

## CHAPTER IV

### THE COUNTY SEAT FIGHT

A very serious accident happened here . . . . Some surveyors use a transit when they run a line, and let it stand in the field when they go to dinner. This is quite lawful; but when fellows come to look through the big end of the transit, as did this poor man, and sees big buffaloes, that are quite near, to be far off -- small as fleas -- that may be called an optical delusion; and when a big buffalo, which was evidently contemporaneous with Adam in Paradise, finds that tripod an obstruction in his speed, and knocks so violently against it that it causes the poor fellow who peeps to bring Mother Earth in contact with the hinder parts of his person, which, for the sake of change merely, assumes a horizontal position -- that may be called the wrong man in the wrong place; and when the fellow goes home with sore hams and a black eye, and says that a flea kicked him in the face -- that may be called a fraud.

Under the administration of Governor James, of whom Buck had petitioned a year earlier the formation of Red Willow County, the legislature passed a resolution stating in so many words, that before any new county could be organized it had to have within its boundaries a population of not less than two hundred, and a document had to be signed by three taxpayers within the designated area affirming this fact.<sup>200</sup>

With the influx of settlers, Royal Buck could now focus his efforts toward his goal and establishing Red Willow as the county seat. While in Lowell on March 25th, he posted a letter to Governor Furnas reporting the stipulation had been met.

Dear Sir,

I have been informed that a law was passed by our late legislature providing that before any new county can be organized an affidavit of three taxpayers of the proposed county must be made, that said county has 200 inhabitants. I enclose such affidavit and would ask that you appoint the following men as a board of election, viz: Washington Hinman, Edwd S. Hill, and Leslie H. Lawton, Judges and John Byfield and Joseph Berger Clerks.

Fix a time for election and let us be informed at an early date and greatly oblige.

Yours Truly

Royal Buck

P.S. A friend suggests that perhaps the necessary papers have already been sent. If so pay no further attention to this.<sup>201</sup>

Whether there was another party involved in these first proceedings is not known. However, the governor had already received and approved the necessary papers nearly a month prior to Buck's writing, calling for an election to be held on May 27th at the home of Wilburne Morris, a mile east of Red Willow.<sup>202</sup>



With Red Willow the only townsite in the county, it seems this the likely place for county government, but due to influence of D.N.Smith, there were now two locations vying on the county seat election. Apparently, when Smith was here in July previous, his conversation with Hill went further than Buck or anyone else expected. Smith sought a verbal agreement in which, if the Coon Creek settlement won the election, he would buy 80 acres of ground, plot a town, and construct three buildings: a hotel, store, and another to be leased to the county for a courthouse; in exchange, Hill would receive one fourth of the town lots. "This was only talk between us, no papers having been passed."<sup>203</sup>

Two parties were organized: the first at Red Willow; the second from the Coon Creek settlement, six miles east. It is interesting to note that two men, E.S.Hill and Page T. Francis, chose to run on both party tickets, assuring them a role in county government regardless of which side won.

When fully organized, the list of Red Willow candidates were: "Judge, W.M.Hinman; Clerk, D.E.Brothwell; Sheriff, J.F.Black; Superintendent of Schools, J.G.Eaton; Coroner, E.S.Hill; Surveyor, P.T.Francis; Commissioners, John Longnecker, J.H.Prickett, and Andy Boyer."<sup>204</sup> With the exception of Hill and Francis, who were from the Coon and Dry Creek settlements, and A.S.Boyer, from the Beaver Valley, the men on this ticket lived within a four mile radius of the town.<sup>205</sup>

The Coon Creek settlement, on the other hand, drew its candidates on a much wider prospectus. Their ticket was similar to Red Willow's in that most of its men were from the settlement itself, but it also had representatives from the east, west, and south parts of the county. It asked the voters to elect, "Judge, E.S.Hill; Clerk, I.J.Starbuck; Treasurer, J.E.Berger; Sheriff, G.A.Hunter; Superintendent of Schools, Edward Lyon; Surveyor, P.T.Francis; Commissioners, William Berger, B.F.Bradbury, and W.S.Fitch."<sup>206</sup>



On the day of election, the people of Coon Creek prepared a dinner for all those going to vote. This lasted until about "four . . . in the afternoon,"<sup>207</sup> and appears to have worked as a ploy to gain the popular vote. When the 64 total votes were counted, the majority favored placing the county seat on the banks of Coon Creek, and the agreement between Smith and Hill was put into motion.

Smith purchased the 80 acres from Hill by paying him \$200 dollars, then he set out to establish the town both had agreed upon. It is not known how, or when, or where the name was established, but it is assumed a meeting was called, names suggested, and voted on. When the final tally was counted, I.J.Starbucks suggestion that the town be named after his hometown in Iowa won out, and when the Post Office was established on June 25th<sup>208</sup>, it was christened with the name, Indianola.

The County Commissioners had met here two weeks earlier, on June 13th, at the home of E.S.Hill. Each posted bonds and took an oath of office before passing a motion declaring "that Indianola, on the NW 1/4 of sec. 18, town 3 range 27 west should be and hereafter is the County seat of Red Willow County . . . ." <sup>209</sup> This, however, did not meet with the satisfaction of Royal Buck and the Red Willow candidates who lost the election.

While he did not seek an active role in county government, he knew and understood the politics involved. When the final votes were counted, he was the first to claim the election illegal, and said so in a letter to the Nebraska City News.

Well, we have had our first election for county officers . . . . The election was held on the 27th of May and we polled sixty-four votes; and what of it? I will tell you. Soon after the passage of the act defining our boundaries, a well known R.R.Co. appeared among us,



and it was soon "noised around" that a bargain had been made with some homesteaders living some five miles east of Red Willow, by which a town was to be built immediately, and that the Land Office would be removed to it, and that of course it would be the county seat. As the election drew near importations of voters from along the line of the B. & M. who had completed their service at Harvard and other points came also, and strange drivers were crossing streams and prairies in search of hunters and trappers who still lingered on the grounds occupied during the winter. And when election day came, then came also not less than twenty men who had never been known in the county before, claiming the right to vote, and all fresh from a bounteous dinner table prepared at the expense of this meddlesome foreign speculator, and all taking the solemn oath that they were citizens of the county and had resided in it for the last forty consecutive days.<sup>210</sup>

As he continued, he angrily pointed out that several of the voters belonged in Harlan County, among them the postmaster and clerk from Orleans, who "came with panting team -- having driven sixty miles to reach the polls . . . ." Even "when enough votes were in," he wrote, there were "other strangers standing around" promising their vote if it was needed. "Of course honest voters and meritorious projects and enterprises have no chance with such a crowd . . . ." <sup>211</sup>

He was not the only one to make this claim. Mrs. John Longnecker was also of this opinion. She said, "The B. & M. had started Indianola and had their voters imported for the occasion --



all didn't vote as they 'counted noses', but some were held in reserve."<sup>212</sup> Another man who was equally frustrated, but could not express his anger adequately, wrote the parable which began this chapter.<sup>213</sup>

The election was contested, and in August the case was placed before George W. Colvin, Justice of the Peace in Furnas County. While the entire Red Willow party made an appearance, E.S.Hill was the only one of the elected officials to acknowledge Colvin's authority; he alone represented Indianola's interests in court.<sup>214</sup>

After hearing arguments from both sides, Colvin found many of the votes illegal and concluded that the number of legal votes favored placing the county seat at Red Willow. He also found the majority named E.S.Hill, Judge; D.E.Brothwell, Clerk; J.F.Black, Sheriff; John Longnecker, J.H.Prickett, and A.S.Boyer, Commissioners. He also issued a statement saying,

That section sixteen (16), town three (3), range twenty-eight (28) west . . . having received a majority of all the legal votes cast for county seat of Red Willow County, Nebraska, at said election was duly located as the county seat of Red Willow County, Nebraska, according to law.<sup>215</sup>

Red Willow had fought and won the county seat election, a vision brought to reality. Buck said, "the case showed the most palpable frauds on the part of the Indianola gang of migratory voters. . . . Importing voters from Harlan County doesn't win in this county."<sup>216</sup>

When the County Commissioners, Longnecker, Prickett, and Boyer, met at the home of E.S.Hill, each posted bond and took the oath of office, as the others had done<sup>217</sup>, then set out to gain control of the county seal and records.



A proclamation was issued declaring Red Willow the county seat and an order given Sheriff Black to obtain the records and seal from Indianola. However, when it was learned the records could not be gotten peaceably, the lawyer that Red Willow had hired advised them to steal the county books.<sup>218</sup> This created a great deal of animosity between factions.

Because the Indianola party would not accept G.W.Colvin's authority in this fracas, they would not accept his decision to relocate county government either, and sought an appeal in the District Court of Judge William Gaslin, Jr. This, they thought, would leave them "in possession of the county offices until the case was decided."<sup>219</sup>

While waiting a decision, County Commissioners Bradbury, Berger, and Fitch met in Indianola and issued a summons to J.F.Black, Leslie H. Lawton, A.S.Boyer, John Longnecker, J.H.Prickett, John G. Eaton, and D.E.Brothwell "to appear" before the board forthwith to give testimony of an concerning the felonious abstraction . . . of certain county property.<sup>220</sup>

It was a fruitless effort on their part, for each man "presented themselves for examination, were duly sworn, separately examined and discharged." Three weeks later, Commissioner Berger was again asked to question "certain parties" and this time his efforts did bear fruit. On the evening of October 30th, the records and seal turned up. Apparently, the Red Willow people felt their best interests would lie with Judge Gaslin's decision.<sup>221</sup>

If there was any hope of establishing a townsite around Red Willow and the seat of county government it was short lived. Like all other disappointments they had known, the county seat fight would prove one as well.

After giving up the county records to wait the decision of Judge Gaslin, the fate of Red Willow was all but doomed to failure. Most of those associated with the town had moved away by the time the case came to District Court on June 22nd, 1877.

While Red Willow had seen virtually no growth during this period, Indianola had become a fairly well established community. Although it was said "the Red Willow people were not informed -- knew nothing . . ." of the court appearance<sup>222</sup>, they chose not to continue to conflict. When the court convened in Furnas County, Judge Gaslin dismissed the case "for want of prosecution."<sup>223</sup>

When she wrote to the McCook Tribune in May, 1891, Mrs. John Longnecker said it best. After briefly describing the promises given by the Republican Valley Land Company, she leaves us with this comment.

"but it came to pass that the great expectations . . . failed to materialize and the only occupants of the corner lots were prairie dogs, owls and rattlesnakes. Murmuring were heard among the disappointed and it soon became like the old nursery jingle -- "some flew east, some flew west, and some flew over the cuckoo's nest."<sup>224</sup>