



Frontier Folklore & Pioneer Prose from Harvey County

by Darren McMannis

How To Rouse A Town

Burrton, Kansas in 1885

One warm summer day, there were five boys arrested for serial damages done to Burrton's grist mill, aged from 5 to 10 years. They were brought before Justice Perry, they all acknowledged that they had done the work, and they were all found guilty. The fines for the oldest boys was \$3.00 plus \$3.50 court cost, and for the youngest, \$1.00 plus \$3.50 court cost. Not being able to pay their fines, and their parents unwilling to pay it, they were sentenced to jail, and were to be taken to Newton on the evening train.

The little boy of the Bartells, being released to home until train time, when Constable Cross went after him Mr. and Mrs. Bartell resisted the officer and delayed the Constable until the train had left. The other boys were then turned over to Marshall Friend, and Cross then had Bartell arrested for resisting an officer or civil authority. Bartell was brought before Justice Parry and pled not guilty, but after the testimony was given he said it was true, thereby pleading guilty, fine \$20 and cost.

There was great excitement among Burrton's townsfolk at the depot that Tuesday evening, in sympathy with the boys. The train came and went that evening - it was rumored that the boys could not under any circumstances have been taken that evening on account of strong public sentiment. Before the local train came on Wednesday, two of the boys' fines were paid, and the five-year-old boy was released on account of extreme youth. The other two were taken, by the Marshall, to Newton and lodged in jail.

The excitement still ran high about Mr. Bartell and his boy, and a petition was circulated for his release on account of the ignorance of the law, which was signed by some of the best of our citizens, and Mr. Bartell was released. Many censured the justice for his action, and different articles were brought up to the newspaper for publication, but the editor did not accept them. The Editor did,

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however, determine that it was his duty to look carefully into the affair, the results of which he published in the next edition, which follows:

“For months past there has been some boys in our town doing mischief, and recently it was discovered they had broken into the grist mill. They were arrested for this and fined. In company with Mr. I. M. Welch we visited and examined the mill, but could not see that much damage had been done, but afterwards when we got a miller to go and show us we found a stone that was picked about 5/8 of an inch deep, 5 inches wide and 8 inches long; also were oil had been poured out, 20 doors broken off of hinges from grain bins and bolting chests, many of the stops taken from the shoots, one window gone, almost all the glass from the other windows broken, as were the different bands and receivers used for privies. In the engine room was an oil barrel that had been uncorked, the pump out of six; nuts, etc., off of the engine.

“We went to Justice Parry, who had rendered the decisions, and who told us that he was very careful not to get the boys scared in giving their testimony, the prosecuting attorney asking no questions. The boys all told what they did, all acknowledging they had done the work. He find them as above mentioned and at the same time gave the Constable directions that the smallest boy should only be held until time to go to Newton and then released, whether the fine was paid or not. But why were such little boys arrested? We are credibly informed that all the parents or guardians were talked to and requested to keep their children away, also to pay damages and in each case, except one, nothing but abuse was given, and there they said **the boys were so bad they could not manage them.**

“We are of the opinion that where parents cannot or will not keep their children from continually annoying the public, that it becomes the duty of the law to do so, which says all children under 14 years of age are liable to the county jail. Every person who shall be convicted of a misdemeanor [as in willfully damaging another’s property] shall be punished by imprisonment in a county jail not exceeding one year, or by fine not exceeding \$500, or by both such fine and imprisonment.”

Justice Parry said that he released Mr. Bartell “on account of the people” and not in accordance with his better judgment.

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