

# Jefferson Kidder's Mark On South Dakota

By Sarah Wetzel

Speaking at the W.H. Over Museum's Welcome Fall event this year, Senator Arthur Rusch chose to highlight a historical figure who, in his opinion, isn't as well known as he should.

"Jefferson Kidder came to Vermillion in 1864," he said. "In my view he's one of the most significant figures, with the possible exception of Senator Tim Johnson, who's ever come from Vermillion or lived in Vermillion. He had more of an impact on Vermillion, more of an impact on Dakota Territory than any other person of that time."

South Dakota wouldn't actually become a state until 1889 and according to Rusch, Kidder's influence helped that along.

"The saying was if he had lived into the time when South Dakota became a state that he probably would have been one of the early governors or state senators," he said. "Then everybody would remember him but he died a little bit too early for that."

Kidder has left his mark on South Dakota in several ways.

"Most of you are from Vermillion and you're aware of Kidder St.," Rusch said.

"There's a Kidder St. in Mechling too I think that was named after him. If you're really familiar with the Midwest you'd know that there is a Kidder County North Dakota that ended up North of the line when they divided up North and South Dakota. There's a town of Kidder in South Dakota which is East of Marshall. Kidder was really a significant figure but his contributions have kind of disappeared."

Kidder's main contributions involved his work as a federal judge during South Dakota's territorial days.

Kidder's success is easily seen judging by the unusually long length of the time he

served.

"Federal judges in the territorial days were four-year presidential appointments," Rusch said. "Most of the federal judges appointed in Dakota Territory got one four year turn before their political enemies were able to do them in and they were not able to get a second term. A few judges who were very significant were able to get two appointments before they were not reappointed. Kidder was appointed five times as a federal judge here. Once by Abraham Lincoln, twice by Ulysses S. Grant, once by Rutherford Hayes and once by Chester Arthur. That last one was just a few months before he died."

At the time Kidder was a judge, Dakota territory included all of North Dakota, all of South Dakota, most of Montana, most of Wyoming, a little bit of Nebraska and a little bit of Idaho.

The territory was divided into three judicial districts with Kidder presiding over the district that ran from the present-day Iowa line to the Clay/Yankton county line then north to Canada.

Vermillion was his headquarters with Kidder's office right on Broadway St.

"When he first came here he had a house in town that he used the front room as a courtroom and his family lived in the back," Rusch said. "Eventually after he'd been here awhile he built a house and when we first came to town Mike and Julia Chaney were living in that house. The house was originally one story and then a second story was added on. It was at the Northeast corner of University where University gets down to the bottom of the hill. It was not called University at that time, it was called Kidder Hill. That house was torn down about 1980 I think and there's another house that has been

built in that location."

According to Rusch's research, Kidder became influential in several other states before he ended up in Vermillion.

Born in 1815 in Braintree, Vermont, Kidder initially began practicing law in Vermont, becoming very successful.

"He was elected as a delegate to Vermont Constitutional Convention," Rusch said. "He was elected as a state attorney. He was elected to Vermont state senate. All of the time when he wasn't really very old. He became regarded as one of the most significant lawyers in Vermont."

But then his face turned towards the West as one of many who headed there for better prospects though his fortune had been good in Vermont.

"Basically the democratic party in Vermont kind of imploded at that time over the national party supporting slavery and the Vermonters were not at all interested in supporting slavery like the national democratic party," Rusch said. "The party disappeared and Kidder left and moved to Minnesota at that time."

Kidder's involvement in the Minnesota Democratic Party eventually led him to the area which would become the Dakota Territory.

"There was lots of money to be made if you could get an area developed and get the lots claimed and get railroad developers there," Rusch said. "So Minnesota Democratic party organized this group to come out to Sioux Falls and try to get recognized as a new territory there in Sioux Falls because Dakota Territory hadn't been created yet."

Settlers had tried to become recognized to no avail.

Kidder was unanimously elected as territorial delegate for the area.

"The way I understand they cast votes is they would get a wagonload of people and a number of jugs of whiskey," Rusch said. "You would drive out into the country until you felt like you'd gone far enough and then you'd stop and they bring out the poll books and everybody would write in the names of everybody they could think of back where they came from as the votes then they'd drink some whiskey and get back in the



South Dakota Senator Arthur Rusch gave a presentation at the W.H. Over Museum's Welcome Fall event highlighting the historical contributions of Judge Jefferson Kidder.

wagon and they'd drive out till they got thirsty again and they'd stop and cast ballots. There were a number of elections that were supposedly conducted in that fashion."

After becoming elected as the territorial delegate Kidder himself failed to get the area recognized as a territory after 18 months in Washington.

"He was really an influential person and knew a lot of the people in Congress at that time," Rusch said. "The Republicans kept him from succeeding because they didn't want to see the Minnesota Democratic party control this new territory and secondly the Minnesota democrats and Missouri democrats were feuding over this and the Missouri democrats who had JBS Todd and his partner which were trying to build up settlements along the Missouri river. So the Missouri Democrats weren't about to agree to let the Minnesota democrats get recognized and control this territory when they intended to get control of the territory. So with the Republicans and half the Democrats opposing him he just couldn't succeed in that."

After this failed attempt Kidder resumed law practice in Minnesota, eventually becoming elected to the Minnesota House of Representatives.

While in office there Kidder was one of the deciding votes in favor of former governor Ramsey to become a U.S. Senator.

"Obviously Ramsey had a big debt he owed Kidder and the following year Abraham Lincoln appointed Kidder as one of the three federal judges for Dakota territory," Rusch said. "Kidder then came on a steamboat to Vermillion which he had determined would be his headquarters on the federal bench and eventually got a home here and his wife and two sons moved."

According to Rusch it was actually only Kidder, his wife and their younger son, his older son serving in the Union Army at the time and their daughter married in St. Paul. One young son had passed away in Minnesota

as well.

A copy of Kidder's appointment signed by Abraham Lincoln is on display at the Vermillion courtroom today.

The three major population areas in Kidder's jurisdiction during that time was Vermillion which was the biggest city in the territory, Sioux Falls and Pembina, which is now in North Dakota.

After a period of time Kidder ran for a position as delegate to Congress, this time from a recognized territory and as a Republican and was successful in his election.

Because of population changes in the Dakota territory, the judgeship was moved from Vermillion to Deadwood.

This would not be Kidder's last time in Vermillion, however.

Kidder served four years in Congress then got done in by political enemies in political party so he didn't get a new nomination even though was very well regarded and popular.

"As kind of an indication of how popular he was, Congress immediately created a fourth federal judgeship in Dakota Territory," Rusch said. "President Hayes appointed Kidder to that judgeship and they set it up basically on the outlines of the judgeship he had before and set his headquarters in Vermillion again."

Kidder's family life had been riddled with tragedy.

Not only did his youngest son die at the age of two, but his son Lyman who served in the Union Army and later as a cavalry officer was killed in Kansas in what's known as the Kidder Massacre.

A dress sword that Lyman ordered before he died is on display at the W.H. Over Museum in Vermillion today.

Kidder's daughter also passed away two months after Lyman was buried, leaving two young children.

The first courthouse in Vermillion was on Court St. where the current post office sits.

"Kidder was responsible for the construction of that courthouse on Court St.," Rusch said. "He had a grand jury investigate and the grand jury's report was that the existing building where the county kept their records was about as cheap as could be built. They finally built that courthouse on Court St."

Kidder was also instrumental in the University of South Dakota's initiation, even arranging for first classes to be held in the courthouse because construction of Old Main was unfinished.

"As far as all my research goes USD is the only university to start in a courthouse," Rusch said.

"Kidder was largely responsible for getting the university going. There was the flood in 1881 and Vermillion had been pretty much destroyed. The legislature had authorized the University 20 years before that but nobody had ever taken any action to get the university going. Kidder was the one to take that action to get it going. He had a meeting in his office. Kidder drew up the Articles of Incorporation for that and Kidder agreed to donate 10 acres of land which had been the homestead land for his son Lyman for the first campus. People in town then raised enough money to buy another 10 acres so they had 20 acres to start the campus on. Kidder drew up all the legal work to get that done. Kidder was the one that got that all approved by the state."

"They board of regents actually contacted Kidder to see if he would be willing to serve as the President. Apparently not because it was just a few months before he died that offer was made to him. He was the one who located the first president, Epstein and made arrangements for him to come and get the university going and he was also head of the building committee that supervised the construction of Old Main during that time."

Kidder made 100 speeches around Clay County to encourage voters to approve the bond issue with which Old Main was built.

"That was the first Old Main," Rusch said. "That was one wing of the existing building. Once they occupied that then they put on the other branches. One of the associates that worked with him on getting that approved was John Jolley and of course he's more well known because there's a school named after John Jolley."

After Kidder passed away he was buried in St. Paul, Minnesota.

Kidder County, North Dakota, was named the same year he died.

His wife, also buried in St. Paul, preceded him in death having succumbed to Tuberculosis.

"She had suffered from that for a number of years in Vermillion," Rusch said. "It was quite a moving letter that he put in the paper when his wife died thanking all of the women in Vermillion for the kind care they had given to his wife during the time she had suffered from Tuberculosis."

Kidder's only surviving child, Silus, eventually became mayor of Vermillion.

"If you go down and talk to people from the city, the picture they have of Silus in their pictures of mayors is not Silus but a picture of Jefferson Kidder," Rusch said.

"We've been trying to find a picture of Silus to replace that. We really haven't been able to find a picture big enough we could blow it up."

Two of Silus' children died at a young age within six months of each other and are buried at Bluffview Cemetery under a single marker.

More tragedies awaited the Kidder family as Kidder's grandson Jeff was killed as an Arizona Ranger and another grandson died in a tragic car accident after returning from service in the first World War.

"The Kidders were probably among the wealthiest, most influential people in Dakota Territory through this whole time," Rusch said. "Yet that wasn't enough to protect them from awful family tragedies and certainly they had more than their fair share of those."

Rusch intends to make it a personal goal to ensure Kidder's contributions are more widely known.

"I think Kidder is a significant figure and he has not been recognized the way he should," he said. "Most of you know I've written a book about courthouses. I've decided my next project will be to work on a biography of Jefferson Kidder so that people could become aware of his history and background and the benefits he gave to this community."

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