

# Confrontation to civilization: 'Bloodless war' decides county seat

The following account of the averted battle between Lyndon and Burlingame over the location of the county seat is reprinted in summary from the *Osage County Chronicle*, Friday, June 18, 1875. It appeared as an editorial under the editor and proprietor's name, W.F. Chalfant. The newspaper was the official newspaper of Osage County at the time.

## After the rumpus

With all our boasted civilization and respect for law and order, there is still a good deal of the savage lurking in the average American, which, if excited by real or imaginary grievances, very frequently changes the most staid and sensible men into senseless and unreasoning creatures willing and ready to set at defiance the most sacred institutions of our free government, and commit any crime in the calendar of wickedness.

We have recently had an exhibition of this dangerous and unfortunate weakness of humanity, in this county. And the incentive of the many illegal and disgraceful acts that have characterized the proceedings of many of our fellow-citizens—and some of them officers sworn to faithfully obey the laws and the decrees of the courts—was nothing more than a miserable county-seat contest.

For the past three months, as is well known to our readers, a bitter and disgraceful struggle for the re-location of the county-seat of this county has been waged between our people, and the contest just ended was only one of many similar ones that have disturbed the peace of our citizens and retarded the growth of the county for a number of years past.

As is always the case in such contests, the feud first commenced with the towns, and as everybody prefers to live near a town, particularly if it is a flourishing one, it

is not a difficult matter for the town politician and demagogue to induce the farming population surrounding any particular town ambitious to be the county-seat, that their best interests will be greatly subserved by having the said county-seat located there; hence the argument of convenience is held up to them in all its brilliant colors and argued by the county-seat orator from every possible stand-point, until, finally, the farmer who does not have any legitimate county business that would, of necessity, take him to the county-seat oftener than once a year, is led to believe that he is grievously wronged by the county-seat being where it is or at the other town; hence he becomes an enthusiastic partizan to the town nearest to his own door, and soon becomes so infatuated with this idea that he forgets that others have rights as well as he, and spurred to desperation by his supposed grievances he is ready to set at naught the laws, trample on the decrees of the court and if needs be, pour out his blood in order to get the county-seat located at his particular town, then, when reason and the sober second thought returns, he finds he was fighting only an imaginary enemy, and if advantage has accrued to any one, it is the owner of town lots and the bankrupt politician and worthless hack who fired his blood with his own sham patriotism, and who pays not a cent's worth of the taxes that are levied upon the property owners to foot the bills of these senseless quarrels.

But so the world goes. Well, on the 8th just, the people of this county held an election for the re-location of the county-seat. The candidates were Lyndon and Osage City. The feeling between these two points was bitter. The partisans of both towns were determined to poll the most votes, how, it mattered not. When the bal-

## LYNDON VS. BURLINGAME

lot was counted on the evening of the election, the result stood as follows: Lyndon, 1,131; Osage City, 1,049; Shireton, 298, giving Lyndon a majority of 82 over Osage City; but as there were 298 votes cast for Shireton, and neither of the candidates having a majority of ALL the votes cast, of course there was no legal election.

From the fact that there was such an enormous fraudulent vote ... the friends of Shireton instituted legal proceedings against the County commissioners, enjoining them from canvassing the vote and declaring a result; but two of the Commissioners were strong partisans of Lyndon, and, allowing their party zeal to outweigh their better judgment ... paid no more attention to Judge Peyton's injunction than if it were a piece of blank paper.

[In Chalfant's stated "duty as a public journalist and the historian of this transaction" he scolds the county commissioners for trampling "upon the decrees of the courts" and having "thus taken the bits in their teeth and presumed to run things according to their own notions, regardless of the ... rights of, if not the majority, at least a very large and influential minority of the people of the county" and making "themselves liable to severe punishment." The editor continues to chastise the Clerk of the District Court, Mr. Donnell, for "absconding at the dead hour of night"]

During the time between the election on the 8th and the canvass of the vote on the 12th, a prominent citizen of Lyndon, ... in Burlingame stated that it was the intention of the people of Lyndon to remove officers and the public property, regardless of consequences, to that town; that they had

an armed force for that purpose, and that they would not only do that, but would also burn and lay in waste the entire town of Burlingame if thwarted in their object. These menacing assertions ... were made before the meeting of the Commissioners and the canvass of the vote. Other rumors had reached the citizens of Burlingame that the people of Lyndon contemplated a raid on the town with a mob of armed men.

[After the court clerk absconded the sheriff and the register of deeds were also gone.] This looked, to say the least, suspicious, and led the citizens of Burlingame to feel apprehensive for the safety of their lives and property.

Again on Sunday a report reached the people of Burlingame that a large force was on its way from Lyndon, and that it would enter the town sometime during the night and do no one knew what. Acting upon this state of facts the citizens of Burlingame on Sunday night, between nine and ten o'clock, called a public meeting, at which the matter was fully and calmly discussed, after which it was unanimously resolved that it was a duty which they, as peaceable citizens, owed to themselves, their property and the public property of the county, to prevent, if possible, the town being entered by an armed mob. Accordingly, an executive committee of seven were appointed, and also a guard of twenty-five men, whose duty it was to protect the court-house and the town.

On Monday morning about day light, as anticipated, twelve or fourteen two-horse wagons, each wagon containing from two to four men, entered the town and made a demand for the public records. They were respectfully told that those records could not be removed

unless in the presence of, and by the consent of the officers themselves, and not then by a menacing mob of armed men. This mob finding they could not intimidate the citizens of Burlingame, or get possession of the county records, finally got their teams and men together and left the town.

[Several Burlingame citizens were sent to find the court clerk] in order to have him sign certain papers requiring his signature and seal; but that noble functionary was no where to be had. These parties returning to Burlingame reported that Lyndon was crowded with an infuriated mob armed equipped for a march on Burlingame, and that it would reach that town by evening, and if their demand were not at once complied with, the town would be razed to the ground, and every forked tree within ten miles of its magnificent ruins be adorned with a Burlingame man, woman or child, suspended by the neck ...

And chief among this infuriated mob ... was County Commissioner John Banning, with his shotgun on his shoulder and forty rounds of buck-shot in his trowsers pocket. When public officers disobeyed the injunctions of the courts and lead a mob, we tremble for the safety ...

When this grand army of Lyndon had reached the Dragon, eight miles from Burlingame, it halted to reconnoiter, drill ... and also to send a commissioner to Burlingame to agree upon a basis of compromise. The proposition of the Lyndon folks was that the people of Burlingame allow such officers as wanted to leave to do so, and that they would furnish teams and take away their effects. This was a very moderate demand, and one that the people of Burlingame had in nowise objected to from the first. It was at once accepted by the people of Burlingame, and that night,

about 11 o'clock, four teams and eight men, slowly wended their way to the court-house, led by a committee of Burlingame men. Arrived at the court-house, it was opened, and as silently and solemnly as a corpse is lowered into the solitude of the grave, those eight men from the green margin of Lake Lyndon, loaded into their respective wagons the records and furniture of the Sheriff's and Court Clerk's offices, while two men with [guns] stood by to see that no one dared to molest our Lyndon brethren. So ends another chapter of county-seat romance. The courts will now have something to say.

In the following edition of the *Osage County Chronicle*, June 25, 1875, a letter to the editor titled "Lyndon Speaks" disputed that Chalfant wrote the previous week's editorial. The letter, signed only "Yours truly, Lyndon" said the account was inaccurate and questioned why the citizens of Burlingame would defend "not your wives, your children, and your personal property, but property that don't belong to the City of Burlingame, nor to any other city, but to the people of the whole county."

In the July 9, 1875, *Osage County Chronicle*, the editor ran a correction for County Commissioner John Banning, who claimed he was not with the infuriated mob, he did not have a shotgun, nor did he have forty rounds of buckshot in his pocket. That edition also noted Banning and County Commissioner Wiley were fined \$100 each for disobeying the district court's injunction against canvassing the vote.

Despite another election three years later that declared Osage City as the county seat - that election was deemed fraudulent - court rulings allowed Lyndon to remain the county seat as it has been since.

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