

CASES OF CIVIL MATTER: RILEY COUNTY, KANSAS DISTRICT COURT CASES AND
ITS ROLE ON POVERTY, CRIME AND FAMILY FROM 1934-1935

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A reviled figure among readers of the *Manhattan Mercury & Daily Nationalist* during the height of the Dust Bowl in Manhattan, Kansas was Ronald Finney. Although indicted in the neighboring city of Topeka, Kansas, Finney captivated the interests of Manhattan citizens for being a “central figure in the Kansas million-dollar bond scandal...for 31 counts charging bond forgery [and] was sentenced to 31 to 635 years” in prison after pleading guilty to the charges in January of 1934.¹ Finney was a Kansas bond broker, who was charged with “illegally removing \$260,500 of bonds from the state treasurer”² and was responsible for the liquidation of three banks during the “bogus bond investigation.”³ News about Finney’s criminal case was thoroughly reported and was for several consecutive days in January of 1934 a prominent story on the front page of *The Manhattan Mercury*. From Finney’s appeal of his sentencing, to the litigating that ensued thereafter and finally to the means of incarceration, the case was described in an article [via a consensus of lawyers] titled “Attorneys Row in Finney Case” in *The Manhattan Mercury* as “the most amazing courtroom situations ever seen in Shawnee county district court.”⁴

The reasons that Finney’s bond scandal gravitated so much media attention in Manhattan, Kansas is a true reflection of not only the economic concerns during a time strained both by the Great Depression and the growing agricultural recession produced from the Dust Bowl, but also, of the ubiquitous amount of civil cases (particularly property forfeitures) that developed during this time. The stock market crash of 1930 continued to have enduring effects

¹ “Finney Given 31-635 Years,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 2 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

² “Attorneys Row in Finney Case,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 3 January 1934. Microfilm, M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

³ “Papers Drawn to Move Finney,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 4 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

⁴ “Attorneys Row in Finney Case,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 3 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

by 1934, however, to worsen matters the blowing away of fertile top soil necessary for lucrative crops devastated farmers and individuals working within the agricultural industry. L.C. Aicher explained in his article “Curbing the Wind” published in the *Twenty-Ninth Biennial Report of the Kansas State Board of Agriculture for the Years 1933 to 1934*, that the cause for poor crops in Kansas was attributed to the, “[h]eavy winds this past year and a half [that] removed the top soil far down as it was plowed from a large number of farms in the great plains area. Other farms were heavy losers of top soil...and it cannot be gotten back nor can topsoil on the areas thus denuded be rebuilt in a single lifetime.”⁵ Aicher also contended that, “[a]nother contributing factor was the burning off of wheat stubble preparatory to the preparation of the land for wheat seeding in the fall. [As well as] the excessive use of the one-way plow was a large contributing factor in the development of the blow area in southwestern Kansas this past year...The dry fall, linked with the powdery condition left from the burning of the stubble and the excessive use of the one-way plow provided an ideal blow condition.”⁶ The blowing of light topsoil heavily affected Riley County that had a very heavy economic investment in agriculture. According to the 1930 Census of the United States in a survey made of persons ten years old and over engaged in gainful occupations, there were a total of 7,326 individuals of the aforementioned description, 2,294 were in agriculture. Of those, 1,570 were farmers that included owners and tenants.⁷

⁵Kansas State Board of Agriculture, *Twenty-Ninth Biennial Report of the Kansas State Board of Agriculture for the Years 1933 to 1934*, “Curbing the Wind,” L. C. Aicher. Kansas Historical Society, <http://www.kansasmemory.org/item/210664> (accessed December 1, 2012): 67.

⁶ Kansas State Board of Agriculture, *Twenty-Ninth Biennial Report of the Kansas State Board of Agriculture for the Years 1933 to 1934*, “Curbing the Wind,” L. C. Aicher. Kansas Historical Society, <http://www.kansasmemory.org/item/210664> (accessed December 1, 2012): 68.

⁷ *Fifteenth Census of the United States: 1930*. “Population,” vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 867.

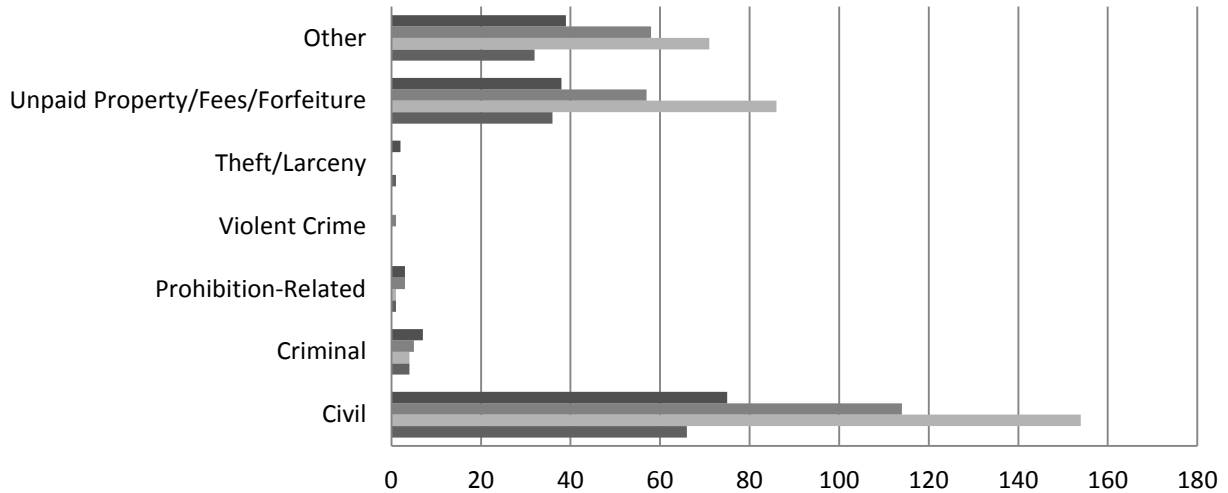
It was under these economic constraints that Finney became vilified for his white-collar crime by the Manhattan residents who were tentatively following his case hoping for a semblance of justice during a time of financial upheaval. Although Finney's case received a lot of attention during the month of January 1934, crime was often a prominent and consistent staple of newspaper media within *The Manhattan Mercury*, criminal cases (distinctly those involving monetary theft) were often given disproportionately high attention. For instance, during the same day of the front page article, "Finney Given 31-365 Years" another article published within the newspaper (albeit, not on the front page) about two men, Bob White and John Kells, who were to be sent to Kansas to "face charges growing out of the \$1,000 robbery of the Oxford, Kansas State Bank."⁸ At a far lesser consistency there are articles on murder and violations of prohibition which also represents the actual statistics of crime, in which civil cases far outnumbered violent criminal cases in the Riley County area during the years 1934 and 1935, the start of the Dust Bowl crisis.

Although the media delves into specific cases and illustrates certain problems that were faced by Manhattan citizens concerning crime, newspapers are inherently biased since they must write to lure readers and tend to be more sensationalized or report disproportionately more violent crimes; which produce a skewed perception of the actual crime rates. A more accurate means to substantiate the legal actions taken in Riley County, Kansas (and by extension Manhattan) at the beginning of the Dust Bowl lies in the content of the Quarterly Riley County Dockets of 1934-1935. Decided cases from January 1934, April 1934, September 1934 and January 1935 are contained in the docket and consist of specific court information which

⁸ "Kansas Will Seek Two: Sumner County Will Attempt to Return Kells and White," *The Manhattan Mercury and the Manhattan Daily Nationalist*, 2 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

includes the names of plaintiff(s), names of defendant(s), case number, date of final decision on case, general description of the case and other pertinent information involving the case. Many of the cases dealt with liquidation of banks, unpaid loans, unpaid mortgages, insurance fees, debts, bank receivership issues, indebtedness after death and in particular foreclosures to various properties. There are several trends evident from the 1934-1935 Riley County District Docket that reveals life in the county during the great economic strains of the confluence of the Depression and the Dustbowl which include: civil cases far exceeded criminal cases suggesting that despite economic recession few crimes were committed in the county and instead could be attributed to various aid programs implemented in Kansas that alleviated the rate of poverty and insolvency. Another imperative detail within the docket illustrated areas most susceptible to forfeitures which were often regions outside of Manhattan, Kansas that tended to have a significant amount of acreage; signifying that payments towards agricultural lands were defaulted on with greater consistency than more urbanized areas like Manhattan. Also material to the study were the corollary effects of economic strains that contribute to the high rates of civil cases concerning divorce within the docket. The various trends within the docket are revelations to the impact of the Dust Bowl on Riley County, Kansas and unveil the diverse responses of the county's court system as well as its very citizens towards the economic depression. Table 1. is a table of the types of cases from the Riley County District Court docket categorized initially by civil or criminal and from there the nature of the case. Cases under "other" varied from divorces, bank receivership issues, case dismissals, determining ownership of properties (not as a result of indebtedness), alimony settlements, restraining orders, and partitioning of estates after a death.

Riley County District Court Cases from January 1934-January 1935



	Civil	Criminal	Prohibition-Related	Violent Crime	Theft/Larceny	Unpaid Property/Fees/Forfeiture	Other
■ January Term, 1935	75	7	3	0	2	38	39
■ September Term, 1934	114	5	3	1	0	57	58
■ April Term, 1934:	154	4	1	0	0	86	71
■ January 1834:	66	4	1	0	1	36	32

Table 1.

The Riley County District Court Docket contains total number of four-hundred twenty-nine cases and of those, four-hundred nine are civil cases while only a mere twenty are criminal cases. Despite the very low incidence of violent crime during 1934 that very year, Kansas created and passed a punitive bill that repealed 21-403 of the Revised Statutes of Kansas for 1923 and successfully reinstated the death penalty. House Bill No. 10 written by Mr. Hatch determined that “[p]ersons convicted of murder in the first degree shall be punished by death or by confinement and hard labor in the penitentiary of the state of Kansas for life, and the jury trying the case shall determine which punishment shall be inflicted: Provided, That the death

penalty shall not be inflicted under this Act upon any person under the age of eighteen years. Those convicted of murder in the second degree shall be punished by confinement and hard labor for not less than ten years.”⁹ The immense support for the death penalty seems to be a contradiction given such the low rates of crime within Riley County. In fact, only one case in the docket made use of this newly appealed statute. Roy Beck in September of 1934 was found guilty of first degree murder and was set for execution with the date pending for future determination, details of the murder are not included in the docket but Beck remains the only murder conviction in Riley County from January 1934-January 1935.¹⁰ The large majority of crimes that are mentioned on the docket are relatively non-violent, the other criminal convictions contain a few cases that have individuals that violated the prohibition laws, larceny, forgery and in one case burglary. The civil cases are far more indicative of the economic climate of Riley County during 1934-1935 in which the majority fell under the category of financial concerns; primarily issues of indebtedness, fees, forfeitures and confirmation of sheriff sales.

The distinctly unique feature of the massive amount of civil cases to the virtually non-existent criminal cases (particularly violent crime) brings to question the significance of out-migration as a factor on this trend. Price Fishback, Ryan Johnson and Shawn Kantor published an article called “Striking at the Roots of Crime: The Impact of Spending on Crime During the Great Depression” in the *Journal of Law and Economics*. Fishback and his cohorts made a study observing the trends in relief spending towards the deterrence of crime for one-hundred fourteen U.S. cities from 1930 to 1940 (including Kansas City, Kansas within the study). In their studies they found that the average unemployment rate in 1934 was as high as 22.0% and by 1935 it had

⁹ Secretary of State, Legislative Documents, *House Bill 10*. Kansas Historical Society, Box 34755, Folder HB10-1935, Item Number: 208792, <http://www.kansasmemory.org/item/208792> (accessed November 4, 2012): 2.

¹⁰ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: September 1935: 313.

reduced slightly to 20.3%. This rate of unemployment is comparatively high to the 9.0% unemployment rate of 1930.¹¹ Riley County, Kansas according to the unemployment returns from the 1930 *Fifteenth Census of the United States* had a total population of 19,882 with 7,326 gainful workers and 116 persons out of a job, able to work, and looking for a job.¹² Manhattan possessed similar statistics harboring a total population of 10,136, with 3,993 gainful workers and 85 unemployed.¹³ High rates of unemployment and the dependence on the agricultural economy in Riley County could instill an expectation for significant exodus from the state for more opportunities elsewhere that could have curbed the rate of violent crimes. In fact, “[d]uring the 1930s, approximately 103,000 people left the state [of Kansas]. The number of farms went from a high of 174,000 in the 1930s to 156,000 by 1940, the lowest number since the 1880s.”¹⁴ However, Pamela Riney-Kehrberg in her book *Rooted in Dust: Surviving Drought and Depression in Southwestern Kansas*, suggests the numbers of out-migration during the Depression was rather negligible. Kehrberg argues that the reason “few people moved away between 1930 and 1935 was, perhaps, unsurprising. Farmers still expected to raise a few crops, and the worst of the dust storms did not occur until 1935. Also times were bad all over and beleaguered farmers had nowhere else to turn...A significant number of Americans took part in the nationwide back-to-the-land movement in the years between 1930 and 1935. In addition, farm youth increasingly remained in rural areas instead of joining the unemployed in the

¹¹ Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010): 718. <http://www.jstor.org/stable/10.1086/655778>

¹² *Fifteenth Census of the United States: 1930*. "Unemployment," vol. 1 of *Unemployment Returns By Classes for States and Counties, for Urban and Rural Areas, and for Cities with a Population of 10,000 or More* (New York: Ross Publishing Inc., 2003), 385.

¹³ *Fifteenth Census of the United States: 1930*. "Unemployment," vol. 1 of *Unemployment Returns By Classes for States and Counties, for Urban and Rural Areas, and for Cities with a Population of 10,000 or More* (New York: Ross Publishing Inc., 2003), 385.

¹⁴ "Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas," Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 47.

cities.”¹⁵ Therefore, out-migration is not a significant factor in diminishing propensity for crime. Instead, the greatest deterrence to crime appears to be the various Federal aid programs instituted during the Depression.

In the face of extensive disenfranchisement several people during the 1930’s believed that crime rates would increase due to the strains from the economic depression. One such figure was President Franklin Roosevelt himself who sought several means to alleviate American citizens from their crisis by instituting several federal aid programs. President Roosevelt contended that such programs “struck at the roots of crime”¹⁶ and would not only save many Americans from financial ruin but would diminish the propensity for individuals to resort to criminal activities. According to Price Fishback, Ryan Johnson and Shawn Kantor who published the article, “Striking at the Roots of Crime: The Impact of Welfare Spending on Crime During the Great Depression” in the *Journal of Law and Economics* President Roosevelt was correct in his assessment that government relief programs were instrumental in decreasing crime. Fishback (and other aforementioned colleagues) constructed a panel data set for eighty-one large American cities for the years 1930-40 to observe “the effect of relief spending by all levels of government on crime rates. The analysis suggests that a 10 percent increase in relief spending during the 1930s reduced property crime by roughly 1.5 percent.”¹⁷ In more conceptual numbers the study suggested that:

¹⁵ Riney-Kehrberg, Pamela. *Rooted in Dust: Surviving Drought and Depression in Southwestern Kansas*. Lawrence: University Press of Kansas, 1991, 38.

¹⁶ Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010): 715. <http://www.jstor.org/stable/10.1086/655778>

¹⁷ Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010): 715. <http://www.jstor.org/stable/10.1086/655778>

“an increase of \$10.40 in per capita relief spending during the 1930s is associated with a reduction of 140 property crimes per 100,000 people....A \$1 increase in per capita relief spending (or \$12.68 in year 2000 dollars) is associated with a reduction of 7.47 larcenies, 5.59 burglaries, 2.88 auto thefts, and .49 robberies per 100,000 people....An added dollar of per capita relief spending is associated with a reduction of .06 murders and 1.76 aggravated assaults per 100,000 people, but an increase of .05 rapes.”¹⁸

The study also contended that the reduction in crime was more associated with federal relief spending rather than private charity as discovered by “Gruber and Hungerman (2007) show that the increase in federal relief spending crowded out religious-based private charity during the 1930s. Baird’s (1942, pp. 12, 152) estimates of private charity for 114 cities suggest a similar story. As relief from all levels of government rose from \$262 million in 1932 to a peak of \$1.38 billion in 1938, private relief spending fell from its peak of \$59 million in 1932 to \$10.6 million in 1938, below its 1930 level of \$14.9 million. As a result, the private share of relief spending in the 114 cities fell from 27 percent in 1930, to 18 percent in 1932, to less than 1 percent after 1935.”¹⁹ Kansas and other Plains states were the focus of several federal relief programs due to the confluence of the drought and the Great Depression that created immense economic downturns in those areas.

Agricultural business suffered greatly from the Great Depression and was worsened by the Dust Bowl, in fact, Kansas’ “agriculture business dropped in value from \$545 million in

¹⁸ Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010): 724. <http://www.jstor.org/stable/10.1086/655778>

¹⁹ Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010): 717. <http://www.jstor.org/stable/10.1086/655778>

1929 to \$204 million in 1932.”²⁰ At the height of the Depression the meatpacking industry remained the only businesses maintaining stability in the Kansas economy.²¹ As a response to the economic downturn many programs emerged in Kansas which included:

“[T]he Kansas Emergency Relief Committee (KERC); the Work Projects Administration (WPA); the Public Works Administration (PWA); and the Civilian Conservation Corps (CCC) had a significant impact not only on the economic conditions of the state, but also on Kansas’ visual landscape. Under these programs, local and state governments received funding for the construction of public buildings, roads, bridges, and other public improvements to provide jobs and to stimulate the local economy. Cities and counties received funding for courthouses, city halls, libraries, ball fields, auditoriums, memorials, and other public facilities.”²²

These government organizations sought to assuage the burdens of the economic recession that was exacerbated for farmers and Kansas citizens involved in agriculture. The Kansas Emergency Relief Committee in particular made several efforts in 1934 to diminish the detrimental effects of the Dust Bowl towards agricultural aims. On July 25, 1934 the KERC produced a pamphlet called *Relief and Loan Services* to inform Kansans of the available government relief programs that the organization handled.²³ The pamphlet provided “a condensed summary of rules and regulations affecting emergency programs conducted by the

²⁰ “Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 47.

²¹ “Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 47.

²² “Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 47-48.

²³ Kansas Emergency Relief Committee, *Relief and Loan Services*, John G. Stutz, 25 July, 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211804> (accessed November 4, 2012).

Kansas Emergency Relief Committee, the Agricultural Adjustment Administration, the Regional Production Corporation, and the Farm Credit Administration, Emergency Crop and Feed Loan Section, for secondary and primary drought counties in Kansas.”²⁴ According to which drought county a resident lived in, farmers and ranchers could be afforded reduced freight rates for shipping cattle or shipments of hay, feed grain or water. Another form of relief mentioned in the pamphlet that was directed towards the agricultural industry were Production Credit Association Loans which “makes credit available to farmers by discounting their notes with the Federal Intermediate Credit Bank....Loans are made for general agricultural purposes, including the producing and harvesting of crops; breeding, raising, and fattening of livestock; production of poultry and livestock products.”²⁵ Keeping exceptionally busy that month the KERC also created The Water Conservation Program “as a part of the Drought Relief Service, [was] designed to aid in relieving destitution actually resulting from drought conditions; that is, need for relief which has been caused by the drought, either new need or increased need....is intended to afford wells, ponds, lakes, dams, canals and other devices which will conserve water in Kansas for agricultural and industrial purposes and for all other human needs.”²⁶ The program offers directions as to proper construction of wells and ponds for best efficiency and as a means to keep the water from reducing in quality from stagnation and poor care. In addition the Water Conservation Program also offers supplemented funds for farmers willing to build their own ponds within the specification by the State Engineer of Water Resources. The incentive for a

²⁴ Kansas Emergency Relief Committee, *Relief and Loan Services*, John G. Stutz, 25 July, 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211804> (accessed November 4, 2012): 1.

²⁵ Kansas Emergency Relief Committee, *Relief and Loan Services*, John G. Stutz, 25 July, 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211804> (accessed November 4, 2012): 2.

²⁶ Kansas Emergency Relief Committee, *The Water Conservation Program*, 19 July 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 210665, <http://www.kansasmemory.org/item/210665> (accessed November 4, 2012): 1.

farmer is the prospect of being “given credit on his farm assessed valuation to the extent of \$40.00 for each acre-foot.”²⁷ Keenly aware of the extensive soil erosion responsible for blowing that culminated to the Dust Bowl the Water Conservation Program also established “erosion control measures...included in each lake and pond project.”²⁸ Although agriculture was a primary focus for the KERC the organization also attempted to help families that were struggling to afford proper clothing and made it a staple to instill a value of self-worth. In August 29, 1934 the Kansas Emergency Relief Committee published a bulletin that gave information about budgeting for clothes to impoverished families who were suffering from the constraints of the economic downturn. The bulletin was called, *Suggestions for Determining the Clothing Minimum Budgets of Families on Relief*, and went so far as to have charts and numbers for what clothing should cost for boys and girls at specific ages.²⁹ The concept behind the bulletin was that “[y]oung people should have clothing as close to the present styles which are standards as possible to stimulate self-assurance and challenge their initiative. Footwear suitable for street wear should be given.”³⁰ Although in 1934 KERC placed an effort to assist families their primary goal revolved around restorative measures for agriculture, which was gravely important given the economic dependence on agriculture within Riley County, Kansas.

²⁷ Kansas Emergency Relief Committee, *The Water Conservation Program*, 19 July 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 210665, <http://www.kansasmemory.org/item/210665> (accessed November 4, 2012): 2.

²⁸ Kansas Emergency Relief Committee, *The Water Conservation Program*, 19 July 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 210665, <http://www.kansasmemory.org/item/210665> (accessed November 4, 2012): 4.

²⁹ Kansas Emergency Relief Committee, *Suggestions for Determining the Clothing Minimum Budgets of Families on Relief*, F. H. Marvin, 29 August 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211825> (accessed November 4, 2012).

³⁰ Kansas Emergency Relief Committee, *Suggestions for Determining the Clothing Minimum Budgets of Families on Relief*, F. H. Marvin, 29 August 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211825> (accessed November 4, 2012): 1.

The Sheriff of Riley County from 1934-1935 was E. W. Richter and he was responsible for overseeing sales of defaulted property taxes and mortgages that resulted in forfeiture. The legal processes in which forfeitures take place include determination of indebtedness by the judge and once that is ascertained, whether the property may be subject to forfeiture. After a short wait period in which the indebted individual must pay their monetary liabilities (commonly up to ten days) then there is often a notice of a sheriff sale published in the newspaper and usually there is a confirmation of sale after the property has been sold. In a case concerning the matter of receivership of The State Bank of Keats, of Keats, Kansas on August 10, 1934, the docket illustrates the use of the local paper in making properties that were forfeited (be it from corporations, banks or as it often was, private properties) publicized for sale. As the Judge Edgar C. Bennett ordains in this particular case, “the Receiver of said State Bank of Keats be and he is hereby authorized and directed to sell all the remaining assets and property of said bank at public sale to the highest bidder for cash in hand; that said auction be held in Manhattan, Kansas; that notice of said sale be given by publication for at least two weeks in a newspaper or general circulation in the community of Manhattan, Kansas, and that said notice describe the character of the assets to be sold.”³¹ The significance of this is that it allows for opportunities to observe which areas experience the most property forfeitures. On January 3, 1934 there was an unassuming article published in *The Manhattan Mercury* listing several civil cases that were tried the previous year (having been first published in the newspaper on December 27, 1933) and the property that was forfeited for sale, a task delegated by law to Sheriff E. W. Richter.³² In this article all the properties that were being sold from forfeitures were located in either Ward Three

³¹ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas. Case Number: 8059, 10 August 1934: 271.

³² “Service by Publication,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, January 3, 1934. M385, *Manhattan Mercury & Daily Nationalist*, 1934, JAN 1-1934, MAY 31.

or Ward Four which somewhat follows the trend within the Quarterly Riley County Docket. Not all forfeitures of property or sales of confirmation contained the address of the property, however, cases that did list them totaled to one-hundred four locations. Of which sixty-three were outside of the Manhattan Wards, however, the second highest number of forfeitures were within Ward Four with twelve, followed by Ward Three with nine.³³ Figure 1. is an illustration of the different Wards in the Manhattan area created in 1940. There was a preponderance of forfeitures that were outside of the Manhattan area and these areas also tended to have acreage that ranged from five acres to as large as four-hundred acres.

³³ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 1935.

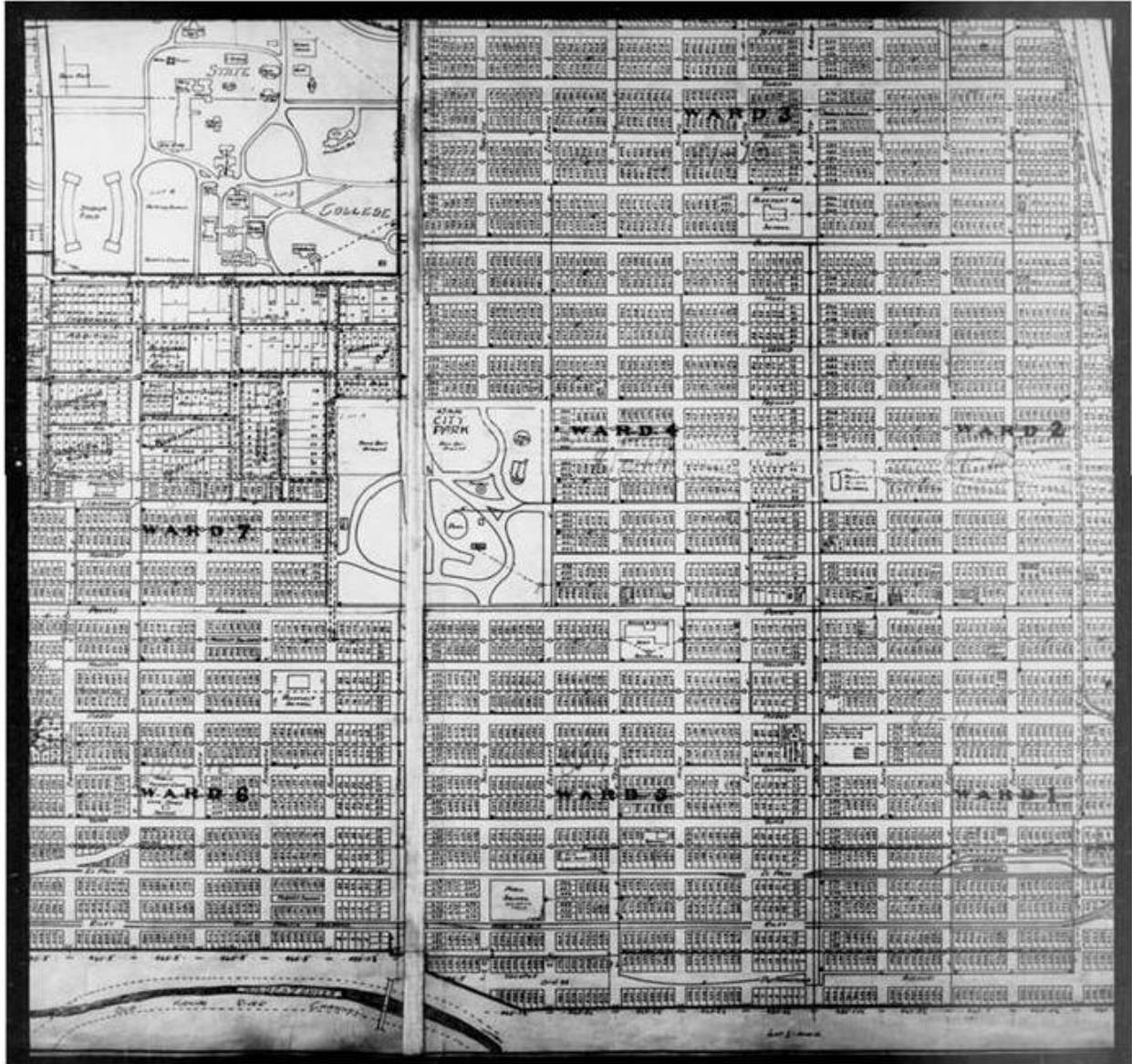


Figure 1. Department of Commerce, “1940 Census Enumeration District Maps.” United States, Kansas, Riley County. Record Group 29. Records of the Bureau of the Census, 1790-2007. <http://research.archives.gov/description/5831302> (accessed November 20, 2012).

The large amount of acreage suggests that the communities most susceptible to forfeiture were not within the urbanized Manhattan area but instead existed in large bucolic lands. Therefore, given the highly agricultural based industry of Riley County, Kansas, these lands

were either farms or part of another aspect of the agricultural industry that suffered with the erosion of topsoil that became the Dust Bowl crises. Manhattan, Kansas had fewer problems with insolvency because it “shared the bounty of the state’s agricultural economy, but also reaped financial benefits of its role as the county seat and benefited from the jobs and services related to the college and nearby Fort Riley.”³⁴ Although highly dependent on the relative prosperity of agriculture in the 1920’s Manhattan had other economic alternatives to help supplement the economy, particularly during the Dust Bowl that ranged from 1934 to 1937. The university was a large component of Manhattan’s economy as well as other manufacturing industries:

“The enrollment at the Kansas State Agricultural College was 4,800....The college campus adjoined the City on the northwest and most of the new residential development was in this area. The college continued to be a primary economic force in the community.... In addition to the college and county government, agriculture and livestock production in the surrounding area continued to constitute an important economic base for the City. The city also had a number of small, related processing industries, including two hatcheries, a creamery, a flourmill, two packing companies that processed eggs and poultry, and a serum plant. A planning mill turned out cabinetry, egg cases, and shipping crates. Two railroads and three bus companies serviced the community. Other economic indicators were the two daily and two weekly newspapers, two hospitals, four theaters, and three hotels that provided approximately 222 rooms.”³⁵

³⁴ “Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 40.

³⁵ “Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>, 46-47.

Since Manhattan was not completely reliant on agriculture it did not undergo the property losses that were incurred by regions of rural areas in Riley County, Kansas. However, as many of the Kansas alleviation programs, such as those led by the Kansas Emergency Relief Committee and other federal programs garnered by President Roosevelt, were directed towards agriculture this may have greatly reduced the rate of property forfeitures which explains the trend of civil cases involving indebtedness and property losses being highest in the April Term of 1934 with eighty-six cases and slowly being reduced to thirty-eight cases by January Term of 1935.

In 1934 Kansas also instituted significant legislation that would reduce the number of individuals that became victims of property forfeitures and grant an eighteen month extension on the redemption period. In the April Term of 1934 Case Number 8064 makes the first mention and incorporation of “an order fixing the rental value and terms of redemption under the Act of the State Legislature published March 3, 1934, known as House Bill No. 4.”³⁶ The docket expressly references the mortgage moratorium law, or the Number 4 Special Session of the Kansas Legislature for 1934, eleven times in which forfeiture was going to occur but due to House Bill No. 4 the court decides it would not be defaulted until the end of an extended time period that was often a little more than a year later. An example of a case in which the House Bill No. 4 is put to action occurred on May 10, 1934 involving an “order on application for moratorium that approves an extension of the period of redemption under the provision of House Bill #4, of the Special Session of 1934 of the Legislature of Kansas.”³⁷ The plaintiff was Trevett, Mattis and Baker Company, a corporation, while the defendant was a family by the names of

³⁶ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas:1935. Case Number: 8064, April 1934: 121.

³⁷ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas:1935. Case Number: 8154, 10 May 1934: 159-160.

Louisa Johnson; Charles F. Johnson; Katherine Johnson; Earnest Oberhelman; The Exchange State Bank, a corporation; and E. J. Rayden and Elvira Ryden.³⁸ The case concerned a hearing for the motion of defendants for the following:

“Order of relief and extension of the period of redemption under the provisions of House Bill #4...[the Court orders that an agreed upon reasonable rental value of the property sold in this action be set and the following occur]. It is considered, orderd and adjudged by the Court that the defendants, L. J., Charles J. and K. J., are to pay over to the Clerk of the Court on Octber 20th 1934, two-fifths (2/5) of the Proceeds received from the pasturing of cattle on all the pasture land on said premises and that on the 1st day of January, 1935, said defendants...shall pay to the Clerk of the District Court, for the benefit of the plaintiff, the proceeds of two-fifths (2/5) of all products raised on said premises, without expense on the part of the plaintiff, and that the amounts received by said Clerk of the District Court shall be disbursed to the plaintiff to be applied on the payment of the taxes and on the judgment of the plaintiff...the period of redemption of the mortgaged premises sold in this action, shall be extended to the 1st day of January, 1935, with the right of possession of said premises to said defendants..., to the 1st day of March, 1935.”³⁹

This case illustrates the willingness of the court to implement the new legislation on several cases, particularly when the properties concern agricultural lands in which concessions can be made as to providing some rent for the plaintiff in the form of 2/5ths of the defendants’

³⁸ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas:1935. Case Number: 8154, 10 May 1934: 159-160.

³⁹ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas:1935. Case Number: 8154, 10 May 1934: 159-160.

production. Curbing the rate of some property losses through Bill No. 4, although not highly significant in 1934-1935 period, could have laid precedence for saving future farms and rural lands that would otherwise be lost to the massive debt that agriculture workers are unable to address since their crops are not yielding a good harvest.

As agriculture suffered from the toils of the economic recession and the drought of the 1930s, there also appeared to be an erosion of family cohesion that was embodied by high divorce rates within the 1934-1935 docket. However, these rates were still overshadowed by the Census of the United States estimates for Riley County and Manhattan from 1930. In Riley County, Kansas, males fifteen and older had fifty-three divorces out of a population of 7,340.⁴⁰ Women age fifteen and older possessed slightly higher rates of divorce although they also made up a larger portion of the population with a total of 7,430 and of those seventy-eight divorces.⁴¹ Manhattan, Kansas, also had similar rates with twenty-eight divorces in a population of 3,654 males that were fifteen and older in 1930. Women again ousted the men in divorces with 65 divorces in the same demographic (age fifteen and older) with a population of 4,214.⁴² The Quarterly Riley County District Docket contains thirty-nine cases of divorce which comprises 9.5% of all civil cases.⁴³ Although these cases of divorce seem to be a minority among the civil cases they give great insight as to the inner workings of the judicial system and the judicial preferences when it comes to child custody, divorce and asset retention after divorce.

⁴⁰ *Fifteenth Census of the United States:1930*. "Population," vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 846.

⁴¹ *Fifteenth Census of the United States:1930*. "Population," vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 846.

⁴² *Fifteenth Census of the United States:1930*. "Population," vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 856.

⁴³ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 1935.

The Riley County District Court is a male-dominated arena with every aspect of the court being led by men. Women are vastly misrepresented in court since they are not only restricted in the profession of law during this time but are not a single juror from January 1934-January 1935 was female. This is a particular concern given that women comprise the larger portion of the population in Riley County, Kansas. Women have a population total of 9,988 while men are a population size of 9,894; despite the disproportionate size of population among females and males it is evident that men possess the legal and legislative power within the courts.⁴⁴ The primary figures in deciding the cases from January 1934-January 1935 in the docket include Edgar C. Bennett, Judge of the 21st Judicial District, Scott Pfuetze, County Attorney, Riley County, Kansas, E. W. Richter, Sheriff Riley County, Kansas, Roy W. Cliborn, Official Reporter, 21st Judicial District. The jurors that consist of citizens of Riley County, Kansas are also male during this period. In spite of vast misrepresentation for women there seems to be a consistent trend in which the court adopts a preference favoring maternal figures when it comes to custody of children.

A large majority of the divorce cases involved women as the plaintiffs, who initiated the appeal to the court for divorce. Although it is not clearly substantiated the court often commented as to which party was at fault for the divorce. For instance, in the case of Anna Lee Brubaker (plaintiff) and Stanley F. Brubaker (defendant) occurring on March 11, 1935. Anna Brubaker petitions to the court in which the court “finds that all of the allegations of plaintiff’s petition are true; and that plaintiff should be divorced from the defendant for the fault of the defendant upon the proven ground of gross neglect of duty. The court further finds that one 1934

⁴⁴*Fifteenth Census of the United States: 1930. “Population,”* vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 884.

Chevrolet Mater Coupe automobile now in the possession of the defendant should be set off and awarded to the plaintiff, subject to possession of the defendant should be set off and awarded to the plaintiff, subject to existing liens of record as permanent alimony.”⁴⁵ When cases involved minor children women were always granted custody of the children. This illustrates the misogynistic sentiments within the court that place women as the maternal figures responsible for the well-being and raising of the children despite their contribution to the cause of divorce. This is evident in the case of Lowell S. Fortner and Maggie Fortner’s divorce in April 16th, 1934 in which Maggie Fortner is determined by the court of “wholly disregarding her marriage vows and obligation, has been guilty of extreme cruelty toward the plaintiff [Lowell S. Fortner].”⁴⁶ Regardless of Maggie Fortner’s role in the divorce she is determined by the court that the four minor children that were born of the marriage should reside with her after having “adduced that the defendant is a fit and proper person to have the care, custody and control of said minor children of plaintiff and defendant....[In addition]the defendant shall have free use and occupancy of the real estate consisting of a house and lot in the City of Manhattan, Riley County Kansas...and which said estate has heretofore been deeded by plaintiff and defendant to the mother and father of the plaintiff, so long as the defendant shall remain unmarried and continue to occupy the same with the minor children of plaintiff and defendant...[also decreed] that the plaintiff pay to the defendant the sum of Ten dollars” per month until further order of the court.⁴⁷ Alimony was often awarded to the former wives on the condition that she was not to be re-married in which the alimony will no longer be legally enforce. Therefore, the court placed

⁴⁵ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 1935. Case Number: 8713: 562-563.

⁴⁶ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 16 April 1934. Case Number: 8531:161.

⁴⁷ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 16 April 1934. Case Number: 8531:161.

considerable interest in retaining home life for women staying with children, without regard to the cause of divorce so long as the mother was capable of providing proper care for the children. In cases of abandonment this also became the case in which women although having abandoned their husbands, would still be entitled to custody for the child and often given monthly supplemental funds to help raise the child. Although it was predominantly males who abandoned (in which there are eight cases total within the docket) and in cases where women were abandoned they were already left with the children or did not have any to speak of. Another case in which the courts sought to preserve the notion of family was in a case deciding the custody of a juvenile delinquent.

On January 14, 1934 there was an order appealed from the Juvenile Court of Riley County, Kansas concerning the child's placement and the motion "filed on behalf of the...delinquent child asking for the order of this Court directing that this child remain with and live with its mother until a full presentation and hearing by this Court of the order appealed from the Juvenile Court of Riley County, Kansas. Scott Pfuetze, attorney for the said child appears."⁴⁸ The court ultimately determines that it is "the best interests and welfare of the said child will be subserved by having the said child remain with and live with its mother until the final determination by the Court of the said order appealed from the said Juvenile Court."⁴⁹ In contrast to the fervor for the re-institution of the death penalty in 1934 against criminality, this case exhibits the paternal and more benevolent aspect of the court in which it attempts to unify families when children are concerned. The prominent effort of the Riley County District Court to favor women financially with supplementing them with alimony and child support as well as

⁴⁸ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 14 January 1934. Case Number: 8703:538

⁴⁹ Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 14 January 1934. Case Number: 8703:538

granting them custody illustrates how the court attempts to consolidate both the ideal of women being the caretakers for children with the realization that they do not have the capital or ability to work in male-dominated industries in Riley County in which women only have 1,476 in the workforce among all industries compared to males who make up 5, 848 (even though women comprise more of the entire population than males in Riley County, Kansas).⁵⁰

Vilified for his crimes Ronald Finney embodied much of the economic problems that followed the 1934 drought that was compounded by the depression of 1930. Finney was responsible for the liquidation of banks and stole an exorbitant amount of money that Manhattan citizens could only dream of. However, Finney was not a true reflection of the crimes encountered by Riley County, Kansas, residents. In fact, crime was not a prominent concern as the Quarterly Riley County District docket reveals but the high number of civil cases was the true indicator of economic pressures in the county. Out-migration in light of the economic decline was not prevalent within rural Kansas or Riley County Kansas because farmers doubted that prosperity would be found by moving out, and there still existed an expectation that the crops could yield, if only meagerly. The factor that assisted in curbing both crime and the struggles of poverty was in the various federal aid programs as well as state programs that targeted specifically agricultural communities facing immense degradation of crops in Kansas due to the Dust Bowl. These bucolic areas outside of Manhattan were at risk of property forfeitures due to the high costs that farmers must invest in land and equipment and the sudden

⁵⁰ *Fifteenth Census of the United States: 1930*. "Population," vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions* (New York: Ross Publishing Inc., 2003), 867.

lack of valuable crops could not be supplemented with other forms of income. Lastly, the Riley County dockets provide insight on the court's tendency to decide favorably for women in divorce cases so that they are financially supported by the ex-husband through alimony and child support and through providing custody to maintain the social norm of women raising the children that was still prominent during 1934-1935. In culmination, Riley County, Kansas, between the years 1934-1935 witnessed incredible hardships but was most challenging for agricultural regions. Government aid and regulation within agriculture greatly reduced forfeitures and allowed farmers to get back on their feet. The economic strains also took a toll on the nuclear family with a significant amount of divorce rates, however, such cases provided insight to the role of the courts when it comes to family divisions among parents and children during divorce; substantiating the common norm of women as caretakers.

Bibliography:

“Attorneys Row in Finney Case,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 3 January 1934. Microfilm, M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

“Cultural Resource Survey: Wards 1 and 2 Manhattan, Kansas,” Historic Preservation Services, LLC, June 2004, <http://www.ci.manhattan.ks.us/index.aspx?NID=216>.

Department of Commerce, “1940 Census Enumeration District Maps.” United States, Kansas, Riley County. Record Group 29. Records of the Bureau of the Census, 1790-2007. <http://research.archives.gov/description/5831302> (accessed November 20, 2012).

Fifteenth Census of the United States: 1930. “Population,” vol. 3, Part 1 of *Reports by States, Showing the Composition and Characteristics of the Population for Counties, Cities, and Townships or Other Minor Civil Divisions*. New York: Ross Publishing Inc., 2003.

Fifteenth Census of the United States: 1930. “Unemployment,” vol. 1 of *Unemployment Returns By Classes for States and Counties, for Urban and Rural Areas, and for Cities with a Population of 10,000 or More*. New York: Ross Publishing Inc., 2003.

“Finney Given 31-635 Years,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 2 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

Fishback, Price, Ryan Johnson, and Shawn Kantor. "Striking at the Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression." *Journal of Law and Economics*. 53. (November, 2010) <http://www.jstor.org/stable/10.1086/655778>

Kansas Emergency Relief Committee, *Relief and Loan Services*, John G. Stutz, 25 July, 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211804> (accessed November 4, 2012).

Kansas Emergency Relief Committee, *Suggestions for Determining the Clothing Minimum Budgets of Families on Relief*, F. H. Marvin, 29 August 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 211825, <http://www.kansasmemory.org/item/211825> (accessed November 4, 2012).

Kansas Emergency Relief Committee, *The Water Conservation Program*, 19 July 1934. Kansas Historical Society, Records of the Doniphan County Poor Commissioner, KERC/WPA Files, Box 1, Folder 9, Item Number: 210665, <http://www.kansasmemory.org/item/210665> (accessed November 4, 2012).

Kansas State Board of Agriculture, *Twenty-Ninth Biennial Report of the Kansas State Board of Agriculture for the Years 1933 to 1934*, "Curbing the Wind," L. C. Aicher. Kansas Historical Society, <http://www.kansasmemory.org/item/210664> (accessed December 1, 2012).

“Kansas Will Seek Two: Sumner County Will Attempt to Return Kells and White,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 2 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

“Papers Drawn to Move Finney,” *The Manhattan Mercury and the Manhattan Daily Nationalist*, 4 January 1934. M385, Manhattan Mercury & Daily Nationalist, 1934, JAN 1-1934, MAY 31.

Quarterly Riley County District Court, *Journal Riley County 1/1934-1/1935: Docket*. Riley County, Kansas: 1935.

Riney-Kehrberg, Pamela. *Rooted in Dust: Surviving Drought and Depression in Southwestern Kansas*. Lawrence: University Press of Kansas, 1991.

Secretary of State, Legislative Documents, *House Bill 10*. Kansas Historical Society, Box 34755, Folder HB10-1935, Item Number: 208792, <http://www.kansasmemory.org/item/208792> (accessed November 4, 2012).