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## ON THE MEAN STREETS WITH A HORSE

Episode Number: 1878-19

### KNOWLEDGE PACKET

Date: Summer/Fall 1878

This episode summarizes key criminal incidents and related events in and around Newton, Kansas, between 1878 and 1884, drawing from the provided newspaper excerpts and biographical notes. It highlights main themes of violence, justice, and community response in the late 19th century American West.

#### I. The Murder of Benjamin Ball (1878-1883)

The case of Benjamin Ball's murder is a central event, illustrating a protracted legal and investigative process, public outrage, and the complexities of the justice system.

**A. The Initial Affray and Stabbing (October 26, 1878):** The conflict originated from a dispute over a load of corn at Seaman's Livery Stable. Benjamin Ball, an employee, refused to accept corn from James (or J.C.) Wilson without proper orders. This led to a **fistfight**, where "Wilson coming out second best." (The Harvey County News, Oct. 31, 1878).

Later that evening, a drunken Wilson returned to the stable. While Ball was holding a lantern for customers, Wilson "slipped up behind with an open knife, making a pass at him with it, evidently intending for his throat, but struck his face making a ugly cut, and another striking him in the bowels leaving a fearful gash several inches long the depth of the blade." (The Harvey County News, Oct. 31, 1878). Ball was taken to Seaton's Drug Store for wound dressing.

**B. Ball's Death and Post-Mortem (November 13, 1878):** Despite initial hopes for recovery, Benjamin Ball died from his stomach wounds on November 13, 1878. A post-mortem examination, conducted by Drs. Scanton, Coleman, and Steinmetz, revealed "that the knife had penetrated the liver over an inch and that mortification had been going on in the same for some time past." (The Newton Kansan, Nov. 14, 1878; The Weekly Commonwealth, Nov. 21, 1878). Ball was approximately 30 years old, unmarried, and was buried in Marion County, likely in an unmarked grave near his father in Doyle Valley Cemetery.

**C. Wilson's Escape and Recapture (November 1878 - June 1879):** J.C. Wilson, held in Wichita awaiting Ball's recovery or death, "escaped from the Wichita jail Monday night of this week, and is still at large." (The Newton Kansan, Nov. 14, 1878). This escape prompted a reward offer: "The Board has offered a reward of \$150 for the capture of James Wilson, the murderer of B. Ball, and who escaped from the Wichita jail." (The Newton Kansan, Dec. 5, 1878). The Governor of Kansas later offered an additional \$300 reward.

Wilson was re-arrested near Harristown, Illinois, in June 1879. The arrest was attributed to Mr. Jacob Bear of the county clerk's office, who "rightfully claims the reward," though constables Oder and Edwards also sought it. (The Decatur Daily Republican, June 28, 1879). Wilson was subsequently "lodged in our county jail [Chase County] on Sunday night." (The Chase County Leader, July 8, 1879).

**D. Trial and Sentencing (October 1879):** At the Harvey County Court, Judge Peters sentenced J.C. Wilson "for killing Ball, fifteen years" in the penitentiary. (The Daily Commonwealth, Oct. 5, 1879). Wilson entered the State penitentiary at Lansing on September 27, 1879, as prisoner number 2001, charged with Murder in the Second Degree.

**E. Pardon Request (October 1883):** Four years into his sentence, an application for Wilson's pardon was made to the Governor. It was argued that "newly discovered evidence has come to light, and sworn to by credible persons, which if produced at the trial would have made the crime of Wilson not more than manslaughter in the third degree, for which the penalty could not have exceeded three years." (The Newton Kansan, Oct. 4, 1883). The pardon was supported by a broad coalition, including the Judge, nine jurors, prosecuting attorneys, county and city officers, and "nearly every business man in Newton." (The Newton Kansan, Oct. 4, 1883). Wilson had also maintained a good behavioral record, qualifying him for a one-year remittance. His whereabouts after 1883 are unknown.

## **II. William Gazolo: A "Desperado" and His Newton Connection (1879/1880-1884)**

The case of William Gazolo provides insight into interstate criminal activity and highlights a prior, less detailed, incident in Newton.

**A. Omaha Murder (July 6, 1880):** Gazolo, an Italian, was arrested in St. Paul, Minnesota, in May 1884, for the murder of Louis Zerga, an Italian scissor grinder, in Omaha, Nebraska. The motive was a "dispute over the division of money won by the men at gambling," where Zerga refused Gazolo his "full share." Gazolo then "drew his revolver and shot him." (The St. Paul Globe, May 16, 1884). Gazolo was described as a "desperado of the meanest description," who fled and led a "life of debauchery and dissipation."

**B. Prior Imprisonment in Newton (Pre-July 1880):** Crucially, the article states that "Previous to the killing of Zerga he was in prison at Newton, Kansas, for shooting a frail woman from Wichita, who had assisted him in stealing horses." (The St. Paul Globe, May 16, 1884). This earlier crime, involving horse theft and violence against a female accomplice, underscores Gazolo's criminal history and suggests a prior, unelaborated, incident of violence in or near Newton. Gazolo used multiple aliases, including William Gazello, Fred Miller, Abram Miller, and Staguino.

### III. Attack on Marshal Sawyer (August - October 1882)

This incident details an attempted assault on a law enforcement officer, showcasing the dangers faced by marshals and the swift judicial response.

**A. The Incident (August 4, 1882):** Claud Wilson, while intoxicated after a circus, drove a team over D.R. Swan's young son, seriously bruising him. A special policeman arrested Wilson and, encountering City Marshal Sawyer, turned Wilson over to him. When Sawyer informed Wilson he would be taken to jail due to his intoxication, Wilson "struck at him with a large knife which he had concealed in his coat sleeve, and had he not dodged the same would have either cut his throat or injured him seriously." (The Newton Kansan, Aug. 10, 1882). Wilson was subsequently jailed.

**B. Sentencing (October 1882):** In District Court, Claud Wilson "who attempted to kill city marshal Sawyer last summer, to one year in the penitentiary." (The Newton Kansan, Oct. 19, 1882). He was escorted to Leavenworth penitentiary by Sheriff Wafer.

### IV. General Themes and Observations

- **Prevalence of Violence:** The sources highlight a significant level of interpersonal violence, often fueled by alcohol and disputes, leading to serious injury and death.
- **Challenges of Law Enforcement:** The escape of J.C. Wilson from jail and the attempted knifing of Marshal Sawyer illustrate the difficulties and dangers faced by law enforcement in this period. The lack of a local county jail in Harvey County was a point of concern ("Isn't it about time Harvey county had a jail of her own, in which to guard her prisoners?").
- **Judicial Process and Community Involvement:** The cases demonstrate the functioning of the local justice system, including preliminary trials, grand jury indictments (implied), sentencing, and the community's role in advocating for outcomes, as seen in the widespread support for Wilson's pardon.
- **Interstate Criminality:** The capture of Wilson in Illinois and Gazolo in Minnesota showcases the mobility of criminals and the need for inter-state cooperation in law enforcement.
- **Media Reporting:** The newspaper excerpts provide detailed, though sometimes slightly differing, accounts of events, reflecting local journalistic practices of the time. They also reveal public sentiment through editorial comments and the reporting of community actions (e.g., reward offers, pardon petitions).

## Thought-Starters

**1. What was the initial dispute that led to the fatal stabbing of Benjamin Ball by James Wilson?** The trouble began several days before the affray when Benjamin Ball, an employee at Seaman's Livery Stable, refused to accept a load of corn brought by James Wilson because he lacked specific orders from his employer, Mr. Seaman, to do so.

**2. How did the altercation escalate to violence on the night of the stabbing?** On the Saturday night of the incident, James Wilson came to Newton, became intoxicated, and sought out Benjamin Ball at the livery stable. A fistfight ensued, which Wilson reportedly lost. Later that evening, Wilson returned while Ball was holding a lantern for others and, without further provocation, attacked Ball with a knife, inflicting serious wounds.

**3. What were the immediate consequences of the stabbing for both Benjamin Ball and James Wilson?** Benjamin Ball suffered severe stab wounds to the stomach, neck, and face. He was taken to a local drug store for medical attention. James Wilson's arm was reportedly dislocated during the initial fight, and he was also brought to the drug store to have it treated. Wilson was subsequently arrested and his preliminary trial was postponed pending Ball's recovery or death.

**4. What was the eventual outcome for Benjamin Ball, and what legal actions were taken against James Wilson?** Benjamin Ball died from his stomach wounds approximately two weeks after the stabbing. A post-mortem examination revealed that his liver had been penetrated, leading to fatal complications. James Wilson was convicted of murder in the second degree and sentenced to fifteen years in the state penitentiary.

**5. Did James Wilson remain in custody following his arrest and conviction?** No. While awaiting his postponed trial, James Wilson escaped from the Wichita jail along with two other prisoners. He remained at large for several months before being apprehended in Decatur, Illinois, and subsequently returned to Kansas.

**6. Were there any community reactions or concerns expressed in the local newspapers regarding this incident?** Yes, the local newspapers reported extensively on the affray, Ball's condition and death, Wilson's escape and recapture, and the subsequent legal proceedings. One newspaper even questioned whether Harvey County should have its own jail to better secure prisoners, highlighting concerns about the safety and accountability of the existing arrangements.

**7. What became of James Wilson after his sentencing, and were there any subsequent legal efforts on his behalf?** James Wilson entered the state penitentiary in September 1879. Four years later, an application for his pardon was made to the Governor. This request was supported by the trial judge, nine of the jurors, the prosecuting attorneys, local officials, and many Newton business owners, based on newly discovered evidence suggesting the crime might have been manslaughter rather than murder. The outcome of this pardon request is not detailed in the provided sources, but more research may provide additional information.

**8. Beyond the Ball-Wilson incident, what other instances of violence or crime were reported in Newton, Kansas, during this period?** The provided sources also document other instances of violence and crime in Newton, including William Gazolo being arrested for the murder of Louis Zerga in Omaha, Nebraska, with a past connection to Newton for shooting a woman involved in horse theft. Additionally, Claud Wilson was arrested for driving a team over a child and

subsequently attempting to attack the city marshal with a knife, resulting in a prison sentence. These incidents suggest that Newton was a frontier town experiencing its share of violent episodes and law enforcement challenges.

## Study Guide:

### I. Quiz:

1. What was the initial cause of the dispute between Benjamin Ball and J. C. Wilson?
2. Describe the sequence of events that led to Benjamin Ball's fatal injuries on the night of the "cutting affray."
3. What was the primary cause of Benjamin Ball's death, according to the post-mortem examination?
4. How did J. C. Wilson manage to escape custody after Ball's death, and what immediate action was taken by authorities in response?
5. Where was J. C. Wilson eventually re-arrested, and what two entities offered rewards for his capture?
6. What was J. C. Wilson's sentence for the killing of Benjamin Ball, and how long did he serve before a pardon request was made?
7. What new evidence emerged that led to the application for J. C. Wilson's pardon, and who supported this request?
8. What previous crime had William Gazolo committed in Newton, Kansas, before the killing of Louis Zerga in Omaha?
9. What was the immediate consequence for Claud Wilson after he drove a team over D. R. Swan's son?
10. Describe the assault Claud Wilson committed against City Marshal Sawyer and the weapon he used.

### II. Answer Key

1. The initial dispute between Ball and Wilson arose over a load of corn. Ball refused to accept the corn from Wilson and store it in the livery stable without explicit orders from his employer, Seaman.
2. After an initial fistfight where Wilson was "worstbed," Wilson returned after dark. He slipped up behind Ball, who was holding a lantern for parties hitching a team, and attacked him with an open knife, striking him in the face and fatally in the stomach/bowels.

3. According to the post-mortem examinations, Benjamin Ball died from the stomach/bowel wound, specifically noting that the knife had penetrated his liver, and mortification had been occurring. This injury was deemed unsurvivable.
4. J. C. Wilson escaped from the Wichita jail with two other prisoners on a Monday night, shortly after Ball's death. In response, the county commissioners offered a reward of \$150 for his capture.
5. J. C. Wilson was eventually re-arrested near Harristown, Illinois, specifically Decatur. The State of Kansas offered a \$300 reward, and Harvey County offered a \$150 reward for his capture and return.
6. J. C. Wilson was sentenced to fifteen years in the penitentiary for "killing Ball" (Murder in the Second Degree). An application for his pardon was made approximately four years into his sentence.
7. Newly discovered evidence, sworn to by credible persons, came to light, suggesting Wilson's crime was closer to manslaughter in the third degree, with a maximum penalty of three years. This pardon was supported by the judge, nine jurors, prosecuting attorneys, and numerous community members.
8. Before the killing of Louis Zerga, William Gazolo had been in prison in Newton, Kansas, for shooting a "frail woman from Wichita" who had assisted him in stealing horses.
9. After Claud Wilson drove a team over D. R. Swan's son, a special policeman arrested him. He was then turned over to City Marshal Sawyer, who intended to take him to jail due to his continued intoxication and the boy's injuries.
10. When Marshal Sawyer told Claud Wilson he would be taken to jail, Wilson struck at him with a large knife he had concealed in his coat sleeve. Sawyer had to dodge the attack to avoid serious injury, potentially to his throat.

### III. Essay Format Questions

1. Compare and contrast the two initial newspaper accounts of Benjamin Ball's "cutting affray." Identify specific details that differ between *The Newton Kansan* and *The Harvey County News*, and discuss how these discrepancies might affect a reader's understanding of the event.
2. Trace the legal and penal journey of J. C. Wilson from the time of the "cutting affray" until the pardon request. Discuss the various locations of his incarceration, his escape, and the reasons cited for the later application for his release.
3. Analyze the role of community and official involvement in the J. C. Wilson case. How did local authorities, citizens, and eventually state officials contribute to his capture, prosecution, and later, the effort for his pardon?
4. Discuss the limited information available on the "Frail Woman" and Marshal Sawyer cases. What can be inferred about the nature of crime and law enforcement in Newton

during this period based on these brief accounts, and what details are conspicuously missing?

5. Examine the broader societal context suggested by these newspaper excerpts. What do these reports reveal about the daily life, concerns (e.g., public safety, local infrastructure like jails), and legal processes in a developing Kansas town in the late 1870s and early 1880s?

#### IV. Glossary of Key Terms

- **Affray:** A public disturbance; a fight or brawl in a public place.
- **Livery Stable:** A stable where horses and buggies are kept for hire or where they are boarded.
- **Post-mortem Examination:** An examination of a dead body to determine the cause of death; an autopsy.
- **Mortification:** The localized death of living tissue (gangrene), typically occurring due to lack of blood supply or infection.
- **Incarcerated:** Confined in a jail or prison.
- **At large:** (Of a criminal) escaped or not yet caught.
- **Requisition:** A formal demand or request, especially one made by one authority or government to another for the surrender of a fugitive.
- **Murder in the Second Degree:** In this historical context, typically a killing committed with malice aforethought but without premeditation.
- **Manslaughter in the Third Degree:** A lesser charge than murder, often implying a killing without malice or premeditation, possibly in the heat of passion or by culpable negligence, with a lighter penalty.
- **Pardon:** The action of officially forgiving someone for a crime and releasing them from punishment.
- **Remittance:** A reduction in a debt or punishment.
- **Desperado:** A desperate or reckless person, especially a criminal.
- **Debauchery:** Excessive indulgence in sensual pleasures.
- **Dissipation:** Dissolute living; wasteful expenditure of money, energy, or resources.