

**The Origins of American Counties:
A Fifty-State Tour of the History and Perseverance of America's
Least Understood Local Governments**

William A. Fischel
Professor of Economics and
Hardy Professor of Legal Studies, Emeritus
Dartmouth College
Hanover, NH 03755

Bill.Fischel@Dartmouth.Edu

August 18, 2026

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Abstract and Summary

Jurists and scholars have long regarded America's counties as "merely involuntary political units of the State," as the US Supreme Court intoned in *Reynolds v. Sims*, 377 U.S. 533 (1964), which upended county-based representation in state legislatures by requiring a "one person, one vote" standard. The Court seemed to be channeling Alexis de Tocqueville, who in *Democracy in America* (1835) dismissed counties for their lack of a "community of existence."

In this work I show that these disdainful attitudes are misplaced. Almost every state created counties in a process that had a large dose of local influence. The most insistent voices were usually property owners within towns that sought to obtain the county courthouse. Becoming the county seat boosted local prosperity and assured a rural town's survival. Towns often fought—occasionally literally—among themselves to obtain the seat of their county, but sometimes rivals conspired to get the legislature to create additional counties to satisfy competing towns.

The "bottom up" side of county creation was a consequence of community cohesiveness and a cause of counties' excessive numbers. By the middle of the nineteenth century, most long-established states realized that they were creating too many counties and that county-seat competition had some serious drawbacks. State constitutions were amended to require minimum county land area and to limit competition for county seats. Constitutional limits on "special and local" legislation also tied the hands of legislators who had sought to facilitate county formation by private bills.

These brakes on county formation have also made it difficult to reduce the number of counties or substantially reconfigure them. Unlike every other unit of local government, American county numbers and boundaries have barely changed in the last hundred years despite the enormous shift in population from rural to urban areas and from city to suburb. Reformers have long been frustrated by counties' inflexible boundaries, but the legal impediments to changing them are lodged in malleable state constitutions. That so few states have modified them suggests that persistence of counties' borders could be evidence that they have created the supposedly missing "community of existence."

The narrative approach of this work is to examine the origins of two counties in every state. One is the smallest in population and captures the essence of rural counties. The other county is the smallest in land area, which is usually more urban in character. These twins offer more insights to county formation and persistence than a "typical" county because they represent the two conditions that concern most reformers: underpopulated rural counties and inflexible urban county boundaries.

Navigation Notes: Each state heading contains the section mark (§) to facilitate finding them in the text. For example, using your *find* function, enter “§Vermont” to get to that state’s heading in Part I. Headings for the introduction and the five regional parts are indicated with a double section mark (§§). The [US Map](#) link in the head of each state’s section shows the boundaries of states and their capitals. This is just to help readers locate the states and their neighbors; it does not show counties.

Book Structure

The first draft of this book has five preliminary parts, each with a regional theme. The regions are arranged around distinctive historical institutions—New England town meetings and Southern plantations—and geographic circumstances: small farms in the well-watered North, sparsely populated farms and ranches and transient mining districts in the Great Plains and the Rockies, and exposure to new cultures and international trade on the Pacific Rim. While these regions have distinctive county-formation forces, the most common driver of county creation and persistence was the desire by residents to have their town be declared the county seat.

Part I gives an overview of the book’s organizing themes and describes the counties of New England, where county minimalism prevails. In the order considered in this work, the six states are: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Part II covers the rest of the North, where competition for courthouses created so many small counties that state constitutions were amended to slow their formation. The ten states are New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, and Illinois.

Part III covers the states of the South, whose institutional legacies of plantation slavery made counties both primary local units and subservient to state legislatures. The sixteen states are Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Missouri.

Part IV goes through the Great Plains and Mountain States, where lower population densities resulted in large-area counties that were the default local governments. The eleven states include North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Arizona, Colorado, Wyoming, Montana, and Idaho.

Part V surveys the Great Basin (Utah and Nevada) and the Pacific states, whose new cultures and greater exposure to the outside world made counties into

agents of empire. The seven states are Utah, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

Why Counties?

I have written two books about the theory and history of local government. *The Homevoter Hypothesis* (Harvard, 2001) developed a theory of municipal government. Because owners of homes have most of their financial net worth wrapped up in a single residential location, they are strongly motivated to vote and otherwise lobby for municipal policies that protect and promote their home values. This makes local funding of schools and municipal services more efficient and local zoning excessively parochial. *Making the Grade: The Economic Evolution of American School Districts* (Chicago, 2009) argued that the modern public school system developed from decentralized decisions by local homevoters, whose property values depended on replacing simple one-room schools with multi-room, age-graded primary schools that led to high school.

Both books leaned against the conventional wisdom that cities and towns are strictly “creatures of the state” and that the modern school system was created by heroic school administrators such as Horace Mann. But I generally conceded that counties were entirely the products of state legislatures and constitution writers with minimal influence from people on the ground.

This changed when in retirement I tried to memorize counties in each state as a mental exercise. To get some purchase on county names, I looked up many on Wikipedia and often followed up on local sources. There I discovered a hive of county histories, mostly by local amateurs and regional scholars, that revealed a great deal of local initiative. I wanted to know how pervasive this activity was, hence the present work. I conclude that “bottom up” activity is more important and more effective than most modern scholars and pundits would expect. Without much forethought about the overall picture, Americans managed to develop local institutions that continue to facilitate democratic self-government. (I managed to memorize about a thousand counties before being defeated by the grid-like map of [Iowa](#).)

An unexpected pleasure of my tour has been its foray into American history. I have long been interested in the subject and felt complimented when some reviewers of previous works called me an economic historian. (I am not.) Examining the origins of counties in each state turns out to be a basement-window look at American territorial development. Rather than viewing the well-scrubbed museums and polished lobbies of state capitols, this work peers into the dusty basements of the courthouses. It reveals the sometimes dark and seamy origins of American counties but also the cooperative and philanthropic activities that

Tocqueville and many others admired about America's multiple democracies. (As noted above, Tocqueville overlooked the virtues of counties mostly because he was smitten by the New England town.)

Maps, Sources, and Feedback

Maps: A book with a geographic theme should have maps to guide the reader. But in a book about the intricacies of state and local politics, maps can get in the way of telling the story, enticing the reader to look away and lose the narrative thread. Maps are also costly to produce, and they bulk up the text. My compromise here is to use remote map references, guiding the reader via hyperlinks to high-quality maps freely available on the internet, mostly on Wikipedia.

Since it is likely that this preliminary work will appear only on the web, most maps can usually be seen quickly by simply clicking on the highlighted links. (Directions for accessing the more technical maps are provided in the footnotes for the heading of §Maine, which are not repeated later.) This will still involve a distracting digression for readers who select the links, and it presumes that the manuscript (a wonderfully antique word!) is being read on a computer or other electronic device that makes such digressions convenient. If this work gets enough attention to warrant an attempt at traditional publication, a different strategy may be necessary.

Footnotes and Sources: Because much of my research is based on often-obscure work only available online, I have foregone my usual in-text (author-date) style of reference. Many of my local history sources are from often-transient URLs, so most references are preceded by site-specific title descriptors intended to help readers hunt down fugitive sources or their successors even if they are not in formal bibliographic style. I have also tried to avoid footnote proliferation by citing relevant works only once and implicitly sourcing later statements except where a quote or contestable claim warrants more precision. Where no source is given for quotidian data such as dates, population, and land area, I have relied on Wikipedia, to which I have directed readers via hyperlinks for individual states and counties. Late into my research I encountered Google AI and found it is useful for locating nonstandard sources I had overlooked. I have only cited and quoted original works, not AI summaries. One summary mentioned that Abraham Lincoln was president of the Confederate States of America—I took a photo—a howler that made me doubly watchful.

Reader Feedback: One reason for disseminating my work in the present form is to invite readers to respond. Almost all of the counties discussed here have been visited only vicariously via historical accounts (most often by amateur local historians) and by the impressive but still limited images of Google maps and street view. Readers who find errors in my accounts or have access to better sources or on-site experiences are welcome to contact me without having me presume that they have read more than the section devoted to the state in question. Email is my preferred mode of communication: Bill.Fischel@Dartmouth.Edu.

§§ INTRODUCTION: THEORY AND HISTORICAL OVERVIEW

I.1. COUNTY CREATION AND COURTHOUSE COMPETITION

Over 3000 counties blanket the entire United States. Their borders form the political and legal grid that connects state government with local communities. The comprehensiveness of counties enables the US Census to organize national data based on these units. Weather reports and voting summaries—the components of red states and blue states—are organized almost entirely by counties. County courthouses are the starting points for most state legal processes. Health statistics and economic data are reported by counties, and many private associations like farm groups and real estate agents use them to organize their membership. Cities, towns, and school districts depend on counties to mediate with the state government and coordinate essential local services.

Economists and other social scientists use county boundaries as units to infer variations in public policy—did the residents of this county favor a statewide tax cut more than residents of neighboring counties?—as if the boundaries had geological origins. And indeed, county boundaries have been highly durable for more than a century, far more so than those of other local governments such as cities (growing in size and numbers by suburbanization) and school districts (dwindling as the result of consolidation). Yet almost no one who uses county-based data knows how and why American counties were laid out as they are.

The most common origins story is a folktale about the need to get to the county seat on horseback within a day from any point in the county. Transportation costs are indeed part of the story, but they do not explain why urban counties have not further subdivided to make getting to a courthouse even faster.¹ Horseback rides do not explain why county sizes vary so much by region of the country—smaller in urban areas and much larger in the rural West—or why their numbers and configuration has been virtually frozen for more than a century when almost nobody rides a horse to the courthouse. (And the tale neglects that the smallest-area counties in the nation are in Kentucky, which breeds the fastest horses.)

¹ The most serious attempt to explain county size variation by transportation costs is work by Edward Stephan, summarized by G. Edward Stephan and Douglas R. McMullin, "The historical distribution of county seats in the United States: A review, critique, and test of time-minimization theory," *American Sociological Review* (1981): pp. 907-917. Stephan's approach was largely mathematical and paid scant attention to historical and institutional developments, as my work does. (I am conscious of the irony of the economist—me—as the champion of nonmathematical institutionalism.) I should add that Stephan did most of his work before the publication of the Newberry Library's maps, discussed in text below, which made my approach possible.

Stubborn political inertia seems inadequate as an explanation: Over the same century of county stability, American school districts, to which voters have much greater attachments, went from over 200,000 units to fewer than 15,000.²

If one considers the national [outline map](#) of modern counties,³ it wouldn't be unreasonable to assume that states just laid down a grid of counties without much feedback from the local residents. Such an assumption would be consistent with the legal the view that counties are “creatures of the state:” “Here you go, locals. Here's your county and courthouse and your judges and clerks. Enjoy self-government.”

Not at all. The evidence presented here will show that many, perhaps most counties got their final shapes in a complicated but nonetheless legible set of political and economic transactions between local interests and elected state officials.⁴ The two major keys to their creation were that state legislators were elected by contiguous geographic areas—not “at large” or by party slates—and so were extra attentive to local demands. The other key is that landowners in would-be county seats (where the courthouse was located) anticipated gains in wealth that they were willing to pay for, sometimes by risking their lives. The county seat was an economic and political prize that profoundly influenced county geography.

The role of prospective county seats in forming counties and adjusting borders is described in several state histories of county formation and courthouse competition. Examples include Ernest V. Shockley (1914) for Indiana; Stephen Visser (1955) also for Indiana; Robert K. De Arment (2006) for Kansas; Denis M. Ward (1973) for Nebraska; and, most explicitly and insightfully, by Stanley Paher (1969 and 2025) for Nevada. But very few besides James Schellenberg (1981) have looked beyond individual states, and no previous study has attempted a national view of the subject of county formation.⁵ (A history of the US by Daniel

² My book on school districts explains their consolidation as largely voluntary. Around 1900, the thousands of hyperlocal one-room school districts were deemed inadequate to prepare children for high school, which had a growing economic payoff. Parents and local property owners gradually consented to consolidate one-teacher schools to create age-graded schools, which could provide more specialized curriculums needed for high school entry. Fischel, *Making the Grade: The Economic Evolution of American School Districts*, University of Chicago Press, 2009, chapter 2.

³ Map at Wikipedia entry “[County \(United States\)](#)” [August 2026] Bracketed month and year are the most recent date the site was checked.

⁴ My attention to state and local interactions here is in the spirit of Nancy Burns and Gerald Gamm, “Creatures of the state: State politics and local government, 1871-1921.” *Urban Affairs Review* 33:1 (1997): pp. 59-96.

⁵ Citations for the sources mentioned: Ernest V. Shockley, “County Seats and County Seat Wars in Indiana.” *Indiana Magazine of History* (1914):pp. 1-46; Stephen S. Visser, “The Location of Indiana Towns and Cities.” *Indiana Magazine of History* 51:4 (December 1955), pp. 341-346; Robert K. De Arment, *Ballots and Bullets: The Bloody County Seat Wars of Kansas*, University of Oklahoma Press, 2006; Denis M. Ward, “A Spatial Analysis of County Seat Location in Nebraska: 1854-1930, PhD dissertation, University of Nebraska, 1973; Stanley W. Paher,

Boorstin contains a brief [pp. 164-168] but insightful discussion of county seats and their role in the settlement of the West.⁶)

Three other scholarly papers addressing national aspects of county formation have appeared since I began this project: (1) Michael Greenberger, “Kingdoms of Their Own: New Counties in the Era of Reconstruction.” (2024) demonstrates that 67 new counties in post-bellum South were formed to entrench Republican and African-American representation in their states. My brief response to this work is in Part III below. (2) K-Sue Park, “Property and sovereignty in America: A history of title registries & jurisdictional power.” *Yale Law Journal* 133 (2023): pp. 1487- 1582, sees county deed registries as implements of native dispossession and racial repression. (3) Cory Smith and Amrita Kulka, *Population centers and coordination: evidence from county-seat wars*. Working Paper. Coventry, UK: University of Warwick, Department of Economics (2024), utilize counties from several states to advance a theory of urban location.

I.2. COUNTY PUZZLES: FLEXIBLE CREATION, RIGID DURATION

County creation in the eighteenth and nineteenth centuries was largely a matter of subdividing original but overly spacious counties. New states and federal territories—states in waiting—initially cast a coarse and irregular net of large-area counties over their territory. Original counties were those established by the earliest colonial, territorial, or state government. Counties near a state’s initial population center—often a seaport or river landing—were typically relatively small. More remote and lightly populated areas were usually larger in area and more likely to be subdivided later into additional counties. Some of the remote areas would temporarily be designated “non-county areas” and attached “for judicial purposes” to an established county until counties could be carved out.

A few states—Iowa and Michigan most prominently—laid out most of their counties in large chunks at a few legislative sessions, but most others worked incrementally and waited to see where people would settle. But all territories and states wanted to get some semblance of county government on the ground. Without a county government with its courts and sheriffs, laws in the territories could not be enforced. Initially-huge counties or non-county areas could require pioneering

"Significant County Seat Controversies in the State of Nevada," Masters thesis, University of Nevada, Reno, 1969 (updated as "Nevada's Hot County Seat Wars," Nevada Publications: 2024); James A. Schellenberg, "County Seat Wars: Historical Observations." *American Studies*, 22:2 (1981): pp. 81–95.

⁶ Daniel J. Boorstin, *The Americans: The national experience*. Vol. 2. Vintage, 1967. Thanks to my Amherst College classmate George Nash for pointing this out and thereby reminding me that new ideas are often old.

residents to travel several days to the county courthouse to serve on juries or record deeds.

Land that was too distant from an oversize county's seat also provided havens from law enforcement. Lack of state authority put pioneers at risk from banditry and made conflicts between Indians and settlers more volatile. Aside from these risks, new residents of non-county areas could not elect officers or obtain services such as roads which would be financed by local taxation or exactions. As settlement progressed, local residents pressed for more counties, not least because land in or near a new county seat would become more valuable.

This work will explore county origins and why their geographic patterns vary across the nation. It will also address the remarkable durability of their borders: Why is it so difficult—seemingly impossible—to change county boundaries or consolidate them? The map of US counties has hardly changed for over one hundred years. By contrast, Great Britain changed its historical county boundaries several times in the past century, mostly to create units more attuned to urbanized areas.⁷ What caused nearly all American counties to be frozen within borders established when the nation was still largely rural and the most advanced overland transportation was riverboat or railroad?

The easy answer—though it has been unexamined for over a century⁸—is that states eventually put constitutional limitations on county proliferation such as minimum land area and county-seat spacing, which eventually stopped it. But this begs the question of how the restraints were established and why they still bind even in states with easily amended constitutions. Unbendable borders keep urban counties from usefully consolidating around metropolitan areas and, in the view of most scholars and public administrators, leave *way* too many rural counties.

I have addressed these issues in several scholarly works. What is missing from them is a sense of the individual qualities of counties and their formation. In earlier papers, I described a few state-specific studies that describe county origins, but there are too few to test my theory of county formation across the nation. It could also be argued that my examples are cherry-picked or at least came to my attention because they were colorful or unusual. A random sample might be preferable, but it would oversample states with numerous counties (Kansas has 105; Georgia has 159) at the expense of states such as Oregon, which has 36 counties, and Arizona, which has only 15.

⁷ Douglas S. Massey and G. Edward Stephan, "The size-density hypothesis in Great Britain: analysis of a deviant case." *Demography* 14:3 (1977): pp. 351-361. See also J.A. Chandler, *Explaining Local Government in Britain Since 1800*. Oxford: Manchester University Press, 2007.

⁸ My primary source is a relatively brief survey in John A. Fairlie, *Local government in counties, towns and villages*. New York: Century Co. 1906, p. 58.

I.3. THE “TINY COUNTIES” APPROACH

My national approach here is to select a special sample of 100 counties (3.3 percent of the total) to give a sense of how they developed and what on-the-ground motives and machinations were involved in their creation. My sample selection is comprehensive in that it covers every state, but it is not random. What will be described with thumbnail histories are the origins of the smallest two counties in each state.

Smallest has two dimensions here: population in 2020 and current land area. They are the tiny extremes in each of their states. This makes them special but also more revealing than describing counties of average size. To understand why the smallest are more revealing, it will help to outline the overall history of county formation and my county-seat thesis. (This compresses my 2021 “Counting on Counties” essay⁹ and forgoes citing most of the sources available there.)

County formation and major boundary adjustments ran wild during the nineteenth century. New territories and states would throw up counties and then later rearrange them.¹⁰ But creation of new counties virtually stopped by 1920. Three-quarters of the states created no new counties after 1900. Most of the counties created during the twentieth century were in newly-admitted states in the West, particularly Alaska (admitted 1959), Arizona (1912), New Mexico (1912), Idaho (1890), and Montana (1889). Draining swamps in Florida enabled a long-admitted state (1845) to create new counties into the 1920s.

The decline of county creation was the result of political considerations, not the transportation revolution of automobiles and better roads. By the latter half of the nineteenth century, a majority of states, mostly those east of Kansas, apparently realized that they had too many counties. The most serious problem was representation in legislatures. Most states had at least one representative elected from each county. As new counties were created, the legislatures got too large. And because new counties were usually in rural areas, they diluted the influence of urban counties, creating a malapportionment that ran contrary to states’ foundational ideals of proportional representation according to eligible voting

⁹ William A. Fischel, Counting on Counties: How the Creation of Three Thousand Counties Shaped Local Government Across America (April 2, 2021). Available at SSRN: <https://ssrn.com/abstract=3798788> or <http://dx.doi.org/10.2139/ssrn.3798788>

¹⁰ A national animated historical map is available at the Newberry Library [discussed in text below] Atlas of Historical County Boundaries, [Boundary Animations](#), US Historical County Boundaries, 1629-2000. [Go to the next page on the site and look under “View animations of national data.” #2.] [Dec. 2025]. An excellent, printed state-level sequence of maps is “Colorado [County Evolution](#),” created by Don Stanwyck and Lee Zion for the CoGenWeb Project, 2003 – 2024. [March 2025]

populations.¹¹ States eventually imposed constitutional constraints on county creation, as described presently.

I.4. CITIES CANNOT PERFORM COUNTY FUNCTIONS

State governments could not rely on cities and towns to do the county's job except in very small-area states. Municipal governments are, like counties, "creatures of the state" in the black-letter law sense. Meaning, at the least, that they cannot make local laws that contravene state law or, at the most, cannot make any laws without the state legislature's prior and explicit permission. (The latter constraint is sometimes called "Dillon's Rule," after the nineteenth century jurist who formulated it as a rule of statutory interpretation for state courts.¹²)

Municipalities don't have counties' obligations to administer state law with sheriffs, district attorneys, and coroners. Cities and towns do not record essential data such as deeds, births, and voting results. Except in New England, municipalities do not cover the entire area of a state. Their local founders, not the state legislature, chose where to establish towns and what municipal services to offer. Statewide implementation of public health measures—a vaccination program, for example—requires uniform geographic coverage, which counties provide. Counties can also provide municipal services, especially where towns and cities are scarce, but these functions are subsidiary to their obligations to the state.

A county's primary service is symbolized by its courthouse, from which the state's laws are adjudicated. It is usually the most prominent government building in the county seat. In several states, mostly in the South, the titles of county executive and legislative bodies suggest an overlap with judicial functions: the "county judge" is the elected chief executive in Arkansas, Kentucky, and Texas; the "police jury" is the parish legislature in Louisiana. Vermont's much more limited county legislative functions are overseen by an appointed judge and two elected "side judges," as described in the section below for that state.

City hall, by contrast to a courthouse, houses the locally elected council, the mayor, and city service departments. Mayors and city council members seldom have titles that evoke judicial trappings. Municipal administration, not judicial affairs, is the function signaled by city-hall architecture. The public can normally

¹¹ Douglas Keith and Eric Petry, *Apportionment of State Legislatures, 1776-1920*. Brennan Center for Justice at New York University School of Law, 2014. (General survey citing each state's constitutional provisions.)

¹² John F. Dillon, *Commentaries on the Law of Municipal Corporations*. Little, Brown, 1871. Most commentary on Dillon is critical of his narrow stance, but others (including myself) regard the rule as a protean straw man to knock down in favor of the writer's views. In line with my view is Jesse J. Richardson Jr, "Dillon's rule is from Mars, home rule is from Venus: Local government autonomy and the rules of statutory construction." *Publius: The Journal of Federalism* 41:4 (2011): pp. 662-685. See also Fischel, *Zoning Rules!*, Lincoln Institute, 2015, p. 73.

just walk in, unintimidated by well-tailored attorneys, robed judges, secure courtrooms, and alabaster “justice is blind” statues that oversee the entrances of county courthouses.

The clearest example of counties’ difference from municipalities is the office of the county sheriff. Almost all sheriffs are locally elected independently of county legislators and executives. Unlike a city’s chief of police, the sheriff cannot be fired by local officials. The sheriff runs an “office”—a political prize guaranteed by the state constitution—not a city department. Even in those few counties that have merged with their cities, the sheriff almost always maintains an independent office. Sheriffs participate in general law enforcement along with city cops, but only sheriffs run the county jail and the transfer of prisoners to the courts. Judges might not want local police to run the county jail, not least because some of the inmates could be local officials.

I.5. TOWNS’ DESIRE FOR A COURTHOUSE SHAPED COUNTY GEOGRAPHY

There is nonetheless an important foundational connection between municipalities and counties. Because enterprising town-founders could decide where to put down their stakes, they often contemplated the possibility of their location becoming a county seat. Municipalities outside of New England were usually eager to be designated the county seat. (New Englanders cared mainly about their town’s meetinghouse location.) Possessing the courthouse gave the town prestige and a guaranteed business base. Lawyers and printers and hotel owners were drawn to county seats. (Actual employment by the county was relatively small unless it provided extensive municipal services.)

Being at the county’s center, whether determined by area or population, made it more likely that voters and state officials would select the town as the county seat. Because early residents of newly created counties could not be sure where population centers might develop, the geographic center of the county was the default preference. States that created new counties often designated an initial county seat, but this could usually be changed by allowing voters to choose between two or three locations. Being at the edge of a county was almost always a disadvantage when county seats were contested. State governments also encouraged central locations of seats so as not to have them interfere with the formation of neighboring counties and the location of their seats, but local voters usually got their way.

In not a few cases, local promoters of off-center towns would lobby the legislature to create a new county or adjust existing county borders to make their towns better candidates for the seat. If that wasn’t feasible, a few frontier towns

simply dismantled and reconstructed their buildings or rolled them towards a location with better prospects to be voted the county seat. Moving even sizable buildings, mounted on logs and pulled by oxen, was economically feasible in an era that lacked overhead utility lines, highway underpasses, and indoor plumbing and electrical connections.

State legislators were elected from local districts, so they were subject to petitions to create new counties and modify boundaries.¹³ In most states, local plebiscites and petitions were part of the process of establishing and modifying county boundaries and, more often, locating and relocating county seats. This probably created more counties than legislators collectively wanted because log-rolling (the political kind) in legislatures undercut the collective will. The eventual cure was to adopt state constitutional rules limiting the creation of new counties and modifications of borders.

I.6. CONSTITUTIONAL MINIMUM AREAS STOPPED COUNTY PROLIFERATION

The establishment of a county required enough population and taxable resources to be self-sufficient; residents of counties in the rest of the state were not keen on subsidizing the laggards.¹⁴ It was common for the state to demand that residents of the county build the courthouse to do the state's business. Yet early formation standards were relatively modest and did not much constrain the establishment of counties. The most effective rules were constitutionally mandated minimum county land areas (as described by John A. Fairlie [1906], cited above). Indiana's 1851 constitution was an early example. Besides minimum population requirements (not that serious a constraint), Indiana demanded that any new county had to have at least 400 square miles and not leave any preexisting counties with land area less than that. Only one more county, Newton, was created in the state after that. None of the state's 92 counties has since been disestablished, even if they were below the 400 square mile minimum, owing to the near-universal practice of "grandfathering" the dimensions of previously established counties.

Indiana's success was emulated by many other states. By 1900, most states east of the Mississippi and a few in the West had some areal variation of this rule, and county formation in long-established states ground to a halt. But some states

¹³ The petition was a mainstay of local county formation and an important expression of democracy in the nineteenth century. Daniel Carpenter, *Democracy by Petition: Popular Politics in Transformation*. Harvard University Press, 2021.

¹⁴ A useful overview of county functions and finances is provided by the National Association of Counties, The County Landscape Project: A [Primer](#) on Our History, Definitions, Structures and Authorities, February 2025. My inference from this is that counties are largely self-sufficient for basic functions. Most of their intergovernmental revenue is earmarked for particular expenditures demanded by state or federal programs.

remained more receptive to county creation. In the lightly-populated West, new counties were regarded as vehicles to attract development and new residents, and most did not adopt a constitutional rule limiting county formation. Indeed, for a time Montana allowed counties to be formed without legislative action. (See Petroleum County in Montana in Part IV.) In the South, counties were more important than most municipalities, and county formation continued longer in the there. It was eventually brought to heel by the same minimum-area rules that other states had put in their constitutions.

Most minimum-area requirements were accompanied by another constitutional constraint on new county formation. The new county's borders (and adjustments to older borders) were not to be closer than a stated distance—usually from seven to twelve miles—from existing courthouses of *adjacent* counties. The spacing constraint was to keep the county-seat town in the previously-established county from ending up close to the border of the new county. The incumbent seat of the existing county was thus protected from rival towns within its own county that would have become more central with the adjusted boundaries. This widespread condition is further evidence that county-creation politics was driven by protection of existing county seats.

Countywide elections and local influence on the state legislature (which normally had to approve courthouse removals) could, in most states change the seat from one town to another. This created electoral contests between towns, and stakes were high. Sometimes the elections turned fraudulent and violent, and states began to adopt rules to retard competition between towns. A three-fifths vote might be required, geographic centrality might be favored, and frequency of removal elections could be limited.

The ultimate local tool to protect a town's courthouse was to create a new county to sequester its rival towns and make its own location more central. Constitutional limitations on county size and seat location were protections for the state from county proliferation and needless local conflicts. The limitations also were insurance for the incumbent county seat against losing (figuratively) their prized courthouse.

A rarer constitutional rule also was effective—perhaps too effective—in preventing county proliferation. Most states did not permit residents of existing counties to block the creation of new counties from their original territories. Local representatives of existing counties might lobby against dismemberment, but the legislature as a whole made the final decision. Counties in this sense were true creatures of the state legislature. They were unlike towns and cities, whose territorial integrity as municipal corporations got more respect.

But a few states, notably California and Utah (discussed in Part V below), installed constitutional rules that required a joint vote of both residents of the proposed new county and the remaining residents of the old county. This concurrent-majority rule stymied most county creation after it was installed. Oversize counties could almost never be split up to satisfy local preferences. The only California county created after this rule was adopted was [Imperial](#), which was granted leave in 1907 by the voters of San Diego County.

I.7. THE TWO DIMENSIONS OF TINY COUNTIES

My odd selection criteria for the fifty-state tour—the smallest counties—probe the apparent exceptions to the constitutional rules that were hostile to small areas and, to a lesser extent, small populations. How did tiny counties attain their stature? Perhaps more important for the present era, how have they maintained their borders intact during a century where ninety percent of the US population now lives in urban areas and the US Supreme Court’s reapportionment rulings in the 1960s took away small-population counties’ voting advantages in state legislatures?¹⁵ We will see that both constitutional limitations on state manipulation of local government (bans on “special and local” legislation) and the creative strategies of small counties themselves have contributed to the durability of the national map of counties.

The “smallest” criterion for my national tour includes both population and land area. The two coincide in only five states: Nantucket in Massachusetts, Bristol in Rhode Island, Ohio County in Indiana, Worth in Missouri, and Kalawao in Hawaii are both the smallest in population and land area. In these states, I select the next-smallest county by land area to fill out the roster in each of these cases except Rhode Island, which has foresworn county government for almost two centuries, and Hawaii, whose smallest county was a leper colony and hardly a governing entity at all. I use next-smallest land area rather than population because population is more subject to change over time. (As noted in the text under Michigan and Utah, dry land area changes with the level of lakes, but generally more slowly than population.)

An aside on the statistical value of focusing on the smallest counties: Choosing the very smallest in population and land area is an easily identifiable and (mostly) unambiguous criterion. It constrains my choice set and makes my inferences less subject to selection bias. I have been studying counties since

¹⁵ Municipalities followed a much different trajectory in response to urbanization. Tiny towns and cities formed in the nineteenth century around burgeoning urban areas, but most were absorbed by their central cities or consolidated with neighbors to prevent annihilation, a process that largely halted after about 1920. Jon C. Teaford. *City and Suburb: The Political Fragmentation of Metropolitan America 1850-1970*. Johns Hopkins, 1979.

2016, and I know where the good stories are. For the present work, I needed a criterion that makes me deal with potentially dull stories and inconclusive histories. I do digress into the better stories (as my students would confirm), but not without getting through the pre-arranged points on the syllabus.

The two criteria also provide a balance between urban and rural counties. The smallest population counties are almost always among the most rural in their states, but smallest-area counties such as San Francisco and Manhattan (formally, New York County) often end up being among the most urban in their states.

A distortion that the smallest land area introduces is that such counties represent a disproportionately large number of the nations' consolidated city-counties. Fourteen of the smallest-area counties in my sample are consolidations of their city and county.¹⁶ There are only about forty such city-county units in the entire US, so these represent more than a third of the total. The reason is that a very small-area county whose seat develops into a substantial city will have a total county population that is disproportionately urban. In a local election, consolidation is usually favored more by urban residents, so more small-area counties are likely to succeed. However, most of these consolidations came about years after their county boundaries were established, so their origins are not quite so special.

My focus on the smallest is partly inspired by another field of endeavor. Adam Gopnik, a writer for *The New Yorker*, published an article in 2011 about how he learned to draw.¹⁷ He was trained as an art historian but well into his career decided he needed to experience how the artists he wrote about actually did their craft. His initial efforts, in which he began by drawing outlines of an entire figure, were failures. Gopnik then found a patient master artist who encouraged him not to look at the broad outline of his subject (usually a live model) but to concentrate his efforts on small details. His greatest accomplishment, he wrote, was his drawing of the connection between a model's arm and her shoulder. Mastering the smallest detail was the key to the larger picture.

I.8. REGIONAL VARIATION: RACE AND RAINFALL

I have organized the states into the three kind-of-obvious historical regions of North, South, and West, bookended by two subdivisions: New England and the Pacific Rim. The three major regions happen to correspond to my national theory of county variation. Counties in the North are essential for state administration but

¹⁶ The fourteen are: Arlington VA, Athens-Clarke GA, Baltimore MD, Broomfield CO, Butte-Silver Bow MT, Carson City NV, Hartsville-Trousdale TN, Kansas City-Wyandotte KS, Los Alamos NM, Manhattan NY, Nantucket MA, St. Louis MO, San Francisco CA, and Skagway AK. The smallest county by *population* in Kansas, Greeley County, also consolidated with its largest city, Tribune, in 2009.

¹⁷ Adam Gopnik, "Personal History: Life Studies," *The New Yorker*, June 27, 2011.

secondary to towns and cities in the minds of most citizens except in very rural areas. Abundant rainfall facilitated a landscape of compact farms. That closely settled population created a network of numerous small towns to service the rural population. In New England, counties are almost an afterthought, and Connecticut and Rhode Island and all but southeastern Massachusetts abolished them as functioning local governments.¹⁸

Once northern-state counties were established after settlement, residents expended relatively little effort to change their boundaries, although contests for seats persisted until automobiles made distance to the courthouse less important for most residents. The automotive effect does not contradict my claim that county creation was stanching by constitutional reforms at the state level. The contests for seats *within* existing counties continued until automobile access undermined the appeal of moving the seat. Many present-day towns surely still wish to obtain the courthouse of their counties, but convenient car access to existing seats makes it difficult for the aspirants to round up voters elsewhere in the county to support the costly and politically disruptive process of courthouse removal.

Counties are more important in the South, which includes all the states of the Confederacy plus the border states of Missouri, Kentucky, West Virginia, Maryland, and Delaware, which did not formally secede from the Union. Slavery remained legal during the Civil War in the border states and complicated Lincoln's desire to abolish it.

In my view, slavery, not rebellion and secession, determined the distinctive role of counties in the South. The South had sufficient rainfall to establish small farms, but the economic power of plantation-based slavery discouraged immigration of yeoman farmers from other regions and stunted the growth of urban settlements. White Southern legislatures, dominated by the planter elite, did not trust local governments below the county level, and counties themselves were kept on a short leash as agencies of the state. In the pre-Civil War era, limits on county formation and on their self-governance were among the many institutional limitations designed to prevent poor whites from taxing the human property of rich slave owners. (I consider and dismiss the influence of Virginia's Church of England parishes on the South's distinctiveness. Details are offered under Virginia in Part III.)

After the Civil War, county governments were vehicles for Southern legislatures to prevent blacks from voting and otherwise participating in civic affairs even where local sentiment might have been more permissive. Slavery and racial

¹⁸ Chloe Courtney Bohl, "Why did half of Massachusetts's counties abolish their governments in the '90s? And what do the remaining counties do?" [Boston.com](https://www.boston.com/news/local/massachusetts/2023/12/12/why-did-half-of-massachusetts-counties-abolish-their-governments-in-the-90s/), December 12, 2023 [Nov. 2025]. See text below for Connecticut, which recently banished counties from US Census data in favor of regional planning areas.

discrimination also attenuated the ability of towns to become county seats. Unified political action to get the courthouse and form a county was difficult in societies divided by racial mistrust. We will see that within the South, rural counties in which slavery was less prevalent behaved more like their northern and western counterparts, though slavery's influence on state institutions was still a powerful constraint on local politics.

Out west, scant precipitation and mountainous terrain limited agriculture to ranching and confined most industry to often-transitory mining and forestry enterprises. This made for low-density settlements, which retarded the creation of a robust layer of towns and cities. The lack of urban development west of the 100th meridian can be seen from your airplane window-seat on a cross-country night flight or, more conveniently, from NASA's night sky collage.¹⁹ As a result of the scarcity of towns, counties had to be larger in arid areas just to include enough taxpayers and jurors to run the government. Counties ended up being more important than towns for local government even though western states were generally not mistrustful of localism in the way the South was.

Counties are much larger in area in states west of Kansas, averaging four times the size of states to the east. (National county [outline map](#) here.) Western counties become somewhat smaller near older cities such as Denver, Salt Lake, San Francisco, and Portland, where rainfall and irrigation supported a higher density of farm population in the nineteenth century. Higher population density in turn supported a network of smaller units of government more like that of the North. County land area was at least as much a legacy of geography and climate as it was of individual state history. To put my theoretical divisions succinctly, the regional roles of county government were shaped by race and rainfall.

I.9. GEOGRAPHY BY CONTIGUITY, NOT BY ALPHABET

Within the five regions, my narrative will move from states adjacent to one another rather than the more usual (and, to me, annoying) practice of proceeding alphabetically. The county histories of Alabama, Alaska, Arizona, and Arkansas have very little to do with one another. The institutions of American local government were spread by people who moved freely between nearby states. The politically distinctive states of New Hampshire (my home) and Vermont (over there to my left) nonetheless have a local government culture that is almost

¹⁹ Satellite [night photo](#) of US. [April 2025]. Lights of small towns disappear as one flies west of the 100th meridian, which divides the country in two. The apparently huge city in western North Dakota is the light of well-head flares of natural gas that cannot be piped to market.

indistinguishable on either side of their common border, the Connecticut River, along which I have lived for most of my adult life.

Part I will be a tour of New England, starting with Maine. There's less to talk about in these six states, given the minor role of counties here. Part II covers the rest of the traditional northern states, moving west from New York to Indiana and then rotating counterclockwise around Lake Michigan. In Part III, the traditional South will begin with Delaware and zigzag through the other states of the South, ending with Missouri. In Part IV, the tour of the Great Plains will begin with North Dakota and travel down the Hundredth Meridian and then move to the Rocky Mountain States. The journey will finish in Part V with the Basin and Range states of Utah and Nevada, whose Mormon influences made them culturally and politically distinctive, and the five states that are washed by the Pacific Ocean.

A map useful for following the tour is [United States 1860](#) showing the free states (in blue) of the North and far West; the slave states (in red) of the South; and the inland territories (yellow) made open for slavery by the 1857 [Dred Scott](#) decision. (*Dred Scott* was nullified by the Fourteenth Amendment in 1868.)

The tour will not be confined to tiny counties. There are two reasons for such digressions. First, I discovered that county creation is not a solitary event. In many cases, a county's creation was engendered by a nearby county's desire for a border change. Oddly enough, this often involved making the neighboring county smaller so that its county seat was more secure from threats by rival towns to take its courthouse. Because most counties were formed from existing counties, these considerations are surprisingly widespread. My narrative, then, must often veer to include several other counties besides the smallest.

Besides this, several states have county-origin stories that illuminate the evolving role of courthouse competition, transportation developments (chiefly the railroad), electoral manipulations, and constitutional innovation. These warrant some side-trips from my core examinations of the smallest counties. The hundred smallest will be the trope that provides continuity and discipline to my investigation, but it will occasionally be stretched so as not to miss illuminating and sometimes entertaining county-based histories.

I.10. TOCQUEVILLE AND THE REAPPORTIONMENT DECISIONS DEPRECATED COUNTIES

A drawback of my east-to-west itinerary is that it starts with the US region in which counties are least important. In *Democracy in America* (1835), Alexis de

Tocqueville wrote almost rhapsodically about the New England town and its democratic, participatory structure. To this analysis he added a short section titled, “The Counties in New England,” followed by some discussion of other states then in existence. Of counties, Tocqueville was entirely dismissive:

“The division of the counties in America has considerable analogy with that of the arrondissements of France. The limits of both are arbitrarily laid down, and the various districts which they contain have no necessary connection, no common tradition or natural sympathy, no community of existence; their object is simply to facilitate the administration.” (Chapter V, Part I)

This might have been true of New England counties, but the rest of the country did not follow along. From the Hudson River to the Pacific, counties were laid out with intentional design and local, democratic participation. The design sometimes was drawn by the hand of the state legislature or its territorial predecessor, but, as we shall see in the states beyond New England, the initial settlers and local property owners often initiated the county’s establishment and, if not, frequently pushed to change the boundaries to protect and promote their real estate investments.

Tocqueville’s enormous influence on Americans’ thinking about local government continued into the twentieth century. His dismissal of counties’ “community of existence” was echoed in the landmark voting reapportionment case of *Reynolds v. Sims*, 377 U.S. 533 (1964). Alabama, like most other states, gave nearly every county at least one seat in one house of their legislature.²⁰ Because most counties were rural and lightly populated, and the number of legislators had to fit into the finite space of the capitol, this system shortchanged urban areas and ran counter to the principle of representation in proportion to population.

Part of Alabama’s defense of this system was the federal analogy: Counties were to the state what states were to the national government. The Federal Constitution bases representation in the House of Representatives on districts of equal population, but each state is guaranteed exactly two senators. Small counties were, on this theory, entitled to representation in one house of the state government based on their sovereign existence, much like Wyoming and Vermont—the two smallest states—are entitled the same number of US Senators as California and Texas despite their enormous population disparities.

The *Reynolds* Court dismissed this argument: “Alabama counties [and by implication those of other states] are merely involuntary political units of the State

²⁰ Elizabeth Durfee, “Apportionment of Representation in the Legislature: A Study of State Constitutions.” *Michigan Law Review* 43 (June 1945): pp. 1091-1112. “Perhaps the outstanding feature of the various constitutions is the preservation of the county as a unit in apportionment.” p. 1096.

created by statute to aid in the administration of state government.” 377 U.S. at 547-548 (1964). In other words, counties were no more entitled to representation than cities containing outposts of the state’s department of motor vehicles or cities hosting state-supported health clinics.

The two prominent sources—Tocqueville and *Reynolds*—that dismiss the county as mere administrative entities are representative of the views of those few scholars who write about them. A still-cited 1917 critique was colorfully titled, “The County: The ‘Dark Continent’ of the American Politics.”²¹ The most recent book-length work to examine a sample of counties in each state is from 1950: “County Government Across the Nation,” compiled by Paul Wager and several other scholars.²² It is full of budgets and mid-century government structures. Origins and ongoing political affinities are seldom touched on, and the stasis of twentieth century county borders is taken as a given.

More recent scholarship on counties has focused on their functions in metropolitan areas or in particular states and regions. There are no previous works that attempt to systematically examine the historical origins of counties across the nation, let alone advance a behavioral theory of their geographic boundaries. It’s as if they had just sprung fully formed from the brow of the state.

Yet local legislators and voters have persisted in regarding the county as a political unit. Even after the states conformed their electoral precincts to the reapportionment commands of *Reynolds* and its successors, almost all of them—even in New England—made strenuous efforts to draw voting districts that did not cross county boundaries. Sometimes this is nearly impossible, and a few counties and other large-area jurisdictions are broken up to share legislative districts with other counties. As will be demonstrated, both Tocqueville and the US Supreme Court have overlooked the historical process that made counties into coherent political communities.

Conforming to the voting-rights demands of *Reynolds* has also had some downside. Aside from increasing the political and physical distance of rural voters from their locally-elected state representatives, the ability to slice up counties and other jurisdictions to ensure numerical balance has given greater salience to a political defect many consider as egregious as population malapportionment:

²¹ Henry Stimson Gilbertson, *The County: The "Dark Continent" of the American Politics*. National Short Ballot Organization, 1917. The book primarily advocated consolidating the elective offices of the county, but it also argued for fewer counties, as has almost every reformer since, all without much effect.

²² Paul W. Wager et al., *County Government Across the Nation*. University of North Carolina Press, 1950. Each state is usefully surveyed for its local government institutions, and then a single county is dissected for its fiscal and functional characteristics. For those states reported by Professor Wager’s coauthors, the counties tended to be those with universities that were home to the author of the chapters. New England states were represented by a municipality, not a county.

gerrymandering. It is far easier for the party that draws legislative reapportionment lines to gerrymander them in their favor if county boundaries need not be respected.²³ (Discussed in more detail under California in Part V below.)

I want to offer an outside-the-footnotes acknowledgement to the source that made my inquiry possible. Chicago's Newberry Library, a private research institution, began in the 1970s to assemble a comprehensive set of historical maps of every county's origin and every border change up to, eventually, the year 2000. (Very little has changed in the present century.) After the Library published a number of excellent volumes of paper maps, advances in computers and geographic information systems warranted a switch to on-line maps.

This is a case where technological change provided, in my otherwise Luddite opinion, a substantial improvement. The website and data of the Atlas of Historical County Boundaries are available free, courtesy of the Newberry Library.²⁴ The laudable thoroughness and consistency of approach are due to the career-long work of the two main editors, John H. Long and Peggy Tuck Sinko, and a largely part-time staff. They specifically foreswore any theorizing about how and why counties formed. I took that as my challenge.

Map note: The Newberry Library's map format was changed in 2025. The computer program that supported the original maps was discontinued by the original vendor, and a new program was installed. I found the new format faster but less intuitive. For readers who had used the former map program, I have assembled a guide to using the new format. However, linked references to the Newberry maps in my footnotes within the present work do not require that the reader follow my guide. The guide is on the following page so that it can be copied or printed separately as a single sheet. The locations of other maps and sources are indicated in the footnotes for the state of Maine on the following pages.

²³ Gordon E. Baker, "Judicial Determination of Political Gerrymandering: A Totality of Circumstances Approach." *Journal of Law and Politics* 3 (1986): pp. 1-19.

²⁴ Atlas of Historical County Boundaries, The Newberry Library, Dr. William M. Scholl Center for American History and Culture. <https://digital.newberry.org/ahcb/> [March 2026]. Users can zoom in on each map to see modern (ca. 2000) maps that underlay the historic borders and locate rivers and towns and cities. Its only drawback for my purposes is that county seats are not indicated on the maps.

I.11. Step-by-step guide to Newberry data, using Indiana as an example:

Go to <https://publications.newberry.org/ahcb/> and click on “Go to the maps” box.

Scroll down and click on the slightly silly postcard for “Indiana.” A map of the originally huge territory bordering most of the Great Lakes appears on the left. On the right is a drop-down under the name “Indiana” with an initial date, “1778-12-09.”

Click on this first date, and elements of the following list appear:

- “All Changes” when clicked opens a new tab or window with a long list headed “Consolidated Chronology of State and County Boundaries” starting “2 June 1609” and ending twenty-three pages later with “31 August 1981.” County names are entered as ALL CAPS, which helps distinguish them from the names of towns and cities.
- “Changes by County” is next. It provides the same information as above except it is arranged by the county. Clicking on this reveals a list that begins (appropriately enough) with “ADAMS New Purchase (extinct)” with the foundational date of that proto-county entity, “20 Jan 1820.”
- “Indiana Bibliography” is next and is self-explanatory.
- “Commentary” is the last verbal entry in the pull-down window before the first date. Not all states have commentaries, but these Newberry staff-written essays were insightful and useful for my purposes.
- Below these verbal selections are a series of specific dates. For illustration, scroll down and select “1816-01-01,” the year Indiana became a state. A map with modern state boundaries appears. It includes several early counties created by Indiana Territory. The smaller-area counties are arrayed along the Ohio River, Indiana’s southern border, which was the locus of initial settlement for Indiana as well as for Ohio and Illinois. Smaller county areas usually suggest higher population densities.
 - Within this 1816-01-01 Indiana map, click on the southwestern toe of the state, and information for POSEY county appears on the right. It gives dates at which the boundaries of POSEY are relevant. To track changes visually, you can move the timeline slider (gingerly) to the right or, less conveniently, go back to the verbal chronologies. My hint: Open the Atlas on two screens to use the map and the verbal chronology at the same time.

[end of step-by-step guide]

§§ PART I

THE NEW ENGLAND STATES: COUNTY MINIMALISM

Sequence of [six states](#):

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut

[US Map](#)

§Maine

Statehood 1820 (separated from Massachusetts) (23rd state)

Sixteen counties [[map](#)²⁵] [[list](#)²⁶] [[chronology](#)²⁷]; mean land area 1,928 square miles²⁸

Newest County: Knox, 1860; centermost:²⁹ Piscataquis

Smallest: Piscataquis (2020 population 16,800) and Sagadahoc (254 square miles)

Maine's least populous county (16,800 in 2020), [Piscataquis](#), occupies a large, almost-rectangular area in the center of the state. Its land area, 4,378 square miles (9.5 percent water), is second only to its giant eastern neighbor, Aroostook County. Both are huge because northern Maine has so few people to support a county government. Most of Piscataquis County is cold and mountainous and its topsoil was scraped off by successions of ice-age glaciers. Maine nonetheless needed to create counties in its northern regions to establish government control.

²⁵ The advantage of the geology.com maps referred to at the heading for each state is that they show county seats in what I judge to be reasonable position within the county's borders. Location of seats was an important determinant of county borders themselves. My apologies for the site's sometimes intrusive advertisements.

²⁶ The link for "list" always goes to Wikipedia's "List of Counties in [the state at hand]." These sites are generally informative, and their usefulness is enhanced by the tabs that allow users to rearrange rankings from smallest to largest by each category. Two drawbacks are that data are sometimes for a year more recent than 2020 and areas included water bodies, which, as the second footnote after this explains, I have usually excluded from usable land area for the county, which sometimes alters the identification of smallest-area county.

²⁷ This link goes to the Newberry Library's historical listing of each county's origin and all changes for the state. .

²⁸ Mean square miles in this and all other state headings exclude water areas that are nonetheless subject to county jurisdiction. For dry land vs. water see US Bureau of the Census (2010), State Area Measurements and [Internal Point Coordinates](#) [Apr. 2025]. Water areas are substantial for some coastal counties and for those bordering the Great Lakes. See discussion below in Part II for Michigan. Unless otherwise noted, my mentions of land area exclude Census water bodies.

²⁹ "Centermost" is the county containing the geographic center of the state. I had originally intended an inquiry into their origins as a control sample, but this made the book too long. The dozen or so I looked at confirm my conclusion that local voters often had a hand in creating or shaping their county.

Maine’s several counties of the north are, in a sense, like those of the arid US West: not enough people to create a web of towns or an accessible county seat. As one drives north to Katahdin, Maine’s majestic mountain and the northern end of the Appalachian Trail, functioning towns thin out. The region is divided into units called townships and “plantations.”³⁰

A peculiarity of the townships on the map linked in the previous footnote (repeated [here](#)) is that two are named “Bowdoin College Grant” (southeast of Moosehead Lake and east of Greenville). This is an early example of state support for higher education, in this case, by Massachusetts when Maine was part of that state. The college was never located there, and it is almost unpopulated. The grant served as an endowment, not a campus. Income from the land, mostly timber harvesting, or proceeds from sale of the land itself were dedicated to the financial support of the college.³¹

Grants of this sort were a widespread tradition in early America. It was institutionalized in the western US by the federal government’s reservation of the centrally-located, one-square mile “school section” for residents of each settled township. The income from renting or, later, sale of the federal land was dedicated to public education. It is still common for people to erroneously assume that the “school section” was where the township school was located. The square-mile (640 acres) section was way too big for a school and too remote for kids to walk to from most locations in the 36-square mile township.³² One-room schools and their self-governing districts were scattered about, numbering from nine to eighteen or so. Their modest budgets received supplements from the rental income of the school section of the township in which they were located.

The “plantations” usually contain land owned by forest products companies and are unique to Maine. They were initially regarded as transitional or caretaker local governments with minimal functions, but many have persisted as limited-function towns.³³ The “townships” in Maine are no more than geographic demarcations within the vast northern “unorganized territory” and are governed by the county and the state. (In the rest of New England, a township, which is an infrequently used synonym for “town,” is normally a functioning local government.³⁴)

³⁰ Piscataquis County [township map](#) [Apr. 2025]

³¹ New England Historical Society, Establishing [Bowdoin](#), Maine’s First College [Nov. 2025]

³² I discuss this at length in chapter 2 of *Making the Grade* (cited in note 2 above) and point out the dual purpose of the school section: Spread education widely and attract settlers to the public lands. I would judge it to be one of the most successful examples of “industrial policy” of the federal government.

³³ Maine: An Encyclopedia, “[Plantation](#)” [April 2025]; Piscataquis County, Maine, Hazard Mitigation Plan, 2023, pp. 1-7 to 1-8 [explains Townships](#), Plantations, and unorganized territory. [Apr. 2025]

³⁴ A more typical example New England towns is this map of [Massachusetts](#)

Piscataquis County was created in 1838 from two neighboring counties. The town of Dover was named the county seat without apparent controversy.³⁵ The town gained a newspaper and other businesses in response. It later combined with neighboring Foxcroft and is by far the largest in the county at about 4000 residents.

[Dover-Foxcroft](#) is unusual as a seat in that it is far distant from the center of its county. It is near the southern edge of a county that stretches almost 100 miles north to south. (Baxter State Park, which contains Mount Katahdin, is within the northeast quadrant of the county.) Nearly all of the county's population, though, lives in the southern tier of towns, and Dover-Foxcroft is near the center of that part.

Maine's smallest-area county is [Sagadahoc](#) (370 square miles, 31 percent water) along the southern coast of Maine. It was the second-last county created in the state in 1856. (The last was Knox in 1860.) The county seat is Bath, home of the Bath Iron Works. It is a shipbuilding company that exists mainly on US government contracts for warships, which cannot be entrusted to companies in other nations.

There seems to have been no controversy in Sagadahoc County's creation or contests for Bath's position. Its courthouse was constructed with county funds and completed at a leisurely pace.³⁶ This was in contrast to many other county formations outside of New England, where local entrepreneurs would promote their claim to the county seat with private contributions to fund a courthouse, which was then hastily built to cement its position against rival towns.

Sagadahoc is thus consistent with the general New England indifference to county governments. As a visitor to Maine, I would speculate that seemingly small coastal counties actually have fairly long distances to courthouses because of the many rocky peninsulas that must be negotiated to get there. A well-worn Maine story has a visiting motorist asking a native how to get to Millinocket (the town nearest Mount Katahdin), and after many verbal blind alleys, the frustrated native declares in the distinctive Down-East accent, "Well, ah guess you just can't get they-ah from he-ah."

³⁵ Amasa Loring, *History of Piscataquis County, Maine: From Its Earliest Settlement to 1880*. Hoyt, Fogg & Donham, 1880, p. 57.

³⁶ Parker McCobb Reed, *History of Bath and Environs, Sagadahoc County, Maine. 1607-1894*. Lakeside Press, Printers, 1894, p. 198.

§New Hampshire

Royal Province of New Hampshire, 1679; ratified Constitution 1789 (9th state)

Ten counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 895 square miles

Newest counties: Belknap and Carroll, 1840; centermost: Belknap

Smallest: Coös (2020 population 31,268) and Strafford (368 square miles)

Counties in New Hampshire are secondary in most citizens' minds to their towns. If asked where I live in New Hampshire, I would never say Grafton County unless asked by a government official. My home state's counties are nonetheless more robust and comprehensive than those of the other New England states.

New Hampshire's least populous county is [Coös](#) (31,268 people). It occupies the northern part of the state and is also the largest in land area (1,830 square miles, 2 percent water), a unique combination of in-state extremes. (Keweenaw County in Michigan, discussed in Part II below, is both smallest in population and largest in official area, but its area is mostly water in Lake Superior.) Like Piscataquis in Maine, Coös County is large because there are so few people in the region.

Pronunciation aside: The decline in the use of the umlaut-looking dots (dieresis) over the second vowel accounts for the frequent mispronunciation of the name: It is "COH-ahs." If there were a Coös Park, it would rhyme with Noah's Ark.

The dieresis-deficient Oregon county named "Coos" rhymes with "goose."

Coös was split from Grafton County in 1803 after northern residents complained of the long trek to the courthouse.³⁷ This was a common complaint in all remote areas. The seat of Coös was established in Lancaster, on its southwestern border with Vermont and still a long hike for its northern residents. In the case of Coös, the remoteness of its northern region caused it to become involved in a post-Independence boundary dispute between Canada (then the British Province of Quebec) and the US.

The northern boundary of New Hampshire was defined after American Independence as the headwaters of the Connecticut Lakes (the source of the river), and there were multiple plausible candidates for that location. Officials in both Canada and New Hampshire tried to collect taxes from the roughly 400 residents of the area, and they responded in 1832 by creating the independent republic of Indian Stream, whose residents paid taxes to no outside government.³⁸

³⁷ Georgia Drew Merrill, *History of Coös County, New Hampshire*. Syracuse, N.Y.: W. A. Fergusson & co., 1888, p. 90.

³⁸ Its residents also wrote a constitution. Edwin R Keedy, "The Constitutions of the State of Franklin, the Indian Stream Republic and the State of Deseret." *University of Pennsylvania Law Review* 101:4 (1953): pp. 516-528.

Several minor military skirmishes led to an international confrontation that was settled generally in favor of the US. Indian Stream soon rejoined New Hampshire and the rest of Coös County. Its former territory now covers most of the town of [Pittsburg](#). The Webster-Ashburton Treaty of 1842 finally determined the northern borders of New Hampshire and Maine, whose disputed lands were much larger than Indian Stream.

Lancaster, the Coös County seat, is located near the southwest corner of the county. When its courthouse burned down in 1886, there was talk of moving the county seat to slightly-more-central Berlin, which was fast becoming an industrial center of the paper industry. Lancaster instead built a larger and fire-resistant brick courthouse to replace it.³⁹ Berlin did build an auxiliary courthouse. (Building extra courthouses to accommodate larger towns is not unknown in New Hampshire; Hillsborough County today has courthouses in both Manchester and Nashua.) But the official county seat of Coös remains in the now much smaller town of Lancaster. (The uncommon phenomenon of officially-dual seat counties is discussed below in Part III under Arkansas.)

New Hampshire's smallest county by area (383 square miles, 4 percent water; not exactly tiny) is [Strafford](#), down in the southeast side of the state, next to southern Maine. It was an original county, one of five that blanketed the state when it was still governed as an English colony in 1769. Like many original counties in other states, Strafford was subdivided to create other counties over the years. Its biggest loss was in 1840 when the counties of Belknap and Carrol took more than half its northern area.⁴⁰ That left Strafford with the least land area in the state.

One of the counties that split from Strafford, [Carrol County](#), does have a seat-seeking provenance, which indirectly accounts for Strafford's small size. New Hampshire counties each have a legislature whose membership may be unique in the United States. It is composed of the elected delegates of the lower house of the state legislature (formally and confusingly called the General Court) elected from that county. The lower house of New Hampshire's legislature is one of the largest elected bodies in the world with 400 members, so even small counties have several delegates. This was true in 1839, when then-large Strafford County held a delegate

³⁹ "American Courthouses, [Coös County](#), New Hampshire [April 2025]. This is one page of a site that has photographs of [every American courthouse](#) and commentary on their design and history. They were taken by John Deacon, a Canadian attorney who visited every [!] county seat in the US and Canada. I will link to his work when the photos and commentary provide relevant information not shown on the county's Wikipedia page, but the reader especially interested in courthouse architecture will find Deacon's systematic work difficult to match. The Reverend Keith Vincent's extensive collection of historical [postcards](#) of county courthouses is useful for establishing pictures and dates of former and extinct courthouses.

⁴⁰ Newberry Library, New Hampshire: [compare map of [1837-01-13](#) to [1841-01-01](#).] March 2026]

meeting in the state capital, Concord. It was decided that Strafford County's northern regions warranted their own courthouse because of the growth of the population.

I am normally reluctant to record long quotes from often-overenthusiastic local historians, but I can hardly improve on the 1889 account by Georgia Drew Merrill.⁴¹

“In 1839 the northern part of Strafford county had attained such importance and had so much business in the courts that the county delegation [legislators meeting in Concord, the state capital] of that year decided to build a court-house in that section and hold regular terms of court there. This action occurred on Saturday, and the delegation adjourned to meet for further consideration of the subject on Monday afternoon at four o'clock. [The town of] Ossipee was represented in this delegation by a keen, far-seeing man of great executive ability, Asa Beacham, who at once saw that the town who could present the most liberal offer on Monday would be the one most likely to secure the location. Immediately he started for Ossipee (a long ride by private conveyance), and as the county delegation was going up the steps to meet on Monday, joined them. The question of the [new courthouse's] location came up, and Mr. Beacham handed to the chairman a subscription list of \$850 secured by him during his brief visit home. This was to be applied toward the building of the court-house if it was located in Ossipee.

No other town had any proposition to make, and Mr. Beacham succeeded in getting the location. The building was at once built, in season for the April 1840, term of Strafford county court of common pleas which was held there. Carroll county was created in that year and had a court-house already provided upon its organization. Thus did Ossipee become the county-seat through the energy of Mr. Beacham and the public spirit of Judge Quarles and other citizens.” (p. 240) [I presume the latter were financial contributors; they were not otherwise identified.]

Mr. Beacham was a prominent citizen and landowner-farmer in Ossipee and stood to gain financially as well as politically for his spirited initiative.⁴² As we shall see, he set an example for founders of county seats across the country. But his

⁴¹ Georgia Drew Merrill, ed. *History of Carroll County, New Hampshire*. Higginson Book Company, 1889. Ms. Merrill specialized in histories of counties, including Coös, Allegany (New York), and Androscoggin (Maine). Though listed as editor, she seems to have written most of the historical narrative and at least edited the paid biographies that constitute the majority of the bulky volume and probably generated most of the publisher's revenue. Volumes like hers are among my primary sources for county origins across the nation. What they lack in academic rigor they make up for with historical proximity and contemporary witnesses.

⁴² Ted Cook, Ossipee, NH, Chapter 7: Historic Resources, A Brief History of [Settlement in Ossipee](#) [April 2025]

action apparently drew no counteroffers or resistance from other towns, which made this selection different from most others outside of New England.

Carroll County might have been formed without farmer Beacham's offer, but the county's establishment within a year of the new courthouse suggests that its creation was hastened by it. Ossipee remains the county seat almost two centuries later. The original building still stands, but the official courthouse is a [2003 building](#) nearby.

Indifference to county-seat competition persists in New Hampshire. When the Rockingham County courthouse in Exeter was removed to the adjacent town of Brentwood in 1997, I could find no record of controversy, and the Town of Exeter took over the remaining space in the vacated courthouse for municipal purposes.⁴³

⁴³ [Rockingham County](#), NH, History, Register of Deeds [Apr. 2025]. The site is also an informative history of deed registration. A more erudite and dire view of the role of deed registries is K-Sue Park, "Property and sovereignty in America: A history of title registries and jurisdictional power." *Yale Law Journal* 133 (2023): pp. 1487-1581.

§Vermont

Independent nation from 1777; statehood 1791 (14th)

Fourteen counties [\[map\]](#) [\[list\]](#) [\[chronology\]](#); mean land area 658 square miles

Newest county: Lamoille, 1835; centermost: Washington

Smallest: Essex (2020 population 5,925) and Grand Isle (82 square miles)

Vermont's county creation began in earnest when it finally shed its claim as an independent republic several years after the Revolutionary War. The Vermont Republic's origins were the product of conflicting land grants within the area of present Vermont by British sovereigns. The first was by George II, who included it in New York. The second was by George III, who gave it to New Hampshire without cancelling his grandfather's grant. New York colonial authorities issued town-sites to land that New Hampshire claimed within Vermont. After Independence, Vermont and New Hampshire attempted to annex each other's border towns, and some of the border towns (including one I call home) then briefly tried to become an independent state. The spat was settled in 1784 when General George Washington sent a letter urging Vermonters and their neighbors to settle down within what are now their current boundaries, and Vermont was admitted as a state in 1791.⁴⁴

Vermont's least populous (5,925 in 2020) county is [Essex](#), in the northeast corner of the state. It was separated from Orange County (to the south) in 1792 but was not fully organized with its own officials until 1800.⁴⁵ Such a lag was not unusual for sparsely populated counties, and in the interim it was "attached for judicial purposes" to Orange County and then Caledonia County.

Essex County is in the region of Vermont called without irony the "Northeast Kingdom." Like other north-country counties in this book—Coös in New Hampshire and Piscataquis in Maine—it remains lightly populated because of its remoteness from urban populations and its rugged terrain. The very modest Essex County courthouse is located in the town of Guildhall, the smallest county seat in New England (population 262 in 2020). It is on the state border with New Hampshire, not at all centrally located within the county.

⁴⁴ Jere R. Daniell, *Experiment in Republicanism: New Hampshire Politics and the American Revolution, 1741-1794*. Harvard University Press, 1970.

⁴⁵ Essex appears on the upper right corner of the map at [1792-11-05](#) [March 2026]

The off-center location of the courthouse is less troublesome to Vermonters because most county-like transactions such as deed registrations and voting records are actually handled by towns or directly by the state. I mentioned this to a neighbor who has a law practice in Newbury, Vermont, and he regaled me with a story of searching a title in a small Vermont town.

The property records were kept, as was proper, by the town clerk. (Clerks are usually elected officers with executive duties, not just minders of documents.) She had no town-hall office, though, and kept records in boxes in a shed by her home. My neighbor was invited to sit at her kitchen table while he sifted through the casually sorted papers to ascertain the chain of ownership of the property he was charged to prove. (The separate shed for the documents could have been a precaution against losing the records if the main house burned down, a problem that beset even counties with fine stone courthouses.)

The Essex County sheriff made news in 2025 for his resistance to Vermont's statewide policy that discourages cooperation between local law enforcement and federal immigration agents (Immigration and Customs Enforcement or "ICE"). Sheriff Trevor Colby's chief complaint was that his office often needs the federal police to assist him in ordinary law enforcement and emergency response situations.⁴⁶ There are no municipal police forces in the county, and the Vermont State Police are as overtaxed as the sheriff's officers are. The federal officers are often the first to arrive in emergency calls in the northern part of the county, near the Canadian border. In this respect, the Vermont sheriff is like his Indian reservation counterpart in South Dakota. (See entry for Oglala Lakota County, South Dakota, in Part IV below.) The lone sheriff there, Vanessa Plume, must rely on the tribal police for backup and first response in most cases.

Vermont counties are governed by a regular judge appointed by the governor and two "side judges." The latter are elected at the county level. They do not have to be lawyers, but they do participate in non-criminal cases. Their role as county executives and legislators would be concerning if their non-judicial duties extended much beyond clerical appointments, the sheriff's budget, and county property management. This last item could nonetheless be problematical. One assistant judge in a county near my home was disciplined by the state's supreme court for having sold county property at a steep discount to a private organization of which he was a founder and current board member.⁴⁷

⁴⁶ Paul Heintz, "Along the northern border, a county sheriff pushes back on Vermont's 'sanctuary' policies." *Boston Globe*, Oct. 16, 2025. As a constitutional officer elected by Essex County voters, he cannot be fired by state officials.

⁴⁷ Re: Assistant Judge William Boardman. 2009 VT 42. Supreme [Court of Vermont](#). Mr. Boardman declined thereafter to stand for re-election.

Vermont's other distinction with respect to counties is that it calls its county seats "shire towns." The term is borrowed from the original English name for counties, the shire (from which "sheriff"). It charms visiting flatlanders who then go looking for Hobbits.

Vermont's smallest-by-area is [Grand Isle County](#) (195 square miles: 58 percent water). No apparent political machinations went into its designation as a county in 1802. As a chain of islands on Lake Champlain (plus a peninsula jutting south from Quebec), Grand Isle was difficult to get to from the rest of Vermont and obviously benefitted from a separate courthouse.⁴⁸ The shire town is North Hero, founded 1803. It got around to building a courthouse twenty years later, its leisure suggesting there was no competition for the privilege. Court was held in a tavern in the meantime, which perhaps made building a more formal venue seem less urgent.⁴⁹

North Hero was a division of the original town called Two Heroes. The name jointly honored Ethan Allen and Samuel Herrick, who were granted (one assumes by the new state) the land in the town along with 363 other veterans of Vermont's militias. (As with most other such grants, the beneficiaries more likely sold their shares than lived there.) The two heroes were leaders of the Revolutionary-era "Green Mountain Boys," militia that kept Vermont from being absorbed by New Hampshire and New York. The Vermont militia also fought the British along with other states' soldiers during the Revolution; there wasn't much doubt that Vermont would eventually become part of the US.

But during the war the now-revered Allen family got so fed up with New York's obstruction of their territorial claims that they privately negotiated to join Vermont with Quebec, then ruled by the British.⁵⁰ Trade with French-speaking Canada, just over the border, was part of the appeal of such a deal. The Allen's proposition was almost surely a ploy to get New York to back off, but when my wife and I recently (2024—pre-tariffs) visited the shire town's upscale general store, Hero's Welcome, a good number of the other shoppers were speaking French among themselves.

⁴⁸ Library of Congress, USDA Map of [Grand Isle County](#), 1972.

⁴⁹ History of the Town of [North Hero](#) by Maxis B. Ladd, excerpted in "Roots Web;" no site title [April 2025]

⁵⁰ J. Kevin Graffagnino, "'The Country My Soul Delighted in': The Onion River Land Company and the Vermont Frontier." *The New England Quarterly* 65:1 (1992): pp. 24-60.

§Massachusetts

Province of Massachusetts 1691; ratified Constitution 1788 (6th state)

Fourteen counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 557 square miles

Newest county: Hampden, 1812; centermost: Worcester

Smallest area and population: Nantucket (48 square miles; 2020 population 14,491); second-least area: Suffolk (58 square miles).

An indicator of the inferior view of counties in the eyes of New Englanders is the changes in their boundaries. In most of the rest of the nation, a city that annexed land in a neighboring county did not alter the county's boundaries. My native city of Bethlehem, Pennsylvania, occupies land both in Lehigh County and (the greater part) in Northampton County. When Bethlehem's urban development slouched over the Lehigh County line, the county borders did not change.

New England county boundaries, though, never split towns or cities. When a new town was created athwart county lines or an existing town obtained territory from its municipal neighbor in an adjacent county, the county lines were modified to follow the new town lines. When Boston annexed several of its neighboring suburbs in the late nineteenth century, those in Norfolk County were shifted to Boston's [Suffolk County](#). As a result, Boston cops and attorneys did not have to go to two different court houses. Suffolk was an original county in Massachusetts, but its modern borders were largely determined by the city's annexations of suburban towns.

Boston's changing municipal lines created an anomaly on the county map of Massachusetts. The town of Brookline successfully resisted Boston's annexation overtures in 1873. It stayed in Norfolk County, while Boston swallowed the independent towns that once bordered Brookline. Brookline is now a rare "exclave" of Norfolk County, floating like an island within Suffolk County and the city of Boston.⁵¹

[Nantucket](#) in Massachusetts is another island county like Vermont's Grand Isle. Located in the Atlantic Ocean south of Cape Cod, Nantucket is the state's smallest in both area (48 dry square miles) and population (14,491 in 2020), at least when the Census counts residents in April, before the summer people arrive, which

⁵¹ Map in Wikipedia, [Brookline, MA](#). [June 2025]. See also Ronald Dale Karr, The evolution of an elite suburb: community structure and control in Brookline, Massachusetts, 1770-1900. Ph.D. Thesis Boston University, 1981. Norfolk County actually has two exclaves, Brookline and Cohasset, the latter shown without color on the preceding map.

would make the population about 60,000. Nantucket is both a town and a county in that its municipal and county functions are merged in a single government. There's only one organized town on the island. It was separated from Duke's County (discussed presently) in 1695.

The town was a center of the whaling industry in the nineteenth century. After petroleum became a substitute for whale oil and marked the industry's decline, Nantucket's economic base also collapsed. Restoration of the island's only downtown was undertaken by a wealthy developer, Walter Beinecke. He bought up decaying properties in the 1960s, fixed them up, and erected new buildings to look like old ones. He also worked to restrict the visitors to the Island by limiting ferry access (it is thirty miles offshore) and adopting restrictive zoning. He intended to attract a clientele wealthier than those who had been day-tripping to the island for years.

Mr. Beinecke wasn't a founder of Nantucket County, but his successful remake of the island into an elite retreat was very much in the spirit of county-seat promoters of the nineteenth century. From his *New York Times* obituary of May 25, 2004:

Mr. Beinecke, who lived in Austin, Tex., in his later years, told *The New York Times* in 1987 that he was not interested in preservation for preservation's sake: he wanted to make a profit. He and his partners took advantage of tax rules on depreciation and historic preservation and used the Nantucket properties to shelter income from other businesses.

Just as he hoped, property values increased greatly. He bought buildings for as little as \$30,000, according to Money magazine in 2001, and sold his properties in 1987 to the First Winthrop Corporation of Boston for \$55 million.

The other island county in Massachusetts is Martha's Vineyard, whose 2020 population was 20,868, second smallest in the state (again, without summer vacation population). Its formal name is "the County of [Duke's County](#)." The island was originally a possession of the Duke of York and was part of the colony of the Duke's possession, New York. (Nantucket was also part of the same colony.)

In 1691, after England's "Glorious Revolution" resulted (indirectly) in the restoration of self-government to the New England Colonies, both islands were transferred from New York to the Massachusetts Bay Colony by a new Royal Charter and became separate counties. The 1911 *Encyclopedia Britannica* suggests that the separation of Nantucket and Martha's Vineyard from New York was

caused by local dissatisfaction with the New York government, which would make them perhaps the only counties that chose their own (eventual) state.⁵²

Massachusetts preserved the Vineyard's original New York name with a happy dash of redundancy as the County of Dukes County.⁵³ The county seat is Edgartown, named for the only surviving son of that noble Duke of York, who eventually became King James II. (He was subsequently deposed in the aforementioned Glorious Revolution, and he wasn't, as I had originally hoped, the subject of that nursery rhyme song about marching 10,000 men up and down the hill.)

Islands are the most natural of county boundaries and hardly require much explanation for their formation, as was seen in Vermont's Grand Isle County. We will see them again in New York (Manhattan), Washington (San Juan Islands), and in Hawaii. The counties of Hawaii hold something of a surprise. . Even though they are the only unit of local government—Hawaii has no municipalities—they have very little authority compared to counties in other states.

The Massachusetts county with the second-smallest land area is [Suffolk](#). Like several other small-area counties that we will encounter, Suffolk is an original county, established in the earlier colonial period in 1643 along with a few others.⁵⁴ It encompassed a much larger area, from which other counties were then carved, leaving it with the smallest area of the mainland of Massachusetts.

The county seat is Boston. Or it was Boston. Suffolk County ceased to have any elected commissioners in 1999. They were actually in a dubious electoral position before this happened. For much of the twentieth century, the Boston city council served as Suffolk County Commissioners even though they were elected only by Boston voters—the vast majority of the county—and not from the three other municipalities (Chelsea, Revere, and Winthrop) that made up Suffolk County. After the county government was abolished, its functions were then assumed by various state agencies. This in effect moved a badly skewed local democratic process—only Boston voters—to no local democratic process.

But I would argue that the cessation of electing commissioners does not mean the end of county government. Several of the traditional roles of counties are retained by Suffolk County. Its residents—countywide, not just in Boston—vote for the

⁵² Wikisource Eleventh Edition (1911) Encyclopedia Britannica, "[Nantucket](#)" [April 2025]. I note, however, that West Virginia was created during the Civil War by western Virginia counties dissatisfied with Secession.

⁵³ Wikisource Eleventh Edition (1911) Encyclopedia Britannica, "[Martha's Vineyard](#)" [April 2025]

⁵⁴ Secretary of State of the Commonwealth of Massachusetts, [Historical Data](#) Relating to the Incorporation of and Abolishment of Counties in the Commonwealth of Massachusetts [June 2025]

county sheriff, the recorder of deeds, and the clerk of courts, among other traditional county offices. Holders of these offices do not make general laws, but their performance in office is often important to residents, and potentially-contested elections help make incumbents conscious of the general effects of their performance.

§Rhode Island

Colony of Rhode Island and Providence Plantations, 1636; statehood, 1790 (13th)

Five counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 207 square miles

Newest county: Kent, 1750; centermost: Kent

Smallest area and population: Bristol (24 square miles; 2020 population 50,818)

[Bristol County](#) is Rhode Island's smallest county in both area (24 square miles) and population (50,818). It is adjacent to [Bristol County, Massachusetts](#). Adjacent counties in other states sometimes have the same name: Kent in Maryland and Delaware; Union in Arkansas and Louisiana; Escambia in Alabama and Florida; Park in Wyoming and Montana. These are a coincidence or the product of a common river or other cross-state geographic feature. The shared name "Bristol" is different. Good parts of Bristol County, Rhode Island, were once in Massachusetts. The political machinations that settled the border were part of a larger, ongoing state-border dispute, but it is notable that neither county was willing to surrender the original name after state borders were finally set.⁵⁵

Bristol County, Rhode Island, however, did surrender something that its sibling in Massachusetts has so far retained. It is no longer a political entity with any locally elected officials. Rhode Island long ago (1842) eliminated all local county functions. The 39 municipalities that blanket the state are the only local units that elect their own officials. Even the usual constitutional offices such as sheriff and clerk of court are selected by the state, and the state now has a single sheriff's office.

The elimination of counties in Rhode Island is hardly surprising, given the state's modest 1054 square miles of dry land. This makes the state smaller than most of the counties of the inland West. It was probably inevitable that the state would become an informal yardstick for county comparisons as in: San Bernardino County in California, the nation's largest, is nineteen Rhode Islands in area.⁵⁶ The state has not gone so far as Connecticut, which has eliminated the use of traditional county boundaries for US Census purposes.

⁵⁵ Edward Ullman, "The Eastern Rhode Island-Massachusetts boundary zone." *Geographical Review* 29:2 (1939): pp. 291-302.

⁵⁶ Alaska's county-equivalent [North Slope Borough](#) is much larger in area than San Bernardino, but as I will show under the Alaska section in Part V, their "Boroughs" are far different from counties in the rest of the nation.

§Connecticut

Connecticut Colony 1636; ratified Constitution 1788 (5th state)

Eight counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 605 square miles

Newest Counties: Middlesex and Tolland, 1785; centermost: Hartford

Smallest: Middlesex (369 square miles) and Windham (2020 population 116,418)

Connecticut eliminated county government in 1960, Rhode Island had done the same in 1842, and Massachusetts eliminated local elections for eight of its fourteen counties (retaining them for six in the southeastern part of the state) at the end of the last century. So why talk about counties in these states if they don't do what other counties do?

It turns out that it is difficult to be entirely rid of counties. Their borders are too useful as units of political geography to dispense with, filling the rural gaps between the smaller-area towns and cities and the larger state. Up to 2022, the US Census continued to collect data in the three southern New England states by county and use them to distinguish metropolitan from rural locations.

Many private organizations divide themselves up by county. Real estate listings and Realtor organizations usually are organized by counties in Connecticut. Weather maps show the outlines of counties in all states, even the three that “abolished” counties. Counties remain markers of regional ambiance: Litchfield County in northwest Connecticut conjures a rural atmosphere different from more suburban Fairfield County near New York City.

Connecticut's elimination of county government underscores the traditional power of towns in New England. That power once extended over what are now state lines. The four towns that constitute the stubby-tail of southwest Connecticut were originally included in the colony of New York. The towns' settlers, however, felt historically and culturally connected to the Connecticut colony, and a 1683 agreement between what became the two states ceded this short “[panhandle](#)” to Connecticut. In exchange, New York got an equivalent area of Connecticut, a strip called the “oblong” that runs along the rest of the western border of Connecticut.⁵⁷ No one could have anticipated that the towns that New York gave up in this deal—Greenwich, Stamford, New Canaan, and Darien—would become some of the richest in the United States, largely because of their suburban proximity to New York City.

⁵⁷ Connecticut State Library, Map & Geographic Information, Why does Connecticut have a “[panhandle](#)” that extends westward toward New York? [July 2025]

Update: I have long known that Connecticut had abolished county government in 1960. It was nonetheless a surprise to me that Connecticut in 2022 convinced the US Bureau of the Census to use Connecticut’s “[Councils of Government](#)” (geographically identical to the state’s “Regional Planning Districts”) to aggregate local demographic data. In effect, the Census recognizes Connecticut’s disavowal of county lines and their replacement by the state’s collection of towns in each regional planning district as “county equivalents.”⁵⁸

Aside on Census “county equivalents:” The US Census is not in the business of telling states what their local governments must be called. Its main business is counting people and activities, and for this it needs a reasonably consistent, nationwide standard to divide up things on the ground. Counties happen to be the most ubiquitous unit with which to do this, and nearly all local data on metropolitan area and housing, for example, begins with the county. But states sometimes call them by different names, such as “parish” (Louisiana) and “independent city” (Virginia) and “borough” in Alaska. The Census thus has to flatten these occasional variations out into “county equivalents” for its purposes. This designation does not change their political functions within the bounds of the state, though it’s not impossible that a state could alter some counties’ boundaries or functions to make them eligible for certain federal government programs keyed to Census classifications such as Metropolitan Areas.

In one sense, Connecticut’s new classifications are not so unusual. The Census has long used the New England town and city boundaries rather than counties for delineating metropolitan areas. The Pittsfield-North Adams metropolitan area in western Massachusetts, for example, does not include all of Berkshire County, as it otherwise would if it were in a state outside New England.

Connecticut’s latest change, however, is in another sense quite radical. None of the new Census units have the same boundaries as those of the state’s traditional counties even though the map of the nine new units shows that most are rough approximations of the eight old counties in size and location.⁵⁹ Like counties elsewhere in New England, Connecticut’s new regions do not split towns or cities. And just as the abolished eight counties had no taxing power since 1960, the new Councils of Government have no independent financial sources. Their business is mainly land-use and infrastructure planning. (This limitation presumably insulates them from charges that their substate governments must comply with the “one

⁵⁸ US Census, Final Change to County [Equivalents in Connecticut](#) [April 2025]

⁵⁹ Open Street Map Community Forum, Tagging counties and [planning regions](#) in Connecticut [Thread began Feb. 27, 2024] [April 2025] ; [map](#) showing both old counties and new planning regions [April 2025]

person, one vote” standard set by *Avery v. Midland County*, 390 U.S. 474 (1968), discussed below in Part II under New York.)

All nine of the new units are given names that are substantially different from the traditional county names: The former New Haven County is now in “South Central Connecticut Planning Region” and spills over into an adjacent region called “Naugatuck Valley.” Upscale Fairfield County, containing New York City’s toniest suburbs, is now divided among bland “Western Connecticut,” “Greater Bridgeport,” and the aforementioned “Naugatuck Valley.” I’ll bet the realtors in the towns of Darien, Greenwich, Trumbull, and Fairfield are really eager to change their advertising of leafy estates in Fairfield County to “Western Connecticut” and “Greater Bridgeport.”

The areas of Planning Regions and Councils of Government (COGs) are the same. The difference in titles is that Planning Regions are determined by the state and Councils of Government are supposedly voluntary amalgamations within the Planning Regions. The sites explaining the state-determined Planning Regions sound a bit defensive: “The Planning Regions are the *logical* geographic areas defined and named by the Office of Policy and Management.”⁶⁰ [my emphasis] A town that declined to join a Council of Government that is coterminous with its state-designated Planning Region would labor under the cloud of declining a “logical” designation. And failure to join might cause the town to miss out on federal largesse directed to counties and county-equivalents.

Connecticut’s Planning Regions/Councils of Government do not even overlap with the state’s judicial districts [[map](#)]. Several of the judicial districts do use their former county’s courthouses, but many parallel courts are in new buildings. Someone lacking up-to-date knowledge who was looking for the Fairfield County courthouse would have to shop around a number of courthouses within the bounds of the “legacy county.”

As some of the comments on the “Open Street Map” forum referenced above mention, Connecticut residents who are asked about their county of birth on passport applications might be hard pressed to identify the new regional names, which could puzzle genealogists as well. Scholarly researchers looking for metropolitan changes over time will have to notice that the city of Hartford is no longer surrounded by communities just in Hartford County; a few extra towns are included in the “Capital Regional Planning District.” The US Census has agreed to backfill the data to facilitate historical comparisons, but it may take time before researchers realize the differences.

⁶⁰ Connecticut State Library, [Regional Planning](#) in Connecticut [Feb. 2025]

All this is not to overlook that counties in the past *did* alter their borders (that’s what much of this book is about) and change their names when it was politically expedient. The Florida and Alabama counties named for Thomas Hart Benton were changed after the Missouri Senator came out against slavery. (They are now Hernando and Calhoun, respectively.) Out in Washington state, Seattle’s King County did not alter its name but did declare that it now officially refers to Martin Luther King, Jr. Dr. King’s image and name now graces the county’s documents rather than that of William King, elected Vice President under Franklin Pierce.⁶¹ (Besides his modern obscurity, William King’s offense was owning slaves; a similar fate for the same reasons befell the namesake of Johnson County, Iowa, now named for an African-American scholar who shared the same surname.⁶²)

But in nearly all renaming cases, residents of the various counties had some say in the change. As one contributor to the aforementioned “Open Street Map” forum noted,

“Despite the federal government’s newfound appreciation for planning regions, I really wonder whether Connecticuters [sic] tend to use them day-to-day as an intermediate-level geography when describing a place.⁶³ “Lower Connecticut River Valley Planning Region” is quite a mouthful compared to “Middlesex County”, and I have an even harder time believing anyone would shorten it to “RiverCOG” as a place name....”⁶⁴

Connecticut’s smallest traditional counties are [Middlesex](#) (369 square miles) and [Windham](#) (116,418 population in 2020). Neither is particularly small, and New England indifference to counties is underlined by the lack of competition to create new ones. New England constitution revisors saw no reason to limit their formation, as many other states did. Indeed, former Connecticut county officials were appointed by the state legislature, not residents of the county. In the end, Connecticut seems just to have just lost interest in counties, whose relevance to local governance had long been inferior to towns.⁶⁵

⁶¹ Michael Schein. King County Renamed to Honor the Reverend Dr. Martin Luther King Jr. HistoryLink.org [Essay 11261](#), August 10, 2016. [Sept. 2025]

⁶² David Elbert, “Between the Lines The often-overlooked origins of Iowa’s 99 [county names](#).” IA Magazine, October 4, 2023. [Sept. 2025] (Johnson County harbors the University of Iowa.)

⁶³ The [US Weather Service](#) continues, as of March 2025, to use traditional counties in its maps for Connecticut, apparently believing that warning residents of a severe storm in NECCOG would be less helpful than a warning for Windham County.

⁶⁴ Open Street Map [Community Forum](#), cited above.

⁶⁵ Judy A. Watson, Connecticut Office of Legislative Research, County Government [Abolishment](#), January 30, 1998 [April 2025]

Connecticut's Councils of Government are official county equivalents in the eyes of the US Census, and the smallest in population and area should be at least mentioned, despite having little to do with traditional county foundations. The smallest by population is Northeastern Connecticut Council of Governments ([NECCOG](#)). NECCOG's largest town is Killingly, located within the traditional county of Windham. (Windham was also the least populous of the legacy counties.)

The Planning Region with the smallest area and the only one bearing a city's name, is [Greater Bridgeport](#). It includes said city and five neighboring towns and bears the designation "Connecticut Metropolitan Council of Governments," abbreviated "MetroCog." One of its proposed projects is the reuse of an abandoned factory as a railroad station whose name honors Bridgeport's most famous citizen, the nineteenth-century showman P.T. Barnum.⁶⁶

⁶⁶ Greater Bridgeport Regional Council, Barnum Station [Feasibility Study](#). [April 2026]

§§ Part II

THE NORTHERN STATES: COURTHOUSE COMPETITION AND COUNTY PROLIFERATION

Abstract of Part II: The non-New England North (New England is covered in Part I) was distinguished from other regions by its settlement pattern of small-scale farms serviced by numerous small towns. The coverage of towns made municipal governments more important and pushed counties into the background. These states were less-frequently settled by cohesive groups than those who created the New England town. Northern towns and civil townships grew up as counties were laid out, and aggressive land developers and pioneering residents sought to boost the value of their holdings by obtaining the county seat. Competition for the courthouse sometimes created new counties even though municipal governments still commanded most residents' primary loyalties.

The order in which the [northern states](#) are discussed is, roughly from east to west, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, and Illinois.

§New York

British Province, 1664; Ratified Constitution, 1788 (11th state)

Sixty-two counties [[map](#)]⁶⁷ [[list](#)] [[chronology](#)]; mean land area 760 square miles

Newest County: The Bronx, 1914; centermost: Madison

Smallest: Hamilton (2020 population 5,119) and New York (34 square miles)

New York begins the states that take counties seriously. Unlike New England, where towns usually came first, counties in New York were often formed before the subunits—cities, towns and villages—were established within them.⁶⁸ The larger-area units are called “towns.” They are voting units of the county in which they are located and, as in New England towns, do not spill into other counties. Legislators of the county were selected by the elected officials of individual towns, not directly by voters in the county at large. (This was called “the New York system” of county governance and was used in some other states such as Michigan and Wisconsin.)

After counties were ruled to be subject to the one-vote-per-person rules in *Avery v. Midland County*, 390 U.S. 474 (1968), voting for county legislators by town was ruled unconstitutional. In response, a number of New York counties adopted a “weighted voting” system for county offices. It assigns to each town’s representative votes in proportion to its population. A town with 30 percent of the county’s population would elect a county representative whose vote in county affairs would count as 30 percent of the total cast, giving it twice the voting power of a town that had 15 percent of the population.⁶⁹ Attempts to apply this system to state legislatures (New Jersey and New Mexico) have not passed muster in the courts, but New York’s system—employed by only a few of its counties—has so far survived legal challenge.

Note on subcounty units across the US: The “township” of the US Public Land Survey (the PLS) was strictly a unit of measure, typically thirty-six square

⁶⁷ Interactive Map of [New York County](#) Formation History AniMap Plus 3.0, with the permission of the Goldbug Company

⁶⁸ Anastasia L. Pratt, “Our Evolving Counties: A History of New York State [County Government.](#)” NYSAC [New York State Association of Counties] News magazine, Winter 2015 [Feb. 2025]

⁶⁹ A simple tabular example is [Washington County](#), New York, Weighted Vote. [March 2025]. It’s actually more complicated than that, since county officials do more than just vote on motions, and the largest town could acquire a monopoly on all decisions. Ashira Pelman Ostrow, “The Next Reapportionment Revolution,” *Indiana Law Journal* 93:4 (Winter 2018): pp. 1033-1072 explains the potential and problems of weighted voting.

miles.⁷⁰ The political unit “township,” often shortened to “town,” is a unit of local government. Townships are the building blocks of New England local governments. Such units are also utilized by all of the states in the North. In New York, New Jersey, and Pennsylvania, they are usually equivalent to municipal governments. (Compact subdivisions of towns in New York are “villages;” in New Jersey and Pennsylvania they are “boroughs,” and most have independent governing authority.) The political importance of the township declines as one moves west within the North group of states, and Iowa does not use them for most local governance. Townships are unimportant in most of the West where, outside of cities, the county government undertakes almost all of the municipal services. Townships were foisted on several states of the South after the Civil War but were demoted to minor “magisterial districts” once Reconstruction ended.

New York’s smallest county by area (34 square miles) is New York County, better known as Manhattan Island or more formally the Borough of [Manhattan](#). With 1.7 million residents, it is the most densely populated county in the US, about 75,000 persons per square mile.

Manhattan was an original county, initially part of a “riding” of the original county of Yorkshire of the British possession of the Duke of York, who later became King James II. (It briefly changed hands with Dutch occupation in 1674.) After the Dutch were expelled, a dozen counties were created by a “General Assembly of Freeholders” in 1683, which also established the component towns as the basis for electing county officials.⁷¹ The origins of first counties like this almost always conformed to the modern “creatures of the state” view of their creation, and it likely contributed to that rigid, top-down view. It was later subdivisions, which account for the vast majority of modern counties, that were most often generated by demands of people on the ground.

Modern New York is one of five county units that make up the unique political entity originally called the [City of Greater New York](#), created in 1898. The other components of what is now called just New York City are the counties of Queens, Kings (Brooklyn, the state’s most populous county), Richmond (Staten Island), and the Bronx, the only county entitled to a definite article and its own cheer.

Like many of the smallest-area counties around the nation, New York County used to be larger. Before the creation of Greater New York in 1898, it consisted of Manhattan Island and part of what is now Westchester County and the Bronx.

⁷⁰ Further discussion of the Public Land Survey is within the introductions to Ohio and Iowa, under Gallatin County in Kentucky and under Taliaferro County in Georgia.

⁷¹ New York State Official Website, [County Government](#). [August 2025]

Bronx County was officially detached from its parent in 1914, making it the last of the counties of Greater New York—though it had been a separate borough before that—and the last county established in the state. Its detachment also made Manhattan the smallest-area county in the state.

The official New York State [source cited](#) above excludes from its discussion of the state’s counties the five constituting the City of New York. It notes that the City now undertakes most county functions. With this exclusion, [Rockland County](#), just north of New Jersey, becomes the smallest area county at 200 square miles (13 percent water). But the five counties of the City of New York were not formally abolished, as were those in the southern New England States, and they are still mapped as county units in the US Census (unlike those of Connecticut) and are tracked as such in the Newberry Atlas. For the purposes of a national historical survey, Rockland County does not make the smallest-county cut.

New York County and the other four counties of the city are unique in that the sheriff for all of them is selected not by a vote of the residents (the US norm) but by the mayor of the City of New York. Sheriffs in the Colonial era were appointed by governors, following the top-down English mode of having the king appoint them. (The legendarily malicious Sheriff of Nottingham was appointed by King John, not elected by local riffraff like Robin Hood.) After Independence, local expansion of the franchise caused most American states to have county officials, sheriffs included, elected by voters.⁷² New York City was one of the few jurisdictions that went the opposite direction, moving from elected sheriffs in each county to an appointed sheriff for the entire city in 1942.⁷³

Sheriffs are thus independent of city officials and, in most cases, not beholden to other elected county officials, either. Their independence allows them some leeway in law enforcement. Notable examples are the Michigan sheriffs who declined to enforce some Covid-19 restrictions⁷⁴ and the sheriff of Mecklenburg County, North Carolina, who refused to cooperate with federal authorities in rounding up undocumented immigrants.⁷⁵

⁷² Cameron DeHart, "The rise (and fall) of elected sheriffs." Stanford University, Department of Politics working paper (2020). DeHart’s “fall” is largely caused by the elimination of counties in southern New England, which eliminated all elected county offices, sheriffs included. Where there are sheriffs, the vast majority are elected.

⁷³ Wikipedia, “New York City [Sheriff’s Office](#),” [July 2025] Other jurisdictions considered here that appoint sheriffs are Broomfield, Colorado, and the counties of Hawaii.

⁷⁴ “4 Michigan sheriffs, another lawsuit challenge Whitmer’s stay-home order,” Detroit News, April 16, 2020.

⁷⁵ “The Sheriff Who’s Defying ICE,” The Atlantic, July 3, 2019. Another example of sheriff independence was described in Part I above, in which the sheriff of Essex County, Vermont, resisted the state’s command not to cooperate with ICE because he needed the agency’s help in emergency calls unrelated to immigration.

Sheriff independence makes a difference when a city is consolidated with a county. A city mayor can fire the chief of police; an elected county commissioner cannot fire the sheriff or even set his or her agenda. Sheriffs and their deputies have law enforcement authority over the entire county, but they usually work outside of city areas that have their own police forces except when they are enforcing civil (noncriminal) judgments such as court-ordered repossessions and evictions.

Some smaller cities may contract with the county to provide sheriff's deputies as local police officers. When the city and county are combined, the sheriff and the police department have to learn to get along. The experiments in having an urban county executive appoint sheriffs have generally not gone smoothly, and voters in the counties containing Cleveland, Portland [Oregon], and Seattle eventually chose to resume electing their sheriffs.⁷⁶

The Greater New York project was seen by turn-of-the-twentieth-century contemporaries as a wave of the future for growing urban areas. Modern planners envy the merger of the core cities of New York (Manhattan) and Brooklyn into a single government with three suburban counties into the present behemoth. But it was actually the terminal point for consolidation of big cities around multiple counties. Nothing like it happened again. Chicago, whose rapid growth was said to have inspired New York's consolidation,⁷⁷ could not rope its Cook County municipal suburbs into its political loop, let alone collar its five "collar counties."

Los Angeles, which overtook Chicago as the nation's second city by population, likewise has never merged with its namesake county or remade its borders. To the contrary, residents of the state of California repeatedly voted in the twentieth century to keep Los Angeles County severely underrepresented in the state senate, as described under California in Part V. I would speculate that New York may have succeeded because it had been primed to try to secede from the state during the Civil War, among other times.⁷⁸ The Greater New York project could be seen as an uneasy compromise to grant the city state-like powers without dropping the

⁷⁶ Cleveland Plain Dealer [editorial](#), May 3, 2023, noting problems with appointment in Cuyahoga County, Ohio; Advocacy memo by national [sheriffs organization](#) [no date] favoring elections for sheriffs; Ballotpedia entry about voters in King County (Seattle) choosing to return to [elected sheriff](#) in 2020. See also the saga of the sheriff of Los Alamos County, New Mexico, described below in Part IV, who successfully resisted the city-county's effort to eliminate his job.

⁷⁷ NYC 125, Consolidation Timeline [Consolidation Timeline](#). [March 2025]

⁷⁸ Ron Soodalter, "The day New York City tried to secede." *America's Civil War* 24:6 (2012): pp. 44-52.

reins altogether. (Famed author Norman Mailer ran unsuccessfully for Mayor of New York under the banner of making the city the fifty-first state.⁷⁹)

The state's constitution did its best (or worst) to keep its largest city under control. Its 1894 version provided that "No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators." Despite the neutral-sounding language, all of these restraints applied only to the New York City counties.⁸⁰ They and other provisions—notably the guarantee that even the smallest counties (save one, described below) got at least one representative in the Assembly—kept the city severely underrepresented for years.

These state constitutional provisions have been mooted since the US Supreme Court's decisions in the 1960s that ushered in the "one person, one vote" revolution in state government. The expectation that the City would dominate the rest of the state has been only partially realized. The disproportionate influence of upstate Republicans has greatly declined if not disappeared. But New York City itself is less than monolithic in its political views, and the largest increases in the state's population have been suburban counties near but not within the City's political boundaries.

The most specific complaints about reapportionment have come from residents of Staten Island (the County of Richmond, the city's least populated borough), which had formerly been accorded disproportionate representation on the Board of Estimate. The Board was an influential City institution that controlled fiscal affairs. The Staten Islanders claimed that their political forebears would not have consented to join Greater New York back in 1899 had they known their county's votes would be submerged in the much larger city.⁸¹ The Board of Estimate was subsequently abolished, and its functions absorbed into the New York City Council, whose members are elected in accordance with the one-person, one-vote principle. As of 2025, Staten Island has three elected members on the 51-person City Council.

⁷⁹ Jacob P. Anbinder, *Cities of amber: Antigrowth politics and the making of modern liberalism*. PhD diss. Harvard University, 2023, p. 263

⁸⁰ For more details on these limitations, see Ruth C. Silva, "Apportionment of the New York state legislature." *American Political Science Review* 55:4 (1961): pp. 870-881, and [unsigned note], "Apportionment of the New York State Senate," *St. John's Law Review* 31:2 (May 1957): pp. 335-352.

⁸¹ John Marchi, the nearly permanent state senator from Staten Island, declared, "A change in the Board's composition and voting strength would be a breach of an implied condition under which [Staten Island] gave up its own self governance and entered into Greater New York in 1898 and would result in [its] residents ... being deprived of a chance to influence decisions which have a great impact upon their county's future." *Morris v. Board of Estimate*, 647 F.Supp. 1463 (1986), which struck down the composition of the Board.

The State of New York's smallest in population is [Hamilton County](#) (5,119 in 2020), most of which is in the Adirondack Mountains in the far northern part of the state. Hamilton's population was tiny when it was formed in 1816 and never got much bigger. Its government was not fully organized until 1847, an unusually long gap for any county in the US.

The booster spirit that, as we shall see, animated the creation of a multitude of counties in the West was not responsible for Hamilton's birth. In 1824, Horatio Gates Spafford wrote of it in his famous *Gazetteer*, "Traversed by mountains, abounding with swamps, and clothed with dreary forests of evergreens, the principal part of the land is of little value, and for centuries yet to come the most part of this great region must remain a wild waste for the haunt of wolves."

New Yorkers' opinions of Hamilton did not get much better in the next century. Hamilton County's 1965 local chroniclers concede that in retrospect, "Viewed from its physical extent, a new county was needed. Viewed from the size of its population, no such separate unit of government was indicated."⁸² From 1816 to 1837, votes in state-assembly elections by Hamilton County residents were merged with those of Montgomery County (adjoining its south border) because Hamilton's minuscule population was not large enough to count as "organized." Hamilton County Commissioners met with those of Montgomery to make local decisions. Viewed by the legislature in the state capitol, it was almost as if Hamilton County had not been formed at all.

Hamilton graduated to being "partially organized" in 1837. It no longer was attached at the hip with Montgomery County. But this was because in that year Montgomery County was divided into two counties. Montgomery took the southern half, and the new Fulton County took the northern remainder and was now adjacent to Hamilton County. How this geographic switcheroo came to pass foreshadows many later county creations around the nation and deserves a detour.

In 1836, the longtime seat of Montgomery County, [Johnstown](#), was divested of its status in favor of a smaller town only five miles to its south named Fonda. (Yes, it was named for a member of the family that begat movie actors Henry, Jane, and Peter.) Fonda's overwhelming attraction was its location on the newly built Erie Canal and the nascent railroads. This made Fonda convenient to the burgeoning southern portion of the county, whose votes were numerous enough to change the

⁸² Ted Aber and Stella King, *The History of Hamilton County*. Great Wilderness Books, Lake Pleasant, NY, 1965, p. 32.

courthouse's location. The old Montgomery County courthouse at Johnstown was closed and sold by the state.

I was initially puzzled by the removal of a courthouse to Fonda, a location only five miles distant from the original in Johnstown. It seemed like a lot of trouble for not much geographic gain. But here is where a site visit in July 2025 solved the mystery. My visits to the historical societies in the area did not yield much, but a drive south to Fonda from Johnstown revealed a steep, winding hill that would be a challenge for the horse-drawn vehicles of the day and even early twentieth century automobiles and locomotives. Citizens within the valley of the Mohawk River, where the Erie Canal is located, and in the fertile hills to the south had reason to want a courthouse within the valley. Fonda was centrally located and adjacent to the river and the canal and (eventually) the main railroads. It seems not to have urgently sought the courthouse, which is modestly tucked into a corner on the road leading up to Johnstown.

The people of Johnstown did not take the loss of its courthouse lying down. Led by a local judge named Daniel Cady, who is now invariably identified by his suffragist daughter, Elizabeth Cady Stanton, they persuaded the legislature to create a new county for Johnstown to be the seat of.⁸³

Fulton County, New York, was thus created mainly for Johnstown to be a county seat. The city had once ruled over Montgomery, which at one time was largest-area county in the state. It is possible that Fulton County now craved to acquire some extra land to beef up its credibility, and the incompletely-organized county of Hamilton looked more inviting than before.

New York's Hamilton County was mostly mountainous terrain, almost entirely unsuited for farming and inhospitable to railroad construction. But Hamilton did have a natural resource that was vital to the primary industries of Fulton County. Scores of factories in Johnstown and its nearby neighbor, the aptly named city of Gloversville, required the bark of hemlock trees to tan the hides of animals to make leather for the glove-making industry. Wild and mountainous Hamilton County was covered with hemlock trees and was a major supplier.⁸⁴

Hamilton's 1837 partial organization allowed it to construct county buildings; it was no longer obliged to share its county governance with its neighboring county to its south. After settling its seat in the town of Lake Pleasant in the south-central part of the county, it built a courthouse and jail and other county necessities. But its existence remained precarious. The New York Constitution of 1846 allowed:

⁸³ Fulton County, New York, A Brief History of [Fulton County](#) Created 1838 [March 2025]

⁸⁴ Piseco Lake Association, Historical Piseco Lake, [Our History](#) [July 2025]

“Every county heretofore established and separately organized, *except the county of Hamilton*, shall always be entitled to one member of the assembly, and no new county shall hereafter be erected, unless its population shall entitle it to a member. The county of *Hamilton shall elect with the county of Fulton*, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member.” [my emphasis]

Hamilton’s residents managed to resist attempts to break up the county. So recalcitrant were they that the authors of the still-current state constitution of 1894 put out a Mafia-like contract on Hamilton County:

“The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature *may abolish* the said county of Hamilton and *annex the territory thereof to some other county or counties*.” [My emphasis; this provision obviated the need for a state constitutional amendment to abolish the county or change its dimensions.]

Perhaps it was coincidental, but the same 1894 state constitution added a provision that made it unlikely that Hamilton County would ever be able to grow enough to stand on its own and have separate representation in the state assembly. This was the “forever wild” provision that established the state’s Adirondack Park on a constitutional basis.

New York’s Adirondack region had been mostly private land, but as the timber was harvested from it, the remaining land was subject to fires and soil erosion and often had little value. Its owners frequently abandoned their cut-over property and let the state take it over for unpaid taxes. The state could have resold it, but it had few takers, and the idea gradually took hold that the abandoned land could be preserved as a park. This option was rationalized by the movement to conserve land to prevent soil erosion and preserve the quality and quantity of New York’s rivers and lakes. There was even a whiff of climate-change theory, some arguing that the destruction of the forests would adversely affect the weather.⁸⁵

Hamilton County was entirely within the definitive [“blue line”](#) that encircled the Adirondack Park. The park encompassed most of the northern protuberance of the state. Hamilton County had plenty of private land on which development could

⁸⁵ Louise A. Halper, “A Rich Man’s Paradise: Constitutional Preservation of New York State’s Adirondack Forest, a Centenary Consideration.” *Ecology Law Quarterly* 19 (1992): pp. 193-267: “The first people to express the idea that the state should take an interest in preserving its forests were scientists who were beginning to describe themselves as ‘foresters.’ They claimed that the forest held a key to economic life in terms of its influence on climate, particularly rainfall.” p. 211. We will see a more explicit climate-change theory, “rain follows the plow,” invoked to encourage settlement of the Great Plains in Part IV, under Kansas.

occur, but it was liberally interspersed with state land that was, by the command of the 1894 constitution, to be kept “forever wild.”

The phrase was taken literally by state officials and the courts. It meant that any development, even new public roads, could not cut trees or disturb the wilderness land owned by the state. To build a single new state road between two hamlets in Hamilton County required a statewide vote to amend the constitution, making road building a decades-long process.⁸⁶

In their 1965 history of Hamilton County, Aber and King devote an entire chapter, “Down with the County,” to efforts to disestablish Hamilton or dismantle it piecemeal and attach it to neighboring counties, chiefly Fulton County. These efforts increased after the 1894 constitution singled out Hamilton for its demise. (As with previous constitutions, no other county was made similarly vulnerable.) It teetered on the verge of extinction in 1905, when a regional newspaper confidently headlined, “Hamilton County To Go, It Is Soon To Be Merged With Fulton County.”⁸⁷ It did not happen.

New York authorities’ impatience with Hamilton was not entirely unwarranted. A frequently mentioned problem was the county jail. It was operated rather informally. At one stage, the sheriff let prisoners, who seldom numbered more than two or three, leave during the daytime. They were required to return to their cells at night, but some were tardy at getting back. The sheriff publicly warned them that if they didn’t return by the time he was scheduled to go home, he would lock the building, and they would just have to spend the night outside (Aber and King, pp. 103-04). On another occasion, a state report warned that the jail was unsafe for inmates because of fire danger. The deputy sheriff in charge responded by simply leaving the doors of the cells unlocked at night. In a tiny town in the midst of a wilderness county, there wasn’t much risk that inmates would escape. The reportedly decent food at the jail may also have discouraged AWOLs.

⁸⁶ Timothy E. Cox, “130 Years and Counting into Forever — New York’s Forever Wild Constitutional Amendment and Lessons for Modern Green Amendments,” *Pace Environmental Law Review* 41 (2024): pp. 127-152 at p. 171; W. Leon Godshall, “State Constitutional Development Through Amendment,” in *American Political Science Review* 28:2 (April 1934): pp. 245-250. The constitutional constraint still applies. A private advocacy group, Protect the Adirondacks, pointed out that the winter Olympic facilities at Mt. Van Hoevenberg had been built without constitutional authorization. After approval by two years of state legislative votes, a statewide ballot in Nov. 2025 proposes to amend the state constitution to allow it to continue. [Ballotpedia](#) News, June 10, 2025. The amendment also requires that 2500 acres of forever wild land be added to the Park, which persuades the “Protect the Adirondacks” group to support the amendment. The amendment [passed](#) by a narrow margin. *Adirondack Explorer*, Nov. 5, 2025.

⁸⁷ Watertown Daily Times, “Hamilton County to Go, It Is Soon To Be Merged With Fulton County,” Feb. 4, 1905, reprinted in New York GenWeb, History of Hamilton County, [1905 History](#)/Article. [July 2025; it offered no details about the county’s supposed demise or follow-up on Hamilton’s failure to succumb.]

Let's step back and reflect on the dissonance between the received theory that counties are strictly creatures of the state, solely created for the state government's convenience and not for the benefit of local communities, and the persistence of tiny, struggling Hamilton County for over 200 years. Given the perpetual complaining about excessive numbers of counties, it is deeply informative that Hamilton was not abolished. It wasn't for lack of trying. I counted in Aber and King's history at least six different campaigns to eliminate or dismember the county.

Local resistance to annihilation could be summed up by a hand-lettered sign in a county building: "It ain't a damn PARK. It's the ADIRONDACKS. It's where we LIVE, and where we WORK"⁸⁸ (Caps in original; not an official posting). Although Aber and King, the county historians, are plainly partisans of their county, their account of the strenuous collective efforts by the widely dispersed residents to resist the numerous attempts to fold their county into apparently more prosperous counties is persuasive. It belies the notion promoted by Tocqueville and by the *Reynolds* Court that places like Hamilton County lacked a cohesive political community.

⁸⁸ Eliza Jane Darling, "The Improbable County: Hamilton County turns 200—against all odds." [Adirondack Life](#), October 2016. [Sept. 2025]. An entirely separate source reported seeing the words on a bumper sticker of a pickup truck in the Adirondacks: Neil Peart, [When the Road Ends](#), June 1, 2008 [Sept. 2025; Peart was a well-known musician who died in 2020.]

§New Jersey

British Province of New Jersey from 1674; ratified Constitution 1787 (3rd state)
Twenty-one counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 350 square miles

Newest county: Union, 1857; centermost: Mercer

Smallest: Salem (2020 population 65,046) and Hudson (46 square miles)

The county with the least population (65,046 in 2020) in New Jersey is [Salem](#), south of the Philadelphia region and hard by the Delaware Bay. Although its early boundaries were indefinite, it had a definite, doggedly determined founder, one John Fenwick. What is now New Jersey once had been two Jerseys, East and West. They were both granted by the same Duke of York who ruled New York. (His title came up earlier [in Part I] as the Duke of the “County of Dukes County,” on the island of Martha’s Vineyard in Massachusetts.) The proprietor of the West Jersey portion divided it further, and in 1675 John Fenwick bought the area that is mostly now Salem and Cumberland Counties.⁸⁹

Or he thought he had bought it. The seller wanted most of it back, and the seller’s claim was backed by none other than William Penn. Fenwick resisted and endured several judicial tribulations. In the meantime, he populated Salem with fellow Quakers and ruled it as his own colony. By 1702, the two Jerseys gave up their separate existence and were joined as a royal colony under Queen Anne. Fenwick had died before that, but his Salem Colony was welcomed whole as a county in the new Royal Province and by the successors that became the present state of New Jersey.

It’s hard to say whether this is a top-down or bottom-up story of county creation. Fenwick created the county out from under the West Jersey proprietors who resisted his claim, but the creation does not display any sense of local democracy. It seems much less in the spirit of Frederick Jackson Turner, who saw American democracy as the product of frontier necessity. But of course, democracy in America was in 1700 an early work in progress.

Salem County gave more than half its land to form neighboring Cumberland County on its east side in 1748. In the reduced Salem County, however, the city of Salem and its courthouse were more centrally located in the remaining county. This may have been why there was little resistance to the loss of territory. In county divisions in other states, we will see that the preexisting “losing” county

⁸⁹ Joseph S. Sickler, *The History of Salem County, New Jersey: Being the Story of John Fenwick's Colony, the Oldest English-Speaking Settlement on the Delaware River*. Sunbeam Publications, 1937.

almost always preserved its county seat, and usually its location became more central and safer from competition.

My wife and I made a swing through the city of Salem on a 2025 vacation trip. (She shares my interest in visiting out-of-the-way American localities but is sometimes envious of my colleagues who specialize in international affairs.) Salem's 1737 (second) [courthouse](#) is the second-oldest in the US still in use, though its functions are largely supplanted by modern structures. The historic town is outside the suburban ambit of Philadelphia and has a pleasantly shopworn feel to it. Its best ambassador was the proprietor of the pizza restaurant across from the courthouse. We came in late for lunch and, as we warily eyed the leftover slices, he offered to make us a fresh pie on the spot. It was worth the wait.

Side note on “vicinage.” A fellow member of the Hanover, New Hampshire zoning board, George Stanger, was a retired judge in Salem County. Trial judges in New Jersey are called “vicinage judges.” Vicinage refers to the early American legal principle that a jury must be selected from a predetermined area called a vicinage. Usually the vicinage is the county, but small counties are often grouped with others to expand the legitimate territory for holding trials and assembling juries. Salem County shares vicinage with neighboring Cumberland and Gloucester Counties.⁹⁰ My zoning board friend was the “assignment judge” who, among other duties, determined the distribution of trials within Vicinage 15.

Vicinage is not the same as venue, which is where the trial is actually conducted, though in practice they usually line up. Most other states have similar multi-county judicial territories; they just don't use the ancient name for it. Nearly all states adhere to the vicinage principle in their constitutions,⁹¹ and federal courts must honor it as a result of the Sixth Amendment. In federal courts, the vicinage is normally the state in which the district court sits, which could cause a problem in the rare case where the trial court's jurisdiction covers more than one state, as it does in Yellowstone National Park.⁹²

New Jersey's smallest-area county (62 square miles; 26 percent water) is [Hudson](#). It is on the river of the same name and just across from Manhattan, the smallest-area county in New York. Urbanized Jersey City, the county seat, and a few of what are now its near suburbs that comprise Hudson County broke off from

⁹⁰ The New Jersey Courts: A [Guide](#) to the Judicial Process, p. 16 [May 2025]

⁹¹ Anthony Sanders, State Con Law Case of the Week: [Vicinage Deference](#), Institute for Justice May 28, 2021

⁹² Brian C. Kalt, "The Perfect Crime," *Georgetown Law Journal* 93:2 (January 2005): pp. 675-688. Kalt argues that the lack of vicinage in the underpopulated Idaho part of the Park, whose vicinage in Wyoming, provides a Constitutional loophole that could allow a criminal to go free for lack of a constitutionally acceptable jury.

then-rural [Bergen County](#) in 1840, also without much apparent drama and probably to their mutual benefit.⁹³ Bergen, though, is now the state's most populous county.

The separation of urban counties such as Hudson from their rural hinterlands was common in the early nineteenth century. John Snyder tersely explains that the new county area's population had grown rapidly, and residents wanted a county seat closer than Hackensack, in Bergen County.⁹⁴ (It's about 16 miles from Jersey City.) What we now call close-in suburbs were a long trek from the urban area before railroads were built into the hinterland. New Jersey Chief Justice Josiah Hornblower remarked at the dedication of Hudson County's courthouse in 1846 that the new county's "rapidly extending trade and Commerce with the city of New York and other places, the consequent increase of bargains and contracts, of litigation and of crime, would call for ... a seat of justice nearer your own doors."⁹⁵

It is possible that Hudson County also wanted separate representation in the legislature. As in other states, New Jersey counties were each accorded one state senator. That consideration accounts for the peculiar hour-glass shape of [Passaic County](#), carved from Bergen and Essex Counties in 1837. It was intended to be two counties, but legislators from the rural counties in southern New Jersey objected at the last minute (Snyder, p. 19). Under the state's original constitution (up to 1844), each county had the same number of legislators.⁹⁶ The 1844 constitution gave each county a single senator, but the state assembly was to be apportioned by population, an example of the "federal model" of apportionment for bicameral legislatures. In either case, the rural south realized that the more urban northern area would outweigh them in the legislature and insisted on admitting one instead of two new counties in north Jersey.

⁹³ A narrative and descriptive map of Bergen County's subdivision is at "Bergen County's [Townships and Municipalities](#) Part 3, 1836 to 1893" Compiled by Arnold Lang [March 2025].

⁹⁴ John P. Snyder, *The Story of New Jersey's Civil Boundaries, 1606-1968*. Trenton: Bureau of Geology and Topography, 1969, p. 19. Snyder's is the canonical work on New Jersey's complex system of local boundaries.

⁹⁵ Quoted at p. 338 in Charles Winfield, *History of the County of Hudson, New Jersey*, Kennard & Hay 1874.

⁹⁶ New Jersey Legislature, [Historical Information](#) [April 2025].

§Pennsylvania

Province of Pennsylvania 1761; Ratified Constitution 1787 (2nd state)

Sixty-seven counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 668 square miles

Newest county: Lackawanna, 1878; centermost: Centre

Smallest: Cameron (2020 population 4,459) and Montour and Philadelphia (tied at 130 dry square miles)

Although Montour County is officially the state's smallest in area, I am starting with Philadelphia County. They are virtually tied by dry land area, the criteria I have adhered to, and Philadelphia is the keystone county of the Keystone State. It was established by William Penn in 1682 along with two other counties, Bucks and Chester, all of which were sliced up to create various other counties over the next century. (This neglects the three counties that became Delaware, whose gradual split from Pennsylvania was formalized in 1776.)

Philadelphia was an American rarity in that the central city convinced the state legislature to annex all of the remaining townships and boroughs in its preexisting county to become one of nation's first consolidated city-counties in 1854.⁹⁷ (San Francisco did the same a year later, but it had no other municipalities within its limits and cast off its southern hinterland to form San Mateo County, as will be discussed in Part V in California.)

There are other consolidated city-counties around the US, but few if any central cities simply had their state's legislature wipe out all of the functioning suburban governments and join them with the city. More commonly, holdout suburbs are accorded a degree of independence within the newly consolidated county. Examples are [Jefferson County](#) (Louisville) Kentucky, dotted with over a dozen independent suburbs (including upscale [Anchorage](#), named for the home of a retired steamboat captain) and [Duval County](#) (Jacksonville) Florida, with four beachside cities that retain their separate identity.

The ostensible reason for the city-county consolidation was the inability of what were then Philadelphia's suburban townships and boroughs to control public disorder. Several anti-Catholic riots in mid-1800s could not be locally controlled and required the state militia to quell. The legislature in 1854 created the consolidated county of Philadelphia in response to the apparent local misgovernment.

⁹⁷ Andrew Heath, [Consolidation Act](#) of 1854, Encyclopedia of Greater Philadelphia [August 2024]

I had long accepted the top-down story, but it has been contested by more recent historians, who note that the state legislature had mandated the formation of local police forces after the riots, which seemed to work to control disorder. Instead, Michael P. McCarthy argues, consolidation was more the product of Philadelphia's ambitions to become a national power to match New York and Chicago. In these ambitions, the state government in Harrisburg can be seen as a handmaiden of the city, or perhaps a facilitator of its aspirations.⁹⁸ In either case, the "creature of the state" view is best regarded as a legalism rather than a prime mover of Philadelphia's pathbreaking consolidation of city and county government.

The size of the suburban local governments in Philadelphia County in the 1840s is surprising. Philadelphia's original municipal boundaries were tiny—a two square mile rectangle between the Delaware and the Schuylkill Rivers—and its suburbs were robust, with three of them ranking as major cities in the US at the time. The balance of the county's population exceeded that of the city of Philadelphia by 1820.⁹⁹ Admittedly, the US population was still overwhelmingly rural at the time, but the power of the Industrial Revolution was concentrated in growing urban areas. This is to say, the "suburbs" of Philadelphia were their own cities, and they had the power to stop consolidation if it was not in their interest. Regional ambition seems to have been the main motor of Philadelphia's city-county consolidation.

Pennsylvania's second city, Pittsburgh, is in Allegheny County on the western side of the state. It also tried Philadelphia's consolidation move, but it did not get very far. For one thing, Allegheny County is 745 square miles, while Philadelphia City and County is 130 square miles. As I noted earlier in my discussion of the selection of smallest-area counties, small-area counties are easier to consolidate because a larger fraction of the population lives in the traditional center city.

Pittsburgh in 1906 did annex the city of Allegheny. The state legislature allowed voting on the merger not by separate municipalities (with each having to concur), as in most other cases, but by merging the two votes. Even though Allegheny City voted two to one against merger, the much larger city of Pittsburgh swamped the total.

The city of Allegheny challenged the constitutionality of its forced marriage, which required its taxpayers to assume some of the burden of Pittsburgh's debt.¹⁰⁰

⁹⁸ Michael P. McCarthy, "The Philadelphia Consolidation of 1854: A Reappraisal." *The Pennsylvania Magazine of History and Biography* 110:4 (1986): pp.. 531-548.

⁹⁹ Andrew Heath, Consolidation Act of 1854. [Encyclopedia](#) of Greater Philadelphia [Oct. 2025]

¹⁰⁰ When a county in other states was divided into new counties, the senior county's debts were normally apportioned by some combination of population and area. See for example the separation of Canyon County from

The state supreme court favored the merger, and the US Court in *Hunter v. Pittsburgh*, 207 U.S. 161 (1907), refused to gainsay the state court. Indeed, it virtually stomped the complaint:

“The state, therefore, at its pleasure, may modify or withdraw all such powers, may take without compensation such property, hold it itself, or vest it in other agencies, expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter and destroy the corporation. All this may be done, conditionally or unconditionally, with or without the consent of the citizens, or even against their protest. In all these respects the state is supreme, and its legislative body, conforming its action to the state Constitution, may do as it will, unrestrained by any provision of the Constitution of the United States.” (207 U.S. at 178-79)

“So, there! Don’t bring this local autonomy stuff back to us ever again!” Not a real quote, but you can almost hear the unanimous Court say it. The case is widely cited as the source of the mantra that municipalities and counties are mere creatures of the state.

The *Hunter* decision might lead one to suppose that such legislatively ordered consolidations are easily accomplished and are therefore common. Neither is true. Modern Pittsburgh has often sought to consolidate with the remaining municipalities in its county, almost always without success.¹⁰¹ More than a century after *Hunter*, Allegheny County’s suburbs continue to resist the siren lure of consolidation with Pittsburgh. They are not unusual. The local votes on consolidation of cities and counties around the nation have been lopsidedly opposed to them, and they have become even more rare since 1970.¹⁰²

[Montour County](#), in the east-central part of Pennsylvania along the Susquehanna River, is virtually tied with Philadelphia for the state’s smallest by area. Montour was created because the town of Danville had lost its position as the seat of Columbia County to Bloomsburg in 1845.¹⁰³ The loss was a long time coming. Columbia County was carved out in 1813 from enormous Northumberland County, which encompassed most of the north-central part of the state. But Columbia County’s seat from the beginning was designated as Danville. This was

Ada County in Idaho in 1891. “An Act to Create and Organize the County of Canyon,” reprinted in Canyon County, [Idaho Genealogy](#) and History, Genealogy Trails History Group [Jan. 2025]

¹⁰¹ Jered B. Carr and Richard C. Feiock, *City-County Consolidation and Its Alternatives: Reshaping the Local Government Landscape*. Routledge, 2016.

¹⁰² John E Filer and Lawrence W. Kenny. “Voter reaction to city-county consolidation referenda.” *Journal of Law and Economics* 23:1 (1980): pp. 179-190.

¹⁰³ Ethel Hinkel, “Montour County: The [Little County](#) that Persevered.” *Pennsylvania Heritage Magazine*, Fall 1986.

locationally puzzling, since the town of Bloomsburg, about the same size as Danville and also located on the Susquehanna River, was decidedly nearer the center of the original Columbia County.¹⁰⁴

Almost from the county's inception, Bloomsburg and Danville were joined in a continuous contest for the county seat. Danville's prosperity grew as a result of the iron foundries that grew up there and which satisfied much of the nation's burgeoning demand for iron rails. Its incumbency as the county seat meant it had more sophisticated leaders who understood the politics and law. But Bloomsburg's central location, appealing not just to its own residents but to a widely dispersed group of towns and farms closer to it than to Danville, eventually prevailed in county-wide voting, and Bloomsburg obtained the Columbia County seat in 1845.

Danville's residents immediately began working to create a new county for which it could be the seat. This was before Pennsylvania's constitution limited the size of new counties in 1874 to a minimum of 400 square miles. Creating a new county required a vote of the state legislature, and the Democrats of Pennsylvania were united against dismembering Columbia County, a Democratic stronghold.

A Danville newspaper owner named Valentine Best successfully ran for the state senate as a Democrat from Columbia County in 1850. In campaigning he had told Columbia County voters that Danville should accept the loss of the courthouse to Bloomsburg, but once elected he soon displayed his Danville loyalties.

The state senate was divided between 17 Democrats (including Mr. Best) and 16 Whigs. Mr. Best offered a deal to the Whigs. If they would elect him president of the senate, despite his being a Democrat, Mr. Best would allow the Whigs to control the legislature's reapportionment if they would vote with him to separate what became Montour County from Columbia County.¹⁰⁵ The seat of the newly created county would, naturally, be Danville, and its old courthouse would now serve Montour County.

Public expressions of glee in Montour were matched by public outrage in Columbia. Mr. Best was pilloried in the press, and Columbia partisans vowed to overturn his handiwork in the courts and in the next legislative session. These efforts faded as it became apparent that the counties' divorce left both cities, Bloomsburg and Danville, secure as seats of more or less logical county areas.

¹⁰⁴ This [1876 map](#) of the combined counties shows the "Town of Bloomsburg" east of Danville, which is in Mahoning Township on the Susquehanna River. Bloomsburg is the only municipality in Pennsylvania to be designated a "town" (in 1870, long after Montour County's separation from Columbia County) rather than a township or borough. This seems to have no practical consequence but perhaps highlighted the difference between the industrial, striving Borough of Danville and relaxed college-town of Bloomsburg.

¹⁰⁵ J. H. Battle, ed. *History of Columbia and Montour Counties, Pennsylvania*. A. Warner & Company, 1887, p. 79. A contemporary look back is [Valley Girl](#) Views, "Montour County Independence, May 3, 1850," Sunday, February 5, 2023.

Residents of both counties were happy, or at least resigned, to have the county-seat issue settled.

Danville continued its growth as a leader in iron-rail manufacturing. It peaked in the late nineteenth century as steel replaced iron and as other regions became more competitive in the industry. Danville's close proximity to Pennsylvania's anthracite mines—centered in nearby Scranton—was an advantage for iron making but not for steel, whose blast-furnaces required coke derived from bituminous coal mined in distant western Pennsylvania.

In the twentieth century, Danville developed a regional medical center, the Geisinger Clinic, that is now its major employer. Bloomsburg's most prominent institution is Bloomsburg (State) University, the well-appointed successor to its teacher-training school. It is now the flagship of multi-campus Commonwealth University. The two counties now appear to be amicable neighbors, at least as judged by the joint efforts of their chambers of commerce in promoting tourism and economic development.¹⁰⁶

Pennsylvania's smallest county by population is [Cameron](#) (4,459). Located in the north central part of the state, Cameron's motto on its web page is "Land of Endless Mountains," which pretty much explains the modest population.¹⁰⁷ But back in 1860 it had promise. A railroad was being laid out through it, and Cameron was made a county by carving out land from four adjacent counties.¹⁰⁸

The railroad was the major influence in creating the county, and those connected with building the railroad positioned themselves to get the benefit of a new county seat. A printer named Captain Rogers (not further identified) wrote in 1860, "During that session of the legislature, I was in Harrisburg, and took considerable interest in the passage of the bill creating the county of Cameron. It was there that I made the acquaintance of a number of gentlemen who were interested in what was known as the Land Company, and who controlled a piece of territory on which the principal portion of Emporium [now Cameron's county seat] is now built."¹⁰⁹

Captain Rogers further noted that the Land Company "presented in glowing colors what an important town it would be when the railroad was completed, and

¹⁰⁶ The Columbia Montour [Chamber of Commerce](#), Quality Living in Columbia and Montour Counties [April 2025]

¹⁰⁷ [Endless Mountains](#) are actually the northeast part of the state, not near Cameron County. But I guess if the mountains are "endless," it's difficult to determine their boundaries.

¹⁰⁸ The Newberry Library's map shows Cameron County's creation on [1860-10-12](#). [Dec. 2025]. The hatchet-shaped county is in the north central part of the state. In the Newberry chronology: 12 Oct 1860 [CAMERON created](#) from CLINTON, ELK, McKEAN, and POTTER. [Nov. 2025]. The seats of the four donor counties were all undisturbed by their counties' loss of territory to Cameron.

¹⁰⁹ [Cameron County](#) genealogy, Chapter 3: Transactions of the County Commissioners (excerpted from History of Counties of McKean, Elk and Forest, Pennsylvania. Chicago, J.H. Beers & Co., 1890, pp. 835-838) [Apr. 2025]

the railroad shops, which were certain to be located there, were in full blast.... I was inclined to give some weight to their statements, for I knew that several of the gentlemen who were interested in the Land Company were connected with the building of the road, and supposed that they knew what they were talking about.”

Indeed they did. After the county was established, “In order to secure the county seat for Emporium, it was necessary to raise sufficient money to erect the courthouse. Five thousand dollars were subscribed by the few people then residing here, and \$5,000 contributed by the Philadelphia and Erie [Railroad] Land Company, the edifice costing the tax-payers of the county nothing.”¹¹⁰

¹¹⁰ Same source as above but not a quote from Captain Rogers.

§Ohio

Part of the Northwest Territory 1787; Statehood 1803 (17th)

Eighty-eight counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 464 square miles

Newest County: Noble, 1851; centermost: Knox

Smallest: Lake (227 square miles) and Vinton (2020 population 12,696)

Ohio was the first of the Northwest Territories to be admitted to the US. They were notable for being the product of a continental strategy to acquire land from indigenous people, sell it to Euro-American settlers, and set up state governments. Its most famous element was the Northwest Ordinance, which set the template for admission and governance for most later states. Territories were intended to be temporary and had changing boundaries. They were eligible to become states when the population grew large enough.

Territorial governments were semi-colonial: They had locally elected legislatures, but judges and the governors were appointed from Washington, and the governor dominated because he could veto legislation, usually without an override. Congress gave territories an “organic act,” a temporary version of a state constitution. When a territory applied for statehood, it had to offer a proposed constitution, which Congress could reject or accept with conditions. Better-known conditions were the requirement that Utah disestablish polygamy and that readmitted states of the former Confederacy renounce slavery. The Northwest Ordinance itself was notable for having forbidden the establishment of slavery within the Territory.¹¹¹

Territories were free to establish municipal and county governments before statehood. The most consequential federal action prior to statehood was the division of the vast lands claimed by the US as a result of the Revolution, the Louisiana Purchase, and various treaties with Indian tribes. In nearly all new states, the land was divided into the township-and-range grid system of the Public Land Survey, established in 1785.

The consequences of this system were that the US west of the original states became a land of squares: Townships of 36 square miles, which were divided into one-square-mile sections of 640 acres. The survey townships were often the basis for the boundaries of “civil townships,” and the townships were often put together

¹¹¹ The prohibition was said to have been supported even by Southerners in order to make the land more marketable to prospective settlers from New England. The pre-Constitutional Confederation, which had meager taxing powers, needed the money. Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance*. Indiana University Press, 1987, p. 111.

by both territorial and state governments as county boundaries. Ohio was also the first state to which the Public Land Survey applied, but its county development did not follow the survey lands as sedulously as states admitted later did. Early surveys were imperfect, and large tracts were claimed and sold before the surveys were completed.

Early settlers were eager to have their own counties and claim their villages as the county seat. Higher government impatience with local demands for the county seat began almost immediately in the Northwest Territories. Arthur St. Clair, the Revolutionary War general who was the first governor of the Territories, complained about the demand by locals to create more counties in Ohio than he thought wise.¹¹² The imperial desire to establish state control over a large and diverse territory did not require as many counties as the local residents wanted.

[Lake County](#) has the smallest land area (227 square miles) in Ohio. It is located in the northeastern part of the state and adjoins Lake Erie. Its parent, Geauga County, was established in 1806 just east of Cleveland. Geauga (jee AWE guh) originally extended to Lake Erie on the north, encompassing most of what is now Lake County. Near the center of old Geauga County was the town of Chardon. It became the county seat after a contest involving dueling land donations with a nearby town.¹¹³ Being at the geographic center of a county was usually a big advantage in the race to be a county seat, but in most states, this could be changed by local vote or serious lobbying if population growth favored one side or the other.

Population growth in original Geauga County's northern half (next to Lake Erie) soon outstripped that of the southern part. Residents of Painesville in the north sought to make their town the county seat. This was unsuccessful, so Painesville and other northern townships lobbied the state legislature to create a new county named Lake from the northern third of Geauga. A township from neighboring Cuyahoga County to the west was added to bulk up the new county's land area.

Ohio's legislature accepted this and made Painesville the seat of Lake County in 1840 on the condition that no taxes be raised to pay for the new courthouse and other necessary county buildings. This was not an uncommon or unfair condition; the rest of the county did not gain economically nearly as much as the city with the courthouse.

¹¹² Kevin P. Kopper, *Arthur St. Clair and the struggle for power in the Old Northwest, 1763 -1803*. PhD dissertation, Kent State University, 2005, p. 10.

¹¹³ Bari Oyler Stith, *A [Vision Divided](#) Lake County, Ohio: 150 Years of Tradition*. Windsor Publications, Northridge, California, 1988. [Oct. 2024] Ms. Stith emphasized that the creation of the new county and readjustment of the old both relied upon and created a sense of community for residents.

The seat of the remaining part of Geauga County, [Chardon](#), was now off-center, but it retained its seat status nonetheless, most likely because it was still near the population center of the now-reduced area of Geauga County. The economic and political longing for a county seat again resulted in the creation of a new county.

Located in south-central Ohio, [Vinton County](#) is the least populous in the state. With 12,696 residents in 2020, it is close to the population it had when it was formed in 1850. It was the third-last county established in the state, the last being Noble County in 1851. The latter date is telling insofar as the new Ohio Constitution of that year was its first to establish a minimum area of 400 square miles on new counties as well as a minimum distance between new counties' borders and old counties' courthouses.

The sparse history about Vinton County's formation does not suggest any special local effort to carve it out or any action by the five counties from which it was created to prevent it.¹¹⁴ Vinton's county seat, McArthur, was chosen without apparent drama. It was at a crossroads near the center of the new county, and no nearby towns appear to have been viable alternatives.

Each contributing county was already represented in the legislature, so their loss of land area would not have been politically costly in these cases. None had county seats that were threatened by Vinton's creation. Indeed, Vinton's creation may have been beneficial to the courthouse cities of the adjacent counties. Several seats of the donating counties became more centrally located in their county and thus fortified from possible efforts to remove their courthouses to rival towns.¹¹⁵ Present-day Vinton is surrounded by the counties of Jackson, Pike, Ross, Hocking, Athens, and Meigs. Only Meigs County has a seat, Pomeroy, that is not now near the center of its county. Pomeroy is on the Ohio River, a major transportation corridor that in many cases overrode geographic centrality for courthouse selection.

Strategic reconfiguration was a common theme in county creation. Over half of all state constitutions have constraints on new county creation that protect existing county seats from losing their interior status. Indeed, I found that all of Ohio's original counties shown in the Newberry Library's 1803 map were subsequently subdivided such that the original county seat became approximately centrally located in the much-reduced county area that bears its original name.

¹¹⁴ History of [Hocking Valley](#), Inter-state Publishing, Chicago, 1883, p. 1158 ff [Oct. 2024]; Modern map of [Ohio counties](#) and seats [Dec. 2024]; Vinton County appears between [1850-04-01](#) and [1851-04-01](#) on the Newberry Atlas of Ohio.

For example, [Trumbull County](#) originally covered much of northeastern Ohio, encompassing the area still called the “Western Reserve” that was once claimed (“reserved”) by Connecticut under its original royal charter. Trumbull’s original seat was the town of Warren, located on the eastern side of the once-giant county. Over the next five decades, eleven additional counties were carved from the original area of Trumbull County.¹¹⁶ But Warren remained the seat of the much-reduced county, now tucked into the northeast corner of Ohio.

Warren’s central position was compromised by the loss of Trumbull County’s southern townships in 1846 to the creation of [Mahoning County](#). Conceding that carve-out most likely saved Warren its status as a seat, because the rapidly growing city of Youngstown was no longer a potential competitor for its courthouse.¹¹⁷ As Youngstown’s steel-making industry prospered and its population grew, it mounted a successful campaign to become the seat of the new county, much to the dismay of the incumbent, centrally located seat, Canfield.¹¹⁸ Canfield residents mounted a legal campaign to regain their courthouse under the theory that their costly efforts to obtain the seat and build the courthouse amounted to a contract with the state, which the US Constitution was obliged to protect. The US Supreme Court disagreed in *Newton v. Commissioners*, 100 U.S. 548 (1879).

¹¹⁶ From the Newberry Library’s map of Ohio one can trace the sequence of subdividing original Trumbull County from [1803](#) through [1809](#). [Dec. 2025] (Original Trumbull is on the northeast corner; verbally in the [Ohio Chronology](#).) In this period, seven counties were created from Trumbull’s original territory. By 1888, at least twelve counties had been carved from it.

¹¹⁷ [Robert C. Trube], “Growing Up in Working Class Youngstown — How [Mahoning](#) Became a County, May 11, 2019 [citing Howard C. Aley, *A Heritage to Share: The Bicentennial History of Youngstown and the Mahoning Valley*. 1975] [Feb. 2026]

¹¹⁸ Joseph Green Butler, *History of Youngstown and the Mahoning Valley, Ohio*. Vol. 2. American Historical Society, 1921.

§Indiana

Indiana Territory, 1800; Statehood 1816 (19th)

Ninety-two counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 398 square miles

Newest county: Newton, 1859; centermost: Boone

Smallest: Ohio County (86 square miles; 2020 population 5,940); second smallest land area is Floyd County (148 square miles)

Indiana counties were a rich source of political intrigue involving county seats and the creation and alteration of county boundaries. Stephen S. Visser's excellent summary of the activity notes that "More than half of the 92 county seat towns and cities of Indiana were planned as county capitals."¹¹⁹ It is hardly surprising, then, that the state's smallest county in both land area and population, [Ohio County](#), should have been born of a devious plot.

Boosters in the Ohio River town of Rising Sun in the 1840s wanted their town to be a county seat. Chief among the advocates was [Abel C. Pepper](#), a politically active landowner in the town when he wasn't removing uncooperative Indians from their homelands as an agent of the national government. Rising Sun's problem was being poorly positioned at the far south of [Dearborn County](#) in the southeastern corner of the state. But its partisans saw an opportunity for a deal.

The former seat of Dearborn County, Lawrenceburgh, had recently lost its courthouse to a more centrally located town, Wilmington. The covetous towns of Rising Sun and Lawrenceburgh struck a deal. They elected legislators, including Col. Pepper, the rising son of Rising Sun, who would work to hive off the southern third of Dearborn County to create tiny Ohio County in 1844. It had to be small because Dearborn County could not be reduced to less than 400 square miles as the result of a new county being created.¹²⁰ But *new* counties like Ohio could be smaller than that.

One might wonder how the Rising Sun and Lawrenceburgh representatives persuaded a multimember state legislature to cater to such plots. Actually, most

¹¹⁹ Stephen S. Visser, "The Location of Indiana Towns and Cities." *Indiana Magazine of History* 51:4 (December 1955): pp. 341-346. Other works on Indiana include Ernest V. Shockley, "County Seats and County Seat Wars in Indiana." *Indiana Magazine of History* (1914): pp. 1-46, and George Pence and Nellie Catherine Armstrong. *Indiana Boundaries: Territory, State, and County*. Indiana Historical Bureau, 1933; Clyde F. Snyder. "Indiana Counties and Townships." *The Indiana Magazine of History* (1937): pp. 119-152.

¹²⁰ The whole sordid account is dispassionately related by Pence and Armstrong, cited above, pp. 69, 83, 87-88, 316. The sequence of county boundary changes is at the Newberry Library; Indiana map starting from [1844-03-01](#), when a speck of Ohio County appears in the southeast corner of the state (just southwest of Cincinnati, Ohio), and in [1845-01-07](#) Ohio County can be seen enlarged to its present boundaries. [Dec. 2025]

early state legislatures were structured to do so. Legislators were occupied with private bills, which is how locally-elected members could often satisfy very specific demands such as county creation. It was expected that legislators would support each other's bills in a spirit of reciprocity. The profligate use of such backscratching practices was eventually seen as responsible for pork-barrel projects that caused economic collapses in the mid-nineteenth century. The practice was curtailed by new state constitutions. They demanded only general laws, prohibiting "special and local" legislation.¹²¹ We will see in other states (particularly Virginia in Part III and New Mexico in Part IV) that the new rules both curtailed county creation and forestalled almost all later efforts to consolidate small counties.

Rising Sun was the only city in newly created Ohio County and was named its seat. Then the Rising Sun and Lawrenceburgh advocates secured the passage of a law adding more territory to Ohio County, leaving Dearborn County less than 400 square miles. (It is now 307 square miles.) This was allowed because Dearborn's reduction in area was not the result of the *creation* of Ohio County, only a boundary adjustment. (The loophole was closed in Indiana's 1851 constitution.)

Dearborn County's loss of its southern territory caused Lawrenceburgh (in Dearborn County) to become more centrally located than its rival, and the courthouse was returned to it. The cornerstone of the first courthouse in Ohio County was ceremoniously laid by Col. Abel Pepper, whose family had donated the land for the building and supervised its construction.¹²² Both Rising Sun and Lawrenceburgh remain the seats of their respective counties. The former seat of Dearborn County, Wilmington, Indiana, shrank to little more than a crossroads hamlet, a common fate for towns that lost their contests for the courthouse.

Indiana's second smallest by land area is [Floyd County](#), farther down the Ohio River and now more urban in character than Ohio County. Floyd got started in 1819, a quarter century before Ohio County, and unlike its smaller brother, its creation looks straightforward. The town of New Albany was established on the falls of the Ohio River, which is just below Louisville, Kentucky. The location was scouted out by the three Scribner brothers from New York who were looking for a place to start their leather-working business, among other projects.

As their biographer and historians agree, the Scribners were "men on the make," eager to get ahead in business in a newly opened territory. They were not seeking

¹²¹ Naomi Lamoreaux, and John Wallis, "Economic Crisis, General Laws, and the Mid-Nineteenth-Century Transformation of American Political Economy." *Journal of the Early Republic* 41:3 (Fall 2021): pp. 403-433.

¹²² The Historical Marker Database, The Ohio County [Courthouse](#), The History of Rising Sun, Indiana. [Feb. 2025]; John Deacon's American Courthouses, Indiana, [Ohio County](#)

religious freedom or a utopian experiment. They and compatriots came to New Albany with an eye on making it a county seat.¹²³ It was only a slight complication that the city was partly in a county, Harrison, that contained Indiana's first state capital, Corydon. One of the brothers Scribner journeyed with a friend to Corydon to ask the legislature to carve out a new county for which New Albany would be the seat. The legislature obliged, and New Albany became the seat of Floyd County.¹²⁴

One might wonder why Harrison County, from which much of Floyd County was eventually carved (a smaller part came from Clark County to the east), did not object to this loss of territory. Corydon was Harrison County's seat and also the state's capital, which should have given it the political clout to block plans to carve up its territory.

But Corydon was slated in the first state constitution to be displaced in a few years by a more central location, which grew up as the city of Indianapolis. So, Corydon had some reason to be worried about its central position in Harrison County, lest some other town displace it as the county seat after the state capitol was removed. As it happened, giving up part of its eastern territory to new Floyd County made Corydon more central and may have pushed some potential rivals to the border of Harrison County or entirely into Floyd County. There isn't any explicit statement to support this theory, but it's otherwise difficult to explain the ease with which the New Albany petitioners so easily ran off with otherwise attractive territory.

New Albany almost lost its county seat status to another town within Floyd County, Greenville. It wasn't so much that Greenville was slightly more centrally located—New Albany was on the southeast corner at the foot of the falls—as because New Albany failed to build an adequate courthouse. Greenville's offer to build one if it got the seat aroused New Albany's residents, and they hastily raised enough money and land to build a proper courthouse. (Bogle, cited above, p. 285, suggests that some of that money went to bribe state commissioners who were appointed to review the county seat location, but it wasn't clear to me that this payment, an increase in the commissioners' per diem compensation, was much beyond transactions that were generally expected in those days.)

I note this event to counter the impression that county-seat competition was a kind of zero-sum game: what one town wins, the other loses. It is generally true

¹²³ Mary Scribner Davis Collins, "New Albany, With a Short Sketch of the Scribner Family." *The Indiana Magazine of History* (1921): pp. 211-242; Victor M. Bogle, "Settlement of New Albany." *The Indiana Magazine of History* (1952): pp. 277-288.

¹²⁴ L. A. Williams, *History of the Ohio Falls Cities and Their Counties: With Illustrations and Bibliographical Sketches*. Cleveland: L. A. Williams & Co., 1882, p. 85. See also Collins and Bogle, cited above.

that there is only one prize (though we will observe dual county seats in Arkansas and Mississippi in Part III), but the competition here was a goad to collective action to build something useful, a decent courthouse. The New Albany residents, a business-oriented crew, may have been indifferent to the quality of their courthouse, but residents elsewhere in the county had to use it too. Often this competition led to what seem like overly elaborate courthouses, but lack of any competition could result in facilities that seemed inefficiently modest.

§Michigan

Territory of Michigan 1805; Statehood 1837 (26th)

Eighty-three counties [[map](#)] [[list](#)] [[chronology](#)]: mean land area 681 square miles

Newest county: Dickinson, 1891; centermost: Wexford

Smallest: Keweenaw (population 2,180 in 2020) and Benzie (320 square miles)

Michigan counties have several unique features. One belongs to the county containing the city of [Lansing](#), which is the only state capital that is not also a county seat. The seat of [Ingham County](#), containing most of Lansing, is the centrally located but relatively small city of Mason. The state's capital city is located in the northwest corner of the county, and small parts of the city now extend into two neighboring counties. In 1877, Lansing tried to take the county seat for itself, but Mason managed to extract a compromise that moved many county offices to the state's capital city but kept the official courthouse in Mason.¹²⁵

Compromises that result in shared location of county offices are few but not unheard of. Previously mentioned in Part I was Hillsborough County in New Hampshire, where courts are held in Manchester and Nashua. Another is [Jackson County](#) in Missouri, which has courthouses in Kansas City and Independence. We will discuss the twenty “dual seat” counties of Mississippi and Arkansas under Sebastian County, Arkansas in Part III, but Lansing is the only state capital that shares county functions with another city without also claiming to be the official county seat.

Michigan's least populous (2,180 in 2020) and northernmost county is [Keweenaw](#), made up of a peninsula and an island (now Isle Royale National Park) in Lake Superior. Its mainland section is thus an upper peninsula on the Upper Peninsula, which would make the residents double Yoopers. (Yooper is an affectionate term for residents who live north of the [Mackinac Bridge](#) in the “U.P.”) Another localism here is that “Mackinac” is always pronounced and sometimes spelled “Mackinaw.”) The economy of the U.P. in the nineteenth century was driven by copper mining. Counties formed and subdivided at that time, and Keweenaw, established in 1861, seemed likely to be a durably prosperous place.

¹²⁵ “In 1877, the City of Lansing tried to take the status of the county seat for itself. Instead, Lansing and Mason made an agreement that moved some county offices and courts to Lansing in exchange for Mason remaining the County Seat.” Mason – [A History](#) [April 2025] See also the [Wikipedia article](#) on Mason, Michigan.

Eagle River was the county seat of Houghton County, a sprawling giant that covered much of the U.P. But the center of operations of the copper industry had moved southwest (down the peninsula) of Eagle River, and the city of Houghton sought to become the county seat. Eagle River lost its seat to Houghton, but it regained its courthouse status when Keweenaw County was established in 1861.¹²⁶

This turn of fortune was not unlike that of Johnstown, New York, which lost its county seat in 1837 but regained it when it persuaded the legislature to create a new county, Fulton, for it to be the seat of. (Described above under Hamilton County, New York.) But I can find no solid evidence that Eagle River in Michigan had engineered the formation of Keweenaw County. It looks more like a consolation prize for having lost the seat of Houghton County to the city of Houghton.

Michigan's copper mining industry declined in the early twentieth century, and Keweenaw County's population dwindled from a peak of 7,156 in 1910 to 2,180 in 2020. It is the only county in Michigan to have a smaller population in 2000 than in 1900. Its chief economic asset is Lake Superior, which supports waterborne tourism and recreation. Keweenaw is in this respect similar to the smallest counties that we will encounter in the West, which transformed their mining economies into mountain-based recreation centers. (See San Juan County, Colorado, in Part IV below, and Alpine County, California, in Part V.)

Keweenaw is also the county with the state's largest jurisdictional area, 5,966 square miles. But the area in this case is 91 percent lake water between the mainland peninsula and Isle Royale, which was briefly its own county in the 1870s. Why count lake water? If a crime or civil dispute happens on a boat in this area, the county court oversees dealing with it, and a jury would have to be drawn from the appropriate county. With counties, you have to think about legal boundaries, not just land area.

Moreover, sometimes the watery area becomes dry land and vice versa. Between 1985 and 2013, the level of Lake Michigan (and thus Lake Huron—they are the same body of water) rose and fell by over six feet.¹²⁷ This contracted and expanded the land area of the counties adjacent to the lake. Nonetheless, for most local governance and development purposes, dry land area is usually most relevant, and this is the standard by which I have normally chosen the smallest-area counties.

¹²⁶ Houghton County [Michigan] [History](#) [March 2026]

¹²⁷ Indiana Department of Natural Resources, [Lake Level](#) Fluctuations [Jan. 2025; Indiana adjoins the southern end of Lake Michigan.] Shorelines of Chicago and Milwaukee and other lakeside cities were sorely inconvenienced, but they are still there despite the ominous headline: Dan Egan, "The climate crisis haunts Chicago's future. A Battle Between a Great City and a Great Lake." New York Times, July 7, 2021.

The distinction between dry land area and total (including water) area controlled by the county is mainly relevant for counties along the Great Lakes. Official calculations of county area by states that border the lakes extend to the Canadian border or to the mid-lake border between states; the border between Michigan and Wisconsin is the centerline of Lake Michigan.¹²⁸ This makes their lake-bordering counties seem much larger than their neighbors. I found that the official geographic center point of several Michigan counties is in the lake. The largest county by dry land area (1808 square miles) in Michigan is Marquette in the Upper Peninsula, but it is only the fourth largest county by total land and water (jurisdictional) area.

Along the Atlantic and Pacific Oceans, however, the county line stops at the shore plus, for most purposes, three miles into the ocean. The main “excessive” size in these cases involves salt-water areas that are included among barrier islands, as in Dare County, North Carolina, and Charleston County, South Carolina, or within bays and estuaries, as in the Tidewater region of Virginia and states along the Gulf Coast.¹²⁹

Michigan’s counties have two distinctions that come from their namings, which was done by the territorial and later the state legislature. Before statehood, Michigan Territory was engaged in a contest with Ohio over the location of Michigan’s southern border. The federal government had to decide whether it should be drawn north of the city of Toledo, giving that prize (a port city on Lake Erie) to Ohio, or to the south, which favored Michigan. Survey lines drawn at different times could support either outcome.

The Michigan territorial legislature apparently tried to sway the decision by naming eight counties near the Ohio border for members of then-President Andrew Jackson’s cabinet. Although it did not work—Ohio, already a state and fully represented in Congress, unsurprisingly ended up with Toledo—the eight are still informally referred to as Michigan’s “[Cabinet Counties](#).” Besides strategic naming, Michigan and Ohio rallied their respective militias to assert their respective positions on their common border. The nearly bloodless “Toledo War” might be said to have inspired the spirited football rivalry between THE Ohio State University and the University of Michigan, but, really, that rivalry hardly needed any historical impetus.

¹²⁸ Multiple issues including fisheries, environment, and international trade make governance of Great Lakes counties more complicated than most landlocked counties. Hannah MacDonald, “The Messy, Overlapping Systems Governing The [Great Lakes](#)” Institute for Public Policy and Social Research, Michigan State University, Michigan Policy Wonk (2017)

¹²⁹ A national map locating largest counties by total and by land area alone is “[Largest Counties](#) in Each State Map” within “County Highpoint Information Maps” [April 2025]

The official Michigan website describing the Toledo War nonetheless invokes football metaphors, describing the contested border as a “line of scrimmage” and concluding that Michigan’s loss was “Like so many of the gridiron battles that continue to rage today, a game isn’t decided on one play, but a series of plays. Poor officiating may have taken Michigan officially out of the campaign for the Toledo Strip, but in retrospect, it’s obvious who won the War.”¹³⁰ The site then notes that Congress gave Michigan the entire Upper Peninsula in compensation for its loss. It fails to point out that Wisconsin was the more logical geographical heir to that area.

The other notable Michigan county namings were the brainchild of Henry Schoolcraft, Michigan’s influential geographer and ethnographer. He proposed names for at least a dozen counties that honored native American tribes, of which he was a sympathetic scholar and advisor. The trouble was that many native names were lengthy and barely pronounceable by speakers of English. Schoolcraft instead modified Indian names by abbreviating them and attaching Latin (or other languages’) prefixes to make them easier on the English tongue. In the process they lost most of their Indian associations, and modern scholars do not speak kindly of Schoolcraft’s creativity as a result.¹³¹

Michigan planned its county pattern more systematically than states admitted earlier. (Michigan was 26th, admitted 1837.) Rather than lay out very large counties and subdivide them as local populations increased, Michigan set down mostly-final county lines wholesale: “twelve at a time in both 1829 and 1831, and twenty-nine in an omnibus 1840 law.”¹³² Its county layouts in the lower peninsula have the look of a grid. Most of their original boundaries persist to this day, but there were some modifications.

Counting only dry land, [Benzie County](#) has the smallest area, 320 square miles. For those acquainted with Michigan’s digital reference system, it is located just south of the “little finger” of the mitten. (The “thumb” is on the east side, bordering Lake Huron.) Because Benzie County fronts Lake Michigan, its watery jurisdiction covers another 540 square miles out to the center of the lake.

The county was formed in 1863 by carving out the southern half of [Leelanau County](#), which was among those formed in a burst of legislative activity that

¹³⁰ Michigan Department of Military and Veterans Affairs, The [Toledo War](#). [April 2025]

¹³¹ For a perhaps overly severe send-up of Schoolcraft’s creativity, see the chapter on “Artificial ‘Indian’ Names” in Virgil J. Vogel, *Indian names in Michigan*. University of Michigan Press, 1986. Some of the original names do seem challenging to the English-speaking public, and Indian names everywhere in America were often mangled in transliterations.

¹³² Newberry Atlas, Michigan Atlas of Historical County Boundaries: Michigan: [Commentary](#), 2007. [Nov. 2025]

established those 29 counties. (It's easy to confuse Leelanau with Keweenaw, the U.P. county of the double Yoopers.) The geographic areas of most counties formed *en masse* in 1840 persisted in their original form to the present, and Leelanau's subdivision was an exception. Leelanau was not especially large, but its seat's harbor access was from Grand Traverse Bay (Northport, on the east side of the "little finger"), making it a long sail from what is now Benzie County's commercial port on Lake Michigan, the city of Frankfort.

Benzie's earliest white settlers had come to the wilds of Michigan to start a Christian community and college in 1855.¹³³ They landed near the center of what became Benzie County, and their town was later named Benzonia to give it a head start on becoming the county seat. Once the legislature had determined to divide Leelanau County, it left Benzie County in political limbo, essentially being governed by Grand Traverse County (the parent of Leelanau). In 1868, residents of Benzie County organized to push the legislature to give the shell county leave to organize, giving it the usual offices of commissioners, sheriff, and clerk, which was done in the following year.¹³⁴

Although on-the-ground political push for the county's organization was important, I would not count it as a local initiative to form the county itself. The source just cited gives several examples of Benzonians' hardships in getting to the seat of its governing county, Grand Traverse, but the examples do not precede the establishment of Benzie County's provisional borders in 1863. Benzie residents' participation challenges the undiluted top-down story of county creation, but it offers only weak support for the spontaneous-order theory.

After the county was organized, the political energy of its inhabitants was directed inward towards gaining the county seat. Several established towns vied for the honor. The first victor was Frankfort, the largest town and the aforementioned port on Lake Michigan. But this was not stable, since Frankfort was at the far western edge of the county, remote from inland towns and the eventual center of population.

A second round of popular voting put the courthouse nearer the center of the county, but a mile east of Benzonia. The designated site was in the countryside, not near convenient hotel, newspaper, and commercial services needed by a county court. The vote was apparently driven by spite. Frankfort and other towns that were

¹³³ The main account is N. A. Parker, *History of Benzie County by Historians of Each Township*. Prepared for the Benzie County Pioneer Society in August 1897. Michigan Pioneer and Historical Society Collections Volume 31 (1901) pp. 98-101.

¹³⁴ Genealogy Trails, Benzie County, Michigan [History](#), transcribed from: "The Traverse Region, Historical and Descriptive: With Illustrations of Scenery..." Chicago: H.R. Page & Co.; 1884 [May 2025]

not near the center realized that they could not have the seat, but they apparently did not want the town of Benzonia to enjoy its more central location too much.

Benzonia prevailed anyway. The 1884 history just cited waxed indignant:

“The present site [out in the woods] furnishes a striking illustration of the follies men are capable of when prompted by a spirit of jealousy or spite. The county building is a common board structure situated in a solitary place a mile from a hotel, post office or any business place. The only creditable thing about it is the probability that the site will be removed to some suitable point. The circuit judge has already ordered a suitable place provided in the village of Benzonia for holding court.”¹³⁵

This equilibrium was upset by a unique event in 1873 that has been described as an environmental catastrophe.¹³⁶ Benzonia is on the eastern shore of Crystal Lake, an eight-mile-long water body separated from Lake Michigan during the last ice age. The Betsie River, then not navigable by more than a canoe, ran south of the lake to Lake Michigan. But the Betsie was not connected to Crystal Lake, where much of the population was located near its shoreline.

An enterprising local farmer and logger named Archibald Jones formed a company to create a new outflow for Crystal Lake. The idea was to dig a ditch and use the lake’s outrushing water as a sluice to widen and deepen the Betsie River. The enhanced stream would allow logs to be floated down and small steamboats to travel between Benzonia on Crystal Lake and the county’s port of Frankfort on Lake Michigan.

The scheme worked a bit too well. The newly breached outflow of the lake quickly became a torrent that tore a far wider stream to the Betsie and scoured the old riverbank of trees, farms, roads, livestock, and homes all the way to Lake Michigan. Crystal Lake lost much more water than anticipated and settled at an elevation twenty feet lower.

After recovering from the initial shock, the residents of Benzonia and various hamlets around the lake realized that they had an unexpected benefit. The partly drained lake revealed a bottom land of sand along its new shoreline. In contrast to the previous steeply banked lakeshore, its new littoral was level and suitable for building a much-desired railroad. This new line connected Benzonia and Frankfort (on Lake Michigan) more efficiently than the proposed canal would have. (The defunct rail line is now a recreational trail.)

¹³⁵ Quoted from the 1884 source above. This was not the end of county seat’s travels. As John Deacon documents in *American Courthouses*, [Benzie County](#), the seat was moved to a different town at least five times.

¹³⁶ Philip J. Deloria, "Drain the Lake! Tear Down the Butte! Build Paradise!: The Environmental Dimensions of Social and Economic Power in Boulder, Colorado, and Benzie, Michigan," *Southern California Quarterly* 89:1 (2007): pp. 65-88.

The newly exposed sandy beach on the east side of the now-lower Crystal Lake (near Benzonia) was soon home to new resort hotels and upscale vacation homes. Many of the homes were made more permanent, and residents formed the village of Beulah. So many lived there that the county courthouse was relocated to the village. Archibald Jones, the architect of the disastrous flood, is today celebrated as a cockeyed benefactor of Benzie County with its shrunken but even more attractive Crystal Lake.¹³⁷

¹³⁷ Jeff Sandman, “Three boys on a raft - Thrilling experience at [Crystal Lake](#) Outlet.” Benzie County Record Patriot, August 9, 2011. (Reporting verbatim account written in 1915 by Alden Case, recalling Betsie River flood of 1873.) [March 2025]

§Wisconsin

Wisconsin Territory 1836; Statehood 1848 (30th)

Seventy-two counties [[map](#)] [[list](#)] [[chronology](#)]; mean county land area 752 square miles

Newest county: Menominee, 1959; centermost: Wood

Smallest: Pepin (232 square miles) and Menominee (population 4,255 in 2020)

A county in western Wisconsin, [Pepin](#)—“seed” in French—has the smallest area (232 square miles). Located on the Mississippi River near Minnesota’s Twin Cities, it was the birthplace of Laura Ingalls Wilder and the setting of the first of her “Little House” books: “Little House in the Big Woods.”

Pepin County was the product of an industrious landowner who led the charge to get the legislature to create two new counties.¹³⁸ West-central Wisconsin had a giant county, Chippewa, that was a legacy of its pre-statehood county formations. As settlement proceeded after statehood, the legislature created new counties by subdividing the original, chipping away at Chippewa. A politically connected landowner, William Boyd Newcomb, circulated a local petition to ask the legislature to create [Dunn County](#) in 1854. The new state’s legislature had so many petitions that it had standing committees to respond to such requests—not to lay out counties on its own initiative—and Dunn County sailed through without a hitch.

Four years later, Mr. Newcomb became dissatisfied with Dunn County’s politics and the inconvenient location of its county seat relative to his property. He circulated another petition to carve out the southern part of Dunn County as Pepin County. This time the request got some opposition for its small size and from some residents of Dunn County. The seat of Dunn County—Dunnville, of course—would be forced off-center by the creation of Pepin County, and Dunnville’s status as county seat would be at risk.

Despite the opposition, the insistent Mr. Newcomb got his way, and Pepin County was established in 1858 with the town of Pepin, near Newcomb’s farm, as its seat.¹³⁹ As residents of Dunnville feared, the seat of the reduced Dunn County was moved northward, and Dunnville shrank to a mere hamlet. (Note this is

¹³⁸ Terry Mesch, *The Making of Pepin County*. Pepin County [Historical Society](#), 2016, tells the story nicely. [Jan. 2025; thanks to Matt Sam, Pepin County Historical Society, for restoring this paper to the web page.] Mr. [Newcomb](#) also served as Register of Deeds for Dunn County and then Pepin County.

¹³⁹ Perhaps ironically, the seat of Pepin County was soon removed from Pepin to the more central town of [Durand](#). I say “perhaps” because it would hardly be surprising to learn that Mr. Newcomb had owned land there, too.

contrary to the trend I pointed out in Ohio, in which existing counties almost always kept their seats when parts were taken for new counties, but Mr. Newcomb's energy was exceptional.)

Dunn County's old courthouse had mysteriously burned down shortly after the creation of Pepin County, so it was easy to remove the seat from Dunnville to the more central and now much larger town of Menomonie. Courthouses seemed to burn rather regularly during the era of county creation, though I have no baseline for how often other prominent buildings burned. It may nonetheless account for the use of stone and brick walls in many later constructions.

Wisconsin's least populous county (4,255 in 2020) is [Menominee](#), located in the northeastern part of the state about fifty miles west of Green Bay. (The aforementioned *town* of Menomonie in Dunn County is spelled differently and is on the western side of the state.) The county was created in 1959, the last to be established in Wisconsin and the only one since 1901. It was made from parts of two adjacent counties to include all of the land of the Menominee Indian tribe, which was in the process of losing federal recognition as a tribe and thus becoming entirely subject to state law.

A brief and incomplete aside on Indian reservations and counties is offered here to account for Menominee County's peculiar situation. Federally recognized native tribes are domestic sovereigns in the United States. "Domestic" means they do not have an independent foreign policy. Their reservation lands are not the creation of state law but of federal treaties. In most cases—American Indian law resists broad generalizations—the treaties made them independent of state law.¹⁴⁰

Roughly speaking, this independence defines the "sovereignty" part of domestic sovereignty. Disputes among tribal members on reservations are not tried in county courts; they were instead channeled to local tribal courts or US Federal Courts. In several cases (not Menominee), states did not even lay out counties to include reservations until almost all other counties had been established. (See South Dakota in Part IV below, for further discussion.)

Federal policy regarding Indian lands has been subject to major swings. At the end of the nineteenth century, Congress reduced tribal and reservation sovereignty with a program that required tribes to privatize much of their communal holdings. Under what was called the "allotment" system, individual Indian families were given the right to own ("allotted") reservation land independent of their tribe.

¹⁴⁰ Most of what follows was derived from my reading of Jessica A. Shoemaker, "An Introduction to American Indian Land Tenure: Mapping the Legal Landscape," *Journal of Law, Property, and Society* 5:1 (2020): pp 1-100. On Menominee County and its reservation, see Stephen J. Herzberg, "The Menominee Indians: Termination to Restoration." *American Indian Law Review* 6:1 (1978): pp. 143-186.

Congressional reformers hoped the detached landowners would become yeoman farmers and ranchers like their white neighbors.

Such a plan was anathema to most tribes. Even those that had adopted many European-American institutions bridled at losing control of property on their lands. Many other tribes held most of their land subject to collective control by traditional government. For them especially, the allotment system was regarded as a betrayal of their treaties and the death of tribal independence from white society.

Aside from its impact on tribes collectively, the allotment system's implementation seldom accomplished its individualistic goals. The quality of the land for farming and ranching was often poor. Because of limitations on sale and inheritance of land, individual Indian owners could not get financial credit or sell it to those who could, and for this and other reasons prosperity was elusive.¹⁴¹

Many tribal members had no experience with the ways and norms of an urbanized society, and many of those who had such experience rejected it. Moreover, some of the common tribal land was offered for sale to whites, and the reservations became home to many non-Indian citizens. The latter condition meant that on-reservation disputes and crimes often involved non-Indians, and state laws needed to be applied. Thus, counties had to be at least nominally established over most reservations.

The last to come into the county fold were two reservations in South Dakota in 1982. Before then, those reservations were actually parts of adjacent counties, but state law provided that Indian residents could not vote for county officials. After the South Dakota Supreme Court ruled that such disfranchisement was unconstitutional, non-Indian residents worried about Indian influence on county politics. In response, the legislature created two counties exclusively for the reservations. As with Menominee in Wisconsin, the South Dakota counties have struggled with the meagre taxable resources they were left with.¹⁴²

The privatization system of "allotments" was reversed in the 1930s, and tribal sovereignty was fitfully restored. This was part of the "Indian New Deal" of President Franklin Roosevelt, and reservations have remained among the few reliably Democratic counties in rural America. But in the 1950s, a different incursion was introduced. It looked like a replay of the late nineteenth-century allotment reform that had been reversed in the 1930s, but the impetus for reform was not a secular concern for Indian welfare.

¹⁴¹ Terry L Anderson and Dean Lueck, "Land tenure and agricultural productivity on Indian reservations." *Journal of Law and Economics* 35:2 (1992): pp. 427-454.

¹⁴² See the Oglala Lakota County, South Dakota [webpage](#). [March 2025] [click link on the site titled: "[Article: Why Does a Reservation County also have a County Government?"]]

Its genesis instead was an application of the Book of Mormon, whose view of American Indians held that they were remnants of the Lost Tribes of Israel. At least some Mormon¹⁴³ leaders in Congress thought it was their duty to rescue modern tribes from their dependent state by “terminating” treaties, abolishing reservations, and integrating tribal members into mainstream American life. The leader of this movement was Senator Arthur V. Watkins of Utah. From a biographical essay about Watkins in the Brigham Young High School Alumni directory:¹⁴⁴

“What most of the terminationists had in common was their religious background; they were members of the Church of Jesus Christ of Latter-day Saints, with attitudes colored by their belief in the Book of Mormon. These Mormon leaders felt that their superior insights into the origins of American Indian groups, whom they considered scattered branches of the house of Israel, were derived from Mormon scripture.

“Watkins also served as chairman of the Senate Interior Committee Subcommittee on Indian Affairs and championed a policy called “termination” relating to American Indian tribes. He was the strongest advocate for the elimination of “Indian Tribal Entities” in order to integrate tribal members as regular citizens able to enjoy all of the benefits of American life.”

As a result of Watkins’ efforts, Congress increased the state role for courts on many reservations, and counties became more relevant. At the same time, several Indian tribes with more tenuous governance were removed from federal recognition. The small (under 10,000 members) Menominee tribe was one of them. The tribe had recently won a legal judgement in the US Court of Claims, and Senator Watkins used the threat of withholding payment of the \$8.5 million award to induce the Menominees to agree to termination, which the tribe quickly

¹⁴³ I am aware that since 2018 the Church’s leadership has discouraged the use of the term “Mormon” to describe the Church of Jesus Christ of Latter-Day Saints (New York Times, “Stop Saying ‘Mormon,’ Church Leader Says.” Aug. 18, 2018). I mean no disrespect when I use the term in the historical context in which Church members freely used the term here and in the history of Utah’s counties, discussed below under that state.

¹⁴⁴ Brigham Young University High School Alumni Directory, “[Arthur V. Watkins](#) & The Law of Unintended Consequences,” Provo, Utah, 2025. [March 2025*] The private high school closed in 1968 but has an active alumni association, which maintains its biographical directory. The association appears to be almost entirely Mormon but is not an official organ of the Church of Jesus Christ of Latter-Day Saints. The Watkins article is clearly critical of Senator Watkins’ support for tribal termination but does note, in his defense, his active opposition to Senator Joseph McCarthy’s slanderous anti-Communism, which landed Watkins on the cover of *Time* magazine but eventually cost him his Senate seat. [*July 16, 2026: Since I wrote this in March 2025, the BYU High School Alumni Site on Senator Watkins has disappeared. A site by the Milwaukee [museum](#) describes Watkins’ role in the Menominee termination without connecting him to The Church or the Book of Mormon. A source that makes those connections in detail is Warren Metcalf, *Termination’s Legacy: The Discarded Indians of Utah*, University of Nebraska Press, 2002.]

regretted.¹⁴⁵ It lost recognition in 1961 and the management of its common lands was moved into a tribally controlled corporation. It was then subject to Wisconsin laws, not tribal laws, for its governance and management. To facilitate civil government, the entire reservation was made into a separate Wisconsin county.¹⁴⁶ The reservation had previously been split between the counties of Shawano and Oconto.

The creation of Menominee County seems like an act of both accommodation and rejection of the Menominees by Wisconsin. The federal statute divested the tribe of its traditional (and treaty-recognized) powers but provided no alternative governance for the occupants of the eliminated reservation. The Menominees could, I presume, have remained on their land as citizens of the counties that formerly governed them. But under their previous reservation status, many local services were provided by the Federal agencies under the Bureau of Indian Affairs. As simply regular American citizens (Indian voting rights were made universal under the Coolidge administration in 1924), they were just poor people in a very rural setting within two counties, Shawano and Oconto, governed mainly by white Americans.

Menominees made their living from the forest with both subsistence hunting and timber harvesting. Almost the entire reservation in Wisconsin is forested, in contrast to the farmland of its neighbors. (The reservation's boundaries can be easily discerned from the air.) But its value to outsiders was not high, so their property tax base was modest. Providing the Menominees services financed from minimal tax base would have burdened the parent counties, Shawano and Oconto, and likely would have shortchanged the Indians.

The Menominee lands were put in a trust for members of the former (as of 1962) tribe, but income from it did not make up for the value of the lost civic and social services once financed by Federal agencies, as had been required by now-abrogated treaties. Termination and county status set the Indians free, but they could have sung the words that Janis Joplin made famous, "freedom's just another word for nothing left to lose."

¹⁴⁵ Gary A. Orfield, "Ideology and the Indians: a study of the termination policy." PhD diss., University of Chicago, 1965, p. 105. The size of the judgment generated ill-feelings against the Menominee in Congress, but I would presume that it compensated the Menominees for the losses of timber caused by the mismanagement by Federal authorities that was the basis for the Indians' litigation. Kris Goodwill, "Menominee Termination and Restoration." [Wisconsin Lawyer](#) 97:6 (June 2024) pp.14-19.

¹⁴⁶ Herzberg, "The Menominee Indians." *American Indian Law Review* (1978): 143. [cited previously] Professor Herzberg concluded that the post 1961 events were highly detrimental to a tribe that had been reasonably self-sufficient and well governed before it was terminated by the Federal government and made a separate county by Wisconsin.

Federal policy swung again in the 1960s to restore tribal sovereignty. Much of the change came about from agitation by the American Indian Movement, in which Menominees and their allies were important forces. The Menominee tribe was re-recognized in 1973 (President Richard Nixon, a seemingly unlikely friend of the Indians, proudly signed the legislation¹⁴⁷), but the county remains.

Most county residents are tribal members, but about a quarter of Menominee's population are now non-Indians as a result of land sales during their termination period. The non-tribal members are subject to state law, as administered by the county. The county cannot, however, tax reservation lands. Its revenues come from those lands occupied by non-Indian owners and from subventions from the state, which are, as a portion of county revenues, the highest in the state.¹⁴⁸ Menominee remains the poorest county in Wisconsin, and its formerly profitable lumber industry—the tribe's members were never farmers—has barely recovered.

¹⁴⁷ Grudging credit for Nixon's role is offered by Nick Martin, "Indian Country Deserves a Better Hero Than Richard Nixon." *The New Republic*, October 21, 2019. Mr. Martin claims membership in the Sappony Tribe, which is recognized by North Carolina but not the federal government.

¹⁴⁸ Wisconsin Department of Revenue, Division of Research and Policy, *State Taxes and Aids By Municipality and Count For Calendar Year 2011* (October 2012), p. iii.

§Minnesota

Minnesota Territory 1849; Statehood 1858 (32nd)

Eighty-seven counties [[map](#)] [[list](#)] [[chronology](#)]; mean county land area 915 square miles

Newest County: Lake of the Woods, 1923; centermost: Crow Wing

Smallest: Ramsey (152 square miles) and Traverse (2020 population 3,360)

Minnesota's smallest by land area is [Ramsey County](#) (152 square miles). Its seat is St. Paul, the capital of the state and also the older sibling of Minneapolis in the Twin Cities. St. Paul became the seat of Ramsey County as well as the territorial and state capital from the territory's beginning in 1849. Ramsey County had originally extended from St. Paul, on the banks of the Mississippi, to a distance over a hundred miles to the north, beyond Mille Lacs. Ramsey County's northern land area was broken up into several counties over the next fifty years.¹⁴⁹ Since St. Paul was always on the southern tip of the county, the shrinkage of its northern area made its lack of centrality less important.

As the state capital, St. Paul was secure as the Ramsey County seat. (Only one state capital, Lansing, Michigan, is in a county of which it is not the seat, as described above in Michigan.) The only threat to St. Paul was a nearly passed bill in 1857 (a year before statehood) that would have removed Minnesota's territorial capital to St. Peter, a fledgling community slightly nearer the center of the state. Several members of the legislative majority (Jacksonian Democrats) of the territorial government had purchased land in St. Peter and would have gained handsomely had removal succeeded.¹⁵⁰ Legend has it that Joe Rolette, a legislator who opposed the removal bill stole the only copy and hid until the session was closed, thereby thwarting what he apparently regarded as a capital crime.¹⁵¹ One might say he had robbed St. Peter to stay in St. Paul...

¹⁴⁹ Ramsey County's evolution is shown at Newberry Library, [Minnesota](#) [Dec. 2024] Compare [1851-05-01](#) with [1872-11-05](#). [Nov. 2025]. St. Paul is on the far south of the county, which is in the southeastern part of the state.

¹⁵⁰ Mason Witt, "The New Capitol, St. Paul vs. St. Peter: The Conflict Between the Saints," Newsletter of the Houston County [Historical Society](#), Spring 2009. [Nov. 23, 2025]

¹⁵¹ Nick Woltman, "Joe Rolette is often credited with keeping Minnesota's capital in St. Paul — but did he?" Twin Cities Pioneer Press, March 6, 2019. A judge subsequently ruled that the state-capital removal proposal was unconstitutional in any case, but the colorful Joe is still given credit for his audacious parliamentary maneuver. [Rolette County](#) in North Dakota is named for him.

A much smaller-area county in Minnesota existed from 1857 (the year before statehood) to 1869. [Manomin County](#) was established by the politically well-connected Abram Fridley. He had been in the territorial legislature, served as the Ramsey County sheriff, and claimed that Territorial Governor Samuel Medary was his uncle.¹⁵² Fridley bought an estate about 15 miles north of St. Paul, added some land, and simply petitioned the legislature to make his property a county, carving it out of Ramsey County. It wasn't as if the legislature had no experience with county creation by 1857 (there were over forty by then) so its laughably small size—sixteen square miles, less than half of a standard township—was surely noticed.

With fewer than 200 residents, Manomin County also suffered from governance problems. It did not have most normal offices, and Mr. Fridley seems to have been the sole commissioner. He wasn't well suited to the role.¹⁵³ Fridley's dictatorial style put off both potential residents and, eventually, the state legislature. Manomin was eliminated by a constitutional amendment in 1869 and merged with Anoka County, which had been created the same day as Manomin. Its remnant, the city of Fridley, sticks out like a southern tail from [Anoka County](#).

My hunch—not directly confirmed by any source—is that Mr. Fridley's enthusiasm for the slavery wing of the Democratic party was the cause of his county's unlikely birth. The territorial government at the dawn of statehood (1857) was in the hands of the soft-on-slavery Jacksonian Democrats, but rapid immigration from other northern states and from abroad was swelling the Republican ranks throughout the territory. The Democrats wanted a county to generate more representation at the initial state constitutional convention. Elections for delegates were held June 1, 1857.

Manomin was created on May 23, 1857. Constitutional convention delegates were selected by county, so Manomin could have been represented.¹⁵⁴ Indeed, several other counties were created on the same date (May 23, 1857) with apparently the same political objective. A look-back article about one of them, the now-defunct “Buchanan County,” declared, “The creation of Buchanan in late May [1857] may have been to add more Democratic delegates – like in some counties in

¹⁵² Albert Goodrich, *History of Anoka County*. Anoka Bicentennial Commission, 1976, p. 164.

¹⁵³ Merle Potter, “Major Fridley's [Kingdom of Manomin](#),” *Minneapolis Journal Magazine*, Sept. 4, 1932 [June 2025]

¹⁵⁴ T. F. Andrews, *Debates and Proceedings of the Constitutional Convention for the Territory of Minnesota*. George W. Moore, Printer, St. Paul, 1858, p. 3: Enabling Act, section 3: “[T]he legal voters in each *Representative District, then existing within the limits of the proposed State*, are hereby authorized to elect two Delegates for each Representative to which said District may be entitled according to the apportionment for Representatives to the Territorial Legislature...” [My emphasis.] I take the “Representative District” to be the county, though it could have been amalgamations of counties or towns (Andrews p. 85). In either case, adding counties, however small or dubious, would have enhanced the Democrats' representation at the convention.

southwestern Minnesota also created on May 23 for that purpose.”¹⁵⁵ Manomin County seems to have been established in that partisan spirit, which might explain why the Democrats who controlled the territorial legislature ignored its audaciously small size.

As it happened, county representation at the constitutional convention fell by the wayside as the convention’s proceedings fractured by party. Democrats and Republicans met separately, and each wrote their own versions of a proposed constitution.¹⁵⁶ In the end, all that brought them together was the sure knowledge that the US Congress would reject both versions if they came as two different documents, and Minnesota would not become a state. What was lost in the ensuing compromise was the Republican’s insistence that free black people be allowed to vote. In light of the *Dred Scott* decision of March 7, 1857, which stripped all blacks, enslaved or not, of US citizenship (60 U.S. 393), that may not have mattered.

Thus Manomin County’s possible contribution to the 1857 constitutional convention’s Democratic delegation would have been moot. As a result, I would speculate, historians of the era paid little attention to the little county that couldn’t. The county’s founder, Abram Fridley, persisted in his mercurial governance and apparent advocacy for what was now the lost cause of the Confederacy.¹⁵⁷ Minnesota was closely politically divided in 1860, but the beginning of the Civil War the next year produced a Republican landslide thereafter. A special constitutional amendment in 1869 disestablished Manomin County. (An amendment was required because the original constitution had established a minimum size of 400 square miles for counties.¹⁵⁸) Manomin was then merged into Anoka County as a township. The larger part of the township was later named [Fridley](#) at Abram Fridley’s immodest request, and it grew into the suburban city of the same name.

¹⁵⁵ Steven J. Keillor, “Speculation, politics, fraud and controversy: The short, colorful history of ‘Buchanan County’.” [Pine City News](#) (Minnesota), Jan 15, 2015. The county makes a brief appearance on the Newberry maps of Minnesota on [5/23/1857](#), just southwest of Duluth below Carlton County. The Newberry Library’s consolidated chronology for [Minnesota](#) lists sixteen counties created on 23 May 1857, a week before the constitutional convention [Nov. 2025]. At least nine are in the southwest part of the state, as mentioned by Keillor, not including the Democratic bastions of Buchanan and Manomin Counties.

¹⁵⁶ William Anderson and Albert James Lobb, *A history of the constitution of Minnesota: with the first verified text*. No. 15-16. University of Minnesota, 1921.

¹⁵⁷ Josh Biber, “Welcome to Manomin, Minnesota’s Lost County.” [Racket](#), November 14, 2022 [Oct. 2025]

¹⁵⁸ Greta Kaul, “A brief account of how Minnesota got its current count of counties,” [MinnPost](#), June 15, 2018. The constitutional rule held that changes in county boundaries could not make an existing county smaller than 400 square miles, and zero square miles is 400 short.

[Traverse County](#) is Minnesota's smallest by population (3,218 in 2020). It is on the western edge of the state, just across from where South Dakota and North Dakota meet. Its geographic distinction is its continental divide. Not the spectacular east-west divide that follows the summits of the Rockies, but a low-elevation, barely noticeable north-south divide. Traverse Lake, on the western border of the county, flows north and eventually drains into Hudson's Bay and the Arctic Ocean. Big Stone Lake, just south of Traverse, ultimately empties into the Mississippi River and the Gulf of Mexico.

Traverse County was originally established (but not organized) in 1862. Its boundaries were moved several times during the next two decades. The border changes followed no logical order unless one assumes that the railroad being built through what is now the county's center sought to establish a county seat along its tracks.

The original seat of Traverse County was near its north-south center along the continental divide. Called Brown's Valley, it was the county seat from 1868 to 1886.¹⁵⁹ But the county was not fully organized (allowed to elect constitutional officers) until 1881. By then, Traverse County's boundaries were altered so that Brown's Valley ended up on the very southwest corner of the newly aligned county, an untenable position for almost any county seat.¹⁶⁰

A village named Wheaton near the center of the redrawn county was established with the intention of making it the county seat. Wheaton got its name from the surveyor of the railroad that went through the new town. Daniel Wheaton, an 1869 graduate of Dartmouth College, had modestly suggested the new town be called Swedenburg in honor of the Swedish farmers in the vicinity. But the landowners insisted on honoring the man who guided the railroad there to make them prosperous.¹⁶¹

It's almost certain that the railroad company, which platted the town in 1884, had something to do with the county boundary modifications that made Wheaton the center. There is no specific history of this desire, but it was a common motive for establishing counties and their seats.¹⁶² Railroad construction in remote areas was

¹⁵⁹ Traverse County Town Histories and Township [Map: Wheaton](#). Created by C. LaRue, 1998. [March 2026]

¹⁶⁰ Newberry Library Minnesota has map sequences showing the changing borders of Traverse County from [1862-02-20](#) to [1868-03-06](#) to [1876-03-02](#) to [1881-11-08](#). The last change made [Wheaton](#) near the center of the county and left [Brown's Valley](#) off in the southwest corner. [Nov. 2025]

¹⁶¹ Traverse County, Minnesota, Genealogy Trails History Group, Genealogy and History, [County History](#) and Naming (from Warren Upham, Archaeologist of the Society, 1920, Minnesota Historical Society, Saint Paul) [March 2026]

¹⁶² John C. Hudson, "Towns of the Western Railroads." *Great Plains Quarterly*, 2:1 (Winter 1982), pp. 41-54. The machinations of railroad builders in Nebraska are described in detail by Denis Ward in his 1973 dissertation, "A Spatial Analysis of County Seat Location in Nebraska: 1854-1930," whose work is discussed below in Part IV at Nebraska.

often given subsidies in the form of land grants, and the railroads in these instances would try to enhance their off-track property values by obtaining a county seat. The manipulation of seats and county boundaries by railroad developers was most common in the Great Plains (as will be discussed in greater detail under Nebraska in Part IV), and western Minnesota bordered on that region.

§Iowa

Iowa Territory 1838; statehood 1846 (29th)

Ninety-nine counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 564 square miles

Newest County: Humboldt, 1857; centermost: Story

Smallest: Dickinson (381 square miles) and Adams (2020 population 3,697)

Iowa's counties are about the most uniform-looking in the nation. The ninety-nine counties are laid out in what a glance suggests a perfect set of rectangles. The maps reveal a somewhat imperfect alignment of its eastern counties' boundaries in its early history, but soon after Iowa became a state in 1846, it developed its grid plan to make a nice, even 100 counties in the state.¹⁶³ Half of them were laid out in a single year, 1851. But there are now only 99, and therein lies the explanation for both the smallest and largest-area counties in the state.

Global aside: The Iowa map of counties has two rows of counties with L-shaped jogs in their north-south boundaries. An example is the western row of counties near the middle of the state that goes through [Polk County](#), whose seat is Des Moines, the state capital. Counties were composed in these cases of at least 12 townships—the 36 square mile building blocks of the US Public Land Survey (PLS).¹⁶⁴ But the east-west distance of each township got smaller as surveyors moved north because of the curvature of the earth. The PLS (not Iowa) had to occasionally shift a row of townships westward to make the spherical world fit on a flat map, and these shifted townships caused the right-angle jogs in the county boundaries. (Earth curvature also slightly complicates determining the geographic centers of states and nations.¹⁶⁵)

The constitutionally decreed minimum size for Iowa counties was 432 square miles. That's twelve "Congressional townships," the basic, thirty-six square mile unit of the US Public Land Survey. "Congressional" did not mean it had any political authority, though middle-American states often used their boundaries to establish "civil townships" that did have some governing powers. Most of Iowa was surveyed by the time of statehood, and using the township or its subunits—the one-square mile "sections"—as the unit of county measure made a lot of sense. You didn't want counties to have borders that would not correspond to ownership

¹⁶³ Jacob Armstrong Swisher, *History of the Organization of Counties in Iowa*. State Historical Society of Iowa, 1922.

¹⁶⁴ A useful tutorial on the coverage and units of the PLS is the [Wikipedia](#) article, "Public Land Survey System." [April 2025]

¹⁶⁵ Peter A. Rogerson, "A new method for finding geographic centers, with application to US states." *The Professional Geographer* 67: 4 (2015), pp. 686-694.

patterns. A farmer who bought forty acres of pasture from his neighbor should be able to go to only one courthouse to record the deed or mortgage his land.

Iowa's problem with using townships as building blocks for counties is that they did not fit evenly within the borders of the state. When measuring from the southern border of the state, the Minnesota state line on the north compressed the northernmost tier of Iowa's counties to a smaller north-south height than would allow for the minimum size county. So, the constitution of 1857 (the state's second) made a special exception for the northern tier of counties, allowing them to be smaller than the twelve-township minimum. The smallest in this northern tier is [Dickinson County](#) at 404 square miles (5.8 percent water), the third county in from the left.

What would have been the state's smallest by dry-land was a county within that exempt northern tier named [Bancroft](#). Its problem was that it was dotted with glacial lakes and as a result was too swampy to farm. It could not attract enough settlers to meet the minimum population requirement to organize a county government. The swamps were later drained and population grew, but by that time the area of Bancroft County had been assigned to [Kossuth County](#) to its south, thus making Kossuth the largest by area in the state.

Residents of the originally undersized Bancroft County tried again to organize, in effect seceding from Kossuth County. But they inexplicably ditched the original name Bancroft and called the proposed new county "Crocker." The county's reformation was contested in a friendly suit by the Crocker County founders in order to secure their legal status.

It was not to be. On appeal, the Iowa Supreme Court, in a head-scratching exercise of literalism, declared that the new county was not among those named in the 1857 constitution for an area-exception to the minimum county size and was therefore illegal. *Garfield v. Brayton*, 33 Iowa 16 (1871). The court even mentioned that the reconstituted county had the same boundaries as the former Bancroft County and could be thought to be its successor but was not so named. One cannot help but be reminded of Judge Learned Hand's famous dictum, "There is no surer way to misread any document than to read it literally."

In its defense, the Iowa court may have become impatient with attempts to manipulate county borders in defiance of the state's original grid. One such was [Webster County](#), just south of Kossuth County. The citizens of the rising town of [Fort Dodge](#) found themselves on the northern edge of Webster County after the county lines were drawn. This made it unlikely that Fort Dodge would become the county seat. So, Fort Dodge got the legislature to abolish the county just to its

north, Humboldt, thus enlarging Webster County and making Fort Dodge more central.¹⁶⁶

The Iowa court soon ruled that abolishing Humboldt was humbug, but in restoring it, the legislature somehow forgot to reinstall its southern tier of townships and left them within the northern part of Webster County. It was suspected but not proved that this oversight was attributed to Fort Dodge agents. As a result of the added township area, Fort Dodge was sufficiently central within Webster County to keep the county seat for itself. There were more machinations than described here;¹⁶⁷ but you get the picture: Obtaining the county seat and maintaining county borders was not a game that was always played by the state's rules, even in ever-so-orderly Iowa.

Fort Dodge's apparent boundary manipulation may have been inspired by that of the city of Des Moines a decade earlier. The city wanted to become the seat of newly created [Polk County](#)—this was before it became Iowa's state capital—and needed to ward off rivals within the county, most of which were north of what was then called Fort Desmoines. These threats warranted creative measures. At an early meeting of the state legislature, the Des Moines delegation enabled Polk County to annex 144 square miles (four townships) of the county to its south in 1846. This made Des Moines more central in the newly expanded Polk County than rival Polk City.¹⁶⁸

In 1853, after the Des Moines courthouse was established and its Polk County rivals had been defeated, the 144 square miles of “borrowed” territory was restored to Warren, the county to its south.¹⁶⁹ The now less-than-central position of Des Moines in the county was no drawback to its obtaining the state capital from Iowa City in the eastern part of the state in 1857. (Iowa City in Johnson County got the state university in compensation; Iowans try to play fair, mostly.¹⁷⁰) And as the

¹⁶⁶ John Ely Briggs, [The 100th Iowa County](#). Pieces of Iowa's Past, Iowa Legislative Services Agency, March 6, 2019. [March 2026]

¹⁶⁷ H. M. Pratt, [History of Fort Dodge](#) and Webster County, Iowa. Chicago: Pioneer Publishing Co., 1913. Chapter 7: Organization and Government of Webster County. [Dec. 2025]

¹⁶⁸ Warren County IAGenWeb Project, “Formation of [Townships in Warren County](#), Iowa.” This site suggests that the Polk County delegation got the legislature to give it the strip of Warren County townships after the Warren delegation had gone home. [June 2025]

¹⁶⁹ J.M. Dixon, Centennial History of Polk County, Iowa. State Register, Des Moines, 1876, p. 22. A small (five sections) tract on the northeast end of Warren County was retained by Polk County. It was north of the wide Des Moines River and seemed to me to be a logical concession to geographic variation, but the previously cited Warren County history indignantly noted that it was also the home of an influential state senator who preferred to be in Polk County. Resentments die hard in county formation politics.

¹⁷⁰ Our Iowa Heritage, 1857 – A [Capitol Moving](#) Day. [June 2025]

state capital, Des Moines was unlikely to lose its county-seat status regardless of its position within Polk County.

Iowa's smallest-population county is [Adams](#) (3,697 in 2020). It was among the fifty counties simultaneously created in 1851.¹⁷¹ Its rectangular borders have not changed since then, so there is little reason to suspect that there was any local pressure for its formation. The creation of fifty counties in a single legislative session was a national record until Texas created 54 counties in 1876. It is all the more impressive because Iowa (as a territory) had in 1843 established thirty-one counties in a single year.

The new state legislature was eager to create counties in order to establish law and local services to fill the vacuum left after Indian sovereignty was extinguished by federal treaties. Iowa's mass creation of durable counties is a solid illustration of the top-down idea that counties were created solely by state law, not by people who settled there. My two stories of Webster County (Fort Dodge) and Polk County (Des Moines) appear to be outliers in Iowa.¹⁷²

The uniform grid did not, however, stop competition for county seats. Indeed, it may have intensified it. Without the option of modifying county borders or creating new ones, existing towns that wanted to be the seat of a county had to battle with their neighbors. One source noted that "Of the ninety-nine county seat towns in the State, approximately two-thirds have been selected after contests with neighboring towns."¹⁷³

One county took a different route to avoid county-seat battles. [Lee County](#) is the most irregularly shaped in Iowa, occupying the southeastern corner of the state. It is wedged between the confluence of the Des Moines River and the Mississippi River. Its southern half made up most of the short-lived (1824-34) "[Half-Breed Tract](#)," an endowment for offspring of Indian and white parents who were barred by tribal laws of descent from compensation for treaties that ceded Indian land to the US. The Iowa Half-Breed Tract was also cartographically unique in that it was within the state's modest "boot heel," the only part of Iowa that lay south of the Sullivan Line of survey, which otherwise divided Iowa from Missouri.

Lee County's distinctive history and geography may have steered the typical, winner-take-all battle for the county seat towards a two-seat solution. The town of Fort Madison served the north side, and Keokuk served the southern part. Both

¹⁷¹ Newberry Atlas, [Iowa](#): Consolidated Chronology of State and County Boundaries. (Scroll down to 15 January 1851). [Nov. 2025]

¹⁷² An apparent exception was the manipulation of the borders of [Scott County](#) so that Davenport could become the seat, but that happened when Iowa was part of Wisconsin Territory. Timothy R. Mahoney, *River towns in the Great West: the structure of provincial urbanization in the American Midwest, 1820-1870*. Cambridge University Press, 1990. Could this early stunt have been the root of Iowa's obsession with steady county boundaries?

¹⁷³ J.A. Swisher, "A Transient County Seat." [The Palimpsest](#) 7:12 (1926): pp. 390-397, p. 391.[Nov. 2025]

towns had about 10,000 residents in 2000. It is costly, however, to maintain separate county seats, and in 2022 the state authorized the county to work towards establishing a single courthouse. It is not clear that the long history of separate seats can be overcome, and county officials are treading slowly and delicately along this newly opened path.¹⁷⁴

The seat of [Adams County](#), Iowa's least populous, was originally Quincy (the second President Adams, for whom the county was named), established near the center of county. But when the first (and only) railroad came through, it passed through Corning, a few miles to the south. A vote to move the very modest courthouse in Quincy to Corning initially failed. Then Corning's residents offered to build a more substantial courthouse, and that swung the next vote and delivered the seat to Corning.¹⁷⁵

The most distinctive community in Adams County was a utopian experiment in socialism called Icaria. It was conceived in France, and its adherents created several communities in America. Actually, it called itself a communist community, which is a bit jarring to modern readers, but its communal ideals were not all that different from scores of other efforts for which America's vast interior offered an inviting palimpsest. (And Marx and Engels mostly dismissed such utopian experiments for their lack of Communism's class consciousness.) The colony in Adams County was started in 1852 and lasted forty-six years, apparently a record for non-sectarian experiments of this sort. Icarians fell to earth after a series of schisms and then blended into the larger community.¹⁷⁶

Or, rather, they fell into the smaller community. Like many rural counties, the population of Adams peaked at around 13,000 in 1900 and has declined every decade since (2020 population 3,697). Outmigration wasn't caused by an expulsive catastrophe such as caused the African-American "Exoduster" movement in Mississippi and Louisiana (described below in Part III in the entry for Tensas Parish in Louisiana). Adams County is mostly farms, which sprout many industrial-scale wind turbines as well as corn and soybeans. The relentless productivity gains of commercial agriculture have resulted in ever larger farms

¹⁷⁴ Iowa Judicial Branch, Lee County [Courthouses](#) [Nov. 2025]; The Register's [Editorial](#): "Iowa's collection of courthouses will remain at 101, at least for now," Des Moines Register, Sept. 13, 2014 [Nov. 2025; the other two-seat county was Pottawattamie.] "Lee County Supervisors push for shift from dual district courthouses to a single one," KHQA, February 15, 2024 [Nov. 2025].

¹⁷⁵ Iowa Judicial Branch, Adams County [Courthouse](#); Iowa GenWeb WPA History of [Adams County](#), 1936 [April 2025]

¹⁷⁶ Cassandra O'Donnell, Heartland Utopias Part 2: [Icaria](#) [April 2025]; John Last, "The 19th-Century Novel That Inspired a Communist Utopia on the American Frontier," Smithsonian Magazine, November 28, 2023.

worked by ever fewer workers per acre. The growing productivity of American farmers is a source of both pride and dismay to residents of America's vast interior.

§Illinois

Illinois Territory 1809; Statehood 1818 (21st)

One hundred two counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 544 square miles

Newest Counties: Douglas and Ford, 1859; centermost: Logan

Smallest: Putnam (160 square miles) and Hardin (2020 population 3,649)

In its famously reformist 1870 constitution, Illinois adopted a rule to reduce competition for county-seat locations. Relocation of an incumbent seat thereafter required a three-fifths vote of the county's residents rather than a simple majority. The exception to the rule arises when a more centrally located town seeks to obtain the seat; then only a majority is required. This sounds like a wise choice—counties in Mississippi, Texas, and Nebraska are subject to a similar rule. But the center-favoring exception was inserted as an amendment shortly after the Illinois constitution's adoption in order to favor a particular city in its ongoing battle to recover its courthouse from its larger but off-center rival.¹⁷⁷

[Putnam County](#), the smallest in area (172 square miles, 7 percent water), was created in 1825. It was briefly the largest county in Illinois, encompassing most of the northeast quarter of the state, about 11,000 square miles. The reason for its temporarily massive size was that Illinois was settled from the south to the north. Before the Erie Canal in New York was built, the Great Lakes were largely irrelevant to the long-distance transportation needs of states adjoining them. Travel to the Midwest was by the Ohio River, the artery that joined the Mississippi in southern Illinois.

Settlement started along those rivers and moved north in Illinois, and counties were subdivided to accommodate it. Once the Great Lakes became a major source of travel and trade from Chicago to the East, northern Illinois grew rapidly. Putnam County was subdivided into successively smaller counties. Seeing what had happened, the legislature took pity on the undersized remainder and authorized Putnam to bulk itself up by annexing some neighboring townships if the voters of the area agreed. They did not, and Putnam took the title of state's smallest-area county.

¹⁷⁷ J. N. Gridley, "The County Seat Battles of Cass County, Illinois." *Journal of the Illinois State Historical Society* 7:3 (1914): pp. 166-194. (Insider account with a rueful concluding message: Getting the county seat might not have been worth the effort.)

[Hennepin](#), the prized seat of Putnam County, is located on the Illinois River, which slashes diagonally through the state and connects Chicago on Lake Michigan and the Mississippi River. Hennepin was not a town that lobbied to become a county seat because the seat was chosen by a state committee.¹⁷⁸ A town farther south was originally selected as the seat, but residents nearby protested that such a location would preclude establishment of another county.

Though Hennepin was not especially active in promoting itself as the original county seat, it was nonetheless successful in maintaining its position throughout the many and substantial changes in the county's borders. Its strategy sometimes involved tactical retreats. In 1839, a final proposal to create another county from the southern part of Putnam County was acceded to because "the people in the northern part of the county, in the neighborhood of Hennepin, fearing to lose the county seat, gave it a tacit approval."¹⁷⁹

In 1965, a new steel mill was built among the cornfields of Putnam County. The plant employed about 1000 workers, and the federal government arranged for a spur of Interstate 80 to cater to the firm's shipping needs. After a succession of owners with ever decreasing employment, the plant was dismantled in 2024.¹⁸⁰ But county population barely declined over this period as other firms apparently took up the slack in jobs.

I note this because my childhood hometown, Bethlehem, Pennsylvania, underwent a similar transition to varied industries as the old steel plant closed down without much aggregate effect on local population. Deindustrialization was followed by reindustrialization, which was planned by local civic boosters who anticipated the steel industry's demise.¹⁸¹

The least populous (3,649 in 2020) Illinois county is [Hardin](#), located near the southern tip of the state, hugging one of the many bends in the Ohio River. Its most famous feature is a riverside formation called "Cave-in-Rock." It was a natural hide-out and fortress for river pirates, smugglers, and outlaws and is now a state park within Hardin County.

I could not find any controversies about Hardin County's formation in 1839. A centennial history described its splitting off from Pope County and (mostly)

¹⁷⁸ History Of Putnam & Marshall Counties, Chapter IV - [History of Putnam](#) County 1860. A series of maps showing the stages of Putnam County's [shrinkage](#) is at the Putnam County page on Wikipedia: [April 2025]

¹⁷⁹ Putnam County, ILGenWeb, 1907 Past and Present, [Division Of Putnam](#) County, Chapter VI [March 2026]

¹⁸⁰ Gary Smith, "Hennepin [steel plant](#) will shutter its doors". CantonRep, Dec. 9, 2008. [March 2026]

¹⁸¹ Jeffrey A. Parks, *Stronger than Steel: Forging a Rust Belt Renaissance*, Rocky Rapids Press, 2018. A less optimistic view of Bethlehem's recovery is Chloe E. Taft, *From Steel to Slots: Casino Capitalism in the Postindustrial City*, Harvard University Press, 2016.

Gallatin County in matter-of-factly passive voice.¹⁸² Gallatin County was at the time the site of the salt processing works along the aptly named Saline River, which joined the Ohio River at the northeast edge of Hardin County.

The salt industry was one of the new state's most profitable, and its owners got an exception to the ban on slavery in the state's constitution of 1818.¹⁸³ Slaves could be imported from Kentucky and other Southern states to work temporarily in the grueling task of cutting wood and maintaining fires to boil down salt water to make salt. The allowance to use slaves terminated in 1825 but not before the slave exception had bred and provided a cover for a "reverse underground railroad" in which free blacks in Illinois were kidnapped and sold into slavery in the South.¹⁸⁴

Hardin would have been the state's smallest county in area, too, had it not been granted a triangle excised from neighboring Gallatin County in 1847. The addition brought it up to 177 square miles, and it is now the second smallest by area (after Putnam County) in the state. Hardin was naturally isolated from its northern neighbors by a steep ridge of the Shawnee Hills (mistakenly called the Ozarks by some sources), which may have contributed to the ease with which it was separated from its parent counties.¹⁸⁵

Hardin County's most distinguished resident was Anna Pierce Hobbs Bixby. She was a modestly trained nurse and midwife who by dint of systematic observation and inference discovered the cause of "milk sickness" in the early 1800s.¹⁸⁶ She followed cows during their foraging and found that those that consumed the white snakeroot plant produced milk that was poisonous to both their calves and humans who drank it. (Its most famous victim was Abraham Lincoln's mother.)

"Dr. Anna" organized local snakeroot eradication parties, and the disease subsided in Hardin County and its environs in southern Illinois. News of Anna's cure unfortunately did not travel far—perhaps her sex and modest professional status worked against it—and milk sickness continued to plague settlers and their herds outside of the Hardin County area for decades after.

¹⁸² [History of Hardin](#) County, Illinois, Historical Committee for the Centennial, 1939, p. 42 [Nov. 2024] Centennial histories can refer to the US centennial of 1876 or those of individual states. They are often a candid source of county origins, though their quality varies widely.

¹⁸³ Thomas Bahde, "'I Would Not Have a White Upon the Premises': The Ohio Valley Salt Industry and [Slave Hiring](#) in Illinois, 1780-1825." *Ohio Valley History* 15:2 (2015): pp. 49-69. [April 2025]

¹⁸⁴ National Park Service, Place: [Old Slave House](#) (Crenshaw House) [April 2025] The odious practice was not confined to Illinois: Richard Bell, "Counterfeit kin: Kidnappers of color, the reverse underground railroad, and the origins of practical abolition." *Journal of the Early Republic* 38:2 (2018): pp. 199-230.

¹⁸⁵ Arthur A. Miles, "Hardin County." *Journal of the Illinois State Historical Society*. 24:2 (July 1931), pp. 299-310.

¹⁸⁶ Will McCarthy, "How an 1800s Midwife Solved a Poisonous Mystery," *Smithsonian Magazine*, July/August 2023; See also: Hardin County 1939 Historical Committee, cited above, p. 50.

Because counties along the Ohio River were among the first to form in their states, their dimensions were relatively small. Petitions for new counties were easier to grant when regional population was rising and overland travel costs to the courthouse were high. The original 1818 constitution of Illinois had no limitations on how small a county could be. (A four hundred square mile minimum was first established in its 1848 constitution.) Once the region's population growth slowed or turned negative—most counties there lost population in the twentieth century—political entrenchment and constitutional processes (see discussion under New Mexico in Part IV below) became formidable barriers to creating larger-area counties from the smaller units.

§§ Part III

THE SOUTHERN STATES: COUNTIES SHAPED BY PLANTATION POLITICS

Abstract of Part III: The South consists of those states where slavery was legal up to the Civil War. Slavery and its plantation legacy engendered pervasive state control, largely administered by county governments, which discouraged other forms of local government. Post-Civil War reformers attempted to establish Northern-style townships, but they were discarded after Reconstruction, replaced in most cases by the unimportant “magisterial districts.” Because the dominant political interests were rural plantation owners, obtaining the county seat was less important than establishing a county for state representation. Counties rather than cities command the loyalties of Southerners.

The northeast-to-southwest order in which the sixteen [southern states](#) are discussed is Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Missouri.

§Delaware

Colony of Sweden, 1638; “Lower Counties” in Pennsylvania from 1682; separated from Pennsylvania, 1776; ratified Constitution 1787 (1st state)

Three counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 650 square miles

Newest County: Kent 1680; centermost: Kent

Smallest: New Castle (426 square miles) and Kent (2020 population 181,851)

The first state in the tour of the South is Delaware. It has exactly three counties, and their current boundaries were largely settled by 1776, when, after gradual separation, Delaware was formally severed from Pennsylvania. The smallest county by area is the northernmost, [New Castle](#) (494 square miles, 14 percent water), which is also the state’s largest by population owing to the large city of Wilmington and its proximity to Philadelphia.

Northern New Castle County borders Pennsylvania with a geographic feature not seen in other US counties: It is defined as a semicircle whose pivot point is the county courthouse in Wilmington.¹⁸⁷ It seems clever to have designed this in 1681, but it was actually difficult to determine on the ground where the line was. The compass and protractor approach to state boundaries was confined to this example. It was applied occasionally in county layouts in Tennessee (as discussed below at Trousdale County). The concept of “circle cities” or “round towns” in Georgia and the Carolinas were also the result of compass-drawings on maps, as described below at Taliaferro County, Georgia.

Delaware’s smallest by population is [Kent County](#) (the middlemost of the three) and enjoys the distinction of being the largest smallest county among the fifty states with 181,851 residents in 2020. Kent’s seat is Dover, which is also the state capital. State capitals are, as might be expected, almost always the seat of the county in which they are located. The exception is Lansing, Michigan, previously discussed under that state in Part II.

Delaware’s three counties present two questions about counties in general: First, why only three? It seems odd that Delaware’s average county size, 661 square miles (smallest is 494) is about the same as those of other, larger neighboring states (Virginia’s much smaller “independent cities” excepted). In most states, there

¹⁸⁷ J. Carroll Hayes et al., “The Delaware Curve: The Story of the Pennsylvania–Delaware Circular Boundary.” *Pennsylvania Magazine of History and Biography* 47:3 (1923), pp. 238–258.

would have been more pressure to form smaller counties, each with a more convenient county seat. With Delaware's relatively high population density, smaller counties would have been financially viable.

The Delaware three raise a point that my focus on the smallest counties obscures: By land area, American counties are generally more uniform than other units of local government. County area does vary by region and within each state, but it's just not that large a variation when compared to other local units such as municipalities and school districts.

This suggests something about the basic role of counties: Their comprehensive coverage allows them to collectively control a state's *land*. No county, no control. Statehood can survive without municipalities (Hawaii manages), but we would be pressed to say it was a "state" in the generic American sense without the basic functions of county government. (In Part V, county-less Alaska will offer an exception that probes this rule, and in Part IV, Oklahoma's Panhandle, once the site of "No Man's Land," will offer a cautionary glimpse of a political society without the constraints of county sheriffs and courts.)

A state without county-like control could administer all laws directly from its capital, which invites the second question: Why hasn't Delaware abolished all counties, like similarly-diminutive Rhode Island and Connecticut? (Delaware is about half the area of Connecticut and twice the area of Rhode Island.) The most obvious answer is that Delaware's *municipalities* do not cover the entire area of the state, as towns do in the southern New England states. The New England states rely on their comprehensive coverage of town and city governments to perform many county functions. Without counties, Delaware's state government would have to provide all local services directly. Direct rule would have been problematic given the state's deep divisions over slavery, whose stronghold was the southernmost, Sussex County, and whose strongest antagonists were in northern New Castle County.

Delaware's traditional rural subunit, called a "[hundred](#)," never morphed into an important government body, as did the northern states' townships, but "hundreds" are still used as voting units within counties. (My favorite is "North Murderkill Hundred," innocently derived from Dutch "moeder" for mother and "kill" for river.) The scarcity of towns and the anemic powers of cities in the South is a general phenomenon and will be investigated more thoroughly when we turn to the larger Southern states. They manifest the general mistrust of localism generated by slavery and its legacy. The Southern county allowed the mistrustful state to more fully monitor and control local democracies to preserve racial hierarchy.

My original thought about Delaware was not to include it in the South. It had long been part of Pennsylvania (constituting its loosely-attached “lower three counties” before 1776); it never left the Union in the Civil War; its slave population, only eight percent of the black population in 1860, was the smallest of the border states; and its substantial Quaker population lobbied vigorously to liberate slaves.

On further investigation, though, Delaware is rightly regarded as a slave state for my purposes. My broad regional classifications—North, South, and West—are intended to analyze the structure of local government by common experience among neighboring states. The North had a carpet of cities, towns, and townships within its county superstructure. The West lacks (as described in Part IV below) that underlying matrix of smaller municipalities because the rural countryside was too dry or mountainous to support many small towns. The South, in this tripartite division, has a well-watered agricultural hinterland, like the North, but the institutions of slavery and its offspring, racial separation, discouraged cooperative localism and independent government units.

It was the very institution of slavery that made Delaware (and Maryland and other border states) distinct from the North and the West. Delaware did have relatively few slaves. But from well before the Civil War, Delaware had “black codes” that regulated free blacks as well as enslaved black workers and their families. Blacks who were not enslaved were still not free to vote or to live or work where they chose.¹⁸⁸

This nominal freedom was economically advantageous to white farm employers in the border South. Their problem was that slaves could not be profitably employed by their enslavers year-round. In the deep South, this was less of a problem because the growing season was longer. But farther north in the border states, black slaves still had to be fed, clothed, and housed even when there was little work for them to do between the harvesting and planting seasons.

The black codes were an answer to this problem. “Free” blacks could be employed at a lower wage because they could not, as a result of the black codes, take jobs elsewhere during the growing season. During the winter, free blacks did not have to be fed or housed by white farmers; the workers had to fend for themselves. But the black codes tied them in place until the start of the growing season. No one should assume that life under the black codes was worse than slavery, but a closer look at it indicates it was a long way from true emancipation.

¹⁸⁸ My primary source on Delaware’s take on slavery is Patience Essah, *Slavery and Freedom in The First State: The History of Blacks in Delaware from the Colonial Period to 1865 (Abolition)*, PhD Dissertation UCLA, 1985.

The black codes in the border states thus constrained local government institutions in much the same way that slavery did. Small local units could not be self-governing townships because some might undermine the black codes that were necessary to keep the black labor force in line and maintain the exclusive control of state and local politics by the white establishment. (Further evidence for this was the complaint after the Civil War that even minimal participation by blacks in school district elections might induce some white candidates in close elections to favor better black schools.¹⁸⁹)

The existence of pre-Civil War constraints on Delaware's unenslaved blacks seemed to carry over after the Civil War. Although the abolition of slavery by the Thirteenth Amendment took effect in 1865, Delaware did not endorse it until 1901, the last of all the states. It was more than a symbolic resistance. Delaware's own North-South divide—New Castle County Quakers vs. Sussex County white supremacists—kept racial segregation alive in a political stalemate. Delaware was never able to shake off its heritage of slavery, and its local institutions reflected the same constraints of the rest of the South. There was no such thing as just a little slavery.

¹⁸⁹ "So long as blacks could vote...it was politically dangerous to tamper too much with the educational system." David B. Tyack, Thomas James, and Aaron Benavot, *Law and the Shaping of Public Education, 1785-1954*. University of Wisconsin Press, 1987, p. 150. On Southern use of counties as school districts, see Fischel, *Making the Grade*, Harvard University Press, 2009, chapter 5.

§Maryland

Proprietary Colony (of Lord Calvert) 1632; Ratified Constitution 1788 (7th state)

Twenty-four counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 404 square miles

Newest County: Garrett, 1872; centermost: Prince Georges

Smallest: Baltimore City (81 square miles; “independent city”) or Calvert (213 square miles) and Kent (2020 population 19,198)

Maryland’s smallest-area county is not even called a “county.” [Baltimore City](#) is an entirely separate unit from [Baltimore County](#). The city performs all its own county functions. It was separated in 1851 under a newly-written state constitution and expanded its boundaries at the expense of its parent county in 1888 and again (and finally) in 1918.¹⁹⁰ The overlap in names has long confused people, including the mayor of New York City. John Lindsay seconded the nomination of Spiro Agnew for Vice President in 1968 apparently assuming that Agnew’s former position as County Executive of Baltimore County made Agnew in charge of Baltimore City.¹⁹¹

As a growing city, Baltimore had respectable company in separating from its parent county in the nineteenth century: St. Louis and San Francisco both separated from a larger county (or cast off their rural surroundings), as we shall see in covering their states. (New York City went uniquely in the opposite direction by having the city engulf five counties in 1898, as discussed in Part II above on Manhattan.)

What made Baltimore different was that Maryland, like several other states, had adopted a constitutional minimum size—400 square miles—on all new counties in the same 1851 constitution that created the state’s only independent city. Just declaring Baltimore City a county would flout the minimum area rule. Calling it an “independent city” was an effective linguistic evasion made legitimate in part by its prodigal use by Virginia, as will be discussed presently. (Baltimore City does belong to the [National Association of Counties](#), unlike the thirty-five independent cities of Virginia and the independent city of St. Louis, Missouri.)

¹⁹⁰ Newberry Library, Maryland: Individual County Chronologies, [Baltimore City](#)

¹⁹¹ “Governor Agnew knows the implications of the challenges before us. He has been the chief executive of Baltimore County, which contains one of the nation’s largest cities.” Lindsay’s [speech](#) is near the end of Box D25, folder titled “Republican National Convention, Miami Beach, FL, August 6, 1968, of the Ford Congressional Papers: Press Secretary and Speech File at the Gerald R. Ford Presidential Library.” [August 2026; In sense Lindsay was not wrong insofar as Baltimore County does nearly surround the City, but that wasn’t what the Mayor meant.]

If one insists, however, that Baltimore City is not truly a county, then the smallest-area Maryland county is [Calvert](#) at 213 square miles. It occupies a peninsula between the Patuxent River and Chesapeake Bay a few miles southeast of Washington, DC. It was established in 1654 and was separated from several now-nearby counties, especially Anne Arundel and Prince Georges to arrive at its present dimensions. The loss of land to Prince Georges County left Calvert's courthouse outside of its revised borders. To remedy this, the Maryland legislature in 1722 designated a central, apparently vacant field near the geographic center of the county as the site of the courthouse.¹⁹²

The still-unincorporated town of Prince Frederick grew up around the courthouse and remains the seat of Calvert County. There appears to have been no local initiative to get the courthouse in this place, and the town of Prince Frederick today is the center of a largely suburban county without much of a role in local governance.

Prince Frederick's history reflects the general indifference if not hostility to municipalities in Maryland. Towson, the seat of Baltimore County, is not an incorporated municipality, nor are the seats of several other counties. Not that Maryland makes counties a democratic ideal. Many county officials, including several school boards, are appointed by the governor.¹⁹³ With the exceptions of Alaska and Hawaii, no other state matches Maryland's centralization of otherwise county functions in the state government. (The states that abolished counties, Connecticut, Rhode Island, and much of Massachusetts, centralized county judicial functions but reassigned most of their administrative roles to towns and cities or purpose-designed units if they had not performed them already.)

Maryland's smallest-population county is [Kent](#) (19,198 in 2020). It's actually adjacent to Kent County, Delaware (across the Chesapeake Bay), which is also the smallest in that state. They were both named for the same English county, but Maryland's was established in 1642 and Delaware's in 1683. Kent in Maryland originally included much of the eastern side of the Chesapeake Bay ("the Eastern Shore") but was chipped away during the Colonial period to create other counties.

The seat of Kent County has remained in [Chestertown](#) through many reconfigurations of the county despite its now being located along the southeastern edge.¹⁹⁴ At one time (1660), Chestertown was actually in the far north of its ever-

¹⁹² Maryland State [Archive](#). Heading "The Upper House" [June 2024; exact address not labelled]

¹⁹³ Md. Code, Educ. section 3-108 (current as of 2024)

¹⁹⁴ Newberry Library, Maryland Individual County Chronologies, [Kent](#). To get a sense of the county's wild border changes, begin with the Newberry Library Maryland Map of Kent (on the Eastern Shore of the Bay) at year [1642-08-02](#) and click on the map and timeline on successive years to [1707-05-01](#). [Feb. 2026]

shifting coastal county. That no other town has taken its courthouse could reflect its position on a navigable waterway, the Chester River, which constitutes its present border with Queen Anne County, created in 1707. Before the age of railroads, most travel was by boat, so that in terms of transportation time, Chestertown was reasonably convenient to the rest of Kent County, which has a long border on Chesapeake Bay. Once railroads were built, Chestertown actually seemed fairly central to the rest of the county.¹⁹⁵ But Chestertown's lack of rivals for the courthouse could also reflect the indifference to town life in much of the South and especially in Maryland.

Maryland has a famous phantom county, an appendage removed from its control in 1791 to create the larger part of what is now called the [District of Columbia](#) on the northeast side of the Potomac River. The area amounts to 68 square miles. If it were restored to Maryland as a separate county (it was extracted from the counties of Montgomery and Prince Georges¹⁹⁶) it would be the smallest-area county in the state.

Within the District, the area northeast of the Potomac (ceded by Maryland) was designated Washington County. Its southwest counterpart was Alexandria County, which now corresponds to Virginia's Arlington County and part of the city of Alexandria. Both counties were for a time governed as if they had not left their respective states: Washington according to Maryland law, and Alexandria according to Virginia law. Each had its own county legislature, but the chief executive was appointed by the US Congress. The main difference was that residents of both counties could not participate in their respective state elections (for governor and legislature), nor could they participate in federal elections for the Senate, the House of Representatives, or for the US President.

The phantom Maryland county—the District of Columbia northeast of the Potomac River—would thus be similar to the real [Arlington County](#), Virginia, which was created from the part of the District that was “retroceded” (given back) to Virginia in 1846. At 26 square miles, Arlington is the smallest county in Virginia if the Commonwealth's “independent cities” are disregarded. (The rest of the original Alexandria County is now the “old town” of the independent city of Alexandria.)

¹⁹⁵ An 1876 shows rail service to Chestertown: “New [railroad map](#) of the state of Maryland, Delaware, and the District of Columbia. Compiled and drawn by Frank Arnold Gray.” [Feb. 2026]

¹⁹⁶ See Newberry Library Maryland Map between [1789-12-29](#) and [1801-02-27](#). [Feb. 2026]

Retrocession of the present area of the Federal District to Maryland has often been proposed but is unlikely to happen.¹⁹⁷ The modern District insists it should become a state and have two voting Senators and a voting member of Congress, like any other state. The statehood proposal may have some drawbacks.¹⁹⁸ Local political calculations aside—it would almost surely be a one-party state—a successful statehood campaign would likely stimulate claims for statehood by the one hundred counties with larger populations than present-day Washington, nearly all of which are also larger in land area.

The District's license-plate motto is "taxation without representation," a plaintive declaration of its citizen's lack of Congressional representation. That it chooses to display such a complaint where most jurisdictions brag about themselves—"the Sunshine State," "America's Dairyland," "Live Free or Die"—may be the District's best argument for statehood.

The District's Congressional and Senatorial disability would be cured by rejoining Maryland, but its mother state has indicated no interest in recovering its lost county, even as an "independent city" like Baltimore. (As we shall see in New Mexico in Part IV, workers at the Los Alamos nuclear laboratory had the same problem as a stateless entity but cured it by joining its home state as Los Alamos County.) Claiming independent-city status would require an amendment to Maryland's constitution, which in effect had been granted to Baltimore back in 1851 and was extended to no other city.¹⁹⁹ Retrocession is further complicated by the Twenty-Third Amendment, which gave District residents state-like representation (currently three electoral votes) in the Presidential Electoral College. It would seem problematic to carry that right back with it to Maryland.

¹⁹⁷ Mark David Richards, "The Debates over the Retrocession of the District of Columbia, 1801–2004." *Washington History* 16:1 (2004): pp. 55-82. [also cited below]

¹⁹⁸ David Schleicher, "Welcome to New Columbia: The Fiscal, Economic and Political Consequences of Statehood for DC." *William and Mary Bill of Rights Journal* 23 (2014): pp. 89-104.

¹⁹⁹ Governor Parris Glendening in 1998 rejected the idea of the District rejoining Maryland because it was too small to be a county under the state's constitution. Mark Richards, cited above, p. 24. Maryland's constitution was modified in 1851 to allow Baltimore to become an independent city, and it has, like almost all other state constitutions, been rewritten and amended many times since then. As noted in Part IV below, Colorado's constitution was amended in 2000 specifically to create Broomfield County, now the state's smallest by area.

§Virginia

Royal Colony 1624; ratified Constitution 1788 (10th state)

One hundred thirty-three counties and “independent cities” [[map](#)] [[list](#)] [[chronology](#)]; mean land area 297 square miles

Newest County: Dickenson, 1880; centermost: Buckingham

Smallest counties: Arlington (26 square miles) and Highland (2020 population 2,232)

Newest independent cities: Manassas, Manassas Park, and Poquoson, 1975

Smallest Independent Cities: Falls Church (2 square miles) and Norton (2020 population 3,687)

Like Maryland, Virginia in 1851 attempted to staunch the creation of small counties with a constitutional minimum land-area. Unlike Maryland’s 400 square mile minimum, which allowed two counties to form afterwards (Garrett in the western panhandle and Wicomico on Maryland’s Eastern Shore), Virginia adopted a 600 square mile minimum for new county creations. No subsequent county was created in Virginia that met that minimum. (The constitutional provision had an exception for breaking up inconveniently shaped counties, and four were formed under this exception, all on the mountainous border with Kentucky.)

The 600 square mile minimum was the largest such constraint in the South, matched only by Alabama and Arkansas. It was likely intended to reduce the influence of western Virginia in the legislature, since representation was generally done by county.²⁰⁰ Western Virginians (including residents of what became in 1863 West Virginia) had relatively few slaves. Their inclination was to vote to tax slaves as property to support state expenditures.

Eastern (Tidewater) residents opposed such taxation because their wealth was in slaves, and they took pains at successive constitutional conventions to limit taxation of their property in part by curtailing the legislative influence of western voters. This likely accounts for the oversize county-area minimums and the general lack of county creation: More counties in the west would give voters who did not own slaves more power. (Another method of limiting western votes was to count slaves as three-fifths of the county population for apportionment of state houses,

²⁰⁰ 1911 edition of Encyclopedia [Britannica entry](#) on Virginia: “This first West, ..., far outnumbering the people of the old counties, demanded the creation of new counties and proportionate representation in the Burgesses.” [Feb. 2026]

which gave more voting power to whites in the eastern counties; the notorious three-fifths rule was not confined to the national constitution. More below at Mississippi.)

But Virginians, like most other Americans, also wanted governments with locally elected officials who convened in venues close to their residences. As in Maryland and in the rest of the South, the county is usually more important than municipal governments. So, in its 1902 constitution, Virginia took an obscure tradition whereby a few cities such as Williamsburg and Newport ran their own courts and declared that any town that acquired more than 5000 residents could, at its residents' discretion, become a county in all but name.

Because Virginia's 1851 constitution set the minimum size for counties at 600 square miles (this was not altered by the 1902 constitution), the new counties had to be called "independent cities." This was the same evasion that Maryland did for Baltimore in its 1851 constitution, and, as we shall see, Missouri did for St. Louis a few years later. Virginia did not stop at one, though. By 1970 it had 38 independent cities that grew within existing counties. Most of these had their own courthouses, though a few smaller independent cities share court and judicial facilities with the county from which they were extracted.

Virginia has been thought of as the primary influence on county governments in the South.²⁰¹ Yet no other southern state besides Maryland and Missouri imitated Virginia's system of independent cities. The other such county-cities were Baltimore and St. Louis, and they are both unique in their states. Virginia's 38 independent cities were created by a combined local and judicial system that has no parallel elsewhere in the United States.

This seems like a good place to address the claim that Virginia and the rest of the South were different because their forebears brought the county and ecclesiastical Church of England parish with them from England, and they just kept going with it.²⁰² But most of the North was also settled by English immigrants who had similar traditions. The North was, it is true, more influenced by Puritans and the Congregationalism that followed, but early leaders of those sects were no more tolerant of nonconformity and secular rule than those in the South. Accommodating the insistent institution of slavery is

²⁰¹ Emily Salmon, County Formation during the Colonial Period. (December 07, 2020), in [Encyclopedia Virginia](#); [Feb. 2026] T. R. C. Hutton, "The Irreducibility of the County in the South and America, Past and Present." *American Nineteenth Century History* 15:1 (2014), pp. 1–13.

²⁰² The religious difference view is put forth by Edward Stephan, "[Chapter 1: Variation in County Size](#)" in his online book, *Division of Territory in Society*. [Professor Stephan died in 2008 but his [online book site](#) is still active as of Feb. 2026.] Like me, Stephan regards these explanations as unpersuasive, but he does not examine slavery in this context.

the more parsimonious explanation for the South's difference than ever-shifting theologies and church structures.

Another source of difference between the North and the South (also described by Ed Stephan, previous citation) is the much larger and thus less concentrated farms of the South, which were not conducive to urban settlements. But the South's large farms—plantations—could only have been undertaken by the institution of slavery, which I regard as the primary cause of the differences in the role of counties.

So how can one determine the smallest counties in Virginia? If you take the official word and don't count independent cities, the smallest in area (26 square miles) is [Arlington County](#), which was once a part of Washington, DC. The smallest in population (2,232 in 2020) is Highland County (discussed below), aptly named for its location in the mountains of western Virginia.

Neither one of these appears to have had a town that lobbied the legislature to create a county. The city of Alexandria and the county of Arlington (the combination then called Alexandria County) were said to have desired separation from the Federal District (now the District of Columbia) in 1846 because its white residents feared that the federal government might restrict the institutions supporting slavery. (Arlington was also an economically neglected stepchild of the District.²⁰³) And in fact, the Compromise of 1850 did end slave trading (but not slavery) in what remained of the District of Columbia north of the Potomac, which is the present stateless entity.

It turned out that the risk to Virginia's racially oppressive institutions eventually came from Arlington itself. Shortly after the decision in *Brown v. Board of Education*, 47 U.S. 483 (1954), which held that school segregation was contrary to the US Constitution, the locally elected Arlington school board voted to desegregate the county's schools.²⁰⁴ This was contrary to Virginia's policy of "massive resistance" to desegregation. The state's response to Arlington's bold decision was to eliminate all school-board elections across the state and have the schools governed by state-appointed county officials. As in most of South, the county's role as the agent of the state usually prevails over local demands.

[Highland County](#), the smallest official Virginia county by population, was created in 1847 by the division of two counties, Bath (to the south) and Pendleton

²⁰³Mark David Richards, "The Debates over the Retrocession of the District of Columbia, 1801–2004." *Washington History* 16, no. 1 (2004): pp. 55-82. [previously cited]

²⁰⁴ Kent Willis, *Why We Have -- and Should Have -- Elected School Boards in Virginia*. Executive Director, [ACLU of Virginia](#). October 15, 2009. [Feb. 2026]

(to the north, now in West Virginia).²⁰⁵ The reason was straightforward: Residents in the area that became Highland County were too far from the courthouses of their neighboring counties. It also helped that the seats of the counties of Bath (Warm Springs) and Pendleton (Franklin) became more central within their revised (and current) boundaries, but I found no evidence that either of the two county seats actively sought to create Highland County.

The division of the new county from its parents seemed to involve individual landowners, as suggested by the state legislation laying out the boundaries between the new Highland County and older Pendleton County: “....running thence to the top of Jackson’s mountain so as to leave Jacob Heiner’s mansion house in Pendleton county; thence to Andrew Fleisher’s, so as to include his mansion house in the new county....” and so forth, naming five additional property owners to be included in or excluded from new Highland County.²⁰⁶

In Virginia, as in much of the South, the influencers in the state legislature were owners of substantial rural properties seeking convenient access to a courthouse and export markets, not townsmen seeking the commercial boost of becoming a county seat. As Oren Morton, the 1911 chronicler of Highland County (and several other counties in the area) put it, “the ruling element of the Virginia people did not like towns and did not encourage them. At a county seat was little else than the little courthouse and jail, a tavern, or ordinary as it was then called, perhaps two or three dwelling houses, and probably a church.”²⁰⁷

If one includes the independent cities as counties, the smallest by land area is [Falls Church](#), near Washington DC. Virginia’s system of independent cities began in 1902. As I argue in a separate paper, “The Emperor’s New Counties,” a primary reason for withdrawal from their counties around that date was to establish a more systematic school program than the rural voters of the county were willing to support.²⁰⁸

So it was with Falls Church. A long-established village had become an affluent suburb of Washington DC. Fairfax County, now a paradigm of high-quality suburban schools within the state, was in 1940 still a largely rural place, population about 41,000. (It is now well over a million.) In Virginia, only counties and independent cities can constitute self-governing school districts (called “school

²⁰⁵ Oren Morton, *A History of Highland County, Virginia*. Stone Printing, Roanoke VA, 1911, p. 114.

²⁰⁶ Acts of the General Assembly of the Commonwealth of Virginia, 1847, p. 52. It is possible that these adjustments were to keep an owner’s land all in the same county, though some could also have been preferences for counties themselves.

²⁰⁷ Morton, *History of Highland County*, 1911, p. 50. [previously cited]

²⁰⁸ William A. Fischel, *The Emperor’s New Counties? The Fictions and Functions of Virginia’s Independent Cities* (February 15, 2023). SSRN: <https://ssrn.com/abstract=4360492>

divisions” there). Like many other communities, Falls Church wanted a school division composed of like-minded people with more interest in education than the rest of Fairfax County.²⁰⁹ It incorporated as an independent city in 1948.

The least populous (3,687) independent city in 2020 is [Norton](#), a railroad town in the mountains of the far western toe of Virginia. It seceded from coal-mining [Wise County](#) in 1954, when its population just touched 5,000, the minimum then needed for a town to become an independent city.²¹⁰ As an independent city, Norton has its own school division. Its high school was opened the year that Norton became an independent city, suggesting that, like Falls Church, the purpose of its incorporation was to promote education.

Indeed, Virginia’s 1902 establishment of the entire system of independent cities was likely motivated by urban districts seeking to establish a more comprehensive school system. As I explained in *Making the Grade*, the ungraded rural one-room school was successful in establishing widespread literacy and basic numeracy.²¹¹ But it was not sufficiently specialized to prepare children for high school. That required a system of age-graded schools, in which children could progress from first through eighth grade in separate classrooms. These were most easily established in urban areas where kids could walk to school or be transported short distances.

Though nowadays suburban schools are often thought to be better than city schools, the reverse was true in the early twentieth century. A county-wide school district would have found it politically difficult to establish a K-12 system both because of transportation logistics and because rural voters were slower to appreciate the benefits of a high school education.

Because of its legacy of slavery and racial segregation, Virginia state legislators did not trust school governance to small local units which, despite voter suppression efforts, might sometimes offer blacks political influence. (Recall that local desegregation initiated by Arlington County in 1954 was promptly stomped out by the state legislature.) Counties were subject to state controls to assure that whites would invariably be in charge of schools. Thus, the urban school system

²⁰⁹ “Falls Church opted to leave Fairfax County and form an independent city in 1948. Its reasons were simple: town residents valued education and wanted better schools with as few blacks as possible. Fairfax County, then very rural, was not keen to devote more money to improve its schools.” Wikipedia, “History of [Falls Church](#),” [Oct. 2024]

²¹⁰ City of Norton, VA, [Norton History](#) [Oct. 2024] The year 1954 ushered in *Brown v. Board of Education* and the end of Constitutionally permitted racial segregation. This might be significant if Norton was in a racially diverse county. But Norton is in [Wise County](#) in the coal-mining hills of western Virginia and has fewer than ten percent blacks in the population.

²¹¹ Fischel, *Making the Grade* (Harvard, 2009) [cited previously in Part I]

had to have a county-like political structure—the independent city—rather than simply a locally-elected municipal board.

§West Virginia

Statehood 1863 (35th) (separated from Virginia)

Fifty-five counties [[map](#)] [[list](#)] [[chronology](#)]: mean land area 437 square miles

Newest County: Mingo, 1895; centermost: Braxton

Smallest: Wirt (2020 population 5,194) and Hancock (83 square miles)

West Virginia, divided from Virginia in 1863, never had “independent cities” like those of its mother state. Most of its counties were formed when it was still part of Virginia. The division of Virginia during the Civil War was entirely along county lines, apparently reversing the motto that counties are purely creatures of the state. In this instance, the state was the creature of the collective will of the counties that did not want to secede from the Union. West Virginia’s first constitution loosened the constraints on county formation by making the minimum size 400 square miles instead of 600 square miles required by Virginia. This enabled the formation of five new counties.

The smallest-area county is [Hancock](#) (83 square miles; population 28,656), located along the Ohio River in the northern tip of the panhandle between Pennsylvania and Ohio. It was peeled off from an already-undersized county, Brooke, in 1848, while it was still in Virginia and three years before Virginia’s 600-square-mile minimum took effect. Locally named for the lead signer of the Declaration of Independence, Hancock County may have been telegraphing its independence from the distant Tidewater establishment of old Virginia.

The formation of Hancock County was for a familiar reason. Brooke County on the northern panhandle occupied the combined area of what are now the counties of Hancock and Brooke. Residents of the northern half of then-Brooke County sought to move the courthouse from its current seat in Wellsburg north towards their homes and businesses. The prospect of losing their courthouse alarmed the Wellsburg people, and a compromise was suggested: Split Brooke County in two. The old southern part of Brooke County could keep its courthouse in Wellsburg, and the northern half would become Hancock County. Hancock could establish a new seat even closer than the one earlier suggested.²¹²

Thus the new county was born. Hancock County then turned in on itself to determine exactly where the new county seat would be located. A 1927 state guide

²¹² J. H. Newton, G. G. Nichols, and A. G. Sprankle. History of the Panhandle being Recollections of Ohio, Brooke, Marshall and Hancock, West Virginia. Wheeling: J. A. Caldwell, 1879. p. 417.

mentions a back-and-forth contest for the county seat by two towns, New Cumberland and New Manchester. Countywide votes favored one and then the other over a period of several decades until New Cumberland finally became the permanent seat.²¹³

Western Virginians (now West Virginians) were largely opposed to slavery*, an institution that was dominant east of the Blue Ridge, but they were not averse to taxing slave ownership. Since county formation potentially gave the westerners more say in the state legislature, the eastern slave interests were opposed to forming small counties (as mentioned in the Virginia section above). Hancock County and others formed in the 1840s (by Virginia) were let in the legislative door just before the small-county option was closed off by the 1851 Virginia Constitution. Tiny Hancock may have been one of the last straws that led the slaveholders to close the county-formation option.

*“Opposed to slavery.” It’s worth emphasizing that opposition to slavery took several forms. Many in the border states, including West Virginia, did not like the institution of slavery but did not favor abolition or in many cases, even voluntary emancipation. Just what to do with formerly enslaved people was seldom discussed outside of the “back to Africa” movement. It was a rare Southerner, and even uncommon in the North, who thought that African-Americans could become citizens and equally partake of American life.²¹⁴ This idea only became widespread after the Civil War, and in practice it has remained an asymptotically-approached ideal to the present day.

**Further reflection on slavery. If few whites anywhere cared about the well being of blacks, why didn’t whites in Illinois, say, easily tolerate their neighbors use of slaves? Why outlaw it in the entire state? The answer, as both Chief Justice Rogers Taney (author of the pro-slavery *Dred Scott* decision) and Abraham Lincoln (“a house divided against itself cannot stand”) understood, slavery requires an all-encompassing system of governance. It’s not just an employment relationship. Slaves were self-deporting property, and a large, pro-slavery political unit was needed to recapture and contain them.²¹⁵ Moreover, plantations, on which the largest economic surplus from slave’s labor could be extracted, were largely self-contained. They had little need of the neighborhood

²¹³ John T. Harris, ed., West Virginia [Legislative Handbook](#) and Manual 1927, p. 72; Community Profile: [New Cumberland](#) WV [March 2026]

²¹⁴ Scott Alexander MacKenzie, *The Fifth Border State: Slavery and the Formation of West Virginia, 1850-1868*. PhD dissertation (history), Auburn University, 2014; Adam Zucconi, “‘The Shadow without the Substance’: Slavery, Emancipation, and West(ern) Virginia, 1860–1863.” *Ohio Valley History* 24:3 (2024): pp. 28-45.

²¹⁵ Though it is a fictional reframing of Huckleberry Finn, Percival Everett’s “James” (Doubleday 2024) impressed upon me that a black person in the old South was effectively enslaved to every white person, not just to his or her legal “owner.”

cooperation that undergirded northern settlements. They had no need for schools, public forums, or other local improvements that were the lifeblood of northern towns and cities. A yeoman farmer in Sugar Creek, Illinois, valued neighbors who could help clear land and build schools; a plantation owner would be of little use in tasks that required a spirit of reciprocity among neighbors.²¹⁶ (Further discussion is below at Issaquena County, the least populous in Mississippi.)

There is a further reason for Hancock County's split from Brooke County: In a state in which counties enjoyed most local authority, forming a small county in an area of Virginia where slavery was unimportant may have made for more local autonomy. The panhandle is wedged between the states of Pennsylvania and Ohio, both of which have traditions of small local governments. Panhandle residents may have taken their preferences for local government from those non-slave states, both of whose state capitals (Harrisburg and Columbus) were closer than Richmond. At the outset of the Civil War, before West Virginia was formed as a separate state, Hancock County sent a company of militia to fight for the Union side along with volunteers from other panhandle counties.²¹⁷

[Wirt County](#)'s 2020 population is 5,194, the smallest in West Virginia. It is located in the west-central part of the state, near but not on the Ohio River. It was about twice that population in 1900, and its decline is not unusual for rural counties everywhere. It was created (as part of Virginia) from two adjoining counties in 1848, the same year that Hancock County split from Brooke County, as described above. But in Wirt's case, the two counties from which it seceded, Jackson and Wood, apparently registered no objection, possibly because their seats, Ripley and Parkersburg, respectively, became more central in their remaining territory.

It is reasonable to infer that the county's formation was the product of an ambitious landowning family, the Beauchamps.²¹⁸ Paterfamilias William arrived in 1796 and founded a townsite which he later named for his daughter, Elizabeth. Grandson Stephen Beauchamp led the local petition to the state legislature. The act establishing the county mentioned his residence in Elizabethtown as the place from which county offices were to be organized.²¹⁹ The town, now shortened to Elizabeth, has always been the seat of the county.

²¹⁶ John Mack Farragher, *Sugar Creek: Life on the Illinois Prairie*, Yale 1986, offers an in-depth account of how reciprocity worked among rural neighbors.

²¹⁷ Louie P. Gallo, *Intriguing History, Hancock County, West Virginia*, [in the Civil War](#), 2016. [Feb. 2026]

²¹⁸ *Wirt County Pioneers*, Beauchamp-Newman [Museum](#).

²¹⁹ "The justices of the peace commissioned and qualified as aforesaid, for the county of Wirt, shall meet at the house now the residence of Alfred Beauchamp in the county of Wood, situate in Elizabethtown, on the fourth Monday in May next." Acts of the General Assembly of Virginia, [Chap. 60](#), January 19, 1848.]

The county soon began a series of border changes that are difficult to show on the Newberry maps because they occur first in Virginia and then in West Virginia. Fortunately, a website maintained by the county shows the sequence on a single page.²²⁰ The most substantial change was the loss of a third of the county's original land to Jackson County in 1851, just three years after Wirt's formation. The loss of its southern flank left Wirt County's seat, Elizabeth, more centrally located in the remaining county area.

The sacrifice of the southern third of Wirt County eventually freed the town of Spencer, originally located on the southern border of Wirt County, to become the seat of Roane County, established in 1856. Spencer had been named "New California," but it changed its name to commend itself as the seat of the new county named for Judge Spencer Roane. It is almost certain that Wirt County was formed from a bottom-up process of local activism by the Beauchamp family, but only circumstantial evidence suggests that Spencer was not a passive observer of the creation of Roane County.

Note also that this account runs counter to my hypothesis that the South is different in its county formation history. The county-seat seeking here looked like what was going on in the North, even though it occurred when the area was part of the original state of Virginia. However, the influence of slavery on local political behavior was tenuous in areas where slavery was not widely established, as in the mountainous western section of Virginia. The tiny counties of Wirt and Hancock were created just before Virginia's 1851 adoption of the 600-square-mile minimum area, whose intent was to cement the legislative power of the state's eastern, plantation-dominated counties.

Just a few years after Wirt County's establishment, petroleum was discovered at Burning Springs (named for its occasionally flaming natural gas seeps), just a few miles from Elizabeth.²²¹ The extraction methods recently developed in Titusville, Pennsylvania, made possible an oil and gas boom in Wirt County, and the population grew rapidly. (Petroleum and gas were mostly used for illumination at that time.) There is no evidence that the county's founders anticipated this; Wirt's formation does not seem to have been a resource grab. The nascent industry attracted a Confederate military unit in 1863, which destroyed the many wells and facilities in a spectacular conflagration. The industry recovered after the war but

²²⁰ The Newberry map sequence is difficult to follow because Wirt County begins in Virginia in [1848-01-19](#). It then surrendered territory in [1853-02-16](#) to Jackson County. The West Virginia changes in Wirt County's borders are more easily followed at the county's "Wirt County [Boundary Changes](#)" [March 2026]

²²¹ Museums of the Mid-Ohio Valley, The History of [Burning Springs](#); Joe Geiger, "Burning Springs Oil Field." e-WV: The West Virginia Encyclopedia. 19 February 2024. [Feb. 2026]

went into decline around 1900 as the field was depleted. Burning Springs is now a state historical park.

§Kentucky

Statehood 1792 (15th) (separated from Virginia)

One hundred twenty counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 337 square miles

Newest County: McCreary, 1912; centermost: Marion

Smallest: Robertson (100 square miles and 2020 population 2,193); next smallest land area: Gallatin (100 square miles)

Kentucky is notable for having the smallest average county land area of any state besides Rhode Island, which long ago abolished its counties, or Virginia if one counts independent cities (as I do) as counties. Kentucky loves counties. The state was formed from the farthest west reaches of Virginia in 1792, and its willingness to accommodate local demands for smaller county units was in stark contrast to Virginia's 1851 minimum county area of 600 square miles. Kentucky did not establish a constitutional minimum for county area (400 square miles) until 1891.²²²

Kentucky's smallest county by land area (100 square miles, no water area) and population (2,193 in 2020) is [Robertson](#), located in the north central part of the commonwealth. Landowner interests in what became its county seat seem to have had some influence on Robertson's creation.²²³ It was created in 1867 mostly by hiving off the northern part of [Nicholas County](#). This made Carlisle, the seat of Nicholas County, more central. Carlisle may have thereby disposed of a rival, Piqua ("pick-way") by putting it in Robertson County.²²⁴ Mt. Olivet is the seat of Robertson, located on a nice hill near the county's center. (I went out of my way to visit the area on a trip to Kentucky in 2023.) Piqua is now nearly a ghost town.

[Gallatin County](#) along the Ohio River is given by some sources as the smallest-area (105 square miles, 3.5 percent water) county in Kentucky. If one counts only

²²² Newberry Library [commentary on Kentucky](#). [Nov. 2024] Only one county was formed after the 400 square mile minimum was established.

²²³ Robertson County: Small in size, big on [history](#). Ledger-Independent [Maysville, KY], May 11, 2012 ("O.S. Deming, a prominent teacher, lawyer, and property owner of North Main Street in Mount Olivet became the first County Attorney. He, almost single handedly, planned and supervised the construction of the county courthouse, for which he was paid \$300.") [March 2026]

²²⁴ Untitled county history in online collection of Morehead State University; June 2024. See last page for possible [reference to Piqua](#) in this 1930s essay about Robertson County. A story [about Piqua](#) and a store revival in 2015 is by Janie Rice Brother, old-home enthusiast. [June 2025]

dry land, Gallatin is almost exactly the same area as Robertson. Shifting riverbanks and varying levels of a major dam on the Ohio may account for the uncertainty. But it is also possible that the uncertainties arose from using the locally-generated “metes and bounds” method of surveying.

Kentucky was part of Virginia, which, like the other original colonies, was not subject to the PLS, the national Public Land Survey. This uniform system of straight-line “township and range” rectangles began with Ohio and the Old Northwest and was followed for all states admitted after Ohio (in 1803) except for Texas—which has its own survey—and parts of states in the Southwest that were once in Mexico. A virtue of the PLS’s township and range survey was that it made laying out local government borders much simpler and more reliable. It also made it easier to establish title even though the straight-line surveys often defied local geography. This appears to have made land more fungible and more productive according to an imaginative and pathbreaking study by Gary Libecap and Dean Lueck²²⁵.

Gallatin County was formed in 1798, early in Kentucky’s life as a state. Its initially large area was broken up to make several other counties. Carroll County was sliced from Gallatin in 1838.²²⁶ Carroll also took Gallatin’s original seat, Port William, and renamed it [Carrollton](#) to establish a linguistic claim to the new county. Carrollton’s residents presumably did not mind changing counties in this exchange because they kept the courthouse. (This happened in several other instances, described below under Georgia.) Gallatin County’s new seat became [Warsaw](#). I found no reports of resistance to this division, perhaps because it insured that Warsaw would remain the Gallatin County seat by making it more central along the Ohio River.²²⁷

²²⁵ Gary D. Libecap and Dean Lueck, The demarcation of land and the role of coordinating property institutions. *Journal of Political Economy*, 119:3 (2011) pp. 426-467.

²²⁶ Newberry maps Kentucky: compare [1838-02-01](#) to [1838-03-01](#) [March 2026]

²²⁷ Morehead State University, County Histories of Kentucky. ([Gallatin](#)) [June 2024]

§Tennessee

Territory organized (ceded by North Carolina) 1790; statehood 1796 (16th)
Ninety-five counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 434 square miles
Newest Counties: Chester and Pickett, 1879; centermost: Rutherford
Smallest: Pickett (2020 population 5,061) and Trousdale (114 square miles)

With its 95 counties, Tennessee rivals Kentucky for county proliferation. The smallest in area is [Trousdale](#), formed only in 1870 from four previously established counties. An 1849 attempt to form a county by residents of the commercial town Hartsville, which sought to become the county seat, was rebuffed in the legislature.

Initial failure was not uncommon for attempts at county founding. Further proceedings were delayed by a cholera epidemic and then by the Civil War.²²⁸ By 1870, the moribund proposal was revived and preserved in the new Tennessee constitution, which set a minimum land area for new counties of 275 square miles. The new constitution contained some exceptions to allow for a few counties-in-waiting as well as the usual grandfathering of older counties.²²⁹

The process of making the new county was carefully spelled out. Before it was a state, Tennessee was a western arm of North Carolina, so it was not laid out in the neat rectangles of the Public Land Survey. Instead, the wordy “metes and bounds” description of Trousdale County’s boundaries included “running thence in a northeasterly direction on an arc of ten miles from Carthage to a stake on the Hartsville & Carthage Turnpike, near the house of Mrs. Bradley...”²³⁰ Residents in the parts of each of the four counties that were to be included in Trousdale had to vote to join the county, and a two-thirds majority in each part was necessary to form the new county.

It was obviously carefully orchestrated, but it was not without controversy. Two of the reduced counties, Mason and Smith, sued in state court to get some of their land back.²³¹ The Tennessee Supreme Court agreed, and Trousdale shrank to become the smallest-area county in the state at 114 square miles.

The new county-area minimum (275 square miles) of the state constitution did not affect the Tennessee state legislature’s tendency to alter county boundaries at

²²⁸ Jeffrey L. Durbin, Trousdale County, Tennessee [Encyclopedia](#), March 1, 2018 [March 2026]

²²⁹ Tennessee Constitution Article X - Oaths, Bribery of Electors, [New Counties](#): Section 4. [March 2026]

²³⁰ Trousdale County, Tennessee, Goodspeed's History of Tennessee, Goodspeed Publishing Company, Nashville, TN. 1886

²³¹ Macon and Smith Counties v. Trousdale County, 61 Tenn. Rpts. 1 (1872)

the behest of local landowners. A Trousdale example from the Newberry Library: “[13 Apr 1929](#) TROUSDALE gained small area from SUMNER to accommodate local resident. (Tenn. Acts 1929, 66th assy., priv., ch. 707/p. 2132).” In the Newberry Library’s listing of Tennessee county boundary changes, the phrase “to accommodate local resident” occurs 889 [sic] times.²³² The next closest state is Georgia, in which “to accommodate local resident” occurs 167 times; next is Kentucky with 81 private boundary changes. In a large majority of other states, the number is zero. (Newberry uses consistent language that facilitates such counts.) Most states that made any such individual changes stopped by the middle of the twentieth century. Tennessee kept on going right to the end of the century and likely longer, since the Newberry record stops in the year 2000.

Other states would be constrained by the common constitutional prohibitions on “special and local” laws (further discussed at New Mexico in part V). Tennessee has such a clause, but it apparently does not pertain to minor county boundary changes. It’s a tribute to the importance that landowners put on which county they are in, or perhaps a statement about the quality of Tennessee surveys. In any case, this may be an instance in which the supposedly unavoidable tax on land is at least sometimes avoidable by switching jurisdictions.

In 2000, Hartsville, the county seat, merged with the county to become a city-county government with Trousdale County.²³³ Another of the three such merged counties is the state’s largest (in population), Nashville-Davidson. I found no record of special efforts by Hartsville to form the consolidated city-county, but it was the seat from Trousdale County’s inception. There were no other cities in the county, perhaps as a result of the careful design of the county boundaries in the first place, which caused no neighboring county to have its seat off center. The city-county government may have saved expenses for the government, but Trousdale/Hartsville has 20 county commissioners, a high number by the standards of most other states, where the norm is 3 or 5 commissioners or county supervisors. Lake County, Tennessee, for example, has “only” 9 commissioners.

A possible reason for Trousdale’s merger with Hartsville was the unexpected halt in the construction within its borders of what would have been one of the largest nuclear power generating stations in the nation. Trousdale County is on the Cumberland River and is within the purview of the Tennessee Valley Authority, the government-sponsored provider of electric power for the region. The nuclear

²³² Newberry Library, [Tennessee](#): Consolidated Chronology of State and County Boundaries [Dec. 2025. In the Consolidated Chronology there are no reciprocal duplications such as “x gained from y” and “y lost to x.” There really were 889 modifications, though a few were later rescinded.]

²³³ Suzanne M. Leland, “Case Studies of City-County Consolidation.” in *Reshaping the Local Government Landscape*, ME Sharpe (2004): pp. 28-45.

power plant was half built when the political fallout of the Three Mile Island nuclear accident in 1979 imploded the nuclear power industry. What was hoped to have been an economic engine became an environmental albatross.

The city and county merger might have been a means of dealing with this crisis. The new city-county joined with other counties to undertake an industrial park in the shadow of the half-built nuclear plant,²³⁴ but apparently the only occupants of the multi-acre park were those who had no choice of where to live: the inmates of the largest private prison in Tennessee. The prison does pay taxes and processing fees to Hartsville-Trousdale, but its reputation has been assailed by numerous complaints of ill-treatment of prisoners.²³⁵

The smallest county in Tennessee by 2020 population (5,061) is [Pickett](#). It was created in 1881 from two adjoining counties, and it hugs the Kentucky border to the north. It is on the eastern edge of “Middle Tennessee,” just shy of Eastern Tennessee. The state constitution recognizes the three areas as distinct “Grand Divisions.” The west, bordering the Mississippi River, was dominated by plantations; the middle was populated by yeoman farmers who relied less on slave labor; and the mountainous east was lightly populated by white subsistence farmers who, like their Appalachian counterparts in the mountains of Virginia, Kentucky, and North Carolina, were hostile to the institution of slavery and favored remaining in the Union.

Tennessee’s three regions also have distinct large cities: Memphis, a world center of the cotton market, on the west, by the Mississippi River; Nashville, the state capital, in the middle; and Knoxville, home of the University of Tennessee, in the eastern mountains. Eastern Tennessee had voted to secede from the Confederacy, much like West Virginia, but Confederate troops occupied the region to prevent it.²³⁶

Pickett County’s founding sounds unusually straightforward. According to the Tennessee Encyclopedia, “In 1878 Lem Wright and Howell L. Pickett, legislators from Wilson County, led the move to organize Pickett County.”²³⁷ Pickett was related to George Pickett, the Confederate general who ordered the bloody “charge” at Gettysburg and who, as will be described, earlier had played an

²³⁴ The plant’s huge cooling tower was demolished in spectacular fashion on Sept. 18, 2025: Hartsville, TN Old Cooling Tower [Implosion](#) YouTube Tennessee Valley Authority [March 2026]

²³⁵ Steven Hale, “Warden of Tennessee’s Biggest Private Prison Placed on Leave,” [Nashville Banner](#). February 11, 2025 [March 2025].

²³⁶ East Tennessee’s Civil War: Pro-Union with divided loyalties. Knoxville News Sentinel, August 26, 2017.

²³⁷ Anne-Leslie Owens, Pickett County, Tennessee [Encyclopedia](#), 2018. [Jan. 2025]

indirect role in the establishment of San Juan County, the smallest-area county in the state of Washington.

Newly formed Pickett County was safely distant from neighboring Tennessee county seats, conforming to the Tennessee constitutional minimum of 11 miles. The land area was smaller than the minimum required (275 square miles) by the 1870 constitution, but, as mentioned above for Trousdale County that document named numerous exceptions, one of which applied to what became Pickett County.

The eleven-mile minimum radius appears to have created the blurry-eyed illusion that several central Tennessee counties are circular.²³⁸ Overton, Jackson, Smith, and Fentress Counties, for example, appear almost circular. But a look back in time in the Newberry Library's Tennessee maps (say, to 1825) indicates that they started out with noncircular boundaries.²³⁹ Only after later counties were formed from them and shaved off the original counties' corners did they acquire semicircular boundaries. (This provides visual support for my view that county-seat preservation is a primary force in county making.) Recall that the Trousdale County boundaries called for a location "on an arc of ten miles from Carthage," which was the seat of Smith County, from which part of Trousdale was carved. The several semi-triangular shapes of counties on the northern border of Tennessee can also be accounted for by this mechanical-compass-like defense of extant counties whose centrally located seats were not to be disturbed by counties-come-lately.

There was no obvious gain to Wilson County, Mr. Pickett's electoral home, in creating Pickett County. It was not adjacent to the area. (Wilson County is nearer to Nashville at the center of the state.) A new town with a new name, Byrdstown, was established to harbor the Pickett County courthouse. The town's area had few residents before the county was formed, and those residents seemed to have played no role in forming the county or establishing the seat. Contrary to my baseline hypothesis, seat-seeking seems to have had nothing to do with the creation of Pickett County or its seat. The story sounds entirely top-down.

The name first proposed for the seat of Pickett County was Wrightstown, to honor Mr. Pickett's legislative cosponsor. Wright was said to have demurred, and the name Byrdstown honored a well-known Tennessee politician, Robert King Byrd. (No known relation to the politically prominent Byrd family of Virginia.) Mr. Byrd had worked to prevent Tennessee from joining the Confederacy. Having not succeeded in preventing secession, Mr. Byrd joined the Union army to fight to restore the Union.

²³⁸ See Wikipedia [map](#) at List of Counties in Tennessee. [Dec. 2025]

²³⁹ Newberry Library maps of Tennessee: Compare [1825](#) (no circular counties) to [1850](#) (some circles forming) to [1901](#) (numerous circle-like counties).[Dec. 2025]

At this point I must speculate on the puzzling origins of Pickett County and the anti-Confederate namesake of its seat, Byrdstown. It's pretty clear the seat's name is making a political statement. Was it playing to local sentiment? The county's voters were solidly Republican in the part of the twentieth century when Republicans were the party that staunchly opposed racial segregation. The population was largely white. The counties from which it was awkwardly carved, Overton and Fentress, were solidly segregationist Democrats, as was Wilson County, the home turf of the two legislators who midwived Pickett County.

But Scott County, which adjoined Pickett County to the east, was among the most pro-Union counties in the state. It even voted (in vain) to secede from Tennessee and the Confederate States of America during the Civil War. Pickett is also on the western edge of the Cumberland Plateau, which traditionally was the region of anti-slavery sentiment. As one memoir of a Pickett County resident remarked, "In Pickett County, the accent is Appalachian, or as some of my family would say, "they speak like mountain-folk."²⁴⁰ Just the sort whose ancestors would not have wanted to join the Confederacy or accommodate the post-war advocates of "Lost Cause" and other apologists for the institution of slavery.

Just why the legislators Pickett and Wright wanted to create Pickett County remains unclear. Under legislative apportionment rules then in place, Pickett would continue to vote with its parent counties for members of the legislature. I cannot rule out the possibility that Pickett and Wright owned some land in what became Pickett County and Byrdsville, which would have benefitted mightily from the county separation and the new county seat. I have no reason to believe so other than that the phenomenon was common elsewhere in county-making. (But the legislation enabling the county seat required the voters to select from at least two sites, which would have made it difficult for speculators to determine what land to buy.²⁴¹)

Howell Pickett left Tennessee after one term in the legislature and went to New Mexico Territory. From a biographical note: "He returned to Tennessee when he married Evaline 'Emma' Cook on 25 March 1884 in Wilson County. Howell returned to Silver City, New Mexico, with his bride where they remained until 1896. Several years later he was instrumental in the statehood of Arizona after he had moved to Tombstone, Cochise County, AZ."²⁴² It would appear that Mr. Pickett was adept in the politics of creating new political units.

²⁴⁰ Darryl L. Flowers, A Return To [Pickett County](#), Times-Leader [Fairfield, Montana (sic)] May 2, 2022 [Jan. 2025]

²⁴¹ Genealogical "[Fact Sheets](#)" About Pickett County [Dec. 2025]

²⁴² Overton – Fentress – Pickett Counties TNGenWeb Project, Howell Lester Pickett, [Namesake of Pickett](#) County Posted on August 12, 2021, by TNGenWeb [I modified the quote by spelling out some abbreviations. Sept. 2024]

§North Carolina

Royal Colony (separated from South Carolina) 1729; ratified Constitution 1789
(12th state)

One hundred counties [[map](#)]²⁴³ [[list](#)] [[chronology](#)]; mean land area 538 square miles

Newest counties: Avery and Hoke, 1911; centermost: Chatham

Smallest: Clay (221 square miles) or without water: Chowan (173 square miles)
and Tyrell (2020 population 3,245)

North Carolina has two counties that could be considered the smallest in area. If official jurisdiction is considered, Clay County is smallest at 221 square miles. But Chowan County is actually smallest by land area, since 61 square miles of its official 234 square miles is within the Chowan River and Albemarle Sound. In an effort to split the difference here, I will consider both of their origins. They are very different.

[Clay County](#) is 221 square miles, population 11,089 in 2020. It is located in the mountainous regions of the western part of the state, and its southern border is the Georgia state line. The County's founding in 1861 appears to have been a straightforward political transaction, as described by a passage in the US Congressional Record, entered as a celebratory memorandum in 2011:

“In 1860, George Hayes ran for a seat in the North Carolina House of Commons on a platform of creating a new county and county seat in the area of southern Cherokee County [which had contained the area that became Clay County]. In February of 1861, after his successful election, Representative Hayes introduced a bill to establish Clay County.... Rep. Hayes later received recognition for helping form the new County when the County seat, Hayesville, was named in his honor.”²⁴⁴

It's not clear from this that the impetus for the county's creation came from a desire of a town to become a county seat. (The town had previously been known as Quanassee, a Cherokee village that had been destroyed during the American

²⁴³ “Watch the formation of North Carolina's Counties, [YouTube](#). NC Department of Natural and Cultural Resources, Dec. 18, 2015.” [May 2025; not from Newberry Library]

²⁴⁴ Honoring the Sesquicentennial of Clay County in North Carolina, Hon. Heath Shuler. [Congressional Record](#) Volume 157, Number 22 (Friday, February 11, 2011) [Jan. 2025]

Revolution.²⁴⁵) One would want to know more about Rep. Hayes's real estate portfolio before drawing any conclusions. But the events should banish any lingering thoughts that county-creation was akin to a technocratic measure or even an exercise in state-level politics. The evidence of a local political transaction is clearer here than elsewhere, but that it should have been publicly celebrated 150 years afterward suggests that few people thought that this process was unusual or reprehensible.

The other smallest-area county is [Chowan](#), located on the eastern side of the state along the tidal "Inner Banks" (in bumper-sticker speak, IBX, in contrast to the more widely accepted term for the Atlantic barrier islands that compose the OBX "Outer Banks"). It was one of the original four counties of the colonial province. All four were originally "precincts" of Carolina's Albemarle County, but the larger unit amounted to most of the eastern section of what became North Carolina itself.

Chowan and the other precincts were not created by any local or democratic process. They were laid out by the British proprietors, who were granted the land by the King of England. The proto-counties were the geographic manifestation of a constitution written by none other than John Locke, the English philosopher whose writings influenced the American Declaration of Independence. This first Carolina constitution had none of the elements that later inspired the American Revolution. To the contrary, "The main purposes of the Fundamental Constitutions were to protect Proprietary interests and to avoid the creation of a democracy."²⁴⁶

The constitution set up a nearly feudal society in which the Proprietors held almost all of the power. The (eventual) counties had no elected local officials; they were truly creatures of this proto-Lockean state. Edenton was named the seat of Chowan County by an act of the legislature of (soon to be) North Carolina in 1722.²⁴⁷ While several other towns are more central than waterside Edenton, there's no record that they sought to capture the courthouse.

Edenton was briefly and inconsequentially the capital of the colony; there were no government offices there, only the governor's residence. The elegant county courthouse is the oldest in the state, and the town is graced with a good number of architecturally significant houses. One, the "Skinner-Bond house," belonged to an ancestor of my Dartmouth colleague, Jon Skinner. Jon had been in possession of a painting of his ancestor that had once belonged in the house, and the current owner

²⁴⁵ The Cherokee had sided with the British and American militia burned the village. Lamar Marshall, The 1776 campaign against the Cherokee, Smoky Mountain [News](#), October 27, 2010.

²⁴⁶ John L. Bell, Fundamental Constitutions, [Encyclopedia](#) of North Carolina (2006) [Jan. 2025]

²⁴⁷ David Leroy Corbitt, "The formation of the North Carolina counties, 1663-1943." P. xvii. Corbitt's is a thorough "metes and bounds" volume; there is little discussion of the politics of county formation.

bought it from him to hang there. (My wife and I visited it in April 2025; the current owner is not a Skinner descendent but welcomed us inside nonetheless.) Jon took the proceeds and donated it to a foundation supporting Historically Black Colleges and Universities (HBCUs). Edenton was the home of Harriet Jacob, who escaped from slavery and wrote an influential “slave narrative” that was among the first to detail the special sexual vulnerability that female slaves endured.²⁴⁸

[Tyrrell County](#), located in the eastern part of the state, just across Albemarle Sound from Chowan County, is the least populous county in North Carolina with 3,245 souls in 2020. It was initially much larger than its present area, 594 square miles (35 percent water) but, as with many older counties, it was subdivided to create new counties.²⁴⁹

In Tyrrell’s case, though, the loss of land did not seem at all strategic. It wasn’t shedding territory in order keep its county seat, Columbia (née Elizabeth City), near the center of the present county. In fact, its former county seat, Romer, ended up in one of the counties that split from Tyrell, and it did not become the new county’s seat.

Tyrell County’s seat is off on the north side of the county. The county first lost territory to the creation of Washington County to its west. That left it for much of the nineteenth century with a long and unbridged waterway that divided the county in two from north to south. This may not have been much of a problem back then, since waterway transportation was usually easier than land transportation.

Tyrrell County lost its eastern-shore half when Dare County was created in 1870. Dare encompasses the central part of Cape Hatteras and the Outer Banks, which was then developing as a resort area. Its steady onshore winds kept the mosquitos away and the Wright brothers’ aircraft aloft at Kitty Hawk. Tyrrell seems to have lost to Dare because it did not have much inclination to resist—a small population without a seat-centered lobby to preserve it.

²⁴⁸ Harriet Jacobs, *Incidents in the Life of a Slave Girl*. Ed. Lydia M. Child. Detroit: Negro History Press, 1861. Jacobs’ account validated Charles Sumner’s Senate 1856 speech that famously indicted slavery for the conditions that she described. Rep. Preston Brooks, a Southerner incensed by the speech, beat Sumner nearly to death on the Senate floor, an incident that further polarized the nation. Wikipedia, [Caning](#) of Charles Sumner. [Nov. 2025]

²⁴⁹ Newberry map of North Carolina: Tyrell first appears [11/27/1729](#); loses to Martin County [03/19/1774](#); loses to Washington County [12/19/1801](#); and loses to Dare County [2/3/1870](#).

§South Carolina

Royal Colony (separated from North Carolina) 1729; ratified Constitution 1788
(8th state)

Forty-six counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 696 square miles

Newest County: Allendale, 1919; centermost: Richland

Smallest: Calhoun (391 square miles) and Allendale (2020 population 8,039)

South Carolina's smallest-area county, [Calhoun](#), is 392 square miles (3 percent water), which is surprisingly large for the smallest county in a state.²⁵⁰ The circumstances of Calhoun's creation in 1890 illustrate the importance of centrality of the county seat. The initiative came from the town of St. Matthews, which is about 36 miles south of the state capital, Columbia.

As in several other county formations, the political charge was led by business leaders. After two earlier attempts to persuade the state legislature had failed, "In May 1907 they formed the Calhoun County Association to promote their cause. Its first president, the merchant Ed Wimberly, contracted pneumonia while campaigning for the county in a rainstorm and died in June. Inspired by Wimberly's martyrdom, the movement gained momentum under the leadership of Dr. T. H. Dreher and J. E. Wannamaker. In December 1907 a referendum on the new county won an overwhelming public endorsement, 603 to 111."²⁵¹

St. Matthews became the county seat, but a look at a map suggests that other conditions also had to be met. The new county was carved from two adjacent counties, Orangeburg and Lexington. One would normally expect resistance in the legislature to the loss of territory by residents of those counties, but there was an offsetting benefit. The creation of Calhoun left the seats of its two parent counties more central than before. This made their positions as county seats more secure.

While there is no specific mention of this in contemporary local histories, it was most likely a consideration in convincing the state legislature to give leave to Calhoun's proponents to secede from its parent counties. (Did its proponents chose its name because John C. Calhoun was the South's most articulate proponent of secession?) The South Carolina constitution requires—as do many others—that

²⁵⁰ This is a deviation from my land-only criteria for smallest area. Calhoun is actually the second smallest. The smallest is McCormick. However, McCormick lost about eight percent of its land area from the construction of a dam on the Savannah River and the Strom Thurmond Reservoir after the county's establishment.

²⁵¹ South Car
online [Encyclopedia](#), Calhoun County. [Jan. 2025]

existing county seats not be left more than eight miles from the nearest borders of newly created county,²⁵² and Calhoun met this condition.

South Carolina has 46 counties, the maximum number established in its constitution.²⁵³ Georgia also tried limiting county proliferation by establishing similar limits but kept amending its constitution to allow new counties.²⁵⁴ Up until 1973, South Carolina counties were controlled by their legislative delegation, not directly elected officials.²⁵⁵ This sounds much like that of New Hampshire, described in Part I, where the legislative delegation also approves the county's budget. However, county government in New Hampshire, as in the rest of New England, is a relatively minor player in local government because the state is covered with self-governing towns. In South Carolina, incorporated towns are rare and relatively inconsequential, so the county is the major player in local affairs.

After the 1964 *Reynolds v. Sims* decision (377 U.S. 533) ousted counties as units of legislative apportionment, South Carolina, like other states, could no longer give a legislative delegate to each county. (New Hampshire avoided this problem by keeping its 400-member lower house, so that even the smallest counties had enough state representatives to form a county delegation. See discussion of Coös County under New Hampshire in Part I above.) As a result, South Carolina in 1973 gave each county a limited form of home rule, allowing it to form its own governing body like counties in most other states.

South Carolina's success in controlling county size and numbers may have resulted from their origins as "judicial districts" of particular towns rather than as large-area territories. (The Newberry Library's [commentary](#) on South Carolina lays out this complicated history.) These districts generally supplanted earlier and poorly enabled counties until the "judicial districts" themselves were designated counties in its 1868 constitution. The towns in which the original districts were located gave their names to the counties, which probably explains why nearly two-thirds of all county seats in South Carolina bear the same name as the county. The national average of such reflexive naming ("Smith Center, seat of Smith County, Kansas") is about fifteen percent.

²⁵² South Carolina Constitution, Article VII Counties and County Government, [Section 5](#). [March 2026; This is not the same article and section as next note.]

²⁵³ South Carolina Constitution, Article VIII Local Government "SECTION 3. Number of counties: No more than forty-six counties shall exist at any time, but the General Assembly may provide for a lesser number. (1972 (57) 3184; 1973 (58) 67." Also requires minimum area of 400 square miles.

²⁵⁴ Edwin Jackson, A Brief History of [Georgia Counties](#). [August 2024]

²⁵⁵ William V. Moore, "The South Carolina Constitution of 1895: An Introduction." *Journal of Political Science*, 24 (1) 1996. The legislative delegation is elected locally, but their primary duties are performed at the state capital, not at the county seat.

The county with the smallest 2020 population is [Allendale](#) with 8,039. Its county seat is the village of Allendale. It is also South Carolina's most recently created (1919) and 46th county, which will make it in all likelihood the last county ever to be created under the current constitution. I could find very little about its creation history; it seems a bit like a cast-off from its more prosperous and whiter parent counties. Allendale has increased its share of African-Americans in the last century. Its population in 2020 is 86 percent black; in 1920 it was 75 percent black. The two counties from which it was formed, Barnwell and Hampton, became whiter over the same period: They are 43 and 50 percent black, respectively in 2020; they were 67 and 61 percent black in 1919.²⁵⁶ All three are adjacent to the Savannah River, which divides South Carolina from Georgia.

Allendale lost almost half its population in the last century, while its aforementioned neighboring counties lost only about ten percent of their population. The causes of population loss are summarized candidly in the South Carolina Encyclopedia in an article about Allendale County.²⁵⁷

“In the mid-twentieth century, the local economy benefited from travelers along U.S. Highways 301 and 321. Construction of the Savannah River Site,* a nuclear weapons production plant, brought more economic opportunity to the area. However, the opening of Interstate 95 deflated the tourism economy, the end of the cold war led to downsizing at the Savannah River Site,* and an agricultural depression drove many farmers out of business.

“Allendale County entered the twenty-first century facing a series of economic and social challenges. The county had the lowest per-capita income and the lowest median household income in South Carolina during the final two decades of the twentieth century.”

*The Savannah River Site is a federal nuclear research, power generation, and disposal reservation located mostly in adjacent Barnwell County. It is currently enjoying something of a renaissance because of national security concerns and because nuclear power can meet some of the demand for low-carbon emissions energy.²⁵⁸

²⁵⁶ Fourteenth Census of United States: 1910 [South Carolina](#). Composition and Characteristics of the Population.

²⁵⁷ Features, S.C. Encyclopedia HISTORY: [Allendale](#) County 11/06/2015 by Special to Statehouse Report [Nov. 2024]

²⁵⁸ “Savannah River Site completes D&R phase for Plutonium Processing Facility.” [News from](#) the Savannah River Site, Aiken, S.C. July 24, 2024. [Oct. 2025]

§Georgia

Colonial charter 1732; ratified Constitution 1788 (4th state)

One hundred fifty-nine counties [[map](#)] [[list](#)] [[chronology](#)]; mean county area 362 square miles

Newest County: Peach, 1924; centermost: Twiggs

Smallest: Taliaferro (1,559 in 2020) and Athens-Clark (121 square miles)

Georgia's smallest by area is [Clarke County](#), most of which is the combined city-county of Athens-Clarke (121 square miles). (The small town of Winterville on its eastern edge declined to join the consolidation.) It is about seventy miles east of Atlanta. Athens-Clarke clearly fits the hypothesis that county-seat seeking led to county proliferation. From 1801 to 1872, Watkinsville was the seat of Clarke County. It was located nearly dead center in the county, and centrality was important, especially in rural counties, where population was more-or-less evenly distributed.

Athens was located in the northeast part of Clarke County. The University of Georgia's main campus was in Athens, and as the university and the town grew, so did its ambitions to make Athens the county seat. It succeeded in 1872, leaving Watkinsville without much reason for existence. To offset its loss, [Watkinsville](#) managed to get the Georgia legislature to carve a new county, Oconee, from the southwestern half of Clarke County, and it became the seat of the new county.²⁵⁹

Watkinsville was not unique in having served as the seat of two separate counties. As described in Part I, the town of Johnstown, New York, was seat first of Montgomery County and then of Fulton County. Others described in this work are Danville, Pennsylvania; Bernalillo, New Mexico; Laramie, Wyoming; Deer Lodge, Montana; and Hawthorne, Nevada.

[Taliaferro County](#) is the least populous (1,559 in 2020) in Georgia. It has a few notable characteristics. It is pronounced "Toliver," the locution favored by the family for which it was named. The county seat is [Crawfordville](#), whose city limits are defined by a perfect circle with a radius of one mile. (Its area is thus π square miles; because π is an irrational number, no one can say *exactly* how big the town is.) In this respect, Crawfordville is not unusual. About 300 cities in Georgia and in

²⁵⁹ Edwin Jackson, A Brief History of [Georgia Counties](#). Carl Vinson Institute of Government, University of Georgia. [Sept. 2025]

the neighboring Carolinas also have boundaries defined this way.²⁶⁰ Original “circle cities” or “round towns” that expanded often annexed land in a non-circular way, so one can see on a map only the remnants of the original circle; see the maps of the city of [Madison](#), Georgia, seat of Morgan County for examples.

Georgia was an original (pre-Independence) state, and its land was laid out by locally-measured metes and bounds rather than by the rectangles of the Public Land Survey of the western US. Without the pre-arranged rectangles, metes and bounds were costly for small-town developers to survey, and the circle method was a cheaper substitute. One drawback is that on the city’s circumference were land parcels that were both within and outside the city limits. According to Howard Schretter (cited above) landowners in that situation could opt out if they did not care to pay city taxes and were willing to forgo the limited menu of city services such as paved roads and fire protection.

Taliaferro County was carved from five adjoining counties, all of which have seat locations that remained central to their counties after they lost territory. Taliaferro County was small in area to begin with but added about fifty percent of its final territory in 1835. This had the effect of making its seat, Crawfordville, more central to the county’s boundaries, though there is no apparent competitor for the courthouse. The county’s rural isolation is a bonus for some: Within the eastern part of the county is Deerlick Astronomy Village, a “dark sky” space established by amateur astronomers to better view the cosmos. The group pays the nearest town (Sharon, population 104) to keep its streetlights low.²⁶¹

I had earlier been drawn to Taliaferro County by a story about a proposed landfill for municipal waste. The mayor of Crawfordville was a newcomer from Atlanta. In the 1990s, he invited a major landfill operator to consider a regional facility in the county, which does not lack for space. It would put the town and county on a firmer fiscal foundation with substantial taxes and fees for local government and employment for residents of the county, where the poverty rate is about 25 percent.

The locals responded with furious opposition. The county was about sixty percent African-American in 2000, but the county was more or less run by the white establishment. (Alexander Stephens, vice president of the Confederate States and vigorous advocate for white supremacy, had made his home there.) The prominent head of that establishment was Lois Richards, whose son and grandson ran the sheriff’s office. Lois was in charge of voter registration, and she had numerous visits from the US Justice Department regarding the Voting Rights Act.

²⁶⁰ Howard A. Schretter, "Round Towns." *Southeastern Geographer* 3, no. 1 (1963): 46-52.

²⁶¹ Nice story about the dark sky tract and Crawfordville and Taliaferro County: Rebecca McCarthy, [The Dark End of the South](#), *The Bitter Southerner*. [no date; visited Jan. 2025]

“Steel magnolia” would underestimate Lois. From a 1994 Chicago Tribune article: “Lois Richards tilts back in her chair at the Taliaferro County courthouse and, in a tone of genteel defiance, declares, ‘Bring on the FBI. Why, I don’t know why they think that bothers me,’ she says of the news that federal officials will monitor Tuesday’s election there for signs of racial discrimination. ‘I’ve been having to fool with the Justice Department for the last 26 years.’”²⁶²

The most prominent black political figure in Taliaferro County was Charles Ware, a vocal critic of Ms. Richards. But when the landfill proposal sailed into sight in 2003, both Charles and Lois opposed it, not least because of fears that it would reduce local property values.²⁶³ They managed to defeat it despite the proposed site having been previously zoned for industrial use, including landfills. It became a regional environmental cause under the rubric of “environmental racism.” The Georgia courts upheld the county’s denial of a land-use permit.²⁶⁴ Few causes unite people like threats to their homes’ values.²⁶⁵

It would be lovely to report that Mr. Ware and Ms. Richards joined hands on other issues after all that, but there is no evidence to support it. The county government did become more representative of the black majority, though. Mr. Ware became the chair of the five-person county commission.²⁶⁶ The Richards’ sheriff dynasty fell apart when Ms. Richards’s grandson, a deputy sheriff, was accused of drug dealing while on vacation in another state. He was also driving a county-owned vehicle. The new sheriff, elected after Sheriff Richards (father of the wayward deputy) decided not to run again, is an African-American woman who was the long-time senior deputy sheriff. Ms. Richards died in 2015.

²⁶² Timothy J. McNulty, “Fight on U.S. Voting Rights Still Not Over,” Chicago Tribune, July 18, 1994. Ms. Richards had a cameo appearance in United States Commission on Civil Rights. Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in 10 Southern States Since Passage of the Voting Rights Act of 1965. Vol. 97. US Government Printing Office, 1968 (“the Hesburgh Report”) on p. 51, note 129.

²⁶³ Robert Pavey, “Landfill Lands Leaders in Jail,” Augusta Chronicle, Oct. 15, 2003. The county commissioners, including Charles Ware, had refused to sign a document that declared that the zoning law permitted landfills. They were released the next day.

²⁶⁴ Rebekah A. Hall. “Landfill in Georgia Rejected” Waste 360, Apr 19, 2004.

²⁶⁵ In chapter 8 of the Homevoter Hypothesis (2001), I devoted a chapter to a Pennsylvania town whose landfill’s revenue had greatly improved public services and did no harm to home values. It could be that Taliaferro County’s residents, both white and black, resented the disrespect implied by a project supported by big-city interests despite its probable economic benefits.

²⁶⁶ I half expected Georgia’s smallest county to be governed under the unusual “sole commissioner” model, of which the fictional “Boss Hogg” of the TV show “Dukes of Hazzard” was the most famous example. But there are only seven such counties, and Taliaferro was not one of them. For discussion of sole commissioners, see Chris Butler, “[Rural Georgia’s](#) Rising Population Numbers Could Create Unexpected Tensions,” Georgia Public Policy Foundation March 14, 2023. [Nov. 2025]

§Florida

Florida Territory 1822; statehood 1845 (27th)

Sixty-seven counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 800 square miles

Newest Counties: Gilchrist, Gulf, Indian River, and Martin, 1925; centermost: Hernando

Smallest: Liberty (2020 population 8,364) and Union (244 square miles)

Florida's county-making history is unusual in that a state admitted to the union long ago (1845) continued to create counties through the 1920s, long after the rest of the county-loving South had quit. The reason is illustrated by a personal story. I was in Tallahassee for a conference and asked a Florida historian why the state's capital city was so off-center of its population base. He assured me that when it was designated the capital, Tallahassee was near the center of the state. It was halfway between Pensacola and St. Augustine, and both are near the northern border of the state. The huge peninsula to the south was effectively uninhabited by Euro-Americans. The land was so swampy that it could not be farmed, and the Seminole tribe was too feisty to extract.

An aside on the Seminoles and Florida State University in Tallahassee: A famous Seminole warrior, Osceola, was lured by pretended peace talks in 1837 by the US Army to his capture and eventual death in prison. The cowardly betrayal outraged both Indians and many whites throughout the nation, and Osceola became for many a symbol of resistance to federal oppression. Numerous counties, towns, and natural features were pointedly named for him. (Other resistance chiefs are commemorated by the counties of Pontiac in Michigan, Black Hawk in Iowa, and Cochise in Arizona.)

In the 1970s, FSU formed a partnership with the Florida Seminole Tribe, who are descended from Seminoles who successfully resisted removal to Oklahoma. The tribe allows Osceola's re-enactor on his horse, "Renegade," to represent the university's athletic teams.²⁶⁷ FSU is at pains to say the Seminoles are "partners," not "mascots" (and I haven't seen the re-enactor in those goofy TV ads featuring college mascots), and the NCAA has granted FSU a rare exception from its general ban on the use of Native Americans as college

²⁶⁷ Florida State University, Top [Things to Know](#) [Oct. 2025]. The monumental statue of Osceola astride a rearing Renegade at the FSU stadium was [patterned on](#) that of General Andrew Jackson in New Orleans. That Jackson forced many Indian tribes, including the Seminole, to move to what is now Oklahoma is perhaps a double-sided irony.

symbols. (In my early years at Dartmouth, I played a small role in assuaging alumni about the loss of the “Dartmouth Indian” symbol.)

By the 1920s, Florida had become a tourist and resort destination along its coasts as a result of railroad building. Its inland wetlands were drained and channeled to make them farmable, and the new inhabitants demanded local governments. As in the rest of the South, counties were the primary and sometimes the only local governments. Their large areas and subordination to the legislature made them notorious for giving sweetheart deals to large scale developers,²⁶⁸ including the Disney Corporation. One wonders, though, whether Walt Disney would have set his theme park in Florida’s Orange County if it had retained its pre-statehood name: Mosquito County.²⁶⁹

Florida’s smallest county by area is [Union](#), located in the north central region. It was created by a spirit of disunion.²⁷⁰ Two towns, Lake Butler and Starke, began vying to be the county seat of [Bradford County](#), Florida, in the 1870s. Lake Butler was the original seat when the county was formed. It was more centrally located than Starke. But Starke in 1875 acquired the courthouse by a hotly contested election.

Elections were held on several occasions after that, and the courthouse entitlement passed back and forth three times for the next four decades. Finally, the state legislature tired of having a courthouse migrate between sites and supervising inconclusive elections. In 1921 it divided the county in roughly two parts: a new county called Union on the west side and the original Bradford County on the east. The New River, which forms the counties’ mutual border, made each town more or less central in its respective county.

There are eighteen US counties that bear the name “Union,” the seventh most popular name. (The most popular are Washington (31), Jefferson (26), and Franklin (25).²⁷¹) About half of the Unions celebrate local cooperation or the joining of parts of adjacent counties to create the county.²⁷² The other half honor the national government, most pointedly the Union side as opposed to

²⁶⁸ Michelle Wilde Anderson, “Sprawl’s shepherd: The rural county.” *California Law Review* 100 (2012): 365-380.

²⁶⁹ Anthony Talcott, “Have you heard of [Mosquito County](#) in Florida?” *Your Florida Daily*, November 20, 2023 [August 2024] Golden Valley, a county in North Dakota, was called ‘[Rattlesnake Flats](#)’ by early settlers, but was renamed in 1902.

²⁷⁰ Riherd.net, [Union County History](#) Eugene Matthews, “The [Story of Starke](#),” *Bradford County Telegraph*, Starke centennial issue, May 3, 1957. [April 2025]

²⁷¹ Wikipedia, “List of the [most common](#) U.S. county names” [Dec. 2025]

²⁷² Wikipedia’s entry “[Union County](#)” [Dec. 2025] lists seventeen but omits Union Parish, Louisiana, which I added. I infer the source of the name from Wikipedia’s articles about each Union County. Some reflect uncertainty about origins.

the Confederacy. Three of those are in the South: Louisiana, Mississippi, and Tennessee. The last of these was in east Tennessee, which actively resisted the Confederacy, as discussed above at Pickett County, Tennessee. Counties, it seems, are sometimes not the passive creatures of the state they are said to be.

The county with the least population in Florida is [Liberty](#) (8,364 in 2020), located in the state's elbow on the west side of Leon County (Tallahassee). The county is the last in Florida to maintain a prohibition on the sale of alcoholic beverages. It would be cheeky to observe that maybe that's why its population is so small, but local-option prohibition has always been more prevalent in small, rural places, so the causation, if any, could run the other way. Decentralization of prohibition to counties apparently occurs in states where there are wide differences in opinion about alcohol consumption, most typically running along religious and urban/rural divides.²⁷³

Liberty's seat is a tiny town called Bristol, located in the northwest corner of the county. It is the only incorporated town in the county, and Liberty County's off-center courthouse location appears never to have been challenged. There's no evidence that Bristol residents had any hand in forming the county back in 1855, when it was carved from the southern part of Gadsden County. Bristol was actually settled after Liberty County was formed in order to serve as its newly created county's seat.²⁷⁴

But it was a little peculiar that Gadsden County would give up a rural territory said to have been among the better farmland in the region. The clue might be that the seat of [Gadsden County](#), Quincy, was then in the far north of Gadsden County and thus potentially vulnerable to a town more centrally located to take the courthouse from it. The creation of Liberty County eliminated any threat to Quincy, which was now near dead center of the reduced Gadsden County. If this speculation can be confirmed, it appears that the creation of Liberty was motivated by a county seat seeking to protect its position in the adjacent county.

The main trouble with this story, aside from lack of textual evidence, is that the territory of Liberty had so few people. It was blessed with productive farmland in its north part and cursed with an untamable swamp on the south side called "Tate's Hell" for its impenetrable undergrowth. It was unlikely that any town in what was then southern Gadsden County would pop up to challenge Quincy for the

²⁷³ Koleman S. Strumpf and Felix Oberholzer-Gee. "Endogenous policy decentralization: Testing the central tenet of economic federalism." *Journal of Political Economy* 110:1 (2002): pp. 1-36.

²⁷⁴ ARROW Almanac, [History](#) of Bristol County, [March 2026]

courthouse. Maybe it was just a coincidence that the creation of Liberty County left the town of Quincy in the center of Gadsden County.

Or it might be racial differences. Gadsden is one of the few majority-black counties in Florida, while the much-less-populous county of Liberty has a substantial majority of whites. But Liberty was formed in 1855, six years before the Civil War. Gadsden's high black population meant that most of its agriculture consisted of white-owned plantations worked by slaves.²⁷⁵ It is possible that the separation of Liberty was motivated by a desire of white yeoman (non-slave owning) farmers to be liberated from the influence of the plantation class. As we have seen on this tour (for example, in Virginia), many counties in the South whose agriculture was not dominated by slavery were at odds with those whose wealth was in plantations.

²⁷⁵ Larry E. Rivers, *Slavery and the Political Economy of Gadsden County, Florida: 1823-1861*. *Florida Historical Quarterly* 70:1 (article 3) 1991. Christopher E. Linsin, "Skilled Slave Labor in Florida: 1850-1860." *The Florida Historical Quarterly* 75:2 (1996): pp. 183-196.

§Alabama

Alabama Territory 1817; statehood 1819 (22nd)

Sixty-seven counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 756 square miles

Newest County: Houston, 1903; centermost: Chilton

Smallest: Etowah (549 square miles) and Greene (2020 population 7,730)

Like South Carolina (discussed above), Alabama appears to have prevented a proliferation of small counties such as that which occurred in Georgia, Kentucky, and Tennessee. Alabama's 1901 constitution set a minimum county size of 600 square miles, though a few smaller counties had been established before then. Among them was its smallest-area county, [Etowah](#). It measures a robust 549 square miles, which, for perspective, would make it the sixteenth largest of Georgia's 159 counties.

A county encompassing most of the area of Etowah was established just after the Civil War under the name of Baine County. The name honored a Confederate war hero who had emigrated from Ohio and became a fervent defender of the South and died for the cause in battle. When the Reconstruction government, which included blacks and anti-secessionist whites, took over and wrote a new, anti-slavery constitution in 1868, it disestablished Baine.²⁷⁶ Within a year, it established a new county over most of the same territory and gave it the Native American name Etowah. No one seems sure what "Etowah" means, but it had to be more acceptable to the Reconstructionists than the name of a turncoat Yankee.²⁷⁷

The seat of Etowah is Gadsden. It is located near the center of the county. One nearby city, Altalla, changed its name to Bainesville in a bid to persuade county voters to select it as the county seat. After that failed and Baine County became Etowah County, it reverted to its earlier name. Etowah's boundaries underwent numerous but relatively minor adjustments in the century following, but all of them left Gadsden central to its county.

Gadsden's rising role as an industrial satellite to Birmingham, the steel-making city to the south, was the impetus to creating its own county.²⁷⁸ Gadsden was originally located in Cherokee County, now adjacent to Etowah's eastern border. Cherokee County's seat was the strategically named Centre. It had been selected

²⁷⁶ Encyclopedia of Alabama, [Etowah County](#) [Jan. 2025]

²⁷⁷ [Gadsden Times](#), "County comes, goes, comes back," March 1, 2004.

²⁷⁸ The Vagabond, "How did Etowah County [get named](#)? And why its first name HAD to be changed," Gadsden Messenger, May 22, 2015. (Author of this article, pictured on the web page, is only "Chris," who also has several other articles on Gadsden and Etowah Counties and those nearby.)

by a legislative committee as the location nearest the geographic center of original Cherokee County.

But Centre's population remained small as the city of Gadsden was becoming much larger. Despite Gadsden's location on the southwest edge of Cherokee County, it was likely to overwhelm Centre in the near future and take the county seat title. Centre's citizens decided to take defensive measures. They persuaded the other counties that adjoined present Etowah to surrender enough territory to a new county (then called Baine) to make Gadsden near the center of the new county.

The city of Centre was no longer in the center of its county (Cherokee), but it was closer than its nearest rival. It is surely not coincidental that only the outer reaches of each of the five counties from which it was formed were lost to create Etowah. In the process, only one of the county seats of the neighboring counties was threatened by the loss of territory.

The threatened seat was in [St. Clair County](#), which adjoined the southwest corner of Etowah County. St. Clair's seat at the time was Ashville, originally near the center of the county. With the loss of its county's territory to Etowah, Ashville was now near the northern border of St. Clair County. This was not a problem until the turn of the twentieth century. Around that time the municipality of Pell City in the southern half of St. Clair had grown to be the largest in the county as the result of new railroad access. Pell City lobbied to become the county seat. Ashville, which (I presume) had accommodated the creation of Etowah County, now was at risk of losing its courthouse.

The compromise was a state constitutional amendment that allowed St. Clair County to have two fully recognized seats. It continues to do so. (The other two-seat county is Coffee.²⁷⁹ A general discussion of the rare phenomena of two-seat counties is below at Arkansas and the two seats of Sebastian County.) The residents in every location of St. Clair County elect the same officials, but they all have two offices, one in Ashville and another in Pell City. The official explanation for this duplicative and, one presumes, costly arrangement is that Ashville is isolated in the mountains.²⁸⁰ But the county is not especially large, and a modern highway connects the two seats.

Was there a deal to protect Ashville's status as county seat? Its central position in St. Clair County was undermined by removal of much of its northern hinterland to carve out Etowah County. The time elapsed between the creation of Baine (Etowah's predecessor), and the two-seat arrangement was over thirty years, which

²⁷⁹ [Coffee County](#) History, Government Division. [Jan. 2025]

²⁸⁰ Encyclopedia of Alabama, [Ashville](#). [Jan. 2025]

would require a long legislative memory of a deal. But Southern political memories are reputed to be durable....

The least populous county in Alabama is [Greene](#) (7,730 in 2020), located in the west central part of the state. It is mostly enclosed by two navigable rivers, the Black Warrior on the east border and the Tombigbee on the western side. Before 1867, Greene County was almost twice its present area, encompassing approximately equal areas on either side of the Black Warrior River. Its original seat had been Erie, located on a swampy bend on said river, which made it subject to flooding and a generally unpleasant climate. After the original Greene County was split to create [Hale County](#), on the east side of the Black Warrior River, Eutaw (named for Nathaniel Greene's big battle in the American Revolution—a common attempt by an aspiring seat to marry into the county's name), sprang up on the west side to become the revised Greene County's seat.

The eastward part of old Greene County became Hale County, named for a Confederate officer, not Revolutionary hero Nathan Hale. Its seat is the long-established town of Greensboro. It had previously sought to become the seat of the old, larger Greene County (the town's name also chosen to signal its ambition) but lost to more central Erie. The county split suited both Eutaw, now the seat of smaller Greene County, and Greensboro, whose only disappointment was that the county it had originally wanted to be the seat of was now replaced by the new Hale County.

The county division of Greene and Hale was potentially illegal because neither new county by itself was big enough to meet Alabama's individual county minimum size of 600 square miles. As a remedy, several small parts of adjacent counties were added to the new Hale County and the residual of Greene County. The additions were large enough to satisfy the constitutional minimum without reducing their donor counties below the 600-mile minimum.²⁸¹

The cooperation of the adjoining counties to obtain the territory necessary to meet the constitutionally minimum area is as impressive in this case as it was in the creation of Etowah County, just described above. I mention this not because it was unique to Alabama (it was not), but because Alabama's counties were the immediate subject of *Reynolds v. Sims*, 377 U.S. 533 (1964), the case in which the US Supreme Court created the proportional voting standard that disestablished county-based representation. One can see from these county

²⁸¹ Maps showing the two new counties and the additions are neatly shown in Voter [Precincts](#) of Greene County Alabama ALGenWeb. [May 2026]

origins that they were far from “merely involuntary political units of the State,” as the *Reynolds* opinion claimed.

The spark for this creation seems to have been the desire of two towns, Eutaw and Greensboro, to become county seats once the town of Erie lost its viability. Or was the split inevitable, given that a sizable and flood-prone river (the Black Warrior) separated what became their two counties? Lacking sources specific to the separation, the observer must mull the difference in this case between theoretical insight and confirmation bias. But as we have seen before (New York’s Montgomery and Fulton counties; Florida’s Union and Bradford) and shall see again (North Dakota’s Eddie and Foster counties), not a few counties in other states were indubitably the product of two competing towns deciding to settle their differences by creating separate counties in order for each to have its own courthouse.

§Mississippi

Mississippi Territory 1798; statehood 1817 (20th)

Eighty-two counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 572 square miles

Newest County: Humphreys, 1918; centermost: Leake

Smallest: Alcorn (401 square miles) and Issaquena (population 1,338 in 2020)

Mississippi's county-size discipline rivals that of Alabama, though Mississippi's standard is easier to meet. Its constitutional minimum on county size is 400 square miles, in contrast to Alabama's 600 square miles. No exceptions seem to have leaked through. Its smallest-area county, [Alcorn](#), in the northeast corner of the state, is 401 square miles. It's not an outlier, either. Fifteen of the state's 82 counties are less than 420 square miles. It's as if the state took seriously that horseback-ride story, in which 400 square miles was supposedly the maximum size in which a rider on the periphery could negotiate a day's trip to the courthouse.

Alcorn's courthouse at the county's creation was in Corinth. It is the largest city and located near the center of the county. One of Corinth's later claims to fame is the "slugburger," a hamburger made with "extenders" to keep its price down. Recipes online emphasize that the extenders are vegetable matter, not garden slugs. A "slug" was slang for a nickel, which was the original price point for this regionally popular sandwich.

Alcorn became a county in 1870. It was a secondary county subdivision of northeast Mississippi (secondary in that it was carved from functioning counties, not "non-county" areas) and got most of its land area from Tishomingo County.²⁸² The seat of Tishomingo was Jacinto, located almost dead center in the old county. But when the county was subdivided by the creation of Alcorn and Prentis counties, the original county of Tishomingo retained only its eastern territory. Its former seat, Jacinto, was now encompassed by the new Alcorn County and located far from its center, making Jacinto an unlikely candidate for the seat of its new county home.

Railroads passed it by—Knecht (cited above) said it was because residents were unwelcoming—and Jacinto's population tumbled from over 6000 in the mid nineteenth century to fewer than 100 today. Jacinto's decline stands as an illustration of what the loss of centrality could do to a former county seat. I could find no evidence, however, that the new county seats of Alcorn County (Corinth), Prentis County (Booneville) and the reduced Tishomingo County (Iuka) conspired

²⁸² Phillip Knecht's blog, [Hill Country History](#), Jacinto History. [Jan. 2025].

to change county borders to benefit their locations. Subsequent creation of similarly sized counties in northern Mississippi suggests that nothing special was going on. Jacinto's locational misfortune had an upside: It possesses today a fine-looking courthouse whose original architectural features were preserved, it could be argued, by its isolation from the demands of twentieth-century commerce.

Late addition: According to Michael Greenberger,²⁸³ the creation of Alcorn County and several others in the 1870s was the product of Reconstruction Republicans attempting to form counties to cement their tenuous position in the Mississippi legislature. Professor Greenberger is challenging my emphasis on the primacy of property value as a motivator for county formation, and in this instance he has the better argument. The forces that I emphasized, manipulations by promoters of the county seat, were marginalized and ineffective in preserving the courthouse at Jacinto. Alcorn County and several others identified by Professor Greenberger were the product of a kind of gerrymandering initiated by the state legislature, not local ambition.

The South was not alone in this behavior. As we saw in Minnesota in Part II, Jacksonian Democrats undertook the same kind of county creation spree to stack the state's initial constitutional convention in their favor. In both cases the tactic failed: Minnesota Democrats were overwhelmed by the advent of the Civil War, and Mississippi Republicans were ousted with the withdrawal of federal troops and the end of Reconstruction by 1876.

The least populous county in Mississippi is [Issaquena](#), located on the twisty bends of the Mississippi River roughly halfway between Memphis and Baton Rouge. Its 2020 population was 1,338, which makes it also the least populous US county east of the Mississippi. The adjacent county of Sharkey was carved from Issaquena in 1870, but that seems not to have been decisive in causing its population to be so small. If the two counties' 2020 populations were combined, the new county would still be the smallest in the state.

From Issaquena's foundation in 1844, the county population has always had a large majority of African Americans. They were first slaves on the several prosperous (for the owners) plantations in the county, and later tenant farmers on (and sometimes owners of tracts within) the subdivided plantations. It is also one of the poorest counties in a poor state.

There seem to have been no contests for the county seat even though it changed often. The tiny hamlet of Mayersville is the fourth seat of the county; two of the

²⁸³ Michael Greenberger, "Redrawing the South: County Creation as a Partisan Tool during Reconstruction" *Studies in American Political Development* 39: 2 (2025): pp. 159-182.

previous seats simply disappeared as towns. Another, Tallula, got displaced by the change in the course of the Mississippi River, leaving poor Tallula far from the head of its banks.

Mayersville, the county seat, has one distinction that seems more important to the state as a whole than locally. Unita Blackwell, a sharecropper's daughter who was born in the county, became in 1965 the first African-American mayor of a city in Mississippi. She was a civil rights leader who, as a member of the Student Nonviolent Coordinating Committee (SNCC), became the first black voter in the county. She later became nationally and internationally prominent as an advocate for racial justice.²⁸⁴

Prior to the Civil Rights era, Issaquena County did not seem to have had much local political activity at all. It's not hard to see why: For most of its history, a large majority of its residents were either enslaved or disfranchised by Jim Crow laws. This worked against local government ambition in two ways. The most obvious was that simply managing a bottom-up local government required some division of labor, and there weren't enough enfranchised residents to form the requisite committees to organize and lobby for a county seat or a change in county boundaries.

The less obvious reason was slavery's distortion of property concepts. As Gavin Wright has argued, slavery changed the entire structure of property rights in the South.²⁸⁵ A town in a state outside the South (which thus did not have slavery) was eager to attract more residents and commercial development—and obtain the county courthouse—because the value of their *land* would rise with the extra economic activity. Moreover, for yeoman pioneers, additional residents were also welcome as potential neighbors who could lend a hand to build bridges, establish a school, perhaps form a new church, and generally socialize with each other.²⁸⁶

None of these motivations were present in a locality where large, slave-worked plantations were the dominant enterprises. The few white men who could take part in public affairs had little to gain from attracting additional residents. The plantation owners had slaves to build and maintain their infrastructure. Enslaved humans, not landholdings, were their major asset, and unlike land, slaves could be sold and relocated outside of the jurisdiction. The “homevoter” motivation—

²⁸⁴ Katharine Q. Seelye, “Unita Blackwell, 86, Dies; Rights Crusader and Winner of Historic Election,” *New York Times*, May 17, 2019.

²⁸⁵ Gavin Wright, *Slavery and American economic development*. LSU Press, 2006.

²⁸⁶ Stanley Elkins and Eric McKittrick, “A Meaning for Turner's Frontier: Part I: Democracy in the Old Northwest.” *Political Science Quarterly* 69: 3, 1954, pp. 321–353. (County seats were more important in the old Northwest than in South because of the importance of gaining population.) Part II: The Southwest Frontier and New England.” *Political Science Quarterly* 69: 4, 1954, pp. 565–602.

cooperate with neighbors in order to enhance your real estate assets—did not operate well if the assets were not fixed in place so that buyers had to come there.

One report (per the county's Wikipedia page) indicated that the plantation owners in Issaquena had been among the wealthiest men in America, given the large numbers of slaves they owned. Their wealth was counted in enslaved human beings, and additional yeoman white farmers in the county did not add to that wealth.

To the slave owners' lack of enthusiasm for immigrants one must add the repulsive effect of the system on prospective white settlers with no slaves. Immigrants from Europe generally favored the North, and stories of native yeomen who left the South because of revulsion for slavery indicate how difficult it would have been to attract settlers. Henry Ruffner, president of Washington College (now Washington and Lee) in Lexington, Virginia, declared in 1847 "that slavery drives free laborers - farmers, mechanics, and all, and some of the best of them too - out of the country, and fills their places with negroes."²⁸⁷

To this widely-accepted argument I would add one that I have stumbled upon doing research for this book. The notorious decision at the 1787 US Constitutional convention to count slaves as three-fifths of other people for voter allocation in the House of Representatives was regarded as a compromise between Southern and Northern states. The Northern delegates preferred not to count slaves at all while the Southern delegates would have liked to count them as whole persons despite their inability to vote.

But the three-fifths rule was also evidence that Southerners believed that slave-holding deterred white settlement in counties where slavery was widespread. At least four Southern states—Florida, North Carolina, Georgia, and Virginia allocated the population-based house of their legislature by the three-fifths rule.²⁸⁸ The short-lived Confederate Constitution did the same for its House of Representatives.

The use of the three-fifths rule within the South was not an effort to perpetuate slavery, for slavery was not under any threat in those states or under the

²⁸⁷ Quoted in William Gleason Bean, "The Ruffner Pamphlet of 1847: An Antislavery Aspect of Virginia Sectionalism." *The Virginia Magazine of History and Biography* (1953): pp. 260-282. A modern study by two economists compared counties on either side of the North-South border (mainly the Ohio River) and came to much the same conclusion as President Ruffner. Hoyt Bleakley and Paul W. Rhode. "De Tocqueville, Population Movements, and Revealed Institutional Preferences." *Journal of Historical Political Economy* 3:2 (2023) pp. 179-210. [cited from an earlier working paper by same authors, "The Economic Effects of American Slavery, Redux: Tests at the Border."]

²⁸⁸ Douglas Keith and Eric Petry, *Apportionment of State Legislatures, 1776-1920*. Brennan Center for Justice at New York University School of Law (2014); Florida 1838 Const., p. 23; Georgia 1789 Const., p. 25; North Carolina 1835 Amendment, p. 59. For Virginia, see Brent Tarter, *Gerrymanders: How Redistricting Has Protected Slavery, White Supremacy, and Partisan Minorities in Virginia*. University of Virginia Press, 2019, chapter 5.

Confederacy. Indeed, the Confederate Constitution specifically forbade its member states from abolishing slavery, contrary to its supposedly “states rights” commitment. Since slavery needed no further protection in these political units, the only reason I can infer for the three-fifths rule was the understanding that districts and states with a disproportionate number of slaves would be under-represented by counting only whites.

Slaveholding varied considerably among the states, with South Carolina and Mississippi having a majority of their population enslaved.²⁸⁹ Counties within states varied even more. From the pro-slavery point of view, the three-fifths rule was an element of “fairness” to white voters in counties and states in which slaves were a disproportionate fraction of the population.

The three-fifths formula suggests that slaves displaced free labor at a rate of sixty percent. Though slaves were productive for low-skilled plantation work, the legal system prevented blacks from learning to read and doing work that required literacy. (Literate slaves could communicate with outsiders and foment rebellion.) From this perspective, literate (or potentially literate) white workers, who did not compete with slaves in the labor market, were not entirely displaced from counties or states with high concentrations of slaves. (This does not, of course, account for the distortions of democratic state institutions—suppression of free speech and imported news media, for example—that responded to slave-owners’ need to keep blacks from rebelling and escaping.)

²⁸⁹ 1860 United States census; accessible data by state at Wikipedia: “1860 United States [census](#)” [April 2025]

§Louisiana

Louisiana Territory (from France) 1803; statehood 1812 (18th)

Sixty-four parishes [[map](#)] [[list](#)] [[chronology](#)]; mean land area 675 square miles

Newest Parishes: Allen, Beauregard, and Jefferson Davis, 1912; centermost:
Avoyelles

Smallest:²⁹⁰ Tensas (2020 population 4,147) and Orleans (162 square miles)

“Parishes” in Louisiana were once subdivisions of “counties.” The latter controlled voting and tax collection, and “parishes” did all the other stuff that modern counties are expected to do. Louisiana’s 1845 constitution merged the county and parish functions and just dropped the term “county” (without explicitly saying so) from its government lexicon.²⁹¹

The quiet disappearance of the term “counties” nearly two centuries ago has not quelled popular discussion of whether parishes are truly counties. It’s a distinction without a difference, about as enlightening as asking whether the officially named “commonwealths” of Virginia, Kentucky, Pennsylvania, and Massachusetts are really “states.”²⁹² (But as we will see in Part V, Alaska’s “boroughs” are truly different from counties.)

The parish with the smallest population (4,147 in 2020) in Louisiana is [Tensas](#). Like its tiny-county counterpart in Mississippi (Issaquena), African-Americans have always been an overwhelming majority. Both units border the Mississippi River and have highly productive (and frequently flooded) farmland. In the North, such land would be crowded with the relatively small plots of yeoman farmers, and towns and villages would have been established to service the farms. Such localities would vie to become the county seat, and, as we have seen, sometimes managed to change county boundaries to suit their ambitions.

²⁹⁰ The Wikipedia list shows West Baton Rouge as the smallest area parish, but its dry land area, 192 square miles, is larger than that of Orleans Parish, which is 169 square miles.

²⁹¹ Newberry Library, Louisiana: [Consolidated Chronology](#) of State and County Boundaries: “In 1843 the county was abolished as an electoral unit, and when the state constitution was rewritten in 1845 all remainders of the county system were eliminated.” [Nov. 2025]

²⁹² According to the [Virginia Bluebook](#), “2021 Report of the Secretary of the Commonwealth to the Governor and General Assembly of Virginia, Why Virginia is a Commonwealth,” Virginia took the title Commonwealth before American independence in imitation of the Cromwellian English Commonwealth. Kentucky kept it after it separated from Virginia, and Massachusetts and Pennsylvania assumed the title shortly after the Revolution, perhaps to emphasize that they no longer recognized the British monarchy.

None of this seems to have happened in Tensas (pronounced “Tensaw”—rhymes with Arkansas, not Kansas.*). The pleasant looking parish seat, Saint Joseph, was established when the parish was originally laid out in 1843 and seems never to have had any challenges. Even the town of “Waterproof” did not float its claim to a flood-safe location in an effort to obtain the courthouse, perhaps because in reality it had been destroyed at least twice by the river.²⁹³

* “Arkansas” is the big mismatch between spelling and pronunciation that puzzles fifth graders learning American geography. George Stewart’s classic “Names on the Land” has a whole chapter on the controversy.²⁹⁴ Congress initially spelled it as it is pronounced, “Arkansaw,” but a local newspaper editor crusaded to change the spelling (but not the pronunciation) to Arkansas. It caught on in Arkansas and most of the rest of the country. But residents of Kansas pronounce the portion of the Arkansas River that flows through their state as “our KAN-sass” (Topeka Capital Journal, Sept. 30, 2021). The pronunciation of Tensas may have been influenced by the Arkansas pronunciation, but it derived its name from an Indian tribe in the area whose usual transliteration is “Taensa.”

Like Issaquena County in Mississippi, Tensas Parish was originally dominated by large plantations. More than ninety percent of the population in 1860 were enslaved. Towns were an incidental part of the plantation world, and towns were seldom important enough to muster local efforts to grab a parish seat or strategically shift parish boundaries to their advantage.

This is not to imply that there was no internal political strife in Tensas County. After the election of President Grant in 1868, Federal troops provided protection for black voters throughout the South, and many African-Americans were elected to local and state offices. Statewide enfranchisement of blacks was abruptly suspended with the end of Reconstruction and withdrawal of Union troops in 1877. Whites quickly curtailed black civil rights and began the process of disfranchising them. This was accomplished by extra-legal violence against blacks, and Tensas Parish had more than its share of it.²⁹⁵

The situation in the states bordering the lower Mississippi became so bad that a spontaneous movement sprang up to leave the area for Kansas. Many thousands of blacks chose to leave in what was called “Kansas fever” as part of the “Exoduster”

²⁹³ Mary Alice Fontenot and Edith Ziegler, The Tensas Story, [Tensas Parish](#), Louisiana History, US GenWeb, n.d. [Oct. 2025]. See also “Tensas Parish” in Louisiana, comprising sketches of parishes, towns, Vol 2, Edited by Alcee Fortier, Century Historical Association, 1914 [Oct. 2025, from [Hathi Trust](#)]

²⁹⁴ George R. Stewart, Names on the land: A historical account of place-naming in the United States. Houghton Mifflin, 1945, chapter 37. Quick summary at LanguageChat, [Why Arkansas?](#) June 4, 2017 [Oct. 2024]

²⁹⁵ John David Miles, “James Harrison and the [Tensas Troubles](#) of 1878.” Civil War Book Review 22:1 (2020).

movement.²⁹⁶ The lodestar was Kansas because it was famous among southern blacks for its resistance to becoming a slave state in the 1850s. Black families headed to the Mississippi River in hopes of booking passage on steamboats and travelling north to St. Louis and then Kansas.

Those who got to Kansas were often disappointed. Not so much by the reception they got—Wyandotte (the predecessor of Kansas City, Kansas) was not unwelcoming but found itself overwhelmed²⁹⁷—as by the fact that homesteading was mostly beyond their means. Free land was available under the 1862 Homestead Act, but the resources to start an unfamiliar farming method and to undertake the constructions required to secure a claim were beyond the means of many people kept in centuries of slavery and excluded from even basic education.

About a third of them came back. Their white employers were pleased, not just in the “I told you so” manner but because they needed the help. Many employers paid their passage back, even as they had worked to impede their departure. (There’s a good chance that the payments were peonage-style “loans” that could almost never be escaped.) Even so, more than a third of the Exodusters who had left remained in Kansas. Others moved to nearby states.

One might expect that this dramatic episode of “voting with their feet” would result in a loosening of restrictions on black civil rights. President Rutherford Hayes, whose 1876 election marked the end of Reconstruction, had privately expressed this hope: “The Exodus of the Colored people from the South still attracts some attention. Its effect is altogether favorable. The tendency will be to force the better class of Southern people to suppress the violence of the ruffian class, and to protect colored people in their rights.”²⁹⁸

The hope was in vain. Louisiana’s new constitution of 1898 paralleled those of most other Southern states in its entrenchment of Jim Crow laws that required racial segregation and enabled suppression of black voters. Tensas finally registered black voters in 1964, the last parish in Louisiana to do so.²⁹⁹

The smallest-area parish in Louisiana is [Orleans](#) Parish, which is coterminous with the city of New Orleans. It has 162 square miles of more or less dry land and almost twice that amount of surface water, mostly Lake Pontchartrain. New

²⁹⁶ The movement and events are described in Morgan D. Peoples, “‘Kansas Fever’ in North Louisiana.” *Louisiana History: The Journal of the Louisiana Historical Association* 11, no. 2 (1970): pp. 121-135. Larger background, including conditions in Tensas Parish, is in Nell Irwin Painter, *Exodusters: Black migration to Kansas after Reconstruction*, Knopf, 1976.

²⁹⁷ Glen Schwendemann, “Wyandotte and the First Exodusters of 1879,” *Kansas History: A Journal of the Central Plains* 26:3 (Autumn, 1960), pp. 233-249.

²⁹⁸ quoted in Morgan Peoples, “Kansas Fever,” cited above, p. 131.

²⁹⁹ Kiddle, Tensas Parish, Louisiana [facts for kids](#) [April 2025]

Orleans long ago merged with its surrounding parish and so has no separate “parish seat” of government. It is surprisingly difficult to pin down just when the parish-city merger took place and what circumstances led to it. It seems to have happened in the 1870s and was the culmination of several city annexations by New Orleans that began around 1850.³⁰⁰

Orleans Parish was an original entity of the Spanish and French colonial systems that preceded the US purchase of Louisiana from France in 1803. New Orleans, originally the seat of the parish before they were merged, was the largest and economically most important city in the South. It was what the French thought was valuable enough to command the fifteen million dollars asked for Louisiana Territory.

The Louisiana Purchase almost doubled the land area of the nation. The value of that massive area of land back in 1803 was primarily that of New Orleans and the nearby coastal area. The US National Archive site on the Louisiana Purchase declares: “Originally, negotiators Robert Livingston and James Monroe were authorized to pay France up to \$10 million solely for the port of New Orleans and the Floridas.”³⁰¹ (“The Floridas” meant that strip of coastal area now occupied by the southernmost parts of Mississippi and Alabama and an adjacent part of northern Florida.) This figure implies that the enormous inland area was worth no more than \$5 million to the Americans or the French.

And they were not wrong. The map of the Louisiana Purchase looks like a westward trending billow of smoke escaping from a tiny chimney that is centered on New Orleans.³⁰² An Aladdin’s lamp might be the better metaphor. Orleans Parish was the essential gateway to international trade for the valleys of the Mississippi, Missouri and Ohio rivers. Rather than ask the extent to which New Orleans and Orleans Parish were creatures of the state, it seems more appropriate to presume that Louisiana and its continent-spanning offshoots were originally creatures of New Orleans.

³⁰⁰ Law Library of Louisiana, Louisiana Counties and Parishes: Orleans Parish, The Creation of [Legal Borders](#) [Jan. 2025]

³⁰¹ National Archives, Milestone Documents, Louisiana Purchase [Treaty](#) 1803 [Dec. 2024]

³⁰² Wikipedia entry for Louisiana Purchase, Modern map of the United States overlapped with territory bought in the [Louisiana Purchase](#)

§Texas

Texas Independence (from Mexico) 1836; Texas statehood 1846 (28th)
Two hundred fifty-four counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,028 square miles

Newest counties: Loving (reorganized) 1931; Kenedy, 1921; centermost: McCulloch

Smallest: Rockwall (147 square miles) and Loving (population 64 in 2020)

Most commentary about counties, such as it is, marvels at the number of counties in Georgia. It is large at 159, and its average county land area is small. As noted earlier, Kentucky, Tennessee, and Virginia are, when adjusted for land area, pretty close to Georgia in county proliferation. Texas, however, is in another league entirely. Its counties are mostly large in size (about 1000 square miles) but the total number that fit inside that capacious state are almost a hundred units larger than those of Georgia. It's almost not fair to examine only the two smallest.³⁰³

The smallest by area, 147 square miles (fifteen percent water because of a 1960 dam on the Trinity River), is [Rockwall](#). It is close enough to Dallas to be regarded as a northeastern suburb. The often-misspelled name is derived from a lengthy, mostly subsurface vein of rock that has fractured into an uncanny resemblance to a human-made stone wall. Geologists are certain that it was not made by human action, but that has not stopped folk-speculation that the formation was built by an ancient civilization or by extraterrestrial visitors.

Rockwall County was created in 1873. It was far smaller than the minimum land area required by the Texas Constitution of 1869, which was 900 square miles (the same minimum as previous constitutions). However, that document's text somewhat ambiguously suggested that exceptions could be made if granted by the two-thirds vote of the state legislature:

SECTION XXIV. The Legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties; provided, that no new county shall

³⁰³ A longer and more thorough view is Luke Gournay, Texas boundaries: Evolution of the state's counties. Texas A&M University Press, 1995, though it does not attempt to describe individual county histories. For more detail on the pre-statehood formation of counties, see Seymour V. Connor, The Evolution of County Government in the Republic of Texas. Southwestern Historical Quarterly 55: 2 (October 1951) pp. 163-200.

be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, *unless by consent of two-thirds of the Legislature*; nor shall any county be laid off of less contents. [my italics]

The ambiguity is whether the two-thirds exception applies to the new county's size or just the pre-existing counties, but in any case at least eight other substandard counties were created under the 1869 constitution until the 1876 constitution, the present version, closed this apparent loophole. At least some of the substandard-area counties were created during the Reconstruction era to give Republicans an edge in the state legislature, though Rockwall does not appear to have been one of them.³⁰⁴

The 1876 constitution of Texas has been amended often. Among the unamended sections are those pertaining to the creation of counties. It did not just tighten up the rules of previous constitutions. New counties (as before) had to be at least 900 square miles, but the legislature was given no discretion to grant exceptions. In addition, new counties had to be square in shape unless constrained (as many were) by the shapes and locations of pre-existing borders of counties and state lines. Although counties in many states had square or nearly-square borders, Texas appears to be the only state that required new counties to assume that particular shape.

The county squares demanded by the new constitution show up most clearly in the northern rows of counties below the Oklahoma Panhandle. There were fifty-four created in a single act in 1876, which is likely the national record for new counties in a single legislative act.³⁰⁵ Many of these new counties were almost entirely unoccupied, and as far as I can tell, their borders remain unchanged to the present.

Explanations for the haste in this top-down creation of new counties seem paradoxical. The 1876 constitution was a “Redeemer” document, designed to roll back the effects of the congressional reconstruction put in place in the 1869 constitution. That constitution had (going backward in time here), rolled back the 1865 constitution that had been approved under the administration of President Andrew Johnson, which was favorable to whites and Confederate revanchism.

The brief period of true Reconstruction had centralized power in the governor's office. Under it, Governor Davis cleaned out the many pro-Confederate county

³⁰⁴ Michael Greenberger, “Kingdoms of Their Own: New Counties in the Era of Reconstruction.” (2024) [cited above in discussion of Mississippi's Alcorn County]

³⁰⁵ For the list of fifty-four, see the Newberry Library Chronicle for [Texas](#) and search for “19 November 1876”. I had previously crowned Iowa's creation of fifty at one time as the national champion. [June 2026]

office holders and appointed Reconstructionists.³⁰⁶ The 1876 constitution reversed this trend and allowed pro-Confederates to be elected locally. The creation of the 54 counties in the arid plains of the north seems to have been a massive geographic stamp to cement the anti-Reconstructionist goals of the 1876 constitution, under which Texas is still governed.

The paradox (to me) is that the wholesale creation of counties without any local input was said to be a return to traditional (antebellum) norms of local control. The Reconstructionist governor's appointment of county officials was certainly contrary to local control, but that could have been reversed without a massive, top-down creation of over fifty counties. They could have formed gradually as ranchers and others populated them and obtained more geographically sensible boundaries.

The answer might lie in the politics of the Granger movement, which advanced the political interest of farmers and (somewhat uneasily) ranchers against urban and industrial interests, chiefly aggressive railroads. Grangers accounted for a majority of delegates at convention that produced the constitution of 1876. Establishing a slew of very rural counties may have served both their economic and political interests.

The new counties in what was called the "Young Territory" (for an early settler of that name) in the vast plains and tablelands of northern Texas made for easier settlement. Although Texas did not guarantee legislative representation for each county, more counties surely added Granger-based weight to the state legislature. And it would have been tit for tat, repaying the Republicans, who inserted several tiny counties under the previous constitution, with an offset of large and indivisible counties once the Democrats got back in the saddle.

The relocation of county seats under the 1876 constitution was also subject to new rules. A two-thirds majority of county voters had to approve any move of the seat *away* from the geographic center, but only a simple majority would be required to move to a courthouse town towards the center. (As before, initial seats had to be within five miles of the county center, though they could be removed by local voters.) Similar center-favoring rules applied in other states, notably Nebraska and Illinois. But as Chandler Jackson argues, the center-favoring rules were usually overwhelmed when population shifts warranted the relocation of Texas courthouses away from the county's geographic center.³⁰⁷

³⁰⁶ A compact account of this is Mike Kingston, *Texas Reconstruction to the 20th Century*, Part 1. Texas [Almanac](#) (based on Kingston, *Concise History of Texas*, 1988). [May 2026] See also Randolph B. Campbell, "Grass Roots Reconstruction: The Personnel of County Government in Texas, 1865-1876." *Journal of Southern History* 58:1 (1992): pp. 99-116.

³⁰⁷ Chandler Jackson, "Where is Your County Seat?." A study of how Texas county seats were located. Master's thesis, University of Texas at Arlington, Department of History (1996).

The reason for the legislature's acceptance of Rockwall County's tiny size may have been to help resolve a county-seat contest in another county. Rockwall was formerly a northern appendage of the county of Kaufman. The [city of Kaufman](#), situated in the south-central part of the county for which it was named, was long the county seat. But the city of Terrell, located in the north-central part of Kaufman County, had grown to be larger after a railroad arrived. It got a majority of votes in the referendum to move the courthouse, but Terrell did not get the two-thirds majority then required by Texas law.³⁰⁸ Terrell would most likely have succeeded if the city of Rockwall had remained in the county, for a courthouse in Terrell would have been more convenient to Rockwall.

It is speculative but not unreasonable to infer that the creation of Rockwall County was at least partly intended to frustrate the transfer of the Kaufman County courthouse from the city of Kaufman to the city of Terrell. But the sources to support this are thin. A local history of Rockwall County reports: "By 1873, the County of Rockwall was established in order to settle a dispute between residents of Terrell and Kaufman Counties wanting a new county seat location."³⁰⁹

The anonymous author probably meant residents of the *cities* of Terrell and Kaufman, both in Kaufman County. (There is a Terrell County in Texas, but it is 500 miles west of Kaufman County.) The same statement is repeated in other sites but without additional sources. And the evidence is further muddled by the dates: Rockwall County was created in 1873, but the first contested election between the cities of Terrell and Kaufman did not occur until 1879.³¹⁰ It is possible that the city of Kaufman's partisans pushed for Rockwall's creation six years before the election and nudged the pro-Terrell voters out, but having a good reason for them to have done so does not establish that they did.

More certain is Rockwall County's role in the wedding industry. It was in 2025 designated the "marriage capital of Texas" by legislative proclamation.³¹¹ The county was in the 1950s and 1960s a notable source for rapid issuance of marriage licenses by virtue of the twenty-four hour a day service by the county clerk's office. The clerk is now confined by state law to operations during business hours, but the county's reputation continues to attract couples with an urgent demand for a marriage license.

³⁰⁸ Chandler Jackson, "Where is your county seat?" A study of how Texas county seats were located. Master's thesis, University of Texas at Arlington, Department of History, 1996.

³⁰⁹ "A [History of Rockwall](#) County Texas. "History by Henry Squires from 1970's article."

³¹⁰ Mabel Covington Keller, A History of Kaufman County, Texas. Master's thesis, North Texas State, 1950. Ms. Keller describes the successive seat elections but mentions nothing of Rockwall County's creation.

³¹¹ "Saying 'I do' in the Marriage Capital of Texas," [County Magazine](#), February 3, 2026. [Feb. 2026]

One might expect that beginning a family would also be a big deal in Loving County. But judging by its size, apparently not. It had a population of 64 in 2020 and is the smallest county in all of the contiguous forty-eight states. Loving (named for the cattle drover who co-founded the [Goodnight-Loving](#) trail) is located in west Texas, wedged between the Pecos River and the New Mexico border. This is an arid part of Texas, and irrigation is essential for any agriculture. Not much is actually grown there, since water from the adjacent Pecos River is too salty, and the groundwater contains so much dissolved gypsum that drinking water must be imported from a nearby county.

The county was delineated by the state in 1887 but, like many new counties, Loving remained attached to its parent, Tom Green County, until a government could be set up. A private irrigation company organized the county in 1889. But a few years later, Texas authorities found that the company had falsified the county's population (too low to be organized) and flouted the voting rules by illegally importing nonresidents to vote. During Loving's brief first organization, the fraudulently elected officials sold the county's lands designated for the support of schools and issued bonds for irrigation projects that were never built. The fraudsters and the cash disappeared from the county by the time state investigators finally showed up.³¹²

In 1897, the state legislature dis-organized the county—the only such penalty in the history of Texas—and attached it to neighboring Reeves County. The county was not abolished, so its borders were not altered. In the 1920s, oil and gas reserves were discovered in the confines of Loving County, and in 1931 the legislature reorganized it at the behest of a successful wildcatter.³¹³ Few owners of the mineral reserves lived in the county, but extraction taxes provided a sizable flow of revenue to fund the county government. County employment became the main source of income for a good fraction of the tiny resident population.

Loving County's birth in dysfunction and fraud seems to have marked it for life. Scandals and bitter political infighting have continued to the present day.³¹⁴ Dayton Duncan wrote a sympathetic book about the numerous "frontier" counties of the West whose population has declined to the extent that they would have been so

³¹² Julia Cauble Smith, "Loving County," [Handbook of Texas](#) Online [Dec. 2024]

³¹³ Julia Cauble Smith, *The Legacy of J. J. Wheat: Pioneer of Loving County's Oil Industry*. Texas State Historical Society, December 1, 1995.

³¹⁴ J. David Goodman, "Big Trouble in Little Loving County, Texas." *New York Times*, August 2, 2022.

classified at the “close of the frontier” in 1890.³¹⁵ He travelled to most of them in the 1990s and acquired a reportorial acquaintance with many of their residents.

Mr. Duncan found that low population density was a substantial burden for residents of these areas. Their access to schools, medical care, grocery stores, and ordinary entertainments like movies and restaurants was highly constrained. Yet most of the places did have a sense of community. Much of that community revolved around the county seat, which was often the only town to offer any services at all.

The exception to Mr. Duncan’s decent regard for sparsely populated counties was Loving County. It wasn’t the remoteness itself; it was a political and social climate that was created by factional infighting. Duncan’s chapter suggests that population size was part of the problem. His title for Loving County was “Below the Irreducible Minimum.” The population was just too small to have a functioning community.

His descriptions, however, suggest another factor that economists call the “resource curse.” The petroleum resources provided a reason for the county to reincorporate in 1931. While cattle ranching on the very sparse landscape provided some income, the tax-receipts from oil and gas production made county government jobs the real prize. Since the number of county jobs is more or less fixed, the wealth was not easily spread around by economic growth. Competition for political office often resulted in voter turnouts that exceeded the eligible population of the county. Factional battles about elections led investigators to allude to the legendary feuds of the Hatfields and McCoys in West Virginia and Kentucky.

³¹⁵ Dayton Duncan, *Miles from nowhere: Tales from America's contemporary frontier*. University of Nebraska Press, 2000.

§Arkansas

Arkansas Territory 1819; statehood 1836 (25th)

Seventy-five counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 694 square miles

Newest County: Cleburne, 1883; centermost: Pulaski

Smallest: Calhoun (2020 population 4,695) and Lafayette (545 square miles)

The two smallest counties in Arkansas are in the southern part of the state. [Calhoun County](#) has the fewest people (4,695 in 2020). It was created in 1850 with more than the requisite minimum of 600 square miles. Its county seat, Hampton, is situated near the center in the county. Centrality and a railroad insulated Hampton from the risk of being displaced by other towns in the county (the railroad made it accessible to most residents) or by being shoved off-center by losing territory to neighboring counties. Calhoun County lost an odd appendage on its southeast corner which had no practical effect on the centrality of Hampton.

Railroad construction was the cause of the loss of the seat of adjacent [Dallas County](#), part of which had been used to create Calhoun County. The town of Princeton had been perfectly centered in Dallas County, but the main railroad was built through the town of [Fordyce](#), on the far southeast corner of the county. Its county-corner location would in most cases disqualify Fordyce as the site for the courthouse, but Princeton's lack of a through railroad (it later got a short-line connection to Fordyce) made it inaccessible in terms of travel time. Princeton's loss of the county seat to a rival in the corner of the county was unique in Arkansas,³¹⁶ but its rapid decline in population after the loss was all too common for towns that no longer had their courthouses.

The smallest county in Arkansas by area—not tiny at 545 square miles—is [Lafayette](#). (Locals say “la-FAY-ett,” not “la-fay-ETT,” and its population of 6,308 is the third smallest in the state.) It was originally formed in 1827, and its first courthouse was a log cabin built in Chickaninny Prairie. However, some of Lafayette County's western area was actually in Texas. When that was straightened out by 1840, the all-in-Arkansas county's seat was moved to Lewisville, which then built a proper courthouse. The county was further reduced

³¹⁶ “The Cotton Belt route through the town of Fordyce, the county seat, brought prosperity when it arrived in Dallas County in 1882. Fordyce is Arkansas' only single county seat to have been moved from a central location when the railroads bypassed its original site of Princeton.” Association of Arkansas Counties, “[Counties: Dallas County](#)” [Dec. 2024] [By “single county” the authors meant to exclude the 10 counties with two seats.]

in size by the formation of two counties from its east side (Columbia in 1852) and west flank (Miller in 1874), leaving it with its present small land area.

The new border between Lafayette County and Miller County (to the west, next to Texas) was the wide and flood-prone Red River, which, just upstream, constitutes the border between Texas and Oklahoma. The counties of Lafayette and Miller were first connected by a railroad bridge at Garland City in 1881.³¹⁷ The river is a logical border for the two Arkansas counties, but it left Lafayette County below the constitutionally-required 600 square miles. Leaving the old county border intact by not creating Miller County would have left Lafayette County's seat, Lewisville, vulnerable to removal to Texarkana, a growing city in its northwest corner.

Texarkana wasn't just a more populous city in Arkansas. Combined with an adjacent city of the same name in Texas, it was poised to become a major engine of growth in the Southwest. Of course it had to be a county seat despite its utterly off-center location. It could have become a dual seat of Lafayette County, just as Fort Smith, similarly located in Sebastian County, became a dual seat with its more central city of Greenwood (see below). But a simpler solution happened to present itself.

Arkansas was in the process of writing a new constitution in 1874, a document that reversed the reforms of the post-Civil War Reconstruction constitution that had guaranteed civil rights to blacks. The 1874 constitution carved out two exceptions to the rules intended to deter the creation of small counties. It specifically exempted Lafayette County (and two others) from the minimum land area of 600 square miles. It also exempted Lafayette County from the requirement that its county seat (Lewisville) be at least ten miles from a neighboring county. This allowed Lewisville to retain its seat despite its being only nine miles from the Red River, the border with the new county of Miller.

Arkansas [Constitution](#)

Section 4 Lines of New Counties - Distance from County Seat of Adjoining County – Exception: In the formation of new counties no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette County.

Section 5 Sebastian County – Districts Sebastian County may have two districts and two county seats, at which county, probate and circuit courts shall be held as may be provided by law, each district paying its own expenses.

³¹⁷ Encyclopedia of Arkansas, [Garland](#) (Miller County) [June 2025]

The town of Lewisville almost surely had lobbied for the constitutional exception. It was never passive about its status. The town moved its buildings and its courthouse to be nearer to the railroads that were built in the area in the 1880s.³¹⁸ The move was incremental, with homes and businesses gradually relocating to be nearer the tracks, but it does demonstrate both the magnetic power of the railroad and the adaptability of a town that wanted to keep its seat in the face of change. Like those of other county seats, its residents kept a close eye on boundary changes that would have threatened to remove its courthouse.

Lafayette County's adaptability continues to be evident in the twenty-first century. The county sits atop a large reservoir of lithium-rich brine which domestic battery suppliers want to extract. County officials appear eager to have it developed and accommodate the influx of newcomers.³¹⁹ There are not many NIMBYs in tiny rural counties.

Dual-Seat Counties. But is Lafayette truly the smallest county in Arkansas? A quirk of county seat designation raises the question. Arkansas and Mississippi each have ten counties that have two county seats. (A previously noted example of dual seats is in St. Clair County, Alabama.) Each seat has its own functioning courthouse and, in most cases, also duplicates other mandated county functions, such as a clerk, sheriff, and coroner. This raises the possibility that their host county should be counted as two separate entities so that the state's "smallest county" is a fraction of a two-seat county. The more interesting question is why such divided counties exist and whether they have some advantages worth emulating in other states.

A paradigmatic example of dual seat counties could be [Sebastian County](#), Arkansas, with courthouses in Fort Smith and in Greenwood. Most dual seat claims emerged from the formation of separate judicial districts within counties. These were said to reduce the travel costs for jurors and others involved in the court system by establishing satellite court houses.

In Arkansas, at least, all dual seats but those of Sebastian County appear to be extra-legal.³²⁰ They were not specifically authorized by the state, and any change in the county seat arrangements was supposed to have been voted on by the county's residents, of which there are no records. Dual seats persist apparently because no judge or other elected official has the nerve to disestablish them. They are in this

³¹⁸ Central Arkansas Library System, Encyclopedia of Arkansas, [Lewisville](#) (Lafayette County). [Dec. 2024]

³¹⁹ Interview with Lafayette County Judge (CEO) [Valerie Clark](#) on LinkedIn, March 28, 2025 [June 2025]

³²⁰ Hunter Field, "[Dual county seats](#) claimed by some counties," Arkansas Democrat Gazette [Little Rock], March 20, 2016, (Skeptical of claims that the alternatives are full county seats.) [Dec. 2024; paywall]

sense like Virginia's "independent cities," unconstitutional counties (because of tiny land areas) that state officials are unwilling to admit to.

Sebastian County, however, is recognized as a dual seat county, as indicated by the state constitutional provision just quoted two pages ago. Its original and geographically centered seat is Greenwood, founded along with the county itself in 1851. Shortly after that Fort Smith grew much larger than Greenwood (and at about 90,000 people in 2020 maintains an almost ten-fold population advantage) and claimed the courthouse. But Fort Smith was located in the far northwest corner of the county, and county voters apparently persuaded the state legislature to allow two county seats to exist.

Their operation is often duplicative. County records and deeds are available in both courthouses, but there does seem to be a division with respect to which courts residents can be assigned to juries. (A similar division of judicial activity produced two separate courthouses within Jackson County, Missouri: the traditional seat in Independence and the much larger and busier court in Kansas City.³²¹ Likewise for two counties in Iowa, Pottawattamie and Lee, though the practical Iowans have stepped up to establish single county seats, as described above in Part II.) Fort Smith and Greenwood and their respective surroundings also have their own school district, though many other school districts elsewhere in Arkansas do not follow county boundaries. (In this respect, Arkansas and Texas differ from the rest of the South, where school districts almost never cross county boundaries.)

A kindness at Fort Smith. I am driving solo (my wife and son flew) across the country for a leave in Santa Barbara in 1985. U-Haul trailer in tow, I get to a motel in Fort Smith. I've had a long day and spot a likely-looking lounge. The bar is nearly empty this late, and I ask for a beer. The lady at the bar sadly tells me she cannot serve me. Sebastian County is dry, and alcoholic beverages are available only in private clubs; no cash allowed. I could join the club, she told me, but the fee she quoted was well above my reservation price. As I set out to leave, she told me to come back. "I just made you a member of the club," she said. "What would you like to drink?"

Mississippi is the other state with multiple counties (also ten) that have dual seats. Scholarly commentary on their merits is consistent with the criticism of small counties generally. They are regarded as inefficient holdovers from horse and buggy days.³²² Nonetheless, their numbers have not been reduced despite the

³²¹ "Although Independence retains its status as the original county seat, Kansas City, Missouri, serves as a second county seat and the center of county government." from Wikipedia on "[Jackson County](#), Missouri" [Jan. 2025]. See also the legal separation language: Revisor of Missouri, Title XXXII COURTS, 478.461. Division into [eastern and western](#) portions. [Jan. 2025]

³²² David G. Sansing; Walker W. Jones II.; and Jason R. Bush, "Unequal Justice - An Unintended Consequence in Mississippi Counties with Two Judicial Districts," *MISSing Sources* 79 (2009): pp. 1-27

universal rule that counties (and their subdivisions) are purely creatures of the state. That they may be, but deep-seated local opinion apparently overrules “the state” in these cases.

§Missouri

Missouri Territory, 1812; statehood, 1821 (24th)

One hundred fifteen counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area
598 square miles

Newest counties: St. Louis City (“independent city”), 1876; Worth, 1861;
centermost: Miller

Smallest: Worth (2020 population 1,973) and St. Louis City (59 square miles)

The county of [Worth](#) is the smallest in Missouri by both population (1,973 residents in 2020) and land area (267 square miles). Located in the western part of the state’s northernmost tier of counties, it was established in 1861. Worth was the last county created in Missouri except for the “independent city” of St. Louis City, to be discussed below. Worth’s seat is Grant City, established in 1864, after the county was formed. It was named for the Union General Ulysses Grant, suggesting its residents’ sympathies in the northern reaches of this slave-holding border state.

The creation of Worth County was orchestrated by a landowner named Gabriel W. Frakes. An 1882 history of the county and its neighbor, Gentry County, reported that “Squire” Frakes petitioned Gentry County to separate the present area of Worth as a non-county area.³²³ After getting this consent, the good squire supported a candidate for the state legislature named Conway (no first name given) if he would introduce a bill to create Worth County from the non-county area, which he did.

The bill passed and the town of Smithton, near the southern border of Worth County, was named as its seat. Soon after, residents of the new county voted to relocate the courthouse to the centrally-located land of Grant City, much of which was owned by—you won’t be surprised—the ubiquitous Squire Frakes and members of his extended family. The family generously gave 50 acres of land to establish a courthouse and other county facilities, and Squire Frakes dwelt there to the end of his days.

³²³ The History of Gentry and Worth Counties, Missouri, by the National Historical Co., St. Joseph, Missouri, 1882 is the source of this guileless account. The publisher did not provide author names. It appears to have been an enterprise whose source of profit was to research and write local histories and sell them mostly to the inhabitants. Most of their space is devoted to gratuitous flattery of the pioneers and their descendants who still live there—the obvious targets of the sales pitch—but there is little reason to suspect that accounts of historical actions are fabricated or so slanted as to be implausible. Squire Frakes and his kin are not accused of any impropriety in their efforts to enhance their property values by creating a new county and obtaining the seat from their property holdings. Indeed, they are lauded for their probity and public-spiritedness in accomplishing what elsewhere and in different times might be called shady dealings.

The independent city of [St. Louis](#) disavows the term *county* on its [website](#) even as it makes clear that it functions as a county as well as a city. (St. Louis does not, however, belong to the National Association of Counties.) It has an elected sheriff and all the other offices of a county as well as those of a city government. The reason for the denial, I submit, is the same as we saw for Baltimore and for the 35 independent cities of Virginia. At 66 square miles (7 percent water), St. Louis is a bit shy of the minimum 500 square miles demanded by the Missouri constitution at the time of its separation from St. Louis County in 1876. If it was just called a county, it would be unconstitutional. What's in a name? For the "independent city," its very existence.

The city and county separated over political differences. The rural folk of St. Louis County weren't complaining about the long trip to the county courthouse. Instead, the city's residents were complaining about unfair taxes and regulations promulgated by the county government. The rural parts of Missouri's counties apparently held most of the political power, while the urban part paid most of the taxes. The urban citizens complained of high taxes and few services from the county. (In this respect, they seemed like the city residents of Midland County, Texas, whose complaints reached the US Supreme Court as part of the reapportionment revolution of the 1960s.³²⁴) Urban St. Louis also complained about the incessant, ad hoc interventions of the state legislature in urban affairs, which as a mere city it had to suck up.

St. Louis sought to cure both of these maladies by separating from its original county and establishing itself, under a new constitution's rules, as a home-rule city. This required a concurrent vote in both the city and the county.³²⁵ The initial county (non-city) vote seemed much opposed, but a judge who was friendly to the city re-examined the county's vote and found that a true majority had favored separation.

The city's secession interests carved out what they thought was an ample area to allow for suburban growth of St. Louis City within its new boundaries. They had not anticipated the suburbanizing effect of the automobile—it had not been invented in 1876—and by the twentieth century, suburban residential and

³²⁴ *Avery v. Midland County, Texas*, 390 U.S. 474 (1968), holding that proportional voting had to be applied within general purpose local governments. *Avery* may account for the decline, from the 1970s, in attempts by cities to merge with their counties into a single political unit. Cities were less likely to be exploited by overrepresented rural interests in their counties once urban residents were fairly represented in county government.

³²⁵ Truman Port Young, "The Scheme of Separation of City and County Governments in Saint Louis—Its History and Purposes." *Proceedings of the American Political Science Association*, 8 (1912) pp. 97-108. See also Jeannette Cooperman, "St. Louis' Great Divorce: A complete history of the city and county separation and attempts to get back together." *St. Louis Magazine*, March 8, 2019.

commercial development were leaping well beyond the original line between the city and the county.

By the 1920s, St. Louis City interests were clamoring to modify the now-constricting boundaries or perhaps undo the entire 1876 secession from the county. But by then the county's population had grown enough to form its own urban interests, and its residents were not eager to be subsumed by the importuning city to their east. With about a million residents in 2020, the county is more than three times larger than the city, which has been depopulating since 1950. St. Louis City's lesser plan—annexing only part of the county—may have been complicated by the possibility that remaining area of the suburban county would not meet the 500 square mile minimum for a new county in Missouri. (The county is currently 523 square miles, 3 percent water.)

The politics of moving county boundaries is more complicated than that of ordinary cities because of the state's interest in county functions. Pro-merger interests in St. Louis City attempted to side-step local opposition by putting a merger vote to a statewide ballot in 2019. Although this is generally consistent with the idea that counties are purely “creatures of the state,” a majority of local public officials were opposed to forcing a merger. (The city's mayor and the county's chief executive, though, favored it.) The proposal went untested because merger forces called off the vote when the St. Louis County executive, who was slated to become the mayor of a newly consolidated city council, was jailed for bribery.³²⁶

An independent city is by definition its own county seat, so St. Louis's 1876 secession could not exactly be characterized as motivated by a desire to obtain the courthouse, which it had all along. But the desire to control its own urban taxes and spending was very much akin to smaller-town residents' desire to obtain the county seat in that both would enhance local property values. (Holding service levels constant, lower property taxes raise land values.)

The organizational mechanism for obtaining “independent city” status was similar to battling for a county seat. Urbanization concentrated political interests. Although the financial gains from a better-run city such as St. Louis accrued to many people (and thus made collective action more difficult to organize), the urban interactions of businesses and civic organizations were strong enough for them to lobby for separation back in 1876. That the same city interests proved unable to reverse the process (or annex the suburbs) in the twentieth century may account for the scarcity of independent cities besides St. Louis, Baltimore, and those of Virginia's unique system. (Carson City, Nevada, is not counted here as a true

³²⁶ Alan Greenblatt, “St. Louis Scraps Potential City-County Merger.” *Governing Magazine*, April 10, 2019. The merger has not been revived as of March 2026.

independent city for reasons described in Part V below under Nevada—it's really just a garden-variety city-county merger.)

§§ PART IV

THE GREAT PLAINS AND MOUNTAIN STATES: COUNTIES AS ALL-PURPOSE GOVERNMENTS

Abstract of Part IV: The county became the primary local government in the [Great Plains](#) and the Rockies because the arid climate and mountainous terrain made for low population densities and few towns. The average land area of rural counties in this region was four times as large as counties in the East. Splitting the largest counties was impractical because each of the offspring would be too small to finance even modest public services. In this setting, competition for the county seat was often a matter of life or death for a town and sometimes did result in deadly competition among rival communities.

The order in which the eleven states are discussed is North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Arizona, Colorado, Wyoming, Montana, and Idaho.

PRELIMINARY NOTES ON COUNTIES OF THE WEST

Congressional formation of states in the West reflected a nonconstitutional but widely shared principle of nineteenth-century state-making: equality of land area.³²⁷ In an expanding nation where farming was the dominant economic activity and small farms were distributed more or less uniformly across the land, admitting territories of approximately equal size was expected to yield states of equal population. The desire for equal populations followed from the unwritten but compelling insistence that all new states were Constitutionally equal; none could be admitted with restrictions to which earlier-admitted states were not also subject.³²⁸

The principle of uniform size also informed the admission of the five states of the “Old Northwest” (those bordering the Great Lakes west of Lake Ontario), but it is most obviously evident in the north-south [columns of states](#) west of the Mississippi. I’ve included the bottom three states of the first column, from

³²⁷ See Mark Stein, *How the States Got their Shapes*. Smithsonian Books, 2008 [cited previously under Oklahoma], page 2 and numerous other locations in this insightful and entertaining book. Indeed, Stein’s organizing principle could be described if its title were “How the States Got Their (Almost Equal) Shapes.”

³²⁸ John Hanna, “Equal Footing in the Admission of States.” *Baylor Law Review* 3 (1950): pp. 519-536. As Rick Hills explains, this doctrine is not supported by the language of the Constitution and evolved instead from the need for Congress to prevent local issues (especially slavery) from splitting national parties. Roderick M. Hills Jr, “The Unwritten Constitution for Admitting States.” *Fordham Law Review* 89 (2020): pp. 1877-1893.

Louisiana to Arkansas to Missouri, in the historically slave-holding South (Part III) and assigned the top-most two, Iowa and Minnesota, in the North (Part II). The West will include Oklahoma but not Texas, both of which are bisected by the climate-demarcation of the [100th meridian](#). Western Texas is more like the Great Plains states, but the more-populous eastern Texas was indubitably a slave state. Indian tribes in what is now eastern Oklahoma did enslave African-Americans, but tribal influence on the state did not hinge on this practice.

The column of states headed by North Dakota constitutes most of the [Great Plains](#) and is the beginning of the land of enormous counties. They are four times the average size of those east of the Mississippi River. No one-day horseback rides from counties' outer edges to the courthouse here.

The reason for the large sizes is that the arid and mountainous land does not support many farms per square mile. And as one moves westward, the dominant commercial land use becomes livestock grazing with ever larger ranches and ever fewer humans per square mile. There weren't enough people and taxable resources to support an eastern-size (300 to 600 square mile) county in most places. An indirect confirmation of this was the modification of free land available under the Homestead Act. East of the 100th Meridian, it was 160 acres per family. In the arid west, the entitlement was sometimes expanded four-fold to 640 acres per family, as described below under McPherson County in Nebraska.

This geographic juncture warrants a note on the modern role of counties. The very large areas of counties west of the 100th meridian have some subtle implications for national policies and social science research. Counties are America's only geographically comprehensive subunit of states besides school districts. And counties are designed to collect data for states as well as administer justice, making them ideal units for researchers.

Geographic size can sometimes skew our interpretation of these data. When we observe that there is an outbreak of some disease in the counties that constitute the suburbs of New York City, say [Nassau](#) and [Westchester](#) Counties, we have reason to suspect that the disease might be communicated soon to the central city's population. But the same observation in Los Angeles would not warrant as much concern, at least not without looking further. This is because most California counties are enormous in land area. Their mean area is 2,686 square miles, compared to about 650 square miles in most eastern states. A disease outbreak in neighboring [San Bernardino County](#) might be confined to Death Valley National Park, over 250 miles northeast of downtown Los Angeles.

Weather events have the same problem. A storm that threatens Los Angeles might result in [Los Angeles County](#) being declared a disaster area. This is the way

most laws are written. But most of the county's 4000 square miles might be unaffected by the storm, unlike a hurricane that threatened [Orleans Parish](#) (coterminous with New Orleans), whose area is quite small (170 dry square miles) and in which almost everyone in neighboring parishes is at risk of the same weather. Of course, people on the ground know this: California disaster relief officials won't be sending personnel to the inland city of Lancaster, also in Los Angeles County but seventy miles driving distance from the county courthouse in downtown Los Angeles. Seventy miles upriver from New Orleans would take you through five or six parishes.

A similar illusion is created by the US Census definition of metropolitan areas, which are based on county areas. California appears to be entirely urban—45 of the 58 counties (78 percent) are metropolitan. New York State has 38 of 62 (61 percent) of its counties classified as metropolitan. By such definitions California's overall area seems much more urban than New York's when the opposite is true. County population density is almost always misleading because of the county governance system's need for comprehensive geographic coverage, yet one sees it listed as a meaningful unit of urban conditions in many sources that ought to know better. (The US Census has been moving toward the density-based concept of Urban Areas, but their drawback is that, unlike most counties, their borders change over time with population growth and suburbanization.)

§North Dakota

Dakota Territory 1861, statehood 1889 (39th)

Fifty-three counties [\[map\]](#) [\[list\]](#) [\[chronology\]](#); mean land area 1,302 square miles

Newest County: Grant, 1916; centermost: Sheridan

Smallest: Eddy (644 square miles) and Slope (2020 population 706)

North Dakota's smallest area county is [Eddy](#) at 644 square miles (2 percent water), located in the east central part of the state, about 110 miles west of the Minnesota border. It was formed by dividing the formerly larger [Foster County](#) (now Eddy's twin to the south) in two shortly before North Dakota became a state. The reason was straightforward: Two small towns, New Rockford and Carrington, of nearly equal population, sought to become the seat of the original Foster County. In a close election Carrington prevailed. New Rockford vigorously protested, and apparently (details are sketchy) the territorial legislature decided in 1885 to divide the county in two rather than continue with two warring towns in the same county.³²⁹

Division of territory was also salient at the formation of the two states. President Grover Cleveland deliberately concealed the order in which he signed statehood ratification for North Dakota and South Dakota. As a Democrat, Cleveland was not too pleased to create two Republican states from the lightly populated (then as now) Dakota Territory. However, dividing the Dakota Territory in two was consistent with the Congressional practice of creating states of more or less equal land area.

As it turned out, statehood for both Dakotas in 1889 induced many counties to become realigned relative to their original territorial configurations. It was not unusual for a new state's admission to the Union in the West to occasion a burst of new counties, but usually the pre-statehood county boundaries formed a template for subdivisions into new counties. Previously established territorial counties were not simply abolished, as they were in several Dakota instances. The counties of Eddy and Foster, however, remained the nearly equal-area and relatively small rectangles that they had assumed before statehood. Unlike most eastern states, neither North Dakota nor South Dakota has a minimum county land-area in its constitution.

³²⁹ Eddy County, North [Dakota Genealogy](#) and History, Genealogy Trails History Group [Dec. 2024]; City of [Carrington](#) [North Dakota] History [Dec. 2024] Maps showing changes are at Newberry Library, Dakota Territory [separate from the two states] between [1885-03-13](#) and [1885-03-31](#). [March 2026]

A division similar to that of Eddy and Foster counties—separation so the major town in each could have a courthouse—occurred in the southwest part of North Dakota. Billings County gave birth to [Slope County](#), which in 2020 had the smallest population (706) in the state. The name refers to the “Missouri Slope” geography of western North Dakota, whose elevation declines as one moves northeast toward the Missouri River.

Established in 1915, Slope was the second-most recent county to be formed in the state. (Last formed was Grant in 1916.) With fewer than a thousand residents each, Slope and Billings counties are the least and second-least populous in the state. They were both larger but still quite small in 1915, too.

The impetus to slice Slope from Billings County seems to have come from the town of [Marmarth](#) on the southwest corner of the county.³³⁰ Its 1920 population was 1,318, making it by far the largest city in newly formed Slope County, towering over the second largest city, Amidon (1920 population: 145). Marmarth also got a railroad, which no other town in the new county had. This gave it reason to aspire to become the county seat. But Marmarth and its railroad were still located in the far southwest corner of the new county, and Amidon was located only a few miles east of the center. Amidon got the courthouse despite never obtaining railroad access. Marmarth’s rail line led outside the county and did not cross the county’s rugged interior to provide convenient access to the rest of the county it had lobbied to create.

Other new county configurations in North Dakota were less conventional. One of the nation’s strangest county appendages, locally called “the gooseneck,” was created in 1910.³³¹ It was the product of two towns in adjacent counties seeking to avoid competition from a town left in the northwest appendage of original [Ward County](#). The neighbors lobbied the legislature to keep a prospective county seat, [Kenmare](#), within the borders of Ward County. The more sizeable Kenmare would

³³⁰ Carole Butcher, “[Splitting Billings](#) County,” Prairie Public Radio, June 4, 2022. [Jan. 2025] The source is not clear whether the town of Marmarth sought the split with Billings County in order to become the seat or the issue just arose afterwards. Opponents of the split (in northern Billings County) warned that the seat competition in Slope would be uncomfortable, so I infer that obtaining the courthouse was at least an issue in the secession.

³³¹ Wikipedia map at [Ward County](#), North Dakota shows the Gooseneck. [Dec. 2024]. For creation of the Gooseneck, see Newberry Library North Dakota between [1909-01-16](#) and [1910-07-12](#). Another odd appendage is part of [Tom Green County](#) in Texas, but the spear-like remnant is unoccupied and was the product of a required [land-bridge](#) connection in the past. [March 2026]

have easily prevailed over its rivals in a local election had it been separated from Ward County and been included in either of the new counties, Burke or Renville.³³²

Without competition from the larger town (Kenmare) that was stuck in the gooseneck, the charmingly named town of [Bowbells](#) (yes, for the church in England) became the seat of Burke County. Renville County, east of Kenmore, got as its seat a town named Mohall, named for its founder, M.O. Hall. (Plain old “Hall” was already taken by another town in North Dakota.) Aside from its ungainly name, [Mohall](#) was awkwardly located on the far eastern side of its county. It surely would have lost a contest with Kenmare to become the seat. (Mohall had previously been in the center of its county, but the boundaries of a neighboring county were expanded to the west, squeezing Mohall to the eastern edge of Renville County.)

Unlike many losers in county seat competitions, the city of Kenmare did not become a ghost town. On what was apparently intended to be a courthouse square sits “Danish Mill Park” with its rare Danish windmill, which was placed there to become a regional tourist attraction. (Never mind that it looks like the more common Dutch windmill, maybe with a dash of Danish *hygge*.) Kenmare’s population did decline from around 1,500 in 1900 to about 1,000 in 2000, but it still has more than the combined population of its former seat rivals, Bowbells and Mohall. Stuck in what everyone calls the “gooseneck” of Ward County, Kenmare made the best of its oddly named location: The sports teams of the city’s high school proudly call themselves the Honkers.

³³² Wikipedia entry “Ward County North Dakota, [history](#)” citing Douglas Wick, North Dakota Place Names: “When the proposed county lines for Burke and Renville counties were drawn, neither group wanted to include Kenmare and risk that city’s becoming the county seat, so Kenmare was left in Ward County at the end of a narrow strip of land, commonly referred to as the ‘gooseneck.’” See also *Fitzmaurice v. Willis*, 20 N.D. 372, 127 N.W. 95 (1910) (Overturning Kenmare’s attempt to stuff ballot boxes to prevent creation of Renville County.)

§South Dakota

Dakota Territory 1861, statehood 1889 (40th)

Sixty-six counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,149 square miles

Newest County: Jones, 1916; centermost: Hughes

Smallest: Clay (417 square miles) and Jones (2020 population 917)

The smallest by land area (417 square miles, 1 percent water) is [Clay County](#), located in the southeastern corner of the state. Its seat is Vermillion, which also hosts the state university. This corner of the state was the beginning of settlement of the Dakota Territory, which came into being in 1861. Immediately after Minnesota became a state in 1858, members of the Minnesota Democratic Party sought to incorporate the western residual of Minnesota Territory, which had extended west to the Missouri River, as Dakota Territory. The Minnesota legislators' objective was profit from land speculation, specifically by obtaining ownership of likely townsites.³³³

The Minnesota speculators could gain simply by claiming US government-owned parcels that had reliable water for farm and domestic use, power for industry, and transportation. Townsites that had these advantages were sought out by the speculators' exploring parties and claimed under "squatters rights."³³⁴ Most of the Dakota land had not been surveyed by the federal government, and some was still controlled by Indian tribes. Squatters could not bargain with the tribes, but they could expect that when land was surveyed by the US government and Indians removed, the early, informal settlers would be entitled to buy the land at the government's fixed prices.

A parallel way of enhancing the value of a squatter's land was to make it part of a county seat. This required drawing county boundaries such that the claimed land would be likely to be chosen as the site of a courthouse. The Dakota Land Company (of St. Paul, Minnesota) used this ploy to enhance both the validity and value of its claims in as-yet-unorganized Dakota Territory. Its agents not only claimed land but drew unauthorized but hopeful county boundaries and declared county seats in the area along the Big Sioux River and the nearby Missouri River (Lass, cited above). That the counties and seats were lightly occupied—if occupied

³³³ William E. Lass, *The First Attempt to Organize Dakota Territory*, Chapter 7 in *Centennial West*, University of Washington Press, 1991 (pages 143-168).

³³⁴ Grant K. Anderson, "The Politics of Land in Dakota Territory: Early Skirmishes—1857-1861" *South Dakota History* 9:3, 1979.

at all—underlines the role of the county as an agent of western states’ development and the seat as its most acute source of value.

Clay County and its neighboring pioneer counties were thus founded in the most bottom-up fashion imaginable in the American scheme of settlement. Clay’s seat, Vermillion, lost its bid to become the capital of Dakota Territory to Yankton, but it was given the consolation prize of a university. (Yankton soon lost the territorial capital to far-off but more central Bismarck, now the state capital of North Dakota.) The university entitlement remained in Clay County but came with no funds. A decade later townspeople in Vermillion subscribed enough money to begin its operations.³³⁵ Like many other universities of the era, its founding was as much a part of enhancing local real estate values as obtaining and keeping the county courthouse.

This may be a good time to emphasize the role of town-founding in the European-American settlement of the Great Plains. The conventional story of settlement has it that it was the virgin farmland that attracted Americans to the frontier. Farming was certainly the bedrock of economic development, but it hardly led to riches for the first farmers to claim the new lands. They had to do a ton of hard work to make the land into a “natural” resource that could grow crops, and those crops sold in highly competitive markets that were often far from their homesteads.

Far quicker profits were to be made by founding a town and selling the lots. As Grant Anderson wrote of the founding of the Dakotas, “The speculator, not the settler, agitated for creation of Dakota Territory. Booms in [previously settled] Iowa, Kansas, and Nebraska had illustrated the plunder available to those owning town lots in unsettled territories.”³³⁶ Becoming a county seat was the best assurance that town speculation would succeed, and establishing a town near the county’s center—or rejiggering its boundaries to make the town more central—was usually the best way to prevail over rivals.

With 917 residents in 2020, [Jones County](#) in the south-central region is South Dakota’s least populous. It has only about a third of what its population was in 1920. Half the population lives in the centrally-located county seat, Murdo.

³³⁵ Herbert Samuel Schell, *Dakota Territory During the Eighteen Sixties*. No. 30. Governmental Research Bureau, University of South Dakota, 1954.

³³⁶ Grant K. Anderson, *The Politics of Land in Dakota Territory: Early Skirmishes—1857-1861*. "South Dakota History, 9:3 (1979). Anderson is the source for most of the description in the text above and below.

Jones County was severed from Lyman County (to its east) in 1916.³³⁷ Lyman was originally a relatively small county along the Missouri River. Its seat was the riverside town of Oacoma, located midway between the north and south borders of the county, but not centered east and west. Lyman County was greatly expanded to the west to encompass the entire territory of present Jones County in 1898. This left the original Lyman County's seat, Oacoma, badly off-center. Creation of Jones County in 1916 still left Oacoma off center in the reduced Lyman County, and Oacoma lost its seat to the centrally located town of Kennebec in 1922.

The seat of newly created Jones County, Murdo, was perfectly centered in the new county. It may not have been a coincidence. The major east-west railroad, the Milwaukee Road, was the first to arrive in the region. A brief memoir of his boyhood in Murdo by South Dakota's US Senator John Thune described its origins (my italics in following):

The city was officially established on July 12th, 1906, *with the railroad lot sale*. West River South Dakota [the area west of the Missouri River, which divides the state vertically in two] as a whole grew up during these years. At the time of Murdo's official establishment, the town was part of Lyman County. The county grew from a population of 2,632 to 10,848 citizens from 1900 until 1910. Soon, because of agitation among the citizens, there was a call for a division of the county. With a petition of the majority of Lyman County voters, the county was split, and Jones County was created.³³⁸

The phrase "with the railroad lot sale" indicates that the railroad profited from land it owned by selling it for a town. This was not illegal; government grants for land were intended to encourage track construction. But, as a state historical office (not Senator Thune) notes,³³⁹ railroads often went beyond that in their demands and dealings:

"When the Milwaukee was surveying its line through [Brown County](#) [Dakota Territory, now in South Dakota] in 1880, conventional wisdom held that the line would be routed through Columbia, which was the county seat. Columbia's town fathers, feeling that they were in a strong negotiating position [the town was near the center in the county], refused to provide the Milwaukee with land for a right of way and a depot free of charge. C. H. Prior, then chief surveyor of the Milwaukee, resurveyed the main line to bypass Columbia and then platted a rival town (*on a tract of land owned by his wife*) some 12 miles from Columbia

³³⁷ See Newberry Library, South Dakota for creation of Jones County between [1911-03-02](#) and [1916-11-07](#), near the middle of the state and south of the state capital, Pierre. [March 2026]

³³⁸ John Thune, "How the Railroad Reshaped South Dakota." Op-ed on Senator Thune's [web page](#), June 8, 2006. [March 2026]

³³⁹ South Dakota State Historic Preservation Office, 'South Dakota's Railroads: An [Historic Context](#)' Pierre: South Dakota State Historic Preservation Office, July 1998, p. 15. [July 2026]

[my emphasis, parentheses in original]. This site became the City of Aberdeen, which was designated as a railroad division point, became the junction for several Milwaukee lines, and eventually grew to be the third largest city in the state. Columbia, the overconfident town bypassed by the railroad, stagnated and lost the county seat to Aberdeen several years later.”

South Dakota is home to two especially noteworthy counties: [Todd County](#) and [Oglala Lakota County](#) (formerly Shannon County) are unique in that both lack county seats. As I have noted repeatedly, a county courthouse site was normally an eagerly sought prize. However, both of these South Dakota counties are entirely on Indian reservations. Federally recognized Indian tribes have a special sovereign status, as described above in my discussion of Menominee County in Wisconsin (above in Part II). Tribes’ relationship with state governments is complex. Oglala Lakota and Todd have no courthouses in their territory and use the courthouses of neighboring Fall River and Tripp Counties for trials and most other county business. Three other South Dakota counties, Corson (67% Indian), Dewey (75% Indian), and Ziebach (75% Indian), also entirely encompass tribal land, but each has its own county courthouse.

Since much of my inquiry involves towns that wanted to become county seats, these two seat-less counties warrant some investigation. Their lack of seats is not for lack of people. The populations of Oglala Lakota (13,672 in 2020, 94% Indian) and Todd (9,319, 88% Indian) are actually considerably larger than nearby counties that do not have much reservation territory. (The reservation counties are also significantly poorer than their neighbors.) Both counties elect the usual slate of commissioners and have sheriffs and other state-constitutional offices, but county officials are housed in scattered locations both inside and outside their counties.

It would appear that the economic benefits of having a designated seat within the county are sufficiently low as to not be worth the cost of erecting a courthouse. What looks like a modern county courthouse complex in Pine Ridge (in Oglala Lakota County) is actually the Oglala Sioux Tribal [Court](#). It is perhaps coincidentally located on Horse Thief Road.

In the nineteenth century, most reservation Indians were not US citizens and could not vote in US or state elections. They were counted in the US Census as “Indians not taxed,” a US Constitutional phrase that implied their status as citizens of sovereign tribes in a backhanded way. In 1924, Congress granted citizenship to all Indians. It was an act viewed by Native Americans with mixed feelings at the time, as it was part of an attempt under the [Curtis Act](#) to eliminate tribal authority.

Tribal members are also obliged to pay US taxes on personal incomes. However, reservation lands and buildings are not taxable by state and local governments (just as US federal government property is exempt from state and local taxes), and the income of tribally-owned businesses is typically not taxed. This leaves the county government with few fiscal resources but all the state-required county service obligations. In Oglala Lakota County, only about 15 percent of reservation land is taxable; the taxable property is most likely on land sold to non-Indians as a result of the Allotment Acts of the 1880s or from various forms of inheritance.³⁴⁰

Vanessa Plume, the elected sheriff of Oglala Lakota County (and an enrolled member of the tribe), has her office in a small town near the county's border. The resourceful mother of five has no deputies and relies on the assistance of the tribal police, who are not on the county payroll, for back-up in many situations.³⁴¹ Her most frequent calls come from tribal authorities who have encountered a non-tribal member (either a non-Indian or a member of a different tribe) who is in need of assistance or supervision (car accident or drug overdose). A few calls come because a tribal member is being arrested on state (non-tribal) land within the reservation (perhaps in a white-owned business). She cannot make the arrest herself but has to be there because of the ownership of the location. Dual sovereignty is complicated.

³⁴⁰ Montana State University, Planning for the Passing of Reservation Lands to Future Generations, Fact Sheet #3. "How reservation land is [owned](#) by individuals," March 2009 [Jan. 2025]

³⁴¹ Darsha Dodge, "Meet Vanessa Plume, Oglala Lakota County's first female sheriff," Rapid City Journal, May 10, 2023; Brittany Poor Bear, "Vanessa Plume 1st Woman County Sheriff" [Lakota Times](#) April 19, 2023. [Oct. 2025]

§Nebraska

Nebraska Territory, 1854; statehood, 1867 (37th)

Ninety-three counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 826 square miles

Newest County: Arthur, 1913; centermost: Custer

Smallest: Sarpy (247 square miles) and McPherson (2020 population 399)

The smallest by area is [Sarpy County](#) at 247 square miles (3 percent water) on the eastern border of the state, adjacent to the Missouri River. Sarpy now constitutes the southern suburbs of the state's largest city, Omaha, the seat of Douglas County. Sarpy separated just three years after Douglas County was established in 1854 as an original county in Nebraska Territory. The separation is well documented, but there seems to have been little if any controversy about it or a special push by the town that became Sarpy's first seat, Bellevue.³⁴²

It looks like one of those mutually convenient separations of the era, where the original county develops an urban center (here, Omaha), and the rural part finds its interests better served by separation. Similar stories were told for Hudson County, New Jersey, and for Baltimore, St. Louis, and San Francisco.

In 1875, a local vote resulted in Sarpy's seat being removed from Bellevue to Papillion (the French names reflect the ethnicity of namesake Peter Sarpy) nearer the geographic center. Bellevue was not happy about the loss of its courthouse, but it may not have been aggressive in defending it: The town had in 1855 refused to donate land to become the state capital, which was then moved upriver to Omaha.³⁴³ The Sarpy County courthouse remains in Papillion even though it is less than half the population of Bellevue. Centrality matters a lot in Nebraska.

The least populous county in Nebraska is [McPherson](#) (399 in 2020), the twin of almost-as-small [Arthur](#) (466 residents in 2020), the county to its west. They are in the semi-arid and aptly-named Sand Hills region of central Nebraska. Early in the twentieth century, however, the Sand Hills had a population boom caused mainly by a modification of the Homestead Act. Instead of getting a mere 160 acres of

³⁴² Jay Gitlin, *The Bourgeois Frontier: French Towns, French Traders, and American Expansion*. New Haven: Yale University Press, 2009. The only source that mentions Sarpy's separation remarks, "The latter [Sarpy] originally formed the south part of Douglas; but, by some 'political necessity,' it is said, was erected into a separate county by the Territorial Legislature of this year." [Andreas' History](#) of the State of Nebraska, Sarpy County, 1883. [Oct. 2024].

³⁴³ *Andreas' History*, cited above. Nebraska's state capital is now in Lincoln, a city that earlier had become a county seat as the result of border manipulations, as described in the text presently.

unclaimed government land for free, settlers under the modified act were entitled to 640 acres, an entire one-square-mile “section” of the Public Land Survey.

The increased size applied only to specified counties of western and northern Nebraska. Size mattered here because the arid climate made row crops and even modest ranches uneconomical. But with square-mile homesteads available, settlers flocked to establish ranches. Settlers could previously have just bought more land, but the additional free land of the modified Homestead Act—dubbed the “[Kincaid Act](#)” of 1904—made for more rapid settlement. The new homesteaders could legally fence in their holdings and thus displace the large ranches whose owners had illegally fenced off open range on public land.

McPherson County had been previously established to cover the land area that included what later became Arthur County. This would have made for a larger population with which to conduct and finance county government. But McPherson’s established seat, Tryon, was not centrally located in the large county. If the big county could be divided in two parts, Tryon would become more centrally located and forestall a bid by the small but ambitious town of Flats to grab the courthouse.

Now that both areas (McPherson and Arthur) had enough people to (barely) support two county governments, the western county of Arthur was organized,³⁴⁴ and Tryon became more centrally located than Flats in what remained of McPherson County. The division caused Flats to decline, and it is no longer detectable even as a ghost town. The victor, Tryon, had only 107 residents in 2020, but it’s still around. Its newish courthouse looks like a nice suburban ranch house, complete with a two-vehicle garage next to it. It is an improvement on the county’s first, “a sod structure with hip roof and framing overlaid with tar paper” built in 1890.³⁴⁵

The account of the creation of McPherson and Arthur is taken from Denis M. Ward’s 1973 doctoral dissertation at the University of Nebraska, “A Spatial Analysis of County Seat Location in Nebraska: 1854-1930.” (p. 91) Ward examined every county in the state and personally visited a good number of them. His major conclusion about seat location is that geographic centrality was a big deal unless the population got pushed off center by urban development or a new railroad route that bypassed the center. (There were no railroads in McPherson County at the time of its seat location or later.) Indeed, in [Polk County](#) (in the east-

³⁴⁴ The Newberry Library’s chronology indicates that Arthur County was established in 1887 (compare Non-County Area 1 [1886-11-02](#) to [1887-11-08](#) for both McPherson and Arthur) but Arthur County was not organized until 1913. Denis Ward’s account has it that McPherson County controlled the area up to 1913, citing a local newspaper report. I have found that legislative enactments did not always control the beliefs or behavior of people on the ground.

³⁴⁵ John Deacan, American Courthouses, Nebraska, [McPherson](#) County. [Nov. 2025]

central part of the state), voters could not decide which off-center town to choose, and so a brand new, centrally located township was designated as a site for the courthouse (Ward 1973, p. 87). A new town, Osceola, arose around it, and Osceola remains the county seat.

Mr. Ward described several other seat contests and stratagems indicating that early settlers were anything but passive observers of seat locations. Railroad companies building across new territory were aware of their power to influence town development. Railroad developers were subsidized with gifts of federal land grants, and one way of enhancing their land's value was to have their gift property chosen as a county seat. (This was almost surely the reason for reconfiguring the boundaries of Traverse County, Minnesota, as I indicated in the discussion in Part II above, and it was likely the reason for the existence of Jones County, South Dakota, discussed above.)

In [Logan County](#), Nebraska, the railroad bypassed the established seat of Gandy to lay out Stapleton on the company's own land near the geographic center of the county. Gandy fought back by annexing a narrow strip of land 1.5 miles long across the railroad's path. A previously-adopted state law required that a railroad had to establish a depot if it crossed the municipal boundaries of a county seat, and a modest station was duly provided within the narrow strip. This clever ploy bought Gandy some time, but eventually the town of Stapleton so outgrew Gandy that county voters elected to move the courthouse to the newer town (Ward p. 179).

Denis Ward, who became a professor at the University of Missouri in Kansas City, also describes how the county that now contains Lincoln, the Nebraska state capital, conspired with another county to eliminate a rival county that stood between them. The purpose was to make the seats of the two remaining counties, [Lancaster](#) and [Gage](#), more central to their now-larger territory (having split their defunct rival, Clay, between them).³⁴⁶ This was much like the maneuvers of McPherson and Arthur Counties, just described, but in the state capital instance, it resulted in the destruction of a county rather than a net addition to the number of counties.

Ward's doctoral thesis offers numerous other examples of county-seat seeking that created new counties (and sometimes destroyed them). His overall intention was not to investigate the creation of counties but to support his theory of county seat location. He stressed at all points the importance of centrality, and it is hard to gainsay that. But that conclusion seems somewhat mechanical to me and feeds the

³⁴⁶ Newberry Map of Nebraska counties: Compare [1864-02-01](#) to [1865-02-01](#) for Lancaster (containing the city of Lincoln) and Gage Counties, both near the southeast corner of the site, and the disappearance of Clay County between those dates. [March 2026]

view that county development was not related to local economic and political activity. Moreover, his extensive discussion of the influence of railroads and rivers (as transportation corridors) on seat location and often county border changes seems at least partly in line with my view. Unfortunately, Professor Ward died at age 45 in 1986, so I could not correspond with him about our uncommon mutual interest.

§Kansas

Kansas Territory 1854; admission 1861 (34th state)

One hundred five counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 779 square miles

Newest Counties: Grant and Logan, 1888; centermost: Barton

Smallest: Wyandotte (156 square miles) and Greeley (2020 population 1,284)

Kansas was born in the throes of conflict leading to the Civil War. Slave-holding immigrants from Missouri and elsewhere in the South battled Free Soilers from the North to determine whether the state would enter the Union on the side of the South or the North. A bogus, pro-slavery constitution was rejected by Congress. The popularly accepted anti-slavery constitution was certified by Congress on January 29, 1861, just as the first six states of the Confederacy had seceded and Southern Senators were no longer present in sufficient numbers to block the new free state.

The spirit of contentiousness within Kansas seems to have later spilled over into county seat location and the borders of counties themselves. There were instances where seat competition was sufficiently destructive that the state legislature had to take stern measures. The city of Howard was once the seat of Howard County in the south-central part of the state. But the city of Howard was vulnerable to competition from two other towns in the county that wanted to be the seat. Peaceful elections were supposed to settle the matter, but the proceedings were marred by persistent violence instituted by Howard City's rivals for the courthouse.³⁴⁷

The state militia was called out to quell the violence, and the state legislature lost its patience. In 1875, it dissolved Howard County and split it into two new counties, Elk and Chautauqua. The [city of Howard](#), whose partisans had not instigated the violence, ended up smack in the center of newborn Elk County and became its seat. The original aggressive contenders for the Howard County seat ended up at the edges of their counties, from which becoming a seat was hopeless, and both are now ghost towns. Don't mess with Kansas.

³⁴⁷ The account is rendered without judgement in Kansas Historical Society, Kansas Counties, [Howard County](#) [Dec. 2024] For a somewhat more thrilling account of Kansas conflicts, see Robert K. De Arment, *Ballots and Bullets: The Bloody County Seat Wars of Kansas*, University of Oklahoma Press, 2006.

The two smallest counties in Kansas are [Wyandotte](#) for area (156 square miles, 3 percent water) and [Greeley](#), 2020 population, 1,284. The two are on opposite ends of the state. Greeley is on the western border with Colorado, and Wyandotte is on the northeast border on the Missouri River, opposite Kansas City, Missouri. Wyandotte is urban, containing the state's third-largest city, Kansas City, Kansas, often referred to as KCK to distinguish it from its adjacent, out-of-state big brother, KCMo on the other side of the Missouri River.

The two smallest Kansas counties are also opposites in national political leanings: In the 2024 Presidential election, urban Wyandotte County voted 61 percent for the Democratic candidate; rural Greeley County voted 86 percent for the Republican candidate. This largely mirrors an urban-rural divide that has characterized the nation's politics for over a century. The nation is not divided into "red states" and "blue states." The winner-take-all politics of Presidential, senatorial, and gubernatorial elections disguises the extent to which Democratic "blue states" are those that have larger cities whose statewide votes overwhelm the almost-always more conservative rural counties.

The creation of the two smallest counties in Kansas seems not to have been driven by municipal desire for a county seat. Wyandotte County was simply carved out of two adjacent rural counties, Leavenworth and Johnson. Its separation in 1859 was most likely because it had become an urban center whose interests were becoming less entwined with its rural parts. There may have been a desire for Kansas City to become the seat of a county (which it now is), but the reasons for its division from larger-area counties seem more obvious.

Wyandotte County was later a destination of the Exodusters, African-Americans who had left their homes in Louisiana and Mississippi as a result of paroxysms of white violence.³⁴⁸ The occasion for the violence was the end of Reconstruction, when federal protection for black voters was withdrawn after the contested election of 1876.

One such instance of violence was that referred to above (in Part III) in Tensas County, Louisiana, which contributed to the depopulation of what is now the least populous county in Louisiana and much of the lower Mississippi Valley. About a thousand black refugees reached Wyandotte County in 1878. Although most Kansas residents were sympathetic to the plight of the Exodusters—it wasn't a term of opprobrium—municipal services and housing were overwhelmed, and arrangements were made for resettlement in more rural areas. Some refugees were settled in other states, and others simply returned to the South.

³⁴⁸ Glen Schwendemann, *Wyandotte and the First Exodusters of 1879*. *Kansas History: A Journal of the Central Plains* 26:3 (Autum 1960): pp. 233-249.

[Greeley County](#), the state's smallest by population, was established in 1873 amidst a bout of county creation by the Kansas legislature in the 1870s. Some unusually wet spells on the Great Plains in the late-nineteenth century encouraged farmers and ranchers to extend settlement westward into the High Plains.³⁴⁹ What had long been referred to as part of the Great American Desert (which had meant it had few people, not sand dunes) now became more attractive to settlers. To demonstrate to prospective farmers that this was not a passing trend, America's first theory of climate change was invoked: "Rain follows the plow." This theory—dubious even at the time—held that cultivation of the soil itself promoted rainfall.³⁵⁰

We need not be detained by the loose science behind this idea, and maybe it was the merely the icing on the enticing cake of free land (via the Homestead Act of 1862) and railroad extensions to the Pacific Coast. Those extensions were financed in large part by land grants to railroad investors, who had an obvious incentive to overstate the viability of farming along their routes. In any case, the western parts of Kansas as well as those of Texas, Oklahoma, Nebraska, and the Dakotas experienced land booms.

Legislatures facilitated the boom by creating more counties, which gave settlers county seats to record their land claims and settle disputes and provide services. Counties in this belt of the High Plains were usually larger in area than those to the east, but not by much. (The median-area county in Kansas is 735 square miles; Greeley County is 778 square miles.) They were distinctly smaller than counties in the eastern parts of adjoining states to the west—Colorado, New Mexico, Wyoming, and Montana—as one can confirm from the US [county outline](#) map. Their tiny populations—almost all less than they were in 1920—are in part a monument to America's first brush with a climate-change theory. (The stunted development of New York's least populous county, Hamilton [as described in Part II above], was partly the result of conservationists' worries that deforestation of the Adirondacks would adversely affect climate.)

[Greeley County](#) was not created by agitation from landowners in its county seat, Tribune. Greeley County's boundaries were unchanged from its inception in 1873;

³⁴⁹Cary J. Mock, "Rainfall in the Garden of the United States Great Plains, 1870-1889." *Climatic Change* 44:1 (2000): pp. 173-195: "Wetter summers are most evident over the central Plains in 1884 and 1885, corresponding to increased migration in Nebraska and Kansas during this time."

³⁵⁰ Henry Nash Smith, "Rain follows the plow: The notion of increased rainfall for the Great Plains, 1844-1880." *The Huntington Library Quarterly* (1947): pp. 169-193. Gary D. Libecap and Zeynep Kocabiyik Hansen. "Rain Follows the Plow" and Dry farming Doctrine: The Climate Information Problem and Homestead Failure in the Upper Great Plains, 1890-1925. *Journal of Economic History* 62:1 (March 2002), pp. 86-120.

it had almost no population before the 1880s. Its affairs were administered by a nearby county, as was often the case for newborn shires. It was only in 1888 that Greeley County was “organized,” meaning residents were certified by the state to elect constitutionally-required officers such as a sheriff and commissioners.

As in many other counties, Greeley’s state-given name became an inspiration for naming prospective seats. The newborn city of Horace was first off the block. Its landowners could not choose “Greeley” or some variant on that because there already was a Greeley in another county in Kansas. But everyone in Kansas knew of Horace Greeley, the famous editor of the New York *Tribune*. He advocated the admission of Kansas as a free state and even sent abolitionist settlers and arms to battle the pro-slavery forces in the 1850s.

Because the name Horace was already taken, an alternative site, only two miles east of Horace, took the name Tribune. When the railroad first came through, both Horace and Tribune moved themselves next to the tracks from a couple of miles away. The county seat location was settled by an election, and Tribune came out the victor. After Tribune won the courthouse, Horace went into a long decline but has stayed afloat, and, as we shall see, its residents seem never to have forgiven Tribune.

Back in November of 2019, I subscribed to the Greeley County *Republican*, a weekly newspaper published in Tribune, Kansas. My goal was to get a sense of what life was like in a tiny county on the High Plains.* The editors and publishers and only regular reporters were Janice and Daniel Epp. Dan’s father had owned the newspaper. After getting degrees at the University of Kansas and working in the eastern part of the state for a few years, the younger generation of Epps moved back to Tribune to take over the paper.

*Two observations from my reading: The paper assiduously covered the sports teams of the county’s only high school. I was impressed with how many of the named athletes had Hispanic names. Hispanic heritage seemed to extend to the membership of clubs and other reported activities, including the “Royal Court” of the traditional high school prom.

Second was a story about an automobile accident in 2021. A local farmer was killed. Some months later, nearby farmers quietly converged on his widow’s farm with about thirty units of harvesting equipment. In a day they cut the entire crop and left it processed for sale, which was the surviving family’s income for the year. No charge, of course; just neighbors helping out.³⁵¹

³⁵¹ Noah Ochsner, “Helpful Harvesters,” [Kansas Living](#), November 15, 2021. [March 2026] This was also reported in the *Republican*, but the Kansas Living article has numerous color photographs.

The *Republican* was one of several papers in the county in its early years. This was typical of most fledgling communities. They reported local news and were expected to be strenuous advocates for their towns and counties. Bending the readership to the editor's views was a luxury that small town papers could seldom afford. I asked Mr. Epp why the *Republican*, which now has no in-county competitors, took no editorial positions on national politics, and he said something about the need to stay in business. Greeley County, like most other rural counties on the High Plains, voted overwhelmingly for Donald Trump for President. (The main rural exceptions to the hegemony of the GOP are counties with Indian reservations or universities.)

The Epps' many services to the community included an effort to transform Greeley County from the typical division of county and incorporated cities—there were two, Horace and Tribune—into a “unified” county government, in which the county took over the cities' local functions. The county already provided most municipal services to the unincorporated areas, so this was not a major change. Kansas law allows counties to consolidate upon petition to the legislature and review by a legislative committee, which applies criteria set out by law.

The surprising model for Greeley County's transformation was Wyandotte County, whose seat is Kansas City and is the third most populous county in the state. (Wyandotte's land area is, as previously noted, the smallest in the state.) The unification model clearly had urban counties like Wyandotte in mind. (The other two counties authorized to adopt the form were those containing the substantial cities of Leavenworth and Topeka, but voters there rejected the unification proposals.) The unification process got around the state constitutional prohibition on special and local legislation by invoking the urban exception in the Kansas constitution that allowed it: “Greeley County is hereby designated an urban area, as authorized under the provisions of section 17 of article 2 of the constitution of the state of Kansas, for the purpose of granting to such county and urban area powers of local government and unification of local government.”³⁵²

An *urban* area? There are few if any geographic units in Kansas less urban than Greeley County. But the state constitution does not define “urban,” so legislators appeared free to adopt their own views. Unified Greeley County got underway in January of 2009.

³⁵² Link for Greeley-Tribune consolidation [legislative authorization](#). [May 2026]. Here is what section 17 of the Kansas Constitution says: “[section] 17. Uniform operation of laws of a general nature. All laws of a general nature shall have a uniform operation throughout the state: Provided, The legislature may designate areas in counties that have become urban in character as “urban areas” and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper. History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859...”

The rationale for unifying the governments of Kansas City and Wyandotte County was to reduce the regulatory way stations that economic development projects had to pass through. Official Kansas City literature proclaims this to be a success. I asked Dan Epp, the Greeley County *Republican's* editor, whether this has played out similarly in tiny Greeley County. He allowed that it may not have, though he added that the unified government had not adopted measures that he thought would reduce costs of operation.

Then Mr. Epp added that a major advantage of the change was that the unified county government was now considered a home-rule city. This constitutional status gave it firmer protections from being forcibly consolidated with other counties. Home-rule cities cannot have their borders changed without a local vote of the local residents; the state cannot simply order it done. This was not an entirely hypothetical hazard. A few years after Greeley County was contemplating internal government unification, a Kansas state senator, Chris Steiniger, introduced a bill to consolidate the 105 counties of the state into a much smaller number.³⁵³

This was considered an economy measure in the wake of the Great Recession of 2008. It would have eliminated (as the bill's sponsor pointed out) the roles of most county seats. The city of Tribune would most likely no longer have a functioning courthouse, and it would not be home to a workforce to perform other county functions. Most importantly, visitors who do official business such as jury service and title searches would no longer be there to patronize local stores, hotels, and restaurants. Official county notices would no longer be required to be published in the local newspaper, and the printing of records would probably be consolidated in a single business. The city and its businesses would be at risk of sinking into oblivion like most other small towns that lost their county seats.

The mandatory consolidation bill went nowhere. The long-serving state senator who proposed the county-elimination bill, Chris Steiniger, lost his senate seat by a large margin in the 2012 election, though a corruption inquiry (not proved) might have harmed his chances as much as an unpopular consolidation bill.³⁵⁴

An oddity of Greeley County's defensive maneuver was that the unification formally eliminated the city of Tribune as an independent municipal entity. To be sure, this had no practical effect on its activities; the post office addresses were still "Tribune," and no highway signs point to "Unified Greeley County." But one can perhaps appreciate why the even tinier city of Horace (2020 population 100), the

³⁵³ Mary Clarkin, Consolidation bill aims to reduce counties to 23 [Capitol Notebook](#), The Hutchinson [Kansas] News, Feb 22, 2011. [Jan. 2025] The bills were introduced after Greeley County unification in 2009, but as the article notes, Senator Steiniger had been proposing consolidations well before that time.

³⁵⁴ [Ballotpedia](#), Chris Steiniger [Dec. 2023]; Tim Carpenter, "Steiniger confirms KBI visit," Topeka Capital Journal Oct. 18, 2012.

loser in the county seat contest of 1887, declined to join the county unification. The unification legislation specifically exempted it unless its voters approved, which they did not. Without a legal “city” identity, Horace might soon join the other Greeley County cities that became ghost towns. My Google Earth street view tour of Horace suggests that it was halfway there: unpaved streets, no post office or school, and mostly vacant lots. Still, one must admire its residents’ spirit of independence and gritty tenacity.

§Oklahoma

Oklahoma Territory 1890; statehood (combined with Indian Territory) 1907 (46th)
Seventy-seven counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 891 square miles

Newest County: Cotton, 1912; centermost: Oklahoma

Smallest: Marshall (427 square miles) and Cimarron (2020 population 2,296)

Oklahoma was formed from the union of the mostly-white “Sooner” counties of the west and the eastern territories reserved for Indian tribes, who had been moved there by the United States in the nineteenth century. The most notorious of these removals was the “trail of tears” of tribes in the southeastern US who were forced to move to what is now Oklahoma in the 1830s.

Both sides—the Sooners and the Indian tribes—had established counties before statehood. Up until the Civil War, all of present-day Oklahoma was Indian Country, though the status of the Panhandle was in limbo (as discussed below at Cimarron County). As described presently, the tribes lost the western half to Oklahoma Territory as a result of their support for the Confederacy. In the Reconstruction Treaties, the US made the original tribes cede much of their land to other native tribes who had been displaced in Kansas and other locales.

The smallest-area county in present day Oklahoma is [Marshall](#). It is 427 square miles, of which 13 percent is water, mostly from a dam on the Red River, which forms the border with Texas. Before Oklahoma became a state, Marshall had been approximately within Overton County of the Chickasaw Nation, which had formed four counties after it split from the Choctaw Nation in 1856. That Indian nations would form counties is further evidence that such units were not just an unthinking holdover from British practice. (The Newberry Library’s maps do not deal with counties established before US territorial or state governments with the exception of those of Utah’s short-lived predecessor, the proposed State of Deseret.)

In the face of Oklahoma statehood, the otherwise independent and not always amicable Five Tribes—the Cherokee, Choctaw, Chickasaw, Creek, and Seminole—in what is now eastern Oklahoma united and sought in 1905 to form their own US state. It was to be named Sequoyah, who was famous for establishing the first Native American alphabet and writing system.

Statehood was a last-ditch effort to forestall tribal extinction under the anticipated allotment policy. Allotment was a privatization of their land and removal of tribal ownership and control. The policy had previously been applied to other tribes

outside the state, but the Curtis Act, passed in 1898, made it applicable to the Five Tribes. They feared it would eliminate tribal functions and independence when they were forcibly joined with the much more populous white residents in the rest of the state.

The Five Tribes had sided with the Confederacy in order to preserve their African slave-holding system that they had brought with them from the old South.³⁵⁵ The victorious Union forces regarded this disloyalty as a reason to discard treaties that protected the tribes from assimilation. As non-sovereign entities within the newly formed state of Oklahoma, each of the Five Tribes would have simply become an outnumbered interest group with no more control over their territory than any other counties. Indians presently constitute about fifteen percent of the state's population.

Tribal efforts to form the state of Sequoyah included writing and approving a state constitution. It looked rather like a progressive Southern state constitution for its time. It called for free public schools, but it did insist on separate schools for blacks, as allowed under *Plessy v. Ferguson*, 163 U.S. 537 (1896). The Sequoyah constitution also drew up a [map of proposed counties](#). The surviving map shows a county named Overton, much smaller than the original county of the Chickasaw nation, that more or less covers what is now Marshall County.

The counties shown on the Sequoyah map were never realized. Congress refused to accept the statehood petition of the Five Tribes and admitted Oklahoma as a state containing all the tribal lands. According to Professor Stacy Leeds, regular statehood (not Sequoyah) was probably to the benefit of the Five Tribes.³⁵⁶ The legislation that admitted Oklahoma contained clauses that, despite the Curtis Act, protected the main points of sovereignty for the tribes.

I found no evidence that any of the previous county units of the Five Tribes had been formed by enterprising landowners. This is hardly surprising given the tribes' communal approach to property. Their county seats were mainly temporary gathering places to conduct annual county meetings. The proposed state of

³⁵⁵ Barbara Krauthammer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South*. University of North Carolina Press, 2013; Ryan P. Smith, "How Native American Slaveholders Complicate the Trail of Tears Narrative," *Smithsonian Magazine*, March 6, 2018: "The Five Civilized Tribes were deeply committed to slavery, established their own racialized black codes, immediately reestablished slavery when they arrived in Indian territory, rebuilt their nations with slave labor, crushed slave rebellions, and enthusiastically sided with the Confederacy in the Civil War." (quoting the American Indian Museum's curator of an exhibit on the Trail of Tears.) See also Wyatt F. Jeltz, "The Relations of Negroes and Choctaw and Chickasaw Indians." *Journal of Negro History* 33:1 (1948): pp. 24-37. (Chickasaw described as harsh masters.)

³⁵⁶ Stacy L. Leeds, "Defeat or Mixed Blessing—Tribal Sovereignty and the State of Sequoyah." *Tulsa Law Review*, 43:1 (2007): pp. 5-16. [Leeds](#) is an enrolled member of the Cherokee and now President of the University of Tulsa.

Sequoyah seemed to have just drawn up maps. The counties were perhaps to be taken as evidence to Congress that it would be just like the other states.

The seat of present-day Marshall County is Madill, in the north-central part and at the crossing point of the county's two railroads. The original railroad had planned to go through Oakland (two miles from Madill) in 1900. Oakland was then the county seat of Pickens County of the Chickasaw Nation, but its residents did not raise enough funds to support it.³⁵⁷ The railroad instead was built in a newer town nearby, named it for a railroad officer, Judge Madill, and the courthouse soon followed.

Oakland's indifference to railroad development could mark it as a Southern county in which urban boosterism was muted by local wariness of inviting outsiders. In this case, it was a wariness originally stemming from Indians' concern for maintaining sovereignty against whites. It's also possible that the railroad had planned all along to go to the newer town and make it a county seat to enhance its land values, a common practice among railroad builders, but that is only my suspicion.

[Cimarron County](#) has the smallest population, 2,296 in 2020, in the state of Oklahoma. It is located on the far western end of the Oklahoma Panhandle, one of three counties that occupy what was once called "No Man's Land." (It is not the same as the "[Cherokee Strip](#)," a larger section east of the Panhandle that was reserved for but not occupied by that tribe.) No Man's Land lacked state and county government from 1865 to 1890 and offers a provocative counterfactual for the formation of county governments. (The complicated history of No Man's Land has to do with the expansion of slave states and free states and is ably told by Mark Stein in *How the States Got their Shapes*.³⁵⁸)

I have so far in this work demonstrated (and will add to the evidence) that forming counties was an exercise in give and take between the state (or previous territory) and local interests. This "give and take" was costly. It used up labor and capital and political will to obtain a fixed result, the privilege of hosting a county courthouse. The locales that didn't get the prize had wasted otherwise useful resources in the contest. Economists call this "rent seeking," and it is usually regarded as an economically wasteful, "zero-sum" contest.

The cost of county-seat seeking can be considered at two levels. The most fundamental level is to ask why state control and counties were needed at all. The

³⁵⁷ Marshall County Genealogy and Historical Society, "[Oakland](#)," The Encyclopedia of Oklahoma History and Culture. The Wikipedia article "[Pickens County](#), Chickasaw Nation" explains the background of Marshall's Indian Country predecessor.

³⁵⁸ Mark Stein, "How the States Got their Shapes," Smithsonian Books, 2008.

question arose because the Panhandle had actually become occupied by farmers and ranchers before it had been finally annexed to Oklahoma Territory in 1890. Oklahoma historian Kenneth Turner describes how squatters and some cattle drivers developed informal norms and governance structures in the Panhandle.³⁵⁹ Ownership boundaries relied on a framework of provisional township lines and the expectation that a territorial and county government would soon be put in place.

The Panhandle was a “no man’s land” not for lack of people but for lack of a formal government. The most notorious fallout from this otherwise orderly anarchy was not from occupants of the Panhandle but visitors from Kansas. In 1888, two armed factions were vying for the seat of [Stevens County](#), Kansas, immediately north of the Panhandle. One group crossed the border into No Man’s Land, and the other followed and murdered four of the five members of the other group. The survivor of the “Haymeadow Massacre” was able to identify the perpetrators and was supported by bystanders who witnessed the execution-style murders. The problem was not the evidence; the problem was that no preexisting court—state or federal—could claim jurisdiction.³⁶⁰

Despite this, the murder case was tried in a specially-created federal district court, and the seven perpetrators were found guilty and sentenced to death. On appeal, the US Supreme Court rejected the murderers’ claim that the special court lacked jurisdiction to try them. However, the Court did rule that the prosecution had relied on inadmissible hearsay evidence and required a new trial. I could find no record that a new trial occurred, and the accused apparently went unpunished.³⁶¹

The Stevens County (Kansas) seat went to Hugoton, whose supporters included the perpetrators of the murders. The town of Woodsdale, its rival for the courthouse, whose partisans were killed, faded away into a ghost town. Accounts of the events that led to the murders do not cast a favorable light on partisans of either town, as the victims had been bent on kidnapping the leader of the band that killed them.³⁶²

³⁵⁹ Kenneth R. Turner, “The Creation of No Man’s Land,” Brochure Series no. 1 (June 1994), No Man’s Land Historical Society, Goodwell, Oklahoma. Land-use scholars may be reminded of Robert Ellickson’s classic, *Order without Law* (Harvard 1991).

³⁶⁰ Henry F. Mason, “County seat controversies in southwestern Kansas.” *Kansas Historical Quarterly* 2:1 (1933): pp. 45-65. (Backstory of Haymeadow Massacre.)

³⁶¹ The apparent lack of punishment may have contributed to the impression that the Court lacked jurisdiction, but Peter Nicolas, “American-Style Justice in No Man’s Land,” *Georgia Law Review*. 36 (2001), pp. 895-1073, says (contrary to a [Wikipedia entry](#) on the murders [March 2026]) that the Court *rejected* lack of jurisdiction. Brian C. Kalt, “The Perfect Crime,” *Georgetown Law Journal* 93:2 (January 2005): pp. 675-688, at 679 agrees that the Court did not buy the murderers’ jurisdictional arguments. Kalt also notes that establishment of a court after the crime occurred was proper because No Man’s Land was not foreign territory to the US.

³⁶² Mason, “County seat controversies in southwestern Kansas” (1933) at 57: “it is but fair to add that the murdered men were not clean handed.” [cited above]

The more important point for my agenda is that both victims and perpetrators apparently *believed* that jurisdiction did not apply and that they could act without fear of legal retribution. The murderers made no attempt to silence the haymaking bystanders who were witnesses to their crime. The victims, in turn, had gone to no-man's land with a mission to illegally apprehend a man accused of a minor crime in the county-seat competition back in Kansas. (They had a warrant that was not applicable outside of Kansas.) The victims, too, seem to have believed that they would be immune from prosecution.

The incident starkly illustrates the consequences of maintaining a territory that lacks county jurisdiction. The murders were not simply the result of what we would usually call lawless behavior. Lawless behavior is normally expected to be deterred by the application of a legal standard, and the perpetrators can be brought to justice to deter others.

But in a territory in which all parties think there is no law, the term “lawlessness” takes on a more profound meaning. There is no law to break. That’s why territories and states were so eager to throw up county boundaries and the apparatus of the law over their entire territory. Even though much of the land that new territories covered was initially inaccessible or even unknown, it had to be included in some jurisdiction lest the Hobbesian “war of all against all” would find a locale to become more than a slogan of political philosophy.

The less-known story of Oklahoma’s Panhandle is that the residents tried to get Congress in 1886 to recognize it as “Cimarron Territory.” The effort failed, but its progenitors were very much like the county and county-seat seekers in other states.³⁶³ The problem for Cimarron was that its advocates were not asking a state legislature to bend its rules to let it become a county. The problem was that it had to appeal to the distant US Congress to bend its rules on becoming a US territory. Two factions tried in vain to persuade Congress.

Instead, Congress opened up a final land rush into Oklahoma Territory to the east. (The land rushes were on former Indian Territory that Congress that taken from the Five Tribes in response to their support for the Confederacy, as described above under Marshall County.) Impatient squatter-residents of the Panhandle pulled up stakes and joined in the land stampede, thus depopulating the Panhandle. The next year, the Panhandle was added to Oklahoma territory as Beaver County. When Oklahoma became a state in 1906, Beaver was broken into three counties, the westernmost being named Cimmaron. Although the route was circuitous,

³⁶³ Gary M. Gress, *From maverick lands to managed lands: Ranching and school lands in Cimarron County, Oklahoma*. PhD Dissertation, University of Oklahoma, 2000.

Cimmaron County's creation was the result of efforts by town-promoting entrepreneurs who sought a political designation—to become a state rather than a county—to improve the value of their townsite holdings.

An aside about other states' "panhandles:" In my opinion, Oklahoma has the only extension that deserves the upper case "Panhandle," a region with a distinctive map-shape and a history to go with it. To have a Panhandle, you need an attachment that looks like a cooking pan, and only Oklahoma has it. The geographic extrusions of several other states are said to be panhandles: western Maryland, northeastern West Virginia (and a north-central appendage), northern Idaho, northwestern Florida, northeast Nebraska, and Texas.

These are sometimes helpful for orientation, though I had for years been confused as to whether the western, southern, or northern extrusions of Texas were the "panhandle." It's the northern region, and at least one Texas site says that it takes its name from its proximity to the *Oklahoma* Panhandle.³⁶⁴ This is a reasonable supposition, because the body of Texas does not look like a pan. Nor do the appendages of other states deserve the proper name.

Florida's panhandle is attached to a butterfly net. Idaho's northern limb looks like an ax handle, and the West Virginia and Maryland extensions are attached to nothing that looks like any cookware that hasn't been run over by a truck. The Alaska panhandle is a frayed-looking string along the southeast coast, Nebraska's is more reminiscent of a snout, and I've never heard a native of Connecticut's Fairfield County (several were enrolled in my classes) refer to the four southwestern towns that thrust like a docked tail into New York as elements of a panhandle.

³⁶⁴ "The Texas Panhandle derives its name from its proximity to the distinctive handle-shaped section of neighboring Oklahoma." David Carson, [TexasCounties.net](https://www.texascounties.net). The regions of Texas. [April 2025]

§New Mexico

New Mexico Territory 1850; statehood 1912 (47th)

Thirty-three counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 3,676 square miles

Newest County: Cibola, 1981; centermost: Torrance

Smallest: Harding (2020 population 657) and Los Alamos (109 square miles)

The least populated (657 in 2020) county in New Mexico is [Harding](#), located near the northeast corner of the state. It was established in 1921, supposedly on the day that Warren Harding was inaugurated as President of the United States. Harding happened to be the last president to have his name bestowed on any county in the US. It wasn't that Coolidge, Hoover, Roosevelt, and those who followed were considered less worthy. It was mainly that so few counties were formed anywhere after 1920.

It is possible that the founding of Harding County on the day of President Harding's inauguration was a present to him by New Mexico's notorious political boss, Albert Fall.³⁶⁵ Fall was named Harding's Secretary of Interior, and he turned the office into a source of graft, most notably the illicit sale of oil rights in the Teapot Dome scandal. Fall had previously been a party to the naming of a New Mexico county, Otero, to flatter the territorial governor.³⁶⁶ Although I can locate no direct evidence for it, newly elected President Harding might have found the naming of a New Mexico county for him a plus for Albert Fall's office-seeking efforts and overcome doubts about the Fall's dubious reputation in New Mexico.

Harding County was carved out of Mora County (to its west) and the southwestern half of Union County, which was established in 1903 in the northeast-most corner of New Mexico, adjoining Texas, Oklahoma, and Colorado. It is possible to infer the forces that formed Harding by examining the founding of Union County, its parent to the northeast.

³⁶⁵ Albert Fall, the disgraced Secretary of Interior in Harding's cabinet, was active in New Mexico politics and worked for Harding's election. Frank Clifford, "Albert Fall; New Mexico's Dark Knight," *El Palacio*, the Magazine of the Museum of New Mexico." Spring 2012. The Newberry's New Mexico [Chronology](#) has Harding County established on June 10, 1921, three months after the inauguration but still in time to be notable to the President.

³⁶⁶ Wikipedia [Oliver Lee](#) Memorial State Park: "Lee's friend, Albert Fall and other Democrats offered to honor Otero, the Republican Governor, with the creation of a county." Oliver Lee was an aggressive New Mexico rancher who was successfully defended against murder charges by Albert Fall.

The story of Union County's formation was the subject of a 1947 article in the *New Mexico Historical Review* by Berry Newton Alvis.³⁶⁷ A pioneering property owner in the town of Clayton, John C. Hill, rounded up nearby residents who thought the trip to courthouses in Mora and San Miguel and Colfax Counties (the three from which Union was formed in 1903) was too long. Mr. Hill proposed a secession from these counties, which other residents agreed to. Hill also promoted his town, Clayton, as the seat of the new county, which others did not agree to. Putting the seat question aside, Mr. Hill and his allies persuade the state legislature after numerous tries to carve out Union County in 1903.

Mr. Hill then persuaded his fellow county residents and the territorial legislature that the town of Clayton was the best spot for the seat. It was a stop for the only railroad in the area and had a reliable water source in a semi-arid region. Towns more central within the new county lacked either a railroad stop or reliable water and were, as a result, small in population. Votes were held, and Clayton won, and a courthouse was erected soon after.

The new seat does have one drawback, though. [Clayton](#) is near the northeast edge of the new county (near the Oklahoma Panhandle). The town is still much toward the east of the county, almost in Texas, from which the railroad cuts through a corner of New Mexico on its way to Colorado. The establishment of later counties, Quay to the south and Harding to the west, had the effect of making Clayton more central within Union County.

Establishment of Harding County was covered by a weekly newspaper in the town of Roy—the county's largest—called the "Spanish American." The paper is oddly named insofar as Harding and indeed most of northeastern New Mexico was populated largely by non-Hispanic ranchers. (And the county names in the northeast part of the state mostly honor Anglo public figures, unlike the names of Spanish saints and Indian tribes elsewhere.) Harding County's High Plains terrain as well as its population resemble that of Oklahoma's Panhandle and neighboring Texas. But the western part of one of Harding's two parent counties, Mora, was largely Hispanic. The Hispanic long-field geography (as distinct from the squares of the US Public Land survey) is still apparent from satellite maps of Mora County.³⁶⁸

The Harding County border with Mora County is the Canadian River gorge, a logical though unusual geographic boundary that is difficult to cross. (Most county borders followed the Euclidean lines of the Public Land Survey to keep farm and

³⁶⁷ Berry Newton Alvis. "History of Union County, New Mexico." *New Mexico Historical Review* 22:3 (1947): pp. 247-273.

³⁶⁸ The satellite map of the village of [Mora](#) shows long fields trending north and south from the main road, Rt. 518.

ranch properties from being split.) Moreover, the two main towns of Harding County, Roy and Mosquera, were served by a railroad that connected a coal mining region in northern New Mexico with cities to the south. The north-south railroad, built in 1903, offered no direct connection either to the seats of Mora or Union Counties, from which Harding was carved.

Thus, in several ways Harding looks simply like a logical progression of local government, offering a county seat (centrally located Mosquero, not the larger Roy) closer to a population that had different backgrounds than its Hispanic parent county. This is consistent with the surprisingly low-key press coverage of the county's establishment in the *Spanish American*. The March 10, 1921, edition celebrates the county's establishment, but the lead-up to the event is mentioned only in the November 2, 1920, edition, in which the election of a slate of candidates favorable to county separation is briefly described.

After its designation as a county seat, Mosquero did not build a grand new courthouse, as most seat aspirants did in other counties. It simply repurposed its high school building; the town of Roy was awarded the county high school. (It had one student in its senior class according to a 2018 magazine article about the county.³⁶⁹) Nothing here to support my hypothesis that county-seat seeking accounted for new county creation.

The history of Union County (northeast of Harding) makes no mention of the loss of territory to Harding, most likely because the land it sacrificed is relatively low-value grazing land, and perhaps because, as I just suggested, Union's seat became more centrally located as a result of Harding's creation. Only much later does the Harding County territory become valuable because of unsuspected uses for its underground reserves.

An extensive geological formation called the "Bravo Dome" is mostly within Harding County. It contains one of the nation's largest underground sources of pure carbon dioxide gas. It was used since the 1930s for making dry ice, but in the 1990s CO₂ was found to be useful as an alternative to chemically saturated water in fracking for oil and gas. The extracted CO₂ gas is compressed into a liquid and sent by pipeline to oil fields, mainly the Permian Basin in Texas.³⁷⁰ Reconstituted as a gas, it is shot into wells to fracture the surrounding rock to release petroleum and natural gas. The carbon dioxide extraction industry pays around three-quarters of the taxes to support Harding County and its single school district.

³⁶⁹ David Pike, "Small New Mexican Towns Ride on History." *New Mexico Magazine*, April 25, 2018 [Oct. 2025]

³⁷⁰ Ronald F. Broadhead, "[Carbon Dioxide](#) in the Subsurface of Northeastern New Mexico," in *Geology of the Raton-Clayton Area*, New Mexico Geological Society 70th Annual Fall Field Conference Guidebook, 2019. The carbon dioxide that is not entrapped underground in the fracking process is normally recovered and reused.

I cannot proceed further in New Mexico without relating legal events that offer clues to why county boundaries everywhere are so durable. On March 13, 1922, a year after Harding was created, the state legislature established two new counties nearby. “Washington County” took over the entire area of long-standing Quay County, and the new “Jefferson County” took over all of San Miguel, a small part of Harding, and (pay attention here) a small triangle between them designated (on the Newberry Library’s site) “Non-County Area 3.” (Modern Quay and San Miguel Counties can be seen in the northeast corner of the state’s county [map](#).)

The very next day, Washington and Jefferson Counties were disestablished by the state legislature, and the previously existing counties were restored to *almost* exactly their previous borders. The exception was that little triangle called “Non-County Area 3.” It disappeared, and its previous land area was absorbed by San Miguel County. An even smaller triangle (not the same as Non-County Area 3) was added to San Miguel County and now protruded into Harding County, causing Harding to be slightly smaller.³⁷¹

The single-day lives of Washington and Jefferson had been engineered to eliminate Non-County Area Number 3. This was most probably done to forestall Number 3 from becoming a lawless no-man’s-land like the (much larger) Oklahoma Panhandle, described previously under Cimarron County. (I have no idea what the other, smaller triangular protuberance that was transferred from Harding to San Miguel was about; there was no obvious mineral resource, urban settlement, or transportation corridor to be gained. It seems, though, to match the tiny upward protuberance at the southeastern corner of Jefferson now San Miguel.)

But why not simply change the boundaries of San Miguel County to eliminate the worrisome triangle? The reason was that, as the Newberry Library’s commentary succinctly explains, the New Mexico state constitution, like that of most other states, forbade the legislature from passing “special and local” laws on specific subjects.³⁷² Among those prohibited was changing individual county boundaries.

³⁷¹ This is not easy to see, but go to the Newberry Library New Mexico map and enlarge (zoom in) to the northeast, and select exact date [1921-07-01](#). San Miguel County and the triangle territory is evident on its southeast corner. Then select exact date [1923-03-13](#), Jefferson County, appears where San Miguel was. The little triangle is filled in as part of Jefferson County. Then go to the very next day, [1923-03-14](#), and San Miguel County reappears. [Nov. 2025] The same image change happens for Quay, the county just east of San Miguel, which is transformed into a 24-hour life as Washington County.

³⁷² Newberry Library, New Mexico: Individual County [Chronology](#): says under San Miguel County: “13 Mar 1923 JEFFERSON (now SAN MIGUEL) created from HARDING, Non-County Area 3, and all of SAN MIGUEL; Non-County Area 3 and SAN MIGUEL eliminated. JEFFERSON existed for only one day before being renamed SAN MIGUEL. This act and its companion the following day circumvented the constitutional prohibition against changing county boundaries by special or local law. (N.M. Laws 1923, 6th reg. sess., ch. 142/pp. 281-283)”

But this constitutional provision did not forestall the creation of entirely *new* counties. Given that the state was already covered with counties, creating a new county would always change the borders of some existing county or counties. So, the one-day creation and elimination of Washington and Jefferson Counties was a creative work-around to fix the border problem created by the accidental triangle called Non-County Area 3 earlier in the century.

The success of this constitutional fiddle perhaps emboldened the legislature to get a little too creative. A few years later, it wanted to make a new county (or counties) from already large counties in the southwest part of New Mexico. Socorro County and Catron County plus parts of Grant County were to be combined into a new “Rio Grande County.”

Grande it would be, being composed mainly of two of the largest-area counties in the state. But they were large area for a reason: They had very few people. The arid and mountainous southwest corner of the state is even less densely populated than the High Plains in the state’s northeast corner. Consolidating underpopulated counties has long been recommended by public officials of all political persuasions. And the legislature of New Mexico had a convenient way to do so without technically violating the constitutional provision against “special and local” legislation that forbade altering county boundaries: creating a new county. (It is possible that Rio Grande County was not intended to be permanent but rather a new entity from which territory was to be parceled out to other counties, but that stage was never reached.)

There was no apparent litigation concerning the one-day creation and destruction of Jefferson and Washington Counties in 1923. But that may have been because no one who might have lived in the area (it looks unoccupied now) was inconvenienced by the elimination of “Non-County Area 3.” The elimination of Catron County in the southwest quadrant of the state most certainly did affect people on the ground.

Most particularly, the officials of the Catron County seat, [Reserve](#), would be out of a job, and residents and businesses who depended on proximity to Catron’s courthouse would find their towns sinking into oblivion. The county seat of Socorro might have had similar anxieties. Though the people affected were small in number, they were highly motivated and had representatives in the county-based state legislature. Officials in the seat of Catron appealed to the state attorney general to prevent the consolidation, which he did in an “Ex Rel” proceeding, which means litigating on behalf of another party.³⁷³

³⁷³ State Ex Rel. Dow v. Graham, 270 P. 897 (N.M. 1928) (New Mexico Supreme Court strikes down county creation.)

The New Mexico Supreme Court in 1928 sided with the counties that were to be merged into Rio Grande County, and the merger did not happen (and is not shown on the Newberry maps). The Court invoked the prohibition of changing county boundaries in the state constitution's list of "special and local" laws that were proscribed. The court acknowledged that such a prohibition would seem to forestall the creation of any new counties, but it pointed out that it could not allow the "exception to swallow the rule." No mention was made of the Jefferson and Washington two-step that was used to change the boundaries of San Miguel County and dispose of the "Non-County Area 3" triangle just four years earlier. (That realignment had not resulted in a court decision, but it is unlikely that the litigating parties and the court were unaware of it.)

The prohibition on "special and local" legislation had become widespread in state constitutions in the late nineteenth century. Thirty states had it installed in some form or another.³⁷⁴ As was seen in Virginia (in Part III above), the state's "special and local" prohibition, first adopted in its 1902 constitution, was most probably the reason for the creation of what I regard as the useful fiction of the "independent city." The Virginia cities' locally controlled (and judicially supervised) boundary expansions were necessitated by the prohibition on special and local state *legislation*, not judicial proceedings.

The geographically tiniest county in New Mexico is [Los Alamos](#). At 109 square miles, it is about a tenth the size of the next smallest county in the state. Los Alamos is world-famous as the government-created community of scientists that hurriedly created the atomic bombs that ended World War II. It was selected in 1942 as the research center of the Manhattan Project. (The project got its name from the location of the Army Corps of Engineers regional headquarters in New York City, where the project started.³⁷⁵)

Los Alamos was intentionally selected as a remote location. Most of the land was owned by the US as Public Lands that had not been sold to private owners. A functioning city had to be created to house the many scientists and their support staff. Although it resembled a military base, it was different because the scientists involved were mostly civilians who eventually brought their families along. Local services like groceries, hardware stores, and schools had to be created. The nearest urban center, Santa Fe, was thirty miles away and outside a highly secure fence surrounding Los Alamos. A military-issued pass was needed every time anyone came into Los Alamos.

³⁷⁴ Anthony Schutz, *State Constitutional Restrictions on Special Legislation as Structural Restraints*, 40 *Journal of Legislation*. pp. 39-95, at 43-48 (2014)

³⁷⁵ William J. Broad, "Why They Called It the Manhattan Project." *New York Times*, October 30, 2007.

Most accounts of life in early Los Alamos indicate that housing and other amenities were low quality and in short supply, though this was probably the case in many other wartime military installations within the US. The state of affairs is suggested by a street in the town center still called “Bathtub Row.” It was the only residential area where bathtubs were available in houses, typically assigned to the top scientists and Army brass. The rest had barracks-like showers, at best.³⁷⁶

After the war, the government decided to keep the Los Alamos National Laboratory going as a civilian-run nuclear research and development facility under the newly created Atomic Energy Commission. But keeping the civilian scientists and staff from moving away—the most famous had already departed—meant that something approaching a normal community had to be established. Even after residential life became more routine, the highly educated population of Los Alamos chafed at the ongoing restrictions on community life. The required check-in at the gate was not suspended until 1957.

For many Los Alamos residents, the restrictions on political life also became a problem. A town council had been established to supply municipal services and regulations, and a private school for residents’ children—there were many families—was financed by the military. But it was soon discovered that the town council had no legal authority to govern. Attempts by Los Alamos residents to vote in Sandoval County, in which Los Alamos was initially located, were mixed. Some were allowed but others denied.

The problem was in the small print of the federal government’s agreement with New Mexico to establish the laboratory in 1942. A government facility located on government owned land was normally still subject to state and county rules and taxes. (The tax base had to be on private facilities or on sales and personal income; federal government land could not be taxed by state or local governments.) But Los Alamos was different.

The core concern was that a small but central part of Los Alamos had been subject to an agreement whereby the state of New Mexico ceded jurisdiction to the Federal Government. Land in this area, which included the laboratories located on it as well as “Bathtub Row” and residential areas nearby, was no longer subject to New Mexico’s jurisdiction. Residents there could not vote in New Mexico, nor were they subject to any regulations except those of the Federal Government.

³⁷⁶ Hal Rothman, *On Rims & Ridges: The Los Alamos Area Since 1880*, University of Nebraska Press, 1992, has a general overview on which the following text is based, especially Rothman’s chapter 11. See also Chambers, *Battle for Civil Rights*, cited below, and Peter Shoemaker, “The Eloise of Los Alamos: One woman’s memories of growing up in the world’s most important small town,” *New Mexico Magazine* Dec. 11, 2012, updated Dec. 07, 2021. The title character had married the son of Norris Bradbury, Oppenheimer’s successor at Los Alamos.

The closest analogy of Los Alamos's position was to Washington, DC, where Maryland and, until "retrocession" of Arlington County in 1847, Virginia had ceded all jurisdiction to the national government early in the nation's history. As described in Part III under Maryland, this is the chief political beef of DC residents: They have no national senators or voting Congressional representatives for the city in which they live or in the state (Maryland) from which the present area of the District of Columbia was carved.

Federal control during World War II likewise meant that residents of Los Alamos could not vote in any state or local election, and state courts had no jurisdiction over them. They could not get married or divorced there; there was no sheriff to enforce legal judgments; New Mexico public schools could not be established there. The US Military was their police force, and their court of first impression was a US Commissioner (sort of a federal justice of the peace) who held court outside the gate so non-residents could participate in proceedings that mostly involved traffic accidents.

One solution to statelessness would have been to retrocede the core of Los Alamos to New Mexico and form a city or just remain an unincorporated area subject to Sandoval County. But neither Sandoval County nor Los Alamos residents and officials were eager for that marriage. (Just as both Washington and Maryland officials disdain retrocession of the District to Maryland.)

Sandoval County was largely Hispanic, rural, and modest in income and education levels. It had a political machine called "La Raza," referring to the mostly Hispanic members, and its power base could have been tipped by the mostly Anglo newcomers. Los Alamos residents were cosmopolitan, highly educated, and well paid by the National Laboratory and its contractors. So, after several years of lobbying and jockeying at both state and national levels (more on that below), Los Alamos was made a separate county in New Mexico in 1949.³⁷⁷

Los Alamos residents were now citizens of New Mexico and could govern their own school district and have their own county elected officials. It was a very special county per the state constitutional amendment that created it. Like most other states, New Mexico constitutionally divides its counties into classes, usually based on population. This allows a degree of geographical variation in state law and sidesteps the constitutional prohibition on "special and local" legislation. (Most state courts are skeptical, however, of legislative categories that fit only one county.)

³⁷⁷ Marjorie Bell Chambers, *Technically sweet Los Alamos: the development of a federally sponsored scientific community*. PhD Dissertation, History, University of New Mexico, 1974. Part of the 800-page dissertation is published as "The Battle for Civil Rights, or How Los Alamos Became a County." Los Alamos Historical Society, 1999.

Counties of the largest class (in New Mexico, those over 100,000 population) could be subject to statewide laws that were different from other classes of counties with smaller populations. (Taxable property also figured in these classifications.) Los Alamos is in a category of its own: Counties less than 200 square miles. Given that the next largest counties are over 1000 square miles, the state legislature can tailor laws for Los Alamos without running afoul of the prohibition on “special and local” legislation. But special it was: The larger counties are subdivided into categories labelled “A” and “B.” Los Alamos alone is in class “H.”³⁷⁸

Los Alamos was also given special leave to create its own form of government, a privilege not accorded other counties in New Mexico. In 1965 it became a combined city and county, the only such unit in New Mexico. City-counties had been established in other states; examples discussed so far in the present work are Kansas City, Kansas; Philadelphia; Baltimore; and the numerous independent cities of Virginia. But Los Alamos went farther than most others in that it subsumed almost all of the usual constitutional county offices—separately elected supervisors, county clerks, and recorders of deeds—into appointed positions under the elected city government.

One classic county office, however, could not be entirely eliminated: the sheriff. An amendment to the county’s charter allowed its locally appointed police force to do all the law-enforcement services that a sheriff’s office does. Sheriffs, though, are not locally appointed. As constitutional officers, they are elected separately from the governing body in the rest of New Mexico and in most of the US. As a result, the Los Alamos local county government decided simply to eliminate the position of sheriff.

The incumbent sheriff of Los Alamos sued to retain his position in 2016, and the New Mexico courts ruled in his favor.³⁷⁹ However, the court did not say what his role had to be in a county where all the sheriff’s law-enforcement duties had legally been transferred to the county police force. That transfer was upheld by the court. The city found a law-enforcement job for him: keeping track of the county’s list of sex offenders, an insignificant job for which the sheriff is paid an insignificant salary. Nonetheless, in the 2018 election, four candidates ran for the job, one of them a former atomic physicist.³⁸⁰

³⁷⁸ The New Mexico County [Sheriff Handbook](#), The NM EDGE, November 2022, p. 93.

³⁷⁹ Daniel J. Chacón, “Los Alamos sheriff fights for office in showdown with county.” The [New Mexican](#), Oct 15, 2016. [April 2025]

³⁸⁰ Edmundo Carrillo, “Four vie for contentious post as county sheriff.” [Albuquerque Journal](#), Friday, October 26th, 2018. [Jan. 2025; post no longer available; email me for copy. WAF]

In one sense, the Los Alamos County story runs counter to my theory that landowners in local towns were the catalysts of county creation. The transfer of federal jurisdiction to New Mexico and the establishment of the county occurred at the state and federal level. It was not at all a regularized process within state law, nor was there any competition between towns to become the county seat.

Yet there was a strong element of on-the-ground political influence without which the county would not have been established. First, the local accounts of life in Los Alamos in the mid 1940s—the stuff that wasn’t about atomic scientists—indicated an informal but strong desire for self-government, as described by Marjorie Bell Chambers (cited above). This was largely driven by the those who worked at the Lab and the spouses of the science staff, not the federal officials.

Residents had initially accepted the necessity of military rules and the often-inferior residential services. But even before the end of the war, civilians began forming volunteer and quasi-governmental service organizations. A town council was formed, and members were elected. But those organizations were in legal limbo. Residents of Los Alamos apparently swung a judicial election in Sandoval County, which surrounded Los Alamos. The loser of that election successfully challenged their right to vote.

This was appealed to the US Supreme Court, which ruled that at least a part of the town where voters lived was under federal, not state jurisdiction. Residents of the federal territory could no more vote in Sandoval County than residents of Washington, DC, could vote in adjoining counties in Maryland or Virginia. Voting hardly mattered when the Los Alamos Lab was controlled by the military and the urgency of war-making drew everyone’s attention, but with civilian control under the Atomic Energy Commission after the war, legal status and local voting were salient issues.

Political activism should not be overrated. It wasn’t just that the well-educated residents were articulate or that the scientists were held in awe for their collective accomplishments. They also had outside options. The scientists were obviously mobile inasmuch as they had moved to Los Alamos from other places and could move back to those or other attractive locations. The governments of New Mexico and the US did not want them to exercise those options. But their potential mobility and the Lab’s decision to allow them to buy their own homes turned them into what I have dubbed “homevoters,” whose ownership of a large and undiversified asset makes them more acutely aware of local political issues.³⁸¹

³⁸¹ See generally Fischel, Homevoter Hypothesis, 2001. A specific example: Leslie Gottlieb, An Atomic-Age Tourist in Los Alamos, [New York Times](#), Feb. 16, 1964. “In September 1962, the Government decided to terminate its ownership of the community and the community facilities. The process will be a lengthy one involving plotting the land, determining its worth, zoning and reaching decisions regarding which locations and property are to remain in

If Los Alamos residents were mostly renters—as they initially were during the war—it would be easy for them to pass up local politics and pack up and leave if local conditions became unsatisfactory. But as homeowners, residents would have been hurt by a mass exodus of Los Alamos. A large sell-off of houses would harm those who remained by the reduction of their own wealth. Local officials would have found it more difficult to finance services from a reduced tax base, and the town’s main employer, the national laboratory, would have found it more difficult to recruit employees. A stable housing market in a community with good public services and a pleasant and interesting “high chaparral” environment—it is not the desert pictured in the movie “Oppenheimer”—was an outcome desired by almost everyone.³⁸² The exceptions were dissatisfied Native Americans and anti-nuclear activists who wished the whole town had never happened.

Federal hands.... The residents will have an opportunity to build and live in their own homes, instead of having to rent the hastily erected Government houses. They will be able to make their own decisions regarding local self-government, and, significantly, they will be able to change the appearance of their city.”

³⁸² A childhood friend spent her adult career as a physician in Los Alamos and compared its climate to her retirement home in Orono, Maine.

§Arizona

Arizona Territory, 1863 (from New Mexico Territory); statehood 1912 (48th)

Fifteen counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 7,573 square miles
[largest in lower forty-eight]

Newest County: La Paz, 1983; centermost: Yavapai

Smallest: Greenlee (2020 population 9,563) and Santa Cruz (1,238 square miles)

[Greenlee County](#), located on Arizona's southeast border adjacent to New Mexico, is the smallest by population, 9,563 residents in 2020. It was established in 1909, the last to be created in Arizona Territory. (Only one other county, La Paz, was created after statehood, and that was in 1983.) Greenlee County is home to one the world's largest open-pit copper mines, the Morenci Mine, located next to the city of Clifton.

Present-day Greenlee County had constituted the eastern third of Graham County, whose seat was Safford. As the Morenci mine and others nearby expanded, Clifton's population doubled that of Safford. Rather than move the seat of Graham County to Clifton, it was eventually agreed that division of the county was a preferable option.³⁸³ Graham County would lose the taxable property of the Morenci Mine, but the alternative was for Safford to lose the county seat, which in Arizona was easily relocated by local vote.

The substantial economic and legal support for county separation by the owner of the Morenci and other mines apparently convinced the Graham County residents that division was preferable to fighting. The mine owners in soon-to-be Greenlee County were the major taxpayers. They made a deal whereby the new county would assume all debts of the old county (Graham) and delay division for two years.

Why the mining company would finance the county split is a bit less clear. The new county's seat, Clifton, is right next to the major Morenci Mine, and that might be regarded as a benefit for security and the recording of mining claims. The Morenci Mine's taxes would also go mainly for local schools and public works projects that would make a community more attractive for workers and executives to relocate to. A benefit to the mine owner might be close proximity to the sheriff's office and the ability to control extra-legal labor union activity. Years later (in the

³⁸³ Danny Haralson, "Did You Know: The big split— Graham and Greenlee," Eastern Arizona Courier, October 6, 2018.

1980s), the Morenci Mine's owner, Phelps-Dodge, was famous for its role in breaking a strike and decertifying its union.³⁸⁴

Arizona's smallest-area county is [Santa Cruz](#) at 1,238 square miles. Its seat is Nogales, right on the border with Mexico and adjacent to the Sonoran city of the same name. Santa Cruz was separated in 1899 from Pima County, of which Tucson is the seat. The impetus for separation came from one man.

An admiring local historian concluded, "Santa Cruz County was largely the creation of Edward Titcomb."³⁸⁵ He was born in the New Hampshire town of Windham in 1863 and moved to Nogales, then part of Pima County, Arizona. He worked in Mexico in the mining industry and started a mining equipment business on the US side of the border in Nogales in 1888. From there he extended his interests to a variety of businesses, including public utilities and real estate.

In 1899, Titcomb led a local delegation to Phoenix, the territorial capital, to lobby for a new county of which Nogales would be the seat. The delegation offered the usual and valid arguments that the Nogales area was poorly served by the distant seat of Pima County in Tucson despite paying more than its proportional share in county and territorial taxes. The initial effort failed—many other towns could make the same argument—but Titcomb soon invited a group of legislators to visit Nogales. The details of their visit were not reported, but after they returned to Phoenix, the newly enlightened legislature voted to establish Santa Cruz County.³⁸⁶

The summary above might suggest that Mr. Titcomb was a largely self-aggrandizing entrepreneur, but it is possible to infer from his county-creation a wider vision. Property values in the seat of the now-smaller county, carved from enormous Pima County, would now reflect some of the gains from the growing trade with Mexico, which Mr. Titcomb promoted. The possibility of local gains from property values are greater if the county's area is smaller, and residents are thus more invested in its economic success and eager to avoid failures.

When Santa Cruz County was formed, the city of Nogales in Mexico (in the state of Sonora) was about the same population as Nogales in Arizona. Together they are referred to as Ambos Nogales, "both Nogales." The Mexican Revolution turned the sister cities against one another in the 1918 "Battle of Ambos Nogales," but by the 1950s a symbiotic relationship had developed between the two. In the 1960s, after the US ended its program allowing US firms to employ Mexican workers (the

³⁸⁴ Sam Ribakoff, "In remote Arizona town, scars of crushed labor strike still linger." [Courthouse News](#) Service, August 18, 2023. (Succinctly describes the strike and its effect on the town of Clifton.); see also [Wikipedia](#) article, "1983 Arizona copper mine strike"

³⁸⁵ Axel C. F. Holm, "Edward Titcomb: a man who changed Nogales," Patagonia Regional Times, Jan. 27, 2002.

³⁸⁶ Lynn Davison, The Founding of Santa Cruz County, Patagonia Regional Times, November 6, 2020

braceros), Sonoran Nogales became a thriving manufacturing center, and its trade with the US was facilitated by its now-smaller twin in Arizona. The business-to-business manufacturing firms—Maquiladoras—are owned by US corporations but run by Mexicans. Their use accelerated as result of the North American Free Trade Agreement in the 1990s.³⁸⁷ It would be a stretch to attribute much of this development to Mr. Titcomb’s early ventures in the region, but his apparently amiable business ambitions did not work against it.

³⁸⁷ The workings of this system are explained in a commercial web page: “Mexico Cross Border Freight, What are [Maquiladoras](#) and Where Are They Located?” [July 2024]. Around 1950, both Nogales cities had about the same, small population. Since the trade agreements, Nogales Mexico grew to a large metro area, now dwarfing its northern twin. Research Gate, [Population change](#), Ambos Nogales, 1950-2005. [Nov. 2024]; Economic Development Foundation [Nogales-Santa Cruz](#) County [Nov. 2024]

§Colorado

Colorado Territory 1861; statehood 1876 (38th)

Sixty-four counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,619 square miles

Newest County: Broomfield, 2001; centermost: Park

Smallest: San Juan (2020³⁸⁸ population 705) and Broomfield (32 square miles)

Most of Colorado was originally a very large western county (Arapahoe) of Kansas. After gold was discovered near Pike's Peak in 1858, newcomers sought to set it on the path to becoming a new state, calling it the "Territory of Jefferson." It constituted what is now Colorado and western Kansas with some adjoining area to the north and south of Kansas. This was yet another example of bottom-up state making like Franklin in North Carolina (which became eastern Tennessee), and Sequoyah and Cimmaron in what are now, respectively, eastern Oklahoma and the Oklahoma Panhandle, as described above in Oklahoma.

Bottom-up agitation for statehood almost never worked. (Here I mean agitation outside of conventional territorial politics.) Congress had its Jeffersonian plan that called for equal-size states, which did not include the proposed state of Jefferson. Making states of uniform size precluded most natural borders and discouraged bottom-up initiative. The big exceptions were Texas and California, both of which had the leverage of becoming independent nations. Texas was a separate country from 1836 to 1846, and California's gold and remoteness from the eastern states were regarded as enabling it to become a separate nation, and Congress hurried to wrap it into the US.³⁸⁹

Counties were markers of a state's civil government, and federal rejection of the state usually meant rejection of the extra-legal county boundaries. Colorado was an adaptation of defunct Jefferson, which lasted only two years, but all of Jefferson's original counties were discarded by Colorado's territorial and state legislatures. (The exception was the short-lived and never-recognized state of Franklin, which was formed by residents of eight extant counties in the western mountains of North Carolina.³⁹⁰ When Franklin was absorbed by newly created Tennessee in 1796, most county boundaries were retained.)

³⁸⁸ Wikipedia's list of counties (in the heading) in Colorado now has Hinsdale as the smallest population in 2023; San Juan is second smallest. For consistency, not to mention economy of effort, I continue to use the 2020 population figures in this work.

³⁸⁹ William Seward, [Speech](#) in the Senate on the Admission of California, 1850: "Freedom in the New Territories."

³⁹⁰ The Eight Counties of the [State of Franklin](#), Circa 1786. Wikipedia map. [August 2024]; Kevin T. Barksdale, *The Lost State of Franklin: America's First Secession*. University Press of Kentucky, 2014.

[San Juan County](#) is the smallest by population (705 in 2020) in Colorado. The County is in the midst a mountainous mining region drained by the Animas River, which flows south to Durango, Colorado. At the center of this mining area was aptly named Silverton.³⁹¹ It was established in 1874, not long before the original San Juan County was laid out and split into smaller units. Just before that time Silverton was in La Plata County, an enormous rectangle in southwest Colorado.

Silverton quickly grabbed the La Plata County seat from Howardsville, a few miles up the river.³⁹² In a couple of years, San Juan County was formed. But Silverton was badly off center of the original San Juan County. Ever so conveniently, San Juan's boundaries shrank when its western two thirds were sliced off to form Ouray County, leaving Silverton right near the middle of the reduced (and present) boundaries of San Juan County.

I could not find a source that says that Silverton's residents lobbied for the county boundary changes. It would not have required much effort. A look at the geography of the area indicates that current San Juan County has logical boundaries. The east, west, and north division lines are constituted by the summits of a tall, nearly impassable range of mountains that surround a largely treeless valley.* People in the western section of original San Juan County had no direct route to the county seat in the eastern section. Even today, the main route connecting the county to the west, Ouray, with Silverton, US 550, is a tortuous and barely all-weather highway.

*Silverton is within one of the least-understood geographic designations in the Colorado, a "park." Specifically, Silverton is in "Baker's Park." Parks are high mountain meadows that are relatively treeless and reminded early explorers and trappers of the open landscapes of French game parks or "parcs." The largest of these in Colorado are North Park, Middle Park, and South Park. The last constitutes Park County, Colorado, and it is indeed the eponymous locale of the saucy animated cartoon, "South Park." The towns of Estes Park, Colorado, and Park City, Utah, draw their names from the same geographic feature.³⁹³ In Wyoming they are called "holes," as in Jackson Hole. Though sometimes referred to as basins, their geology is different from those of Nevada and Utah as described by John McPhee in "Basin and Range" (1981).

San Juan County's population declined from 3,063 in 1910 to 705 in 2020. The decline mirrors that of the rural counties of the Great Plains, but for different

³⁹¹ Colorado Encyclopedia, San Juan County, Town of [Silverton](#) [Jan. 2025]

³⁹² Reuben Schafir, "150 years of [La Plata County](#)," Durango Herald, Feb. 9, 2024 [Oct. 2024]

³⁹³ John Daley, What Makes a Park a Park? CPR News, Colorado [Public Radio](#), Mar. 17, 2025 [Dec. 2025]

reasons. The Plains counties such as Greeley in Kansas lost population because of the increased productivity of labor in agriculture. The amount of wheat (the primary crop) harvested increased, and the natural resource base (the soil) held steady. The number of workers per acre declined because of mechanization of farming, and potential workers moved to more urban places.

In San Juan County in Colorado, by contrast, the economically valuable resource base—gold and silver mines—was eventually exhausted. The county and its seat, Silverton, were left with a beneficial and harmful environmental legacy. The harmful part was the poisonous chemicals left over from hard-rock, underground mining, which has resulted in several major water pollution events, most recently in 2015.³⁹⁴

The beneficial legacy is the spectacular scenery of the mountains from which the ores were extracted. The road system and the railroad (now the Durango and Silverton) that supported the mines are now carriers of outdoor recreationists and tourists. They are the mainstay of the local economy, though the transition from mining has not been entirely amicable. The not-uncommon rift between earlier residents and new-age seekers and well-monied skiers in Silverton was resolved (for the time being) by a mutual interest in well-planned real estate development.³⁹⁵

Colorado's smallest-area county is also the nation's newest (not counting Alaska's very different "boroughs"). [Broomfield County](#) was formed in 2001. It is the only official county established so far in the twenty-first century. At 32 square miles, it is also the fifth-smallest "true" county in the US, according to the Wikipedia list. The implied "not-true" counties are the numerous "independent cities" of Virginia, plus Baltimore, St. Louis, and (not exactly) Carson City, Nevada. But as it turns out, Broomfield looks a bit like an independent city, too. (In discussing those units in their respective states, I argued that they are more like counties in disguise.)

Broomfield began as a regular city within [Boulder County](#), incorporating in 1961 on the southeast corner of its parent county. As it annexed additional territory, its boundaries spread into four different counties. Besides Boulder, its original county, it took in land and development in the counties of Adams, Jefferson, and Weld. This led to inconvenience for the city of Broomfield insofar as its citizens had property and other records in four different counties; the city police had to deal

³⁹⁴ Amy Harder, "EPA Contractor Involved in Colorado Spill Identified as Environmental Restoration," Wall Street Journal, August 13, 2015. The event led to the mine being declared part of a Superfund site, a designation previously resisted by the local population. Colorado Encyclopedia, [Silverton](#). [Dec. 2025]

³⁹⁵ Jonathan Weisman, "Divided by Politics, A Colorado Town Mends its Broken Bones." New York Times, Nov. 30, 2023.

with four separate court systems; taxes and county regulations were similarly complicated.

The city of Broomfield resolved this by persuading Colorado's legislature and its statewide voters to adopt a special constitutional amendment that made the city its own county. The only other Colorado city that had succeeded in doing this was Denver. But that was almost a century earlier, and the last regular county created in the twentieth century, Alamosa, arrived in 1913. Broomfield was indeed a special case.

It seems likely that something beyond the inconvenience of multiple courthouses was bothering Broomfield. Hundreds of towns and cities in the US are laid athwart county boundaries, and scores of those are in three counties. Four-county cities are not that uncommon: Wikipedia's list includes Melrose, Florida; Allentown and Braselton, Georgia; Aurora, Barrington Hills, and Centralia, Illinois; Kansas City, Missouri; High Point, North Carolina; Oklahoma City and Tulsa, Oklahoma; Corpus Christi and Fort Worth, Texas (Dallas is in five); and Wisconsin Dells, Wisconsin.

Moreover, it is usually cities that choose to annex territory in multiple counties, as Broomfield did. It seems to be a self-created hardship whose benefits and costs could be weighed in advance, and there's no evidence that any of the other multicounty cities responded by trying to become their own county. (As previously noted in Part I under Massachusetts, New England towns and cities that spread into neighboring counties simply altered the original county boundary to encompass the enlarged municipality.)

A more probable impetus to Broomfield's quest to become its own county was to get out from under the influence of its original parent county, Boulder. The city of Boulder is the seat of the county and of the University of Colorado. It is famous among scholars of land use for having formed an urban growth boundary around the city in the 1970s. As by far the largest city in the county, Boulder was able to extend its regulatory boundary into the county as well.

Other cities in the county may have wanted to develop housing and businesses, but they were up against a remarkably durable and insistent political entity. Exit from the county might have resolved the conflict. As a study of Boulder's land use policies put it in 2002, "Indeed, the polarized views on growth and sprawl in the Boulder area recently led to the creation of a new county, Broomfield, which was carved out of pieces of four other counties, including Boulder."³⁹⁶

³⁹⁶ Rolf Pendall, Jonathan Martin, and William B. Fulton. "Holding the line: urban containment in the United States." Center on Urban and Metropolitan Policy, the Brookings Institution, 2002.

By virtue of its being at the southeast corner of Boulder County, the city of Broomfield was in good position to separate from Boulder without too much opposition. No other county seat's position was threatened by the small border adjustment. Even a present-day Boulder-booster site observed, "... a small piece of the Southeast corner of our lovely county was taken by Broomfield in 2001 The city of Broomfield never saw eye-to-eye with the municipality of Boulder, so it was probably land area well spent."³⁹⁷

Broomfield thus looks more like an independent city such as Baltimore or St. Louis, both also created by special constitutional provisions. Broomfield's mayor even got the unusual power to appoint the sheriff (an appointed chief of police with sheriff's authority) rather than have the voters elect him or her.³⁹⁸ The multiple courthouse inconvenience was real, but it was also a plausible story to conceal from Colorado voters that local land-use politics was the major issue.

Unlike Virginia's independent cities, Broomfield's future growth is severely hemmed in by a constitutional provision inserted upon its establishment. It gives the four counties from which it was carved a collective veto power over any annexations.³⁹⁹ And indeed no annexations have taken place since Broomfield County was created in 2001.

Broomfield County is divided among five school districts. These roughly correspond to the counties in which the city was formerly located. The two districts that account for most of the county's territory are Boulder Valley Re-2 and Adams 12.⁴⁰⁰ Broomfield students are not a majority in either of these districts, with only one Broomfield-located high school in each. It is not unusual in Colorado for newly created cities to retain the school district boundaries of their former towns or counties. But for Broomfield, which sought to make its own community out of its four former counties, the continued division of its school districts along the former lines would seem to be a drawback.

³⁹⁷ "[About Boulder](#): Explaining Boulder County's Name and Shape." See also [eReference Desk](#), City and County of Broomfield, Colorado: "It [Broomfield] also had longstanding political differences with Boulder County, which impelled it to separate." [Jan. 2025]

³⁹⁸ The only other city allowed this is Denver. Wikipedia "[Denver Sheriff Department](#)" [Oct. 2024]

³⁹⁹ [Article XX of the Constitution](#) of the State of Colorado creating Broomfield County: "On and after November 15, 2001, no annexation or consolidation proceeding shall be initiated pursuant to the general annexation and consolidation statutes of the state to annex lands to or consolidate lands with the city and county of Broomfield until such proposed annexation or consolidation is first approved by a majority vote of a seven-member boundary control commission. The boundary control commission shall be composed of one commissioner from each of the boards of commissioners of Adams, Boulder, Jefferson, and Weld counties, respectively, and three elected officials of the city and county of Broomfield."

⁴⁰⁰ Broomfield Colorado, [Schools](#) [official site; July 2025]

§Wyoming

Territory organized, 1869; statehood, 1890 (44th)

Twenty-three counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 4,221 square miles

Newest: Sublette and Teton Counties, 1911; centermost: Fremont

Smallest: Hot Springs (2,006 square miles) and Niobrara (2020 population 2,275)

With just over half a million residents, Wyoming is the least populous state, trailing Vermont by a small margin. Yet most of its counties are not much less populated than those of other states west of the 100th Meridian. What makes Wyoming different is its lack of large cities. Its capital and largest city is Cheyenne, which is also the seat of Laramie County, the state's most populous. (The fifty-mile distant city of Laramie, home of the state's only university, is in Albany County by virtue of a long-ago county boundary change.) But Cheyenne has only around 65,000 residents, barely making it a Census metropolitan area. (The next largest in Wyoming are Casper, 59K; Gillette, 34K; and Laramie, 33K.) Nowhere is the notion that equal-area states would lead to equal-population states more obviously wrong than in Wyoming.

[Hot Springs County](#) is the state's smallest by land area. It is over 2000 square miles, which makes it—hold on for this superlative—the largest smallest county in the US by land area. The county seat is Thermopolis, in which are located the hot springs which gave the county its name. The hot springs, which are not part of the Yellowstone system, made the town a resort before the county was formed. Its remoteness kept the number of visitors and the resident population down until a railroad was run to it in 1910.

The county was formed the year after the railroad arrived at the behest of citizens of Thermopolis, and the town's population grew from about 300 in 1900 to 2000 in 1920. The city's fortunes were so obviously the impetus for the county's creation that there is little discussion of any controversy over the location of seats in the county's history.⁴⁰¹ The population of the county has remained fairly steady at about 5000 since 1920. Unlike many of the mining-based counties in the mountain West which lost population as mines petered out, Thermopolis and its county were dependent on a fairly steady tourism industry from their inception.

⁴⁰¹ Wyoming Historical Society, [Hot Springs](#) County [Oct. 2025]

An attempt to boost the hardscrabble cattle industry in the county was undertaken in the 1950s by the US Bureau of Reclamation. It spent about seven million dollars on a dam to create a reservoir for irrigation. The Anchor Dam was completed in 1960 but never held enough water for its purpose. The locally well-known difficulties with the underlying rocks in the reservoir defeated it. Admission of failure was a long time coming:

“During one especially wet spring, the lake filled and stayed that way long enough for someone to take a picture. This completely atypical image then became the cover photo for public Bureau of Reclamation documents about the dam for several decades. [Historian Kathy] Lindholm described how, while privately admitting the project's failure, Bureau personnel tried to gloss the story in public because they did not want to damage their agency's reputation or put funding for future projects at risk.”⁴⁰²

The smallest county by population in Wyoming is [Niobrara](#) (2,275 in 2020), located on the eastern border of the state next to Nebraska. The county seat, Lusk, was named for cattleman Frank S. Lusk, who promoted the town and the establishment of the county. There wasn't much doubt that the county was formed to advance the fortunes of Lusk, both the man and the town he founded. He was a cattleman and a general entrepreneur who had participated in bringing the first railroad through the county.⁴⁰³ He seems not to have been the bossy type, which helped get his fellow citizens on board with the project.

Niobrara was created in 1911, carved out of the eastern half of Converse County. Another town near Lusk, Manville, vigorously opposed the area's separation from its parent county. In the 1890s, Manville had been larger than Lusk but was losing population in the early twentieth century. Its residents were concerned that if Lusk became the seat, it would accelerate their decline. Manville partisans tried various delaying tactics to forestall the county's creation and the ascension of Lusk as its seat, but by 1910 Lusk's population was more than twice that of Manville. Having a new county likely made sense to the state legislature, which was subdividing other counties at the time.⁴⁰⁴

The city of Manville's fear of decline was well founded. Its population fell from 584 in 1920 to 95 in 2010. Lusk declined during that period, too, but only from 2,092 to 1,567. Opponents of Niobrara County's formation predicted fiscal ruin because of the sparse settlement and meager tax base. The new county did initially

⁴⁰² Annette Hein, “[Anchor Dam](#) and the Reservoir that Wouldn't Hold Water.” WyoHistory.org 2014. [May 2025]

⁴⁰³ State of Wyoming Historical Department, [Quarterly Bulletin](#), Vol 1 August 1923

⁴⁰⁴ Nicole Lebsack, Niobrara County [WyoHistory](#).Org 2014. [Jan. 2025]

struggle, but its fiscal situation was alleviated by 1920 by the discovery of oil and gas, whose facilities added to the tax base.

Niobrara County's population declined from 6,321 in 1920 to 2,924 in 1970. The decline levelled off in the 1970s in large part because Niobrara County became home to the state's only prison for women. This provided jobs for locals as well as countable persons in the Census. It does not directly add to the property tax base because state-owned property is not locally taxable. The state appears not to make payments in lieu of taxes to the county.

Convicts in most states, Wyoming included, are enumerated in the county in which they are incarcerated, not their last home before imprisonment. This results in prisons giving more representation to voters who are regular, voluntary residents of towns and counties in which prisons are located. This is said to unfairly benefit rural areas by providing them with more representation in legislatures, and a movement to reassign prisoner counts to the inmates' usually-urban hometowns has had some success.⁴⁰⁵

One reason that new prisons have been built in rural areas, though, is that neighborhood opposition in urban and suburban areas often makes construction unrealistic. The employment benefits of a new prison are not usually appreciated in urban areas, where other job opportunities are available and most people commute to other jurisdictions.⁴⁰⁶

The aforementioned distortions of legislative apportionment (rural prisons slightly favoring rural counties) could be resolved by allowing prisoners to vote. Vermont and Maine do allow prisoners to vote by mail in the town in which they last resided, though this is logistically difficult, and participation in Vermont, at least, is said to be low.⁴⁰⁷ Allowing prisoners to vote where the prison is located—no state permits this—could distort political outcomes. For example, the inmate vote could influence elections for the county sheriff, who is in charge of prisoners in county jails and is a resource for law enforcement in state and federal prison emergencies.

⁴⁰⁵ [Prison Gerrymandering](#) Project, [Dec. 2023]. The states that have reassigned prisoner counts to their last non-prison address are largely Democratic and urban, so having population counts reassigned to convicts' usually-urban last address generally bolsters urban interests even though the prisoners cannot vote. "Legislation has already passed in California, Colorado, Connecticut, Delaware, Illinois, Maryland, Nevada, New Jersey, New York, Virginia, and Washington State."

⁴⁰⁶ Eric J. Williams, *The Big House in a Small Town: Prisons, Communities, and Economics in Rural America*: Prisons, Communities, and Economics in Rural America. Santa Barbara, Cal.: ABC-CLIO, 2011.

⁴⁰⁷ Riley Board, What does an election look like inside a prison? Burlington Free Press, August 24, 2020. The Prison Gerrymandering Project seeks to relocate the count of rural prisoners to (usually) urban jurisdictions but does not advocate enfranchising the inmates.

Inmate voting would not be much of a problem for larger counties, in which prison populations are a small percentage of the voting population. But it could be influential in counties as small as Niobrara, in which the prison capacity is 261, just over ten percent of the county's 2020 population of 2,467 or about thirteen percent of the voting age (over 18) population.⁴⁰⁸ Close elections have been swung by smaller groups, as residents of many college towns, such as the one I reside in, can attest.

⁴⁰⁸ Wyoming Department of Corrections, Wyoming [Women's Center](#) [Dec. 2023]

§Montana

Territory organized (from Idaho Territory), 1864; statehood, 1889 (41st)
Fifty-six counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 2,599 square miles
Newest County: Petroleum, 1925; centermost: Fergus
Smallest: Petroleum (2020 population 496) and Silver Bow (719 square miles)

Montana's smallest-population county is [Petroleum](#) (496 in 2020), located near the geographic center of its vast state. It is frankly named for the mineral that enabled its creation. It's the only county named Petroleum, though there are four Carbon Counties—Pennsylvania, Montana, Utah, and Wyoming—and a Coal County graces Oklahoma. The region that became Montana's Petroleum County was the site of the state's first oil boom in the early 1920s. The county was established in 1925. It was the last county created in the state, and it ended a gusher of county creation that began in 1911, which nearly doubled the number of Montana's counties.

Petroleum slid in under a 1911 act of the Montana legislature that empowered local residents to form a county without specific legislative authorization and without the consent of the remaining residents of the parent county. The state's county-promoting act was adopted in response to a marked increase in demand for commodities just before the first world war and the difficulty that the state legislature had in creating counties. The wheat from Montana's just-barely-arable High Plains in the east and the minerals from its western mountains jumped in value. Railroads were built, and the population of the state grew.

To facilitate this growth in settlement without the hassle of legislative oversight, the 1911 "Leighton Act" allowed local landowners and residents to form counties—all carved from preexisting counties, which might otherwise have resisted—with only a local vote, not including the rest of the county whose land was being withdrawn from its jurisdiction. The 1911 legislation was derided as the "county splitter" law, one that upset the former equilibrium of existing counties without their consent. Equally despised by existing-county interests was one Dan McKay, a lawyer who, for a fee, organized voters in areas of the counties that were ripe for splitting and shepherded it through the demands of the Leighton Act.⁴⁰⁹

⁴⁰⁹ Newberry Library, [Montana: Commentary](#), Montana Atlas of Historical County Boundaries [Dec. 2025]

Petroleum's birth was documented by an exhaustive master's thesis in 1964 by Joanne Hassing, "Creation of Petroleum County: A Study in "County-Busting."⁴¹⁰ All accounts of Montana's county creations, including the Newberry Library's commentary, mention the period of "county busting" or "county splitting" from 1912 to 1925. The number of counties in Montana nearly doubled from 29 to 56 (its final number), and all accounts attribute this, usually disparagingly, to the Leighton Law of 1911, which explicitly allowed bottom-up county creation. Since every county got a state senator, this added to the disproportionality of representation, since most new counties were rural and modest in population.

All of this criticism of bottom-up county creation requires a response. Mine is two sided: a) Montana's wasn't all that bottom up because the legislature could and did manipulate the rules for formation as time went on, and b) the bottom-up process produced counties that made at least as much sense and produced about the same number of counties as the supposedly top-down process in nearby states.

I rely on Joanne Hassing's thesis to support the first point, about legislative manipulation of the rules. Residents in the eastern region of original Fergus County (where Petroleum County was eventually formed) had tried since 1919 to form their own county (Hassing p. 68). The Leighton law had been in effect for five years, but the new county's proponents did not initially employ it. They instead took the traditional route that I have described for counties in most of the rest of the US: They went to the state legislature for approval. Four separate efforts were made between 1919 and 1921, and all were rebuffed by the legislature. (It wasn't uncommon in other states for a proposed new county's first try to fail.)

Only in 1921 did the Petroleum County advocates resort to the Leighton law's "petition and election" process. If the petition was accepted by the county courts, an election was held, and if the majority was large enough to favor county formation, no further action by the legislature was required. But Montana's petition process was not clear sailing. The courts on two occasions blocked Petroleum's petition because of defective signatures. Some names were withdrawn and then signers reinstated them; the local court upheld withdrawals but not reinstatements, suggesting some hostility to county formation.

The legislature had also set the conditions for new counties and elections that were varied over the life of the Leighton act. The main conditions were similar to those of other states: a minimum land area for the new county and that of the county or counties from which it was drawn; a minimum property-tax base valuation for the new and remaining counties; and county boundaries that were no closer to an existing county seat than a certain number of miles. The legislature

⁴¹⁰ Joanne Marie Hassing, "Creation of Petroleum County: A study in "county-busting.". [Master's Thesis](#), University of Montana, 1966. [March 2026]

also dictated the percentage of voters who had to sign a petition to create the new county and the majority required by the final vote—both always greater than fifty percent.

As Ms. Hassing describes it, the legislature took steps to tighten these standards—demanding larger areas, higher valuations, large county-seat buffers, and bigger majorities—when it looked like too many counties were being created. Conversely, when too few were created under the petition and election method, the legislature loosened the parameters to encourage more counties, which responded accordingly. In other words, the legislature never really relinquished control over the process of county creation. All it gave up was the direct lobbying by new county proponents and opponents for particular counties and the legislature's final say-so.

So why didn't the legislature just keep direct control? Hassing reports what the legislators themselves said: The process of creating counties took up too much of the legislature's time.⁴¹¹ Montana was a new state (1889) and had a vast and varied territory to make laws for. The strangest cause of the legislature's distraction was the wholesale adoption of New York's civil law code into Montana's laws, as described by Andrew Morriss.⁴¹² Rather than selectively adopt laws relating to, say, corporate formation and property disputes, it simply adopted whatever New York had done.

It actually took a long time to do this copying, perhaps longer than starting from scratch, because of constitutionally driven adoption procedures requiring multiple readings. And after they were done, the legislature was faced with amending the laws to fit Montana's circumstances. (Andrew Morriss notes that the courts in the meantime often simply ignored the newly coded civil law in favor of common law precedents.) Whatever the wisdom or folly of a vast rural state's aping the legal code of the nation's most urban state, it left less time for making counties.

Much of the criticism of Montana's county petition and election process came from the more established urban counties in the western third of the state, where mining was the dominant activity. The politics of this part was originally dominated by Southern Democrats who had come for mining employment.⁴¹³ The newer counties in the eastern part were populated mostly by homesteaders from non-slave states and abroad, and they aligned with Republicans. Most new counties

⁴¹¹ Hassing, page 12.

⁴¹² Andrew P Morriss. "This State Will Soon Have Plenty of Laws-Lessons from One Hundred Years of Codification in Montana." *Montana Law Review* 56 (1995): pp. 359-450.

⁴¹³ W. Turrentine Jackson, "Montana Politics during the Meagher Regime 1865-1867." *Pacific Historical Review* 12:2 (1943): pp. 139-156.

were in the homesteader parts, and each county got a vote in the legislature. So, some of the opposition to “county splitting” seems like partisan politics.

Readers of the present work will recall that virtually all counties in the US, particularly those formed in the nineteenth century, were the product of county splitting. Almost every territory and state spread a loose net of counties to establish its authority over all its land. All counties created after that had to have been split off from some previously established county, whose remaining residents usually did not have veto power over the state’s actions.

What was new in Montana wasn’t splitting; it was the explicitly bottom-up decisions by local entrepreneurs that was different. Moreover, the state legislature kept an eye on the process and varied the standards that new counties had to meet in response to the rate of formation. Almost half of the new counties created in the “county splitting” era (1912 to 1925) were created without using the Leighton Act’s “petition and election” process that was singled out by critics.

The resulting pattern of counties from this era also does not look much different from that of neighboring states. The average size of the counties of North Dakota and South Dakota that adjoin Montana’s counties in its eastern section are actually smaller in area (suggesting more “splitting.”) Those of Wyoming to the south are slightly larger in area, while the counties of Idaho seem close to the same size as Montana’s. Indeed, Idaho went on a county-splitting spree at about the same time as Montana, creating 21 of its eventual 44 counties between 1911 and 1919 without benefit of Montana’s explicit bottom-up process.⁴¹⁴

Petroleum County’s population was just over 2,000 in 1930 and has fallen in almost every census year to about 500 in 2020. This decline is hardly unusual, though, for a western-state county that is not near a metropolitan area. Like other tiny rural counties, Petroleum almost went bankrupt during the Great Depression as property tax revenues declined. It was kept afloat by New Deal rural programs that bought up land and agricultural products.

Petroleum’s continued fiscal problems caused it to pioneer Montana’s first county manager plan, which consolidated county-elected offices and did provide some budget relief. Yet the problems of tiny population weighed on the author of the 1989 state-centennial history of Petroleum, who suggested that the state’s 56 counties might soon be consolidated into as few as 16.⁴¹⁵ As in all other states, forecasts of county demise have invariably been wrong: Not a single state outside

⁴¹⁴ Benjamin E. Thomas, “The Historical Geography of Idaho Counties.” *Oregon Historical Quarterly* 50:3 (1949): pp. 186-208, offers a well-informed overview, noting especially the desire of immigrants for county government to provide representation in the legislature.

⁴¹⁵ Introduction, *The Pages of Time A History of Petroleum County*, Montana, Petroleum County Library, Winnett, Montana, 1989.

of southern New England has eliminated any counties (except by renaming a few) since nearly bankrupt Milton and Campbell were folded into Fulton County (Atlanta) in 1932.

Montana's smallest-area county (719 square miles) is the charmingly named [Silver Bow](#), after a stream of that name in the area. Its seat, now the center of the consolidated city-county, is Butte. The city has the less-than-charming distinction of being home to the notorious Berkeley Pit, an enormous remnant of open-pit copper mining whose lake is a stew of sulfuric acid and other pollutants. The pit is the legacy of Butte's history as the copper-mining capital of the world in the late nineteenth century. Copper had succeeded silver and gold mining in the area.

Butte had been within one of Montana's original counties, Deer Lodge. Like many original counties in other states, Deer Lodge was successively carved up to make new counties. Butte was on the southern tip of the county, and once it became a boom town based on copper, its population grew so rapidly that it soon exceeded that of the city of Deer Lodge, the seat of the county. Butte took the county seat for itself, but Deer Lodge city got it back when Silver Bow County was formed around Butte in 1881.⁴¹⁶ Butte became the seat of the new Silver Bow.

The logic of the split may have been so obvious that there seems to be little contemporary commentary about it even though most everything else about Butte's rise—its copper-king feuds, the labor strife, the red-light districts—is thoroughly documented. The more unusual machinations occurred shortly after Silver Bow's 1881 split from Deer Lodge County. Marcus Daly, the owner of the biggest mine in the area, constructed enormous copper-processing smelters in a brand-new city twenty-six miles west of Butte. His meticulously planned town was to be called Copperopolis. The name had already been taken, so Daly's company-town took the name of his richest mine, the Anaconda.

Anaconda, the town, was in Deer Lodge County, from which Butte had recently exited by creating its own county. The demand for copper rose prodigiously in the 1880s—think telephone and electric lines—and the Anaconda and nearby mines produced enormous amounts of copper, for which ever larger smelters were required. Marcus Daly owned both the mine (actually located in Butte) and the city of Anaconda, and it would seem obvious that he would want to make his city the seat of Deer Lodge County. But Daly had larger ambitions. He wanted Montana's territorial capital (not a state until 1889) to be moved from Helena (still the state capital) to Anaconda.

⁴¹⁶ National Park Service, Register of Historic Places, Historic & Architectural Properties of Anaconda, [Deer Lodge County](#), Montana, 1995.

Daly waged a costly battle against another copper magnate, William Andrews Clark, who was the champion of Helena.⁴¹⁷ It would not have been a terribly illogical move—Anaconda is only 75 road miles from Helena, which doesn't seem far in a state whose east and west borders are six hundred miles apart—but Daly and the city of Anaconda did not prevail in the final plebiscite. Perhaps the future state's voters could not quite see their way to a capital city that shares a name with a fearsome Amazonian reptile. After his defeat in 1894, Daly turned to the easier task of making Anaconda the seat of [Deer Lodge County](#) in 1896. Daly built a magnificent classical-themed courthouse to anchor the new county seat.⁴¹⁸

Residents of the town of Deer Lodge were sorely displeased by being squeezed out of their courthouse by Anaconda. Deer Lodge was a modest-sized town whose main reason for existence was as a county seat. So, it did what many other towns in its situation did: It persuaded the legislature to create a new county, [Powell](#), that did not include Anaconda, and made the town of Deer Lodge its county seat.⁴¹⁹

Anaconda remained the seat of the now-further reduced county of Deer Lodge. (First reduction was to Butte and Silver Bow County.) Anaconda's final move was to induce the state legislature in 1901 to rename the county for its leading citizen and founder, Marcus Daly. The name "Daly County" would have amounted to a memorial for Mr. Daly, who had died prematurely in 1900. Daly was an aggressive entrepreneur, but he seems to have treated his town's residents and employees well enough.⁴²⁰ At the same time the legislature renamed Powell County to restore its original name to the northern part whose seat was Deer Lodge, which thus would have gotten its original county name back to go with its restored county seat.⁴²¹

Within a month (April 1901) an unsentimental Montana Supreme Court ruled that the name changes were unconstitutional. They ran afoul of that often-vague constitutional ban on "special and local" legislation. Montana's clause did not specifically prohibit renaming counties or altering their borders (as New Mexico's did, described above in the discussion of Harding County), but it did restrain the legislature from renaming "places," and that was specific enough for the court.

⁴¹⁷ History of [Helena](#), Helena College [April 2025]; William L. Lang, "Spoils of Statehood Montana Communities in Conflict, 1888-1894." *Montana: The Magazine of Western History* (1987). Clark County, Nevada, was named for William Andrews Clark, who built that area's railroad.

⁴¹⁸ Montana's Historic Landscapes, 35 Years in the Big Sky Country, Anaconda's [public landscape](#), blog post of March 8, 2016 (author not listed) [April 2025]

⁴¹⁹ Newberry Library, Montana: [1903-03-03](#) [March 2026]

⁴²⁰ Bonner Milltown [History Center](#) and Museum, Bonner, Montana [Jan. 2025]

⁴²¹ From Newberry Library entry for [Deer Lodge County](#): 08 Mar 1901 "Legislature authorized DEER LODGE to be renamed DALY, and POWELL to be renamed DEER LODGE; change did not take effect. Montana Supreme Court ruled against the name change on 8 April 1901. (Mont. Laws 1901, 7th leg., pp. 107–110; "State ex rel. Sackett v. Thomas," in Mont. Rpts., 25:226–241)"

It is possible that the Montana court did not have fond memories of Mr. Daly's attempt to relocate the state's capital and, presumably, the state supreme court from Helena to Anaconda. The test case that addressed the renaming of Deer Lodge County to Daly County—whether a debt was legal under a different county name—seems to have been one that could have easily been sidestepped by the court.⁴²² In any case, the town of Deer Lodge maintains its status—and survival—as the seat of Powell County and must endure the sight of its southern neighbor bearing its name as a county. (The “Deer Lodge” name was from a mounded hot spring whose steamy emissions reminded natives of a traditional dwelling lodge, and it attracted local whitetail deer as a salt lick.⁴²³)

⁴²² Sackett ex rel. Sackett v. Thomas, 25 Mont. 226 (1901)

⁴²³ University of Montana, “This is Montana, [Deer Lodge](#) and Deer Lodge Valley.” The “lodge” is on the campus of the Montana State Hospital in the hamlet of Warm Springs in Deer Lodge County. [June 2026].

§Idaho

Idaho Territory organized, 1863; statehood, 1890 (43rd)

Forty-four counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,878 square miles

Most recent counties: Caribou, Clark, and Jerome, 1919; centermost: Custer

Smallest: Payette (409 square miles) and Clark (2020 population 790)

Idaho's smallest-area county is [Payette](#) (410 square miles, 1 percent water), located on the state's western border with Washington State on the Snake River. The Idaho constitution is unusual among the states of the inland West for having an eastern-scale constitutional constraint on new counties: No less than 400 square miles for both the new county and the county or counties from which it was carved. There were also property value and population minima like those of Montana.

Unlike Montana's, the Idaho legislature always reserved for itself approvals of each county creation. But local county-seat seeking was still at work. When Canyon County was separated from Ada County (whose seat is Boise, the state's capital and largest city) in 1892, the town of Payette sought to become the county seat of Canyon. Its citizens offered \$20,000 and a block of land, presumably for a courthouse.⁴²⁴ This was a long shot: Payette was in the far northern corner of the county, while what became the county seat, Caldwell, was a few miles south of the center and easily won.

Undaunted, Payette then turned to the state legislature and for a decade lobbied to create its own county, succeeding in 1917. Payette County's success may partly be due to nonresistance by citizens of Caldwell in [Canyon County](#). With the creation of Payette County, Caldwell became almost dead center in Canyon County, which presumably secured its courthouse from the covetous eyes of any rivals nearby.

The town of Payette, of course, became the seat of its new county despite its still not being anywhere near the center. Closer to the center is the city of [New Plymouth](#), Idaho. It was planned by William Smythe, a wealthy, idealistic investor from Chicago who wanted to encourage irrigation and small farms in the arid West. To enable irrigation on small lots, the streets and the outer boundary of New Plymouth were laid out in a concentric horseshoe pattern. The pattern is clearly visible from the air. Behind the residential streets were irrigation canals that were connected to a main canal that ran from the nearby Payette River. Each

⁴²⁴ Ron Marlow, "History of [Payette County](#)," The Independent-Enterprise Newspaper, Payette, Idaho, Wednesday, February 27, 2002 [April 2025]

homeowner had a one-acre town lot on the horseshoe and twenty acres of prime farmland outside of town with a guaranteed water supply.

A higher density of farm populations tends to result in smaller counties, and Payette County, settled in 1896, is an example. But centrally located New Plymouth seems not to have aspired to be the county seat, even though its population was about the same as that of the town of Payette when the county was established in 1917. Indeed, one public official from New Plymouth was a booster in the formation of Payette County and the resulting location of the courthouse in the town of Payette (though there were hints of criticism of that official⁴²⁵). It is possible that the New Plymouth ideal of a self-contained farming community was not conducive to the spirit of land speculation that motivated county-seat contests.

The Idaho county with the smallest population is [Clark](#) (790 in 2020), located on the top side of Idaho's stubby boot-toe, just south of Montana. It is one of the twelve counties named Clark in the US, but it was not named for one of the famous brothers, Revolutionary War General George Rogers Clark or explorer William Clark, whose name is inextricably linked with Meriwether Lewis. The Idaho county was named for Samuel Knowles Clark, an early settler in the area. (Samuel Clark's full name appears on the county seal, apparently to forestall the inevitable namesake question.)

It wasn't just that Samuel Clark was a longtime resident with a successful cattle ranch. He actively campaigned to create the county as a state legislator in [Fremont County](#), from which Clark County was carved. And after the new county was established, Mr. Clark became the state senator from Clark County. He perhaps coincidentally established a bank in the new county's seat, DuBois, the same year the county was created, which added to his extensive real estate holdings in the now-tiny city.

No one seems to have held this against him. In her 1200-page compilation of the history of Clark County (on the occasion of Idaho's state centennial in 1990), Ms. Bonnie Stoddard recorded no resentments against Mr. Clark.⁴²⁶ Clark County was also geographically logical. The western part of Fremont County, from which Clark was split, was inaccessible to the Fremont County seat, St. Anthony. An

⁴²⁵ "Those working on this bill included ... Gus Ingalls of New Plymouth, who worked hard on what he considered was the right thing to do even though many neighbors thought otherwise." Ron Marlow, "[History of Payette County](#)," Independent-Enterprise Newspaper, Payette, Idaho, February 27, 2002.

⁴²⁶ Bonnie Stoddard, compiler, *Settlers of the Silver Sage*. Clark County Historical Society, 1992. I am aware that criticizing the county's founder in such works might be frowned upon, but there was liberal criticism of Fred Dubois, who gave his name to the county seat, for his vigorous campaign against Mormon polygamists.

enormous range of natural sand dunes separates the city of Dubois (Clark County's seat) from St. Anthony.⁴²⁷

⁴²⁷ St Anthony [Sand Dunes](#) Special Recreation Management Area [July 2025]

§§ PART V

THE GREAT BASIN AND PACIFIC STATES: COUNTIES AS AGENTS OF EMPIRE

Abstract of Part V: This Part examines county origins in the states of (in order discussed) Utah, Nevada, California, Oregon, Washington, Alaska, and Hawaii. Utah and Nevada encompass the arid [Great Basin](#), the waters of which never reach the ocean that washes the five [Pacific States](#).

All counties can be thought of as agents of empire in that they were the primary local unit by which US territories and states extended civilian authority over newly acquired territory. Of the five mainland states in this Part, counties' imperial role was more prominent because of contested boundaries. Utah, Nevada, and California each used counties to extend or defend their state boundaries with their American neighbors, and Oregon and Washington counties were part of international contests with what is now Canada.

Alaska's "boroughs" are not counties by another name; they are a unique political experiment that responded to the acquisition from Russia of a vast, lightly populated, and unfamiliar area. Hawaii's exclusive reliance on counties for local governance reflects the extreme centralization of power in Honolulu that was a product of King Kamehameha's conquest of the islands and the annexation of the kingdom by the United States.

§Utah

Utah Territory organized 1850 (from Mormon Deseret); statehood 1896 (45th)
Twenty-nine counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 2,833 square miles

Most recent county: Daggett, 1918; centermost: Sanpete

Smallest: Davis (299 square miles) and Daggett (population 1,026 in 2020)

Utah's county origins were unusual in that most were formed under the influence of the Church of Jesus Christ of Latter-Day Saints, which for reasons of historical usage and linguistic economy I will refer to as the Mormon Church. [Davis County](#), ten miles north of Salt Lake City, is Utah's smallest by area. It consists of 299 square miles of dry land, which is less than half of its official total area. Fifty-three percent of the county's total jurisdiction is in the Great Salt Lake, which forms its western border. The lake's level has risen and fallen in decades-long precipitation cycles—it has no outlet to govern its level—and so Davis and other lake-adjacent counties nominally lose and gain dry land territory. (The last decline in the lake's level was attributed to climate change, and so was the most recent rise in the lake's level.⁴²⁸) Davis is now a suburban county (of Salt Lake City) with towns and cities of its own.

Davis and other counties in Utah present a creation scenario different from most of the counties described previously. Davis was established in 1850 by the would-be nation-state of Deseret, created by the Mormon pioneers. It was the sixth and last county created by the Deseret legislature. The US Territory of Utah succeeded the never-recognized Deseret in 1851 and incorporated all six of the counties previously established.

Brigham Young, the head of the Mormon church and leader of its exodus from Illinois in 1845, was the leader of Deseret and soon became Utah's first Territorial Governor. Even after his replacement by non-Mormon governors (all appointed by the US government, as was usual for territories), the largely-Mormon legislatures and the Mormon hierarchy greatly influenced secular as well as religious affairs. The county seats of Davis, Farmington, and those of all succeeding counties in Utah Territory were created by the Mormon-controlled legislature. There were no county-seat contests.

It would appear that the word of the territorial legislature, which seldom acted without at least the implicit consent of the Mormon hierarchy, was final in matters

⁴²⁸ Utah Division of Wildlife Resources, Great Salt Lake, About Great [Salt Lake](#), 2023. [On the third line from the top, click on "water levels"; it is not automatic. March 2026]

relating to counties. I could locate only one instance in which a Utah Territorial county was created by a city's desire to become the county seat.⁴²⁹ This was [Carbon County](#) in southeast Utah, created in 1894, the last to be established before statehood in 1896. The town of Price was developing as a coal mining center, and its residents found the trip to the seat of its county, Emery, long and irksome. It attempted to persuade the territorial legislature to remove Emery County's seat from Castle Dale to Price, but it did not succeed. Instead, the legislature created new Carbon County for which Price would be the seat.⁴³⁰

The scarcity of county-seat controversies during Utah's long territorial indenture (1847 to 1896) is in distinct contrast to those of neighboring territories and states. It seems possible that Utah's peaceable creation of counties was the product of the strongly hierarchical structure of the Mormon church and the dominance of Mormon settlers during that period. The coal-mining communities that comprised newly created Carbon County had unusually high proportions of non-Mormons who had immigrated to work in the mines, which the Mormon leadership deemed essential for its economic development.

In much of the rest of the nation, county seat competition among towns often took the form of private owners donating land for a courthouse and the town residents paying for its construction. The rest of the county did not have to pitch in. In Davis County in Utah, the county seat, [Farmington](#), was simply designated by the Church-controlled legislature. Locals did add something to the construction of the courthouse in Farmington. The Farmington Stake (a Mormon Church district) offered a special subscription to finance the building. In return, it got the right to use part of the courthouse as an assembly hall.

The control of county creation by the Mormon Church could seem undemocratic to outsiders. Davis County did have elected officials and judicial officers, but they were almost all Mormons and always deferred to Church authorities. Sometimes the deference seemed extraordinary, as when controversy over the layout of a local road was resolved by appeal directly to Brigham Young.⁴³¹

The establishment of Utah's counties offers a working example of the "top down" view of local government that is implied by the modern "creatures of the

⁴²⁹ James B. Allen, "The Evolution of County Boundaries in Utah." *Utah Historical Quarterly* (1955): pp. 261-278. See also Glen M. Leonard, *A History of Davis County, Utah* State Historical Society, 1999.

⁴³⁰ Nancy Taniguchi, [Castle Valley](#) America: Hard Land, Hard-won Home. Utah State University Press, 2004, p. 83.

⁴³¹ James B. Allen, "Ecclesiastical Influence on Local Government in the Territory of Utah." *Arizona and the West* 8:1 (1966): pp. 35-48, at p. 43. Allen was both a distinguished historian and a loyal member of the Church of Jesus Christ of Latter-Day Saints, as the Mormons now wish to have it referred to (New York Times, "Stop Saying 'Mormon,' Church Leader Says." Aug. 18, 2018). I use "Mormon" here, as did Professor Allen, because that is what all participants in the events described used to refer to themselves when an abbreviated locution was warranted. Incidentally, President Russell M. Nelson also proscribed the use of "L.D.S." to refer to the Church. *Ibid*.

state” view of local government. This idea was explored previously in Montana, where reliance on a “bottom up” county creation process was in place in the early twentieth century. (I argued there that Montana’s approach wasn’t much different from other states except for being more explicit about local initiative.) In Utah, the opposite approach was taken. According to James Allen (cited above), all of Utah’s counties created in its territorial phase were formed under the direction of Brigham Young and his successors in the Mormon hierarchy.

The Church’s centralized authority had the effect of nearly eliminating the sometimes-violent strife among county-seat aspirants in other states. Moreover, the overall pattern of county geography in Utah does not differ too much from that of other states in the inland West: thousand-square-mile counties in the lightly populated regions and smaller-area counties near the agricultural and urban centers in the valleys north and south of Salt Lake City.

There are a few subtle differences. The long-and-lean looking Utah counties along its western border are remnants of Utah’s attempt to incorporate most of what became Nevada Territory within its borders,⁴³² as will be discussed below in the section about Nevada. Utah’s remote-county boundaries also appear to have fewer local modifications than those of its neighboring states, which could also reflect the general lack of bottom-up initiative in local government formation during Utah’s lengthy Territorial phase.

Once Utah became a state in 1896, its county-creation was inhibited by a new constitutional rule for local voting. In Utah’, the Mormon Church had a more powerful hand in county creation because church members almost all belonged to its political party and voted as a bloc. This arrangement was driven in large part as a defensive mechanism against outside political forces that were hostile to important Mormon Church practices, most notably polygamy, the doctrine of celestial marriage. But that doctrine was abandoned in 1890, and the Church then dismantled its monolithic, bloc-voting “People’s Party.” It explicitly allowed its believers to become members of national parties, mainly the Democrats and the Republicans.⁴³³

Utah’s statehood constitution allowed more bottom-up initiative in forming counties, but doing so was still not easy. An area that sought to split off from an existing county had to get a majority vote from the area to be withdrawn and from the voters who resided in the remaining county. This was always difficult to do in any state. (California’s county-creation was stifled by the same rule.) Only two Utah counties were formed after statehood. One of them, [Duchesne](#), was an Indian

⁴³² See Newberry Atlas Utah [1859-11-28](#). [Dec. 2025]

⁴³³ G. Homer Durham, "A Political Interpretation of Mormon History." *Pacific Historical Review* 13:2 (1944): pp. 136-150.

reservation whose domestic sovereignty was undermined by the allotment acts, which allowed non-Indian settlers to homestead in the area. The new settlers were largely non-Mormon, and they demonstrated their independence from the Church in their fight for a county seat and wrangling over the new county's borders.⁴³⁴

The other post-statehood county was [Daggett](#), Utah's smallest by population (1,026 in 2020). It is in the far northeast corner of Utah, more a geographical part of Wyoming, through which the first transcontinental railroad had been built and whose towns supplied most of the Daggett area's trade. Daggett's territory was separated from the rest of [Uintah County](#), Utah, by an unusual east-west mountain chain, which made access by Daggett residents to its parent county's seat lengthy and difficult, especially when winter snows closed the most direct route. The original county (Uintah) voted to accede to Daggett's separation in 1919. Daggett established its own county seat in the town of Manila, the only sizable candidate.⁴³⁵

Daggett's escape from the long trek to its former seat came at a steep price. The basic functions of county government—courts and records and public health and safety—had to be paid for by too few people and a meager tax base. Its fiscal difficulties were compounded by an increased demand for county services caused by the construction by the federal government of the Flaming Gorge Reservoir in the 1960s.

The dam and the lower part of the reservoir's lake are located in Daggett County, and the lake has become a mecca for boating and outdoor recreation. Federal payments in-lieu of taxes for land withdrawn from the county's tax base do not take account of increased recreational use of the land. Daggett actually closed its county jail because of budget shortfalls and a prisoner-abuse lawsuit. Inmates were not set free but had to be taken to and retrieved from distant jails located in other counties.⁴³⁶

While my general view is that local participation in county formation is desirable, Daggett County is perhaps an exception. A decade after Daggett's 1919 creation, the development of the automobile and a year-round highway (now US 191) made passage to its original county's seat, Vernal, reasonably convenient. This mooted the multi-day railroad trip to Vernal of which Daggett County residents originally

⁴³⁴ Craig Fuller, "Home Rule: The Struggle to Create Duchesne County and Its County Seat." *Utah Historical Quarterly* 77:1 (2009): pp. 67-90.

⁴³⁵ "The Creation of and Early Development of [Daggett County](#)" chapter 8 of *Utah Centennial County History Series* Daggett County, Utah Historical Society, 1998. More accessible is the Wikipedia page for [Daggett County](#). [June 2026]

⁴³⁶ Tony Semerad, "Daggett County puts its troubled jail up for sale, but locking down a buyer won't be easy." *Salt Lake Tribune*, Dec. 12, 2018

complained. The irony is that Vernal is the county lock-up that Daggett County's sheriff now uses since his county's jail was closed.

§Nevada

Nevada Territory, 1861; statehood, 1864 (36th)

Seventeen counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 6,488 square miles
[second largest in lower forty-eight]

Newest Counties: Carson City (as an “independent city”) 1969; Pershing 1919;
centermost: Lander

Smallest: Carson City (144 square miles) and Esmeralda (2020 population 880)

[Carson City](#), the state capital, is both its smallest-area county (144 square miles) and the state’s most recently created. The city had long been the seat of Ormsby County, one of the original counties that were quickly formed when Congress separated Nevada Territory from Utah Territory in 1861. A highly specific Nevada constitutional amendment in 1968 was required to overcome the ban on special and local legislation as well as other legal impediments. The 1968 constitutional amendment process also merged it with the borders of Ormsby County, which was thus extinguished, and created the “independent city” of Carson City.

Why the “independent city” moniker? A 2010 article devoted to the Ormsby County-Carson City consolidation by Anna Lukemeyer does not use the term at all.⁴³⁷ Functionally, Carson City is no different from dozens of other cities that have merged with their county hinterlands. Those examined in this US tour include Arlington County, Virginia; Trousdale, Tennessee; Athens-Clarke, Georgia; Unified Greeley County, Kansas; Los Alamos, New Mexico; and Broomfield, Colorado. Numerous other not-so-tiny counties have done much the same thing, including Lexington-Fayette, Kentucky; Philadelphia, Pennsylvania; and (as we shall see) San Francisco, California. Their form of local government (sometimes minus a few holdout enclaves) is a single city-county government, just like Carson City. None of them call themselves “independent cities.”

The independent city appellation has been reserved for county-city units that were created after their state constitutions were amended or rewritten to forestall the creation of new small-area counties. This was true of St. Louis and Baltimore. The constitutions of Missouri and Maryland both have minimum-area requirements for new counties much in excess of the actual size of those cities. The extreme examples are the thirty-five independent cities of Virginia, all smaller in area than the 600 square miles mandated by the 1851 state constitution. Virginia’s unique

⁴³⁷ Anna Lukemeyer, City–County Consolidation: A Case Study of Carson City, Nevada, in Kurt Thurmaier and Suzanne M. Leland, *City-County Consolidation: Promises Made, Promises Kept*. Georgetown University Press (2010).

version also allowed independent cities to unilaterally annex territory from neighboring counties.

None of these conditions apply to Carson City. Nevada does not have a constitutional minimum on county area. If the new Carson City entity had been dubbed “Carson City County,” it would not have offended any constitutional provision. By contrast, if the newly created jurisdictions of Baltimore, St. Louis, or any of the Virginia cities had been called “counties,” they would have been constitutionally inadequate by land area. Nevada even lacked constraints on the location of a new county’s seat, conditions that in other states protect existing seats from threatening border changes in neighboring counties. One manifestation of Nevada’s permissiveness is Nye County’s seat, [Tonopah](#), which sits so close to its border with Esmeralda County that it had to get the legislature to transfer land from its neighboring county to accommodate Tonopah suburban expansion.⁴³⁸

Carson City is indeed the smallest-area county in Nevada, but the extensive constitutional modifications needed to create it do not mention anything about being undersized. And anyway, Ormsby County, whose boundaries it assumed, was already the smallest in Nevada. By the usual grandfathering of nonconforming units (Ormsby was an original county), it would have passed muster even if there had been a minimum size at the time Carson City’s “Independent City” was formed. Carson City is also a member of the National Association of Counties, unlike the thirty-five independent cities of Virginia and the lone independent city in Missouri, St. Louis City.

My hunch that might explain all this effort to claim “independent city” status comes from the timing of it. Carson City’s population had declined to 1,800 by 1930, less than a quarter of its peak in 1880.⁴³⁹ It recovered somewhat after WWII but was still so small in 1950 (3,068) that it reveled in the claim that it was the least populous of all state capitals. (That honor now belongs to Montpelier, Vermont.) During that time, [Clark County](#) and Las Vegas, in Nevada’s southern tip, began to grow rapidly with the successful development of The Strip, the storied gambling and entertainment mecca.

By 1960 Las Vegas was the largest city in the state within its most populous county. Clark County’s growth drove the state’s population from being last among the states in 1940 to 31st in 2020. Clark County now has almost three-quarters of Nevada’s residents. The state’s center of population had moved from about 150 miles east of Carson City in 1940 to about 60 miles north of Clark County and Las

⁴³⁸ Newberry Library, Nevada, [Esmeralda County](#) entry: “24 Mar 1913 ESMERALDA lost small area in the city of Tonopah to NYE. (Nev. Stats. 1913, 26th sess., ch. 221/p. 312)” [Dec. 2025]

⁴³⁹ Carson City, Our City [History](#) [August 2026]

Vegas in 2020.⁴⁴⁰ State employment moved along with it. Clark County alone has nearly half of Nevada's state government employees.⁴⁴¹

With Nevada's population center shifting inexorably southward, Carson City might have had reason to worry about losing the state capital to Las Vegas and Clark County. It had no worries about its county seat status: Carson City was near the center of Ormsby County and had no rivals to speak of. This local pre-eminence may have made it easier to persuade the legislature (at a time when each county had at least one vote) and the state's voters to adopt the necessary constitutional amendments to make Carson City into the state's only "independent city." Eradicating the Ormsby County name also allowed the city to claim the population of its suburban development that spilled into the former Ormsby County. The state capital's population grew from 5,163 in 1960 (before consolidation) to 58,639 in 2020.

The label and overinclusive population figures might matter in a showdown with Clark County or, preferably, forestall any talk of it. One is reminded of those small animals that are able to puff themselves up to intimidate potential predators—or those tiny county seats on the Great Plains that built enormous stone courthouses to deter rivals. Carson City's total land area is 144 square miles, actually a bit larger than Las Vegas city (141 square miles) but of course much smaller than Clark County's 8000 square miles.

A statewide poll in 2017 suggested that there was little sentiment among Nevada voters to move the capital to Las Vegas.⁴⁴² Even Clark County respondents did not favor such a move, though by a smaller margin than the rest of the state. (It may have mattered that the municipal boundaries of Las Vegas contain only thirty percent of Clark County's population, and the fabled "Strip" is not in the city itself.) Perhaps Carson City's maneuvers worked—or maybe there never was much to worry about. Many other states had moved their capitals, typically towards the center of population, but none more recently than Oklahoma in 1910.⁴⁴³ The article reporting the poll noted, though, that state government offices in Clark County

⁴⁴⁰ Estimated from [map](#) at State of Nevada Changing Center of Population 1860 – 2030, Nevada State Demographer, March 2017 [Jan. 2025]. A conveniently manipulable table of historical state populations is in Wikipedia, List of U.S. states and territories by [historical population](#).

⁴⁴¹ State of Nevada Workforce [Report](#) FY 2023 – 2024, Department of Administration, Division of Human Resources Management. [June 2026]. Carson City's employment itself is not listed separately; it is somewhat coyly aggregated with adjacent "North" counties to account for 41 percent of the state's employees on the map on page 4 of the Report.

⁴⁴² Riley Snyder and Jackie Valley, "Voters overwhelmingly oppose moving [state capital](#)." Nevada Independent, January 23rd, 2017. [April 2025]

⁴⁴³ Erik J. Engstrom, Jesse R. Hammond, and John T. Scott, "Capitol mobility: Madisonian representation and the location and relocation of capitals in the United States." *American Political Science Review* 107:2 (2013): pp. 225-240.

were large and growing rapidly enough to warrant an entirely new complex of buildings. The gradual shift of many state-government functions to Clark County could forestall demands for a constitutional shift that would wipe Carson City off the political map.

[Esmeralda County](#) is Nevada's smallest by population; it had 880 residents in the 2020 census. It was a classic case of a county whose present boundaries were created by county-seat competition.⁴⁴⁴ The romantically named Esmeralda—she the heroine of Victor Hugo's "The Hunchback of Notre Dame"—was an original county created soon after Nevada Territory was carved from Utah in 1861. Like many original counties, it was whittled down from what is now the combined area of Mineral County (to the northwest) and Esmeralda County.⁴⁴⁵

Up to 1907, the north-county town of Hawthorne was the Esmeralda County seat, having wrested it from Aurora, its seat from 1861 to 1883.⁴⁴⁶ Hawthorne then lost the seat to a rapidly growing mining town named Goldfield in the southern part of the county. The legislature heard the pleas of Hawthorne, which actually had not declined in population, and with Solomon-like wisdom divided the old Esmeralda in two, making the northern half into Mineral County in 1911. (As reported above at their respective states, the same thing happened with Fulton County, New York; Deer Lodge County, Montana; Union County, Florida; and Clarke County, Georgia, among others.) This conveniently left Hawthorne near the center of the new county, and it kept its courthouse under the name of newly created Mineral County.

Goldfield remained as the seat of the reduced Esmeralda County, but its fortunes burned out steadily over the twentieth century. It became notorious as a bastion of both radical unionism—the International Workers of the World (the "Wobblies") took on its first large-scale organizing there in 1906—and for the strenuous efforts to suppress it.⁴⁴⁷

Goldfield's population peaked at a generously estimated 20,000 in 1906 and declined steadily to 225 souls in the 2020 Census. Exhaustion of the mines extinguished its economic base. It is located on a major north-south highway, US 95, and so retains some travel and tourist trade. Even though Goldfield is not

⁴⁴⁴ The story is somewhat more complicated and is ably told by Stanley W. Paher, "Significant County Seat Controversies in the State of Nevada." Master's thesis, University of Nevada, Reno, 1969; expanded version: Nevada's Hot County Seat Wars. Nevada Publications, 2025.

⁴⁴⁵ The Newberry Nevada Atlas displays the Mineral and Esmeralda split at [1911-02-10](#)

⁴⁴⁶ [Aurora](#) had a brief notoriety as the seat of both Mono County in California and of Esmeralda County in Nevada. The state borders were resurveyed in 1863, and Aurora was determined to be in Nevada. This backstory is more relevant to California, where it will be considered with Alpine County, California's smallest by population.

⁴⁴⁷ Michael S. Green, Nevada: A history of the Silver State. University of Nevada Press, 2015, p.172.

centrally located, it retains its antique but still-used courthouse most likely because no more centrally located town in Esmeralda County has enough population to grab the prize.

Hawthorne, the town that was once the Esmeralda County seat, has remained the seat of Mineral County. Its population, 3,118 in 2020, has not declined as much as its former rival, Goldfield. Hawthorne became endowed with a source of employment more reliable than gold. In the 1920s, it became an ammunition supply base for the US military. It was chosen after the military's previous store place in New Jersey accidentally exploded with catastrophic results. The US armed forces (first the Navy, then the Army, then a joint command) decided it needed a location not too far from coastal installations (in California) but sufficiently remote that accidental explosions would not cause harm to nearby residents. Although employment at the Hawthorne, Nevada base has fluctuated with American concern for military preparedness, it was never permanently closed and as of 2024 remains one of the world's largest facilities of its kind.⁴⁴⁸

I cannot leave Nevada without a further nod to Stanley Paher's 1969 master's thesis, "Significant County Seat Controversies in the State of Nevada." It was cited above for documenting the split that created Mineral County from Esmeralda County in 1911. Unlike most other sources I have consulted, though, Paher's work went beyond a single county or two. He assessed the county-making of the entire state. It helped that Nevada has a shorter history—territory established only in 1861, after it split (in stages) from Utah—and an arid landscape that could support mostly low-density, large-area counties.

Stan Paher discovered a factor (besides arid area) that made for frequent county-line adjustments. It was the transience of mineral wealth. Towns would spring up around a gold or silver strike; it was impossible to keep it secret because claim registrations were public. The prospect of more wealth or just regular employment would attract miners and auxiliary activity. As the town grew in population, it would seek to become the seat of whatever county they were in. The mineral riches would peter out, and another boomtown in the same county would rise up and demand the county seat.

The same process could occur in non-mining areas in other states. Towns would blossom into cities whose population overtook existing county seats, often because railroads arrived to disrupt existing transportation corridors. But this usually happened more slowly and predictably, and existing towns would not necessarily

⁴⁴⁸ Walker Lake [Fact Sheet](#), Hawthorne NV info [no date] and Military Bases.com, Hawthorne Army [Depot Base](#) in Hawthorne, NV [April 2025]

decline as rivals rose. Nevada speeded up the process and offered Stan Paher an opportunity to study and classify the changes.

Paher classified county seat contests into three categories: 1) those in which the winner successfully grabbed the incumbent county seat without changing county boundaries, 2) those whose efforts caused a county to divide in two so that both contenders could have a county seat, 3) and those that failed to change the incumbent seat at all.

It was the second of these—divide rather than fight—that caused most of the new counties created in Nevada after statehood in 1864. The split that I stumbled upon, because it involved the least populous county, Esmeralda, resulted in the creation of Mineral County. Another was the separation of Clark County, in the far south of Nevada, from Lincoln County after the city of Las Vegas in what is now Clark County grew enough to challenge the incumbent seat of Lincoln County. Lincoln County kept its seat in Pioche; better for Pioche to be the seat of a small county than a ghost town in the bigger county. The desire of Lovelock to wrest the seat of Humboldt County from Winnemucca resulted in the creation of Pershing County with Lovelock as its seat, allowing Winnemucca to retain its courthouse.

These three splits affected six of what became Nevada's sixteen counties, but even the county-seat battles that resulted in removal of the seat within the county may have influenced the ultimate configuration of Nevada's counties. A courthouse removal may have forestalled a division of the county itself. The many aspirants for the seat of White Pine County considered separating from the county until the most centrally located of them, the town of Ely, finally got the county seat and put an end to thoughts of secession on the county's periphery. Centrality was an advantage in seat contests and likely contributes to the stability of county boundaries.

Interestingly, Ely became situated in the center of White Pine County only after a good chunk of Nye County was annexed in 1875. Did Ely have anything to do with this? Before I started this national inquiry, I would have thought this was a preposterous question. (Stan Paher did not address it, and he told me on the phone in 2024 that the county seat relocation occurred ten years after the border adjustment.) But now it seems worth investigating sometime; it would not be the first time a town sought to modify county boundaries to improve its chances of becoming a county seat, even if it was a decade in the future. (In Part III above, I made such a speculation for the establishment of tiny Rockwall County, Texas.)

§California

Separation from Mexico, 1848 (military government, no territorial period);
statehood 1850 (31st)

Fifty-eight counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 2,686 square miles

Newest County: Imperial, 1907; centermost: Madera

Smallest: Alpine (2020 population 1,204) and San Francisco (47 square miles)

California had no territorial period during which counties were established. It was occupied and sort of governed by the military for almost two years after the Mexican War. Its rapid promotion to statehood rather than to a territorial government was a preemptive move: Congress was concerned that after the discovery of gold in 1848, California might secede as an independent country or be annexed by another nation.⁴⁴⁹

The new state also acted quickly to assert control over its territory. Almost half of California's present fifty-eight counties were established in its first full legislative session in 1850. The first twenty-seven covered the entire state, even though the legislature confessed that it often had little idea of the geography being delineated.⁴⁵⁰ There were no "non-county areas," which were a common holding-device for terra incognita in other states.

The new state's mass creation of counties was probably a signal to others that California was off-limits to their ambitions. In particular, the Mormon-declared "State of [Deseret](#)" in 1850 claimed that its boundaries extended to the Pacific Ocean.⁴⁵¹ Later, as a territory of the United States, Utah in 1856 more modestly claimed most of what is now Nevada (the southern tip that includes Las Vegas was added later).

To strengthen Utah's claim, Brigham Young, who was both leader of the LDS Church and the first appointed governor of Utah Territory, had dispatched Mormon settlers to its western frontier to set up Carson County in what is now Nevada (not

⁴⁴⁹ William Seward. "Speech on the Admission of California". United States Senate, March 11, 1850. Unlike most other western states, California has no counties named for military or political leaders from the early days of the American republic.

⁴⁵⁰ Owen Cochran Coy, *The Genesis of California Counties*. California Historical Survey Commission, 1923 [larger work same author is Owen C. Coy, *California County Boundaries: A Study of the Division of the State into Counties and the Subsequent Changes in Their Boundaries*. 1923 at pp. 1-3. Coy's work is exhaustive and exhausting; he reports the numerous bills to create counties that failed to pass as well as those that succeeded.

⁴⁵¹ The historical "Mormon Corridor," extending from Salt Lake City to the coast of southern California, was part of Brigham Young's dream for a vast Mormon empire which included territory all the way to the sea. James B. Allen, "The Evolution of County Boundaries in Utah." *Utah Historical Quarterly* 23:3 (1955): pp. 261-278.

the same area as modern Carson City). It was intended to counter the non-Mormon gold miners and other settlers, who sought to ally with California rather than Utah. The establishment of counties as an element of empire was a well-known precedent. But there was no follow-through in this instance. Young's followers were recalled from Nevada in 1857 to support the defense of the Salt Lake area against the threat of US troops, who had been sent by President Buchanan to bring the Mormons into conformity with US territorial norms.

Nevada Territory initially claimed that its western boundary was the summit of the Sierra, appropriating on paper much of present-day California's eastern territory.⁴⁵² In this claim Nevada had the support of many residents of the California counties that extended over the summits to the eastern slope area of the Sierra. The height of the mountains and problematic roads over them made the eastern Californians isolated from the seats of the counties in which they were placed; their courthouses were all located on the western side of the mountain passes. The more natural trade routes of the eastern sections were with the towns of what is now western Nevada.

The most organized response of alienated eastern Californians was creation of the "Territory of Nataqua" in 1856.⁴⁵³ It was centered in the Honey Lake district of what is now Lassen County. Nataqua's grievances were not only remoteness from the seat of its original California county, Plumas, but also uncertainty as to whether it was in California or Nevada. The geographic bearings of the original dimensions of California's constitution were clear enough, but where they ran on the ground was not.

Not wishing to pay their taxes for services not rendered to a county (Plumas in California) in a state of which they might not have been residents, the Nataquans attempted to organize their own US territory with a governor, legislature, and court system. It was not unlike grass roots attempts at self government previously mentioned in this work, including Indian Stream in northern New Hampshire, Cimmaron Territory in the Oklahoma Panhandle, and the State of Jefferson in western Kansas and eastern Colorado.

⁴⁵² Robert D. Temple, "Bounding the Silver State." [Nevada Magazine](#), Sept. 2018 : "Beginning in 1856, settlers repeatedly petitioned Congress to form a new territory east of the Sierra. Politics and the great Comstock silver boom led Congress to act in 1861, and they called the new territory "Nevada." The enabling act set its western boundary at "the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific," which is to say the crest of the Sierra, sensibly awarding Nevada the land east of the mountains. However, the act also stated that this area 'shall not be included within this Territory until the State of California shall assent to the same.' California did not assent. The parties seem to have neglected even to discuss the matter, and the area remained in dispute and its residents in limbo."

⁴⁵³ William Newell Davis, "The Territory of Nataqua: An Episode in Pioneer Government East of the Sierra." *California Historical Society Quarterly* 21:3 (1942): pp. 225-238.

Nataqua allied itself with non-Mormon groups in what is now western Nevada in an attempt to persuade Congress to grant Nataqua territorial status. Such agitation by itself almost never persuaded the US Congress to set up a state or territory. What gave the locals relief in this case was the discovery of the fabulous Comstock Lode of silver in eastern Nevada in 1859. The mining operations attracted more people, and the silver from the mines was regarded as financial manna by a US government that anticipated having to deal with the rebellious states of the South. (US currency was backed by both gold and silver at the time.) Nevada was quickly made a territory in 1861 and rushed to statehood in 1864.

What wasn't resolved was the Nevada-California border. Nevada still claimed it was the crest of the Sierra; California insisted on its original (and present) unnatural dimensions that dived straight down from central Oregon and pivoted southeast in the waters of Lake Tahoe. Nevada finally agreed on California's view—as in the Ohio vs. Michigan “Toledo war,” the state with voting US senators and representatives beat the territory without them—but it still needed to know just where that map-drawn boundary lay on the ground. The territory and states agreed to resolve it with a survey. And then another survey. And then another. Only after a US Supreme Court command to use a particular (not the final) survey as the border was the conflict grudgingly resolved.⁴⁵⁴

The effects of uncertain boundary surveys caused a situation both comical and profound. The mining town of Aurora was somewhere near the border of Nevada and California. It had been named the seat of Esmeralda County, Nevada, as mentioned above in the discussion of what is now Nevada's least populous county (Esmeralda). California had recently created Mono County, named for the lake of that name near its center (and pronounced to rhyme with “oh, no!”—it's a native tribe's name, not a Greek prefix). Mono's seat was originally Monoville, but its population faded soon after its mines were exhausted.

Mono County's second seat was the booming mining town of Aurora. It didn't seem to bother anyone in Aurora that it was also the seat of Esmeralda County in Nevada. On election day, Aurorans voted for county officers of Mono County, California, and then marched across the street to vote for officers of Esmeralda County, Nevada Territory. Then came the official surveyors, who indicated (truly) that Aurora was in Nevada. The California court was quickly adjourned to Bridgeport, California, which remains Mono County's seat to this day.⁴⁵⁵

⁴⁵⁴ Benjamin Thomas, “California Nevada Border,” *Annals of the Association of American Geographers* 42:1 (March 1952) pp. 51-68. See also John Wilusz, *The Colorful History of the California/Nevada State Boundary*, Professional Surveyor, February 2002.

⁴⁵⁵ Earl W. Kersten Jr, “The early settlement of Aurora, Nevada, and nearby mining camps.” *Annals of the Association of American Geographers* 54:4 (1964): pp. 490-507. The mistake meant that the Mono County jurors,

During the Nevada silver boom, the California legislature seems to have worried that they would get another secession movement on the eastern slopes of the Sierra. They may have recalled that California itself was able to waltz into the Union because of its gold fields. To counter this possibility, four eastern counties along Nevada's borders were created apparently to solidify California's claim and help preserve the loyalty of their residents. The counties are Mono (1861), Alpine (1864), Lassen (1864), and Inyo (1866). Each of the new counties had a seat located on the eastern slope, replacing in all cases government by counties whose seats were on the western side of the summits of the Sierra.⁴⁵⁶

[Alpine](#), now California's least populous county, was created soon after a major silver discovery on Silver Mountain. A city of that name sprang up around it, and its residents quickly lobbied for the creation of the county. In a subsequent local election, Silver Mountain City was chosen as the seat of Alpine County over two other, less populated towns.⁴⁵⁷

That Alpine County was created in haste is strongly suggested by the remnant of a parent county that was left over on its eastern border. The remnant created a noncontiguous section of Amador County southeast of Alpine. The split was remedied by the California legislature two years later by incorporating the forgotten land into recently-established [Mono County](#) in 1866.⁴⁵⁸

The legislature's quick establishment of Alpine and Mono counties in the 1860s suggests that its hand was being forced by Nevada's claims. Owen Coy's exhaustive narrative of the California legislature's early county-making indicates that it was wary of creating counties around mining camps such as Silver Mountain.⁴⁵⁹ Legislators knew that the mines would give out sooner or later and the local population would decline. To maintain long-run viability, rural counties needed a durable source of employment and population base. But in the present

county attorney, auditor and other Mono County employees could not be paid for services during the erroneous location of the county seat in Aurora from 1862 to 1864. *Reddy v. Tinkum*, 60 Cal. 458 (1882).

⁴⁵⁶ From Newberry Library's consolidated [California](#) list: "24 Apr 1861 MONO created from CALAVERAS, FRESNO (now FRESNO), and remnant of MARIPOSA. Due to uncertainty about the precise location of the boundary between California and Nevada Territory, the county seat of MONO, Aurora, was actually located in Nevada. (Calif. Stats. 1861, 12th sess., ch. 233/pp. 235–236; Chappell, 239–242; "Reddy v. Tinkum," in Calif. Rpts., 60:458–467). 16 Mar 1864 ALPINE created from AMADOR, CALAVERAS, EL DORADO, MONO, and TUOLUMNE. (Calif. Stats. 1863–1864, 15th sess., ch. 180/pp. 178–182." [Dec. 2025]

⁴⁵⁷ The story is told at entertaining length by Karen Dustman, *Silver Mountain City: Ghost of the Sierra*, Clairitage Press, 2011.

⁴⁵⁸ Compare Newberry Library [California maps 1864-02-29](#), [no Alpine]; [1864-03-16](#), [Alpine with Amador remnant to the east]; and [1866-03-02](#). [remnant assigned to Mono] [Dec. 2025]

⁴⁵⁹ Coy, *The Genesis of California Counties*, 1923, p. 4 [cited previously]

cases, long-run prudence may have given way to the immediate concern about keeping the residents on the eastern slope of the Sierra inside the state.

The silver ran out of Silver Mountain by 1874, and Alpine County's seat was removed to the centrally located town of Markleeville. Silver Mountain City faded to a ghost town, now containing no above-ground structures. Both Alpine County and Mono County lost most of their original population levels when the silver boom was deflated by the federal government's demonetization of silver in the 1870s. By population, Alpine is now the smallest and Mono the fourth smallest in the state.

Alpine enjoyed two brief periods of notoriety in the 1970s. A right-wing "posse comitatus" movement attempted to take over the county with fake residents but was beaten back by the law. A few years later, a gay liberation group hatched a plan to urge gay men in the Los Angeles area to move to Sierra County to take over the government and establish a safe place for themselves. The movement turned out to be more like a publicity stunt and quickly fizzled.⁴⁶⁰

As it turned out, both Alpine and Mono began growing again in the 1970s. Two ski areas, Mammoth Lakes in Mono County and Bear Valley in Alpine County, have added tax base and residents—only some stayed year-round, but still—to their counties. The population gain has also been accompanied by a shift in national political allegiances, per Wikipedia historical presidential election charts for each county.

Mono and Alpine voted reliably Republican through the 1970s, but Democrats have gained since then. This is in contrast to nearby eastern Sierra counties such as Plumas and Lassen, which have increasingly voted for Republican presidential candidates over the same period. It's hard to say whether the increased population from outdoor recreation and related employment has turned the tide, but it belies the notion that all rural counties are conservative. (The other type of rural counties that vote Democratic are those containing land-grant universities and those with large African-American populations in the South or Indian tribes in the West.)

[San Francisco County](#) is a mere 47 square miles, though that makes it twice the area of Manhattan, which is New York's smallest-area county (formally, New York County). Like its seaport sister on the East Coast, San Francisco County started with more area. It included most of what is now San Mateo County to the

⁴⁶⁰ Dayton Duncan, *Miles from Nowhere*, 2000, p. 257 [cited in Part III above at Loving County, Texas]. Jacob D. Carter, "Gay Outlaws: The Alpine County Project Reconsidered" (2015). Master's Theses, UMass Boston; Los Angeles Times, "The promised Gay conquest of tiny Alpine County," June 6, 2026. The gay rights movement took root instead in the state's smallest-*area* county, San Francisco.

south and thus controlled the southwest side of San Francisco Bay. The county's division in 1856 coincided with the merger of the city of San Francisco with its county.

The cause of the city-county consolidation was later laid out in 1912 by its long-time city and county attorney, Percy Long:

“The immediate occasion for the consolidation of the City and County governments in 1856, was the same corrupt and extravagant City government in San Francisco that led to the formation of the famous Vigilance Committee, which did such effective work in this early period [1851] of the City's history. Inefficiency, extravagance and flagrant corruption in the conduct of the City government, as contrasted with the economical and efficient management of the County government, led to relief being sought from the State Legislature...”⁴⁶¹

The original “Vigilance Committee” of 1851 was an apparently spontaneous, extra-legal government formed by mostly respectable citizens early in the gold rush years. The duly elected municipal government was overwhelmed by the inrush of gold seekers and related populations, and it was unclear whether the city's elected officials were more corrupt than they were incompetent. The Vigilance Committee brought extralegal order to the city, apprehending and occasionally executing alleged criminals. It would be unkind but not inaccurate to characterize it as a better-dressed and more articulate version of a lynch mob. (Lynching back then was less of a modern embarrassment in locales where governments truly were weak, and victims were not usually African-Americans.)

The second Vigilance Committee formed in 1856 and coincided with the county-city merger referred to in the quote above. This one was more complicated than just dealing with a law-and-order breakdown. The state legislature took notice of the fiscal excesses of the city and decided to cure it with the aforementioned special and still unique (in California) merger of city and county. The county was less corrupt than the city, perhaps because it was more beholden to the state. (Philadelphia City and County had been created in the same decade for some of the same reasons, as described above in Part II for Pennsylvania, but in its case the crime and disorder were said to be the in suburbs that were forcibly combined with Philadelphia.)

Just a few months before San Francisco's merger was to take place on July 1, 1856, the Vigilance Committee was reconstituted and began apprehending not just common criminals but members of the Irish Catholic, Southern-sympathetic Democratic political machine that largely controlled city government. Most of the

⁴⁶¹ Percy V. Long, "Consolidated City and County Government of San Francisco." In Proceedings of the American Political Science Association, vol. 8, pp. 109-121. Cambridge University Press, 1912.

Vigilance Committee leaders were more prosperous merchants whose background was Yankee Protestant. Their political leanings were with Whigs who were gravitating towards the nascent Republican party.

Nancy Taniguchi's "Dirty Deeds" shed new light on the motives of the Vigilance Committee of 1856 based on the minutes of the Committee.⁴⁶² She found that they were less interested in law and order than in obtaining land ownership of the city's docks, which were vital to the Committee members' businesses. The treaty that ended the Mexican war in 1845 guaranteed the rights of Mexican landowners, but the records of who owned what were obscure, to say the least. In what sounds like the script from an early motion picture melodrama, the Committee held the owner of the apparently most credible deeds hostage in their city fortress until he agreed to transfer the deeds.⁴⁶³

Almost as remarkable as the existence of the 1856 Vigilance Committee was the historical rationalizations of their activities. Among the earliest and most prominent of California historians was H. H. Bancroft, who donated the seeds of the library that bears his name at the Berkeley campus of the University of California. He was fully aware of the multifaceted agenda of the Vigilance Committee.⁴⁶⁴ He set the tone for later historians by couching the Committee as heroic, public spirited individuals rather than land-grabbing moguls. More recent (post 1970) historians have been more skeptical of Bancroft's exoneration, but Professor Taniguchi had the solid evidence, written by the reputation-obsessed Committee itself, that established the more complicated picture of self-interested actors.

The 1856 Act of Consolidation of San Francisco City and County that was lauded by the city's attorney, quoted above, was only indirectly connected to the Vigilance Committee. The incidental effect of the San Francisco City-County Consolidation Act was the separation of San Francisco County from what is now San Mateo County, which occupies the peninsula to the south of the city-county.

[San Mateo](#) County's official historian describes the separation as part of a legislative deal between the "roughs"—the Democratic machine politicians who were looting San Francisco's city treasury—and the reformers in the legislature

⁴⁶² Nancy J. Taniguchi, *Dirty Deeds: Land, Violence, and the 1856 San Francisco Vigilance Committee*, University of Oklahoma Press, 2016

⁴⁶³ In a generally favorable review of Taniguchi's book, John Mack Faragher nonetheless questioned her conclusion that land titles were central to the Vigilance Committee's work. "Dirty Deeds: Land, Violence, and the 1856 San Francisco Vigilance Committee," *Civil War Book Reviews* 19:2 (2017).

⁴⁶⁴ Hubert Howe Bancroft, *Popular Tribunals*. Vol. 36. History Company, 1887. Hubert was not related to the older and more distinguished historian and diplomat, George Bancroft. Hubert was the Bancroft of UC Berkeley Library, but the street in Berkeley called Bancroft Way was named for George, not Hubert.

who wanted to rein in the grafters.⁴⁶⁵ The kleptocrats, on this account, had to concede to the city-county consolidation forced by the legislature but wanted a new territory—what is now San Mateo County—as virgin ground for them to exploit.

The division did result in an opening salvo of misgovernment in San Mateo County. The “roughs” used their ballot-stuffing wiles to elect their corrupt slate of new county commissioners. But the fraud was quickly discovered, and a local, uncorrupted judge threw out the election results. Before the roughs could regroup, the San Francisco Vigilance Committee began executing members of the grafting clique back in the city (San Mateo County was almost entirely rural at the time), and the gang members fled the state for fear of being nabbed by the Vigilantes.⁴⁶⁶

San Francisco County thus seems to have become the state’s smallest (by far) in land area by a fluke of political skullduggery, a hurried legislative bargain to preserve a merger of city and county. But in the national perspective offered by my fifty-state tour, San Francisco does not seem so unusual. Older original counties that included a large rural hinterland frequently split off into a tiny urban county: Manhattan retreated to its island home, leaving Westchester County in its wake; Baltimore split from its collar county; Orleans shrank to present New Orleans; St. Louis left St. Louis County; St. Paul shrugged off by stages most of original Ramsey County in Minnesota.

Even if one gives full credit to the account of the “deal” the California legislature made with the rogues of San Francisco, it begs the question of why the settled, northern part of the peninsula (the city) should have so readily agreed to surrendering most of its rural territory. The particulars of the San Mateo-San Francisco separation were unique, but the division itself mirrors others around the nation. In the era before the street railroads (circa 1880) and modern urban highways gave America a seamless landscape from city to suburbs, urban and rural parts of metropolitan areas were quite distinct in their residential densities and economic functions. Hiving off an urban county, even with some “room to grow,” from the rural parts made more sense back then.

California’s experience warrants a detour into counties’ electoral role in state politics. Prior to the epic 1964 *Reynolds v. Sims* decision (377 U.S. 533), which insisted on proportional representation in each chamber of every state legislature, it was rare for counties not to have their own representative in at least one of the state

⁴⁶⁵ Frank Merriman Stanger, *South from San Francisco: San Mateo County, California, Its History and Heritage*. San Mateo County Historical Association, 1963.

⁴⁶⁶ Frank Merriman Stanger, *South from San Francisco: San Mateo County, California, Its History and Heritage*. San Mateo County Historical Association, 1963.

equivalents of the House and Senate. This was not the product of pre-democratic norms: most organic laws (set up by Congress) governing territories and early state constitutions held proportional representation as the norm. As I have argued in a separate essay, it was the proliferation of rural counties and the upper limit on the size of legislative bodies, along with steady trends in urbanization that were the cause of malapportionment.⁴⁶⁷

Why did most legislatures assume that every new county should gain a representative for itself? To say that it reflected the desire for rural voters to minimize urban interests overlooks that new counties also reduced the influence of each incumbent rural county as long as total legislative membership was fixed, as it usually was.

In the absence of legislative records about this issue [I checked Google AI], I offer this thought experiment. You are a member of a new-state legislature, say Wisconsin in 1848. You are almost surely elected from a county-based district, possibly with some other members from the same county. A new county is proposed and accepted by the appropriate bodies.

Now let's suppose, contrary to fact, that incumbent members of the legislature could put conditions on the new county's voting rights in the legislature. Perhaps its representative must be elected by joining its voters with neighboring counties, as was done—uniquely—to Hamilton County, New York, discussed in Part I above. Or perhaps new counties are assigned less legislative representation in one house, say one Senator instead of the two, than previously formed counties were entitled to. The new county's voters could reject such arrangements and stay within their present county. If they do not reject it and accept their second-class status, how would that work out for the legislature and the state as a whole?

Probably not well. The memory of being a taxed but not politically represented British colony would not have faded, and it surely would be raised by many. (If they needed a reminder, the District of Columbia's whiny but relevant license-plate motto, "Taxation without Representation," could be flashed on the screen.) The comity that makes political assemblies of strangers workable would be seriously eroded. Citizen cooperation across counties would be undermined, and not just for participation in state militias and county road building and school districts.

This, of course, mimics the reasons that new states were admitted with full equality of existing states.⁴⁶⁸ New states were never denied the same voting rights within the Senate and House of Representatives as the incumbent states.

⁴⁶⁷ William A. Fischel, "The Origin and Persistence of American County Boundaries: Courthouse Competition and the Road to Reapportionment." In *Local Government Administration in Small Town America*, pp. 28-40. Routledge, 2023.

⁴⁶⁸ Roderick Hills, "The Unwritten Constitution for Admitting States." *Fordham Law Review* (2020) [cited previously]

Colonialism of this sort is inconsistent with the basic principles of democracy. It's an unstable arrangement for that reason.

This is not to deny that states were often admitted or, in the case of the South, readmitted with conditions, and Congressional review of proposed state constitutions was usually required for territories to gain admission.⁴⁶⁹ Conditions included abjuring slavery and polygamy. But conditions never involved limitations on the number of Senators or Representatives or their legislative activities.

This story might sound like the establishment of a legislative club in which new members have to be allowed equal terms. What were the opinions of the public at large? California offers evidence for it, but its interpretation is necessarily mixed. In the 1920s, voters flexed their newly granted (in 1911) initiative authority to move *away* from allocating votes in proportion to county population to a system that supposedly mimicked the federal. The lower house (the Assembly) continued to be elected by districts created in proportion to their population. The California Senate, however, was elected by a system that granted no more than one senator per county. The smallest counties had to combine with no more than two contiguous neighbors to elect a senator, but otherwise, the senate rule was one county, one vote.

While variations on the federal senatorial system had become common in other states,⁴⁷⁰ California's was notable for its motivation. San Francisco and other Bay Area counties actually promoted it even though they were net losers in voting power to the likes of tiny (population-wise) Alpine and Mono Counties. San Francisco's goal was to limit the influence of giant Los Angeles County, which had developed rapidly during the early twentieth century.⁴⁷¹

This drastic limitation wasn't a one-time quirk of the new voter-initiative system. California voters had three additional statewide plebiscites in which to make the state senate more representative and less punitive to Los Angeles, but they rejected every reform. It appeared that voters as well as elected representatives regarded counties as foundational political units. Only after the US Supreme Court ruled in *Reynolds v. Sims* in 1964 that such systems nationwide violated the Equal Protection Clause of the Fourteenth Amendment did California fall in line. (Chief

⁴⁶⁹ Eric Biber, "The Price of Admission: Causes, Effects, and Patterns of Conditions Imposed on States Entering the Union." *American Journal of Legal History*. 46 (2004): pp. 119-208.

⁴⁷⁰ Elizabeth Durfee, "Apportionment of Representation in the Legislature: A Study of State Constitutions." *Michigan Law Review* 43:6 (1945): pp. 1091-1112. [cited previously in the introduction to Part I]

⁴⁷¹ Stephen Ansolabehere, James Snyder, and Jonathan Woon. "Why did a majority of Californians vote to limit their own power?." MIT working paper (2005); Stephen Ansolabehere, Alan Gerber, and James Snyder, "Equal Votes, Equal Money: Court-Ordered Redistricting and Public Expenditure in the American States." *American Political Science Review*, 96:4 (2002) pp. 767-777; Dean E. McHenry, "Urban vs. rural in California." *National Municipal Review*. 35 (1946) pp. 350-388.

Justice Earl Warren, formerly governor of California, regarded *Reynolds* as one of his most important decisions.)

I would not take issue with *Reynolds*. Despite some initial outrage, all of the states fell in line within a few years of trial and error.⁴⁷² This was in distinct contrast to *Brown v. Board of Education* in 1954, which barely moved the needle on racial segregation in public schools until Congress passed the Voting Rights Act in 1965.⁴⁷³

I would take issue, however, with the *Reynolds* Court's derogation of counties as "merely involuntary political units of the State" (377 U.S. at 547). As my survey so far has demonstrated, county formation was often initiated at the local level, and most boundary modifications arose from local pressure. County boundary persistence in the last hundred years is almost as durable as state lines. Their contests for courthouses, their origin stories, and the remarkable endurance of their numbers in the face of criticism have the hallmarks of coherent, intentional political bodies. (It wasn't just political inertia; as mentioned earlier, school districts declined in number from about 200,000 in the 1920s to fewer than 15,000 today.)

The implementation of *Reynolds* has created other problems with democratic accountability. At an operational level, a strict adherence to proportionality allows the drawing of voting districts through county lines. This has enabled the most bizarre forms of gerrymandering, a condition almost as hazardous to democratic ideals as numerical malapportionment.⁴⁷⁴

The advantage of county-based representation is that voters for legislators get information and motivation from a stable, preexisting political unit that has worked to get their attention. I offer two supports for this idea. When I taught a graduate seminar in municipal formation in Seattle in 1999, I invited Greg Nickels, a member of the King County legislative council (and later mayor of Seattle), to speak about municipal-county relations. They were often testy, but Nickels did mention that part of the problem is that the county council electoral districts do not overlaps with municipal boundaries because the electoral districts had to conform to proportional voting. The county council is thus more of a mystery to local voters, whose most immediate unit of government is the municipality.

The second manifestation of the democratic value of local boundaries comes from Portland, Oregon. It established a Metro Council to control outward growth

⁴⁷² The canonical work on the decision is John Hart Ely, *Democracy and distrust: A theory of judicial review*. Harvard University Press, 1980.

⁴⁷³ Gerald Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* University of Chicago Press, 1991.

⁴⁷⁴ Gordon E. Baker, "Judicial Determination of Political Gerrymandering: A Totality of Circumstances Approach." *Journal of Law and Politics* 3 (1986): pp. 1-19.

of the urban area—a pro-urban, anti-suburban sprawl measure. Its legislative members had to be chosen, post *Reynolds* (and post *Avery v. Midland County*) according to the one-vote-per person standard. But Metro Council implemented its electoral districts specifically to *avoid* corresponding with municipal boundaries. The stated reason was that representatives of municipalities would undermine the Council’s anti-sprawl efforts. Many municipalities at the edges of metropolitan Portland were eager to add more businesses and housing. In other words, Metro’s electoral structure was designed to thwart municipal democracy.⁴⁷⁵

In well-functioning democracies, voters get to pick their representatives. With gerrymandering, “representatives” of the incumbent party get to pick their voters. My modest suggestion is to reaffirm the integrity of county lines in creating legislative districts while striving to conform to the ideal of proportional representation. Rural counties could be combined into voting districts rather than being sliced and spliced. (This had been done in California for state assembly districts before *Reynolds*.) Urban and suburban voting units would be kept inside counties unless (as sometimes happens) their municipal units also cross county boundaries, in which case the municipal lines could belong to one electoral district. Strong judicial skepticism would be applied to supposedly-necessary deviations from such principles.

Deviations from the proportionality ideal brought about by maintaining county-boundary integrity should be balanced against democratic gains from having voters pick from more familiar geographic units—their longstanding counties and municipalities—and making gerrymandering more difficult.⁴⁷⁶ I am aware that in the past county creation was at least partly an act of gerrymandering—see Passaic County, New Jersey, and Manomin County, Minnesota, above, and Multnomah County (Portland), Oregon, below—but the century-plus stability of nearly all counties’ territory would nowadays subject such attempts to deeper scrutiny of their intentions.⁴⁷⁷

⁴⁷⁵ Gerald C. Mildner, Kenneth J. Dueker, and Anthony M. Rufolo. *Impact of the Urban Growth Boundary on Metropolitan Housing Markets*. Portland, OR: Portland State University Center for Urban Studies, 1996.

⁴⁷⁶ Several states, notably Pennsylvania, North Carolina, Kentucky, and Alabama, make strenuous attempts to maintain county-based legislative districts. Arylss Herzig, Peter Miller, and Gina Feliz. “Split Counties in Legislative Redistricting,” Brennan Center for Justice, June 12, 2025. My argument in favor of expanding this list is that it will increase democratic accountability by improving voter information and motivation.

⁴⁷⁷ How does this square with my previous observation in Part I (under subsection I.10, “TOCQUEVILLE AND THE REAPPORTIONMENT DECISIONS”) that nearly all states tried to preserve county boundaries as voting lines even after *Reynolds v. Sims* insisted on proportional votes? My answer would be that gerrymandering only requires that the line-drawers have an unconstrained *option* to create a few cross-county districts to accomplish their goals. The weirdly shaped districts that are hallmarks of gerrymandering do not require many county-boundary breaches if the option is available across the state.

§Oregon

Oregon Territory, 1848; statehood, 1859 (33rd)

Thirty-six counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 2,666 square miles.

Newest County: Deschutes, 1916; centermost: Crook

Smallest: Wheeler (2020 population 1,436) and Multnomah (431 square miles)

[Wheeler County](#), the least populous in Oregon, is located in the north central region of the state. Created in 1899, by 2020 Wheeler's population was 1,436, with large declines at the end of the twentieth century as the result of the closing of a major lumber company.⁴⁷⁸ The region has little precipitation, and agriculture is mostly ranching. Rural population density everywhere east of the Cascades is low.

Wheeler was created from three other counties, Grant, Crook, and Gilliam. The first two counties offered little resistance to sacrificing their territory. Neither of their county seats was made insecure by losing some remote territory to the new county.

The county that surrendered the most territory to new Wheeler was [Gilliam](#), now located between Wheeler's northern border and the Columbia River, which divides the states of Oregon and Washington in this area. Gilliam County lost almost half of its territory to the creation of Wheeler County. Moreover, opposition to creating Wheeler was intensified by the risk to the existing county seat of Gilliam County, a town named Condon. A 1905 history of the region, citing a contemporary newspaper, spelled out dire possibilities:

“Condon, the county seat of Gilliam county, will have to look to its laurels, according to Representative S. G. Hawson, who hails from Arlington, the original county seat of Gilliam [at the county's northern edge], and an important railroad town, whose citizens have never lost faith in one day regaining the seat of the county government. Mr. Hawson, who was seen at the Perkins yesterday, said that Arlington business men propose to ask the next legislature to pass an act enabling Gilliam county citizens to reconsider the question of county seat, and the candidate for legislative honors who asks Arlington citizens for votes must declare himself in favor of the enabling act.”⁴⁷⁹

Condon was nonetheless able to retain its courthouse. Actually, it did not have much of a courthouse. Public funds to build one were defeated by voters in the

⁴⁷⁸ Jack Lorts, Fossil, [Oregon Encyclopedia](#), March 1, 2022. [Oct. 2024]

⁴⁷⁹ Frederic Shaver, An Illustrated History of [Central Oregon](#): Embracing Wasco, Sherman, Gilliam, Wheeler, Crook, Lake, and Klamath Counties, State of Oregon. United States: Western Historical Publishing Company, 1905. [Dec. 2024]

north county (Arlington) area, who resented having lost the Gilliam County seat to Condon. But Condon was probably saved from losing its courthouse by a border adjustment in the proposed Wheeler County. Its proposed northern border was moved a couple of miles south in order to keep the town of Mayville within Gilliam County and retain the extra votes that would favor keeping the seat at Condon (just north of Mayville) in an election.

Thus, Wheeler County became a little smaller than originally proposed. After the county was established, a vote for the county seat ensued. The town of Fossil—named for the extensive presence of prehistoric fossils—had the larger population and easily won despite its being a bit less central than some other towns within the new county. But I found no evidence that Fossil and other towns had made a coordinated effort to create the new county. A 1975 collection of local histories included the town of Fossil, which was said to have enjoyed the prosperity of winning the county seat vote but made no mention of efforts to create the county.⁴⁸⁰

Explanations for Wheeler County's 1900 formation were the standard story of too long a trip to the county seat in Condon. No doubt true, but too true to be much of an explanation for the creation of a new county. Unless you are located across the street, the courthouse will always be too far away on some occasions. And there was not even much gain from having a new county seat. The seat of the old county, Condon, is only twenty miles distant from the new county's seat, Fossil, a distance hardly worth complaining about in sparsely populated eastern Oregon.

Another possibility for the creation of this underpopulated county may have been a kind of gerrymandering ploy. The Oregon Constitution of 1857 demanded proportional representation in both senate and house. But achievement of proportionality was limited by the rule that no counties could be divided to create a senate electoral district.⁴⁸¹ Senate districts could be created from entire contiguous counties, but no county could be divided in doing so. Creation of Wheeler County (and other very small counties) essentially did the division in advance.

Wheeler County's pre-county territory was mostly in Gilliam County (to its north). Thus, Gilliam's original larger territory could not be added to other neighboring counties (say, Grant and Crook) to make a Senate district without also including all of its southern area—the area that became Wheeler. Once Wheeler was created, it could be added independently to Grant or Wheeler, allowing the

⁴⁸⁰ F. Smith Fussner, editor. *Glimpses of Wheeler County's past: an early history of North Central Oregon*. Wheeler County Historical Commission, 1975.

⁴⁸¹ Waldo Schumacher, "Reapportionment in Oregon." *Western Political Quarterly* 3:3 (1950): pp. 428-434. Note that my remarks in the previous section about county borders as antidotes to gerrymandering are consistent with this old rule against dividing counties for senatorial districts.

now-reduced Gilliam County to be added to different neighbors. For gerrymandering, more geographic units increase the degrees of freedom by which politicians can choose their voters. I do not know if this was a motivation to create Wheeler County,⁴⁸² but, as we shall see, it was a factor in creating Multnomah County.

[Multnomah](#) is Oregon's smallest-area county at a not-so-tiny 431 square miles. Multnomah is also the state's most populous county (816,000 in 2020), a paired extreme shared only with New Castle County in three-county Delaware. Multnomah was established in 1854. Its seat is Portland, long the largest city in the state.

Portland was originally in Washington County, whose seat was Hillsboro. Portland was on the eastern edge of Washington County, so there wasn't much hope for it to become its county's seat. It instead persuaded the legislature to create its own county in which Portland was both central and by far the largest settlement. The original (and still downtown) section of Portland had been entirely on the west side of the Willamette River. Its new county, Multnomah, straddled both sides of the river (and abutted on the north the Columbia River and the state line), which may have simplified the numerous later annexations to the city's boundaries.⁴⁸³ Unlike several other smallest-area counties, Portland was unable to persuade voters in Multnomah County to create a consolidated city-county government (see Lansing and Leeson, cited below).

There appears to have been some political capital gained from the creation of Multnomah County. The original Washington County sent Whigs to the state legislature. Despite its size, Portland's largely Democratic electorate did not dominate its former county's politics. A county that contained all of Portland and not much of the territory of its parent counties was a net addition to the Democrats in the legislature, as the Whig editor of the *Oregonian* (published in Portland) bitterly complained.⁴⁸⁴

Years later, the smaller, mostly rural counties were able to send non-Democratic (mostly Whigs and Republicans) majorities to the statehouse by failing to reapportion the legislature to accommodate Multnomah's increasing share of the state's population. By 1940, Multnomah had a third of the state's population but

⁴⁸² I surveyed Oregon Senate districts after 1900, and Wheeler County was always joined with Gilliam County until after reapportionment in the 1950s. State of Oregon, Chronological List of [Oregon Legislators](#) from 1841 to Present. This seems not to confirm my hunch about enabling gerrymandering.

⁴⁸³ Map showing Portland's [annexations by decade](#), [June 2024]

⁴⁸⁴ Jewell Lansing and Fred Leeson, *Multnomah: The Tumultuous Story of Oregon's Most Populous County*. Corvallis: Oregon State University Press, 2012, p. 13.

only about one-fifth of the representatives.⁴⁸⁵ This was not caused by a popular attempt to suppress big-city representation, as it was in California. The legislature just refused to act when so many of its rural members feared they would be redistricted out of existence. (This was common in other states.)

Somewhat surprisingly, Oregon voters used the statewide initiative to fix their malapportionment problem. The initial proposal to change the redistricting process failed, but a second try in 1952, in which some Republicans as well as some farm organizations favored closer-to-proportional representation, was a success.⁴⁸⁶ This was in distinct contrast to California, where the initiative process was used to perpetuate the legislative malapportionment that left Los Angeles County grotesquely underrepresented until the US Supreme Court intervened in *Reynolds v. Sims* in 1964.

⁴⁸⁵ Schumacher, "Reapportionment in Oregon." *Western Political Quarterly* 3:3 (1950): pp. 428-434. [also cited above]

⁴⁸⁶ Gordon E. Baker, "Reapportionment by Initiative in Oregon." *Western Political Quarterly* 13:2 (1960): pp. 508-519.

§Washington

Washington Territory separated from Oregon, 1853; statehood 1889 (42nd)
Thirty-nine counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,704 square miles
Newest County: Pend Oreille, 1911; centermost: Chelan
Smallest: San Juan (174 square miles) and Garfield (2020 population 2,286)

The smallest county by land area is [San Juan](#), a set of islands north of the entry to Puget Sound. Most other smallest-area counties in our tour have been urbanized areas that were sliced from the rural parts of a larger original county. The other prominent exceptions to that were also island counties: Grand Isle in Vermont and Nantucket in Massachusetts.

The San Juan Islands were almost not included in the United States. An ambiguity in the 1846 border delineation that established what is now the US-Canadian boundary could have left the San Juans in British Columbia.⁴⁸⁷ The Hudson's Bay Company, representing British interests, began sheep herding and fish processing operations on San Juan Island in the early 1850s. American farmers were not far behind. Both moves were interpreted as efforts by each nation to cement claims of sovereignty to the disputed territory.

The Brits considered the Americans illegal squatters but tolerated them for a few years. Things worked okay until a pig came slowly walking by. In 1859 it ambled into an American settler's garden and helped itself to some potatoes. The pig was a repeat offender, and the American shot it. The pig's owner, a British Hudson's Bay neighbor, took offense. Declining the American's offer of compensation, he went to the British military authorities.

Rather than shrugging it off, the British commander assembled a military force. Then the Americans did. Generals and Presidents got in the act, insisting that the San Juans belonged to their side and preparing for battle. Finally, a more even-tempered (not to say less pig-headed) British general declared he would "not involve two great nations in a war over a squabble about a pig."⁴⁸⁸ The two nations agreed on a joint occupation of the islands. It lasted uneasily but uneventfully for years until the two countries agreed on international arbitration headed by the new king of Germany, Kaiser Wilhelm I. After commissioning a study, the Kaiser declared in 1872 that the islands were US territory. Done deal.

⁴⁸⁷ A compact history of the events related below is Lynn Weber-Roochvarg, "Washington Territorial Legislature establishes San Juan County on October 31, 1873." HistoryLink.org [Essay 20453](#)

⁴⁸⁸ Taylor C. Noakes, The [Pig War](#). The Canadian Encyclopedia, August 6, 2021. [June 2024]

Not quite over, though. The San Juans had been made part of the nearest US county, Whatcom, which included a few other islands and a large part of the mainland of Washington Territory. Its county seat was in what is now Bellingham, Washington. (The city was created later by a merger of several adjacent towns.) Whatcom would have been the county in which garden variety legal controversies such as animal trespass would have been resolved. Without a secure claim of national sovereignty, however, neither the pig's owner nor the aggrieved gardener could realistically appeal to a local authority in Washington Territory or in British Columbia. And a courthouse that did not require a long trip across the water to Bellingham would clearly have been an advantage.

The creation of San Juan County in 1873 and the location of its seat in Friday Harbor was largely engineered by one Edward Warbass.⁴⁸⁹ He had been the designated "sutler," a private provisioner and storekeeper for the American forces that had responded to the Pig War crisis in 1859. (The captain in charge of that operation was George Pickett, later famous as the Confederate general who ordered the disastrous charge at the Battle of Gettysburg.)

Warbass had considerable experience in commerce and local affairs in the nascent territory of Washington before arriving in the San Juans with the US Army. He identified the undeveloped port of Friday Harbor (a native Hawaiian named "Friday" had worked there for the British Hudson Bay Company) as the ideal site for a seat for the new county.⁴⁹⁰ Warbass took out a US land claim in the name of the county for 160 acres of land in the new town. His objective was said to be to use land sales to finance the operations of the nascent county. He initially got very few takers, as the Homestead Act's general promise of free land depressed its value everywhere.

Warbass nonetheless persisted. As the county's first elected auditor, he set up the government in a shack of a courthouse. He lost his position as auditor, and his successor sold the land privately, much to the disgust of Warbass.⁴⁹¹ Just what had changed to make the land marketable was not clear, but having new residents in Friday Harbor apparently created a tax base and population sufficient to set up county operations in the next decade. It is the only organized municipality in San Juan County, and it now is a charming tourist center. Visitors (I was once one) arrive by boat, mostly on the regular ferry service run by the state of Washington. A bronze statue of Mr. Warbass, sitting amiably on a bench with his dog, greets

⁴⁸⁹ Margaret Riddle, "Friday Harbor — Thumbnail History." HistoryLink.org [Essay 9610](#), Posted 10/12/2010 [June 2024].

⁴⁹⁰ Brenda C. Pratt, "Friday Harbor's Namesake: Thank God It's Still Friday." HistoryLink.org [Essay 10671](#), posted 11/18/2013 [June 2024]

⁴⁹¹ Mike Vouri, "The Pig War's Last Victim: Free Land and the Heartbreak of Alexander McKenzie." [San Juan Islander](#), May 7, 2022.

those who disembark from the ferry.⁴⁹² He may be the only county founder so honored.

Washington's least populous is [Garfield County](#) (2,286 in 2020) located in the southeast corner of the state, about as far from the San Juans as possible and still remain in the state. Eastern Washington is like eastern Oregon, the place where the rain-soaked residents of Seattle and Portland go to get some sunshine during the winter. (I spent a fruitful but damp sabbatical year in Seattle in 1998-99.) The far east of Washington is also blessed with unusually good land for wheat farming in what is called the Palouse. Much of it is too dry for regular methods, so locals beyond the reach of irrigation sources developed "dry farming" techniques to take advantage of the soil's natural fertility.

The land is thus profitably occupied but at a low density. The first counties established there were quite large in area, reflecting the sparse population. One of the early counties (actually a subdivision of a still-earlier one) was [Walla Walla](#), whose seat was Walla Walla. (It's almost as much fun to type "Walla Walla Washington in Walla Walla County" as it is to say it). Walla Walla's only problem was that the city is located in the county's southeastern corner near the Oregon border and hence far from much of the rest of the county. It was ripe for a county seat challenge.

What followed was a cascade of tiny county formations.⁴⁹³ Between 1875 and 1883, three counties in succession were formed to the east of Walla Walla and south of the Snake River, which forms on the map a hill-shaped path from the Idaho border to its junction with the Columbia River at Pasco, forty miles west of the city of Walla Walla.

First Columbia County was formed. The city of [Dayton](#) challenged Walla Walla city for the county seat. Rather than risk losing its seat to a town that was a bit more centered in Walla Walla County, the city of Walla Walla agreed to encourage the legislature to split its county, with Dayton the seat of the new Columbia County (named for but not on the Columbia River).

Within a couple of years, the city of Pataha, east of Dayton and a bit more centered in the new Columbia County, challenged Dayton for the county's courthouse. Dayton prudently agreed to support the creation of a new county to the east in 1881 rather than lose its seat. Pataha was briefly the seat of newly created

⁴⁹² National Park Service, Place: Edward [Warbass](#) [June 2024]

⁴⁹³ As described by WSU Professor of History William D. Lyman, Lyman's History of Old [Walla Walla](#) County: Embracing Walla Walla, Columbia, Garfield and Asotin Counties. Chicago: S.J. Clarke Publishing Company, 1918. The succession of counties can be seen on the Newberry Library's Washington map at [1873-11-14](#) (Walla Walla); [1875-11-11](#) (Columbia formed), [1881-11-29](#) (Garfield formed), and [1883-10-27](#) (Asotin formed). [Dec. 2025]

Garfield County, but the town of [Pomeroy](#), just three miles west of the new seat, challenged its status.

The ensuing county-seat election was hotly contested, probably because Pataha residents had done the heavy lifting to create the county. Pomeroy won a plurality of the votes but not the required majority. Court proceedings were inconclusive but the new county's officers decided to meet in Pomeroy, which had gained railroad access that was denied Pataha. That decided the matter, but resentment by Pataha's residents seems to have persisted to the present day.

Pomeroy soon found itself at risk because it was not centered in the new county, either. There was still territory to the east of Garfield. It seceded and became Asotin County in 1885. Its seat, the city of [Asotin](#), was not centered at all. It was on the eastern border with Idaho and advantageously located on the Snake River, so there was no more room for counties to be created.

Running out of room in Washington seemed to be the only thing that stopped this cycle of county-seat driven creation of new counties. I am a bit fond of very small counties for their plucky persistence as anchors of civilization in the vast rural environs of the US, but this sequence seemed excessive even in its own time. If the three new counties, Columbia, Garfield, and Asotin, were combined into one, they would be just about the same area as [Whitman County](#), which is just to the north of the three across the Snake River.

Whitman County does fine with just one courthouse situated in the midst of the Palouse farm country. Its seat is Colfax, which is less than a tenth of the population of the county's largest city, Pullman, home of Washington State University. [Colfax](#) is more centrally located, and it once was larger than Pullman, but Pullman seems never to have coveted the courthouse. Perhaps the pathetic examples of the counties of Columbia, Garfield, and Asotin made Whitman County's voters cautious. The three counties to the south each seem too small. Even if they were combined into a single county, its population would still be the ninth smallest in Washington.

Later thought: I cannot discount the possibility that this rapid county making was tolerated because it stacked the state legislature with more rural votes. I did not see any evidence of this, as there was in Oregon (described in the previous section), but lack of evidence does not prove there wasn't anything going on. The county-seat seeking nonetheless is well documented and seems the more parsimonious explanation for the multiple counties.

§Alaska

Acquired from Russia, 1867; Alaska Territory, 1912; statehood, 1959 (49th)
Nineteen boroughs [[map](#)] [[list](#)] [[chronology](#)] and one “unorganized borough”
(divided into 11 US Census districts)

Newest Borough: Petersburg, 2013; centermost: Denali

Smallest: Skagway (452 square miles) and Yakutat (2020 population 657)

The US Congress withheld counties from Alaska Territory, worrying that local governments dominated by Alaska natives might inhibit American exploitation of their resources. When Alaska became a state, it adopted a truly unique form of local government, the borough, which the US Census designates as a “county equivalent.”

Alaska is about 2.5 times the size of Texas, which has 254 counties. Alaska has only 19 “county equivalents” called boroughs.⁴⁹⁴ The other state with county equivalents, aside from the “independent cities” of Maryland and Missouri, and (most numerous) Virginia, is Louisiana with its parishes. But parishes are really just counties with an ecclesiastical name. As noted in the Louisiana section in Part III above, the state originally had districts called counties and just switched the names in 1846 without much fanfare. I thought Alaska’s substate units might have been similarly renamed.

I was wrong. Boroughs are truly different. Evidence of the differences start with Alaska’s sheriffs. There are none. The state police, who also provide sheriff-like law enforcement in the vast rural areas, perform all the sheriff’s roles: court security, jail transfers, civil process. They answer to the state government, not to the boroughs or any other local government unit. (All other states except county-less Connecticut, have sheriffs, most of them elected locally and paid from local taxes and fees.) Borough voters do not elect district attorneys, as counties do in most other states. Alaska’s are all appointed state employees, as are all local judges.⁴⁹⁵

Alaska boroughs have no locally established courthouses to grace their capital cities. All courts are run by the state in state-maintained buildings within various

⁴⁹⁴ The Geology.com map of Alaska labels [as of Jan. 2025] several of the Census areas, which are not counties or boroughs, the same as it does organized boroughs. See text below for the discussion of the “unorganized borough.”

⁴⁹⁵ See generally Morgan Krakow, Curious Alaska: Why do we have boroughs instead of counties? Anchorage Daily News, March 3, 2022.

settlements. The structures themselves are generally undistinguished, at least when compared to the often-grand (and sometimes grandiose) courthouses of equally small counties in the lower forty-eight.

The name “borough” was chosen to emphasize their differences from regular counties. The differences are real. Alaska’s aren’t anything like the hundreds of small-city units called boroughs in New Jersey and Pennsylvania or the toothless counties called the “five boroughs” of New York City. Alaska’s boroughs are one-of-a-kind local government conceived by members of the 1955 state constitutional convention.

The convention’s fifty-five delegates (a number chosen to match that of the 1787 US Constitutional convention in Philadelphia) met on the campus of the University of Alaska near Fairbanks. Its approach to local government units was typical of the views of academic and public administrators at the time. They had no use for the disorderly proliferation of cities, townships, school districts, and special-service districts so common in the lower forty-eight.

From the minutes of the local government section of the convention: “The proposed article vests all local government authority in boroughs and cities. It prevents creation of numerous types of local units which can become not only complicated but unworkable.”⁴⁹⁶ (Local governance by Alaska Natives went unmentioned at the convention, perhaps because representatives of indigenous peoples were not in attendance.⁴⁹⁷)

The borough was intended as the vehicle to replace the claimed disorder of the lower forty-eight. Previously established cities were allowed to persist but not encouraged to become large-area boroughs that were to surround them. School districts had to be subservient to the borough (and not the city), and all special districts were to be consolidated into the borough or in cities. Overlapping taxing districts were generally not allowed. The establishment of counties did not even come up, perhaps because Alaska had no counties in its long territorial phase.

It wasn’t the Alaskans’ idea to omit counties. The 1912 Congressional legislation that authorized Alaska Territory, its Organic Act, specifically forbade the creation of counties, a right that all previous territories freely exercised.⁴⁹⁸ The mining and salmon-canning industries were said to fear that locally controlled counties would

⁴⁹⁶ Quoted in n. 15 of David H. Getches, “The North Slope Borough, Oil, and the Future of Local Government in Alaska,” *UCLA Alaska Law Review* 3:1 (Fall 1973) pp. 55-84. No standard of “unworkable” was explained.

⁴⁹⁷ William Iggiagruk Hensley and John Sky Starkey, “Alaska Native Perspectives on the Alaska Constitution.” *Alaska Law Review* 35 (2018): pp. 129-137. There was one member who had Native Alaskan heritage, but he did not represent any particular tribe or clan.

⁴⁹⁸ Thomas Morehouse, Gerald A. McBeath, and Linda E. Leask, *Alaska’s Urban and Rural Governments*. University Press of America, 1984, p. 18. The authors also note that the 1912 US Congress was generally skeptical of local self government in Alaska because of its small and transitory population.

adopt property taxes that the out-of-state owners would have to pay without having local representation to moderate their burdens. Alaska's distance from the US seat of government, its unfamiliar native population, and anxiety about lingering Russian influence likely played a role in Congress's decision to suppress local initiative.

The upside of suppression of counties was that there was none of the costly and sometimes violent competitions for the county seat. Boroughs were area-wide governments that had no courthouses to compete for. The downside was that few places wanted a "borough" at all.⁴⁹⁹ The first legislatures set up a framework for localities to apply to become boroughs. Only one (tiny Bristol Bay) took the bait. Then the legislature set up a schedule mandating that certain prime areas had to become boroughs before a certain date. Only four did. Four others that failed to meet the deadline had the borough dropped on them without local voters' consent.

After that show of centralized force, the Alaska legislature seemed to have lost its nerve, and boroughs were fitfully encouraged with state-funding rewards. The state's ability to finance incentives was vastly enhanced by the 1968 discovery of a huge reserve of petroleum on its northern side and the completion of a pipeline to deliver it to the ports on its southern side in 1977. The state was awash in money as it disgorged its oil at the high world petroleum prices that warranted such a costly extraction and delivery infrastructure.

Even this largesse was largely unsuccessful in creating a comprehensive system of local governments. Think about the contrast between Texas and Alaska that started this section: 254 counties in Texas, 19 boroughs in Alaska, which has more than twice the land area of Texas. By a more forgiving standard, if Alaska was divided into Arizona-size counties of 7500 square miles (the largest average in the lower forty-eight) it would have 77 counties, not 19. Even allowing for Alaska's rugged terrain and harsh winter climate—large parts of Arizona aren't so easy to live in, either—this suggests failure of the borough concept, at least for its rural areas.

Alaska's oxymoronomically named "unorganized borough" occupies half the state's territory and has no general local government. It is divided into eleven Census areas, but these units are for the convenience of the US Census and have no local authority. While most of its area is in the interior, much of the relatively accessible and populated southeast panhandle of Alaska is also unorganized. About ten percent of Alaska's population remains under the direct control of a state

⁴⁹⁹ Counties could have been created with permission of Congress, but none were. Thomas Morehouse, "Institutionalizing Local Government: The Problem of Boroughs in Alaska." Paper Presented at the 19th Alaskan Science Conference, Whitehorse, Yukon, Canada, August 29, 1968. Professor Morehouse became the leading scholar of Alaska politics and government organization.

government headquartered in Juneau, many hundreds of miles from much of the state's interior. Attempts to remove the capital to more central locations began in the early 1900s, soon after Juneau took the territorial capital from Sitka, but all have failed.

Alaska's smallest-population borough is [Yakutat](#) (2020 population 657) established in 1992. It was a small village along the southeast Alaska coast, about 360 air miles east of Anchorage. Yakutat is mostly populated by members of the indigenous Tlingit tribe (pronounced "kling-it"). Plans by the state's powerful Local Boundary Commission, which was established in the state's constitution to guide borough formations, had previously tried to include remote Yakutat within other proposed boroughs. None of these was satisfactory to Yakutat's residents or those of other locales, so Yakutat decided to go it alone.

There was, by design, no courthouse or county seat in the new borough that would attract new business to the remote area, and the municipal government of the small city of Yakutat was dissolved at the time. But the state's rewards for borough formation were substantial. Yakutat's vastly expanded area included "fish processors and timber and private recreational properties, which nearly doubled the local tax-base" without adding significant population.⁵⁰⁰ It also got \$600,000 for borough start-up costs, a substantial increase in Tongass National Forest timber receipts, ten percent of the revenue from state lands, and increased state revenue sharing from oil royalties and other state taxes. Borough status also insured that other communities could not annex its territory.

Yakutat's deal was agreed to by the Local Boundary Commission, but it turned out to be an embarrassment to the Commission. As McBeath and Morehouse (previously cited) observed, Yakutat met almost none of the Local Boundary Commission's prior standards for borough formation. It was too small in population, and it embraced only a single community, contrary to the idea that boroughs were to embrace regional governance with several centers. Perhaps because of criticism for these deficiencies, Yakutat was the last regular borough formed for the next ten years.

A sideways exception to the 10-year drought in borough-formation was [Haines](#), just twenty miles south of Skagway. In the early 1960s, the state's proposed borough status was rejected by Haines voters three times. The city of Haines wanted to run its own local schools, which would have been absorbed in a large-

⁵⁰⁰ Gerald A. McBeath and Thomas A. Morehouse, *Alaska Politics and Government*. University of Nebraska Press, 1994, pp. 275-76.

area borough. Only fully formed boroughs were to govern schools, and the frustrated state superintendent threatened to close the Haines schools because of the voters' intransience. Cooler heads in the legislature established a unique "Third Class Borough" in 1968. It was for Haines alone and its only purpose was to run the local schools and (apparently) to save face for state education officials.⁵⁰¹ Haines eventually converted to a full-scale Borough in 2002, five years before Skagway.

The smallest borough by land area is [Skagway](#), which was a traditional, pre-statehood city, one of Alaska's earliest. It was a major staging area for the 1898 Yukon gold rush. The gold wasn't in Alaska in this case. Skagway was the town with a good harbor at the end of a mostly ice-free fjord oddly named the Lynn Canal. Skagway was located at the beginning of a passable if arduous overland trail to the Klondike goldfields of Canada.

In 1900, soon after the peak of the gold rush boom, Skagway adopted a municipal government under territorial laws. (Cities were allowed, but not counties.) By the 1960s, it had settled into being a quaint but accessible port of call for tourist ships and a jumping off-point for backcountry adventurers. In the summer of 1972, I backpacked the Chilkoot Trail and was delighted to recall my stay in Skagway when its lowest-area number came up in this study.

Skagway was largely content to remain a periodically busy but still small town until the 1990s. Its interest in becoming a regional government was largely forced upon it by plans for the creation of the Borough of Haines, down at the other end of the Lynn Canal and long a rival of Skagway for access to the backcountry. Plans by Alaska's powerful Local Boundary Commission envisioned Haines and Skagway joining (with some other towns) within a single borough.⁵⁰²

To forestall this, Skagway sought to become a borough within the confines of its municipal area, which had recently expanded to its present 452 square miles. The Local Boundary Commission denied its bid on numerous grounds, including its small size (for Alaska) and lack of regional comprehensiveness. It clearly wanted Skagway to be joined with Haines and some other small areas in a single

⁵⁰¹ Haines Centennial Commission, [Brief History](#) of the Third-Class Haines Borough, Jan. 31, 1980. [April 2025]

⁵⁰² "Senator Leman agreed the grant funds would be available if the areas considered for consolidation [were put] into a borough if the Local Boundary Commission determined the efforts to be feasible. He suggested Haines, Skagway, Gustavus and Tenakee Springs could be consolidated into one borough. He did not support funding a change of the City of Skagway to become the Borough of Skagway." Alaska Legislature (2001 - 2002) Senate Finance Committee [minutes of hearing](#) on 04/29/2002 [Nov. 2024]

borough.⁵⁰³ Skagway took to the courts to overturn the Commission's denial of its application.

After a seven-year legal battle, Skagway succeeded in becoming an Alaska borough, the smallest in land area. It had to forego some of the state's incentives for birthing a borough since it wasn't adding any territory. The Alaska Supreme Court also denied its (dubious) claim for legal fees.⁵⁰⁴ But, like Yakutat, Skagway's status as a constitutional borough insures it against annexation by any other local government and ensures that it can run its own school district. The 1955 state constitutional convention may have abhorred the fragmented disorder of independently created local governments, but at least some of the state's communities thought differently.

⁵⁰³ Alaska State Legislature, [Joint Meeting](#), Senate Community and Regional Affairs Standing Committee, House Community and Regional Affairs Standing Committee February 12, 2003 [August 2024].

⁵⁰⁴ Municipality of Skagway 2020 [Comprehensive Plan](#), 2008 [July 2024]. *Petitioners for Dissolution of Skagway & Incorporation of Skagway Borough v. Local Boundary Comm'n*, [186 P.3d 571](#) (Alaska 2008) [Nov. 2024]

§Hawaii

Kingdom of Hawaii 1795; US annexation in 1893; Territory of Hawaii 1900; statehood 1959 (50th)

Five counties [[map](#)] [[list](#)] [[chronology](#)]; mean land area 1,285 square miles

All in 1905: Hawaii [The Big Island], Maui, Honolulu [Oahu], Kauai, and Kalawao; centermost: Maui

Smallest: Kalawao (2020 population 82; land area 12 square miles)

Hawaii Territory was like Alaska in that the US Congress knew little about the inhabitants and was worried that they would not fit into traditional American institutions. Unlike Alaska, from which counties were withheld and which the new state never embraced, Hawaii adopted counties as the exclusive form of local government.

The smallest-area county in Hawaii and the least populous in the state is [Kalawao](#), with 82 residents in 2020 living on a beautiful twelve square mile shelf of beach on the island of Molokai. It is backed by cliffs rising nearly 3000 feet to a plateau on the rest of Molokai, which is one of the islands that constitute Maui County. One would expect a resort or a state park to be located here, but it is instead one of the saddest places on earth, a leper colony. From the middle 1800s up to the 1950s, residents of Hawaii who contracted Hansen's disease were forcibly confined to this location.

Leprosy was made curable by drugs developed after World War II, and by the 1950s Kalawao was no longer the required destination for Hawaiians who had the disease. But it had an existing population of residents who knew no other home, many of whom had come as children, and they were allowed to stay. The county's population has steadily declined as the remaining residents die or move away. No new residents are allowed. Per a 2026 law, the county is scheduled to be merged with Maui County once the last patient dies.⁵⁰⁵

Much has been written about the colony, and the area now contains a US National Historic Park.⁵⁰⁶ What is not much discussed is Kalawao's peculiar

⁵⁰⁵ "[Act 171 of 2026](#) signed by Governor Josh Green, June 26, 2026. [August 2026]

⁵⁰⁶ The US National Park Service offers a [compact history](#): Kaalaupapa National Historic Park Hawai'i. [Dec. 2024] The now-sainted (in 2009) Father Damien, a Belgian priest who ministered to the lepers there and died after contracting the disease, was famously defended against charges of immorality by Robert Louis Stevenson, "[Father Damien](#)," Scribners, 1916. (original 1890).

government status. It is a county, not a municipality or special district or any other part of another local government. (The location of facilities for those confined there is in a village named Kalaupapa, which had no government status, though some compilers list it as the county seat.)

The county is not self-governing. The Hawaii Constitution put it under the control of the state board of health, whose head is appointed by the governor. The board is located in Honolulu, sixty ocean miles away. The distance is awkward and, at least once, fatal. The head of the state health department and thus mayor of the county died as the result of a plane crash while she was on a visit in 2013.⁵⁰⁷

Kalawao is a county because Hawaii has no other form of local government. There are no general-purpose municipalities. The only unit with “city” in its title is the City and County of Honolulu, which governs all of the island of Oahu and Hawaii’s string of uninhabited islands to the northwest. It has no municipal government other than county officials. The county-seat towns on other islands—Hilo on Hawaii; Wailuku on Maui; Lihue on Kauai—are unincorporated places, as are such famous resort towns as Wailea and Lahaina on Maui, Kailua-Kona on the Big Island, and Hanalei on Kauai.

Hawaii has no elected special municipal districts (such as for wastewater) or school districts; all are run by the county or directly by the state government in Honolulu. There are state soil and water conservation districts “governed by a board of five directors, three elected by agricultural land-users or land-owners and two appointed by the SWCD directors.”⁵⁰⁸ Honolulu’s two semiautonomous districts that supply water and build rail transit are governed by appointed boards of directors.⁵⁰⁹

A prior question about Kalawao might be why it had to be a separate government unit at all. The other major leper colony in the US was in Louisiana. It was located on a former plantation in Iberville Parish, within what is now the small city of Saint Gabriel. There was no attempt to make the leprosy hospital and grounds, collectively called Carville (for the neighborhood), into a separate government unit. It started as a state-run hospital and was acquired by the federal government after World War I. Like other special hospitals such as insane asylums and tuberculosis sanitarium, access to the leprosarium at Carville was restricted, and

⁵⁰⁷ “Health Director Loretta Fuddy died of cardiac arrhythmia,” Honolulu Star-Advertiser, Jan. 13, 2014. Conspiracy theorists noted that she had provided Barak Obama’s birth certificate after Donald Trump had claimed Obama was not born in the US.

⁵⁰⁸ Hawaii Department of Land and Natural Resources, Hawaii Association of [Conservation Districts](#) and the Soil and Water Conservation District Program [Oct 2024]

⁵⁰⁹ Honolulu Board of [Water Supply](#); Honolulu Authority for [Rapid Transportation](#) (HART) [Sept. 2024]

patients were usually not free to leave. Unlike Kalawao, however, Carville in Louisiana was not politically isolated from its surrounding parish.⁵¹⁰

One difference between Hawaii and Louisiana is that Hawaii's leprosarium was established in 1865, when Hawaii was an independent kingdom. There was no local governing body to supervise Kalawao. Given its isolation from the rest of Maui County, some local authority was needed once Hawaii became a US territory.

A visiting travel writer described the community in the 1930s, before leprosy was curable. He was impressed by the ordinariness of life there, where people married and travelled about on horses and sometimes in cars. But then he dryly observed,

“Kalaupapa even had its murder while we were in the islands. A woman patient shot a man patient with a .22 revolver during a quarrel over a frying-pan, or something of the sort. When we left, the authorities were struggling with the problem of where to try the culprit, and wondering how she could be more severely punished than she was being already.”⁵¹¹

After Kalawao the next-smallest counties are [Kauai](#) (2020 population 73,298) and Honolulu (land area 601 square miles). [Honolulu County](#) is a combined city-county and includes the former (before US annexation) city of Honolulu and the rest of the island of Oahu. It contains over a million residents, about three quarters of the state's population. Both counties are truly creatures of the state. No local political pressure created them or modified their boundaries.

These two and the other two counties, Hawaii (the Big Island) and Maui, do have municipal functions. Their residents elect a county legislature and mayor and a district attorney. However, the official who is most characteristic of an American county, the county sheriff, is not elected. In fact, there's only one sheriff for the entire state—that of Honolulu—and he or she is appointed by the state department of public safety in Honolulu.⁵¹² Moreover, all judges are appointed by the governor. The courthouses of the four counties are home to officials who are all appointed by the state, not elected by residents of the county. (Prosecuting attorneys are elected in the counties of Honolulu and Hawaii; appointed in Maui

⁵¹⁰ Betty Martin, *Miracle at Carville*. Doubleday, 1950. Betty, a young patient-inmate, wrote about her experience during which successful leprosy treatment drugs were introduced. She and her husband then left but returned because they could not escape the stigma of having had the disease, which may help explain why Kalawao residents did not leave.

⁵¹¹ Harry A. Franck, "The Lepers of Molokai: An atmosphere of every-dayness in their manner is evident to an outside visitor." *Current History* (1916-1940) 46:2 (May 1937): pp. 78-82 at 80.

⁵¹² Hawaii Department of Public Safety appoints new [state sheriff](#), *Honolulu Star-Advertiser*, Nov. 25, 2020.

and Kauai.) Only Alaska and Maryland exceed Hawaii for centralization of state legal functions.

Hawaii's counties do manage a fair number of local services. They have police and fire departments and provide the usual range of social and recreational services. Counties also administer zoning (within a highly centralized statewide land-use plan⁵¹³), water supply, and road construction. A unique feature is that each island county runs its own department of motor vehicles. Driving from one county to another is uncommon, which may also explain why Hawaii has no state police or highway patrol, the only state to lack such an agency. (The title of the TV version of its nonexistent state police, "Hawaii Five-O," refers to the 50th state.) What Hawaii's counties don't have is much fiscal discretion; most of their tax revenue comes from the state.⁵¹⁴

Most critically, Hawaii's counties neither finance nor control their public school system. Schools are entirely managed by the state government and financed by statewide taxes. In this respect Hawaii stands alone among the states. You cannot get better schools—at least better financed or managed—by moving from one island county to another. Nor can you lobby for an increase or a decrease in your local school budget at the county level. A single-payer, single provider school system is the holy grail of many school-finance reformers, and Hawaii has it.⁵¹⁵ Quality of public schools under statewide funding is nonetheless suspect: About sixteen percent of eligible students attend private schools, the highest percentage in the nation.⁵¹⁶

Hawaii has a long history of centralized control. Unlike Alaska Territory, which was not allowed by Congress to form counties, Hawaii Territory did have the authority to form them. There was local desire for smaller-than-state governments, but none of the governing political parties would form them. When the territory was first formed in the early 1900s, the Republicans dragged their feet on the issue, for which they criticized by the Democrats. When the latter got into power, though, they would not allow more than nominal moves towards decentralized governance by individual island communities.⁵¹⁷

⁵¹³ David L. Callies, *Regulating paradise: Land use controls in Hawai'i*. University of Hawaii Press, 2010: "Land use in Hawai'i remains the most regulated of all the fifty states."

⁵¹⁴ County of Maui Annual Comprehensive [Annual Report](#) 2023. [Sept 2024]

⁵¹⁵ I have written extensively about California's aspirations for state funded schools, starting with Fischel, "Did *Serrano* Cause Proposition 13?." *National Tax Journal* 42:4 (1989): pp. 465-473.

⁵¹⁶ Alia Wong, "Many Families Sacrifice to Put Kids in [Private Schools](#)," *Honolulu Civil Beat*, *Living Hawaii*, March 17, 2014 [Nov. 2024]

⁵¹⁷ Norman Meller, "Centralization in Hawaii: Retrospect and Prospect." *American Political Science Review* 52:1 (1958): pp. 98-107.

Counties were finally formed after Hawaii's first (but nonvoting) Congressional Representative, Prince Jonah Kuhio, successfully lobbied his voting colleagues to have the territory's organic act changed. Hawaii was then a US Territory, and only Congress could change its constitution-like "organic act." The act's words pertaining to the establishment of counties were changed from the permissive "may" to the mandatory "shall." After some back and forth in the courts, all were authorized in 1905. A minor adjustment to the Big Island was made in 1907 by consolidating what had briefly been East and West Hawaii Counties.

Rep. Kuhio, who pushed for counties, really was a prince of the Royal Family that ruled Hawaii until the late 19th century.⁵¹⁸ After the US-backed coup that produced the Republic of Hawaii in 1893, Prince Kuhio participated in an unsuccessful counter coup to restore the monarchy. He spent a year in jail for his role and apparently acceded to US rule once Hawaii was annexed and became a US Territory. His election as a non-voting representative to Congress made him the only active member of a royal family to serve in that body.

But the Kuhio-induced change in the organic act was a hollow victory. Counties were the only local government ever established in Hawaii, and as noted above, they are kept on a short leash by the state government. Political scientist Norman Meller's assessment of the reasons for the meager powers of local government in Hawaii emphasized the power of sugar plantation owners, fear of non-European imported workers, Christian missionaries' desire to enforce a uniform moral order, Honolulu's overwhelming economic and population advantage, and the weight of the federal military presence during and after World War II.

As Professor Meller also notes, the Islands' history is steeped in the process of centralization. They were only united in the late eighteenth century by King Kamehameha by force of arms against other island chiefs, who had for centuries been independent and resistant to invasion by chiefs of other islands. (The introduction of European firearms seems to have broken the military stalemates.) Hawaii had no local democratic tradition of popular self government. Kamehameha did not share power with anyone except for an uncle who more or less ruled Kauai, and he (Kamehameha) constantly worried that the inhabitants of that relatively distant island would rebel.⁵¹⁹

The later rulers of Hawaii—various coalitions of natives and American and European planters and missionaries—inherited the King's tradition of centralized rule from Oahu and his anxiety about nonconforming islands. Towns in Hawaii have no separate municipal identity that would make them interested in organizing

⁵¹⁸ Kirstin Downey, "Local Government Was No Sure Thing in Hawaii — Until [Prince Kuhio](#) Got Involved," Honolulu Civil Beat, January 22, 2023 [April 2025]

⁵¹⁹ Gavan Daws, *Shoal of Time: A History of the Hawaiian Islands*. Macmillan, 1968.

to obtain a county seat and gaining local control of county government. Hawaii's system of local governments seems designed to keep governance out of the hands of local voters. In this respect, Hawaii is more like the counties of the South, whose powers were circumscribed by states leery of the local demands of poor whites and oppressed blacks.

Sumner LaCroix, in his monumental economic history of Hawaii, emphasizes that the entire economy of the Territory at the beginning of the twentieth century was driven by sugar production.⁵²⁰ The islands were covered with the sugar cane plantations. They were so vast that their owners had to provide most of the local public services that municipalities and counties provided elsewhere—water, roads, public safety. Most of the workers were transient Japanese and Chinese, and even those that stayed were denied the vote. In this semi-feudal system, local governments were regarded as irrelevant or potentially subversive. After World War II, the sugar plantations declined and the economy eventually became based on tourism. This may have led to some increase in local county functions (described above), but it did not change the subsidiary position of counties in Hawaii.

It seems appropriate to end the national tour of counties with the two states that have such different approaches to them. Alaska rejected counties and tried to combine county and municipal functions in boroughs. Hawaii gingerly embraced counties but centralized most county functions and seems never to have even considered independent municipalities and school districts. These modern experiences with substate government demonstrate that counties are not inevitable. But they also lead to the suspicion that dismissing mainland counties as historical relics may be premature. The hugely different geographies of the two most recently admitted states of the union may have warranted a different approach to local government, but their experience does not obviously point to a major reformation of counties in the rest of the nation.

⁵²⁰ Sumner La Croix, *Hawai'i: Eight Hundred Years of political and economic change*. University of Chicago Press, 2019, chapter 7. Compact summary: <https://eh.net/encyclopedia/economic-history-of-hawaii/> [April 2025]