



of the shoot-out one Cimarron man was killed and three wounded; one Ingalls deputy sheriff was wounded, and Tilghman sprained his ankle during the retreat.

Naturally the account from the Cimarron side was quite different. It claimed that the Ingalls clerk went to Cimarron ostensibly to do business. With him were several Ingalls citizens (not an actual posse), who once given access to the county records would seize them and carry them back to Ingalls. The raid was carried out clumsily and the people of Cimarron found out what was happening. They surrounded the courthouse and began firing on the “invaders”. Most climbed into the waiting wagon and rode off, but four (not three) were left behind. One of those four killed an “innocent bystander.” The four were freed when the Dodge City group arrived and promised to have them arrested.

The 1889 “Battle of Cimarron” has been viewed by authors and historians as typical of the phenomenon of the “county-seat fight.” Recently a book was devoted to five such fights in Western Kansas, including the Gray County struggle, called *Ballots & Bullets*. These five county-seat “wars” caused, either directly or indirectly, a number of violent deaths; the author’s estimate is a dozen killed and over 20 wounded. As I’ve been researching the phenomenon in Kansas for my own book, I’ve found that out of 105 counties, almost 70 have had some sort of effort, violent or not, successful or not, to move a county seat from where it was first located.

What’s been the cause of these fights over county seats? To read the scant literature on the subject in terms of Kansas history: outside agitation from speculators. “The basic cause of the deadly battles was the unrestrained avarice and greed on the part of town promoters,” writes Robert DeArment in *Ballots & Bullets*, “who saw in the opening of new lands an opportunity to acquire quick riches.” Wrote Henry Mason in 1940: “One reason, no doubt, was that the belief that large financial interests were involved tended to soothe the pricks of conscience.”

The financial interest went something like this: a large section of land could be bought for \$500 to \$1,000; that land could be divided into town lots and sold for \$100 a lot. Getting a county seat assured the town permanence, and that assured the sale of its lots. A town company stood to make a fortune – if the town survived.

Certainly the speculative impulse may have sparked

many of these conflicts. But there’s evidence to suggest that speculation alone wasn’t the sole cause. Some were sparked by genuine community rivalry, or resentment over the management of county affairs. These complications suggest a closer look at the phenomenon in general.

Take for example the fight in Gray County. Cimarron was the first town established in the county. Ingalls was created by New York beverage maker Asa Soule. To some, Soule was an investor in the West; to others, like Henry Mason, Soule was a millionaire interloper who had created a town “to have a county seat of his own as a sort of toy to beguile his idle moments.” For whatever reason, Soule put money behind his attempt. He had a railroad built from Dodge City to the southern parts of Gray County, ostensibly

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to gain support there for Ingalls. He had an irrigation canal constructed to entice farmers to the area.

When the election for the county seat was held in 1887, both Ingalls and Cimarron claimed victory. There was, however, one problem with Cimarron's claim. As a Larned newspaper observed: the numbers in the Ingalls canvas added up, while the Cimarron canvas did not. Both towns filed legal papers to obtain the county seat. The Ingalls papers held sway, but one county official stayed in Cimarron. He was ousted in 1888, and that led to the gunfight in Cimarron.

At this point, most narratives on the Gray County struggle focus on the legal battle that resulted from the shoot-out. Some also mention a Kansas Supreme Court decision that kept the seat at Ingalls, but had a minority opinion highly critical of Asa Soule. Soule died in 1890, and his railroad and canal never succeeded. Robert DeArment summarized the end of the fight:

"Despite apparently winning the long, hard-fought battle for the county seat, Ingalls, without the backing of Asa Soule and his continual infusion of funds, withered away. By 1891 the population had dwindled to 120, and two years later only a half-dozen dwellings remained. Cimarron, meanwhile, prospered and grew. In 1893 another county seat election was called and this time Cimarron won easily. Apparently there were no ballot shenanigans and the records and the county seat were moved back to Cimarron without a murmur from the few remaining Ingalls residents."

Except that's not quite how it happened. Cimarron started a petition drive for the election late in 1892. Ingalls protested the legality of the petition, but was unable to keep the county commissioners from accepting it. An election was set for February 13, 1893. Cimarron won, but the final canvas reported the margin as 304 to 269.

Looking closer at the results is revealing. Ingalls won five of the county precincts while Cimarron won just three. In four of the precincts Ingalls won, the town's margin was lopsided: Ingalls, 63-5; Salem, 42-17; Montezuma, 49-10; Logan, 57-0. The main problem for Ingalls, aside from allegations of imported voters, was that Cimarron won in its own precinct 156-2. There were far more voters there than anywhere else in the county.

And what of the notion that Cimarron had grown while Ingalls was withering? The vote totals of the 1887 election reveal that Ingalls had about 160 voters and Cimarron about 520. Compared with 1893, the number of voters in Ingalls had declined from 160 to about 70, or a loss of little more than half. But in Cimarron, the decline was 520 to about 160, or a loss of more than two-thirds!

Going back to the election itself, it seems clear that even with the death of Soule and the failure of his projects, there was still sentiment in much of Gray County that Cimarron ought not have the county seat. That can't be explained just by Soule's speculative ventures. What else propelled the opposition to Cimarron?

An examination of another county seat fight much ear-

lier in Kansas history may provide some clues. In the autumn of 1871, several towns in the southern part of Marshall County threw their support behind a petition calling for a county seat election. The seat was located at Marysville, in the northern half of the county.

One reason behind this movement can be found in the Waterville Telegraph of November 19 (Waterville being one of the southern towns). "The southern portion of the county is much better settled up," it stated, "and is more largely cultivated than the northern portion." The population was greater in the southern section, so why should the seat remain "out of the center of population" and where "a large majority of the people have no business intercourse?"

Another reason was aired in a letter published in the Times of Blue Rapids (another southern town). The letter that appeared in the November 2 issue alleged that at a recent political convention, Marysville had used its influence to get candidates friendly to their interests nominated for various county offices. Following close on this was a charge in the November 17 issue of the Telegraph: "Marysville, isolated from the balance of the county in all its interests, has always exerted a pestiferous influence in all public affairs." In other words, these towns were unhappy with how county business was transacted at Marysville. Such displeasure didn't translate into votes, and in the end Marysville won the election and a run-off election.

In the case of Marshall County, calling a county-seat election was the only way for the communities to express their unhappiness at how Marysville ran county affairs. This sentiment also may have figured into the results of the 1893 election for the Gray County seat. And like in Marshall County, the communities opposed to Cimarron didn't have the population to translate their feelings into action.

Marshall County was not the only county where such sentiments animated a county-seat fight. In 1881 the city of Hillsboro led an effort to move the seat of Marion County away from Marion Center. "Every one acquainted with the history of Marion county knows that persons living within Marion Center are directly responsible for the present controversy," stated the **Hillsboro Phonograph** on April 22. There was anger at the poor shape of the courthouse, and at how businessmen in Marion Center acted towards the rest of the county. Newspapers in two other significant towns in the county, Peabody and Florence, rallied to Hillsboro's side. As it happened, though, Marion Center won a lopsided victory. The results brought peace to the county and in time "Center" was dropped from Marion's name.

One other cause for county-seat fights also needs examination. Henry Mason phrased it this way: "Another was the development of a spirit of partisanship more violent than that engendered by any but the bitterest of political struggles." Residents of towns, with no other political matters to battle over, seemed to have taken to these fights passionately. There are two examples of this worth mentioning, one relatively well known, the other not as much.

The better known of the two was the fight over the seat of Rush County between La Crosse and Rush Center (which for a time was named Walnut City). The struggle began in



1877 and continued until 1888. newspapers in Rush Center took to calling their rival town "La X". A newspaper in La Crosse once claimed: "There is not enough enterprise in Rush Center and Walnut City combined to have 100 ft. of respectable side walk."

The root of the trouble was the relative locations of the two towns. Rush Center was founded first, but when the county boundaries were finalized, it sat four miles south of the center of Rush County. That inspired two brothers to create La Crosse in the center of the county.

The first act in the feud was a county-seat election held in 1877 that La Crosse won. That was followed by an election in 1878 that Rush Center (as Walnut City) won. After that came a flurry of lawsuits that resulted in the county seat being moved to La Crosse in 1882. Over the next four years the towns wrangled over mail routes and railroad bond issues. Another seat election was held in 1887 and again La Crosse won. A court case on the 1878 election handed the seat to Walnut City. Two other court actions moved the seat back to La Crosse and upheld results of the 1887 election. Then in 1888 a courthouse bond issue backed by La Crosse passed, and the Rush County "war" came to an end.

The lesser-known fight was in Butler County between the cities of El Dorado and Augusta. As with the Rush County fight, both rivals were bitter in their hatred. But the Butler County "war" had additional aspects all its own.

The troubles in Butler County started early. The county was created in the 1850s and a village named Chelsea named the county seat. By 1863 the seat had been moved to a new village, El Dorado, which won seat elections in 1864 and 1867. In 1868 the town of Augusta was founded and El Dorado formally created. The first showdown between Augusta and El Dorado came in 1870, with the latter winning the county-seat election.

The next year, events turned tragic. Another election was held on April 18, 1871, and again El Dorado defeated Augusta. On June 22, a tornado struck El Dorado and did serious damage to the town. A week or two later an an-

gry letter was sent to T. B. Murdock, editor of the newspaper in El Dorado, the Walnut Valley Times. Murdock had written something, and the letter's author (or authors) demanded he "take it back" or leave the county within ten days." These events created feelings of paranoia in Murdock's wife.

On July 2, between noon and 1:00 o'clock, Murdock left the house to go to the post office. On the way back he ran into two men and talked to them. In the Murdock house Mrs. Murdock saw this, then claimed to see a man carrying a rope. Moments later a scream was heard from the Murdock house. Mr. Murdock and perhaps a few other men rushed into the home and found his baby boy dead and Mrs. Murdock bleeding. She had slashed the boy's throat, somehow deduced that her husband was about to be hanged or otherwise killed. She recovered her senses, saw what she had done, then slashed her own throat. A niece and their daughter had found the two and screamed. Mrs. Murdock was not dead, but gravely wounded. Over the next several days she faded in and out of her senses. She died July 9 at the age of 30.

This cooled the fight, but only temporarily. It was renewed in the spring of 1872 when another seat election was held. The outcome of the June 1 election appeared to be a victory for Augusta. To make the results official, the votes had to be canvassed by the county commission. This led to the next act in the drama.

To prevent the canvass a lawsuit was filed challenging the legality of the election. A hearing on the suit was set for June 17. According to the Times, on that day around 150 Augustans came to El Dorado threatening to take the county records by force. The mob made additional threats to burn down the city. The El Doradans rallied, and many persuaded the Augustans to go home. They did so, seeing "that they had been duped," that "the reports which inflamed their passions were all ingenious fabrications, and the leaders of the movement [weren] heartily ashamed."

The Augusta newspaper from that time hasn't survived, but a pro-Au-

gusta letter on the matter appeared in the Kansas Daily Commonwealth of Topeka. The letter stated that "something less than a hundred men" from around the county came to El Dorado on June 17, offering to move the county records to Augusta "without expense to the county." Some of the men were armed, but those arms were for "self-defense only." "They did not propose to attack anybody or injure any person," the letter's author insisted, nor were they "a mob" or acting in "a lawless manner."

The author claimed that Judge Campbell had decided the injunction matter in Augusta's favor. This would allow for the canvassing of the votes. But the counsel for El Dorado's side immediately appealed the decision to the state Supreme Court. When the decision came down, the anonymous author wrote that it was the citizens of El Dorado who "immediately" began arming and expressing "sundry threats about blood, shooting, etc." The outsiders left peaceably, while El Dorado residents began "drilling," "throwing out pickets every night," and barricading the courthouse. The town was in a panic, often exacerbated by rumors spread by their opponents to "keep them up nights" and "make them still more ridiculous." El Dorado, the correspondent concluded, had "no one to blame (for the situation) but herself," all because of the town backers' refusal to "quietly and peacefully" submit "to the will of the people" as expressed in the election.

The votes cast in that election were never formally canvassed. This would remain a sore point for Augusta for years to come.

Peace held sway in Butler County for the next year and a half. Then in early 1874 the war was renewed, this time over the idea of dividing the county into two. A bill was brought up in the State Legislature to divide Butler County. El Dorado opposed the division bill while Augusta supported it, though two years earlier El Dorado had backed a similar scheme. The bill went nowhere, and division was off



the table for another year or so.

In the summer of 1875 the new newspaper in Augusta, the **Southern Kansas Gazette**, began expressing unhappiness with county leadership. This led to a convention drafting candidates for county offices that would support dividing the county. El Dorado fought back with its own convention and an anti-division slate. That slate won the county election so handily that, when division was brought up in 1878, the **Gazette** wrote: "That question was settled three years ago by a direct vote of the people."

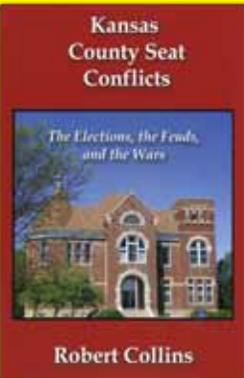
Yet that was not the end of war, though there was a lull until 1883. Early that year a division bill came up in the State Legislature again. This time, according to newspapers in Augusta and in the southern Butler County town of Douglass, it was El Dorado that had brought up the issue. The bill failed, but stirring the pot seems to have so angered Augustans that they began circulating a petition for a new seat election. On April 11 the county commission decided that the petition didn't have enough signatures to comply with the new law. Strangely, though, the number the commissioners cited that the petition missed was two-thirds, not the three-fifths the new law called for. The Augusta side filed a lawsuit demanding that the commission reconsider its decision. The Kansas Supreme Court refused to overturn the decision of the commissioners. That put an end to the seat fight, but not to the Augusta-El Dorado rivalry.

The four previous county-seat "wars," Butler, Rush, Marion and Marshall, all have root causes that suggest that more was at work animating these disputes than mere speculation. Two of them were inspired by resentment towards the town with the seat, with an attempt to change the seat the only way to attract attention. The other two show a mutual bitterness, which made the battle more important than the objective.

Like many other aspects of Kansas history, the "county seat fight" is more

complicated than it appears at first glance. Speculation sometimes mixed with local politics. Rival schemes could grow into rival communities. Some losers became ghost towns, but some winners gained little in terms of prosperity or population. Like other aspects of Western history, the "county seat fight" may not be a simple struggle with one simple cause, but a complex phenomenon with multiple layers. Only one thing is certain: not all those layers have been revealed. 🐾

This book recounts all the county seat fights that the author was able to document and research. The book (\$12.50 plus shipping) is available by contacting Robert Collins by email at [rickansas@cox.net](mailto:rickansas@cox.net) or calling 316-733-2209



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