

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Great Plains Quarterly

Great Plains Studies, Center for

1990

Review of Cow town Lawyers: Dodge City and Its Attorneys, 1878-1886

Craig Miner

The Wichita State University

Follow this and additional works at: <https://digitalcommons.unl.edu/greatplainsquarterly>



Part of the [Other International and Area Studies Commons](#)

Miner, Craig, "Review of Cow town Lawyers: Dodge City and Its Attorneys, 1878-1886" (1990). *Great Plains Quarterly*. 486.

<https://digitalcommons.unl.edu/greatplainsquarterly/486>

This Article is brought to you for free and open access by the Great Plains Studies, Center for at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Great Plains Quarterly by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Cowtown Lawyers: Dodge City and Its Attorneys, 1878-1886. By C. Robert Haywood. Norman: University of Oklahoma Press, 1988. Map, illustrations, notes, bibliography, index. xiv + 289 pp. \$24.95.

Ironically the feature to which this book serves as a corrective is doubtless a major reason for its publication—the notoriety of the name Dodge City in the popular consciousness. Haywood points out in his last chapter, and adequately demonstrates in his text, that the Front Street reconstruction and the wild and wooly stories of the “Beautiful, Bibulous Babylon of the Frontier” that Easterners hear are not an adequate representation of the town even in its

boisterous salad days. He also points out that Dodge was consciously cultivating its wild image as a means of economic development during its cattle town days. Yet neither he nor some of the rest of us who have tried to provide "the rest of the story" will prevail ultimately with the buffs who genuinely want it to have been otherwise.

For the record, what Haywood argues is that there was civilization in Dodge and that God was there too. The symbols and implementors of that civilization were the attorneys. "The law was to be Dodge City's civilizing armor," he writes, "the lawyers were to be the champions of those maturing expectations, and the courts were to be the disciplined arenas in which the struggle would be resolved." The court system this book shows us was not a makeshift operation of a Judge Roy Bean but rather a set of tribunals in which "today's lawyers would not feel terribly uncomfortable." The briefs were careful, rights of the accused were attended to, and justice administered was not of the hasty or "hanging" kind. The acquittal rate was no different than in 1980s Kansas and plea bargaining was a factor then as now. A group of Indians from Dull Knife's raiding band were actually acquitted in a Dodge City court in the late 1870s because rules of evidence overcame popular passion. While the knowledge of law and jurisprudence at the District Court level in Dodge was clearly more impressive than that of the municipal courts, the magistrates at the lower courts shared a fine sense of "community mores and . . . fair play."

Haywood is a good writer and a great researcher. There is unexpectedly quotable stuff in the legal records and biographical research that are his sources. Of course the frontier papers were more than a bland mirror, and the editors knew the lawyers and their technique very well. The best parts of the book are Haywood's picture of the context in which the attorneys worked—there are several good early sections giving a cross section of Dodge industry and society—and the biographical background he provides on two major local attorneys of

contrasting style and role, Harry E. Gryden and Mike Sutton. We feel the suspicion the great local defender and the great local prosecutor had of each other and appreciate their techniques of taking the pulse of the community. Haywood calls the struggle of these two on their stage a "real life morality play," and it is.

The weakness of the book is that it follows all too well its stated goal of being legal history on a "microcosmic level." Sometimes the detail is of questionable benefit, and the desire to be definitive leads to uneven impact. In several late chapters, for example, Haywood does brief biographies of virtually all the "also rans" in the Dodge City legal profession. This has nearly the stultifying effect of the extensive biographies often printed at the back of the older county histories. Unlike the fully developed accounts of Gryden and Sutton, these are only little sketches, and, while well done, they might have been better treated in summary than in individual sections.

Cowtown Lawyers breaks some new and worthwhile ground in the history of professions and in the technique of doing urban and western history generally. It belongs to the same class of western institutional history that is represented by recent careful studies of, for example, the role of the saloon in communities. It is sophisticated, well-organized, and gracefully written. It also has a human vividness that legal history all too often lacks. It is neither what people hoping for a rollicking Dodge City tale would expect, nor what those anticipating a dry legal study would imagine. It belongs in every Kansas collection.

CRAIG MINER

Professor of Business History
The Wichita State University