/Unmarked Grave:** The victim was "buried in an unmarked grave in the Boot Hill cemetery," emphasizing the anonymity and expendability of life in such a transient and dangerous environment.
- **Reinforced Reputation:** The story became widely known, deterring visitors. An editor on a train excursion recalled being told "a man had recently been shot at this place for wearing a plug hat, and as we had our plug we stayed in the car." This vividly portrays how Newton's violent incidents contributed to its notoriety.
- **Progressive View:** Despite the fear, the editor also notes that "The respectable citizens have got the upper hand of the Rip-raps, Blood-tubs, Tigers and the Plug-uglies generally, who infested this place and order has been thoroughly instituted," suggesting a perceived improvement in the town's state.

Conclusion:

These sources collectively paint a picture of Newton, Kansas, in early 1872 as a raw frontier town grappling with severe lawlessness. While civic leaders and "respectable citizens" actively sought to establish order through incorporation and the formation of Harvey County, the reality on the ground was often violent and volatile. The casual nature of killings, the justifications offered (self-defense, a "deadly aim"), and the public's complex reactions (delight at the removal of "desperadoes," fear of random violence) highlight the challenges of transitioning from a "hurrah" town to a peaceful community. The persistent external threat from Native American tribes further compounded the struggle for stability and growth. Despite the initial chaos, there was a clear drive towards "peace and tranquility" and a belief that with "proper exercise of energy and enterprise Newton will become 'one of them'" – a respectable Kansas town.

Thought-Starters

1. What was the "Tragedy at Newton" and what was its outcome?

The "Tragedy at Newton" refers to the shooting death of A.M. Sweet by "Rowdy Joe" on Monday, February 19, 1872. The incident stemmed from an altercation at a dance at Rowdy Joe's house where a stranger offended Rowdy Kate. Rowdy Joe slapped Kate, and A.M. Sweet then took advantage of the situation, getting Kate drunk and taking her to Fanny Grey's house. The next day, Rowdy Joe confronted Sweet after hearing threats against him. Sweet pulled his revolver first, but Joe fired two shots, killing Sweet within three hours. Rowdy Joe surrendered to the Sheriff and was subsequently acquitted of the shooting on the plea of self-defense, with the Coroner's jury ruling it "Justifiable Homicide."

2. How did Newton's status as a "hurrah" town evolve, particularly in early 1872?

In early 1872, Newton was grappling with its identity as a "hurrah" town, characterized by disorder and lawlessness. However, there was a strong push towards establishing law and order, driven by hopes of becoming a peaceful and law-abiding community, especially if Harvey County became a reality and Newton its county seat. The incorporation of Newton as a city of the third class and the upcoming election for city officers were seen as pivotal moments to determine its future path. The presence of suspected counterfeiters and individuals living without visible means of support also highlighted the need for greater control and stability. Mayor Spivey was instrumental in securing the county line act, further contributing to the town's efforts to transition from a "hurrah" town to a more respectable settlement.

3. Who was Cherokee Dan Hicks and what led to his demise?

Cherokee Dan Hicks was a buffalo hunter known for being frequently drunk and "shooting up the town." He was referred to in newspapers as a "half-breed." On one occasion, he got into a shootout with night marshal Charles Baumann, injuring him. Despite this, Dr. Gaston Boyd intervened, preventing further bloodshed. Later, on March 1, 1872, Cherokee Dan entered Harry Lovett's saloon and began shooting at paintings. Harry Lovett responded by shooting Cherokee Dan, killing him. The community of Newton was reportedly "delighted" by his removal, and Justice of the Peace Halliday ruled the killing justified. His death was even celebrated with bonfires and festivities, viewed as a "glorification demonstration over the fact that the notorious desperado, Hicks, had met his just deserts."

4. What dangers did settlers face in the Arkansas valley in 1872?

In May 1872, settlers in the Arkansas valley faced significant dangers from Native American tribes, specifically the Cheyennes and Osages, who were continuing a series of "depredations and murders" that had begun in the winter. Towns like Newton, Sedgwick, Wichita, Larned, Zarah, and Dodge reported victims whose remains were left on the buffalo plains. Railroad employees were particularly affected, terrified by losses of life and livestock, and the presence of large bands of Comanches without their squaws (a sign of hostile intentions). This fear led to

a mass exodus of railroad workers, significantly impacting operations and highlighting the ongoing threat to life and property in the region.

5. What unusual legal defense was presented in a Newton assault case?

An unusual legal defense was presented in a Newton assault and battery case with intent to kill. The defendant, who had shot the plaintiff through the thigh, argued that there was no intent to kill. His reasoning was based on his reputation for "deadly aim," claiming that if he had intended to kill, he would have succeeded. To prove his skill, he invited the justice to an exhibition. In the rear of the office, at twenty paces, he put six balls into the bottom of an oyster can in as many seconds. Impressed by this demonstration, the justice discharged the defendant, accepting the argument that such an excellent "shot" could not possibly have had any intent to kill if the victim was only wounded.

6. What was the "Plug Hat" incident in Newton and its significance?

The "Plug Hat" incident occurred on May 18, 1872, when a man wearing a plug hat, visiting Newton from the east, entered a Main Street saloon. He was mocked and jeered by others, particularly M.J. Fitzpatrick, who told him to remove his "ridiculous looking hat." When the visitor refused, Fitzpatrick, presumably under the influence of alcohol, attempted to shoot the hat off his head but instead shot the man between the eyes, killing him instantly. The victim had no identification and was buried in an unmarked grave. This event was not reported in the local Newton newspaper but became a whispered legend, illustrating the volatile and dangerous nature of the town. Its significance is further highlighted by a Kansas newspaper editor's account, who, having heard about the incident, chose to stay on the train during a stop in Newton, fearing for his safety while wearing his own plug hat.

7. How did Newton's reputation for violence affect visitors and its general image?

Newton's reputation for violence, exemplified by incidents like the "Plug Hat" shooting and the numerous reports of "desperadoes" and "hurrah" town activities, significantly impacted visitors and its general image. The anecdote of the newspaper editor choosing to remain on the train due to fear for his life perfectly illustrates the town's perceived danger. While it attracted gamblers and "Rip-raps, Blood-tubs, Tigers and the Plug-uglies," it also deterred more respectable citizens. However, there was a conscious effort by "respectable citizens" to gain control over these unruly elements, with reports indicating that "order has been thoroughly instituted." This suggests a town in transition, attempting to shed its lawless image and become a more stable community.

8. What role did prominent citizens and public sentiment play in shaping Newton's early development?

Prominent citizens and public sentiment played a crucial role in shaping Newton's early development, particularly in its transition from a chaotic "hurrah" town to a more orderly community. Mayor Spivey, for instance, was a key figure in advocating for and securing legislation like the county line act, seen as essential for establishing a peaceful and law-abiding community. The public's reaction to events like the killing of Cherokee Dan, celebrated with

bonfires and jubilation, demonstrates a strong desire for the removal of disruptive elements and the establishment of law and order. While the town was initially plagued by "gamblers" and "Rip-raps," the efforts of "respectable citizens" to gain the upper hand and institute order were recognized, indicating a collective desire to move towards a more prosperous and peaceful future for Newton.

Study Guide

Quiz

1. Describe the initial conflict that led to the shooting of A.M. Sweet by Rowdy Joe.
2. What was the official verdict and outcome for Rowdy Joe after he killed A.M. Sweet?
3. Beyond the shooting of A.M. Sweet, what ultimately happened to Rowdy Joe according to later reports?
4. What were the two primary goals for Newton's future as expressed around the time of Harvey County's incorporation?
5. Summarize the events of Cherokee Dan Hicks' first violent encounter with Marshal Charles Baumann.
6. How did the citizens of Newton react to the death of Cherokee Dan Hicks, and what did this reaction signify?
7. What unique defense was used by the "Unknown Man" arrested for assault and battery, and how was it "proven"?
8. Why was the "Plug Hat Guest" shot, and what was the immediate consequence for him?
9. Why was the death of the "Plug Hat Guest" not reported in the local Newton newspaper, and how was the incident still known?
10. Besides the internal conflicts among residents, what external threat did settlers and railroad employees face in the Arkansas Valley around May 1872?

Answer Key

1. The initial conflict began at a dance at Rowdy Joe's house when a stranger made unwanted advances toward Rowdy Kate. Rowdy Joe then slapped Kate for the alleged insult, which was the backdrop for Sweet's intervention.
2. After killing A.M. Sweet, Rowdy Joe immediately surrendered to the Sheriff. The Coroner's jury returned a verdict of "Justifiable Homicide," and he was subsequently acquitted at a preliminary examination on the plea of self-defense.
3. Later reports from 1877 indicate that Rowdy Joe himself met a violent end. He was reportedly "snuffed out" in Texas, though the name of the individual responsible for his death was not given.
4. The two primary goals for Newton were to transition from a "hurrah" town to a peaceful and law-abiding community. This was to be achieved through the "restraint of law and

order," and the establishment of Harvey County with Newton as its county seat was seen as crucial to this objective.

5. Cherokee Dan Hicks was "shooting up the town" and fired at a bull sign on a saloon. Marshal Charles Baumann heard the shots, confronted Dan, and fired his pistol, grazing Dan. Dan then returned fire, hitting Baumann in the right thigh and shooting off his right thumb.
6. The citizens of Newton reacted with immense celebration to Cherokee Dan Hicks' death, building bonfires and illuminating buildings, accompanied by music and dancing. This "glorification demonstration" signified their relief at the removal of a "notorious desperado" and their desire for a more orderly community.
7. The "Unknown Man" contended there was no intent to kill in his assault because, with his "deadly aim," he could have killed the plaintiff if he wished. He "proved" this by demonstrating his marksmanship, putting six balls into an oyster can in as many seconds at twenty paces, leading to his discharge.
8. The "Plug Hat Guest" was shot because he refused to remove his "ridiculous looking hat" after being mocked by M.J. Fitzpatrick. Fitzpatrick attempted to shoot the hat off but, being intoxicated, shot the guest between the eyes, killing him instantly.
9. The death of the "Plug Hat Guest" was not reported in the local Newton newspaper, suggesting an attempt to suppress negative news or that it was a sensitive local whisper. However, the incident became widely known through whispers in town and was recounted by visiting newspaper editors from other Kansas cities.
10. Besides internal conflicts, settlers and railroad employees in the Arkansas Valley faced the threat of "depredations and murders" from Native American tribes, specifically the Cheyenne and Osage. The presence of Comanche bands without squaws was seen as an "almost certain evidence of hostile intentions."

Essay Questions

1. Analyze the tension between "frontier justice" and the establishment of formal law and order in Newton during 1872. How do the cases of Rowdy Joe, Cherokee Dan Hicks, and the "deadly aim" man illustrate this dynamic?
2. Discuss the role of public perception and external media in shaping Newton's reputation during this period. How did the local and external newspaper accounts differ in their portrayal of the town, and what might account for these differences?
3. Examine the concept of "civilizing" the American West as depicted in the sources. What were the challenges faced by "respectable citizens" in Newton, and what efforts were made to transition the town from a "hurrah" town to a "law-abiding community"?
4. Compare and contrast the different reactions of the Newton community to the deaths of A.M. Sweet and Cherokee Dan Hicks. What do these reactions reveal about the community's values and priorities regarding violence and order?

5. To what extent do the provided sources support the idea that Newton in 1872 was a dangerous and unpredictable place? Refer to specific events and anecdotes to build your argument.

Glossary of Key Terms

- **Acquitted:** Declared not guilty of a criminal offense by a court or jury.
- **Admonition:** A gentle warning about behavior.
- **Allegro:** (As used here, likely a pseudonym or an editorial signature) A rapid and lively musical tempo; metaphorically, a quick and spirited report.
- **Assault and Battery:** An act that creates an apprehension in another of an imminent harmful or offensive contact (assault) coupled with the actual harmful or offensive contact (battery).
- **Boot Hill Cemetery:** A common name for the cemeteries in the American West where gunfighters, lawmen, and others who "died with their boots on" were buried. Often, these were unmarked graves.
- **Bowie-knife:** A large, broad, and sharp knife, often used as a weapon in the American West.
- **Coroner's Jury:** A jury assembled by a coroner to determine the cause and circumstances of a death, particularly if the death is sudden, violent, or suspicious.
- **Counterfeiters:** Individuals who illegally imitate or reproduce something, especially money, for purposes of deception.
- **Depredations:** Acts of plundering, robbing, or ravaging; refers to destructive or violent acts.
- **Desperado:** A desperate or reckless person, especially a criminal.
- **Frow:** (From German "Frau") Wife.
- **Hurrah Town:** A colloquial term for a lively, often boisterous and somewhat lawless frontier town, characterized by excitement and perhaps less formal order.
- **Incorporating (a city):** The legal process by which a municipal corporation (a city or town) is created, allowing it to have its own government, laws, and powers.
- **Justifiable Homicide:** The killing of a human being under circumstances that permit the act to be regarded as without criminal intent, such as self-defense.
- **Overtures:** An act or gesture in a relationship or courtship, often with a sexual connotation in this context.
- **Plug Hat:** A colloquial and often derogatory term for a top hat, associated with urban dwellers or Easterners, distinct from the cowboy hats common in the American West.
- **Preliminary Examination:** A hearing held to determine if there is enough evidence to warrant a trial.
- **Problematic al:** Posing a problem; doubtful or uncertain.
- **Rampage:** A period of violent and uncontrollable behavior.

- **Rip-raps, Blood-tubs, Tigers, Plug-uglies:** Various derogatory slang terms for gangs, ruffians, or disorderly individuals common in urban and frontier areas, signifying different types of troublemakers.
- **Self-defense:** The right to use reasonable force to protect oneself or others from harm.
- **Six-shooter:** A revolver or pistol capable of firing six shots without reloading.
- **Snuffed out:** A colloquial expression meaning to kill someone.
- **Terminus:** The final stop or end point of a railway line.
- **Un-baching himself:** A colloquial expression meaning to stop being a bachelor; to get married.
- **Visible Means of Support:** Sufficient income or resources to live on, implying that without such, a person might be involved in illicit activities.

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