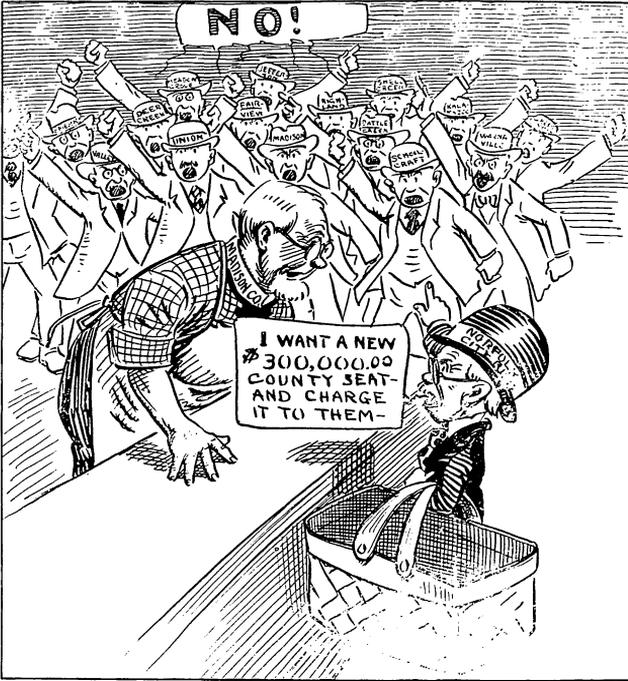


THE PEOPLE'S ANSWER



county seat

wars

historical observations

james a. schellenberg

Hugh Davis Graham has pointed to a paradox concerning political violence in America: although strong themes of conflict and violence run throughout American history, the governmental structure of the United States has shown remarkable stability.¹ Part of the explanation for this paradox lies in the extent to which political conflict has been diffused by America's federal structure of government. A separation of powers at the national level has been an important factor, as has the important role given state governments. A diffusion of political con-

FIGURE ONE: For fourteen consecutive weeks before an election on county seat removal in early 1916, the Madison (Nebraska) *Star-Mail* devoted its entire front page to the issue. Madison was then successful in defeating the designs of the "Norfolk city ring" to gain the capital of Madison County. The issue continued to resurface in later years, with the latest contest (again won by Madison) in 1975.

The cartoons are provided through the courtesy of Joseph C. Flack, Publisher of the Madison *Star-Mail*.

flict has also extended to the local level. Issues which in other political systems would be decided at a more central level have been delegated in the United States to local electorates. The local autonomy of American public education may have declined in recent years, but it still differs from the more centralized systems of most nations. The means of selecting the site for American county government, the focus for the present paper, provides another example; county seat wars illustrate the localization of political conflict in America.

A county seat war refers to a violent or near-violent struggle over which town is to become a county's governmental center. Violence occurred in several dozen such struggles while intense local controversy characterized many others.²

Our present analysis of county seat wars will be divided into four main sections. In the first I present the story of the county seat conflict in Gray County, Kansas. The purpose here is to give a clear example of a county seat war and to illustrate the intensity of conflict which the issue could generate. The second section reviews the historical context for local controversies of this sort. Although there were some disputes in colonial America, it was not until the settlement of midwestern states (where county seat location became generally a matter decided by local electorates) that these conflicts became severe. The third section presents a typology of county seat wars which is then used to show that the most frequent and most violent cases of conflict did not tend to occur between established towns but rather between sites that were aspiring to be towns. In the fourth and final section we turn to a consideration of causes, discussing factors which explain the patterns of county seat wars and the intensity of conflict attached to them.

i

shoot-out at cimarron

Cimarron, Kansas, twenty miles up the Arkansas River from Dodge City, rapidly grew in the mid-1880s to a population approaching a thousand. Its leading citizens had dreams of Cimarron becoming the new metropolis of the West, a rival to Omaha and Kansas City; but first it had to assert its predominance in Gray County, then in the process of formation. Cimarron was determined to establish itself as the county seat.³

In 1887 Cimarron was routinely designated as the temporary county seat, with the election of the permanent county capital to follow on October 31 of the same year. But by October a strong challenge had emerged in the form of Ingalls, a town six miles up the river, and its patron, Asa T. Soule.

Asa T. Soule of Rochester, New York, was a very wealthy man. Just how rich is not certain, but an opinion later written by the Chief Justice of the Kansas supreme court estimated his wealth at between

eight and ten million dollars. This fortune was primarily gained through the sale of Hop Bitters, a phenomenally successful patent medicine. Soule had entered the patent medicine business only in 1872, but he soon developed highly imaginative, and prosperous, promotion techniques. Boat racing was then at a peak of popularity, and Soule had his company sponsor well publicized races; he also supported a baseball team which toured the country playing ball and promoting Hop Bitters. As his business expanded he established branches in Canada and Australia. Finally, Soule turned to development projects in western Kansas, concentrating on the little town of Ingalls.

Just why Soule chose this place is not clear, though apparently two of his friends had fired his imagination with the possibilities for development of this new frontier. At any rate, Soule decided that Ingalls was the place to invest some of his ample wealth. He would build a sugar mill there and a ninety-mile irrigation canal. A new railroad and, in nearby Dodge City, a new college—Soule College—were also part of his plans. And naturally Ingalls would have to be the county seat of Gray County, despite the expected opposition from the citizens of Cimarron.

Freely bestowing checks for \$100 and \$500 upon persons whose support might be important, Soule did what he could to win the county seat election for Ingalls—and to defeat the interests of Cimarron. “If any man will tell me how to buy the county seat,” he is reported to have said, “I will freely pay it.” Not everyone, however, took kindly to Soule’s generosity. The editor of the Gray County *Jacksonian*, published in Cimarron, was colorfully explicit in his doubts:

Old soule, is awful loving and kind, and wrapped up in the dear people of Gray county, just before he wants their votes to feather his nest, . . . Voters of Gray county, beware of an old villain’s slimy kiss.

Elsewhere in the same issue appeared this comment:

Poor old granny soule dolefully says he never was so mistrusted in his little life, as since he came into the Gray county seat fight. Probably the old rooster never before went to stick his nose into other people’s affairs, supposing that because they were away out here, they did not have sense enough to protect their rights, and over his old carcass if need be. This fight will give him enough. He will go back to bitters.

At another time the *Jacksonian* editor mused that if Soule “should appear before us right here and now, we feel that it would be a pardonable and righteous act to pull the trigger of the death barrel.”

Cimarron, of course, did not stand idly by while Soule was pushing his campaign for Ingalls. An example of Cimarron’s campaign may be seen in the case of the Equalization Society, which, because of its secret character, was also sometimes called the “Dark Lantern Society.”

This was an organization formed by seventy-two men in one of the outlying precincts of Gray County, with its sole purpose to engage in collective bargaining to sell its bloc of votes to the highest bidder. The money was then to be divided equally among all 72 members, thus eliminating the danger of any one individual monopolizing the electoral graft. This effort at grass roots democracy was supported by a solemn oath binding each man, upon penalty of death, to secrecy and to voting loyalty. Although whatever contacts the Equalization Society had with Ingalls representatives remain unclear, it is known that a Cimarron spokesman bargained with the group and agreed to pay \$10,000 following the election, provided that the votes were appropriately cast in the precinct. To make the offer more than just a promise, fifteen leading citizens of Cimarron signed a bond to assure payment. On October 31 the members of the Equalization Society loyally voted for Cimarron and then went there to collect the promised \$10,000. "Go to hell," they were told. But what of the bond? That, the Equalization Society learned, was a forgery. Fifteen leading citizens of Cimarron had signed, it was true, but none of the signatures was valid because the fifteen men had signed each others' names. All that the Equalization Society could do was to share their disappointment, and their story became part of the litigation following the election.

It was not at all clear which town won that election of October 31, 1887. Both Cimarron and Ingalls claimed victory, and each pointed self-righteously to the fraud of the other. The *Jacksonian* reported that the results favored Cimarron 753-712, but Ingalls forces persuaded a judge to issue a restraining order to block certification of the vote. The matter went to court, and ultimately to the state supreme court. The three supreme court justices could not agree. Chief Justice Albert Horton, in a minority opinion favoring Cimarron, focused on the corrupt efforts of Soule for Ingalls. The other two judges, however, ruled in favor of Ingalls. As one of them later commented: "Judge Valentine and I decided that there was a little more fraud committed by the Cimarron side than by the Ingalls side."

Immediately after the election and before the courts disposed of the case, there was a "lively time at Cimarron," according to a Topeka paper, with everybody "armed to the teeth." The excitement subsided little during the course of the next year, as both Ingalls and Cimarron attempted to gain effective control of the county records. Most of the county officers favored Ingalls and established their offices in that town, but some, including the board of commissioners, preferred Cimarron. When the important position of county clerk became vacant, the commissioners named A. T. Riley, a Cimarron man, to serve until the coming election. Only a court order allowed Riley to obtain possession of the records at Ingalls, which he then promptly moved to Cimarron.

The split between Ingalls and Cimarron dominated the November, 1888, election for county officials. At that time the county clerk,

the clerk of district court, and the county commissioners had their headquarters at Cimarron while most of the other officers were at Ingalls. Because a return of the clerk's records to Ingalls would solidify the county seat there, that town was especially eager to win the clerk's office. The courts had to decide the contested election, but when the dust had settled the decision favored N.F. Watson of Ingalls. Another Ingalls man, J.H. Reynolds, also was declared elected to the crucial position of county sheriff. The question now was whether or not Watson would be able to get possession of the county records when his term began in January. At this point the Ingalls partisans decided on a bold strategy: they would simply go to Cimarron and take the records. They hired several gunmen from Dodge City for this purpose, and Sheriff J.H. Reynolds quickly deputized them. On January 12, 1889, the new deputies, accompanied by N.F. Watson, the county clerk, and other well-armed men hidden in the bottom of a lumber wagon, made their way to Cimarron. The wagon drove up to the courthouse at about 11:30 a.m. Several men, including Watson, started upstairs to the office where A. T. Riley, still acting as county clerk, kept his records. Riley, sensing the situation, attempted to stall. When it became clear that the visitors from Ingalls were in no mood to negotiate, he asked only for a receipt for the records and a chance to separate out some of his personal papers. The Ingalls men collected the records and moved them to the wagon waiting below in the street. When most of the clerk's records were loaded, the shooting started. The home folks and the men around the wagon engaged in a spirited exchange of fire. Before it was over, several Cimarron citizens lay dead or injured and one Dodge City "deputy" was mortally wounded.⁴ Quickly the Ingalls men started their team, hurrying the wagon out of town to the accompaniment of bitter cross-fire. Not all of them or their hired helpers from Dodge City, however, were so quick to escape. Several of the visitors, including at least two well-feared gunmen from Dodge City named Masterson and Marshall, remained trapped in the temporary courthouse building, and they sought refuge on its second floor. There they stayed for hours as shots came splintering into the room they occupied. At last a white cloth fluttered from an upstairs window of the courthouse building, and the shooting ended. Cimarron men cautiously entered the room and, finding their enemies perched on top of a safe as protection from shots fired up through the floor, decided to turn them over to Sheriff Reynolds. An Ingalls supporter, the sheriff took the men home and promptly released them, then wired the following information to the Governor at Topeka:

While removing the county clerk's office from Cimarron my deputies were fired upon by a mob of about 200 men, and I am unable to suppress the riot. Please send a company of militia at once.

Governor Martin dispatched to Gray County a company of national guardsmen under the command of General Murray Meyers. Sent to

restore order but to avoid taking any part in the disposal of county records, the militia generally succeeded in its task.

Ingalls had become the *de facto* county seat and the supreme court confirmed that it was also the county seat *de jure*. The apparently victorious forces of A. T. Soule, however, soon encountered misfortune. Soule's ambitious irrigation canal lay unused for lack of water in the Arkansas River; his railroad to Montezuma lacked business and had to be taken up; even his Soule College in Dodge City vanished before it had a chance to become firmly established. But the county seat was now at Ingalls; and when A. T. Soule died on January 17, 1890, at the age of 65, the Ingalls courthouse stood as his only achievement in his Kansas adventures. But even that proved short lived. Ingalls failed to meet its expectations for growth, as lean years followed the boom years of early settlement. Cimarron declined too, but it still had sufficient population to present a successful challenge to Ingalls. In 1893, by a vote of 304 to 269, Cimarron wrested the county seat from Ingalls, and ever since Cimarron has been the seat of government of Gray County.

Travelers driving today through the valley of the Arkansas between Dodge City and Garden City will notice the town of Cimarron, a farming center with a population of slightly over one thousand. Ingalls, less evident, is down the hill from the highway about six miles west of Cimarron: a lonely elevator, a few other business buildings, and about a hundred houses are the remnant of A. T. Soule's dream to found a great metropolis on the plains of western Kansas.

ii

historical background

There is a record of a county seat controversy in American history as early as 1752. In that year people of the town of Little Rest, Rhode Island, petitioned that the county seat of Kings County be removed there from Tower Hill. Tower Hill's citizens were indignant, and presented a counter-petition to the Assembly of the colony which said, in part:

. . . they misrepresent Facts when they would Insinuate that their farms are Better the Nesesaries of Life Easier obtained and Gentlemen Better entertained at Little Rest than at Tower Hill, the Contrary of which is so apparent that we Believe no persons Except the Subscribers of said Petition will have Effrontry enough to Contradict it.

Furthermore, the place proposed is often, said the counter-petitioners:

. . . very Dirty and mirry and most of their Cellers During that Season are filled with water and Great Part if not all the wells afford water of So Bad a quality as to Render it very

Loathsum to the Taste & the Roads Leading to & from said place are of the most Rocky & miry Sort that can be well imagined.

In spite of these drawbacks, the Assembly decided to move the Kings county seat from Tower Hill to Little Rest. These names are not apt to be recognized by a present-day resident of Rhode Island, however, for Kings County has long since been named Washington County, and Little Rest, still the county seat, is now called Kingston. Tower Hill has ceased to exist as a community, a fate shared by many county seat losers since that time.⁵

On the whole, however, the issue of county seat location caused little excitement in colonial America. County seats were located early and seldom changed from the traditional locations. In New England especially, where the town was the chief unit of local government, there was minimal controversy over county seat location. In the middle Atlantic and southern states the county unit was more important, and controversies over county seat location were more frequent. For example, in February, 1807, there was an exciting election to decide the location of a new courthouse for Essex County, New Jersey. After three days of scandal-ridden voting, Newark joyously celebrated its 7,666 to 6,181 victory over Day's Hill (near Elizabethtown). "The old town went wild," reports a history of Newark.⁶ Nevertheless, the states of the eastern seaboard have never known any significantly violent county seat contests. Violence became attached to the issue only as settlement moved beyond the Appalachians.

Some of the earliest difficulties in the new western lands arose because of a lack of clarity about the boundaries of local governments. Monongalia County, West Virginia (then Virginia), for example, had a county seat in Pennsylvania before the Mason and Dixon line was completed and indicated that the county seat was in the wrong state.⁷ Problems of courthouse location were created less by the ambiguities of state law, however, than by the rivalries of contending towns or townsites. Arthur St. Clair, first governor of the Northwest Territory, found town competition as one of the most troublesome problems of his administration. The 1797 dispute in Adams County (which then included a large portion of what is now southwestern Ohio) between Manchester and Adamsville especially pinpointed the issue of how county seats were to be determined. Governor St. Clair, a staunch Federalist, believed county seats should be selected by executive authority. He saw trouble in the rising tide of democracy, and the application of democratic principles to changing the location of a county seat was clearly a case in point. The contests thus inspired would tend, he said prophetically,

. . . to introduce amongst the people a spirit of discontent, love of innovation, and of cabal and intrigue, destructive of public tranquility, and a preference of private interest to every other consideration.

Governor St. Clair, of course, lost. And he lost his governorship as well with the triumph of Jeffersonian democracy. His philosophy of local government, with its emphasis upon central authority, also went into decline. Even his personal choice for Adams county seat was not sustained.⁸ The pattern was then set for greater popular participation in the selection of county seats. While on the eastern seaboard the selection of county seats was primarily a matter of state action, in the states beyond the Appalachians local choice became much more important; most of the constitutions of midwestern and western states include provisions for local elections to establish or change seats of county government.

Probably the earliest case of serious violence over the issue of county seat location occurred around 1798 in Madison County, Kentucky, when the county trustees voted to move the county seat from Milford to Richmond. Anticipating opposition, the county officials had the records moved early in the morning, and the county seat left before Milford residents knew what had happened. The Milford blacksmith was especially bitter at this blow to his town, and he offered to fight anyone who defended the move. A Richmond man accepted the challenge. The fight continued until the Richmond man had his thumb bitten off; but this apparently did not change the location of the Madison county seat, for it remains at Richmond to this day.⁹

During the rapid settlement of the West in the nineteenth century, county seat controversies became more frequent and more severe. Readers of American literature have occasionally caught glimpses of this phenomenon. In Bess Streeter Aldrich's *Song of Years* we are given an only slightly fictionalized description of the Black Hawk (Iowa) county seat contest of 1855 between Cedar Falls and Waterloo, and events of Fulton County, Illinois, presumably are the basis of a poem in *Spoon River Anthology* by Edgar Lee Masters.¹⁰ For over a half century there was agitation to move the Fulton county seat from Lewistown to Canton or Cuba. At one time the courthouse was burned, supposedly by Lewistown hands, in hopes that a new courthouse would be built before the next election could legally be held. That, at any rate, is the thrust of Masters' poem about "Silas De-ment," reputedly based on this incident.¹¹

The most numerous and most violent county seat wars occurred during the settlement of the Great Plains in the closing decades of the



FIGURE TWO: The Madison *Star-Mail* joins the fray in this 1916 cartoon.

nineteenth century, and in no state was more blood spilled over this issue than in Kansas. We have earlier mentioned one of the more severe Kansas cases, that of Gray County. Other western Kansas county seat wars accompanied by bloodshed were fought in Pratt, Stevens, and Wichita counties.

iii

main types

Although each county seat war has had its unique aspects, it is possible to classify these controversies into several main types. I find it especially useful to classify them on the basis of whether or not the contending sites represent well-established towns. Thus, one type is between two established towns; a second involves the challenge of an emerging town against a more firmly established town; and a third concerns two recently emerged towns (or, in some cases, only projected towns).

Occasionally an intense rivalry developed between two established towns with county seat location as the focal point of the conflict. This occurred most often in one (or both) of the following two patterns: (a) the town less centrally located has a significantly larger population than the more central town, or (b) one was initially established as the county seat before the second emerged as a more dominant commercial center. In either case a smaller town used its special status (bestowed by geography or past history) as a claim to county seat honors against a larger town.

Such rivalries have sometimes lasted for many decades. For example, between 1837, when the county was first organized, and 1876, when the final court decision was announced, the towns of Beardstown and Virginia had five bitter electoral contests for the county capital of Cass County, Illinois. Virginia, nearer the center of the county, finally emerged the victor over its larger rival, but it took a special ruling of the state supreme court to make the decision final. So bitterly contested were these county seat elections that adherence to one or the other town displaced normal party alignments in regular elections for county officers. The rivalry also intruded upon the state constitutional convention held in 1870 at Springfield, for it was there that Virginia lobbyists were persuasive in obtaining an exception to the general rule that a three-fifths majority vote would be necessary to remove a county seat. According to the exception, formally enshrined in the Illinois state constitution, "when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." With this new constitutional provision in place, Virginia finally emerged victorious (1,458 to 1,330 by the originally announced count, though the courts finally ruled that Virginia had only a three-vote majority among valid ballots).¹²

Active rivalry lasted even longer between Wilber and Crete for the Saline, Nebraska, county seat. Elections in 1877 established Wilber as the seat of government, but Crete soon far surpassed Wilber in population and commerce and, despite its location in the corner of the county, aspired to become the county seat. Crete was unable to obtain the 60 percent majority required by Nebraska law, but its voters were able to defeat bonds for a new courthouse building for Wilber when that became an issue. Finally, in 1927, leaders of Wilber and Crete, deciding that their rivalry had gone too far, met at the neutral site of Dorchester, Nebraska, to sign a formal treaty of peace. This agreement included Crete's pledge of support for a new courthouse, which has stood proudly since 1929 on its hill above Wilber's small business district.¹³

A number of other cases illustrate the intense rivalry which sometimes developed between towns over county seat honors. In Crawford County, Indiana, the declining river town of Leavenworth finally yielded to English, which was more centrally located. Reportedly, however, 82 mounted horsemen, 478 foot soldiers, and 96 two-horse wagons were used to accomplish that feat.¹⁴ The rivalry between Wheaton and Naperville for the county seat of DuPage County, Illinois, which continued for over 20 years, was especially bitter in 1876 and 1878, with reports that "many on both sides were injured in street fights with fists, bricks, and clubs," including one fatality.¹⁵ Adair County, Iowa, was the scene of another conflict, with hotly contested elections between Fontanelle and Greenfield (the latter being the more rapidly growing and centrally located town) in 1865, 1869, and 1874, with a special visit of the state adjutant general required to maintain order following the last of these elections.¹⁶

Somewhat different were conflicts in which one of the contenders was only emerging as a town; then the struggle was between an established county seat and a new site offering greater promise. It might involve the advantage of a more central location, as was the case when Pratt Center was laid out to claim the county seat of Pratt County, Kansas, away from both Iuka and Saratoga, the previous rivals.¹⁷ Or a railroad line might give a new site special advantages over the established county capital, especially if the latter was not on a railroad. Most often in such cases the established town eventually yielded to the new site. Such a conflict is illustrated by the history of Lac qui Parle County, Minnesota. Today there is little to suggest that the sleepy hamlet of Lac qui Parle was once a contender for the capital of Minnesota, to say nothing of the years it proudly served as the county seat. The end of its glory came in 1884, when the railroad came to the county but bypassed the town. Dawson and Madison immediately arose along the rail line, and the next year both filed petitions for county seat removal. When Madison (located nearest the center of the county) apparently won the ensuing election, their partisans not only seized the county records, but they also started to bring the courthouse

itself. They put the frame building on axles and pulled it across the prairie to Madison. There were then, however, embarrassing legal questions to be faced, such as a district court order against conducting county business outside the town of Lac qui Parle and, eventually, the ruling of the state supreme court that the election for removal had been unconstitutional. An old store building was leased in Lac qui Parle to take the place of the kidnapped courthouse until a proper election in 1889 finally confirmed Madison as the new county capital.¹⁸

The conflicts discussed above have involved at least one established town. In many cases, however, the contest was between locations which were in the process of emerging as towns. Sometimes, indeed, a contending town existed only as a platted promise. Nevertheless, such "phantom cities," as one observer has called them, could be formidable adversaries in contests for the seat of a newly created county. The most violent of the county seat wars usually, in fact, involved just emerging towns or townsites.¹⁹ This pattern was especially characteristic of the Great Plains during their period of most rapid settlement. Typical features here included a rapid influx of new settlers in the area, frenzied town site speculation and lax scruples about legal due process. Counties rapidly organized under such circumstances frequently faced a bitter county seat war before they could settle down into a normal pattern of local politics.

Tom McNeal, in *When Kansas Was Young*, has characterized the rapid settlement of western Kansas in the 1880s as follows:

The U.S. land offices were crowded almost day and night with applicants wishing to file on homesteads. Land office attorneys were swamped with business and making money far in excess of their fondest dreams of a year or two before. County-seat boomers figured that within a few months after becoming the seat of county government their town would rival in size and business the best county-seat towns in eastern Kansas or in the older states.²⁰

McNeal estimated that *within two years* in the middle 1880s the western third of Kansas gained about 250,000 in population. This figure, we may note, is approximately equal to the total current population of the same area. Under these circumstances, a town developer had an incentive to establish his town quickly, and gaining the county seat for his town was a big step toward confirming its permanent status. A Topeka paper in 1889 gave the following characterization of county seat contests in western Kansas:

The great profits in town site speculations enables the proprietors to spend large sums of money and they are not at all conscience smitten in this respect . . . Every side of every county seat contest in Kansas is charged with fraud and corruption, and in the majority of cases the charge is true.²¹

This last statement may be at least a slight exaggeration, but numerous cases in Kansas or other Great Plains states during the same time reveal the ease with which a county seat war could be initiated and the unscrupulous manner with which it might be pursued.²²

iv

causes

What caused the county seat wars? Each conflict had of course its own particular causal conditions. However, if by "cause" we mean a general condition which made this type of controversy more likely to occur, there are several which we may identify.

First, there is the nature of the American political system with its strong role for local decision-making. That this issue was usually decided through a local election made possible a degree of popular involvement that might not have surfaced otherwise.

Closely associated with a localism of American political structures has been a general localism of American culture, at least for the era in which county seat wars were most often fought. Few county seat wars, however, involved communities in which individuals had roots of several generations. The partisanship behind the county seat contest expressed not so much a localism of traditional loyalties as a localism of present identification and future hope. This has been termed the "booster spirit" by Daniel Boorstin, who considers it to be a key ingredient in the national character of the United States. This spirit was nurtured by the conditions of rapid settlement and development and expressed itself in an expansive optimism about things in general and the prospects of one's community in particular. It led to exaggerated hopes and deeds, inspired by dreams of future development; but it also led to a ready abandonment of communities that failed to show promise for the future. As Boorstin expresses this point:

Promise, not achievement, commanded loyalty and stirred the booster spirit. One was untrue to oneself and the spirit of expanding America if one remained enslaved to a vision which had lost its promise. The ghost town and the booster spirit were opposite sides of the same coin.²³

The intensity of conflict in county seat wars, however, has roots other than the general localism of American society and the special roles of the booster spirit and grass roots democracy. We also should recognize that the location of a county seat focuses conflict in a special way: either one town must be selected or another. Once the courthouse is built a change is unlikely, and there is no way to divide the prize so that all contestants may gain something.²⁴ This creates a more nearly pure conflict situation than applies to most political issues and

partly explains the intensity of conflict that this issue has sometimes generated.

Finally, we should recognize that the pattern of concentration of the most severe county seat wars in time and space suggests some additional factors which have generally helped to feed these controversies.²⁵ Among these should be noted the very rapid settlement of the American West, the exuberance of private enterprise in land development during the last half of the nineteenth century, and the direct-action spirit of much local politics (with a corresponding impatience with due process of law). All of these characteristics were powerfully present as the farming frontier passed through the Great Plains in the last third of the nineteenth century.

As the farming frontier vanished into dry cattle country and as agricultural settlement patterns became stabilized, the era of county seat wars passed. The last violent case I have been able to locate occurred in 1910 in southwestern Oklahoma, then a very young state.²⁶ As technological and metropolitan forces of the twentieth century continue to erode the forces of localism in America, some of the stories of county seat wars seem strange indeed. Still, something of the old tradition of fighting hard for the courthouse remains in the region of the most bitter contests. As late as the early 1960s there was a bitter fight for the county seat of Logan County, Kansas, between Russell Springs and Oakley. This was fought through the courts from 1960 to 1963. Then on August 1, 1963, the transfer of county records was finally made from Russell Springs to Oakley—under protection of state highway patrolmen.

Indiana State University

notes

1. Hugh Davis Graham, "The Paradox of American Violence: A Historical Commentary," *Annals of the American Academy of Political and Social Science*, 391 (September 1970), 74-82.

2. Schellenberg, "County Seat Wars: A Preliminary Analysis," *Journal of Conflict Resolution*, 14 (1970), 345-352. See also the same author's "Courthouse Coups d'Etat: County Seat Wars in the Old West," *The American West*, 10 (March 1973), 33-37 & 62-63.

3. The most detailed source of information on the Gray county seat war is Elmer T. Peterson, "The Battles of Phantom Cities," *The Saturday Evening Post*, June 4, 1927, 45-47 and 213-218. Other sources consulted include: T.A. McNeal, *When Kansas Was Young* (New York, 1922), 180-186; Everett Dick, *Tales of the Frontier* (Lincoln, 1963), 318-321; Clyde Brion Davis, *The Arkansas* (New York, 1940), 182-185; Charles C. Howes, *This Place Called Kansas* (Norman, 1952), 59-61; Henry F. Mason, "County Seat Controversies in Southwestern Kansas," *Kansas Historical Quarterly*, 2 (1933), 53-54; Homer E. Socolofsky, "County Seat Wars in Kansas," *The Trial Guide*, 9 (1964), 10-11; and Oscar A. Kinchen, "Boom or Bust in Southwest Kansas," *West Texas Historical Association Yearbook*, 24 (1948), 35-36.

4. Accounts vary regarding what actually happened at Cimarron on January 12, 1889. Some accounts say that only one person, a Cimarron bystander, was killed. McNeal agrees that only one person was killed immediately, but he mentions three more who were "mortally wounded." Since McNeal's account is the earliest of my sources and because he gives specific names, I have tended to follow his report on this matter. Accounts also differ regarding those who were besieged for several hours in the Cimarron courthouse (that is, the building temporarily used for county purposes). McNeal mentions that "three or four" of the Ingalls party were captured, but Davis points to only two persons involved, Jim Marshall and Bat Master-

son, both well-known Dodge City gun hands, while other accounts identify the Masterson involved as the brother of Bat. In my summary I have tended to hedge at those points where I was unable to judge which of the contradictory reports may be most reliable.

5. The case of Kings County, Rhode Island, is described in William Davis Miller, "The Removal of the County Seat from Tower Hill to Little Rest, 1752," *Rhode Island Historical Society Collections*, 18 (1926), 11-15 & 46-48.

6. This dispute is described in John T. Cunningham, *Newark* (Newark, 1966), 91. Women at that time had the right to vote in local New Jersey elections, and a good number of them were reported to have dressed in various disguises to vote several times in that election. As a result of this scandal, the state legislature promptly took away voting rights from women—and also included in their reform a ban against voting by Negroes or foreigners.

7. Much later, a similar kind of confusion occurred at Aurora, Nevada. From 1861 to 1863 Aurora was both the county seat of Esmeralda County, Nevada, and of Mono County, California. Once (on September 22, 1863) the citizens of Aurora voted in the election of both states during the same day (but at different polling places). When the Kidder-Ives survey showed the town to be in Nevada, the Mono county seat was quickly moved to Bridgeport, safely in California. The case of Monongalia's county seat in the wrong state is mentioned in Eva Margaret Carnes, "The Courthouse Wars," *The West Virginia Review*, January 1944 (20-31) and February 1944 (22-24). The Aurora case involving Nevada (Territory) and California is told by Stanley W. Paher, *Significant County Seat Controversies in the State of Nevada*, unpublished M.A. Thesis, University of Nevada, 1969 (70).

8. The problems of Governor St. Clair are told in Simeon D. Fess (ed.), *Ohio*, 1 (Chicago, 1937), 123-124.

9. The story about the fight in Madison County, Kentucky, comes through personal correspondence with Judge James S. Chenault of Richmond, Kentucky.

10. Complete citations for the Aldrich and Masters references are: Bess Streeter Aldrich, *Song of Years* (New York, 1939), especially beginning with Chapter 10; Edgar Lee Masters, "Silas Dement," *Spoon River Anthology* (New York, 1963; originally published in 1914), 179.

11. Laments Dement in the final lines of the poem: "For I was punished like all who destroy the past for the sake of the future." However, in spite of the poem's implication that Dement had been sent to prison for his deed, no one was found guilty in the case of the real Lewistown courthouse burning.

12. J.N. Gridley, "The County Seat Battles of Cass County, Illinois," *Illinois State Historical Society Journal*, 7 (October 1914), 166-194.

13. Robert Chesky, "The Stolen Courthouse," in Virginia Faulkner (ed.), *Roundup: A Nebraska Reader* (Lincoln, 1957), 295-297.

14. Ernest B. Shockley, "County Seats and County Seat Wars in Indiana," *Indiana Magazine of History*, 10 (March 1914), 1-46 (especially 11-15).

15. The Aurora (Illinois) *Beacon News*, April 10, 1960. Also James A. Schellenberg and Gerald Van Spronsen, "County Seat Controversies," *Illinois History*, 22 (March 1969), 123-125.

16. Jacob A. Swisher, "The Location of County Seats in Iowa," *Iowa Journal of History and Politics*, 22 (1924), 89-128, 217-294, 323-362 (with the Adair dispute recounted especially on 91-94).

17. J. Rufus Gray, *Pioneer Saints and Sinners* (Pratt, 1968) gives a particularly detailed account of the complicated tangle of violent conflicts in Pratt County.

18. L.R. Moyer and O.G. Dale (eds.), *History of Chippewa and Lac qui Parle Counties, Minnesota*, I (Indianapolis, 1916), especially chapter 6. Also the 75th anniversary issue of the *Dawson Sentinel*, June 19, 1959.

19. Using the 50 violent cases reported in the appendix of Schellenberg, "County Seat Wars: A Preliminary Analysis," we have attempted to classify these as conflicts (a) between two established towns, (b) between one established town and an emerging town, or (c) between two emerging towns. Somewhat arbitrarily we called all towns existing five years or more at the time of the most heated controversy as "established." By this criterion we were able to identify 42 of the 50 violent conflicts as falling into one of the above three types. Of these there were (a) 13 between two established towns, (b) 8 between an established and an emerging town, and (c) 21 between two emerging towns. The eight other cases included one (McPherson, Kansas) where the original report of violence is not supported by further information and seven cases where insufficient information is available to classify both contending towns. In none of these eight cases, however, were the contenders long established as towns.

20. McNeal, 164.

21. Topeka *Capital-Commonwealth*, March 21, 1889.

22. "Over half of the violent conflicts in the midwest can be located in time and space as in the 1880s and within 200 miles of a line running north by northeast from Dodge City, Kansas, to Grand Forks, North Dakota," Schellenberg, "County Seat Wars: A Preliminary Analysis," 350.

23. Daniel J. Boorstin, *The Americans: The National Experience* (New York, 1965), 122.

24. At least this is the usual assumption about the nature of a county seat. Mississippi has

allowed several counties to have county seat honors divided between two towns, but other states have not followed this lead.

25. See footnote 22.

26. This was in the short-lived county of Swanson, where one man was killed in a dispute between Mountain Park and Snyder. Emily B. Smith, "Swanson County," *Chronicles of Oklahoma*, 9 (1931), 412-422.