Abilene, First of the Kansas Cow Towns

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DURING the latter part of the nineteenth century there appeared in various regions of the trans-Mississippi United States several types of frontier boom towns. Cow towns, mining towns, and railroad “end” towns waxed in lawless turbulence and waned into oblivion as Western “ghost” towns, or experienced a transition into more peaceable centers of agricultural communities.

Abilene, first of Kansas’ railroad cow towns, was typical of these frontier communities in its beginning, civic development, and transition. It began as a station on the Overland stage lines and reached its zenith as one of a succession of northern railroad terminals and shipping points on Texas cattle trails, over which millions of longhorn cattle were driven in search of a market between 1866 and 1889. As the railroads extended westward Ellsworth, Hays City, Newton, Wichita, Dodge City, and other towns south and west became cattle shipping points, and Abilene was left to develop as an agricultural community.

Probably the first white family to take up residence in the immediate vicinity of Abilene was that of Timothy F. Hersey. In 1856 Hersey staked out a claim on the west bank of Mud Creek about two miles north of where it empties into the Smoky Hill river. The Butterfield Overland Despatch stage line came by his claim and he secured a contract with the company to feed the passengers and employees who came over the trail in the six-horse Concord coaches. He advertised to the west-bound traveler the “last square meal east of Denver.” Food at some of these stations consisted of bacon and eggs, hot biscuits, green tea, coffee, dried peaches and apples, and pies. Beef was served occasionally, as were canned fruits and vegetables. Hersey’s establishment consisted of two log houses and a log stable and corral for horses.

The next structure built was a dwelling known as “the Hotel,” owned by C. H. Thompson, and located on the east bank of Mud

creek, just opposite the Hersey establishment. Mr. Thompson used this as a way station for the Short Line Stage Company.5

In 1864 W. S. Moon built a store about the distance of a city block east from the creek. This place of business, under the name of the Frontier store, carried a small stock of widely assorted general merchandise. Its proprietor was postmaster and register of deeds, and his store later served as a meeting place for the sessions of district court.6 Another building, back from the trail and in the midst of a prairie dog town, housed a saloon and went under the name of “Old Man Jones’” saloon.7 Before many years a cluster of about a dozen scattered log houses was built on the east side of the creek by the emigrants who came in over the trails.

Such was the Abilene that Joseph G. McCoy found when he came west on the Kansas Pacific railway in search of a point on that line which could be used as a shipping point for the herds of Texas cattle being driven north. He wrote:

Abilene in 1867 was a very small, dead place, consisting of about one dozen log huts, low, small, rude affairs, four-fifths of which were covered with dirt for roofing; indeed, but one shingle roof could be seen in the whole city. The business of the burg was conducted in two small rooms, mere log huts, and of course the inevitable saloon, also in a log hut, was to be found.8

The first families to settle in the vicinity of the Tim Hersey and W. H. Thompson stage stations located east of Mud creek and south of the trail. They built rude log houses with mud-covered roofs. These families were people of several types. There were those temporary sojourners bound farther west, who because of some unforeseen calamity such as the sickness or death of a member of the family, the loss of an ox, or the breakdown of a wagon, had decided to drop out of the Overland trail procession at least temporarily.9 Many times seemingly trivial things decided whether a pioneer stopped at one place or another in his westward trek. The signs of the zodiac or the phases of the moon as pictured and explained in the almanac were often deciding factors.10

There were those who were attracted by the rich growth of prairie grass on the Smoky Hill river bottom land and decided that this was their destination. Sometimes the “Western fever” struck them

5. Ibid.
6. Ibid.
7. Joseph G. McCoy, Historic Sketches of the Cattle Trade of the West and Southwest (Kansas City, Mo., 1874), p. 44.
8. Ibid.
10. Ibid.
again and relentlessly drew them on to a new frontier. Some of these early settlers in later years insisted that their foresight told them that the region was due for a prosperous future and they stayed so as to be “proved up” when the “boom” should strike.11

These were the types which resided in the dozen or so rude huts which, with Moon’s Frontier store and Old Man Jones’ saloon, made up the nucleus of what was to become Abilene.

In 1860 the counties of Kansas foresaw coming statehood for the territory and the organization fever swept throughout the settled part. In Dickinson county a contest developed over the selection of a county seat. C. H. Thompson laid out a townsit on his land east of Mud creek and hastily constructed some makeshift log houses to give it some semblance of a town.12 It has been recorded that he then asked his neighbor, Tim Hersey, to give the new town a name, and Mr. Hersey referred the matter to his wife. Mrs. Hersey found a reference in the first verse of the third chapter of Luke in the Holy Bible which spoke of the “tetrarch of Abilene,” and decided that “Abilene,” which meant “city of the plains,” would be appropriate, and it was so named.13

In the spring of 1861 a county-seat election was held. Union City, Smoky Hill (now Detroit), Newport, and Abilene were seeking the honors. Abilene, by securing the support of the Chapman creek settlers, won the election.14

There is very little recorded of the events in Abilene from 1861 to the coming of the railroad in 1867. No doubt its development during this period was much the same as other Western frontier towns during the Civil War period. Their routine and pattern was of a type.

The scattered arrangement and varied architecture of the log houses reflected the individuality of the builders. There were no streets, and the spaces between the houses were grown up with prairie grass.15

The frontier stores were cluttered and dirty, with cuspidors which never seemed quite large enough for the expectorator who lacked pride in his accomplishment. To the feminine customers with their

11. Ibid.
12. At the same time Abilene was laid out there appeared in Dickinson county the following other new towns: Union City, Smoky Hill, Newport, London Falls, Centerville, Angahsos, Sand Springs, En Qty City, White Cloud, and Aroma. Their combined population, with the rest of the county, was 378.—Andrea, op. cit., p. 685.
voluminous sweeping garments, this condition created a problem in sanitation.\textsuperscript{16}

In the summer time there was the inevitable group of loiterers and habitués, which early in the day sought comfortable positions at points of visual vantage on the ground in front of the store or under a near-by tree, and spent hours talking about the inconsequential happenings of the community or some bit of news, remote or immediate. They were ever on the watch for some movement, whether it be the stirring of the branches of a tree by a breeze, a fitful whirlwind, the running of a dog, the slamming of a door, or anything of like nature that would provide a new topic for discussion.

The arrival of a stage or the passing of an emigrant party down the trail brought out the whole populace to find out who was aboard, whence they came, and whither bound, eager for any bit of rehearsed or revised news from some other point. Eastbound travelers brought news of some late Indian depredation, and those who were west-bound brought word of some more or less recent happening of the war which was then in progress.

The winters were largely open and agreeable, but there were frequent bleak winds and occasional blizzards. The hunting expeditions after buffalo, antelope, wild turkey, and prairie chicken served the double purpose of providing a diversion and filling the family larder.\textsuperscript{17}

The Kansas Pacific was extended west from Junction City early in the spring of 1867.\textsuperscript{18} J. G. McCoy bought a location east of the original townsite of Abilene for the location of his Drovers Cottage and the Great Western stockyards.

An east-west street running parallel to the railroad and about a block south of it was named Texas street.\textsuperscript{19} Its main intersecting street was called Cedar street, which ran south from the railroad about five blocks east of the creek. Around this intersection of Texas and Cedar streets was built the Texan Abilene that has been made the theme of many a Western “thriller.”

A short street extending east from Cedar street and facing the railroad was called “A” street. East was Shane and Henry’s real-estate office,\textsuperscript{20} and Drovers Cottage. For two years the only semblance of a depot was a rough plank platform along the railroad.

\textsuperscript{16} Stuart Henry, \textit{op. cit.}, p. 165.
\textsuperscript{17} \textit{Ibid.}, p. 211.
\textsuperscript{18} \textit{Ibid.}, \textit{op. cit.}, p. 81.
\textsuperscript{19} Texas street was later called South First street.
\textsuperscript{20} In this office was the meeting place of the board of trustees of Abilene during 1869-1871.
right of way. In 1869, after being given town property as compensation the railroad company constructed a station house twelve feet by fourteen feet, with a four-foot by six-foot passenger waiting room.

On the north side of the Kansas Pacific right of way opposite Drovers Cottage was the office of the Great Western stockyards. West of it were Ed Gaylord’s Twin Livery stables. The only other buildings north of the railroad and east of the creek were a colony of about twenty rambling frame structures, each containing from ten to fifteen rooms, located about a mile north of the tracks. These were the dance halls and the brothel houses where the “soiled doves” of the cattle trade catered to the lusts of the drovers, cowboys, gamblers, and gunmen who congregated during the summers at Abilene.

Drovers Cottage was the largest of the first business houses built. It was a three-story frame structure with about 100 rooms, a laundry, a dining room, and a broad veranda along the front. During the height of a season many former “Yanks” and “Johnny Rebs” formed new friendships and sealed many business deals with iced drinks.

The Alamo was the most elaborate of the saloons, and a description of it will give an idea of the plan of them all. It was housed in a long room with a forty-foot frontage on Cedar street, facing the west. There was an entrance at either end. At the west entrance were three double glass doors. Inside and along the front of the south side was the bar with its array of carefully polished brass fixtures and rails. From the back bar arose a large mirror, which reflected the brightly sealed bottles of liquor. At various places over the walls were huge paintings in cheaply done imitations of the nude masterpieces of the Venetian Renaissance painters. Covering the entire floor space were gaming tables, at which practically any game of chance could be indulged. The Alamo boasted an orchestra, which played forenoons, afternoons, and nights. In the height of the season the saloons were the scene of constant activity. At night the noises that were emitted from them were a combination of badly rendered popular music, coarse voices, ribald laughter and Texan “whoops,” punctuated at times by gun shots.

22. J. B. Edwards says that in 1871 he delivered ice which had been cut from the Republican river to the eleven saloons and Drovers Cottage, for which he received six cents a pound “cash on the barrel head.”—Interview with author, May 31, 1939.
McInerny's boot and saddle shop on Texas street employed as many as twelve or fifteen men at all times in the hand manufacture of saddles and boots, together with other articles of leather demanded by the cattle trade.  

The city jail was the first stone building to be constructed in the city. At one time during its construction a band of cowboys rode in from their camps and demolished it. It was rebuilt under a guard.  

The people of Abilene were of several well-defined types. First, there were the residents who stayed the year round. These included the business men, small-scale cattle buyers with their families, unmarried young men who had come to Abilene with varying means, hoping to improve their fortunes by some legitimate stroke of luck or business. With few exceptions these were people of the highest type who protested the carnival of crime and immorality brought by the Texans and had characters who followed them to Abilene.  

The larger part of the population in the summers was made up of the transient or seasonal type, consisting of speculators, commission men, cattle buyers, drovers, gamblers, prostitutes, and cowboys who came in the spring with the arrival of the first herds and dispersed in the fall to the larger cities and their homes in Texas. There also was the occasional terminus outlaw who drifted in unannounced from some mysterious place and on an unknown errand, stayed awhile, and left "between suns" following a shooting scrape, a few hours ahead of a posse, without announcing his destination.  

The speculators, commission men and cattle buyers could be seen riding toward the prairies to inspect a newly arrived herd, at the yards looking over some cattle yarded and ready for shipment, on the veranda of the hotel, the platform of the railroad, or at the bar of a saloon, talking intently with some prospective vendor or customer.  

The Texan drovers themselves were of three classes. There were the aristocratic Southerners who had been or whose ancestors had been slave owners. They came north by river and rail ahead of their herds and lived a life of ease and conviviality at Drovers Cottage. As a class they were candid and outspoken but at the same time sensitive. In money matters they were flush and free-spending, but at the same time were cautious and suspicious, and drove hard
bargains with cattle buyers. They were boisterous and profane, but also courteous and accommodating. They proclaimed to the world that "my word is as good as my bond," and proceeded to follow this maxim rather closely in their business dealings.27

Another class of drovers to be found in Abilene during the summer was the class exemplified by the quiet, unassuming cattleman of smaller means who did not put on the display that his aristocratic compatriot did. They were not so inclined to be talkative, were more cautious, but did their business in a fair manner. As a rule they did not take part in the excesses offered in the questionable enterprises of Texas street as did their peers, and quite often their wives met them in Abilene later in the summer, coming by railroad.28

A third type of drovers was those who had come to that station from various other callings. Some had been successful cowboys, legitimate and otherwise. Some were drovers for a season only. Others divulged very little about their past, and nobody ventured to press the point. This was the unruly group. They were the "gun toters" who set examples and encouraged the common cowboys in their riots of lawlessness.29

The American cowboy has been dealt with from divergent angles. He has been the hero and the villain in both cheap and classic fiction, in song and in legend, in drama and in cinema. Too much glamour has been thrown about him. He was not the hero of the burlesque stage nor was he the drunken fighting terror of the dime novel. He was nothing more nor less than the average Westerner who fitted himself to the traits his life and business demanded.30

The cowboy at the end of the northern drive was a distinct type, however. His routine on the range made an exacting demand on his powers of endurance. It meant that he might have to spend the larger part of a year without the comforts of a bed to rest from his labor or a roof over his head for protection from the elements. Much of his time was spent in the saddle, sometimes as much as two or three days at a time.31 After he had spent from thirty to sixty days on the trail in dust and heat, storms, high water, subsisting on coarse fare, he was ready for and deserved a little relaxation. When the herd was loaded or sold and he had drawn his pay he was ready

28. Ibid., p. 66.
29. Ibid., pp. 66, 67.
31. Everett Dick, in "The Long Drive," The Kansas Historical Collections, v. XVII, p. 56, says that the herds were driven and herded day and night for the first three or four days until they became accustomed to the trail.
to “open up.” He generally started by securing a complete new outfit of clothes, from the fancy quilted-top tight-fitting dress boots with the conspicuous lone star in the tops, to the new Stetson “ten-gallon” hat. This latter article alone sometimes cost as much as seventy-five dollars. He removed the grime of the trail, visited a barber shop, then donned his new accoutrements (which included his guns, before the day of Tom Smith), and he was ready to begin his relaxation and vacation period. The institutions on Texas street catered to his worst passions. The saloons, gambling houses, dance halls, and houses of ill-fame flourished and thrived on his kind. He might become hilariously drunk, often becoming involved in a quarrel over money, a girl, or some matter deferred on the trip up the Chisholm trail, and it all too frequently ended in gunplay. In this condition the Texas cowboy was a dangerous character to meet. J. B. Edwards, a pioneer who lived in Abilene during the cattle trade, says:

When the Texan connected with the cattle trade got too much tanglefoot aboard he was extremely liable under the least provocation to use his navies [six-shooters]. In fact, if their fancy told them to shoot, they did so, in the air or at anything they saw, and a plug hat would bring a volley from them at any time, drunk or sober.

His intoxicated condition made him easy prey for the purveyors of sin, and in many instances within a week his entire substance was gone, and he was ready to return to his work on the plains. Sometimes the cowboy sold his ponies or got an advance from his employer and returned to Texas by rail and water, and sometimes he rode his pony back down the trail with the chuck wagon and the cook.

The saloonkeepers and gamblers had some characteristics in common. Many times they were partners in the enterprise of extracting specie from the free-spending Texans. The former prepared the field and the latter reaped the harvest. The saloonkeepers were usually robust fellows, ready at all times to meet the emergency created by a “rough house.” The gambler usually wore costly attire and gaudy jewelry. He maintained the expressionless “poker face” while at his work, and sauntered nonchalantly from place to place while at leisure. While the games of chance were supposed to be

32. According to Almon C. Nixon, in “Early History of Abilene,” “Dickinson County Collections,” v. VII, n. p., the agreement between the drover and the cowboy specified that all quarrels en route were to be deferred until the cattle were disposed of, hence many quarrels were matters which had originated on the trail.
34. Stuart Henry, op. cit., p. 72.
conducted fairly, professional gamblers made use of the tricks of their trade on the liquor-befuddled Texans, and when this was detected gunplay was usually the result.36

An examination of the minutes of the Abilene city council and the ordinances during this period reveals that the prostitutes who followed the cattle trade created a vexatious problem. These female vultures drifted in from Kansas City, St. Louis, Memphis, and like points, and seemed to be the flotsam from a disturbed social tide following the Civil War.37 During the early days of the cattle trade they took up residence at various places in and near the business section. At one time some of these notorious places were located next to Texas street, just across from the schoolhouse.38 Because of public opinion, they gradually migrated to the brothel district north of town. In the later years they were moved to a section adjoining the townsite on the southeast, which later became a part of the town under the name of Fisher's addition.39 Here the colony was under police supervision, and an attempt was made to prevent the violent disorders that had occurred when the demimonde were outside the scope of law.

At rather indefinite intervals there arrived and departed such characters as Wes Hardin, Ben and Billy Thompson, Phil Coe, and the Clements boys, who were variously described as outlaws, cut-throats, desperadoes, gunmen, and like terms. They took part in the lawless life of Texas street and moved on when the fancy struck them or the circumstance deemed it advisable.40

In addition to these classes of people there was a sprinkling of . . . rich men, notabilities, curiosity-seekers, . . . amateurs of savage risks or rites, anxious to see life spiced up hot to tickle jaded palates, . . . sleek, well-dressed Wall Street brokers, . . . staff correspondents from important eastern dailies, . . .

who came West to see first hand what they had read about in the current fiction of the day.41

The problem of maintaining law and order in Abilene in the early days of the cattle trade was not a trying one, because little attempt was made to cope with the problem. There were regularly elected

37. Stuart Henry, op. cit., p. 130.
38. Ibid., p. 131; J. B. Edwards, in an interview with the writer, May 31, 1938.
39. Often incorrectly referred to as "McCoy's addition," because McCoy was mayor of Abilene at the time.
40. Some of these men had different reputations in different cow towns. Streeter, in his Prairie Trails and Cow Towns, says that Ben Thompson had a good record in Abilene, but that he was a killer in other towns.
county officers, but they made no serious effort to curb the lawlessness of the era.42 After failure, they waived the responsibility by regarding that type of affairs as outside their jurisdiction.

Before Abilene’s incorporation, in 1869, the settlement of difficulties was largely a personal matter. Very seldom did a third party interfere in a quarrel. Sometimes the two litigants would retire to some more or less secluded area, and when both were ready they would start shooting. Stuart Henry says, “When you heard one or two shots, you waited breathlessly for a third. A third shot meant a death on Texas street.” 43 Friends of the participants often witnessed these affrays, but so long as the general rules were observed there was no interference.44

It was evident to the law-abiding citizens that municipal organization was necessary to bring order out of chaos, so on September 3, 1869, there appeared before the court of Cyrus Kilgore, probate judge of Dickinson county, Kansas, a deputation of citizens bearing a petition signed by forty-three citizens, “praying for incorporation.” 45 Kilgore, after inspecting the document and finding it in order, granted the prayer and Abilene became an incorporated city of the third class. J. B. Shane, T. C. Henry, Thomas Sherran, T. F. Hersey, and J. G. McCoy were appointed by the court as trustees of the city until an election should choose a mayor and council. T. C. Henry was selected by the group as its chairman and the board carried out the functions of a mayor and council until May, 1871. Since the 1869 cattle trade was on the wane, very little was done to curb the lawless element that year. Some fundamental ordinances were passed, but there was very little attempt at administration and execution.46

In the spring of 1870 the board of trustees met again and elected T. C. Henry as chairman and appointed W. Fancher, a teacher in the school, as secretary. Thirty-two saloons were licensed,47 closing hours indicated, houses of ill-fame in the city limits were outlawed,48 and an attempt was made to recognize and enforce laws

43. Stuart Henry, op. cit., p. 82.
47. In numbering thirty-two saloons, T. C. Henry probably included all stores retailing liquor. J. B. Edwards informed the writer that at no time were there more than twelve saloons in Abilene at the same time.
48. At this time the prostitutes migrated to the colony north of town.
against the more flagrant crimes and secure some semblance of
decency. City offices were created, including that of the city mar-
shal, and ordinances were published.49

The particular ordinance which caused the most comment and
turmoil was the one forbidding the carrying of firearms within the
city limits. It was announced on large bulletin boards at all the
important roads entering town. These were first looked upon with
awe and curiosity, and only gradually was their significance com-
prehended.

Tom Smith, from Kit Carson, Colo., was one of the first to apply
for the position of city marshal. He was rejected. Several local
men were tried and found wanting, while conditions went from bad
to worse. The cowboys insolently ridiculed the officers and the
disregard for law continued. The posters upon which the ordinances
were published were shot so full of holes that they became illegible.50

Construction began on a city jail, but the cowboys tore it down,
and it had to be rebuilt under a day-and-night guard. The first
person to be incarcerated was a colored cook from one of the cattle
camps near Abilene. A band of cowboys came to town, drove away
the guards, forced the lock on the door and released the prisoner.
They ordered the business houses to close, even riding into some
stores and giving their orders from the saddle. They then rode out
and proceeded to shoot up the town. A posse of citizens was formed
and they were pursued. A few were captured and imprisoned. This,
however, did not halt the aggressions of the cowboys. They con-
tinued their open flaunting of the law and the abuse of law-abiding
citizens. Two men, recommended by the St. Louis chief of police,
came and looked the situation over but returned to St. Louis by the
next train. The job was too complex for them.

Finally the application of Tom Smith was reconsidered. He was
made marshal at a salary of $150 a month and two dollars for each
conviction of persons arrested by him. J. H. McDonald was later
selected as an assistant.51

Smith was of a reticent nature. Facts about his past were diffi-
cult to secure from him. It was known that he had had a promi-

49. T. C. Henry, loc. cit., p. 538.
50. Ibid., p. 529.
51. "Minutes of Abilene City Board of Trustees," June 4, 1870.
had served also in the capacity of marshal of several of the Union Pacific terminal towns.\textsuperscript{52}

Smith's first showdown in Abilene was with a cowboy desperado called "Big Hank," who refused to disarm and used abusive language in his refusal. Without argument Smith struck him a terrific blow, took his pistol away from him, and ordered him out of town.

To the cowboys this was a new method of combat. They did not understand the technique of fisticuffs.\textsuperscript{53} Their pride was in the perfect execution of a "quick draw" and not a "right cross" to the chin. In the cattle camps the subject of Hank's treatment was discussed at length, and before morning a leader of the desperadoes known as "Wyoming Frank" wagered that he could defy the new marshal and his gun ordinance.

He came to town the next morning and ultimately met with Smith in the street. Smith walked toward him and asked him for his guns, which were being worn conspicuously. Frank backed slowly away, maneuvering for an advantage, and finally backed into the door of a saloon. Here they were surrounded by a crowd. Another request for his guns was answered profanely by Frank, and Smith placed him \textit{hors de combat} with two smashes to the chin. He took Frank's guns away from him, beat him over the head with them, and told him to leave town and never return. Frank followed his instructions promptly.

The silence following this encounter was broken by the saloon proprietor, who stepped from behind the bar and said, "That was the nerviest act I ever saw. . . . Here is my gun. I reckon I'll not need it so long as you are marshal of this town." Others followed his example, and from that time Smith had very little trouble over the enforcement of the gun ordinance. Each business house had a sign which read, "You are expected to deposit your guns with the proprietor until you are ready to leave town." New arrivals soon found that this sign meant what it said.\textsuperscript{54}

The merchants, gamblers, saloonkeepers, and citizens were grateful for Smith's efficient work, and in August his salary was increased to $225 a month, effective from the previous month.\textsuperscript{55} A police court was set up and thereafter those convicted were given their

\textsuperscript{52} T. C. Henry, \textit{loc. cit.}, pp. 527, 528, 531.

\textsuperscript{53} Stuart Henry, \textit{op. cit.}, p. 148.

\textsuperscript{54} The episodes of "Big Hank" and "Wyoming Frank" have been drawn rather freely from T. C. Henry's address at the memorial service for Tom Smith, May 30, 1904, \textit{loc. cit.}, pp. 527-532.

\textsuperscript{55} "Minutes of the Board of Trustees," August 5, 1870.
choice of paying the assessed fine, serving time, or leaving town permanently. 56

It seemed a peculiar irony of fate that Tom Smith should meet his
death, not at the hands of the Texans, but by being murdered by
two Scotch homesteaders by the names of Andrew McConnell and a
Mr. Miles. On November 2, 1870, Smith and his assistant Mc-
Donald went to McConnell’s dugout on Chapman creek to effect his
arrest on charges in connection with the shooting of a neighbor,
John Shea. McConnell refused to submit to arrest and Smith was
shot. Miles, who was with McConnell, then nearly decapitated
Smith with an ax. McConnell and Miles fled when McDonald re-
turned for a posse, but they were captured later and sentenced to
twelve and sixteen years, respectively, in the penitentiary. 57 Their
captors, Judge C. C. Kunev and James Gainsford, were voted a re-
ward of $100 each by the city trustees. 58

On April 8, 1871, the first charter election was held for the purpose
of electing a mayor and council. In the election J. G. McCoy was
elected mayor and G. L. Brinkman, S. A. Burroughs, Dr. Lucius
Boudinot, Samuel Carpenter, and W. H. Eicholtz were elected to
the city council. 59 The main issue in the election seemed to be the
degree of control that should be attempted over the vice and immor-
ality in connection with the Texas cattle trade. C. H. Lebold
was McCoy’s opponent. An article in the Abilene Chronicle, after
the election, stated:

Mr. Lebold was withdrawn as a candidate for mayor, although his chances
were probably as good as any candidate on the track. Had his friends in-
sisted on his name being printed upon the ballot he would have been elected—or,
at least the result on mayor would have been different. The council is
composed of some of our best citizens, and altogether the election resulted in
a decided triumph for the order-loving citizens of Abilene. In fact, there are
very few of our people opposed to good order. In point of morals and quiet-
ness the Abilene of today is as unlike the Abilene of two years ago as day is
unlike the darkness of night. Our people are as intelligent and orderly as those
of any other town or city in Kansas or elsewhere. 60

One of the first problems of the new administration was to find a
marshal to replace Tom Smith. Such a task was highly important
because a long stride had been made toward the establishment of
order, and there was promise of a large Texas delegation for the
coming cattle season. J. G. McCoy recommended the employment

58. “Minutes of the Board of Trustees,” March 11, 1871.
59. Ibid., April 6, 1871; Abilene Chronicle, April 6, 1871.
60. Ibid.
of J. B. "Wild Bill" Hickok, and on April 15, 1871, he was unanimously chosen marshal 61 at a salary of $150 a month plus twenty-five percent of all fines in arrests made by him. 62

James Butler Hickok, popularly known as "Wild Bill," had acquired the reputation of being the best gunman in the West when he came to Abilene as marshal. Early in 1861 Hickok, then aged twenty-three, gained his first notoriety in the slaying of some members of the McCandles gang at the Rock Creek, Nebraska, stage station. 63 In another escapade at Hays, while he was acting as a peace officer, he was involved in the shooting of some drunken soldiers. Around him had been built many tales of dexterity in "two-gun" work, but no doubt many of these were exaggerations of the facts. 64

Hickok's appearance was striking. He was about six feet in height and 175 pounds in weight. He was well-made physically, graceful in movement, constantly alert, and cool while under fire. His brown wavy hair down to his shoulders, piercing gray-blue eyes, aquiline nose, and flowing mustache made him a figure to attract attention. His attire was expensive and showy. His shirts were of fine linen and his boots of the thinnest kid leather. His hands and feet were delicately molded. In manner he was generally quiet and amiable unless aroused. He was not a braggart and did not quarrel. In spite of this seemingly unassuming manner he was one who would attract attention in any gathering. 65

In his handling of the law-enforcement problem in the summer of 1871 he received much criticism. Some thought he spent too much time at the Alamo saloon and delegated too much work to his assistants. Some disliked his proneness to resort immediately to the use of firearms in the establishing of authority. It was true that he and Tom Smith were entirely different in their methods. Smith took no part in the immoral practices of the Texans. He carried guns but they were generally worn out of sight. His main stock in trade was physical courage. Hickok had the same weaknesses as the Texans, but he did not partake to excess. His "hip artillery" was always conspicuously worn. His main dependence was on his quick draw and accurate marksmanship. The admirers of Tom Smith were slow to give their praise to the new marshal.

61. "Minutes of the City Council," April 15, 1871.
64. Streeter, op. cit., p. 96.
On May 1, 1871, a comprehensive plan of licensing all business houses in Abilene was included in an ordinance by the city council. This was an attempt to force the transient business enterprises to help defray the high cost of law enforcement. Since it was upon the Texas trade that those businesses thrived, it was logical that they should bear a share of the expense.

The bone of contention was in determining upon a license fee for saloons. Two councilmen, Samuel Carpenter and Dr. Lucius Boudinot, had been elected on a platform favoring a moderate saloon license fee of $100 a year. Two others, G. L. Brinkman and W. H. Eicholtz, favored a $200 fee, while the other, S. A. Burroughs, no doubt a disciple of John Marshall’s “the power to tax is the power to destroy” theory, favored a prohibitive license fee of $500. Thus the council was deadlocked. Mr. Burroughs finally switched to support the $100 fee, but the council adjourned before action was taken. At an adjourned meeting the $200 men were in the plurality and the ordinance was passed with the saloon fee at $200. This brought resignations from Boudinot and Carpenter. At the next meeting all were present except Mayor McCoy, and the resignations were accepted. The resigned members arose to leave, and Mr. Burroughs accompanied them without permission from the chair (a violation of rules of procedure). That left no quorum present, so the chairman pro tempore, Mr. Brinkman, ordered Marshal Hickok to go after Mr. Burroughs so they could order an election to fill the vacancies of Boudinot and Carpenter. Hickok brought Mr. Burroughs back, but no sooner was he inside the room than he bolted again and went to his law office next door. Chairman Brinkman ordered Marshal Hickok after the truant official again. Burroughs defiantly refused to accompany Hickok. Without further ado “Wild Bill” swung him across his shoulder, bore him to the council room, deposited him in a chair and stood guard while business proceeded and an election was ordered to fill the vacancies.

To complicate matters, in the special election to fill the vacancies created by Boudinot’s and Carpenter’s resignations, those two men were returned to office with a vote of confidence. This turn of affairs was followed by the resignation of Eicholtz and Brinkman.

66. “Ordinances of the City Council,” May 1, 1871; Abilene Chronicle, May 4, 1871.
68. Abilene Chronicle, May 18, 1871; “Minutes of City Council,” May 8, 1871.
69. In the campaign signed and attested articles appeared in the Chronicle by Boudinot and Carpenter to the effect that McCoy had approached them with a proposition whereby their personal friends could avoid the payment of the high fee.
70. “Minutes of City Council,” May 31, 1871.
I. L. Smith and J. A. Gauthie were elected to replace them on a platform calling for a stricter enforcement of the ordinance against brothels.\textsuperscript{71} Political feeling ran high and unsigned articles appeared in the columns of the Abilene \textit{Chronicle} which might result in libel action today.\textsuperscript{72}

This summer of 1871, true to expectations, brought to the streets of Abilene a large group of lawless people.\textsuperscript{73} A number of special officers were appointed to assist "Wild Bill" Hickok. Among these were James Gainsford, one of the captors of Tom Smith’s murderers; James McDonald, who had accompanied Smith to the cabin on his fatal mission; Thomas Carson, a nephew of Kit Carson, the famous scout; "Brocky Jack" Norton, who later served as a peace officer in Ellsworth and Newton; and Mike Williams, who was to be the victim of a tragic mistake by the guns of Marshal Hickok.

The prostitutes from the colony north of town had migrated to Texas street and vicinity. There were ordinances prohibiting their practices within the city limits, but they were ignored. Petitions signed by women and the responsible people of the city were presented to the council asking for the enforcement of the ordinances, but the council was slow to give an ear.\textsuperscript{74} In the latter part of June a restricted zone was established on land adjoining the townsite and owned by George Fisher. Here the bawdy houses might be located where "shooting and stabbing and all-night life could be indulged in in full blast."\textsuperscript{75}

During the summer of 1871 an undercurrent of hard feelings had developed between Marshal Hickok and some Texans encouraged by Phil Coe and Ben Thompson, proprietors of the Bull’s Head saloon. This feud came to a crisis on the evening of October 5. The end of the cattle season was nearing and some Texans were celebrating their departure with a farewell spree on the streets of the city.

They began their party on Texas street about sundown. They carried Jake Karatoifsky to the Applejack saloon, where he was made to stand treats. This they did to other citizens they happened to find on the streets. They found "Wild Bill" in a boarding house

\textsuperscript{71} Abilene \textit{Chronicle}, June 15, 1871.

\textsuperscript{72} An article appeared in the \textit{Chronicle}, July 27, 1871, signed by "a citizen," stating that the writer had seen Mayor McCoy in a bagnio on the previous Saturday night with a hooted on each knee.

\textsuperscript{73} Abilene \textit{Chronicle}, July, 1871.

\textsuperscript{74} \textit{Ibid.}, June 1, 1871.

\textsuperscript{75} Stuart Harris, \textit{op. cit.}, p. 278. This section was sometimes erroneously referred to as "McCoy's addition" because McCoy was mayor at the time it was established, but McCoy's addition refers to another addition to the townsite.
eating his supper. He would have no part in their pranks, but he sent them to the bar of the Novelty theater where they could get drinks at his expense.

About nine o'clock, while Hickok and his deputy, Mike Williams, were in front of the Novelty theater, a shot was heard around the corner on Cedar street. Bill hurried through the east door of the Alamo saloon and went quickly to the front, asking in a rough manner who had fired the shot. Phil Coe, at the front with pistol in hand, replied that he had shot at a dog. Without further questioning Hickok drew two revolvers and the two exchanged shots. Coe was mortally wounded while Hickok was not hit. Mike Williams, hearing the shooting, hurried around to the front of the saloon to aid the marshal. Bill, without recognizing Williams, shot him twice, and he died almost instantly. Coe lingered for several days and died in great agony.\footnote{Streeter, op. cit., pp. 101-104.}

There was high feeling over the shooting from both the Texan faction and the citizens, but it gradually subsided, as the cattle-trade season was about over for the year.

The opponents of the cattle trade were gaining in numbers. The residential section of Abilene was being built north of the railroad tracks, away from the lawless abandon of Texas street and Fisher's addition.\footnote{This was the present district southeast of town.}

During this time that inevitable menace to all frontiers, agriculture, was growing. Farmers had been arriving in groups throughout 1870 and 1871. They established colonies from distinct states, hence the Buckeye colony in what later became Buckeye township; a Michigan colony, and a group from Illinois.\footnote{Andreas, op. cit., p. 686.}

At the beginning of the 1871 season this agricultural group came to an agreement with the city of Abilene not to interfere with the cattle trade provided the farmers would be paid claims for domestic cattle lost by Spanish fever and for crops destroyed by the herds. James Bell, Ed Gaylord and T. C. Henry were appointed as a board of appraisers.\footnote{Abilene Chronicle, May 18, 25, 1871.} There is one record of the city council allowing claims which totaled $4,041 to farmers.\footnote{"Minutes of City Council," August 12, 1871.}

During the winters of 1870-1871 and 1871-1872 there appeared articles in the Chronicle in defense and in criticism of the Texas cattle trade. On January 12, 1871, an article appeared, signed by
“A. F.,” complaining, in the name of the farmers and taxpayers, of the high taxes caused by the high cost of law enforcement. It also objected to the Texans pasturing cattle in the vicinity of Abilene and not being assessed for taxes.

An article on January 19, signed “Defendant,” defended the cattle trade. It argued that the added expense of law enforcement should be met by a head tax on all cattle coming into the county.

Another article, which must have come from the hand of Mayor McCoy, was signed with the pseudonym “Tbex.” It made this statement:

We are informed that when Abilene was first selected as a point to locate this trade, it was an obscure, dingy place, boasting of but one shingle-roofed building, the balance a half-dozen log huts, covered with dirt roofs. As a business place it boasted one little “whiskey battery,” one eight-by-ten dry goods and grocery house, containing nearly three wheelbarrow loads of goods.81

In February, 1872, the movement materialized to a point where it spelled doom for the cattle trade at Abilene. A petition was drawn and circulated among the citizens of Dickinson county. About eighty percent of the citizens signed it. It read as follows:

We, the undersigned, members of the Farmers’ Protective Association, and officers and citizens of Dickinson county, Kansas, most respectfully request all who have contemplated driving Texas cattle to Abilene the coming season to seek some other point for shipment, as the inhabitants of Dickinson will no longer submit to the evils of the trade.82

From that time to the end of the cattle-driving era the Texan drovers sought other points from which to ship their herds. To the west on the Kansas Pacific, Ellsworth entertained the trade for a season. The Atchison, Topeka and Santa Fe Railway was being extended to the southwest, and when it reached Newton that town became a drovers’ terminus. The next year the A. T. & S. F. was built through Wichita and shipment of Texas cattle was made from that point.83

The last of the turbulent cow towns was Dodge City, which claimed the title of “Cowboy Capital” from 1873 until the quarantine law of 1885 moved the dead line west to the Kansas-Colorado border. This marked the end of the cattle trails in Kansas. The “wild and woolly” terminal towns changed to peaceful centers of agricultural activity.

81. This newspaper article, published February 3, 1871, very closely resembles the official description of Abilene as McCoy first saw it, published in his Historic Sketches of the Cattle Trade of the West and Southwest. Three years later.
82. T. C. Henry, loc. cit., p. 532; Abilene Chronicle, February 22, 1872.
Today Texas cattle are brought to Kansas by the descendants of the drovers who came up the trails in the cow-town era. Among the herds which are yearly brought to the blue-stem pastures of the Flint Hills may be seen animals which have the marked characteristics of the Texas longhorn of the trail-driving era. The long drive has been replaced by rail and motor transportation.

What were formerly the lawless cow towns have grown into wholesome cities, and little of a physical nature remains to remind one of the Texas cattle era.