

**William A. Richards
and the
Battle for
Big Horn County**

1886-1897

Lucia McCreery



Red Bank Press

WilliamARichards.com



“Not one less than six feet,” says a note on the back.

No word about the date or occasion. William A. Richards is front row center, suggesting that the photo was taken about 1897, when Big Horn County finally became a reality. He had been working for a separate county for the Bighorn Basin since his days as a homesteader there, and as governor of Wyoming he had pushed for the county’s organization.

Standing, William E. “Ed” Taylor (left) and George B. McClellan
Seated, Augustus L. Coleman (left) and Atwood C. Thomas

Taylor, a Bonanza merchant, served as clerk for the temporary board of county commissioners.¹

“Bear George” McClellan was Richards’s partner in Red Bank Ranch, near Ten Sleep. As state senator years later he would sponsor the successful bill creating Washakie County. Coleman had come to the Bighorn Basin with Richards in 1885 and lived near him. Coleman became the new county’s first state senator after a bitter contest over the electoral victory of Col. William D. Pickett, the “Father of Big Horn County.”

Thomas, of Meeteetse, was Big Horn County’s first representative in the state legislature.

Photo from Frison collection, Wyoming State Archives²

Note: “Bighorn” is employed in these pages per current usage for the basin, river, and mountains. “Big Horn” has not been changed in contemporary accounts. The county’s name is still Big Horn County.

IF YOU HAD LIVED in the Bighorn Basin before 1897, your county seat would have been over the mountains. You could not have gone there without a long, arduous trip by horseback, wagon, or on foot over rough “roads” or Indian trails. Inconvenient at any time, your journey might have been perilous or impossible in winter.

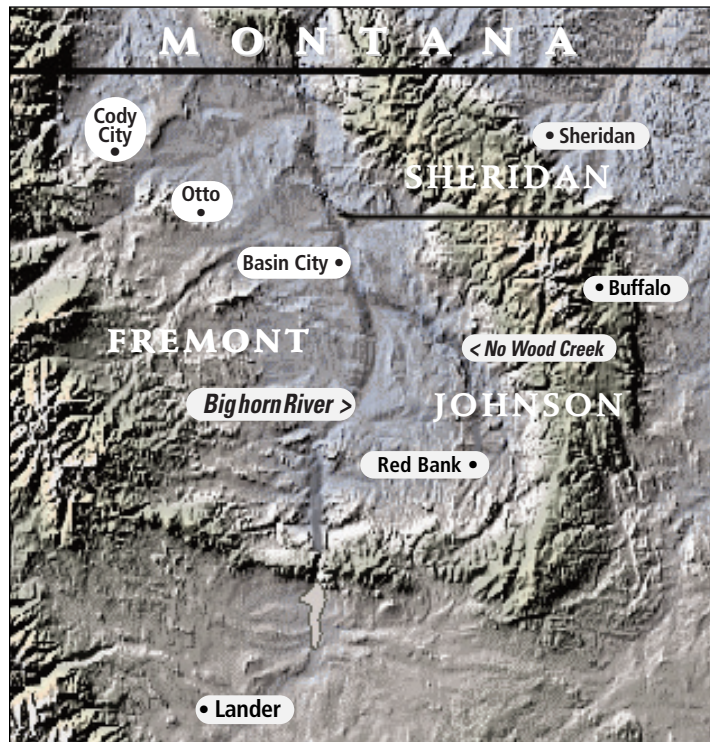
As the first Johnson County commissioner from the basin, William A. Richards sometimes could not get to meetings, though difficult travel had not deterred him from claiming a homestead in the Johnson County of 1885. The trip from his Red Bank Ranch to the county seat at Buffalo was about 100 miles no matter which route he took over the rugged Bighorn Mountains.

In April 1888 deep snow forced him to send his companion and pack horse back to his ranch and continue alone on snowshoes, spending the night huddled by a campfire with only half a loaf of bread as provisions. (Story is on the next page.) Even after this ordeal, another year passed before he began agitating for the basin to have a county of its own.

A surveyor who had come to Wyoming in search of a better living for his family, Richards was appointed U. S. Surveyor General for Wyoming in 1889. He helped establish the boundaries when the bill creating Big Horn County was drafted and then pushed through the final territorial assembly by Colonel William D. Pickett.

For Big Horn County to actually be organized, however, its citizens would have to wait until the basin gained enough population and tax valuation to support a county while leaving its parent counties with enough of their own. That finally happened when Richards was governor, 1895–99. (He was Wyoming’s first full-term, elected governor.) Then came the strife over the choice of a county seat and the challenge to Pickett’s election as the county’s first state senator. The story that follows has new information gleaned from Richards’s papers in the Wyoming State Archives, searches in wyomingnewspapers.org, and secondary sources used with caution.

Also see the PDF file “W. A. Richards and the Pioneer Newsmen of the Bighorn Basin,” available on WilliamARichards.com.



Before Big Horn County was created, Fremont, Johnson, and Sheridan counties had one boundary on the Bighorn River instead of along the mountains surrounding the Bighorn Basin. Settlers in the Nowood country of Johnson County had to trek over the mountains to Buffalo, residents of Otto and elsewhere in Fremont County faced a 150-mile trip to Lander, and folks in the small chunk of Sheridan County that reached into the basin also had mountains standing between them and their county seat.

The “sanguinary” battle for the Big Horn County seat was waged in large part by the newspapers. Otto, an established town, had two papers trumpeting its virtues. Challenging it were two upstarts: Cody City, which had no paper yet, and Basin City. Basin City consisted only of a newspaper office, but its talented staff helped it take the prize.

Image © Ray Sterner, Johns Hopkins University Applied Physics Laboratory
Place names have been added.

Big Horn Sentinel, Buffalo, April 7, 1888

TRAVELING UNDER DIFFICULTIES.

The Pleasure of Being a County Official in Some Parts of Wyoming.

To one who thinks there is pleasure in making the trip across the Big Horn mountains at this season of the year from the No Wood country, an experience such as that gone through by County Commissioner Richards a few days ago would certainly convince him to the contrary. Mr. Richards resides on the Big Horn river with his family, where he is engaged in ranching and stock growing. [He actually lived in the Nowood country.]

The inconvenience of reaching the [Johnson] county seat in the winter season, Mr. Richards was fully aware of, but thinking his presence might be required on matters pertaining to the interest of the county he left his home on horseback last Tuesday morning, booked for Buffalo, accompanied by one of his men with a pack-horse loaded with the necessary provisions and bedding for camping out, if necessary. The party rapidly covered the distance to the mountains by the morning's ride, but about noon they encountered snow of a considerable depth, and the nearer they approached the top of the "divide" the more apparent did it become that the abandonment of the trip on horseback, at least, was necessary.

This being done, Mr. Richards sent his companion back to the ranch with the horses, after arming himself with a pair of snowshoes and a scanty supply of provisions (which consisted of a part of a loaf of bread), and made tracks Buffaloward. His progress on the trip was not as rapid as he anticipated, for no sooner had he lost sight of his companion than he found that he was to encounter a "chinook," and with the wind blowing at a terrific speed and the snow thawing traveling was almost impossible.

Night finally overtook the traveler before he had quite reached the top of the divide. Mr. Richards concluded to make the best of the situation, and finding the most suitable spot, he drove his stakes for the night at the side of a big pine stump, where he built a fire and rested his weary limbs on top of several feet of snow. The wind kept up at a furious rate all night and with his scant supply of food and a pipe and tobacco the traveler sat up all night, first warming on side and then the other, and reflecting over the bad deeds committed in his past life.

Day dawned and the Johnson county commissioner resumed his onward march, first over precipices and then down ravines and picturesque canyons. All day long he tramped faithfully, not knowing where night would again overtake him. About six o'clock in the evening a broad valley opened out before him and in looking over the country he discovered that he was on one of the tributaries of Powder river and within a few miles of the Frontier Cattle company's home ranch.

Reaching the ranch Mr. Richards received a kindly welcome, and here he remained two days to rest up from a tiresome and what may be termed a very difficult journey. Being supplied with a saddle horse from the ranch Mr. Richards...resumed his journey, arriving in Buffalo Sunday without experiencing any further trouble.



Taking a horse-drawn wagon to Buffalo for supplies was tricky even when there was no snow. Richards's daughter Alice recalled years later¹ that when she was about 11 years old,

We went over the mountains on the Crazy Woman road, which had a very steep grade on the Buffalo side (travellers now go through the beautiful Ten Sleep Pass). When we came to the ride down the mountain with its very steep grade, my father cut a small pine tree and fastened it on behind the carriage as an extra brake—a common custom. ...I "rode" the tree down. It was scary but fun.

SETTLERS of the Bighorn Basin finally got a county of their own when W. A. Richards was governor, but it got off to a rough start because of political strife. First Richards was criticized for delaying the appointment of the temporary board of county commissioners, who would take charge of the election of officers and representatives. Then he was criticized for appointing only Republicans. That led to more recrimination during the bitter dispute over the vote for the county's first state senator. The initial returns favored a Democrat, Colonel William D. Pickett, dubbed the "Father of Big Horn County" for having pushed through the county's enabling legislation in March 1890 during the final Territorial Assembly. But the margin of victory over his Republican opponent, Augustus L. Coleman, was slim. Coleman may have been urged to mount a contest by party leaders: whoever held that seat would vote for Wyoming's next United States Senator. And when it came to the campaign to choose a county seat, the battle waged in the newspapers is legendary for its ferocity.

Such discord was unimaginable in the afterglow of the county's "creation" by Pickett's legislation, a bill drawn up by a constitutional lawyer, W. W. Corlett.¹ The colonel was spurred by the impending statehood of Wyoming: Its Constitution would require new counties to meet stringent population and tax-base requirements that the basin would not be able to muster for years. Pickett also had to finesse opposition from his own county (Fremont) and from Johnson County, both of which needed every taxpayer.

Richards began pushing for county division a few years after establishing his homestead. He wrote Joseph M. Carey, the Territory's delegate to Congress, on March 5, 1889,²

The question of organizing a new county to comprise the Big Horn Basin is being quite generally discussed by the residents of the Basin and we would like to have your views upon the subject. What is known as the Big Horn Basin is the land lying upon the Bighorn River, between the Big Horn Mountains upon the East and the Continental Divide upon the West, extending from the Shoshone Reservation and the South line of Johnson County on the South to the Montana line on the North. The new County would take in the Western part of Johnson County and the Northeastern part of Fremont County. Topographically considered this section should constitute a separate County, as there is no way out of the Basin except over a range of mountains, difficult to cross especially in Winter, while travel within the Basin is never seriously impeded by snow. Financially the new county would start off as well as any of the counties have started, and I am satisfied would be self supporting from the first, with no heavier taxes than are now paid. A large majority of the people here favor the formation of a new county.



Wyoming
State Archives

Colonel William Douglas Pickett

W. D. Pickett's campaign for Big Horn County was a success—unlike the disastrous charge led by a relative at Gettysburg on orders of General Robert E. Lee. Before settling in Wyoming, Pickett worked as a surveyor for railroad construction and served with the Texas Rangers in the Mexican War. He fought for the Confederacy in the Civil War, rising to the rank of lieutenant colonel. After the war he returned to railroad construction as a civil engineer and then traveled and hunted in the west, becoming a noted bear hunter. Pickett came to Wyoming in 1879, and in 1883, at age 56, he settled in the Bighorn Basin. On his ranch on a tributary of the Greybull River, he began raising high-grade cattle under the ram's head brand. For details of Pickett's history and Civil War service, see Lawrence M. Woods's *Wyoming's Big Horn Basin to 1901: A Late Frontier*,³ and Pickett's article in *Progressive Men of Wyoming* (available online), written in High Victorian style.



Red Bank house (left), tent, and bunkhouse, probably in 1890s

Photo courtesy of the George B. McClellan family

The move might prove useful to the Republican party, he pointed out:

There is a political aspect to the question that I wish to bring to your notice. Johnson County is hopelessly Democratic. Some of its officers may be Republican, but you will observe that its members of the Legislature are Democrats and when Wyoming becomes a State with U.S. Senators to elect, upon which outside influence would be brought to bear, Johnson County will always be Democratic, as to the Legislature. With a new county formed with the boundaries above described, I am certain that its member of the Legislature would be Republican. I can speak from positive knowledge upon this point. I have been one of the Commissioners of Johnson County for the last two years. I was chairman of the committee on Resolutions in the last Republican County Convention, and wrote the resolution, which was adopted, endorsing your course in Congress and am now a member of the Republican County Central Committee for Johnson County. I have been a Republican all my life (and am 40 years old), and for twenty years have taken an active, though humble part in politics, and I know this community.

The returns of the last election would indicate that the Basin was Democratic, but this comes from the fact that the only candidate upon either ticket from the Basin was one Democrat for County Commissioner, and although I did all I could for you and the ticket generally this one Democrat who is person-[ally] popular carried many Republican votes* and although we can poll one third of the vote, and will this year pay one third of the taxes of the county[,] we have no representation at the County seat.

Richards was appointed surveyor general for Wyoming a few months later, and he used the office's maps to help draw the boundaries of the new county.** In May 1890 he went to a fair amount of trouble to attend a public reception at Bonanza in Pickett's honor, though he may have made the long trip north from Cheyenne partly to visit his Red Bank ranch, or for other reasons. Bonanza was an oil boom town near Hyattville, and the reception was hosted

*In Johnson County, Carey lost to Perry Organ, 362-554. Richards may have meant Robert F. Waln of Spring Creek, the only candidate for road commissioner in his district. The three candidates for county commissioner were from the Buffalo side of the mountains.¹

**The boundaries contained nearly all of the Bighorn Basin. Included were the northern part of Fremont county as far south as the Wind River Indian reservation, and the eastern boundary approximately followed the crest of the Big Horn Mountains to the Montana line. Only the new town of Thermopolis and that portion of the Bighorn River drainage included in the Wind River Indian reservation was outside the new county; this area would be picked up by Hot Springs County when it was created in 1911.²

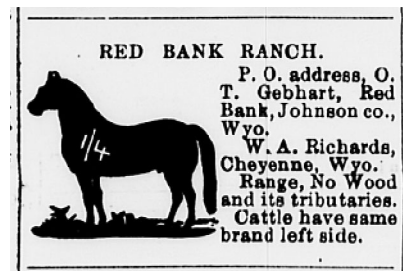
The original Big Horn County covered approximately 8,000,000 acres in the Bighorn Basin—roughly 12,500 square miles, or about an eighth of the entire state.³

by Joseph De Barthe, editor/publisher of *The Rustler*,* the first newspaper in the Bighorn Basin.

Richards told his wife, Harriet, about the journey and gathering in a letter from his ranch dated May 17.¹

My Darling Wife,

On Monday I left Lost Cabin at 2 P.M. The road was muddy and slippery and by 4 P.M. it was snowing. At 5 P.M. I came to Tom Hoskins camp on the Cottonwood. Ate supper with him and drove on. A mile further I came to the Shield** camp with Byron as cook. As he had a different bill of fare I ate again a two course dinner a mile apart. As it was storming so hard I stayed there all night. Reached the Shield at 11 next day and took lunch with Cornell [foreman Enoch Cornell]. ...Reached the [Red Bank] Rancho at 6 P.M. Everything looks natural except the dirt which is everywhere. Frank Warner was here and he and Tom [Gebhart] played in the evening violin and piano and did very well.*** Wednesday we three started for Bonanza with the buckboard and one saddle horse. Took dinner at the Bay State Rancho (Old W. P.) and I got a fresh team there. Rained all the way to Hyatt's where we stayed all night. Thursday the 15th we reached Bonanza at 10 A.M. Found Col. Pickett there and a good many people. Had a picnic dinner at 1 P.M. in a grove. At 2 P.M. De Barthe introduced Col. Pickett and presented him a gold headed cane. The Col. made a short speech and called on me. As the others couldn't make a speech I had to do so, and all seemed pleased. A pavilion had been built and dancing followed the speaking. I did not dance. Took supper at De Barthe's and the Col. and I slept there. A ring was awarded to Hattie Allen as the best waltzer. Mrs. Burke has a girl baby and Mrs. Coleman is with her. All doing well. Of course I will see neither. Yesterday came from Bonanza home. ...I went fishing this forenoon and caught eleven nice ones. Shall go to Otter creek tomorrow to see the horses and stay all night with Clarence. The weather is lovely now and the place looks well. Got your letter last night. Hope [daughter] Ruth won't be sick, and that all of you will get along nicely. I will start for Rawlins next Tuesday and expect to be home Sunday the 25th. Love to all of you & lots of kisses. As ever, Will



On the way back to Red Bank, Richards stopped at Otter Creek to look over a herd of horses that he and Tom Gebhart ranged there. Owen Thomas "Tom" Gebhart had come to the basin with Richards and Coleman in 1885 to work on the irrigation ditch that would enable a company of Colorado investors to claim a large tract of land. (See "To Wyoming for Good.pdf") Richards had acquired the horses by trading cattle for them when he was appointed surveyor general the year before: horses required less care and expense to manage.³ Gebhart may have owned some of the herd too, but he left the business after the national financial panic of 1893 reduced their value to the point that they were not worth shipping to market.⁴

Brand ad from 1890 and 1892 papers²

Those celebrating Pickett's victory were aware that their county could not be organized until it had a population of 1,500, an assessed valuation of \$1.5 million, and a petition from 300 "electors" (eligible voters) who were also taxpayers.⁵ Two of its three parent counties, Fremont and Johnson, would have to be left with \$1.6 million each in assessed valuation. In order

*At that time rustler meant go-getter more than stock thief.

**Shield was the brand of Beckwith, Quinn & Co.

***Richards probably means he found Tom Gebhart surveying an irrigation ditch at Charles Wells's. The dirt may refer to a ditch project. Gebhart played stringed instruments,⁶ so he must have been the violinist. More about Gebhart, a longtime Bighorn Basin newspaperman, is in the pioneer newsmen PDF.

to get his bill passed, Pickett compromised with Fremont county leaders over the terms of organization, which included waiting until after February 1892. Sheridan County, however, would lose little in assessed valuation, and it would be rid of territory that was difficult to access and expensive to service.¹

De Barthe told his readers that a “large concourse” of people gathered to celebrate the creation of the county and give “public expression to the gratitude they felt toward Col. W. D. Pickett for the manly fight” he had made for his bill.² Soon afterward the paper was renamed *The Big Horn County Rustler*.

Pickett was a Democrat, and De Barthe had switched his allegiance to the Republicans a month earlier, but the celebration was non-partisan. It’s likely Gus Coleman was there. De Barthe described Pickett’s cane as “beautiful ebony...gold-headed and engraved in the highest and richest style of art.” Its inscription read, “Presented to Honorable W. D. Pickett, the Father of Big Horn County, by the people of the basin, May 15, 1890.”³

Johnson County was opposed to division because it had heavy financial obligations along with debts from the new courthouse. The chairman of the board of county commissioners, H. R. Mann, sent the county’s representative, Charles H. Burritt, a list of their financial needs. Mann said the division would pauperize the county, and he wanted the bill amended to require that it be left with \$2.5 million. In order to satisfy the objections to the bill from Johnson and Pickett’s own county, Fremont, the bill was amended with the help Sheridan county representative George T. Beck to put off organization until after February 1892.⁴

February 1892 came and went, but Fremont and Johnson still did not have the tax base they would need in order to function without their Big Horn County territory and taxpayers. By September 1893, the new editor of the *Rustler*, Thomas F. Daggett, was reported by one paper to be “calling loudly for the organization of Big Horn county.”⁵ The new owner of the *Rustler*, W. A. Richards, wanted organization as well, but he was surely aware that the constitutional requirements had to be met. (See the Richards and the pioneer newsmen PDF.) In February 1894, a meeting was held at Hyattville, which was near Bonanza in Johnson County, to take steps toward organization. Resolutions were adopted and committees formed.⁶

The constitutional question loomed large at a Big Horn County convention held on June 14 at Alamo, a fledgling town on the Fremont County side of the Bighorn River opposite the mouth of No Wood creek (which was, of course, in Johnson County). A statement by William L. Simpson, the prosecuting attorney for Fremont County, was read that reminded anxious basinites that the laws concerning county division might be changed. Sorry, too iffy. The convention passed unanimous resolutions to petition Governor John E. Osborne for immediate county division and for the appointment of Pickett, H. L. Perkins of Otto, and Winfield S. Collins of Bonanza as commissioners to organize the county. A committee would be appointed to defend the petitioners in case they were sued. “[W]hile disclaiming any desire to take part in the controversy,” Jay L. Torrey, an attorney whose Embar ranch was in the Fremont County side of the basin, “gave some good advice and subscribed \$50 to bring the matter before the supreme court,” reported the *Paint Rock Record*, published by Gebhart at Hyattville.⁷ A board was formed to work toward increasing the population and tax base: the county needed more settlers and the capital necessary for the development of the basin’s resources. Its officers were Daggett, president; Lou Blakesley, editor of the *Otto Courier*, secretary; and Gebhart, treasurer. “The meeting as a whole was a very enjoyable affair and the best of feeling prevailed throughout,” the *Record* concluded. The *Rustler* also deemed it a success.

The next month Fremont County filed its expected injunction suit.⁸ The case was settled by the Wyoming Supreme Court on January 5, 1895,⁹ two days before Richards’s inauguration as governor. The court ruled unanimously that the county had been duly and legally created

under the territorial laws, but the constitutional provision requiring a population of 1,500 or more did apply.

Word reached the basin that same day. Whoever wrote the story for *The Otto Courier*, presumably Blakesley, was beside himself with joy. A month after the court's decision, *The Cheyenne Daily Sun*¹ placed the item prominently, at the top of page 3, albeit with a small headline. With the legislature in session and the county organization an issue, it was still news.

For a moment it took the breath away from even the most sanguine. You could see little knots of men gathered on the corners talking it over in joyful and excited tones. The news spread like wind [*sic*] fire and everybody wore a look of expected good fortune. The news seemed too good to be true. A meeting of the Big Horn County Association was called for Monday night in the school house by President Collins, to take steps leading to the immediate organization of the county. The question whether it would be best to organize now or wait one year or more was discussed, and it was the unanimous decision to organize as soon as the legislature provided for carrying it into effect. A committee on resolutions composed of Dr. R. W. Hale, Lou Blakesley, J. R. McKinnie, F. S. Wood and H. D. Perkins was appointed and adopted the following. [all names *sic*]...we request our representatives in the state legislature at Cheyenne to take such steps as are necessary for the immediate organization of Big Horn county.

Copies were sent to house members who lived in the basin: Torrey of Fremont County and Joseph Henry, the Johnson County Democrat/Populist whose post office address was Red Bank. No member of the state senate lived in the basin.

Blakesley's comments above were only a warmup:

We can now only await the action of the legislature, which must provide means for effecting the organization of new counties. It is now a certainty that Big Horn county will be a county in fact, in the early spring. The only requirement is that we have a population of 1,500, and as we had over 1,200 votes at the last election it will be seen at a glance that we have more than the required number.

To people who have not been in a position such as the people of the basin have been for a number of years, it is hard and almost impossible for them to realize what this decision means to the people who live here, people who agitated this question so much last winter, people who were laughed at and called county division cranks and office seekers, to these people it means more than words can express.

From now on Big Horn county will develop very fast, and every movement will be forward and none backward.

The people who have come here and made this their home, who know the inconvenience of a county seat being placed 150 miles away and across a range of mountains, who have to go that far for their provisions, who have had to live without the luxuries and a great many of the comforts of life, the people who have tried to make a desert blossom, these people are soon to realize their dream, and they will know that through their efforts and struggles, it was made possible to have the new county. All hail to Big Horn county.

Who's Who

Fremont County

Lou Blakesley, Otto
H. L. Perkins, Otto²
Wm. D. Pickett, Meeteetse
Jay L. Torrey, Embar
Ranch, Owl Creek
James R. McKinnie, Otto
Frank S. Wood, Otto
L. H. Mason, Otto

Johnson County

Governor W. A. Richards
O. T. "Tom" Gebhart,
Hyattville
Thomas F. Daggett,
Bonanza
W. S. (Winfield Scott)
Collins, Bonanza

Sheridan County

S. A. Lampman, Shell

County unknown

H. A. Dunshee

Governor Richards must have read that article, but would have needed no prodding from the Association to urge action from the legislature. In his first message to the combined houses, delivered on January 8,¹ he said:

The last Territorial Legislature passed an act creating the county of Big Horn, defining its boundaries and prescribing the conditions under which it could be organized. This county comprises what is known as the Big Horn Basin. All the waters of the Big Horn river and its tributaries lie within this county and it also contains the largest area of irrigable land of any county of the State. The greatest irrigation and agricultural development of the State will necessarily be made in this county. During the winter season the county seat of either of the three counties to which this basin is tributary, can only be reached with great difficulty and danger, owing to the intervening mountain ranges with which it is surrounded. There are many settlers living 150 miles from their county seat. The settlement and reclamation of the lands lying within this Basin would be greatly facilitated by the organization of Big Horn county. Believing that the development of the vast resources of this part of Wyoming is of great importance to the State at large, I respectfully recommend that the Legislature take whatever action is permissible under the Constitution looking to the complete organization of Big Horn county at the earliest possible date, consistent with a due regard for the welfare of the older counties from which the territory is taken.

Daggett, however, had begun to question the wisdom of county organization. He told Richards in a letter from New York City in February 1895,^{*2}

I have received several letters from the basin, and the people there, I judge, are getting slightly “off their base” on the subject of county division. No one desires the organization of Big Horn County more than I do in my humble way, but I have long thought, entre nous, that the people now living within its proposed limits lack many of the qualifications necessary to successful self-government. Perhaps I’m wrong in underrating them but I can’t overrule the connections which six years of residence and observation in the basin have enforced upon me. There is no section west of the Missouri so rich in promise as Big Horn County to be [sic], and it seems to me that it would be suicidal to sacrifice it to a passing sentiment. [Underscores are usually the writer’s.]

Finally, the basin got its wish, but only after a twisted trail to the passage of their bill. As *The Cheyenne Daily Leader* described it,³

Up to Monday, February 11, nothing had been done by the legislature.... Torrey and [Edward L.] Ranney of Fremont county had introduced a bill for a constitutional amendment, which if it had passed and been approved by the people at the election in 1896, would have permitted the next legislature to have provided for the organization of the county without regard to article 12 of the constitution. This article prescribes the manner in which counties shall be formed and organized, one of the conditions being that “the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties” from which it is taken. To have allowed the county to organize without assuming any part of the debt of the old counties would have been so manifestly unfair and dishonest that the fact that this constitutional amendment would have permitted such a thing would have insured its overwhelming

*A month after Richards’s election Daggett went east, to start a western news bureau. It didn’t work out, and he returned to resume work at the *Rustler*. More of the story is in the pioneer newsmen PDF.

defeat. This amendment was defeated in the house, but a motion to reconsider the vote was pending when the Big Horn county bill came over from the senate.

Introduced by Sheridan County's Senator A. M. Appelget, the measure passed the senate without opposition after some minor amendments proposed by its friends. In the house, however, it was opposed by five out of the six representatives from Fremont, Sheridan, and Johnson counties. (The sixth was from Fremont.) The Johnson County representative from Richards's home turf on the basin side of Johnson County, Joseph Henry, voted against the bill.* The *Leader* said, "It is easy to account for the opposition of all of those members except Henry." Furthermore, continued the *Leader*,¹

In opposing the bill the representatives voted very inconsistently as they had recently made a great fight on the census bill for greater representation for the northern counties but now fought this bill which would give two additional members in the legislature. [The opposition was based on fears considered groundless by the house.**]

No bill of equal importance made as rapid progress through the legislature as this one....It was introduced on Monday night, and finally passed on Friday afternoon of the same week. The celerity with which it was acted upon is due to the good management of Senator Appelget, and the fact that Gov. Richards took a great personal interest in it.

In his message to the legislature at the opening of the session, he had recommended action looking to the early organization of Big Horn county. After waiting until thirty-five days of the forty day session had passed without anything having been proposed, except a bill to prove the population, and a constitutional amendment, which had it been passed by the legislature and had received a majority vote at the polls, would have left the whole case to the next legislature; he took up the matter himself. After the bill was introduced in the senate, he sent in a special message calling the attention of the legislature to the great need of the organization of this county, and advising early and careful consideration of the bill.

Richards's letter of February 12 was published in full in the *Leader* the next day:

To the Honorable Members of the Senate and House of Representatives:

In the message which I had the honor to deliver to the Legislature, at the beginning of the present session, mention was made of Big Horn County; and it was recommended that some action be taken by your honorable body looking to its complete organization at an early day.

A recent decision of the Supreme Court defines the status of Big Horn County as being that of a created but unorganized county. In this decision it is also stated that the

*Possibly Henry voted against the bill for the following reason: A latter-day account claimed that Johnson county continued to resist because it was still saddled with debts accrued during the invasion.² Wouldn't Johnson lose some of that debt by having it assumed by the new county?

**From the article: The opposition to the bill was stated to be based upon the fear that as it repealed two sections of the act creating Big Horn county, which sections prescribed the amount of taxable property that the new county must have, and with which the old counties should be left, and the manner of organization, the new bill might jeopardize the rights and privileges conferred by that act. The house considered this fear groundless. If the new bill repealed those two sections then the county could be organized under its provisions, the supreme court having already decided that the former act created Big Horn county, and that the constitution imposed no restrictions as to organization, which last was provided for in the bill. If by any possibility the new bill should be declared unconstitutional the former act could not be affected by it. In spite of the fact of a caucus of the members of the three old counties, and the impassioned appeal made against the bill, the rules were suspended and it was passed....

only constitutional requirement to be met in order to allow this county to become fully organized is the one which states that no new county shall be organized until the same shall contain one thousand five hundred bona fide inhabitants.

A bill has recently been introduced in the Senate, entitled, "an act providing for the organization of unorganized counties," the object and intent of which is to allow Big Horn County to become fully organized on the first Monday of January 1897. It is within the power of the Legislature to prescribe the manner in which this county shall be organized. I have carefully examined into the provisions of the bill, and am satisfied that nothing contained therein conflicts in any manner with the constitution.

Big Horn County is composed of a territory taken from the counties of Fremont, Johnson, and Sheridan. After its organization this territory that now supports three county governments will have to support four. The property contained in Big Horn County is now held, and will continue to be held[,] for its proportion of the existing debt of the other three counties; and it will be no greater when its proportion is segregated and assumed separately. The rate of taxation is now as high as the law allows, and consequently cannot be made any higher, so that its organization will not increase the taxes upon the property of either one of the four counties interested.

The administration of county government by the counties of Johnson, Fremont, and Sheridan over that portion of their territory embraced within Big Horn County is very expensive, and at the same time ineffective. Separated as this region is from the major part of the parent counties by extensive mountain ranges, it necessarily follows that the maintenance of county government therein by the parent counties is attended with so many obstacles and so much delay, that it is reasonable to believe that the maintenance of four counties over the territory now embraced within the three original counties will be less expensive and more efficient than under existing conditions.

The organization of the new county of Big Horn will result in a great saving to its residents, as they are now called upon to expend in visiting the county-seats of the respective counties, to which this territory now pays tribute, a large sum of money, sufficient in the aggregate to pay the salaries of its county officers when organized.

Big Horn County is surrounded by a range of mountains that can only be crossed with the greatest difficulty and danger to life during the winter months. Its isolated position, the absence of facilities for transportation, and the fact that no courts are held within its territory, has retarded its development very materially. No one will question the advisability of its early organization who is at all familiar with the hardships which the people of this county have undergone for more than ten years on account of their disadvantageous situation.

If organized under the bill in question the new county and each of the old counties from which the territory is taken would have greater taxable wealth than some of the smaller organized counties. The certainty of organization at an early fixed date would stimulate the people of Big Horn County to renewed efforts; it would attract capital and immigration, and be of material benefit to the entire State.

I have no desire to unduly influence legislation, but the short space of time remaining of this session, the merit of this bill, and my very intimate and personal knowledge of the great hardships imposed upon the people of Big Horn County by reason of their unorganized condition, have impelled me to communicate to you my views upon the question with the recommendation that you give it early and careful consideration.

Once the bill was passed, the *Leader* made Richards sound like a bear defending her cubs:¹

The governor is very much pleased with the courteous treatment which the bill received, and is entirely satisfied with it. He says he has no fear of any constitutional objection to it; that he helped to prepare the bill which created Big Horn county, and labored hard for its passage, and has defended its constitutionality for five years; that this bill was most carefully drawn by the best attorneys in the state and that he is prepared and will promise to defend it against any legal attack upon it at his own expense.

No new county can be formed at any time without the old counties making a fight against it, but this one was short, sharp and decisive. Big Horn is the coming county and is destined to be one of the very best in the state.

A Big Horn County Association had been formed, with Collins as its president, but the dearth of surviving basin newspapers makes it hard to learn of its activities. In April² Collins had turned down as premature a petition to suggest names of possible interim commissioners to Governor Richards.

Daggett had come to favor the bill. He'd returned from the east sometime in March and revived the *Rustler* with the backing of Richards, who owned the paper. Prospects were bright for the *Rustler* and for the new county, he wrote Richards on May 27, 1895:³

The revival has been a lucky stroke, for the people in the basin seem to take to "The Rustler" like to the proverbial hot cakes. I have been much pleased with the cordial reception given to it in all parts of the basin, and I feel a great pleasure in my work. I find that a good deal of ignorance exists with regard to the Big Horn County bill, but few having had a chance to read it carefully and give it the consideration it deserves. It has therefore occurred to me that it would be a good journalistic stroke to publish the bill in "The Rustler," and I write you to enlist your kindly effort in securing me a copy of it. What I really want is a copy of the last session laws. May I presume on your kindness to have a copy sent me. Any expense incurred I will assume cheerfully. A large immigration is coming into the basin every week, and it is, in the main, made up of a desirable class of people. The outlook for Big Horn county, it strikes me[,] is encouraging.

The *Wyoming Derrick* (Casper) had a different take on what the new county meant for the land over the mountains.⁴

The organization of Big Horn County has been accomplished and at the next election will elect a full set of county officers. It is hoped that the very best men will be chosen to fill the offices of this new county, and that the work begun by the Fremont, Johnson and Natrona County officers will be taken up and carried to a final extermination of the lawless element in that part of Wyoming. Thieves and rustlers must have no resting place in Wyoming.*

COUNTY OFFICERS would be chosen in the next regular election, on November 3, 1896. In the meantime, election districts would be laid out by three provisional county commissioners to be appointed by Governor Richards. The first anniversary of the passage of the Big Horn County bill came and went, however, with the commissioners still unnamed. Perkins wrote Richards from Otto on March 15 (his spelling retained),⁵

*Others agreed. "This country will come out all right in the end and when we get rid of some of the lawless characters now infesting it[, it] will be a very good place to live," wrote Tom Gebhart to Richards on August 14, 1895.⁶ Joe De Barthe's wife, Harriett, talks about the Hole in the Wall gang in the pioneer newsmen pdf.

It does not matter much to the people of Bighorn County who those men are or how they are selected [just] so they are good competent men and fully in the interest of Bighorn County. There are some who object to the Sheridan side having a commissioner as there is not to exceed 15 votes in that part of the county outside of Bald Mountain. The Johnson County side has about 500 while the Fremont County side can Poll at least 1100 votes but I think your suggestion was just right in regard to selecting one of those commissioners from each of the old Counties.

I have talked with several representative men in regard to the matter and they all agree that it does not matter how this is done so it is done right and started at once. Every one that I have talked with in regard to the matter are very anxious that you should dictate how this thing should be done and are willing to work under your instructions so don't be afraid to blaze away...

I am confident you can see and realize that I am strictly in it Body and Soul. I am confident it is to our interest to start this thing at once it will be a big advertisement for the outside world to know that we mean business. ...

More months passed without Richards naming the commissioners. In July, Daggett defended him in the *Rustler*:¹

A good deal of impatience for which there is no reasonable cause has been expressed over the seeming delay in the appointment by the governor of the commissioners, who are to act in the organization of Big Horn County. Governor W. A. Richards can be safely trusted to act wisely in all matters pertaining to the creation of the new county and its preliminary affairs should be left to his judgment and discretion without question. He can be depended upon to do the right thing at the right time.

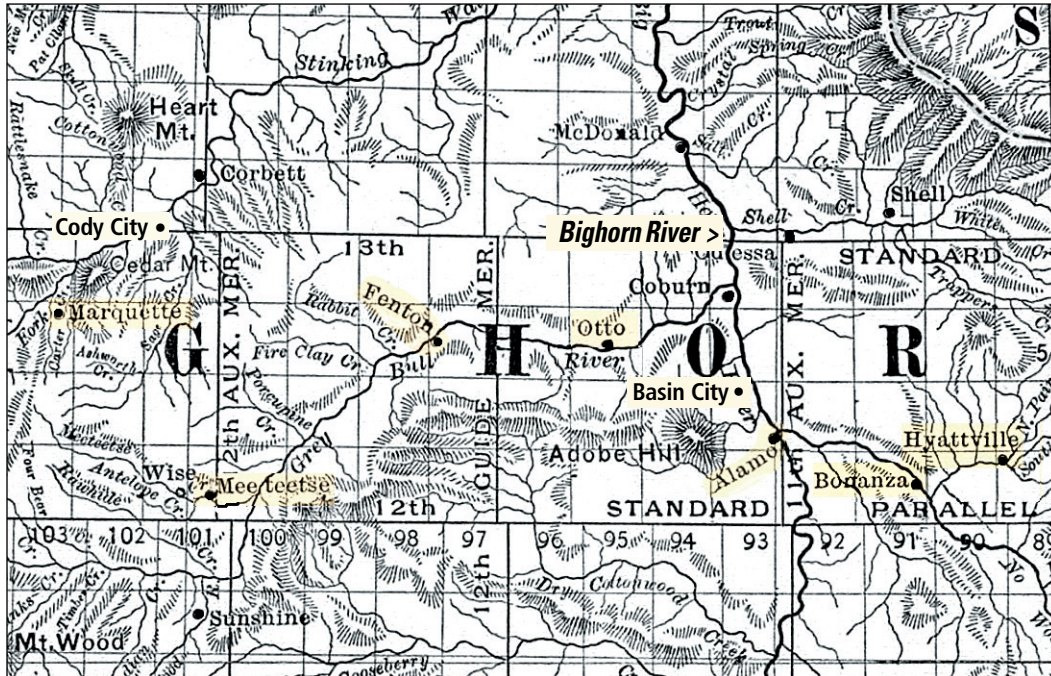
The "right time" was that very moment. Richards had just issued commissions to Blakesley, Coleman, and Stephen A. Lampman of Shell, in Sheridan County.² Lampman was serving as road commissioner for his district and Coleman was Richards's longtime associate who had represented Johnson County in the 1890 legislature. Republicans all. Since electors had to petition for county division, Richards sent petition blanks to Coleman for distribution around the county.³

The commissioners appointed registers of election in the four electoral districts that had been established, and chose William E. ("Ed") Taylor of Bonanza as their own clerk.⁴ He served without pay until the county officers were elected. Bonanza would be the temporary county seat.⁵

IN THE BATTLE for the Big Horn County seat, newspapers promoting their towns were far from "afraid to blaze away." As governor, Richards took little if any part in the campaign, but his longtime associates Daggett and Gebhart were in the thick of it.

The basin's larger settlements were Bonanza, Hyattville, Meeteetse, and Otto.⁶ These "towns" mostly comprised a few hopeful businesses huddled together. Otto, on the Greybull River near the center of the basin, seemed the logical choice for county seat. In November 1895, about nine months after the legislature passed the bill organizing Big Horn County, W. E. Coutant wrote,⁷

At Otto we found a pretty little village composed of a number of substantial business houses and private residences. The town is improving rapidly, there being several new buildings in course of construction, including a drug store, a mercantile establishment and a Methodist church. The Baptists propose to build a church edifice in the spring. The "Otto House" is the new hotel, a large and convenient structure,...



Big Horn County in 1891

Rand, McNally atlas map,¹ converted to grayscale with some “localities” highlighted in yellow and others added

Otto, as is pretty well known[,] has county seat aspirations and should be successful. The citizens of the new county will make no mistake as it is centrally located. Brother Blakesley, of the *Courier*, is working hard for his town and country and I am pleased to say meeting success.

Otto had been platted in 1888² and a school was founded that same year.³ By 1896 Otto had a store, a church, two saloons, a doctor, and a newspaper (*The Otto Courier*) founded in 1893, according to an article written forty years later.⁴ Its population is unknown but 105 voters cast ballots in the 1896 election).⁵

Another “locality,” Marquette, was a possibility, said Coutant, but “strange to say does not care to be made the county seat.” Marquette was “the center of great activity consequent on the building of the Shoshone Land & Irrigation Company’s canal,” a project of William F. (“Buffalo Bill”) Cody.

Coutant did not say what residences or businesses graced Marquette or another locality he visited, Alamo, on the Bighorn River opposite the mouth of the No Wood. Alamo eventually faded away and Marquette would disappear beneath the waters of the Buffalo Bill reservoir.

A second Republican organ relocated to Otto in 1896: *Daggett* and the *Rustler*, which had moved to Hyattville from Bonanza the previous August or September after acquiring the *Record* from Gebhart.⁶ The county conventions for both the Republicans and the Democrats were held at Otto.⁷

Otto was challenged by two upstarts, Cody City and Basin City. On new dots on maps of the Old West, “City” spoke more about aspirations than reality. The Shoshone ditch project in the northwest corner of the basin was just getting underway, so the “city” named after its founder consisted only of “a commissary store, four saloons and a blacksmith shop,” according to an article five years later in the *Cody Enterprise*.⁸ Basin City consisted of only a single log building—its newspaper plant—on the banks of the Bighorn River. Thus the contenders for

county seat of Big Horn County were Otto, an established town with two newspapers; Cody City, which could hardly be called a town and was still without a newspaper; and Basin City, which was a newspaper without a town when the campaign began.

Otto might have been a shoo-in if Frank S. Woods, who platted the town,¹ had not gored the wrong ox. There are two known versions (both from latter-day accounts) of what happened when W. S. Collins approached Woods. In the first, Woods wanted more money for real estate in Otto, the expected county seat, than Collins was willing to pay. In the second, Collins told Woods the county seat would be his for \$500. Woods declined, so Collins set out to establish his *own* town and make *it* the county seat.²

The credibility of the second version is worth pondering in light of Gebhart's statements against Collins, below. This version was related by an author who heard it from an Otto man who said he got it from Woods himself. There's no word about *when*, and it's hearsay. If the exchange happened soon after Collins's visit, it has more credibility than it would after Otto lost, when Woods might have concocted a story or exaggerated what happened in order to blacken Collins's name and make himself look better.

Whatever actually happened between Woods and Collins, the result was the same. Collins, who possessed the required skills, vision, and drive, hatched a scheme that succeeded brilliantly. He was an attorney, civil engineer, and surveyor who has been described as a "professional pioneer."³ Born in Champaign County, Ohio on March 30, 1848, he lived in Nebraska and then came to Wyoming's Fort Fetterman in 1885.⁴ After helping found the town of Douglas, Collins was drawn to the Bighorn Basin in 1887 by reports of the high-quality oil seeping out of the ground in enticing quantities. By the following year he had evidently moved with his wife and daughter to a site on the No Wood and surveyed it for a townsite called Bonanza.⁵ Collins was also appointed a U. S. commissioner to serve people wanting to acquire public land.⁶

Collins organized a company of Nebraska men to drill an oil well,⁷ but the expected vast pool of wealth remained out of reach. By spring 1890, Collins seems to have been in financial straits: At least two notices appeared in the May 31, 1890, *Rustler* offering for sale all his household goods, farm implements and ranch tools, at bargain prices.

Collins was also county court commissioner, and in 1895 Tom Gebhart was hoping to replace him. In a letter dated August 14, 1895,⁸ Tom told Richards that he had asked the judge of the U.S. circuit court district of Wyoming, John A. Riner, for the appointment

in consideration of the fact that so many offenses of great character, in connection with the office, are being charged against Collins, on good grounds, that it seems he cannot, with propriety, be allowed to retain his position much longer. As an instance: He is charged with having kept money paid to him for land filings and appropriated it to his personal use and neglecting, meanwhile, to send the money to the proper place of deposit, the Land Office at Buffalo, thus jeopardizing men in their land holdings and their homes. This is one of the many offenses of which he is charged and they all seem to be based upon fact.

Whether or not the charges were true, Collins kept his post, and in 1896 he was still at Bonanza, still hoping for the big strike. Frustrated at Otto, he was able to locate "the ideal spot" for a new county seat: his work as surveyor and land commissioner had made him familiar with "nearly every nook and cranny of the 12,500 square miles" of the county, wrote Tom Daggett later.⁹ It is possible Collins realized that a new town on the Bighorn River would prosper more than Otto would, partly because a railroad was bound to cross the county north to south eventually, and it would run along the river. The field was clear: other than Alamo,

which was not a strong candidate, the contenders for county seat were not on the banks of the Bighorn, and those banks abounded with public land just waiting for someone to claim and build on it.

Collins chose a bluff on the west side of the Bighorn just east of Otto. Though it was “well covered with sagebrush, ant hills, and prairie dog holes,”¹ he saw its potential: it was on the river well above the water line, and it was midway between the mouths of its central tributaries, the principal routes of travel. In addition, it was right across from a population nucleus of several families, one of which ran a ferry.²

First, Collins surveyed the tract in June 1896, apparently with the help of local people who must have favored the establishment of a town closer to them than Otto, and one that might become the county seat.³ In an announcement in the *Buffalo Bulletin* on July 2, Collins revealed a gift as a marketer:

W. S. Collins when in the city this week filed in the [Johnson County] clerk's office the plat of new town in the Basin, to be called Basin City. A beautiful site on the west bank of the Big Horn, centrally located as to the new Big Horn county, has been chosen, and title to the lots will be perfected under the government townsite law. It is the aim of the promoters to establish a town in which the people may all obtain an interest and which may by popular choice become the county seat.... It is thought that the advantageous location and the method of establishment will recommend the town to the citizens of the county and thus the strifes of rival towns which are being boomed for private gain will be avoided.

A “municipal christening” would be given on the “Glorious Fourth.” That was only two days away, but some readers may have received the paper in time to attend.⁴

A town ushered into existence to the music of fire crackers and the roaring of heavy guns, with patriotic orations and reading of the declaration of independence, ought to be the right sort. Long live Basin City, and may her people never forget what it is to be free!

Collins may have had a backer: Basin City was said to have had a “financial godfather” in John W. Chapman. Chapman was a Red Lodge, Montana, banker and businessman with a ranch near Cody.⁵ When he was visiting the Bighorn Basin in 1923, the *Cody Enterprise*⁶ related that

Mr. Chapman is of the idea that an investment he made more than twenty years ago was worth the money even though he had not collected the principal and interest....

In the conflict [for county seat] money counted. Perhaps it was Chapman's loan of \$2,500 to W. S. Collins which turned the tide for no one around Otto had near that amount. [After the election] no one was particularly interested in helping Mr. Collins raise the \$2,500 to return to the Red Lodge financier, and in the words of Mr. Chapman, “Collins would have paid it back if he had ever got the money, but he never got it.”

Since Collins took about half the town lots for himself, how could he have remained too poor to repay his benefactor? Chapman did not acquire town lots in Basin City, perhaps because he expected Cody City to win.

The financial-godfather story is one of those treasures unearthed from the invaluable wyomingnewspapers.org database. Here is another: Historians have written that Cody City entered the contest to split the vote.⁷ It may have been the other way around, according to a

contemporary view. A Lander doctor, Dr. J. A. Schuelke, who had property in the basin (probably at Otto, since he praised it as the logical choice) was “thoroughly convinced” that Basin City had “no show” and was merely “put into the field to defeat Otto and help to elect Cody City.”¹ If that was the reason for the Cody rancher’s loan, it backfired. Collins had the where-withal to found *The Basin City Herald** and pay two men to put it out. We need to keep in mind that at this time, newspapers were the only mass medium apart from word of mouth. Readers would have had little way of hearing the various viewpoints, and most would likely have favored the nearest town in any case (though many voters unaccountably did not).

Gebhart, experienced in putting out a paper by himself, could have handled the job alone. But Collins must have wanted a wordslinger who could compete with Tom Daggett at the *Otto Rustler*, according to historian Vera Saban, and that makes sense.² The entrepreneur may also have realized that he needed an ace promoter more than a traditional newsman. Whatever the reasons for hiring Joseph Magill, a gifted boomer, they worked. Though the masthead lists Gebhart and Magill jointly as editors and proprietors, Gebhart would handle production and management.

The Irishman could present his boss’s views in the most seductive blarney—and hide Collins’s connection with his creation, apart from surveying the town lots. In the first issue of the *Herald*, Magill wrote guilelessly:

I would just like to know the name of the man who selected the site of Basin City. On the first occasion when the muses were propitious I would certainly embalm his memory in sonorous verse.

And erect a Valhalla for the busts of the founding fathers, Magill went on. In the main article on page one, he was probably dressing up Collins’s views in declaring that Basin City owes its existence solely to the people themselves. ...No individual has appropriated the land and then attempted to derive profit and inflate values by a feverish, unhealthy boom. Basin City may be said to be in itself the crystallization of the popular will.

This is partly true. While it was Collins and not “the people” who chose the site, he did not seize the lion’s share of lots and try to sell them. With the election just a few months away, his town could rapidly gain support and votes for county seat if “the people” could acquire lots there by filing on public land instead of buying them from a promoter. Whether they filed on lots for their own use or for speculation, “the people” would then have a reason to boost—and vote for—Basin City as county seat.

Collins himself patented about half the town lots, along with ten lots north of the town that he had platted.³ Of the eighty prime lots around the Court House Square, Collins took eight that faced the west side of the square (on today’s North Sixth Street). Gebhart took two lots on that side as well, and Magill one. Onto one of those lots Collins moved from Bonanza the building that served as his home and office, and he published office hours during which “the people” could avail themselves of his services as a U.S. commissioner to buy lots. Collins had left plenty of prime lots for other people, which would have helped gain support for the new town as county seat.

The *Herald* guided interested parties to Collins subtly and indirectly. A huge ad for Basin City on the front page informs readers that the town is “Laid out on public land, lots can be acquired by filing and proving up in accordance with the law.” It does not mention Collins, but readers could find their way to him from a much smaller but prominent ad for U.S. Commis-

*As noted earlier, Gebhart’s *Paint Rock Record* had merged with the *Rustler*, but its printing plant may have found its way to Basin City along with Gebhart himself. More about this is in the pioneer newsmen PDF.

sioner Collins on page 3. His hours in Basin City are noted in a small news item at the bottom of page 2.

As for the upstart newspaper and the “city” it served, a thinly veiled dig was passed along by Dr. Schuelke, who claimed that George T. Beck, manager of the Cody ditch project, had said,¹

If the people of the Basin will vote for the center of population, which is Otto, they will select a central point. If they split their vote on every place in the sagebrush to which a printing press is carted they will be sorry for it.

IN MARCH 1896, Lander’s *Wind River Mountaineer* reported that nearly every town and hamlet in the basin were “prospective candidates” for county seat: “Otto, Bonanza, Alamo, Burlington, Hyattville, Meeteetse, Fenton, Cody City and three other places on the Grey Bull and Bighorn rivers and the Cody ditch not yet named....”² Basin City was not named because at that time it may have existed only in the Collins’s imagination: Surveying for the new town was not announced until June.³ Thermopolis was not in the running, probably because it was too small, too far from the center, and no one was promoting it. Burlington had been founded only a year earlier and still had no store.⁴ Fenton was west of it along the Grey Bull.

Gebhart and Magill devoted most of the maiden issue of the *Herald* (August 26, 1896) to boosting Basin City. (No other issues are known to survive.) Three of its four pages were filled with large ads and hype like the following (page four was blank).

BASIN CITY.

FOUNDED BY THE PEOPLE AND FOR THE PEOPLE.

GEM OF THE PLAINS!

Charming Location-Glorious Scenery-

Beautiful Surroundings

QUEEN CITY OF THE STATE.

Nearest the Center of Population--Easiest of Approach--

Accessible at All Times and Seasons--The Center of a

Rich Farming Section.

Unless all present indications are fallacious, the magic growth and development of Cripple Creek and other mining towns in the west will be paralleled in the case of Basin City.

That startling analogy is credited on another page to a local man who came down from the MacShane tie camp and said there “is as much talk there about Basin City as there was a year ago about Cripple Creek.”

More than one hundred lots had been taken, asserted the *Herald*, two of them by Col. Samuel Hyatt of Hyattville. That checks out: Elizabeth Hyatt’s name was on two 1898 patents for prime lots facing the courthouse square. Collins had taken at least 200,⁵ but details of who took what *when* are apparently lost to time.

Separating truth from fantasy in Magill’s reports is difficult, but his claim that “team after team is pulling in with material for new buildings” might be true: details about who brought in what to build what, along with the names of visitors and those who were planning to build, filled a couple of columns. There was a long article about enthusiastic basin residents coming for a meeting and dance from as far away as northwest Wyoming. Attending a meeting to support Basin City for county seat were 49 people, many of them named, and George Marquette was chosen president. He was among others from the west side of the county who attended,

though most of those drawn to the event were from points east of the Bighorn River, such as Hyattville, Bonanza, and Shell Creek. Perhaps they just wanted to go to a party, and then caught the Basin City bug. Chapman's loan may have paid for the platform built for dancing and for the food and beverages served. Magill went all out in describing the festivities and the enthusiasm for Basin City as county seat.

The Lander *Mountaineer* announced the impending move of the *Rustler* to Otto, which would give the town two newspapers. The paper predicted on May 27, 1896,

[The] marshaling of forces at Otto at this time is indicative of a sanguinary battle, and great victory for Otto the most central and best located of any of the contestants for countyseat honors.

The battle was indeed "sanguinary" in terms of newspaper invective, judging from the few surviving examples. Magill had promised no cowardly attacks, but after the election Daggett sounded off to Richards about the "villification" (*sic*) he had endured from that "filthy bird." The *Courier* (presumably Blakesley) famously called Magill the "biggest lying coward that ever breathed the breath of life" in a much more vituperative fulmination.¹ (Full quote is in the pioneer newsmen PDF).

Blakesley's charges are supported by Magill's wide-eyed pretense of not knowing who chose the site of Basin City, a whopper that Gebhart set in type and printed. However, the *Herald* seemed on solid ground in its reasons Basin City should be anointed, reasons why Collins must have considered it the "ideal spot":

It is only a question of a few years, and very few at that, when the land all along the Big Horn will be occupied. When that occurs the majority of the population will be in this part of the county. Furthermore, it will be but a short time before a railroad to the Hot Springs will be built through the basin. All indications point to the Burlington as that road, and it will undoubtedly adopt the survey which follows the course of the Big Horn. This will still further tend to the growth and development of the country along the river.

He also pointed out that all roads in the basin led to Basin City, because most settlements in the Bighorn Basin were on tributaries of the Bighorn River. "The ranchman on the Grey Bull, Nowood, Stinkingwater [soon renamed the Shoshone], and Shell creek will be able to follow the natural road down his creek, debouching on the main road along the river and jog easily to his destination." The Shoshone actually debouched at Lovell, 40 miles from Basin City, but never mind. Another advantage of Basin City was its location on a bluff, which the *Herald* claimed spared its inhabitants the diseases and gumbo-prone roads of towns nearer the water line. They would have been spared floods as well, but for some reason that advantage was not mentioned.

Any comparison with Otto is implied, not expressed. The *Herald* must have been more outspoken in later issues, judging from the comments of Daggett and Blakesley. Even Coutant came to support Alamo for county seat because he was "highly critical of Basin City editorializing against Otto," according to one historian.² But Alamo does not seem to have mounted a campaign and it was not on the ballot. (More on the battle is in the pioneer newsmen PDF.)

IN THE 1896 ELECTION, voters across the country had the choice of presidential electors for Republican William McKinley, Democrat William Jennings Bryan (who was also the Populist candidate), or the Prohibition Party's Joshua Levering. For voters in Big Horn County, however, the county seat was the big issue, as Tom Daggett saw it. In a story from the

Otto *Rustler* reprinted in the *Laramie Republican*,¹ he wrote first about the heavy snowstorms preceding the election, then continued:

Another fall of snow on the night of the 2d added to the prevailing hard conditions, and when the morning of the fatal day came with threatening skies it was evident that the 1,481 votes proudly claimed for Big Horn county would sum up in much smaller numbers when the polls were closed. And such proved to be the case, for when the meagre and scattering returns received up to the time of going to press but little over 1,000 votes were cast. Enough has been gathered from the returns to make it sure that, with a few minor exceptions, the republican county ticket was elected by a safe majority.

The one point around which the public interest was strongest all day, and for which the battle of the ballots were waged more earnestly than for all else, was the selection of the permanent county seat. The different champions of the four places on the ticket for that honor had been riding hither and thither over the country employing their strongest argument in behalf of their favorite place, and in every precinct there were enthusiastic workers for the town they believed should be selected.

The people had been worked up to a high pitch of enthusiasm over the county seat location, and every other consideration, "free coinage," "gold standard," Bryan and McKinley, etc., cut but a very small figure in the calculations of the day, and when it closed and the lamps were lighted in the polling rooms and the judges began the counting of the ballots, the all absorbing question was: "Which town has won the county seat?" And it has not been answered yet. The returns from the precincts heard from indicate one fact beyond a doubt—that Cody never had the slightest chance to become our seat of government, and that it was only entered as a candidate for the place to serve some ulterior purpose of its projectors at the expense of the welfare of the county. Jordan also came short a few hundred votes of its ambitious expectations. As we go to press the disputed location of the county seat rests between Otto and Basin City. The vote between both places is very close, and it will probably require the official count, which the commissioners will make on the 18th inst. [of this month], to decide which town is the winner of the coveted honor.

The "coveted honor" was won by Basin City.* It received votes that might have gone to Otto or Cody: five from Otto, three from Meeteetse, and four from Fenton (just west of Burlington). (Fenton and Meeteetse were closer to Otto and were served by the same river route as Basin City). The 33 votes cast at Basin City, all of them for itself, show that there were a fair number of people in the area already, though Cody had more: At Cody itself, one vote was cast for Basin City, four for Otto, and 47 for Cody City.

Or was unfair electioneering to blame? A Cody pioneer and booster, Frank I. Rue, thought so.² (Rue took lots in Basin too.)

Cody came very near securing the prize, only being defeated through the non arrival of a wagon train of wet goods, which some of her ambitious but unscrupulous rivals, so Mr. Rue says, had ditched over in the Sand Coulee, and its absence caused a rebellion among the voters, and Cody was left at the post.

*Totals:³ Basin City 474, Otto 430, and Cody City 238.

Total at Otto: 105, 5 of them for Basin City.

At Meeteetse: Otto 48, Cody 15, and Basin City 3.

At Burlington: 56 for nearby Otto.

Fenton, just west of Burlington, cast 25 for Cody, 20 for Otto, and 4 for Basin.

On the east side of the county, the larger precincts of Horse Creek, Hyattville, Bonanza, Ten Sleep and Alamo voted strongly for Basin. (Horse creek is near Shell.)

Lovell cast 31: 10 for Basin City, 11 for Otto, and 10 for Cody City.

Otto opened a civil action to contest the vote, but it went nowhere. “Of course, considering the final outcome, it would have been a tragedy for Otto to have won,” according to the 1923 article previously mentioned. “Like Sundance it would have been a county seat off the railroad, although the time may come when the Burlington will build the branch line up the Greybull.” It never did, despite a 1908 map showing a plan for one.¹

THE REPUBLICANS fared poorly in Wyoming and most of the West on election day, November 3. The incomplete returns from most precincts around the State published four days later augured a victory for the Democrats. Bryan seemed to have defeated McKinley, and Democrat John E. Osborne, who had preceded Richards as governor, appeared to have narrowly defeated Wyoming’s incumbent congressman, Frank W. Mondell.* Democrat Samuel T. Corn appeared to have been elected Supreme court judge over Herman V. S. Groesbeck. But weather delayed the results from Big Horn County and those results could tip the balance to the Republicans.²

The heavy snows in the Bighorn Basin that reduced expected turnout on election day kept the county’s returns from being announced for weeks. The whole state was on tenterhooks. As the *Saratoga Sun* reported on November 19,

Have You Heard from Big Horn?

We have been asked 12,353,427 times within the past ten days if we have “heard from Big Horn.” Nit. Following is the very latest from that country, taken from [Cheyenne’s] Wyoming Tribune:

Senator Warren of the state republican committee received the following Monday morning:

“Hyattville, Wyo, Nov. 11, via Sheridan.—Great storm, seven precincts out of 15 give republicans 141; democrats 127. No other information.”

That county is covered with snow to a considerable depth. It began to snow a day or two before election and continued for several days, blocking roads and stopping travel and mails. Looks very much now as though the Bryan electors and Corn and Osborne were elected.

Would the Democrats also take the new county’s seats in the state senate and house? The senate seat was especially important because the winner would serve for four years and thus be able to vote for U.S. Senator in 1899, when Republican Clarence D. Clark’s term would expire. Of those “holdover” senators, the Democrats would have six if Pickett were elected and the Republicans four. With Coleman, the count would, of course, be even, and both parties would be encouraged to hope that the election of 1898 would give them the two-thirds majority of the entire legislature that was necessary to elect a senator.

Both sides were claiming victory in Big Horn County. But Willis Van Devanter, the Republicans’ chief strategist, must have been uneasy about the incomplete returns. Perhaps the sharpest and most skillful attorney in Wyoming, Van Devanter had served briefly as chief justice of the Territorial Supreme Court at age 30, having only arrived from Indiana 5 years earlier, in 1884.⁴ As chairman of the State Republican Committee he had led his party to victory in the 1894 election. Van Devanter was well versed in the laws governing voting and its

*1,133 votes were cast for the congressional candidates (nine less than for county seat, if records are accurate). The original vote for state senator was 1,113 (Pickett 572, Coleman 551) and state representative 1,106. After Coleman contested the vote, the Senate declared only 934 ballots were valid, eliminating 179 of those cast. Coleman was declared the winner, with 470 to Pickett’s 464.⁵ But the vote for county seat or for other offices was not contested and hence not reduced proportionately.



Willis Van Devanter, typhoid survivor

Frison Collection, WSA. Photo may be from a much later visit to Red Bank Ranch.¹

related paperwork, and after the Democrats triumphed in the 1892 election, he found errors in the returns at Hanna that could have invalidated them. That would have reduced the Democratic majority in the legislature by two seats—had the Republican candidate contested the vote. He did not do so because of a threatened boycott of his business, according to Van Devanter.² Now, in 1896, the Big Horn County vote was in question.

Some Republican papers, including the *Cheyenne Daily Sun-Leader* and *Wyoming Tribune*, reported³ that Van Devanter and Richards had headed north to meet Buffalo Bill and his party at North Platte, Nebraska. They were to proceed to the northwest part of the basin for a reception, hunt, and showing-off of the Shoshone irrigation-ditch project. Richards did go to Cody City but Van Devanter went hunting for voting records.

The Democratic press was onto the switch as early as November 9. The Wyoming correspondent for Denver's *Rocky Mountain News* wrote a breathless report that was quoted in Democratic organs like the *Laramie Boomerang* and *The Sundance Gazette*. The *Boomerang* wrote,⁴

There is some alarm over the sudden departure of Judge Willis Van Devanter for Big Horn County, instead of going to North Platte as reported by the Cheyenne papers. ...As Big Horn County will decide the [election], Van Devanter's trip is looked on with some suspicion.

He left for Big Horn County on Saturday the 7th, according to "advices" from Casper that the *News* correspondent claimed to have received. Governor Richards was presumed to have gone to North Platte as planned. Though certain details of the *News*'s story seem implausible, Van Devanter's reported departure for the basin must indeed have alarmed the Democrats. They could hardly have forgotten that he tried to get the returns at Hanna thrown out and that his legal maneuvers had kept the Johnson County invaders from coming to trial.

The Republican press in Cheyenne pooh-poohed the report. The *Sun-Leader*, in an item headed **THE STOP THIEF CRY.**, misrepresented the Democrats' charges.⁵ Since Van Devanter and Richards had gone hunting together in previous years, "There is no reason why their

motives should be questioned now.” That brazen jaw-dropper out of the way, the item continued,

The doubts and fears shown by the Democrats as to the returns from north-east Wyoming would lead one to think that they are rotten and will not stand investigation. If such be the case we hope they will be thoroughly looked into. If they are honest and correct they cannot be disturbed. The cry of fraud! fraud! by the Denver News should not deter an examination but is good reason for suspecting that the Democrats did something that the Democrats had something that

So ended the story, the compositor evidently deleting the last line instead of the corrected line.

Little in the press coverage is consistent and much of it is puzzling. The *Tribune* was skeptical of any and all charges of meddling:¹

The democrats have openly charged that the governor of the state and a former chief justice clandestinely started a few days ago to the undetermined county not for the purpose of a fall hunt, but to look after the returns. We do not believe it. Republicans, on the other hand, claim that the Democrats have sent emissaries, one of whom is of unsavory reputation, to Big Horn county to meddle with the election returns. We do not believe it.

The *Sundance Gazette* on the 20th published another quotation from the *News*: “It must have been a very urgent ‘hunt’ that induced Van Devanter, who but a short time ago recovered from what was thought to be a fatal illness, to travel 200 miles over the mountains at this stormy season of the year....Van Devanter on the ground would not find it difficult to devise means to reverse the vote of that county in the interest of the republicans.”

He would actually have gone through Cottonwood Pass at the southern end of the basin, not over the mountains, but bad weather would have made that route arduous as well. And Van Devanter by this time was as robust as a grizzly, despite nearly dying of typhoid in June.

His illness and long recuperation left Wyoming without its political master-organizer during the fraught 1896 electoral campaign. Senator Francis E. Warren had to run the state campaign on top of all his other concerns. He also missed Richards, who was in Oakland, California, on a visit to his brother, Austin C. Richards. Warren poured out his woes in a letter to the absent governor on September 17.²

I am [illegible word] and exceedingly grieved to be so long without your presence and advice in this campaign. It was absolutely necessary for me to go east to try and gather together some of the sinews of war before we could proceed to provide for paying newspapers or any other legitimate expense. I returned at the earliest moment I could depending upon your kind offer to help us out especially with reference to Big Horn Basin, and more especially the newspapers; and also hoped for some aid in Johnson County [and] especially Jackson’s Hole, which you can reach better than any other white man, with perhaps Owens a useful second*—Owens by the way is also absent at this critical time.

*William O. Owen (not Owens), a Laramie-based surveyor who was elected state auditor in 1894, had trumpeted the glories of the Teton country in newspaper articles in 1891 and 1894.³

Though his seat was not at stake, Warren continued, “I am spending my own money without stint and selling my credit and standing with everybody I know east, west, north, and south to raise more, but I seem to be perfectly alone.” His comments about Clark, Mondell, and other Republican powers are illegible, thanks to faulty copying on the equipment of the day. No help was forthcoming from Big Horn County either; its newspapers were either silent or howling. Any comments about Coleman or Atwood C. Thomas, the candidate for representative, also escaped the copier. Warren’s conclusion, however, is clear—and loud.

If you can do anything from that distance to help this Big Horn situation I wish you would do it, or if you think we had better let Big Horn go to the Devil, as we seem to be permitting it to do so far, kindly advise me of that so I may cease worrying over it longer or calculating upon the expense of sending speakers in there.

I haven’t had a line from you since you went away either in advice or encouragement, nor do I know whether you acted upon your suggestion, which I so warmly approved and asked you to carry out, i.e. to send in editorial material into the Big Horn papers—for that matter I don’t even know where you are now but will probably find an address.... Please open up and either write me a letter or wire me at my expense that you are still on earth and where you are.

Above his signature, Warren scrawled, “If this letter is ugly give me an uglier one in reply. I am pounding [illegible word] night & day on this infernal and exceptional [illegible word] campaign.”

No reply is known to survive. Richards’s contributions to the campaign, even any on Coleman’s behalf, are unknown.

Van Devanter did go on a post-election hunt as reported—but in the Bighorn Mountains. He passed through Douglas on his way back to Cheyenne in the company of Mr. and Mrs. George B. McClellan, reported *Bill Barlow’s Budget* on December 9. (Their photos are on the next page.) The item noted without comment that McClellan was manager of Richards’s “Big Horn ranch”: True, but he had been a *partner* in Red Bank ranch since 1895. The article said Van Devanter was:

as bronzed as a cowboy, and the picture of health. He reports a very enjoyable trip, and the bagging of considerable game, including a mountain sheep, whose horns measured seventeen inches around the base—a magnificent specimen.

Obviously there was no attempt to return to Cheyenne in secrecy. The *Sun-Leader*¹ observed that Van Devanter was “chary of the reporter” about his hunting trophies, but said the mountain sheep was shot at the head of Paint Rock creek. The *Boomerang* might have crowed “Gotcha!” had it known that Paint Rock Creek flows past Hyattville, where the vote was to be canvassed. This seems an odd slip by this preternaturally cagey lawyer: In the two days since his return had he not heard about the Democrats’ allegations?

So we know he was at Paint Rock Creek, but how did he get there? It was roughly 200 miles from Casper to Cottonwood Pass to Hyattville, and much if not all of the route was supposedly blanketed in heavy snow. The *News* claimed relays of horses had been set up to get him to the basin as quickly as possible, but how could this Pony Express have been arranged when communication was so difficult? It would have been unnecessary anyway: He and his guide or guides must have stopped at friendly ranches along the way until they arrived at Red Bank, familiar from previous hunting trips, and enjoyed the hospitality of “Bear George” and his wife, Mary. The two men probably went hunting together, and the visiting Republican strategist probably met with Coleman, whose ranch at Big Trails was on the way to Hyattville.



George B. and Mary Lutes McClellan, perhaps at the time of their marriage, in 1892
Photos courtesy of the George B. McClellan family

W. D. PICKETT, “The Father of Big Horn County,” was the most prominent of the Democratic winners in the county’s first election. For representative, Atwood C. Thomas of Meeteetse defeated Democrat Milo Burke of Ten Sleep 583-523. Virgil R. Rice, the Republican candidate for sheriff, did better than anyone, with a 145 majority over Frank Lundie. Democrats took the offices of county clerk (W. H. Hunt), county treasurer (D. P. Woodruff), and two of the three county commissioners (Edmund Cusack of Owl Creek and Lee Nansell of Bonanza).¹ Republican Angus J. McDonald won his seat on the board of county commissioners by a large majority, said the *Otto Courier* on October 10, 1898, and was elected chairman.*

Unlike the race for representative, the senate race was close, 572-551. If there were enough irregularities in the ballots and voting records, Pickett’s small margin could be whittled away and Coleman seated instead.

Who decided to contest the vote? If Coleman needed a push, Van Devanter surely reminded him that whoever held this senate seat would vote for the next U.S. Senator.

And why was the challenge not announced for so long? To give Pickett less time to prepare a defense? Coleman’s lawyer, Josiah Van Orsdel, completed the official papers on January 1, six weeks after the vote was known, then had a process server take them to Pickett’s home at Meeteetse. Too late: the senator-elect had left for Cheyenne on December 28. He was in the capital from January 7, 1897, some days before the legislature opened on January 12, yet did not receive formal notice of the contest until a week later. In the meantime, he was nominated for president of the senate by its Democratic members (a total of five including Pickett) and was the minority leader.²

Coleman’s notice of contest was presented to the Senate on January 19. Pickett was given time to reply, and did so on January 25. His lengthy response, prepared by Democratic attorneys Gibson Clark, R. W. Breckons, and John Charles Thompson, either denied Coleman’s allegations or denounced them as unfair. One example was the returns from the Burlington precinct. Coleman charged that 20 unqualified voters had cast their votes for Pickett, and those votes were wrongfully counted by judges. Fifteen persons were also permitted to vote

*Official returns are apparently unavailable. T. A. Tickom had also been nominated by the Democratic-Silver ticket³ John L. Krazy was elected justice of the peace; J. H. Hall, constable; William J. Morgan, coroner; Coker F. Rathbone, county attorney; Virgil S. Grant, county surveyor; and the first county superintendent of schools was Mrs. Belle T. Howell. Their party affiliation is not recorded.⁴

long after the polls were supposed to close (at sunset). They also voted for Pickett and were wrongfully counted. Further, no returns of the votes cast were made, signed, or certified, yet the canvassing board included in their canvass and computation a large number of votes alleged to have been cast in that precinct for Pickett.¹

The *Boomerang* demanded to know just how the unqualified voters at the Burlington precinct had been identified:²

If these “unqualified voters” revealed to Coleman or anyone else [who they voted for], then they are liable to suffer both fine and imprisonment...

In replying to the contest, Pickett addressed Coleman directly,³ since Coleman had been chairman of the temporary board of commissioners that had canvassed the vote. Imagine for a moment the colonel—a tall, silver-haired southern gentleman and a noted bear hunter—firing fierce looks and piercing barbs at his opponent. First, if any illegal votes had been cast at Burlington or elsewhere, there was no way to tell who received those votes. And if the Burlington returns were not properly certified, he reminded Coleman, it

was the result of your own neglect of duty, and that you ought not now, in justice and equity, be permitted to take advantage of your own failure to perform your duty in the premises. ...I respectfully submit that, having no valid returns, as you allege, from said Burlington precinct, the said board of county commissioners had no right to set a day and proceed with the canvassing of the votes of said county, but, on the contrary, it became your duty to [obtain from] the judges of election of Burlington the properly authenticated and certified returns of election.

The irregularities were due to the ignorance of the new county’s temporary officers and voters, he continued. There was no fraud, nor any attempt at fraud, on the part of Pickett, Coleman, or any qualified voter. No person in the county voted who was not a qualified voter, and a majority of the legal voters of the county were in favor of his (Pickett’s) election.

[O]n the 14th day of November...you, as chairman of said board of county commissioners, participated in the canvass of the returns,...canvassed them to the best of your ability, and...did then and there determine and declare that I had received...572 votes, and that you, my opponent, had received 551.⁴

Yet Coleman’s notice of contest did not reach Pickett until two months after the canvass. At the end of his statement, Pickett asked Coleman to withdraw the contest. He didn’t, so the Committee on Rules would have to canvass the ballots and records to decide which votes were valid and which were not. The Democrat was up against it: The Republicans had a strong majority in both houses, and in the senate they outnumbered the Democrats, Silver Democrats, and/or Populists 14-5⁵ The Committee on Rules would have been dominated by Republicans.

Coleman’s counsel waited until January 27 to give notice of intention to take depositions at five precincts, beginning with Meeteetse on February 4. Pickett would have to scramble to catch up. “It seems absurd to say that the seven days notice of intention to take testimony at Meeteetse on 4th February is reasonable,” charged the only Democrat on the Committee on Rules, Senator George H. Cross of Converse County, in his minority opinion presented on January 29.⁶ The state election laws required that a candidate whose victory is being contested must be given ten days notice and one additional day for every 50 miles from the capital to the place of depositions, Cross pointed out. “If five days notice only is required, as contended by the majority of the committee, many points in the state cannot be reached in five days. Therefore I submit that common justice and an ordinary spirit of fairness dictates” that Pick-

ett should be given considerably more time—especially since he was not responsible for the delay.¹

Senator Cross had reminded the Senate that Coleman was aware that he had come up short on November 14 when he canvassed the vote, but his Cheyenne-based attorney did not mount a contest until January 1, little more than a week before the opening of the legislature. It would have taken a week to reach Pickett's home at Meeteetse and serve him with the notice of contest. Waiting until January 19 must have been intentional, Cross said, contrasting this delay with Pickett's own contest in 1893, which overturned the victory of John B. Okie in the house:

Reference is made in the report of the majority to the case of Pickett vs. Okie in the second legislature of the state. ...My information is that Pickett commenced his contest proceedings against Okie within twenty days after the election and at once gave notice of his intention to proceed in the taking of depositions to be used upon the hearing. The depositions were taken by both parties upon ample notice so promptly that all of the testimony, by deposition, was on file in the office of the secretary of state before the beginning of the legislature of 1893. Had the same course been pursued in this case as was pursued in that, then there could be no complaint of unfairness.

Cross concluded by recommending that the matter be sent back to committee with instructions to formulate a set of rules governing election contests.

Despite the difficulties of winter travel, depositions began arriving at the senate on February 15, less than a week before adjournment. Several packets supporting Coleman were presented by Chester Bradley, who been engaged to gather them by the Republicans.² Of the total, those from Hyattville, Bonanza, and Meeteetse favored Coleman, those from Otto supported Pickett, and those from Burlington were split.

Pickett had proposed that if any unqualified voters were discovered, that number should be deducted on a pro-rata basis from each side because it was impossible to know who they had voted for. Van Devanter, in speaking for Coleman, made the same recommendation,³ and that sensible step was taken by the committee.

On February 19,⁴ the committee presented its long-awaited report: Coleman was found to have 470 legal votes to Pickett's 464. No hint of fraud in the original tally had been found, just a large number of technical errors. At some precincts, some or all of the ballots had not been initialed or signed by the judges of the election as required by law, or the certificates of the returns were unsigned. Some voters had registered outside the designated time frame of the precinct and/or clerks were not present in the required number. Or non-residents voted. A recount at Lovell gave Coleman one additional vote, and at Ten Sleep, a recount gave Coleman one additional vote and Pickett one less. Out of 38 precincts, 11 were found to have irregularities that cost votes, irregularities that could be attributed to the inexperience or lack of training of the election officials, among them Coleman himself.

Several precincts' ballots were thrown out entirely. Bonanza's were excluded because they were not marked with the name or initial of any judge of election as required by state law, costing Pickett 32 votes and Coleman 19. At Wise, which had gone 15-13 for Pickett, the vote was voided because each ballot had been numbered with the number corresponding to those of individual voters, keeping the vote from being secret. Pickett's 47-15 victory at Hyattville was corrected to 20-6, costing Pickett 27 votes and Coleman 9. At Red Bank, registry agents failed to make proper return of the registry, but this "defect" had been remedied by oral testimony before the committee. Coleman had taken Red Bank 25-11.⁵

Pickett contrasted the treatment of the votes at Red Bank and Hyattville in his 33-page

pamphlet, "The Pickett Contest Case, 1897":¹

Now look at the Red bank precinct, where my opponent had a majority of 13 [actually 14] votes. The committee admitted there was no proper return of the registry as was the case at Hyattville, but at Red bank the same defect existed, but they allowed that defect to be doctored or "cured" as they express it, by oral testimony taken at Cheyenne, by a personal and political friend of my opponent, who was conveniently present in Cheyenne. But for his presence in Cheyenne the committee, by their own rules, were compelled to declare me elected by 7 votes.

What friend did Pickett mean, and why did he not name him? Presumably it was someone who had been present when the vote was canvassed. Richards was not.

Pickett's pamphlet continues,

The Hyattville registration could have been "cured" in the same way. If their ruling at the Red bank precinct was correct, they were compelled by their own ruling to admit the entire vote at Hyattville precinct, which would have elected me by a good majority. If their ruling at Hyattville precinct was right, the same rule would throw out the Red bank precinct, which would also have elected me. So whichever horn of the dilemma is taken by the committee's own ruling I am a duly elected senator from the county of Big Horn.

On February 20, the last day of the legislature, Democrats pled for justice, fairness, and a fair deal. Among them was a new member, Hugh L. Callaway of Fremont County.² In voting for Coleman, Coutant wrote in that county's *Mountaineer*³ that Callaway

caused a sensation on the last day by voting to unseat Pickett, of Big Horn Co., and to seat Coleman. The leading democrats in the state learning of his position in this case used every effort to induce him to stick to party lines, to which he invariably replied, "I cannot conscientiously vote with the democratic party in this case. In the investigation on this contest case by the senate committee it has been shown that Coleman received a majority of the legal votes cast, and he is, therefore, entitled to a seat as senator from Big Horn County." Do what they would Senator Callaway could not be moved from the path which he considered right and a majority of the democrats honored him for the stand he took. The people of Fremont county will not shed any tears over the fate of Colonel Pickett, as it is well remembered that he accepted a seat in the second legislature which J. B. Okie had been elected to fill. He accepted that seat when he knew, and all his party admitted, that it belonged to Mr. Okie, but the House of Representatives that year was democratic and the democrats voted on party lines regardless of right.

The Republican press naturally responded with other sarcastic reminders of Pickett's ousting of Okie in the 1893 legislature.

The senate voted 13-5 to accept the committee's findings, and Coleman was declared elected. (One Republican, John McGill of Albany County, voted for Pickett. Pickett himself did not vote.⁴ Stripped of the honor of serving a full term as its first senator, the Father of Big Horn County went home.

IN THE COURSE of the contest, the Republican press had issued brief news items without comment or support for Coleman's case. Once the vote was taken, the Laramie *Boomerang* issued a predictably outraged statement:⁵

Pickett [was] simply counted out in a smoothe [sic] way and Coleman, the man who will vote for United States Senator for just whom the bosses nominate, was sworn in.

McGill, republican, voted against the unseating of Pickett, and said that it would be a very poor investment for the Republican party.... Mr. Cross, democrat, appealed to the republicans who were in the majority, to treat Mr. Pickett fairly. When a vote was taken, Pickett was unseated.

Also outraged was Republican Lou Blakesley of the *Otto Courier*, and the *Boomerang* reprinted one of his editorials:¹

While the interest of some certain man for the United States Senate may be advanced,* it is very true that the interests of the Republican party in Big Horn County will not be. Neither is the fact that Mr. Pickett was a party to the unfair means that unseated John B. Okie four years ago in the Lower House in favor of Pickett any excuse for the presentation. Personally and for obvious reasons, we had much rather see Mr. Coleman in the Senate than W. D. Pickett, but it seems that a majority of the people of Big Horn County did not and that majority should be respected. Again, when the republicans take this method of playing even on the action of the democratic party four years ago, they are placing themselves on a level with that action and party, which is certainly not desirable.

Blakesley, one of the temporary county commissioners appointed by Richards to organize Big Horn County, had earlier refuted charges that the election judges at the different precincts were all Republicans and had been appointed at the dictation of Coleman.²

The statement is as far from the truth as the two poles are apart. Mr. Coleman had no more to say about the appointment of judges, than did either of the other commissioners. In most cases, two of the three judges were Republicans, but in some precincts, the entire board was composed of Democrats, and some with two Democrats, simply because the board of commissioners was not acquainted with the politics of those appointed. The chances of Mr. Coleman nor his interests in any way, were ever mentioned by the board of organizing commissioners. The Democrats of the state have shouted themselves hoars [sic], because the entire board were Republicans, stating that they were appointed to do the dirty work of Governor Richards, when there was no dirty to do and none done. The incontrovertible fact is, that Mr. Coleman can give the big majority of his critics points on honor and all that goes to make up a gentleman, and then win easily.

As for Col. Pickett's pamphlet, the *Sun-Leader* is the only known paper that said much about it.³ Among other criticisms, it noted:

Nothing new is brought out except the [blank space] a Republican friend had informed Mr. Pickett upon January 12th that a contest was to be instituted which would result in unseating him upon the last day of the session, which information proved to be miraculously correct. This statement somewhat dulls the edge of his wail as to his having had no notice whatever of the intention to bring a contest until it was read from the desk of the clerk of the senate upon February 19th.

Pickett actually wrote,⁴

Immediately on the assembling of the legislature on the 12th word came to me through a reliable republican source that it had been determined at a republican caucus at the dictation of a few party ringsters to unseat me. I was to be allowed to serve the first session but on the last day of the session my opponent was to be seated, so that two years

*Who could he have been thinking of? Clark would be up for re-election in 1899 and Warren in 1901.

hence a man upon whom they could rely would be in my seat to vote for one of these ringsters for United States senator.

This Republican paper did not question or try to deny this shocking charge (though it did publish it, in a way). Why would a Republican reveal such a nefarious scheme to its victim? Why didn't the *Sun-Leader* say so, or call Pickett a liar? Did it know the charge was true? Instead, the paper turned Pickett's statement against him, saying that hearing about the contest on January 12 "somewhat dulls the edge of his wail as to his having had no notice." By saying "somewhat" the paper admitted the "wail" had some justification. And it was *January* 19th that the intention to contest the vote was announced: The 12th was still very short notice. The *Sun-Leader's* other criticisms didn't amount to much.

Van Orsdel issued a response that was published in the *Rustler* at Richards's request.* Daggett also printed 336 copies to be handed out. Coleman wrote Richards on March 21,¹ "I appreciate your efforts in my behalf and trust the article in the *Rustler* will do some good." He added (spelling and punctuation retained):

I rec'd letter from Lou Blakesley a few days ago saying he had watched the contest closely and now believed I was legaly elected. He said he would be glad to publish anything I saw fit to write either as a correspondent or "Editorially." I may take advantage of this if the B. C. [Basin City] paper publishes any more A---sleye articles however I think the people feel better than they did. The Spring Creek straw man which hung on Bob Walns gate post was relieved of its inscription a short time ago I am told and the legend A Spring Creek Politician pinned to the bosom of its overalls.

Daggett wrote Richards soon afterward,² "I am of the opinion, and it is shared by many, that the Van Orsdel statement will very materially counteract the impressions created by the distribution of the Pickett pamphlet, which so far as I am able to judge fell flat."

It seems unlikely that Richards tried to influence the senate's decision even though he was a friend of Coleman. He might have considered it unseemly, and it would have been unnecessary in any case: the Republicans had a solid majority in the legislature, and guiding them was that political generalissimo Willis Van Devanter.³

Nevertheless, Richards came in for some blame by association. A concerned citizen wrote him from Basin City on July 26, 1897:⁴

When Col. Pickett was unseated and Coleman seated in his place, the democrats of Big Horn became extremely wrathly, and many republicans were lead to condemn what they pleased to term the governor's partiality for wrong in downing the right (Pickett). The air has been full of mutterings ever since, and it is a fact that the democrats are making a supreme effort now to win Big Horn County from republican to democratic principles, and it looks as though they are bound to succeed. ...today a company was formed here known as the "Big Horn Publishing Company" with a Capital of two thousand dollars—in two hundred shares at \$10.00 per share. The managers are Col. W. D. Pickett, Ed Cusack Thermopolis, Lee Nansell Paint Rock [the rest of the letter, with signature, is missing]

The new company's formation was announced in various newspapers, with the incorporators and trustees for the first year listed as W. D. Pickett, Edmund Cusack, B. G. Rogers, and W. H. Hunt.⁵ The company bought the *Basin City Herald* in January 1898 and changed its name to *The Wyoming Dispatch*. Hunt served as temporary editor and manager. The *Dispatch* continued Democratic after it was taken over by Houx & McCune, Cody real estate and insurance brokers.⁶ The paper ceased publication in January 1903.

*This response is not known to survive.

Big Horn County returned to the Republican fold in 1898. Coleman apparently did not run for re-election in 1902, and A. C. Thomas graduated to the state senate.

IF VAN DEVANTER had run the 1896 electoral campaign, McKinley might have taken Wyoming and Mondell have kept his seat in Congress. Bryan's electors won by only a few hundred votes in Wyoming, a squeaker compared to other western states that went strongly for Bryan.* Van Devanter claimed that the county seat fight had hurt the Republican majority there, and Warren blamed Democratic help from Colorado and sabotage by Joseph M. Carey, a longtime Republican political rival who had lost his U.S. Senate seat to Clarence D. Clark the previous year.¹ Despite the defeat, McKinley's comparatively good showing in Wyoming helped Warren and Senator Clark win patronage plums for candidates from their state who were qualified for the appointments. Van Devanter, who had supported McKinley's candidacy from the beginning, was appointed assistant attorney general for the Department of the Interior as a reward for his ability and his faithful service to the Republican Party.² Mondell was named assistant commissioner of the General Land Office, which was in charge of the third of United States territory still available to be claimed as homesteads or otherwise set aside or dispersed. (It later became the Bureau of Land Management.) Warren and Clark would help Van Devanter move up to the federal Eighth Circuit Court of Appeals in 1903 and then to the United States Supreme Court in 1910—over the opposition of William Jennings Bryan, who demanded to know why President William H. Taft appointed someone so biased in favor of the country's dominant economic interests.³

When Mondell won back his Congressional berth in 1898, Warren and Clark persuaded McKinley to appoint W. A. Richards to Mondell's position in the land office. President Theodore Roosevelt was so pleased with Richards's performance that he appointed him commissioner in 1903. The two shared an interest in conservation and in combating the rampant fraud on the public lands.

Richards retired to his beloved Red Bank Ranch in 1907. (Contrary to many assumptions he was not asked to resign.) By that time Big Horn County's population had grown to the point that it was divided into new counties. Park County, in the northwest corner, was organized in 1911, and Cody finally got to become a county seat. South of Basin and Otto, Hot Springs and Washakie counties were organized in 1913. Present-day Big Horn County is less than one quarter of its original size, comprising about 1,990,400 acres.⁴

The formation of Park County went smoothly, but trouble arose over Washakie County. Objections arose to the 1909 bill to create the county because it would have reduced the assessed valuation of Big Horn County to far less than the constitutional minimum.⁵

"The fight for the division of the counties calls to mind a contest of other days," wrote an editorial correspondent from Cheyenne in the *Laramie Republican*.⁶ The juiciest parts of the story may not be true, alas.** The correspondent went on with obvious relish,

Big Horn was in the limelight then as now. It was in the legislature of 1889. Hon W. A. Richards, then surveyor general of Wyoming, lived over at Red bank and very much desired that a new county be carved out of Johnson, Sheridan and Fremont counties. He fixed the boundaries and Hon. W. W. Corlett, a great lawyer of blessed memory, drew the bill, declining to make any charge whatever for his able services. Col. Pickett...was in the house of representatives and introduced the bill. Its fate seemed uncer-

*Actual results vary by source. Author gave up trying to find anything trustworthy.

**Denver papers from 1889 are not available to confirm the story, but Wyoming newspapers are, and they would surely have reported the incident or picked up the story had it occurred. Richards was not in Cheyenne when the 1909 article appeared, and Pickett and Burritt probably weren't either, so they could not be consulted had anyone felt they should be.

tain from the very start, but there was ability and strength behind it other than that possessed by the doughty southern colonel. The man in whose brain the entire matter was hatched had elements of strength that the opponents little dreamed of. He worked early and late. At a meeting of the republican friends of the measure twelve members of the house agreed to support it. Of course Colonel Pickett, being a staunch democrat, was not at this meeting and did not know the full extent of the strength for the bill. There were only 23 members of the house,¹ hence a clear majority was at the back of the colonel in any move he might make.

In the same session of the legislature was another member of the legislature from the north of unusual ability and extraordinary parliamentary power, the Hon. C. W. [Charles H.] Burritt of Buffalo. He was opposed to the bill. Thus one powerful democrat of the north was pitted against another, with the republicans of the legislature sparring between them. The bill passed the committee of the whole house without amendment and in due course came to third reading and final passage. It was an exciting occasion and feeling ran high. It passed in a decided majority and Colonel Pickett was naturally elated. With his face aglow with happiness he started for the office of the surveyor general to report to his friend Richards the happy result. At the rear of the hall sat Burritt, sullen and disconsolate. As Pickett passed his southern chivalry and courtesy suggested a greeting to Burritt. He offered his hand and said:

“Mr. Burritt, this has been a hotly contested fight, but I assure you there has been nothing personal in it and I have nothing but the highest personal regard for you.”

“It is different with me,” replied Burritt. “I think you have acted the part of a sneaking scoundrel.”

When this conversation was reported by Col. Pickett to Richards, the latter asked: “And what reply did you make, Colonel?” “There was only one reply that I could make,” said Pickett. “I took him by the nose and gave it a twist. Now, General, if anything further comes of this matter I want you to act as my second.”

There was considerable talk of the possibilities of a duel, and the Denver papers next morning contained pictures of the belligerents and a full account of the occurrence. Col. Pickett, being from the south, confidently looked for a proposal of some nature and therefore when he received a letter from Mr. Burritt he turned it over to his second, Surveyor General Richards. There was no nervousness on the part of General Richards in opening this communication, but it was a surprise to Col. Pickett. Instead of a challenge the document was a complete apology for the rude language used in response to the very frank and courteous expression from the southern gentleman.

So far as the house was concerned, this closed the incident, but the affair was a mighty influence toward the passage of the bill through the senate. Big Horn became a county and a great one. It has struggled up to the first class and now there are those who would cut it in three.

Two years later, in 1911, State Senator George B. McClellan was the main sponsor of new legislation, and it succeeded.* Richards was alive to see that, but he died in 1912, before Washakie County was organized. The county named after the great Shoshone chief comprises the Nowood country, and “Bear George” liked to say he had lived in three counties without ever moving.

*Just how it acquired enough tax base in two years is grist for someone else’s mill.

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Page ii

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3. Rebecca Hein, "Big Horn County, Wyoming," WyoHistory.org.

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3. Jan. 17, 1895, William A. Richards Family Papers, ACC 118, American Heritage Center, University of Wyoming (AHC).

4. *The Big Horn County Rustler*, Aug. 6, 1920.

5. Wyoming Territorial Council (which became the Senate upon statehood), Enrolled Act no 29. *Buffalo Bulletin*, Mar. 14.

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1. Woods, *Big Horn Basin*, 186–88.

2. *Cheyenne Weekly Sun*, May 29, reprinted from the *Rustler*.

3. *Ibid.*

4. Woods, 188.

5. *Bill Barlow's Budget*, Douglas, Sept. 13, 1893.

6. *The Boomerang*, Feb. 15.

7. Reprinted in *Cheyenne Sun*, June 16 ; also in *Cheyenne Leader*, June 17.

8. In *Board of Com'rs of Fremont County v. Perkins et al.*, it's unknown why Perkins was named first; was he the "John Hancock" of the petition? The other named defendants, in order, were Collins, Daggett, Blakesley, S. A. Lampman, James R. McKinnie, Frank S. Wood, L. H. Mason (an Otto merchant), and H. A. Dunshee (identity and county unknown). The suit aimed "to enjoin defendants and others acting with them from proceeding to petition the governor of Wyoming... for the organization of Big Horn county." *The Pacific Reporter*, Vol. 38, 1895. Josiah Van Orsdel and Esteb for the defendants, Potter & Burke for the plaintiff.

9. *Cheyenne Daily Sun*, January 5, 1895.

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1. Feb. 5, 1895.

2. Harvey Lytle Perkins, per Find-a-Grave website.

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1. *Message of William A. Richards, Governor of Wyoming, to the Third Legislative Assembly* [actually the Third State Legislature], 1895, 37–38.

2. Tom F. Daggett to William A. Richards, Feb. 15, 1895, letter, box 3, RG0001.14 Governor William A. Richards records, WSA.

3. Feb. 24, 1895.

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2. Lylas Skovgard, *Basin City: The First County Seat in the Big Horn Basin; Basin, Wyoming, 1896–1918*. 2nd ed. (Basin: Timbertrails, 1988), 4.

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1. Feb. 24, 1895.

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4. *Wyoming Derrick*, Casper, reprinted in the *Daily Boomerang*, July 28, 1896.

5. H. L. Perkins to William A. Richards, Mar. 15, 1896, letter, box 2, RG 0001.14 Governor William A. Richards Records, WSA.

6. O.T. Gebhart to William A. Richards, Aug. 14, 1895, letter, box 2, RG 0001.14 Governor William A. Richards Records, WSA.

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3. *Ibid.*

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1. *Rand, McNally & Co.'s indexed atlas of the world map of Wyoming*, Copyright, 1891, by Rand, McNally & Co. (Chicago, 1897). From davidrumsey.com/maps3812.html, accessed Dec. 14, 2023.

2. Bruce H. Blevins, *Big Horn County Wyoming: Facts and Maps Through Time*, (Powell, WY: WIM Marketing), 2000. 28.

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5. From official record, courtesy of the Big Horn County Library

6. First available mention of Otto *Rustler* is in the *Weekly Boomerang*, June 18, 1896. (The *Wind River Mountaineer*, May 27, 1896, reported that the Hyattville *Rustler* was moving to Otto.) The title of the paper on its masthead is unknown.

O.T. Gebhart to William A. Richards, Aug. 14, 1895, letter, box 2, RG 0001.14 Governor William A. Richards Records, WSA. *Boomerang* on Aug. 10 and Sept. 26, 1895.

7. Skovgard, 5. Also *Wyoming Blue Book*, Wyoming State Archives and Historical Department, Cheyenne, 1974.

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9. *Big Horn County Rustler*, Nov. 3, 1904.
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 2. March 18.
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 4. Blevins, 38.
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 3. Skovgard, 11, citing original tally sheet found at the Big Horn County courthouse
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1. George S. Clason, “Clason’s Industrial Map of Wyoming,” Clason Map Co., Denver, Colorado, 1908. WSA.
 2. *Laramie Republican* and *Boomerang* on 9th.
 3. Nov. 17.
 4. *The Columbia Electronic Encyclopedia*, 6th ed. 2005, Columbia University Press.
 5. *Senate Journal*, Feb. 19, 1897, for both sets of numbers.
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1. Frison Collection, WSA, Neg. No. 26811, undated. Another photo shows Van Devanter on what looks like the same horse in the same clothes when he was on a visit to Red Bank. With him in that photo is Malcolm L. Harris, who became a partner in the Red Bank Cattle Co. in 1903. They and Richards were at Red Bank and went hunting in Nov. 1905, per the *Natrona County Tribune*, Nov. 24, but there may have been other similar visits. Thanks to Terril Mills for finding the news item.
 2. Lewis L. Gould, *Wyoming: A Political History, 1868–1896*, (New Haven and London: Yale University Press), 1968, 176, citing a Van Devanter letter
 3. *Sun*, Nov. 7; *Tribune*, Nov. 9, 1896.
 4. *Daily Boomerang*, Nov. 9, 1896.
 5. *Sun-Leader*, Nov. 11. From the Library of Congress, looked up by staff member who me emailed shots from her phone. Not on wyomingnewspapers.com yet.
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1. Nov. 15.
 2. Sept. 17, 1896, Francis E. Warren papers, AHC.
 3. *The Boomerang*, Aug. 13, 1891, Sept. 17, 1891, and Feb. 15, 1894. As newly elected state auditor, Owen in 1895 published another report, and that, along with an editorial in a Cheyenne paper, prompted the State Legislature to send a memorial to Congress asking that the Jackson’s Hole/Teton area be set aside as a state park.
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- Page 24
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 2. *Senate Journal*, 7.
 3. *Wind River Mountaineer*, Mar. 1, apparently reprinted from *The Clipper*.
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1. Feb. 23.
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1. A. C. Coleman to William A. Richards, Mar. 15, 1896, box 2, RG 00001.14, Governor William A. Richards Records, WSA.
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 3. Gould, *Van Devanter*, 270.
 4. Letter could not be found in RG after original sighting.
 5. *Boomerang*, Aug. 21, other papers
 6. *Dispatch*, Jan. 3, 1902, letter from W.H. Hunt, company president.
- This was the first issue of the paper, found on wyomingnewspapers.org. The last available was published on Jan. 10, 1903. Despite being Democratic they praised the appointment of Richards as commissioner of the General Land Office, saying that in Big Horn County, “every man, woman and child is his friend.”
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1. Gould, *Wyoming Political History*, 259.
 2. Gould, *Van Devanter*, 279–93; *Wyoming Political History* 263.
 3. Wallace H. Johnson, “Willis Van Devanter - A Re-Examination,” *Wyoming Law Review*: Vol. 1, No. 1, 2001. 11
 4. Hein, “Big Horn County,” wyohistory.org.
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