

# The Court House Battle

By Steve Almos

The county seat fight between Gary and Clear Lake makes up some of the most colorful pages of history of Deuel County. It is a very interesting story and shows very clearly the dedication of the early inhabitants toward their home towns.

It would be appropriate to start out by describing the towns. The time was 1888, and South Dakota was still a territory, but working hard to become a state. The United States was in a minor depression as a result of the Panic of 1887. Gary was not suffering though, for various reasons. First of all Gary had been organized for sixteen years so she was quite economically strong. Gary had many business and all the merchants were wealthy so they could charge lowest prices possible. All merchandise for these stores was shipped in by railroad from the East. Gary even had fairground which contained numerous buildings along with a race track and a baseball diamond.

Clear Lake, though, was not flourishing so much at the time. It consisted of only about six or eight small buildings which included residences and stores. The town was not growing mainly because of no railroad service.

The county seat fight all started with one little post that a Mr. Gatchell put in the ground and declared this was the center of Deuel County. That evening some men from Gary went over and pulled it up and carried it away. This is as near as the two towns ever got to committing an act of destruction.

As I previously stated, the United States at this time was in a minor depression. The citizens of Gary were doing pretty well but they were still watching very closely where every dollar went. Gary had been the county seat for nine years.

Although the court house was a wood building, the newly purchased vault made the inhabitants of Gary very proud of their court house. At this time the future of Gary looked very bright. But such was not the case of her sister town, Clear Lake. Because of no railroad service, Clear Lake was not growing and was actually going backwards. At an earlier date a railroad company had bought all of the Clear lake Ground for speculative purposes and they were losing money because nobody wanted to settle in Clear Lake. The railroad company, in desperation, was searching for a way to stimulate the growth of Clear Lake. They decided that if Clear Lake would obtain the county seat position it would grow more rapidly. So in 1886, the railroad company petitioned to get the issue to a vote of the members of Deuel County. They failed to get the two-thirds of the signatures needed and the issue was dropped for two more years.

The attempt to get the issue to a vote enraged the citizens of Gary dearly. Although the attempt was fruitless, they were very disgusted towards Clear Lake for a thing like that. Thus started the long bitter some battle between the two towns. For the next few years much mudslinging would be used to show their dissatisfaction towards each other.

The editor of the Gary Inter State at this time, C. J. Ronald was very liberal in his use of words toward his views of Clear Lake as will be shown in the next few lines. At the end of may, 1887, A Mr. C.P. Hurd quit

his hotel business in Clear lake and came to Gary to run a restaurant. He stated that Clear Lake was "sleepy and not profitable." He was welcomed very heartily to Gary and this is what Mr. Ronald stated in his paper about the arrival of Mr. Hurd. "We welcome Mr. Hurd and his family to our town and are confident that they will find their business interest far more profitable here than they did in the hamlet located on the frog pond over in the center."

Clear Lake at this time also did their share of mudslinging. It seems that the Clear Lake Advocate called the Inter State the "whisky organ of this county." The Inter State surely would not let this go by, so the editor returned the compliment by stating, "The Advocate is now recognized by everybody as the organ of nothing."

The inter State even went so far as calling the Clear paper names. In the end of 1887, C.J. Ronald said that "the editor of this paper has renamed the Clear Lake Advocate." "It is now called the 'Bellyake'".

Several times in the next year Mr. Ronald referred to the Clear Lake Advocate as the "Bellyake" in his papers.

The issue of the court house fight was not too hot in early 1888. The citizens of Gary were too busy improving their enterprises to pay much attention to the county seat skirmish. But this was not so in Clear Lake. Still not growing and far from prospering the railroad company and a few individuals of Clear Lake were planning out their strategy to get the issue to a vote of the people. Early that summer the town-site schemers organized a campaign for signatures. They needed the signatures of two-thirds of the eligible voters in Deuel County. Gary was not opposed to signing the petition but they were very mad at the way they went at it. When Clear Lake sent out her men to solicit for names on the petition asking for a vote on the removal of the county seat, she loaded wagons up with an assortment of beer, whiskey, and cigars. When the person soliciting found a signer he was asked what he wanted. Since Clear Lake had always claimed to be the "leading town in the County on public morals and never countenanced anything that led to degradation," Gary really blasted Clear Lake when Gary found out about the beer and whiskey bribe that Clear Lake was using to get signers. Mr. Ronald proceeded on to say this, "If they expect to remove the county seat by the same methods and they are the best they can offer, their hope will be forever blasted on the sixth of November."

As I stated before Gary was not opposed to bringing the issue up to a vote. They had many reasons why they wanted the issue cleared for good. C.H. Ronald, of the Gary Inter State, best illustrated these reasons in an article he wrote at the end of September, 188.

It has been decided by the citizens of Gary and others interested with them not to oppose the movement now on foot by the schemers to call a vote this fall on removing the county seat. They think it best that the matter should be settled at one and for all, as nothing else will satisfy those who are persistently agitating this question to squelch the proceedings as was done two years ago, by getting up a remonstrance would only bare the matter open for renewed strife at the next election. It keeps the whole county in ferment and entails a burden of trouble and expense which ought not to be tolerated.

Let us have a square issue and fight it out on this line until a final and permanent decision is reached. But let it reopen the question after the vote is taken at our coming election, will be set down upon heavily by all peace loving and right-thinking people. It is an injury to any county to be continually at logger-heads over such matters. It arrays one section against another, making much bad blood and hinders public improvements. In our county interest we should be united and seek the higher and best welfare of all alike. But there are grave questions to be considered so that the pros and cons should be well weighed by every voter before he casts his ballot. The questions to be settled in this, will be the county as a whole be sufficiently benefited by a change of the county seat to warrant at this time. The trouble and expense that will be incurred? No matter what promises maybe made by interested parties, the history of such movements show that a large bill of expenses will be incurred which the tax payers of the county will have to defray.

Going right along with this another point should also be brought up. The Inter State urged everyone to go to the polls on November six, no matter whose side you were on. He wanted a majority of Deuel County voters to vote so the wish of the true majority could be granted. Actually, the only reason Gary did not want to remove the county was that this was a very poor time to do it. As I previously stated, the United States was in a state of depression and money was hard enough to come by. The present bond o Deuel County was \$12,000 and if the removal was granted the debt was estimated to from to \$36,000. This would increase taxes greatly and the people of Deuel County just were not ready for extra taxes. Gary did not really expect to keep the county seat forever, but just until the County demanded better buildings and until the economy picked up.

A great loss of property upon the people of the county was also on the list of Gary's arguments. The court house, now situated in Gary, was located on railroad ground. If the county seat was removed to Clear Lake there would be no need for the old court house so therefore, the land and buildings would go back to the railroad company. This would entail a great loss to the people of the county for these buildings would no longer belong to Deuel County after the removal of the county seat. Another point brought up by Gary was that it would endanger the safety of the county records. The new vault was too heavy to be brought over by wagons. If a fire occurred at Clear Lake, the records, being unsafe because of no vault, would all be destroyed. This would result in a great mass confusion which would not be settled for a great many years.

At this time about the only argument that Clear Lake could dig up was that she was the geographical center of the county. Clear Lake was indeed the geographical center of the county, being only one-half mile off. But Gary argued that that did not make any difference because Gary was the business center of the county. They backed this up by stating that Gary was located on an east-west railroad line and most all business was carried on east-west railroad lines. Gary said the leading town in any county was the business center of the county so therefore. Gary will keep the county until another town rises to be the business center of Deuel County, whoever it may be. At this time it should be noted there were a few people in Gary that wanted the county seat moved to Clear Lake. These people were severely ridiculed for their thinking by the people of Gary and the editor. One such case is that of Mr. H. B. Monaghan. He was at attorney from Gary that fought for Clear Lake in the county seat fight. The Inter State asserted that "Monaghan will never be District Attorney of Deuel County again and he is a rat with

a big “R” and his days of office in this county are over.” The Gary citizens then put George Marquis up for election against Monaghan. He was a Gary loyalist that everybody respected.

During this time the town-site schemers have been soliciting for petition signers. Finally, on October 3, 1888, the County Commissioners ordered a vote on the issue because the required numbers of signers were obtained and the petition seemed legally void.

This order was one that Clear Lake had been waiting for the last four years. Now that she was guaranteed of a vote she worked diligently to get votes in favor of the removal. The way she worked for votes were all condemned and termed as illegal by Gary. The purpose of this paper is not to take sides or show my own opinions so I am not going to test the validity of Clear Lake’s proposals but rather, am going to show what Clear Lake did and to give Gary’s response to her proposals. The next few paragraphs will describe the battle between the two towns in trying to win votes.

It was the middle of October, 1888, before Clear Lake made her first step to win votes. That was less than a month before the election. On October 12, Clear Lake came out with the claim that she had a \$5000 certificate of deposit in a Sioux Falls bank. Clear Lake said that in case of the removal of the county seat to Clear Lake the \$5000 would go towards the “building of a foundation and the erection of a building on Block eight in the town of Clear Lake.”

Clear Lake setup two conditions that had to be met before the money could be used. They are listed below along with a number of questions that the Gary editor raised about the conditions.

1. The building must be on block eight of Clear Lake. Gary asked who owns block eight. How much is he asking for it?
2. The money is to be spent in the building of a foundation and the erection of a building. Gary asked, how much of a building will be erected after the foundation is made?

Clear lake also claimed the removal and erection of a new court house would not cost the taxpayer of Deuel County a single cent.

The Gary editor, C. J. Ronald, now went into full gear to blast Clear Lake about the use of the \$5000 certificate of deposit to gain votes. He said the only reason they are using this is for a gag to win more votes, and that is a bribe. He said that in order for Clear Lake to raise the \$5000 loan they had to put up the whole town plot that was yet unsold, including block eight which was mortgages. The editor also said, in the same article, that if the town-site schemers meant fair business they would have donated a block of ground free for the court house and would have placed the whole sum of money in an out of county bank so that County Commissioners would have no power over it. This sharp statement was also stated at this time by C. J. Ronald. “No private individual would be such a jackass as to put up five or fifteen thousand dollars in a building to be erected on a ground that was covered by a mortgage held by some unprincipled land shark. A person can clearly now get an idea how outspoken the editors of that day were. They did not hesitate to bring out every little point they could against their enemy.

As I previously stated, Clear Lake claimed that the removal would not cost the county a cent. Gary tore this statement apart by saying that the \$5000 would only build the foundation and the county would have to raise the rest.

Gary was still bringing out the point that this county seat fight was the “desperate shift of a town-site company was a part of a ring of the Burlington, Cedar Rapids Northern Railroad, and this railroad was on the verge of bankruptcy.

Time was now running short for the two towns to fight for votes. It was just about the end of October and in about a week and a half the issue would be settled. But Clear Lake made one last drive for last minute votes. Clear Lake now claimed to have a deed filed at the court house in Clear Lake that deeded to Deuel County, in the case of the removal of the county seat to that place, block eight. Gary did not put up a fight over this proposal mainly because she thought that the people were full of promises by the town-site schemers and would not pay any attention to this one.

Most all of the arguments were now complete and the date for voting was very close. Gary was very certain of a victory by observing the reactions of the people of the county. But Gary made one last statement as to how she felt about Clear Lake on November 2, 1888. She said, we are sorry Clear Lake for we know she is going down, down, down, and it is only natural that the people who mourn should feel badly, and clutch at anything, even this county seat removal scheme to stay their fall.”

This ended the hot debate over the county seat skirmish and it was now up to the voters of Deuel County to settle the matter once and for all. November 6, 1888, marked the date of the election and the result can be clearly recognized by the headlines on the next issue of the Inter State. They read; Victory, Victory, Victory!!!! A clean Sweep Everywhere, Gary still has County Seat!

The county seat fight was ended and Clear Lake had been defeated. “The ending was a foregone conclusion from the very beginning of the contest, said the Gary editor.

A definite count of the voters could not be found by myself but it is known that Gary won by one hundred votes after all the ballots had been counted. But for some reason unknown, even unknown to Gary, Rome Township was ruled out and Gary only won by twenty-seven votes. Gary now went on to say that she had not won the fight for herself alone but for the county at large and that the people were not yet prepared for such a change. C. J. Ronald summed the issue up in these words, Lying, trickery, and brazen effrony have not carried the day but the good sense of honest voters has won.

This now ended the two months of debate on probably the most heated issue in South Dakota’s political history. Gary was ready to forget about the whole thing and go on living their normal lives but Clear Lake now has increased to a very unbearable point. These two towns took every opportunity they could to bite each other. Not in one single instance did they acknowledge any good for each other in the next two years as will be illustrated by the next two examples.

It should be noted now the C. J. Ronald, the popular editor of the Gary Inter State during the 1888 election quit because of financial reasons. He was succeeded by another good editor though, by the

name of W.H. Donaldson. Although he lacked the use of words that Mr. Ronald had he still held an unbearable grudge towards Clear Lake as shown by these examples. In March, 1889, Mr. Donaldson said this, Anton Johnson has moved his saloon over to the deserted village we will refer to it as the Frog Pond and will mix fancy drinks for the thirsty natives.

In June, 1889, he again used his grudge against Clear Lake to say this about one of the individuals of that town, A. J. Lockhart, the best man of the three residing at what is known as Malaria Lake (Clear Lake) was in Gary Wednesday. It pains us to see so nice a man as A.J. waste his fragrance on the desert air of that benighted town.

Mudslinging went on like this between the two towns all of 1889 and 1890. The county seat fight was still discussed but at much lesser degree. But finally in August of 1890, things started to open up again. The Clear Lake Advocate even wrote a poem about the county seat fight and the Gary Inter State quickly returned the insult with another poem. The two poems are written below.

#### The County Seat by the Clear Lake Advocate

Clear Lake claims the county seat and she shall have it too, long enough has been withheld, what is her honest due, rise, my fellow citizens, and give an honest cheer, slow of foot has justice been but she is almost here. Rally, rally to the front, discourage every foe, triumph, let our war cry be, lay foul injustice low, off in a corner far apart, let now our county seat, be longer kept as if there meant for an insane retreat.

#### The county seat- response to the above by the Inter State

So short! So very sweet, most good enough to eat, we never before have read a thing, all written up so near, as that piece of Clear lake Poetry, about the county seat. Yet one thing still she lacks and that to have the facts, to see Clear Lake the County seat, doth the imagination tax, but then that piece of poetry is just as neat as wax. Clear Lakers up must rise and clean themselves of flies, and get a move upon them, and open wide their eyes, and spend their dimes and dollars, but they cannot gain the prize.

Although the county seat fight was somewhat cooled after the 1888 election it was now again resumed by the Clear Lakers. In early August, the Clear lake Advocate said that Clear Lake supposedly raised \$1000 in just a few minutes for the county seat fight. Clear Lake again sent out solicitors with petitions. They still needed the two-thirds of the voters' signatures in order to get another vote. The popular of Deuel County had grown so the solicitors had to get many more signers this time. But finally, on September 13, 1890, they reached the needed number and brought the petitions to the county commissioners. The board thoroughly went over the petitions and came up with the decision that it was legally sound and ordered another vote on the removal of the county seat. The 847 signers acquired were a two-thirds majority. Clear Lake now again had the go ahead to start winning votes. Up to now the inter State has remained silent on the county seat issue for many reasons. Some of the main reasons are listed below along with some supportive reasons that the Gary editor proclaimed.

1. We do not care to fight an adversary who is not fairly in the field. Gary had regarded the county seat matter in Deuel County as settled and they did not want to be the first to open up an old sore.
2. Clear Lake has already had her chance to get the county seat. Four years ago the voters of the county had prevented the county board from ordering a vote on the question. Two years ago the vote was ordered but the voters of the county, regarding their own interests more than the profits of town-site companies, promptly voted the change down and Gary remained the county seat.

Gary did not make such a heated issue of the county seat fight this time around but they still were quite fired up about the \$5000 certificate of deposit that Clear Lake again claimed to have. Vote for Clear Lake and we will help you pay your taxes is what Clear Lake exclaimed. Gary, in answer to the \$5000 said this, "The shrewd men at Clear Lake have devised a new scheme to get votes for Clear Lake, or rather have adopted an old scheme... this last scheme, this \$5000 scheme is a BRIBE." The Gary editor even went on to quote the section of the "Compiled Laws of Dakota, "about the use of bribes to obtain votes. The law clearly stated that anyone who tries to influence the electors by bribes shall be punished with a fine and a term in jail. Gary now asked Clear Lake, would you dare offer \$5000 to the county for the election to office of any candidate now running on your ticket: The generous offerer and all concerned will put up at least a hundred dollar fine, and put up in Watertown for at least three month thereafter.

Clear Lake now brought up the point that the court house in Gary was unsafe and worthless. This was partly brought on because the county commissioners had just appropriated \$1000 for the repair of the court house. Gary got all mad about that statement about their court house and said all it needed was a coat of paint and a cleaning out and it would be as good as new. She also said that here you have county buildings good enough for the present and a location accessible to the residents of the county.

To end the short argument period of the 1890 election, Gary still proclaimed it only wanted the county seat until times got better. Gary knew that Clear Lake would probably eventually get the county seat but Gary wanted Clear Lake to bid her time. In ten years from now when Deuel County is out of debt and able to build such county buildings as will do credit to our count. The Inter State will hold up both hands and there will be found no occasion than to offer money to a tax ridden people.

The time for the voters had again come to make the final decision on the matter. All arguments were completed and the date of the election, November 6, 1890, had come. There was a very good turnout at the polls that day. A sum of 1143 votes was cast that day. Here are the results: Clear Lake, 868 votes, Gary, 274 votes, Altamont, 1 vote.

On November 7, 1890, Gary acknowledged defeat in the battle for the county seat, and thus ended the more than four year battle between the two towns. The people of the county were ready for a change, Clear Lake shown by the great amount of votes Clear Lake obtained over Gary. I assume

there was still a great amount of resentment between the two towns for many years to come. I think though that down through the years it will be hard to find a person who is unhappy with Clear Lake as the county seat. There are still a few old die-hards in both Gary and Clear Lake who would like to keep the old dispute of the late 1880's alive and make one think today the old grudges are still here, but their number are few and for the good of our county, we are thankful for this.