

Fort Hays State University

FHSU Scholars Repository

Master's Theses

Graduate School

Spring 1938

Criminal Cases In Ellis County, Kansas, 1867-1937

Wallace F. Baker

Fort Hays Kansas State College

Follow this and additional works at: <https://scholars.fhsu.edu/theses>



Part of the [Sociology Commons](#)

Recommended Citation

Baker, Wallace F., "Criminal Cases In Ellis County, Kansas, 1867-1937" (1938). *Master's Theses*. 267.

DOI: 10.58809/RHXB2728

Available at: <https://scholars.fhsu.edu/theses/267>

This Thesis is brought to you for free and open access by the Graduate School at FHSU Scholars Repository. It has been accepted for inclusion in Master's Theses by an authorized administrator of FHSU Scholars Repository. For more information, please contact ScholarsRepository@fhsu.edu.

CRIMINAL CASES IN ELLIS COUNTY, KANSAS
1867 - 1937

being

A Thesis presented to the Graduate Faculty
of the
Fort Hays Kansas State College
in partial fulfillment of the requirements
for the Degree of Master of Science

by

Wallace F. Baker, B. S. in Education
Fort Hays Kansas State College

Date: May 12, 1938

Approved: W. D. Moreland
Major Professor

J. B. Streeter
Acting Chr. Graduate Council

ACKNOWLEDGMENT

Special acknowledgment and appreciation are given Dr. F. B. Streeter for his constructive criticism and helpful suggestions.

For the development of interest in this subject the writer wishes to express appreciation to Dr. W. D. Moreland of the Social Science Department of the Fort Hays Kansas State College, who has directed and encouraged the writer throughout the preparation of this thesis.

PREFACE

Many articles have been written on crime and its problems. There is only one true way by which crime may be studied, and that is by analysis and investigation. In this thesis the purpose of the writer had been to investigate the kind and number of cases that have passed through the district court. Those cases receiving fines and jail sentences necessitated a search of the records to find if the sentences were served and the fines paid.

The history of Ellis County was used to give the reader a background for consideration of the cases. Two kinds of classification were made in order that the reader might receive a full picture of the cases.

The writer is deeply indebted to Fred E. Bieker, Clerk of the District Court, and to Joseph Doerfler, Sheriff, for their assistance in the collection of these data.

TABLE OF CONTENTS

<u>Chapter</u>	<u>Page</u>
I. INTRODUCTION	
Forts	2
Coming of the Railroad	2
Early Dance Halls	3
First Officers	3
Early Lawyers	4
First Case in District Court	5
First Marriage and First Birth	5
Population and Growth	5
Schools	7
Early Churches	9
Oil	10
Road Houses	11
County Valuation	11
Headquarters	13
II. NUMBER AND NATURE OF CASES	
Procedure	14
Bone Dry Law	24
III. GENERAL SURVEY	
Crimes against Property	30
Anti-Social Crimes	31
Crimes against Persons	32
Others or No. 15	32
Crimes against Public Morals and Decency ...	33
Crimes against Peace	34
Total Number of Crimes	34
IV. DISPOSITION OF CASES	36
V. COMPARISON OF RUSSELL COUNTY, KANSAS, AND ELLIS COUNTY	58
VI. CONCLUSIONS AND RECOMMENDATIONS	63
APPENDIX A	
Offense Classification	71

APPENDIX B	
Source of Official Authority	79
BIBLIOGRAPHY	84

LIST OF TABLES

<u>Table</u>	<u>Page</u>
I. Population of Ellis County	6
II. School Attendance, Salaries, Number of Teachers	8
III. Church Membership	10
IV. Assessed Valuation	12
V. Offense Classification 1868-1871	17
VI. Offense Classification 1872-1881	18
VII. Offense Classification 1882-1891	18
VIII. Offense Classification 1892-1901	20
IX. Offense Classification 1902-1911	21
X. Offense Classification 1912-1921	22
XI. Offense Classification 1922-1931	24
XII. Offense Classification 1932-1937	26
XIII. Offense Classification 1868-1937	27
XIV. Crimes against Property	31
XV. Anti-Social Crimes	31
XVI. Crimes against Persons	32
XVII. Crimes against Public Morals and Decency .	33
XVIII. Crimes against Peace	34
XIX. Total Kansas Statute Classification	34
XX. Distribution and Disposition of Murder Cases	37
XXI. Distribution and Disposition of Manslaughter Cases	38
XXII. Distribution and Disposition of Robbery Cases	39
XXIII. Distribution and Disposition of Assault Cases	40
XXIV. Distribution and Disposition of Burglary Cases	41
XXV. Distribution and Disposition of Larceny Cases	42
XXVI. Distribution and Disposition of Auto Theft Cases	43
XXVII. Distribution and Disposition of Embezzlement and Fraud Cases	44
XXVIII. Distribution and Disposition of Stolen Property Cases	45
XXIX. Distribution and Disposition of Forgery and Counterfeiting Cases	46

XXX.	Distribution and Disposition of Rape Cases	47
XXXI.	Distribution and Disposition of Prostitution and Commercialized Vice ..	48
XXXII.	Distribution and Disposition of Other Sex Offenses Cases	49
XXXIII.	Distribution and Disposition of Non-support and Family Desertion Cases.	50
XXXIV.	Distribution and Disposition of Violation of Liquor Law Cases	51
XXXV.	Distribution and Disposition of Disorderly Conduct and Drunkenness Cases	53
XXXVI.	Distribution and Disposition of Gambling Cases	54
XXXVII.	Distribution and Disposition of Other Cases	55
XXXVIII.	Distribution and Disposition of Injunctions	56
XXXIX.	Number of Cases of Russell County and Ellis County	58
XL.	Comparison of Law Violations of Russell and Ellis Counties 1922-1931 ..	60
XLI.	Comparison of Law Violations of Russell and Ellis Counties 1932-1937 ..	60
XLII.	Comparison of Law Violations of Russell and Ellis Counties 1868-1937 ..	61

CHAPTER I

HISTORY AND DEVELOPMENT OF ELLIS COUNTY

Only a short time ago when pioneers came westward to build new homes and seek freedom, little did they think about the apprehension of criminals or law violators because the law rested on the hip, the handiest place for their six-shooters. Little did they know about court procedure or the confinement of violators, because the lariat with the hangman's knot did the work our prisons do today.

Ellis County was named after George Ellis, of the Twelfth Kansas Infantry. Until the year of 1867 the county was an unorganized territory located approximately in the center of the western portion of the state. It was in that year that the county was given boundaries and a name. It contains 576,000 acres or about 900 square miles, and is bounded on the north by Rooks County, on the west by Trego County, on the south by Rush County, and on the east by Russell County.

The early settlements of the country were characterized by those incidents which are usually peculiar to frontier life, in which the revolver generally played a conspicuous part.

Forts

In 1864-1865 a military post was established in Ellis County about fourteen miles southeast of where Hays now stands. This post was known as Fort Fletcher and had quarters for several companies of troops. The post was located on the low-lying land along the margin of Big Creek and was destroyed by a flood that occurred in the spring of 1867 in which several colored soldiers lost their lives. Fort Fletcher was abandoned and immediately thereafter Fort Hays was established south of Hays City by General Pope. Up to that time the country was without settlement, but the location of Fort Hays and the approach of the Kansas Pacific Railway attracted many settlers to this location.¹

Coming of the Railroad

The Kansas Pacific Railway reached the center of the eastern boundary of Ellis County in the year of 1867. People flocked to the new town, Fort Hays, by the score and it grew rapidly. The notorious characters gave the place anything but an enviable reputation.²

1. Andreas, Kansas History, p. 1290.

2. Ibid. p. 1290.

Early Dance Halls

William E. Connelley in his book Wild Bill and His Era quotes from an early-day editorial in the Emporia Gazette as follows:

"The town was lively but not moral. The streets were lighted from the reflection of the blazing lights of saloons. In addition to dance halls the saloons maintained dances. Women gaudily dressed were striving to hide with ribbons and paint the awful lines which dissipation had drawn upon their faces. These terrible marks were not confined to women, for men had noses painted cherry red by whiskey. The music was furnished by old-fashioned fiddlers. The rooms were always crowded..."³

First Officers of Ellis County

The first county commissioners were J. E. Walker, Dennis Ryan, and William Rose. The first county clerk was J. W. Connor. The first sheriff was Thomas Ganlon and the first Justice of the Peace was M. E. Joyce, who had been appointed to the office by the Governor early in 1867.⁴

The first three sheriffs of Ellis County met with violent deaths. The circumstances surrounding Ganlon's death are unknown except that it was at the hands of desperadoes.

3. Connelley, William E. Wild Bill and His Era, p. 125.
 4. Andreas, Kansas History, p. 1290.

In the spring of 1872 a row occurred one evening in front of "Old Man" Kelly's saloon on North Main Street. The second sheriff, Peter Lanahan, went to quell the disturbance and during the exchange of shots he, as well as his deputy Charles Harris, was killed.⁵

The third sheriff was "Kid" Alexander Ramsey. Just before being elected he held a job as mule driver at the Fort. He swore that he was of age and, as he had no relatives and wanted to become sheriff, the people consented. Ramsey was killed in June, 1875, by some horse thieves whom he tried to arrest.⁶

Early Lawyers

Just after the county was settled, any one who desired to become a lawyer had to go through a certain procedure. First, he needed to be recommended to the district judge by another lawyer. The judge would appoint a committee of three to conduct an examination. A date was set and on that date the applicant furnished an ample supply of beer and whiskey. About all they examined was the taste of drinks. The applicant admitted the committee to his bar drinks and they in turn admitted the applicant to the legal bar.⁷

5. Ibid., p. 1292.

6. Interviewed Frank Stout 3-9-38, Hays, Kansas.

7. Interviewed Frank Stout 3-9-38, Hays, Kansas.

First Case in District Court

The first case tried in the District Court in Ellis County was Ryan and Ruggles vs. Ranahan. The presiding Judge was the Honorable Judge Humphery. There was a great deal of interest manifested in the case by the people, although the matter was only a question of a debt. The Judge decided in favor of the defendant. This so enraged one class of people that they made preparations to mob the Judge. He was glad to flee to the Fort and seek the protection of the troops.⁸

First Marriage and First Birth

The first marriage in Ellis County was that of Peter Tondell and Elizabeth Duncan in 1868. The first child born was John Bauer on January 29, 1868.⁹

Population Growth

The population of Ellis County was 1,336 in 1870, three years after its organization. During the five years following it decreased to 940, being 396 less in 1875 than it was in 1870. This decline took place after the grasshopper year of 1874. Then during the three years follow-

8. Andreas, Kansas History, p. 1290.

9. Ibid., p. 1290.

ing 1875 the population grew to 2,437, the largest growth being from 1878 to 1880, at which time it was 6,179. From 1880 to 1910 this was doubled, during which time it grew to 12,170.¹⁰ By March 1, 1937, Ellis County population had reached the high mark of 16,554.¹¹ The following table shows the foreign and native born, and the total population for this county.

TABLE I
POPULATION OF ELLIS COUNTY

Year	Foreign Born	Native Born	Total
1870	557	779	1,336 ¹²
1880	1,945	4,234	6,179 ¹³
1890	2,049	5,893	7,942 ¹⁴
1900	2,058	6,568	8,626 ¹⁵
1910	2,408	9,762	12,170 ¹⁶
1920	1,878	12,260	14,138 ¹⁷
1930	1,372	14,535	15,907 ¹⁸
1937	--	--	16,544 ¹⁹

Foreign born people in the county have always been interesting. German-Russians have probably played the largest part in the building of this county. Their churches

10. Ibid., p. 1291.

11. Records of County Clerk of Ellis County, 1937 Census.

12. U. S. Census Reports, p. 191.

13. U. S. Census 1900, Table 18, Vol. 1, Pt. 1, p. 20.

14. Ibid., p. 503.

15. Ibid., p. 504.

16. U. S. Census 1910, Table 1, Vol. 2, p. 678.

17. U. S. Census 1920, Table 4, Vol. 2, p. 942.

18. U. S. Census 1930.

19. 1937 Census from office of County Clerk.

here are exhibits of hard work and citizenship. In the year 1870 out of the 1,336 population there were 557 of foreign birth; while in 1890, when the county population had reached 7,942, there were 2,049 of foreign birth; and in 1930, the population being 15,907, there were still 1,372 foreign born, equalling the entire population of 1870.²⁰

Schools

In 1882 there were thirty-nine school districts, with only twenty-two buildings containing twenty-eight rooms in all. Seventeen districts had no school buildings. The average school term at this time was three months.²¹ Teachers would hold school in one district for a term and then move to the next district. Mrs. Perigo, of Ellis, Kansas, stated that she taught in this county during this period the year around.²²

Schools have advanced step by step with the other things in the county. In 1900 there were enrolled 3,315 students in the schools, and 900 of this number attended the Catholic parochial schools. At this time there were

20. U. S. Census Reports from 1870 to 1930.

21. Andreas, Kansas History, p. 1290.

22. Interview with Mrs. J. G. Perigo, March 12, 1938.

52 teachers with an average salary of \$37.86 per month. Seven years later the enrollment of the county was 3,934, 1,300 of whom were parochial students, and 68 teachers with an average monthly salary of \$43.45. In 1938 there were 5,373 students and 80 teachers averaging \$90.00 per month with 2,518 parochial school students. This year held a relatively high number of teachers, and the average salary was higher than ordinary. In 1936 we had a total enrollment of 6,130 students, 84 teachers at an average monthly salary of \$50.00 with 2,228 students in parochial schools. The following table shows the school attendance, salaries, and number of teachers from 1882-1936.

TABLE II

SCHOOL ATTENDANCE, SALARIES, NO. OF TEACHERS

Year	Number Enrolled	Number of Teachers	Average Mo. Salary	Parochial Attendance
1882	2,638	32	\$ 38.85	23
1900	3,315	52	37.86	900
1903	3,730	64	33.95	1,200
1907	3,934	68	43.45	1,300
1912	4,395	46	50.63	1,376
1918	5,040	56	65.00	1,949
1924	5,244	76	84.00	2,252
1928	5,373	80	90.00	2,518
1934	6,344	69	53.00	2,198
1936	6,130	84	50.00	2,228 24

23. Andreas, Kansas History, p. 1290.

24. Records of County Superintendent's Office. Court House, Hays, Kansas.

One of the most valuable assets of Ellis County and of western Kansas is the Fort Hays Kansas State College. In 1900 the old Fort Hays military reservation was given to the state for educational purposes. The Normal opened June 23, 1902, with a summer session in the old fort buildings. William S. Picken was made principal. This school has developed rapidly and now serves Ellis County and western Kansas, helping to make it a better place in which to live.²⁵

Early Churches

In the year 1869 there were no church buildings, but sometimes on Sunday morning the Chaplain from the Fort came over to the town and read the Episcopal morning services from the freight platform. A large crowd assembled, only a few of whom bowed their heads during prayer.²⁶

Leonard Bell, a Methodist, preached the first sermon inside a building. It was inside Tommy Drum's saloon in the year of 1873. It is said that the billiard tables and the bar were covered over with blankets and the services conducted on Sunday morning before the smoke had cleared from the business of the night before.²⁷ The fol-

25. Connelley, W. E., Kansas History, Vol. II, p. 1075.

26. Connelley, W. E., Wild Bill and His Era, p. 125.

27. Interview with Frank Stout 3-9-38.

lowing table shows the church membership for the beginning years and the 1937 membership for a contrast in growth.

TABLE III
CHURCH MEMBERSHIP

Denomination	1879	1881	1891	1937
Baptist	35	25	35	304
Episcopal	33	33		319
Lutheran	65	75	110	732
Methodist	120	150	196	573
Presbyterian	68	50	60	310
Catholic	1,000	1,050	1,857	11,114
Congregational		26	13	0
TOTAL	1,321	1,414	2,271	13,352

The 1937 census showed that 66.41 percent of the people of the county were members of the Catholic Church, 17 percent belonged to the Protestant churches, and 16.56 percent did not belong to any church.

Oil

For many years men have been seeking oil here. The first oil well in Ellis County was started June 1, 1935 on the Palmer, Stormking Oil Company lease. It produced on August 27, 1935, on the southeast corner of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, Township 15, Range 18 west of the sixth prime meridian.²⁸ On March 1, 1938, there were 290 producing

28. Oil and Gas Record, Book 21, p. 92, affidavit of Production on p. 572. Lease agreement to drill Palmer Oil Corporation and Stormking Oil Company oil records, Recorder of Deeds office at Ellis County Court House.

wells in the county with a valuation of four and one-half million dollars.²⁹

Road Houses

With the coming of the oil boom, people came here from many outside places. This class of people desired a different kind of entertainment from that which was offered, so at present there are twelve road houses; that is, places outside of the city limits where one can dine, dance and drink. These were built as follows:

Blue Lantern, Hays - fall of 1929
 Ben's Tavern, Victoria - Summer, 1936
 Buckeye Tavern, Victoria - Summer, 1936
 Hillside Pavilion (Rat Slide) - Winter, 1936
 Rock House Inn, Hays - Summer, 1936
 San Souci, Hays - Late Summer, 1936
 Riverside Inn, Oil City - Summer, 1937
 Rialto, Hays - November 1, 1937
 Hinesville Inn, Oil City - Summer, 1937
 Station six miles south of Hays - Summer, 1937
 Hermon's Place, Walker - Summer, 1937
 George's Inn, Munjor - Summer, 1937

It is easy to imagine the number of reasons why these were built outside the city limits.

Valuation

Ellis County has increased in wealth, mostly since 1875, because few attempts at farming were made before this. The attempts that were made were experimental and

²⁹. Third Biennial Report of Agriculture, p. 228 and Sixth Biennial Report of Agriculture, p. 142.

unsuccessful, partly because of the coming of the grasshoppers in 1874. The following table shows the assessed valuation in Ellis County from 1900 to 1937.

TABLE IV

ASSESSED VALUATION OF ELLIS COUNTY AS OF MARCH 1³⁰

Year	Amount
1900	\$ 2,621,863
1901	2,756,587
1902	2,415,545
1903	2,837,297
1904	2,838,041
1905	2,930,828
1908	18,026,838
1910	19,439,096
1915	19,975,746
1920	25,430,571
1925	23,861,381
1930	25,798,251
1932	20,783,398
1935	18,152,396 ³¹
1937	21,801,516

In 1882 the valuation of the county was \$361,023 and the people depended upon agriculture. As a whole it has been handicapped by droughts. In 1900 the county valuation had reached \$2,621,863. The period of 1900 to 1905 showed very little increase while the following three years it grew to \$18,726,838. In 1930 the wealth reached a new high of \$25,798,251. The valuation was lowered in 1937 to \$21,801,516.³²

30. Ellis Co. Tax Rolls. Abstract Tax Rolls, Vol. A.

31. State Tax Commission, an adjustment of 10% down in Hays, Kansas, in 1935.

32. Ellis Co. Commissioners Proceeding, Vol. A to J, Nov. 10, 1876 to 1938.

Hays as Headquarters

Ellis County has always held an attraction for people who are traveling, one factor in this being its position as headquarters for the railroad. In early days it was a place to which herders drove cattle, sheep, and horses, from Dodge to Omaha. The soldiers at the Fort attracted a transitory class of people, such as gamblers and prostitutes. So Hays followed the trend of all frontier towns.³³ The early days of Ellis County were spent in hard work. These people were rugged and not many attended school and church. Homes were crude and traveling was slow. Step by step Ellis County has progressed with the nation.

33. Interview with Walter Stanton, Justice of the Peace, 3-9-38.

CHAPTER II

NUMBER AND NATURE OF CASES

In the preceding chapter a background of the county was built up from the viewpoint of the home, the church, the school, and other social and economic factors that might affect the crime problem in some way. The purpose of the writer has been to study all criminal cases that have gone through the district court of Ellis County and to show, if possible, reasons for certain crime conditions and how our courts and law function in this county.

In doing this the records of the district court have been used, mostly the trial dockets, but where such information was insufficient other records were used, such as appearance dockets and file index cases. In each case the information contained the name or names entered on the case, the case number, the date of the trial, and the disposition of the case. In cases where fines were assessed the records were checked to ascertain if these fines had been paid. The same was done in cases where jail sentences were given to find if these sentences had actually been served.

Twenty-four cases were thrown out of the statistics as it was impossible to obtain accurate information concerning them. Most of the cases in which the records were incomplete were tried when records were not handled as they are now.

The civil and criminal cases of Ellis County were numbered from 1 to 9972 up to January 1, 1938. There were no cases numbered from 4099 to 5000, making 901 cases not accounted for. There was a total of 9071 civil and criminal cases. From this group there were 1183 criminal cases. The dates presented cover the period from 1868 to 1837, inclusive. The first three years have been placed in a separate group as many cases occurring in this period were unclassified. Cases from the year 1872 to the present have been divided into ten-year periods so as more easily to compare Ellis County with Russell County, as a similar study has been made in Russell County by Clyde M. Dutt.³⁴

The method of research and classification was taken from tally sheets prepared by the Department of Commerce, Bureau of Census, Washington D. C., for Judicial Criminal Statistics for 1934.³⁵

The Plaintiff was always the State of Kansas by reason of a provision of the State Constitution.³⁶ In

34. Dutt, Clyde M. Criminal Cases of Russell County 1872-1937. Fort Hays Kansas State College Library. (Unpublished Thesis)

35. Kansas Statutes, 1935, Art. 3, Par. 17.

all instances where cases have been appealed to the higher court, they have been tabulated as if they were decided in the district court.

If a single defendant was charged in one proceeding (indictment or affidavit) with several offenses (counts), this was recorded only once on the most serious account. For example, if A was charged with burglary and larceny, burglary was listed on the tabulation and larceny dropped, since burglary was the more serious.

If several defendants were charged in a single indictment (or equivalent) with, for instance, burglary, each person was accounted for burglary. This had a tendency to raise the number of cases to more than there really were.³⁶

If several defendants were charged in one indictment or affidavit with several offenses (counts) only one account appeared. This had a tendency to lower the counts brought before the court.

Where the same person was brought before the court for the same offense several different times, each case was counted as a separate offense.

When dividing the 69 years into ten-year periods, we can notice by the table fluctuations the number and

36. Department of Commerce, Bureau of Census, Washington, D. C. Tally Sheet No. 1, Procedural Outcome, 1934. Courts of General Jurisdiction.

kinds of cases appearing in each period. The following table shows the number and kind of offenses for the period 1868-1871:

TABLE V

NUMBER AND KINDS OF CASES 1868-1871

<u>Offense</u>	<u>Number</u>
Unknown	8
Rape	7
Assault	2
Larceny	2
Murder	1
	Total 20

It is noticed in this period that eight cases were unclassified and that seven were rape cases. As the largest percent of the cases were unclassified, little time has been spent on this period, but we must remember that this was a three-year period just after the county had been organized.

The following table shows the number and kind of offenses for the period 1872 to 1881:

TABLE VI
NUMBER AND KINDS OF CASES 1872-1881

<u>Offense</u>	<u>Number</u>
Larceny	49
Assault	32
Liquor	18
Others	17
Murder	7
Prostitution and Commercialized Vice .	6
Burglary	5
Disturbing the Peace	3
Embezzlement and Fraud	22
Rape	2
Manslaughter	1
Vagrancy	1
	<u>Total 143</u>

In this period larceny or stealing cases outnumbered the rest with a total of 49 out of 143 cases, or thirty-four percent. The second highest number of cases was for assault and battery.

The following table shows the number and kinds of offenses for the period 1882-1891:

TABLE VII
NUMBER AND KINDS OF CASES 1882-1891

<u>Offense</u>	<u>Number</u>
Liquor	29
Larceny	19
Assault	11
Others	9

Burglary	6
Embezzlement & Fraud	6
Rape	5
Forgery and Counterfeiting	3
Gambling	3
Disturbing the Peace	2
Stolen Property	2
Robbery	1
Prostitution and Commercialized Vice .	1
Other Sex Offenses	1
Total	<u>98</u>

The dram shop law was passed in Kansas in the year of 1855. This was to restrain dram-shops and taverns and to regulate intoxicating liquors. Although this was the first liquor law passed, many others have been passed since then. Kansas, because of these laws, has acquired the name of being a dry state.³⁷

Even in this ten-year period liquor offenses rank the highest of all violations with approximately 29 offenses. Larceny and assault offenses rank high with nineteen and eleven cases respectively or 19 and 11 percent. It is noticed that the crimes varied in classifications. There were a few of nearly every kind of violation in this period.

The following table shows the number and kind of offenses for the period 1892-1901:

37. Connelly, William E., History of Kansas, Vol. II, p. 697, Prohibition in Kansas.

TABLE VIII

NUMBER AND KINDS OF CASES 1892-1901

<u>Offense</u>	<u>Number</u>
Liquor	77
Larceny	30
Assault	24
Others	11
Burglary	10
Disturbing the Peace	7
Gambling	6
Rape	5
Manslaughter	5
Embezzlement & Fraud	4
Murder	2
Forgery & Counterfeiting	2
	Total 183
Injunctions	5

The total number of cases (183 for this period ranked third highest of the eight divided period, and out of this number liquor offenses ranked high with seventy-seven cases or 42 percent of the total.

One reason that liquor violations have always run high is that the German-Russian people, who constitute 65 percent of the population of the county, have always enjoyed moderate drinking. Many times these people are reared with liquor in their homes. Therefore they are naturally against those laws which they believe are not right, and they are honest and sincere in their belief that there is no harm in using liquor properly. Because of this many people of this county have not wanted to

obey this law, and violate it, not as criminals, for according to their belief they are not doing anything wrong.³⁸

The following table shows the number and kinds of offenses for the period 1902-1911:

TABLE IX

NUMBER AND KINDS OF CASES 1902-1911

<u>Offense</u>	<u>Number</u>
Liquor	78
Assault	30
Others;	30
Larceny	26
Rape	10
Burglary	8
Forgery & Counterfeiting	7
Gambling	5
Robbery	5
Manslaughter	3
Embezzlement & Fraud	3
Other Sex Offenses	3
Disturbing the Peace	2
Murder	<u>1</u>
	Total 211
Injunctions	35

During the period 1902-1911 the liquor cases ranked highest not only for this ten-year period but also for all the periods. The cases totaled 211 and of this there were 78 or approximately 37 percent liquor cases. The

38. Interview with Fred Bieker, Clerk of District Court.
4-13-38.

percent of cases is lower than for the previous ten-year period. One may notice that the highest number of injunction cases was brought during this time. A total of 35, or over four times as many as in any other period, is noted. The second highest number of violations was assault and battery. Some people when under the influence of liquor become quarrelsome. This often led to assault and battery cases, which included 14 percent of the crimes during this ten-year period. Classification Number 15, or other crimes not named, came to 14 percent in this period, and larceny was very close with 12 percent of the total violations.

The following table shows the number of the different classifications of offenses for the period of 1912-1921.

TABLE X

NUMBER AND KINDS OF CASES 1912-1921

<u>Offense</u>	<u>Number</u>
Assault	55
Liquor	25
Burglary	16
Others	16
Larceny	14
Forgery & Counterfeiting	9
Disturbing the Peace	8
Murder	6
Rape	6
Robbery	4
Auto Theft	4
Embezzlement & Fraud	3
Nonsupport	2
Manslaughter	1

Stolen Property	1
Prostitution and	
Commercialized Vice	1
Other Sex Offenses	1
Carrying Deadly Weapons	1
Gambling	1
Total	<u>174</u>
Injunctions	1

In thinking of this period we can not help but think that the World War conditions played some part in bringing about violations of the law at this time. The highest number of violations in any one classification was included in that of assault and battery. Out of 174 cases 55, or 31 percent, were assault and battery cases. As this county contained many German people, many of whom remained loyal to and in sympathy with Germany, perhaps clashes in belief caused many of the assault cases. This was the highest number for all the ten-year periods.

Liquor violations ranked second with 25 cases, or fourteen percent. Larceny ranked fifth with fourteen cases or .08 percent. This is the only period in which liquor was not in first place.

During 1912 to 1921 there were six murders, which ranked high in number compared to the other periods.

Of the 174 cases during this time there was a larger variation in crimes, as there was one or more for nearly

every classification.

The following table shows the number and kind of offenses occurring in the period of 1922-1931

TABLE XI

NUMBER AND KINDS OF CASES 1922-1931

<u>Offense</u>	<u>Number</u>
Liquor	55
Assault	26
Larceny	26
Forgery & Counterfeiting	20
Burglary	16
Disturbing the Peace	14
Rape	13
Others	11
Nonsupport	7
Robbery	6
Murder	3
Embezzlement & Fraud ,.l.....	3
Manslaughter	1
Other Sex Offenses	1
Other Motor Vehicle	1
Gambling	1
Total	264
Injunctions	8

The Bone Dry Law was passed during this period, which reads that "It shall be unlawful for any person to directly or indirectly manufacture, sell, or barter, or give away, furnish, keep, or have in his possession for personal use or otherwise, any spirituous, malt, venous, fermented or other intoxicating liquors or per-

mit another to have or keep or use any such liquors on any premises owned or controlled by him. Any persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred, and be imprisoned in the county jail not less than thirty days or more than six months."³⁹

Liquor offenses were highest again in this period with 55 cases, or 26 percent. Assault and larceny offenses have second place with 26 cases, or 12 percent each.

In the study of this ten-year period which ranks second to the total number (204) of crimes in all periods, there were more robberies, burglaries, forgeries and counterfeiting, rapes, nonsupport and child desertions, disorderly conduct, and drunkenness than in any of the other periods. It is to be remembered that the population had reached a new high point during this period. Although the number of these violations was the highest, according to population there were not many noticeable variations.

³⁹. Kansas Statutes 1935 edition, Ch. 21, Art. 21, Paragraph 21-401.

The following table shows the number of cases appearing in the period 1932-1938:

TABLE XII

NUMBER AND KINDS OF CASES 1932-1938

<u>Offense</u>	<u>Number</u>
Larceny	35
Assault	25
Forgery & Counterfeiting	20
Liquor	11
Burglary	13
Rape	9
Others	8
Nonsupport	6
Murder	5
Robbery	5
Vagrancy	4
Auto Theft	3
Driving while Intoxicated	2
Manslaughter	1
Embezzlement & Fraud	1
Other Sex Offenses	1
Other Motor Vehicle	1
	Total 150
Injunctions	5

If we notice that this is only a five-year period, in comparing the table and using one's imagination by doubling each crime so as to equalize it to ten years, we would find that liquor cases remain low in comparison with a population of 15,000. In these five years there were eleven cases brought in to the court on this charge.

Larceny offenses ranked highest with 35 cases, or

23 percent of the total 150 cases. The depression and crop failures have probably caused much of this total. People's having plenty and then being deprived of luxuries might have had some bearing on the percentage. Forgery and counterfeiting offenses ranked third to highest from 1932 to 1937. Assault and battery cases ranked second with 25 cases of a total of 150, or 16 percent of that number.

The accompanying table represents the classification and number of offenses committed for the entire period:

TABLE XIII
NUMBER AND KINDS OF CASES 1867-1937

<u>Offense</u>	<u>Number</u>
Liquor	293
Assault	205
Larceny	201
Others	110
Burglary	74
Forgery	61
Rape	57
Disturbing the Peace	40
Murder	25
Embezzlement and Fraud	22
Robbery	21
Gambling	16
Manslaughter	12
Prostitution & Commercialized Vice .	8
Auto Theft	7
Other Sex Offenses	7
Stolen Property	3
Driving while Intoxicated	2
Other Motor Vehicle Violations	2
Carrying Deadly Weapons	1
Vagrancy	1
Total	1183

Liquor Injunctions and Gambling
Injunctions 54

During the entire period studied, of the 1,183 cases, liquor cases ranked first with 293 cases or 24 percent, assault cases second with 205 or 17 percent, and larceny cases third with 201 or 16 percent. All the rest were 110 or under.

The following table shows the complete number and kind of cases from 1868 to 1937. This will help the reader to visualize more completely the crime picture of Ellis County.

TABLE XIV

NUMBER AND KINDS OF CASES 1868-1937

	1868 1871	1872 1881	1882 1891	1892 1901	1902 1911	1912 1921	1922 1931	1932 1937	Total
Murder	1	7		2	1	6	3	5	25
Manslaughter		1		5	3	1	1	1	12
Robbery			1		5	4	6	5	21
Assault	2	32	11	24	30	55	26	25	205
Burglary		5	6	10	8	16	16	13	74
Larceny	2	49	19	30	26	14	26	35	201
Auto Theft						4		3	7
Embezzlement									
and Fraud		2	6	4	3	3	3	1	22
Stolen Property			2			1			3
Forgery and									
Counterfeiting			3	2	7	9	20	20	61
Rape	7	2	5	5	10	6	13	9	57
Other Sex Of-									
fenses			1		3	1	1	1	7
Deadly Weapons						1			1
Non-Support						2	7	6	15
Prostitution &									
Com. Vice		6	1			1			8
Liquor		18	29	77	78	25	57	11	293

CHAPTER III

GENERAL SURVEY

In the preceding chapter cases were divided into twenty-three minor headings but in order to obtain a complete and well-rounded picture, the General Statutes of Kansas classification will be given. Crimes are put into different groups as anti-social crimes, offenses against property,⁴⁰ offenses against persons,⁴¹ offenses of crimes against public morals and decency,⁴² offenses against public peace,⁴³ and all other offenses.⁴⁴

The crimes were grouped according to the Kansas statutes so that the grouping having the largest number will appear first and that having the smallest, last.

The following table shows the offenses against property for the entire period, 1868-1937:

-
- 40. Kansas Statutes, Art. 5-21. 501 to 588.
 - 41. Ibid. Art. 4-21-40 to 21-452.
 - 42. Ibid. Art. 9-21-1001 to 1909.
 - 43. Ibid. Art. 10-21-1001 to 1009.
 - 44. Tally Sheet No. 1, Bureau of Census, Department of Commerce, Washington, D. C.

TABLE XIV

OFFENSES AGAINST PROPERTY

1. Larceny except auto theft	201
2. Burglary - breaking or entering	74
3. Forgery and counterfeiting	61
4. Embezzlement and fraud	22
5. Auto theft	7
6. Offenses dealing with stolen property.	<u>3</u>
Total	368

Larceny alone held a large majority over the others in the group. In the classification in Chapter Two it ranked third. Crimes against property ranks first because of economic conditions, most of them occurring during crop failures and depressions. Crimes against property carry 31 percent of the grand total (1,183).

The following table shows the anti-social crimes for the entire period, 1868-1937:

TABLE XV

ANTI-SOCIAL CRIMES

1. Violation of Liquor Laws	293
2. Disorderly Conduct & Drunkenness	40
3. Gambling	16
4. Violations of other motor vehicle laws	2
5. Vagrancy (appeared 1872 to 1881)	<u>1</u>
Total	352

Liquor offenses rank first in this group. In Chap-

ter Two liquor offenses ranked first among all violations. This grouping shows it as 29 percent of all the cases. The anti-social crimes were about the same as the crimes against property (360).

The following table shows the crimes against the person for the entire period, 1868-1937:

TABLE XVI
CRIMES AGAINST PERSON

1. Assault and battery	205
2. Rape	57
3. Murder	25
4. Robbery	21
5. Non-support	15
6. Manslaughter	12
Total	<u>335</u>

This group totals 335 or 28 percent of the total number of cases (1,183). In Chapter Two, assault, larceny, and liquor were the three highest ranking crimes. These cases fall into different classifications in Chapter Three. Each of these first three groupings ranks very close to the others, as the number of cases are nearly equal.

This miscellaneous or fourth grouping is known as No. 15, or Others, in the classification in Chapter Two. This group of crimes includes those such as jail break-

ing, contempt of court, practicing medicine without a license, habitual criminal act, ouster proceedings, arson, destruction of property, resisting an officer, trespassing, violation of the quarantine law, abduction, and cruelty to animals.

These cases were misfits in the regular court procedure classification. They totaled 110 for the entire period, which is 9.9 percent of the total number of 1,183 cases.

The following table shows the number of crimes against Public Morals and Decency for the entire period, 1868-1937:

TABLE XVII
CRIMES AGAINST PUBLIC MORALS AND DECENCY

1. Prostitution and Commer-	
cialized Vice	8
2. Other Sex Offenses	7
	Total 15

There are very few cases under this classification in the county as compared with counties of metropolitan areas. Of the prostitution and commercialized vice, six of the eight cases came in the period between 1872 and 1881, only two cases of this kind having appeared since. The other sex offenses listed in this grouping are adult-

ery and crimes against nature. Three are the most occurring in a ten-year period. This happened from 1902 to 1911. The total of this grouping comes to 15, which is 1.2 percent of the total of 1,183.

The following table shows the crimes against peace for the entire period, 1868-1937:

TABLE XVIII

CRIMES AGAINST PEACE

1. Driving while Intoxicated	2
2. Carrying deadly weapons	<u>1</u>
Total	<u>3</u>

This table shows crimes against peace total three, two of which were driving while intoxicated and the other the carrying of deadly weapons.

The following table shows the six classifications with the number and percent of crimes in each:

TABLE XIX

TOTAL KANSAS STATUTE CLASSIFICATION

	<u>Num- ber</u>	<u>Per- cent</u>
1. Crimes against Property	368	31
2. Crimes that are anti-social	352	29
3. Crimes against persons	335	28
4. Others, classified as No. 15	110	9.9
5. Crimes against Morals & Decency ..	15	1.2
6. Crimes against peace	<u>3</u>	<u>0.2</u>
Total	<u>1,183</u>	<u>100.</u>

The foregoing table shows that crimes against property total 31 percent and closely following are crimes that are anti-social which total 29 percent. Crimes against persons total 28 percent. Crimes against property are high, yet there is very little difference between these three groupings. The other three classifications rank low. Other Crimes or classification No. 15 total 9.9 percent; and crimes against morals and decency total 1.2 percent; and crimes against peace, 0.2 percent. Ellis County may be complimented on this as a low mark.

CHAPTER IV

DISPOSITION OF CASES

The purpose of this chapter is to relate what has happened to each of the cases. The county jail record in the sheriff's office was used to ascertain the sentences served in jail. Appearance dockets in the office of the District Court were used to ascertain if fines were paid. The writer found both of these records to be incomplete. The jail records available were from 1900 to 1930. After 1930 it was impossible to tell how long a person actually stayed in jail. The thirty-year period will be ample in years to prove that many of the jail sentences were not served. Neither were all the fines paid.

In all sentences the tendency was as follows: When a person was given a jail sentence and a fine usually only part was paid or served. If the fine was paid the jail sentence was not served. If the fine was not paid, the jail sentence was served. When only a fine was given the cost was paid and the fine was not. This was not the rule, but it happened many times. Many jail sentences given were not served. The person sentenced was allowed to give bond.

The following table shows the distribution and disposition of murder cases, 1868-1937:

TABLE XX
MURDER CASES⁴⁵

Year	Life	Asylum	Penitentiary No. Sentenced in Years	Ref.	Dismd.	Total
1872 1881			3 24		4	7
1882 1891						
1892 1901			1 20		1	2
1902 1911					1	1
1912 1921	1	1		1	3	6
1922 1931			1 3		2	3
1932 1937			2 15	2	1	5
TOTAL	1	1	7 62	3	12	24

This table shows that one half of the persons charged with murder were dismissed, only one was sentenced for life out of twenty-four cases. One was sentenced to the insane

45. Abbreviations were used for the following:
No. - Number of persons sentenced
Ref. - Reform school
Dismd. - Dismissed

insane asylum and was released in a few months. The insanity plea has been used as a loop-hole in our country many times to escape a sentence in prison. Seven out of the twenty-four cases were sentenced to the penitentiary.

The following table shows the distribution and disposition of manslaughter cases, 1868-1937:

TABLE XXI
MANSLAUGHTER CASES

Years	Penitentiary No. Sentence in Years		Ref. No. Sent.	Dismissed	Total
1872 1881				1	1
1882 1891					
1892 1901	3	45		2	5
1902 1911	2	3		1	3
1912 1921			1		1
1922 1931				1	1
1932 1937	1	1			1
TOTAL	6	48	1	5	12

This table represents what has happened to all manslaughter cases. It shows that six out of twelve cases were sentenced for a term in the penitentiary. This is one-half the total number. One person was sent to reform school, and five persons charged with manslaughter were not convicted.

The following table shows the distribution and disposition of robbery cases, 1868-1937:

TABLE XXII
ROBBERY CASES

Years	Penitentiary No. Sentence in Years		Ref.	Jail No. Sent. in Days		Serv.	Dismd. D	Total
1872 1881								
1882 1891	1	10						1
1892 1901								
1902 1911			4	1	10			5
1912 1921	2	2					2	4
1922 1931	1	1	1	1	120	60	3	6
1932 1937			2				3	5
TOTAL	4	13	7	2	130	60	8	21

This table shows that twenty-one robbery cases were brought in for the sixty-nine year period. Eight of these were dismissed; seven were sent to the reformatory; and four to the penitentiary. Two were given jail sentences. This is a total of thirteen convictions out of twenty-one cases, or not quite one-third.

The following table shows the distribution and disposition of all the assault cases, 1868-1937:

TABLE XXIII
ASSAULT CASES

Years	Penit. No. Sent. Yrs.		Ref.	Jail No. Sent. Days		Serv. Days	Fine No. Am't. Paid		Dis.	Total
1872 1881	2	3					16	225 \$ 11 (2)*	14	32
1882 1891	1	2		1	60		3	13 3 (2)		11
1892 1901	2	23		2	90	30	2	15	18	24
1902 1911			2	2	510	81	13	428 357 (8)	13	30
1912 1921	2	11		4	1090	194	25	234 224 (24)	24	55
1922 1931	3	37		4	760	290	7	248 27 (3)	13	26
1932 1937	1	1	5	6	940		1	25 25	12	25
TOTAL	11	77	7	19	3450	595	67	1188 647	100	205

*The figure in parenthesis indicates number of persons who paid fines.

This table shows that assault totaled 205, yet 100 cases were dismissed, or only one-half resulted in convictions. The fines and jail sentences were paid and served in only a few cases. So where one-half were dismissed and the majority of fines and jail sentences not executed, many of these persons have been allowed to go back into society without paying their debt to society.

The following table shows the distribution and disposition of the burglary cases 1868-1937:

TABLE XXIV
BURGLARY CASES

Years	Penitentiary No. Sentence in Years		Ref.	Jail No. Sent. Days		Serv.	Fine No. Amt. Pd.		Dism.	Total
1872 1881	2	12		1	20				1	8
1882 1891	1	5							5	6
1892 1901	3	10	2	2	30				3	10
1902 1911	1	1	4	2	210	120	1	\$25		8
1912 1921	2	6	4	1	365				9	16
1922 1931	3	21	4	4	1460	270	1	60	4	16
1932 1937	6	15	2						5	13
TOTAL	19	69	16	10	2085	390	2	85	27	74

This table shows that 27, or over one-third of these cases, have been dismissed. All fines were paid but the persons sentenced to jail served only part of the time.

The following table shows the distribution and disposition of the larceny cases, 1868-1937:

TABLE XXV
LARCENY CASES

Year	Penit.		Ref.	Jail				Fine		Dis.		Total
	No.	Sent. Years		No.	Sent.	No.	Serv.	No.	Amt.	No.	Pd.	
1872 1881	11	28½		1	30			1	20		36	49
1882 1891	3	3½		4	80			2	300		10	19
1892 1901	3	38	4	5	817	3	230	2	125		13	30
1902 1911	5	19	3	1	30			3	111	2	30	26
1912 1921	1	5	7	1	1			2	50	1	25	14
1922 1931	5	17	14	3	635	2	111				4	26
1932 1937	5	9	11	2	425						17	35
TOTAL	38	120	39	17	2018	5	341	10	606	3	55	201

This table shows that out of 201 cases 98, or nearly one-half, were dismissed. It is possible that some settlement was made in some cases before the trial.

The following table shows the distribution and disposition of the auto theft cases, 1872-1937:

TABLE XXVI
AUTO THEFT CASES

Year	Reformatory	Dismissed	Total
1912 1921	4		4
1932 1935		2	2
TOTAL	4	2	6

This table shows the number of cases of auto theft which totals six. These are a very few cases and the writer believes that there were more cases than these but the records showed this number of auto thefts. It is possible that the other cases appeared under larceny instead of under auto theft. Only two of these cases were dismissed.

The following table shows the distribution and disposition of the embezzlement and fraud cases:

TABLE XXVII
EMBEZZLEMENT AND FRAUD CASES

Year	Penitentiary No. Sentence in Years		Reformatory	Dismissed	Total
1872				2	2
1882					
1882				6	6
1891					
1892	1	4		3	4
1901					
1902			1	2	3
1911					
1912				3	3
1921					
1922	1	1	1	1	3
1931					
1932				1	1
1937					
TOTAL	2	5	2	18	22

This table for embezzlement and fraud shows a total of 22 cases, 18 of which were dismissed. It is possible that when charges were brought against a person some of these cases were settled outside court, because some of the people who were caught would simply pay off the shortage rather than go to trial.

The following table shows the distribution and disposition of stolen property cases, 1872-1937:

TABLE XVIII
STOLEN PROPERTY CASES

Year	Jail No. Sentence	Dismissed	Total
1882 1891		2	2
1912 1921	1 72 days		1
TOTAL	1 72 days	2	3

This table shows dealings with stolen property. It includes only receiving or buying stolen property. Only three cases occurred, two of which were dismissed.

The following table shows the distribution and disposition of forgery and counterfeiting cases, 1872-1937:

TABLE XXIX

FORGERY AND COUNTERFEITING CASES

Year	Penit.		Ref.	Jail		Fine	Dismd.	Total
	No.	Sent.		No.	Serv.	No. Amt.		
				Days				
1882	1	1					2	3
1891								
1892	1	3½					1	2
1901								
1902	2	1		210	2	195 1 \$5	2	7
1911								
1912	2	1	1				6	9
1921								
1922	4	5	7				9	20
1931								
1932	7	18	4	90			8	20
1937								
TOTAL	17	25	12	300	2	195 1 \$5	28	61

This table shows a total of sixty-one cases classified as forgery and counterfeiting. Twenty-eight, or nearly half were dismissed and 33 convictions were obtained.

The following table shows the distribution and disposition of rape, 1867-1937:

TABLE XXX

RAPE

Year	Penit. No. Sent. Years		Ref. No.	Jail No. Sent.		Fine No. Am't.	Dismd.	Total
1867 1872							7	7
1872 1881							2	2
1882 1891	1	10					4	5
1892 1901	1	5				1 \$25(Pd.)	3	5
1902 1911	4	5	3				3	10
1912 1921	3	13	1				2	6
1922 1931	1	5	7	1	180 da.		4	13
1932 1937	3	25	2				4	9
TOTAL	13	63	13	1	180 da.	1 \$25(Pd.)	29	57

This table shows a total of 57 rape cases of which 29 were dismissed, or a little over half. Several heavy sentences were given. It is noticed that 13 sentenced to the reformatory indicates a tendency for young offenders to rank high in this offense.

The following table shows the distribution and disposition of the prostitution and commercialized vice cases, 1872-1937:

TABLE XXXI

PROSTITUTION AND COMMERCIALIZED VICE

Year	Penitentiary No. Sentence		Fine No. Am't.		Dismissed	Total
1872 1881			1	\$100	5	5
1882 1891					1	1
1912 1922	1 woman	1				1
TOTAL	1	1	1	\$100	6	8

This table shows prostitution and commercialized vice cases are few, most of them occurring in the early days. Six cases were dismissed.

The following table shows the distribution and disposition of other sex offenses, 1882-1937:

TABLE XXXII
OTHER SEX OFFENSES

Year	No.	Jail Sent. Years	No.	Serv.	Fine No. Am't.	Dismd.	Total
1882						1	1
1891							
1902					2 \$100 Pd.	1	3
1911							
1912						1	1
1921							
1922	1	6	1	3			1
1931							
1932						1	1
1937							
TOTAL	1	6	1	3	2 \$100 Pd.	4	

This table shows that 7 cases of a different type of sex offenses occurred. Four were dismissed, which is over half of the cases. These cases were crimes against nature and adultery.

There was only one case of a person's carrying deadly weapons. This occurred in the period of 1912 to 1921 and was dismissed.

The following table shows the distribution and disposition of non-support and family desertion cases, 1872-1937:

TABLE XXXIII

NON-SUPPORT AND FAMILY DESERTION

Year	No.	Penit. Sent.	Fine No. Am't.	No. Paid	Paroled	Dismd.	Total
1912	1	2				1	2
1921							
1922	1	2	1 \$10	1 \$700	4	1	7
1931			mo.				
1932	1	1	2 \$10	\$5 mo.	3		6
1937			mo.				
TOTAL	3	5	3	1	7	2	15

This shows the cases of non-support and family desertion that have occurred in the past few years. Fifteen cases came up, three were sent to the penitentiary, three were fined, two were dismissed, and seven were paroled with promise to support their families.

The following table shows the distribution and disposition of violations of liquor laws, 1872-1937:

TABLE XXXIV
LIQUOR CASES

Year	Penit.		No.	Jail		No. Serv.	Fine		No. Paid.	Dis.	Total	
	No.	Sent. Years		Sent. days			No.	Am't.				
1872 1881							7	625.	5	200.	11	18
1882 1891			2	425			12	1300.	8	800.	17	29
1892 1901			27	633	16	484	37	3430.	7	580.	35	77
1902 1911			18	1395			30	9990.	14	3141.	47	77
1912 1921			15	1460	15	1460	15	1970.	9	880.	10	25
1922 1931	6	6	10	1180	2	120	13	1150.	1	100.	35	55
1932 1937			4	390			2	150.	2	150.	7	11
TOTAL	6	6	76	5483	33	2064	116	18615.	46	5851.	162	293

This table shows liquor violations. In studying this table it is seen that over one-half were dismissed; many fines were not paid and many jail sentences not served. In the period after the World War six persons were sentenced to the penitentiary for one year each.

Driving while Intoxicated*

Only two cases in this classification came up. These were in the period of 1932-1937. One person was dismissed on this charge but was sent up for manslaughter on another charge. There have been other charges of this offense, but they were disposed of in the lower courts.

Other Violations of Motor Vehicle Law^{*1}

In the period of 1922 to 1931 only one case appeared, and in it a fine was imposed and paid.

* Is 12-A Classification.

*01 Is 12-B Classification.

The following table shows the distribution and disposition of disorderly conduct and drunkenness. (Most of these were recorded as disturbing the peace) 1872-1937:

TABLE XXXV

DISORDERLY CONDUCT AND DRUNKENNESS

Year	No.	Fine Am't.	Dismissed	Paroled	Total
1872 1881	1	\$ 10	2		3
1882 1891			2		2
1892 1901			6	1 2 yrs.	7
1902 1911	1	\$ 50	1		2
1912 1921	7	\$4850	1		8
1922 1931			13	1 2 yrs.	14
1932 1937			4		4
TOTAL	9	\$4910 Pd.	29	2	40

This table shows disorderly conduct and drunkenness. About three-fourths were dismissed and those who were fined paid up in full. This was one of the few classifications in which all the fines were paid. Out of forty cases 29 were dismissed; nine fined, and two paroled.

Vagrancy

Only one case appeared in this classification and received a fine of \$1.00. This was in the period of 1872 to 1881.

The following table shows the distribution and disposition of the gambling cases, 1882-1937:

TABLE XXXVI

GAMBLING

Year	Jail	Fine No.	Am't.	Dismissed	Total
1882 1891		1	\$ 10	2	3
1892 1901				6	6
1902 1911		2	\$200 Pd.	3	5
1912 1921	1 30 da.				1
1922 1931		1	\$ 25		1
1932 1937					
TOTAL	1	5	\$310	11	16

This table shows that out of the total of sixteen gambling cases eleven were dismissed, five drew fines and one served jail sentence.

The following table shows the distribution and disposition of the classification known as Others* These cases were the misfits and might have been classified as miscellaneous, 1872-1937:

TABLE XXXVII

OTHER CASES

Year	Penit.		Ref.	Fine		Jail -		No. Sent.		No. Serv.	Dis.	Total
	No.	Sent.		No.	Am't.	No.	Paid	No.	Sent.	No.		
	Years											
1872	1	1		3	\$1500.						13	17
1881												
1882	4	4									5	9
1891												
1892			1	2	\$760.	1	\$ 10	2	60		6	11
1901												
1902	1	5	4	8	\$ 31.	3	\$ 21	5	400	2	366	30
1911												
1921	1	1	2	3	\$2070.			1	1		4	11
1931												
1932	1	1									7	8
1937												
1912				1	\$ 100.	1	\$100	7	991	2	91	16
TOTAL	8	12	7	17	\$4461.	5	\$131	15	1552da.	4	457	110

This table shows what happened to other cases classified as No. 15. Out of 110 cases 55, or exactly one-half of them, were dismissed. Eight were sentenced to the penitentiary,

seven to the reformatory and 15 to jail; 17 were fined.
 * Classified as No. 15.

The following table shows the distribution and disposition of Injunctions, 1872-1937:

TABLE XXXVIII
INJUNCTIONS

Year	No.	Fine Am't.	No.	Paid	Dismissed	Place Closed	Total
1892					5		5
1901							
1902	8	\$325	3	\$225	25	2	35
1911							
1912					1		1
1921							
1922	1	\$ 50	1	\$ 50	7		8
1931							
1932					5		5
1937							
TOTAL	9	\$375	4	\$275	38	2	54

This table shows that most of them were dismissed. No doubt many of these had some effect upon the people. Nine sentences were given and two business establishments were closed. Most of these fines were paid.

These cases were not considered as true cases but as restraining orders and therefore were not counted with the other cases in the classification. The table shows the

years in which attempts were made to close and control gambling and liquor-selling establishments.

This chapter shows that many of the cases were dismissed. The rapid growth of our civilization has worked a hardship on the courts and law-enforcement. They have not been able to keep pace with the violations. Cases were dismissed because of the lack of evidence or the delay in trials, although some of them were settled out of court. A person was charged with a crime and then as quickly as public opinion died down he and his lawyers waited for a dismissal. The fact that fines were not paid shows looseness of the courts. The jail sentences not served show that leniency was granted. The sentence imposed upon a man should be executed because he owes that debt to society.

CHAPTER V

COMPARISON OF ELLIS COUNTY AND RUSSELL COUNTY

Dutt's thesis on Criminal cases of Russell County, Kansas, 1872 to 1937, was used for this comparison. The first period of 1868 to 1871, inclusive, of Ellis County, containing twenty cases, will not be used as no cases were recorded in Russell County for that period.

The counties are quite similar in being of the same approximate size, in having the same geographical location, in being crossed by the same branch of the Union Pacific Railroad, and in being inhabited by the same general nationality. The following table shows the number of cases in each year and the percent per thousand.

TABLE XXXIX

Years	NUMBER OF CASES IN Russell County ⁴⁶		ELLIS COUNTY	
	No. of Cases	Percent per Thousand	No. of Cases	Percent per Thousand
1872-1881	71	.055	143	.231
1882-1891	49	.068	98	.123
1892-1901	19	.025	183	.022
1902-1911	0	0	211	.017
1912-1921	3	.002	174	.123
1922-1931	174	.174	204	.129
1932-1937	47	.057	150	.096

46. Dutt, Clyde L., Criminal Cases of Ellis County, Fort Hays Kansas State College (unpublished thesis).

In classification 15, the period of 1872 to 1882 shows that Russell County had more embezzlement and fraud, disorderly conduct and drunkenness, and others. Ellis County exceeded Russell County in all other crime classifications. Liquor offenses in Russell County totaled one while in Ellis County there were eighteen liquor cases.

In the period of 1882 to 1891 Russell County had forty-nine and Ellis County ninety-eight cases. Disorderly conduct and drunkenness ranked high in Russell County, while liquor violations were highest in Ellis County.

During the period of 1892 to 1901, the total number of criminal cases of Russell County was nineteen and the total of Ellis County was 183. Ellis County outnumbered Russell County in every crime classification.

Russell County records show only three cases for the period of 1912 to 1921, while Ellis County recorded 174. This makes it almost impossible to compare the two counties for this period.

In the period of 1922 to 1931 more liquor violations occurred in Russell County than in Ellis County, and Ellis County had only ten more total criminal cases during this time than Russell County. The following table shows the results:

TABLE XL

PERIOD OF 1922 TO 1931, INCLUSIVE

<u>Offense</u>	<u>Russell</u>	<u>Ellis</u>
Violation of Liquor Laws	74	56
Others	32	11
Larceny	18	26
Assault	14	26
Non-support & Neglect of Family	11	7
Disorderly Conduct & Drunkenness	11	14
Embezzlement and Fraud	8	3
Burglary	7	16
Forgery & Counterfeiting	5	20
Rape	4	13
Other Sex Offenses	4	1
Auto Theft	3	0
Driving while Intoxicated	2	0
Violation of road driving laws	2	1
Murder	2	3
Vagrancy	1	0
Manslaughter	0	1
Robbery	0	6
Total	174	204

A comparison of the period of 1932 to 1937 shows that Ellis County had 103 more cases than Russell County, and outnumbered Russell County in almost every classification. The following table shows the results:

TABLE XLI

PERIOD OF 1932 TO 1937, INCLUSIVE

<u>Offense</u>	<u>Russell</u>	<u>Ellis</u>
Violation of Liquor Laws	11	11
Assault	76	25

Embezzlement and Fraud	6	1
Disorderly Conduct & Drunkenness	4	4
Others, No. 15	4	8
Gambling	3	0
Larceny	3	35
Carrying, etc., deadly weapons	3	0
Rape	2	9
Burglary	2	13
Murder	1	5
Manslaughter	0	1
Forgery & Counterfeiting	0	20
Robbery	0	5
Auto Theft	0	3
Other Sex Offenses	0	1
Non-support & Family Desertion	0	6
Liquor	0	11
Driving while Intoxicated	0	2
Other Motor Vehicle Laws	0	1
	<u>47</u>	<u>150</u>

A comparison of the total number of cases is given in the following table:

TABLE XLII
TOTAL NUMBER OF CASES

<u>Offense</u>	<u>Russell</u>	<u>Ellis</u>
1 Murder	7	24
1-B Manslaughter	0	12
2 Robbery	1	21
3 Assault	42	203
4 Burglary - Breaking or entering	15	74
5-A Larceny except Auto Theft	62	199
5-B Auto Theft	3	7
5-C Embezzlement and Fraud	32	22
5-D Stolen Property	0	3
6 Forgery & Counterfeiting	13	61

7-A	Rape	11	50
7-B	Prostitution & Commercialized Vice	1	8
7-C	Other Sex Offenses	9	7
8	Violations of Narcotic Laws	0	0
9	Carrying, etc., deadly weapons	2	1
10	Non-support & Neglect of Family	11	15
11	Violations of Liquor Law	92	293
12-A	Driving while Intoxicated	2	2
12-B	Violations of road driving laws	2	0
12-C	Parking Violations	0	0
12-D	Other Violation of Motor Vehicle Laws	0	2
13-A	Disorderly Conduct & Drunkenness	39	40
13-B	Vagrancy	1	1
14	Gambling	3	16
15	Others	35	102
Total		383	1163

One can notice from the above tables that only in four instances did crime in Russell County exceed that in Ellis County. In nearly all cases Ellis County had many more cases than Russell County.⁴⁸

Ellis County has always had more crimes than Russell County. One of two things might make this difference, either Russell County officers do not enforce the laws as rigidly as Ellis County officers do, or Ellis County people are inclined more to disregard the laws.

48. Ibid., p. 29.

CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

In our vision of tomorrow's civilization we can not help but look back on the country's past history to see the pattern that has been made. We should profit by our experience and mistakes and make a new pattern. Sixty-nine years ago our settlers did not know of the problems that would confront them in the future. At that time Ellis County was to be a Utopia to all who settled here.

Many of the records were incomplete. Partly because of the county courthouse fire which occurred in 1896, but mostly because of an inadequate system of recording cases, it has been difficult to make an accurate study of violations of the law. It was impossible to learn if politics or graft played any part in the keeping of the records. Many cases were recorded as John Doe and Richard Roe. The writer believes that these were names used by people who desired that their real names be left unknown.

The administration is a reflection of the public policy. The police function as they think the majority of the voters want them to. The average Western Kansas sher-

iff and his deputies have very little training for police work. Many of these men are poorly equipped to be law-enforcing officers, for it takes more than honesty and sincerity to make an efficient police officer. With the vast spending of money some of it could be spent to advantage in training our police and by giving them modern equipment such as teletype, two-way radio communication, fingerprinting, photography, moulage, ballistics, microscopes, lie detectors, and complete files.

"Law enforcing agencies meet with obstacles which are presented by the instincts, emotions, and prejudices of the individuals and by the complexities, traditions, and inertia of the people."⁴⁹ For instance, liquor has been the greatest problem in Ellis County because many people want liquor, therefore the laws are disregarded and will be until we have better law enforcement or the repeal of the law.

Our county sheriff is elected by the people with no qualification except that of being a voter. The progress of civilization has made law enforcement too complicated for the average layman unless he has been adequately trained as an officer. Some of the most intelligent men are criminals and we must out-smart the law violators in

49. Millspaugh, C. A. Crime Control of the National Government. p. 17.

order to obtain protection and justice.

The county sheriff should at least keep a complete record of all criminals and sentences that are served. These records would go a long way, if filed properly, to identify repeaters and to help other sheriffs and state police in gathering evidence on violators. The sheriff's records were not complete for every year of this study. It was hard to find if a person served his sentence in jail or if the sentence were only partially served, or the reason he was allowed to go free.

The county attorney is the hub of law enforcement; when he does not turn a hand, we can not expect law enforcement to operate. If law enforcement is to be possible the cooperation of the county attorney is necessary. It would be foolish to arrest law violators if we knew that through inefficiency or inertia of an attorney and through the loop-holes of justice they would be turned loose without being punished for a crime. The community should back up the county attorney and officers in their efforts to enforce the law. These elected officials are often afraid of what people will think, and do not consider what should be done in order to secure justice. It is noticed in nearly all classifications that about one-half of the cases have been dismissed, yet the Fed-

eral Bureau of Investigation obtains over 90 percent conviction of cases brought before them. The county attorney starts the law enforcing machine; he should be well-qualified and free from politics, with a high enough salary so that money problems would not worry him.

The district judge has decided all the cases that have been considered in this study. He is elected by the people and therefore is not free from some political influence. We respect the honor of this position, yet it is not without its imperfections. If the judge were appointed on the merit basis it would do away with political influences and would aid in securing justice. Many times the first offender receives the same sentence as the recidivist. A large responsibility rests with the judge.

In recent years juvenile delinquency has been a major problem. Our officials have handled the cases to the best of their abilities. The community could do a great deal by working on a preventive program rather than spending so much money for a cure. Whenever juveniles are convicted and sent to an institution it costs the state of Kansas for their care. Huge sums of money are spent each year for their detention. The probate judge handles many of these cases which he is not qualified to do. A specially trained, qualified person could do much with these cases.

Constitutionally the office has been placed here without a recourse, so it must be, but with an ammendment, a special officer could handle all these cases. This would relieve the regular judge of much of this work. Community recreation and a continuous backing of the Boy and Girl Scouts would help to remedy the conditions, also.

The court of the Justice of the Peace has handled many cases that have not appeared in this study. Cases handled in the district court as a rule take many months before they even come up for trial. If it were possible constitutionally to have this judge put on the merit basis, with other qualification than that of a voter, more cases could be handled in this court, thus saving time and expense for all concerned.

In England the guilty are sentenced with the greatest possible speed, therefore their courts re more respected than ours. If trials were swift, many loopholes in our system would be closed.

The records show that many fines were not paid. It is true that a man is foolish to pay a liquor violation fine in this county. When people are not forced to pay their fines, why should they? This method will not make the people respect the officials or the court, and the writer believes that if a fine is imposed it should be paid.

The records show that many jail sentences were not served. The writer would not condemn authorities for this except that a system of parole is needed that will work. Crimes are committed more frequently by convicts who have served their time and have been unconditionally released or are out on bail with no supervision other than by convicts under an inadequate parole system; therefore, it is better to release a man on parole prior to the expiration of his sentence - under fully investigated and supervised parole - than to turn him loose at the completion of his sentence entirely foot-loose.

The cost of a good parole system would actually be less to the county where many persons are paroled than keeping them in jail. Jails are schools of crime and board and sheriffs' fees come high.

When a habitual, dangerous criminal is concerned the writer insists that he should be confined. If justice is to prevail and the professional criminal eradicated, we must put an end to the current mockery of parole and probation and to the misapplication of the law.

The problems that confront our law and court system may be summed up as follows:

There is always an overloaded court docket and the

judge is so busy that it is hard for him to give adequate time to each case. We have a system that has not advanced with modern times. The system has made our officials inefficient. By remodeling our judicial system we could centralize responsibility and employ officials, not by election with qualifications of voters, but by the merit system where qualified officials would be appointed. The judges, county attorney, sheriff, and all administrative positions would be put on an efficient and systematized basis.

Education will help us remodel our laws and court system. Many law abiding citizens never give the first thought to what problems we face in securing justice until they are involved in getting it for themselves, friends, or loved ones; then it is too late. Our modern trend in education is to make school as near lifelike as possible. It would be possible to initiate courses in the grades and high school that deal with law enforcement and justice. Adult education is coming to the front in larger cities by radio broadcasts and special schooling, but more of this work is needed.

We can steer our future by past experiences and application of knowledge that we have, in order to make our county come closer to the Utopia of which the early

settlers dreamed. The person who said that "The Government is no better than its people" could have been thinking about Ellis County. It is the job of every citizen to do his part to make it a better place in which to live.

APPENDIX A

OFFENSE CLASSIFICATION

1-A. Murder

Include all degrees of murder. Exclude assaults with intent to kill; exclude attempt to commit murder (see 3-A, Aggravated Assault).

1-B. Manslaughter

Include all degrees of manslaughter; exclude assaults with intent to kill and attempts at manslaughter (see 3-A, Aggravated Assault).

2. Robbery

Include all offenses in which property is taken from the person or immediate presence of another through means of force or violence or by putting in fear. Examples are robbery armed, highway robbery, holdups, etc. Include assaults with intent to rob; include attempts to commit robbery.

3-A. Aggravated Assault

Include assaults and attempted assaults which might well have resulted in severe bodily injury to the victim,

or in death. For example, assault with intent to kill; poisoning; mayhem; maiming; assaults with a dangerous or deadly weapon; with explosives; obstructing railroads; assaults by shooting, stabbing, cutting, scalding, use of acids, and similar offenses. Exclude such assaults in connection with robbery, burglary, rape, or other specific offense.

3-B. Other Assault

Include assaults and attempted assaults which are not of an aggravated nature and which accordingly do not belong in 3-A, Aggravated Assault. Examples are simple assault; assault and battery; intimidation; hazing; wife beating; pointing gun in jest; drawing dangerous weapon; resisting or obstructing an officer, unless under circumstances which place the offense under 3-A, Aggravated Assault.

4. Burglary - Breaking or Entering

Include all offenses wherein any building or structure is broken into or entered with the intention of committing a felony or any larceny therein at any time, either day or night. Include assaults with intent to commit burglary, and attempts to commit burglary. Exclude making, possessing, etc., burglars' tools. These offenses are placed in Class 15.

5-A. Larceny, Except Auto Theft

Include offenses of stealing which are committed under circumstances not amounting to robbery or burglary. Examples are pocket picking, shoplifting, and other stealing of personal goods other than by force or violence or putting in fear. Include attempts to commit such offenses. Exclude auto theft (see 5-B, Auto Theft). Exclude fraudulent conversion of property entrusted, and obtaining by false pretenses (see 5-C, Embezzlement and Fraud).

5-B. Auto Theft

Include all offenses in which the vehicle of another is stolen, or is driven away and abandoned by someone not having lawful access thereto. Include attempts at auto theft.

5-C. Embezzlement and Fraud

Include all offenses of fraudulent conversion, embezzlement, and obtaining money or property by false pretenses. For example, embezzlement, fraud, confidence game, fraudulent conversion, false pretense, gross fraud, cheating or swindling, check frauds, drawing checks without funds, fraudulent use of telegram or telephone messages, insurance frauds, use of false weights and measures, false

advertising. Include attempts to commit any of these offenses.

5-D. Stolen Property

Include buying, receiving, possessing, and attempts to buy, receive, or possess.

6. Forgery and Counterfeiting

Include all offenses relating to the making, altering, uttering, or possessing, with intent to defraud, anything false which is made to appear as true. For example, altering, forging, or counterfeiting bills, notes, drafts, tickets, checks, etc.; forging wills, deeds, notes, bonds, seals, trade-marks, etc.; possessing or uttering forged or counterfeited instruments; false signature with intent to defraud; possession, etc., of counterfeiting apparatus; using forged labels; selling goods with altered, forged, or counterfeited trademarks. Include attempts.

7-A. Rape

Include such offenses as rape; rape with consent; assault with intent to rape; etc. Include attempts to commit any of these offenses.

7-B. Prostitution and Commercialized Vice

Include such offenses as prostitution, keeping bawdy

or house of ill fame, pandering, procuring, transporting, or detaining women for immoral purposes, etc. Include attempts to commit any of these offenses.

7-C. Other Sex Offenses

Include such offenses as adultery, fornication, and lewd and lascivious cohabitation; buggery; incest; indecent exposure; indecent liberties; seduction; sodomy or crime against nature; etc. Include attempts to commit any of these offenses. Exclude violations of marriage laws; exclude also abortion and bastardy. These offenses are to be placed in Class 15.

8. Violations of Narcotic Drug Laws

Include all offenses relating to narcotic drugs; e.g., unlawful possession, sale, etc., of narcotics; keeping or frequenting opium dens; habitual users. Include attempts. Exclude violations of pure food and drug acts (see 15).

9. Carrying, etc., Deadly Weapons

Include all regulatory offenses concerning weapons; e.g., manufacture, sale, or possession of deadly weapons, carrying deadly weapons; using, manufacturing, etc., silencers; furnishing deadly weapons to minors. Include all attempts.

10. Nonsupport or Neglect of Family or

Children

Include offenses of nonsupport, neglect, or abuse of family and children, such as desertion, abandonment, or nonsupport of wife or child.

11. Violations of Liquor Laws

Include liquor law violations such as illegal manufacturing, selling, transporting, furnishing, and possessing intoxicating liquor; maintaining unlawful drinking places; bootlegging, operating a still, etc. Include attempts to commit any of these offenses. Exclude driving while intoxicated (see 12-A). Exclude public intoxication and drunkenness (see 13-A).

12-A. Driving while Intoxicated

Include driving or operating any motor vehicle while drunk or under the influence of liquor or narcotics.

12-B. Violations of Road and Driving Laws

Include violations of regulations with respect to handling of motor vehicle when in motion. Examples: Failure to obey traffic signal; failure to signal; improper speed; reckless driving; operating with unsafe equipment, etc. Exclude 12-A, Driving while Intoxicated.

13-A. Disorderly Conduct and Drunkenness

Include such offenses, or attempted offenses, as breach of peace; disturbing the peace; unlawful assembly; disguised or masked person; blasphemy, profanity, and obscene language; drunk and disorderly; drunkards; public intoxication. Exclude operating, while intoxicated, motor vehicle on highways (see 12-A).

13-B. Vagrancy

Include such offenses as vagrancy; begging; loitering; vagabondage, etc.

14. Gambling

Include offenses of promoting, permitting, or engaging in gambling; examples are: Keeping gambling devices; common gambler; owning and frequenting a gambling resort; lotteries; gambling in any manner. Include attempts to commit any of these offenses.

15. All Other Offenses

Include all offenses for which provision has not been made in Classes 1 to 14, inclusive. A few illustrations are: Violation of marriage laws, such as bigamy, abduction, and compelling to marry, marriage within prohibited degree, miscegenation, etc.; offenses contributing to juvenile delinquency (except as provided for in Classes 1

to 14, inclusive), such as employment in immoral vocations or practices, admitting minors to improper places, etc.; violations of fish and game laws; violations of Sunday laws; violations of labor and factory inspection laws; violations of health measures affecting pure foods and drugs, sanitation, quarantine, etc.; arson, bombing, and other malicious injury to property; trespass; violations of explosives regulations; improper operation of instruments of transportation (other than motor vehicles); blackmail and extortion; bribery; perjury and subornation of perjury; contempt of court; criminal anarchism or syndicalism; displaying red or black flag; rioting; kidnaping; abortion; bastardy; possession or sale of obscene literature; manufacture or possession of burglars' tools; unlawfully bringing weapons, liquor, or drugs into prisons or hospitals; discrimination; unfair competition, etc.¹

1. Form 8-6437a. Department of Commerce. Bureau of the Census. Washington. Tally Sheet No. 1, Procedural Outcome. Courts of General Criminal Jurisdiction. This form was used in classifying cases of this thesis.

APPENDIX B

SOURCE OF OFFICIAL AUTHORITY

The Judicial Power of the United States shall be vested in one supreme court and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.¹

That terms of court in the twenty-third judicial district shall be as follows: In Russell County the first Monday of January, May and October, in Ellis County on the first Monday of February and the third Monday of May and October, in Trego County on the first Monday in March, June, and November, in Gove County on the Third Monday of June and November, in Logan County on the first Monday of April, September and December, in Wallace County on the third Monday of April, September and December.²

There shall be in each county organized for judicial purposes a district court which shall be a court of rec-

1. Article III, Section 1.
2. Kansas Statutes, 20-1023.

ord, and shall have general jurisdiction of all matters, both civil and criminal not otherwise provided for by law, and jurisdiction in cases of appeal and error from all inferior courts and tribunals and shall have general supervision and control of all such inferior courts and tribunals to prevent and correct errors and abuses.³

Filing of Instructions, papers, documents and exhibits; record of review; withdrawel of papers. All instruction given or asked by either party shall be filed with the Clerk and become a part of the record in the case, and for the purpose of review in the court to which the appeal is taken. All papers and depositions shall be deemed a part of the record and all papers, documents, and exhibits offered in evidence shall be filed or deposited with the Clerk.⁴

The Legislature shall provide for such county and township officers as may be necessary.⁵

A county attorney shall be elected in each county organized for judicial purposes who shall hold his office for a term of two years, who shall before he enters upon the duties of his office execute a bond to the state of Kansas in the sum of not less than two thousand dollars, to be fixed by the board of county commissioners with

3. Statutory Basis - 20-301

4. Kansas Statutes - 60-2945.

5. County Attorney. Article 9, Section 2.

two or more sufficient securities to be approved by the chairman of said board, which bond shall be conditioned for the faithful performance of his duties as such officer, and that he will pay over to the county treasurer in the manner prescribed by law, all moneys which shall come into his hands by virtue of his office; and he shall deposit such bond in the office of the County Clerk;

PROVIDED - No person shall be eligible for election to the office of County Attorney of any county unless such person shall have been regularly admitted to practice law within the state of Kansas and is at the time of his nomination and election a regularly qualified practicing attorney under said laws.⁶

It shall be the duty of the County Attorney to appear in the several courts of their respective counties and prosecute or defend on behalf of the people, all suits, applications or motions civil or criminal, arising under the law of this state in which the state or their county is a party or interested.⁷

The Legislature shall provide for such county and township officers as may be necessary.⁸

The County Attorney shall without fee or reward give

6. Kansas Statutes - 19-701.

7. Ibid. 19-702.

8. Sheriff. Article 9, Section 2.

opinions and advice to the board of county commissioners and other civil officers of their counties, when requested by such board or officers, in which the state or county may have an interest.⁹

The sheriff shall be elected in each organized county, for two years and who shall, therefore, before he enters upon the duties of his office, execute to the state of Kansas a bond with at least two sufficient securities, in such penal sum not less than two thousand dollars nor more than twenty thousand dollars, as the board of county commissioners shall specify and approve; said bond when thus approved to be filed in the office of the County Clerk.¹⁰

It shall be the duty of the sheriff and undersheriff and deputies to keep and preserve the peace in their respective counties and to quiet and suppress all affrays, riots, and insurrections for which purpose and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace. They, and every coroner and constable may call to their aid such person or persons of their county as they may deem necessary.¹¹

9. Kansas Statutes - 19704.

10. Ibid. 19-801.

11. Ibid. 19-813.

The sheriff in person or by his undersheriff or deputy shall serve and execute according to law all process, writs, precepts and orders issued or made upon the several courts of record, held in his county and shall receive such fees for his services that are allowed by law.¹²

The sheriff shall have charge and custody of the jail of his county, and all the prisoners in the same, and shall keep such jail himself, or by his deputy or jailer, for whose acts he is responsible.¹³

12. Ibid. 19-812.

13. Ibid. 19-811.

BIBLIOGRAPHY

United States Department of Commerce, Bureau of the Census. Ninth census of the United States 1872 compendium, Washington, Government Printing Office, 1872.

Population reported by states, showing the composition and characteristic of the population for counties, cities, and townships. The ninth census of the United States 1870 was used in gathering statistics in regard to the growth of population in Ellis County.

Kansas State Board of Agriculture, Second Biennial Report, Vol. 7, 1879-1880, Kansas Publishing House, Topeka, Kansas, 1881. 640 p.

Ellis County Report p. 518.

Kansas State Board of Agriculture, Seventh Biennial Report, Vol. 12, 1889-1890, Kansas Publishing House, Topeka, Kansas, 1891. 260 p.

Ellis County Report p. 58.

United States Department of Commerce. Bureau of the Census. Twelfth census of the United States 1900.

Population reported by states, showing the composition and characteristics of the population for counties, cities and townships or other minor civil divisions. Washington, Government Printing Office, 1904, Vol. 1 to 10.

The twelfth census of the United States 1900 was used in gathering statistics in regard to the growth of population in Ellis County by nationalities.

United States Department of Commerce, Bureau of Census, Thirteenth Census of the United States 1910. Population reported by states, showing the composition and characteristics of the population for counties, cities and townships, or other minor civil divisions. Washington, Government Printing Office, 1913. Vol. 1 to 11.

The thirteenth census of the United States 1910 was used in gathering statistics in regard to the growth of population in Ellis County by nationalities.

United States Department of Commerce, Bureau of the Census of the United States 1920. Population reported by states, showing the composition and characteristics of the population for counties, cities and townships or other minor civil divisions. Washing-

ton, United States Government Printing Office,
1923, Vol. 1 to 9.

The fourteenth census of the United States 1920 was used in gathering statistics in regard to the growth of population in Ellis County by nationalities.

United States Department of Commerce, Bureau of the Census, W. M. Stewart, Director fifteenth census of the United States 1930. Population reported by states, showing the composition and characteristics of the population for counties, cities, and townships or other minor civil divisions. Washington, United States Government Printing Office 1934.
Vol. 1 to 3.

The fifteenth census of the United States 1930 was used in gathering statistics in regard to the growth of population in Ellis County by nationalities.

Kansas, Laws, Statutes, etc. Revised Statutes of (annotated) 1935. Revised by Franklin Corrick. Containing all laws of a general nature in force, duly arranged, edited and numbered, with heading. History and cross references inserted as required by law. Published under authority by Chapter 297, Laws 1935.

Topeka, Kansas State Printing, W. C. Austin, State Printer, 1935, 2705 p.

Very valuable as a source book on laws of Kansas which have been used as a basis of information throughout the preparation of this thesis.

Andreas, A. T. History of the State of Kansas containing a full account of its growth from an uninhabited territory to a wealthy and important state; of its early settlements; its rapid increase in population and the development of its natural resources. Also a supplementary history and description of its counties, cities, towns and villages, their advantages, industries, manufacturers and commerce; to which are added biographical sketches and portraits of prominent men and early settlers. Chicago, A. T. Andreas, 1883. 1616 p.

This book was valuable in securing information relative to the early history of Ellis County.

Ellis County Clerk Enumeration Report 1900 to 1937, Hays Kansas, 1900-1937. 36 volumes.

1927 and 1929 missing, used in securing population growth in rural and urban districts each year.

Ellis County Commissioners. Proceedings, Vol. A-J, Hays
1928 - November 10, 1876. 10 vols.

Used in securing property valuation in Ellis
County.

Connelley, William E. History of Kansas State and People.
Tell of Kansas at the first quarter of the twentieth
century. Mr. Connelley was secretary of the Kansas
State Historical Society. Issued in five volumes
published by the American Historical Society Inc.,
1928. 5 vols.

This was a vary valuable source.

Connelley, W. E. Wild Bill and His Era - Life and Adven-
tures of James Butler Hickock. Introduction of this
book was written by Charles M. Harzer. New York,
Press of the Pioneers, 1933.

This was a valuable source on the early days
of Hays.

Millspaugh, A. C. Crime Control by the National Govern-
ment. Brooking Institute, Washington D. C., and
George Bonta Publishing Co., Menosha, Wisconsin,
1937.

This book was a valuable source of recent trends
in law enforcement.

Ellis County Sheriff, Records, Hays, Kansas - Nov. 25,
1895, Vol. 1 and 2.

Used in determining jail terms or county criminals.

Kansas. District Court Trial Docket. Hays, Kansas, October 11, 1871. Vol. A to I. 9 vols.

Kansas. District Court Appearance Docket. Hays, Kansas, 1868 to 1938. Vol. A to G. 7 vols.

Kansas. Index to District Court Records. Hays, Kansas, 1868 to 1938. Vol. A to E. 5 vols.

Kansas. Journal of District Court. Hays, Kansas, 1868 to 1928. Vol. 1 to 17. 17 vols.

Kansas. Case Files District Court Record. Hays, Kansas, 1868 to 1938. File cases.

No. 1-9972 - Jan. 1 - 1938 missing 4099 to 500. These numbers were omitted and were not available. Where the mistake was made the writer does not know.

Ellis County Recorder of Deeds. Oil and Gas Record book
21. Hays, Sept. 19, 1935.

Page 92 affidavit of production and page 572 Lease agreement to drill. Palmer Oil Corporation and Stormking Oil Company Oil Records, Recorder of Deeds office Ellis County Court House.

Letters regarding Church Membership Reports of Ellis County:

Arnold, Geo. T., Ex-Sec. Presbyterian Church Ellis County.

Topeka, Kansas. July 24, 1937

Fitzgerald, Mrs. Anna Frances. Secretary Congregational Church, Ellis, Kansas.

Fr. Justin, Catholic Church, Catherine, Kansas. August 13, 1937.

Fr. Voleran, Catholic Church, Hyacinth, Kansas. August 30, 1937.

Staibuch, M. R. Sec. Methodist Church Ellis County, Plainville, Kansas. August 4, 1937.

Vrse, Geo. W. Sec. Baptist Church Ellis County. Topeka, Kansas. July 21, 1937.

Interviews:

Bieker, Fred E. Clerk of District Court. Has lived in Ellis County his entire life; has attended and taught

44110

school in Ellis County. Helped in searching record and giving facts about the county.

Fr. Adreon, Catholic Church, Severin, Kansas, March 10, 1938.

Fr. Basil, Catholic Church, Emmeran, Kansas, March 10, 1938.

Father Catholic Church, Antonino, Kansas, March 10, 1938.

Father Catholic Church, Ellis, Kansas, July 22, 1937.

Father Catholic Church, Pfeifer, Kansas, May 21, 1937.

Father, Catholic Church, Schoenchen, Kansas, March 10, 1938.

Father Catholic Church, Vincent, Kansas, March 10, 1938.

Father Catholic Church, Walker, Kansas, May 21, 1937.

Fr. Edwin, Catholic Church, Victoria, Kansas. July 15, 1937.

Fr. Justin, Catholic Church, Hays, Kansas. March 10,
1938.

Minister Lutheran Church, Ellis, Kansas, July 22, 1937.

Minister Lutheran Church North, Ellis, Kansas, July 22,
1937.

Mize, Fr. Robert, Episcopal Church, Hays, Kansas, May 22,
1937.

Perigo, Mrs. J. G. Taught school here in the early days.
Told of how early schools were handled.

Sec. Colored Baptist Church, Ellis, Kansas, July 22, 1937.

Sec. Colored Methodist Church, Ellis, Kansas, July 22, 1937.

Stanton, Walter, Justice of Peace, has held several county
offices and has lived in Ellis County since a boy.
3-9-38. Told of Development.

Stout, Frank, Constable, January 16, 1938. Has held many
county offices, has carried the star postal routes

over the county during the early days and has been a resident of Ellis County since a boy. He has helped law enforcement officers many times. He is known for his remarkable memory of names and places.