The Burning of the Mitchell Mail: Justice or Injustice?

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The publishers of South Dakota's earliest newspapers "ran the gamut of talent, training and devotion to the principles of the Fourth Estate." So wrote author Robert Karolevitz in his excellent history of newspapering in the state, titled With a Shirt Tail Full of Type. "There were a few rascals among them," Karolevitz noted, "but very few who approached genius." Robert H. MacBride of the Mitchell Mail was one of the worst of the rascals in the opinion of many of his contemporaries. Others credited him with being somewhat of a genius. He certainly became the subject of some of the biggest headlines in early South Dakota.

MacBride came to Dakota Territory in 1882 from Eldora, Iowa, where he had published a weekly newspaper, the Eldora Ledger, for about fifteen years. During the Civil War, he acted as war correspondent for a number of eastern papers, earning a reputation for witty and sensational writing. His career in Iowa, however, had been troubled, both professionally and domestically. He was married and divorced twice, and rumors suggested that he had been horse-whipped by the women of Eldora and run out of town. One Iowa newspaper described him as "a confessed criminal," and another commented that his whole career had been "marked by intolerance

of the rights of others, and contempt for law and decency." He had a law degree, but he preferred newspapering to a legal practice.

On 4 July 1883, MacBride purchased part interest in the *Mitchell Mail*. He became editor of the weekly and a short time later acquired sole ownership of it. His style of writing and ready wit, it was said, were entertaining, and they made the *Mail* a relatively popular publication—for a while. Before long, it would become one of the most despised publications in the history of newspapering in this state. Its sudden fall from grace would have nothing to do with the fact that it was editorially a Democratic paper in a strongly Republican community. Politics, however, had first brought the principal actors in the drama together.

When he first moved to Mitchell in the 1880s, MacBride's political affiliation and that of his newspaper brought him in contact with fellow Democrat and town father John D. Lawler. The son of a prominent bridge builder and railroad investor at Prairie du Chien, Wisconsin, Lawler had promoted the development of towns as the Chicago, Milwaukee & St. Paul Railroad extended its rails westward in the late 1870s and early 1880s. He platted fifteen eastern South Dakota townsites between 11 November 1879 and 2 September 1882, and, in partnership with others, he owned the townsites of Lesterville and Letcher. In 1882, he settled in Mitchell, which he had platted on 23 July 1879. In addition to his real-estate interests there, he became president of Mitchell's First National Bank.

In the fall of 1886, Lawler sent his political ally, the Democratic editor of the *Mail*, to the Democratic convention in Plankinton, where MacBride successfully lobbied for the banker's nomination as candidate for the council, the upper house of the territorial legislature. A leading citizen of Mitchell and a strong booster of Dakota, Lawler had no trouble winning a seat in the council that convened in Bismarck from 11 January to 11 March 1887. At the end of the session, Governor Louis Church appointed fellow Democrat Lawler as territorial treasurer, a position he held for one year before resuming his business activities in Mitchell.

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In 1886, Lawler had married Ella Sturgis, daughter of Col. Samuel D. Sturgis, who commanded the Seventh Cavalry at Fort Meade at the time. Their marriage took place in the palatial home of Ella’s recently widowed older sister, Nina S. Dousman, at Prairie du Chien. The Dousmans were wealthy fur traders, and Nina’s husband, Louis, had built her a splendid home that became known as the Villa Louis. Louis died on 13 January 1886 at the age of thirty-seven, leaving his widow with five children, ranging in age from two to twelve, but well provided for. The Villa Louis is now a tourist attraction operated by the Wisconsin Historical Society. From Wisconsin, Lawler brought his bride to Mitchell, where they raised four children.¹⁷

While visiting the Lawlers at Mitchell in the summer of 1888, Nina Dousman met publisher MacBride of the Mail. When it became apparent that MacBride was wooing the wealthy thirty-six year-old widow, Lawler advised his sister-in-law that the publisher had been twice divorced and much of his past was shrouded in mystery. In addition, MacBride reputedly lived with a mistress on a farm near Plankinton. He also had a reputation in Mitchell as a spendthrift. Although he and MacBride had been friends and close political associates in the past, Lawler told Nina that he felt duty-bound as her brother-in-law to inform her of these matters. He simply did not consider MacBride a suitable husband for her. In spite of Lawler’s warnings, on 23 August 1888, Dousman married MacBride at the home of the Catholic bishop in LaCrosse, Wisconsin. Only the bride’s two oldest daughters, ages eleven and twelve, attended the quiet ceremony. No advance notice of the wedding had been given, and no invitations had been sent. The Lawlers did not see the newlyweds until the family came together in Saint Paul a year later for the funeral of Colonel Sturgis. Their relations at that time were described as cordial.¹⁸

After his marriage, MacBride turned editorial management of the Mitchell Mail over to his brother John, while he and the former Mrs. Dousman divided their time between the Villa Louis and New York City. It soon became apparent to Nina MacBride that her husband was not faithful. Her suspicions were first aroused when they were living in New York. She found some cards in his vest pocket with

¹⁸ John D. Lawler Deposition, 16 Mar. 1894, pp. 8, 14, 28-29, and Robert H. MacBride Deposition, 21 Apr. 1894, pp. 3-4, both in Robert H. MacBride v. John D. Lawler, File Number 2973, Fourth Judicial Circuit Court, Davison County Courthouse, Mitchell, S.Dak. All official records pertaining to this case are in the Office of the Clerk of Courts.
girls' names on them. Going to the addresses, she found that they were high-class houses of prostitution. Nina overlooked her husband's transgressions, and on 28 December 1889 their daughter Florence was born. MacBride's continued infidelities led his wife to hire a detective to follow him. She also learned that her husband had lied to her about his bank account. Moreover, a valuable set of her earrings that had mysteriously disappeared were found hid-
den in her husband's trunk. Being a devout Catholic, Nina decided to separate from MacBride rather than divorce him.¹⁹ The couple separated in June of 1890. Nina MacBride returned with her daughter to Prairie du Chien, where she soon began reading newspaper accounts of her estranged husband's high living. Their separation had become public knowledge, and her wealth and social position made it newsworthy. One illustrated article from a newspaper at Eldora, Iowa, where MacBride had formerly published a paper himself, depicted him riding wildly on horseback down Broadway in New York City, throwing fifty dollar bills into the air.

Similar articles about MacBride's past and current affairs appeared in other newspapers in Iowa as well as in Wisconsin, Chicago, and Saint Louis.¹⁰

Finally, Nina reluctantly decided to seek a divorce. MacBride sent a lawyer from New York to Prairie du Chien to discuss the matter with her. The lawyer informed her that her estranged husband could become annoying to her, but he believed that MacBride, "for a consideration," would give up his child and all claim to any of Nina's property and would not contest the divorce. Nina told the attorney that she would not pay "one cent for the satisfaction of being pro-

¹⁰ Dousman Deposition, pp. 17, 26-29; MacBride Deposition, p. 21.
ected from his abuse or annoyance." In December 1890, MacBride wrote to a lawyer in Prairie du Chien, asking his help in setting up a meeting with Nina to decide which one of them should obtain a divorce by default because his letters to her had gone unanswered. He also wrote: "The affair is [as] painful as the felon on one's fingers, and no matter how it came, one is very anxious to get rid of it. If the Virgin Mary had been connected with the Sturgis' [sic] and the Lawlers, Joseph would have had a sweet-scented time of it. No wonder Dousman died mysteriously and young. I'd rather fly than die." Nina refused to meet with MacBride, and her lawyer obtained an uncontested divorce for her on 30 September 1891.

Returning to Mitchell, MacBride resumed editorial management of the Mail. He brought with him a bitter hatred of his ex-wife's relatives and friends and declared his intention to "shake up the skeletons of the Sturgis and Lawler families." In a series of vitriolic attacks on Lawler and his First National Bank in the pages of the Mail, MacBride hinted strongly that Lawler was dishonest and his bank insolvent. In December 1891, Lawler became so irritated over the constant insults and slurs that he assaulted MacBride at the Mail office. The altercation was broken up without damage to either party. In the next issue of the Mail, MacBride declared that he had accomplished his purpose and would not mention John D. Lawler again. It was not long, however, before the newspaper resumed attacks on Lawler, his bank, and everybody associated with him.

Every time a national bank failed, no matter where it was located, MacBride featured the failure in the Mail, casting doubts on the stability of the Mitchell bank. When Ella Sturgis Lawler attended a social gathering of her friends in Saint Paul, where her mother lived, the Mail noted the fact with sneering comments about the extravagance of high society. If Lawler made a trip to another city, MacBride's newspaper called attention to the expense of railroad travel and intimated that the banker was neglecting his business. When a bank statement appeared, as required by law, the Mail dissected it in a manner that appeared to discredit the bank management. MacBride's venom toward the Sturgis and Lawler families was further poisoned when the child that he had fathered with his ex-wife

15. Ibid., pp. 4-5.
died in Prairie du Chien on 29 January 1893. After this event, Nina resumed her former name of Nina S. Dousman.16

In September of that year, MacBride filed a fifty-thousand-dollar alienation-of-affection suit against Lawler in the Davison County circuit court, claiming that the Mitchell banker had conspired with others of the Sturgis family in encouraging Dousman to divorce him. In a deposition taken 21 April 1894, MacBride admitted that his financial standing had been zero when he married his third wife. He claimed that he had not known the extent of Dousman’s wealth at the time of their marriage but soon learned that it was considerable—in the neighborhood of two million dollars. He charged that Lawler had not only advised his sister-in-law against him but had also interfered in their affairs while he and his wife were separated. In addition, he accused Lawler of being responsible for the derogatory newspaper articles that appeared about him during the separation and claimed that it was the banker who had brought the articles to Dousman’s attention.17

Lawler, in a deposition taken 18 March 1894, admitted that he had advised Dousman against marrying MacBride but stated that he had not spoken to her against MacBride after their marriage and had written her only one letter since that time. The letter, which concerned a Sturgis estate matter, did not mention MacBride. Further, Lawler testified that he had seen some of the newspaper articles about MacBride and had even obtained extra copies of the one published at Eldora, but he denied that he was responsible for their publication or that he had sent any of them to Dousman.18

In his deposition, MacBride had described Dousman as an unworldly woman who preferred to stay home and darn stockings for the family despite her wealth and social standing. He admitted to having no personal knowledge of Lawler interfering in his affairs while married to Dousman, but he claimed that his wife had complained about Lawler’s doing so. He also conceded that he had no personal knowledge that Lawler was responsible for the newspaper articles about him or that Lawler had sent them to his estranged wife, but he charged that only somebody intimately acquainted with family affairs could have prepared them. He claimed that his attorney in Wisconsin had evidence supporting all charges against Lawler.

18. Lawler Deposition, pp. 8, 16-18, 30, 32-33.
outlined in his complaint. MacBride also asserted that he had told Dousman about his two previous marriages prior to marrying her. He had actually lived with his first wife only until her mother had come to take her home. "I was a struggling young man and they were well off," MacBride confided. The divorce was "all by agree-

Ella Sturgis Lawler

ment." His second marriage also lasted only a short time, and he did not contest his wife's divorce suit. "I took all the transcripts [of the two divorces] to Mrs. MacBride before we were married," Mac-

Bride further testified, "and showed them to her and to the Bishop who performed the marriage."\textsuperscript{20}

On 10 May 1894 at Prairie du Chien, depositions were taken from Dousman, her sister, Ella Lawler, and O. B. Thomas, who had represented Dousman in her divorce case. Dousman testified that Lawler had not directly or indirectly made any effort to influence her decisions in the matters of her separation and divorce. "The only individual who had anything to do with alienating my affections was

\textsuperscript{20} Ibid., pp. 25-26.
Mr. MacBride himself," she stated. She recounted MacBride's indiscretions while they were married and revealed the findings of the detective who had followed him. She noted that she had told only her mother of her intention to divorce MacBride. Moreover, she added that MacBride himself had probably sent her the newspaper articles about his activities during their separation.21

Ella Lawler's deposition contended that Lawler had not spoken or written against MacBride to her sister after advising her not to marry him because of his poor reputation. "I never knew him to say another word against Mr. MacBride," Ella declared, "until he went to the office to whip him" after the divorce and following one of the attacks upon him in the Mail. She claimed that MacBride's reputation with women was the sole objection that Lawler had at the time of the marriage and that he still considered MacBride to be "honorable and high toned." She revealed that the two couples did not visit each other's homes following Dousman's marriage, but because MacBride was her sister's husband, they were determined to make the best of it. "[Even] if he had not had any good qualities," Ella added, "we would have done that."22 The deposition by Dousman's lawyer merely brought out that Lawler had had no connection with the divorce proceedings.

In a grossly biased account of the depositions taken in Wisconsin, MacBride wrote in the Mail that the testimony of the three witnesses was "extremely favorable for the plaintiff." He described Ella Lawler's testimony as "of slight importance, dealing with her leadership in Mitchell society more than anything else." Actually, her deposition made no mention at all of her role in Mitchell society. MacBride also wrote that his ex-wife's testimony cleared him of all the offenses for which she had divorced him, which was a blatant distortion of the facts. "The testimony of the Defendant's witnesses prove how guiltless the plaintiff was," MacBride's article concluded, "and how inhumanly he has been treated."23

MacBride's suit against Lawler was scheduled for trial at the May term of circuit court in Mitchell, but on 17 May MacBride asked for a continuance of the case. He filed an affidavit that certified that he could not proceed without the presence of a material witness from Washington, D.C., who supposedly had all the evidence against Lawler. The witness's deposition could not be obtained prior to the May court date. He also told the court he could not proceed without

the deposition of 1st Lt. Samuel D. Sturgis, Dousman's brother, who was then on a four-month tour of Europe. The brother, MacBride contended, could testify that he had cooperated with Lawler in inducing Dousman to divorce him. The plaintiff's request for delay was granted, and the case continued until the November term of court.24

On 3 November 1894, however, MacBride—through his Mitchell attorneys—filed a motion to dismiss the suit against Lawler. The motion was granted, but MacBride was ordered to pay Lawler's court costs of $70.35. Meanwhile, MacBride used his newspaper to renew his attacks on Lawler, his family, bank, and associates with a vengeance.25 In a further demonstration of his audacity, he asked County Commissioner D. W. Collins if he could get the county printing. "I told him," Collins later revealed, "that I thought as long as he was attacking John D. Lawler, the First National bank and citizens of Mitchell, the chances were pretty slim." Collins quoted MacBride as replying, "If I have to live on one meal a week I shall not let up on John D. Lawler till I drive him to a pauper's grave."26 The attacks on Lawler in the Mail continued.

On 18 February 1896, while on a business trip to Sioux City, Iowa, John D. Lawler died in his sleep at the hotel where he was staying. The coroner attributed his death to heart failure. Lawler was forty-two years old at the time. News of his passing shocked the Mitchell community, and a special Milwaukee train took Ella Lawler, her four young children, and a party of friends, including several officials from Lawler's bank, to Sioux City. Lawler's funeral was held in Prairie du Chien, with his burial in the family plot there. On the day of the funeral, a capacity crowd attended a memorial service held at the Davison County Courthouse in Mitchell. The Mitchell City Council and the commercial club adopted resolutions of condolence to Ella Lawler that were highly complimentary of her husband's service to the community and state.27

Lawler's death also inspired many laudatory editorials in the area press. "The death of John D. Lawler will remove from this community a man who has had much to do with the prosperity of this town," editorialized the Mitchell Daily Republican. The Sioux Falls Argus-

24. Ibid., pp. 6-7, 9; Affidavit of Plaintiff for Continuance, in MacBride v. Lawler.
25. Motion for Dismissal, 3 Nov. 1894, and Judgment Order, 19 Nov. 1894, in MacBride v. Lawler; Dunham, "Mitchell Mail," p. 36.
Leader wrote that he was one of the most solid men in the state, "able, public spirited, progressive and masterful," as well as "universally respected." The Mitchell Gazette called him "one of the most prominent men in the Northwest."\(^{28}\) MacBride, on the other hand, could not resist one last dig at his old enemy. His obituary of Lawler in the \textit{Mail} stated that the banker had failed as a politician, that his bank had suffered from neglect to the point that his mother and brother had had to put in fifteen thousand dollars to meet its obligations, and that he had tried to drown his troubles in drink, "with the usual natural results." Then MacBride added this paragraph: "And there is no man regrets the mistakes and the resultant disappointments of the late John D. Lawler more sincerely than the one who has written this, and having much to forgive, does it freely and buries the animosities past in [the] forgetfulness of the grave. Indeed any time he had expressed regrets, we stood ready to forgive and to forget."\(^{29}\)

This parting barb enraged Lawler’s friends and banking associates. Many of them believed that MacBride’s constant barrage of criticism directed at Lawler and his bank had brought on his fatal heart attack. Attorney Abner E. Hitchcock, who had represented Lawler in the dismissed alienation-of-affection suit, learned of MacBride’s final slur when he returned from attending Lawler’s funeral in Wisconsin. At the time, Hitchcock was serving as assistant attorney general in Davison County, charged with enforcing the state’s prohibition law there. Conferring with Thomas C. Burns, receiver at the United States Land Office in Mitchell, Hitchcock decided to attend a meeting of local citizens to determine what should be done about MacBride’s unwarranted attacks, not only on Lawler, but on others in the community.

The meeting was held Saturday evening, 22 February, in the office of George A. Johnston, one of the state’s railroad commissioners, whose rooms were nearly full of men opposed to MacBride. The crowd agreed that the editor should not be allowed to continue publishing the \textit{Mail}. A committee of seven, headed by Hitchcock, was appointed to call upon MacBride and offer to buy his newspaper and printing plant for whatever value he placed upon them. The committee immediately went to MacBride’s second-story office above the Warne Drugstore and informed him of the group’s decision. MacBride replied that he did not like to be threatened. James


Collins, a railroad brakeman who was part of the committee, took MacBride aside and suggested that he tell the others he would make up his mind about the sale Monday morning. MacBride agreed to think about it, and the committee returned to Johnston’s office to report MacBride’s decision to the citizens waiting there. Later reports indicated that the assembled citizens were exhorted to tar and feather MacBride and ride him out of town on a rail if he failed to sell out, but Hitchcock claimed that the participants agreed that no bodily harm should come to MacBride and no threats of it should be directed at him. MacBride found out about the ugly mood of the gathering, and late Sunday evening he went to Dr. R. C. Warne, owner of the drugstore below his offices, and gave him a bill of sale for the Mail and its printing plant.

Monday morning, 24 February, a group of about fifty citizens descended on the Mitchell Mail. MacBride saw them coming and, fearing for his life, ducked into Warne’s drugstore. Warne locked him in his office and put the key in his pocket. The mob, which included bankers, lawyers, a dentist, merchants, the town postmaster and one of his mail carriers, a hotel manager, two officers of the United States Land Office, two city councilmen, and a couple of railroad men, climbed the stairs to the Mail offices. A. E. Dean of the Mitchell Daily Republican and H. Butikofer, publisher of a German-language newspaper, had been appointed to conduct an inventory of the Mail’s...
The burning of the Mail, whose stripped office was photographed from opposite sides of the room, elicited condemnation from the editors of most South Dakota newspapers.
printing equipment and furnishings. They invoiced it at $289.65. The money, previously collected by the citizens, was turned over to Abraham Boynton, register of the United States Land Office in Mitchell, to give to the absent publisher. The mob then carried the equipment and furnishings into the street, doused them with kerosene, and set a match to the pile. John Quirk, who held a chattel mortgage on MacBride's property for one hundred dollars, was paid that amount for consigning the mortgage to the committee of citizens. A sledgehammer was then taken to the press.

Warne later testified that he had told the mob it was wrong to destroy a man's property without compensating him for it. He was informed of the collection that had been taken up to purchase the *Mail* and all its property, but he denied telling the mob, as some of its members later claimed, that he owned the property. Warne quoted one of the mob as advising him not to have sympathy for MacBride or it would hurt his business. Boynton asked Warne if he knew MacBride's whereabouts and was told that he was in the drugstore office. Warne quoted Boynton as saying that he was a government officer and only wanted MacBride to settle with him. Warne judged that Boynton was not talking about a financial settlement and refused to turn MacBride over to him.

The burning *Mail* equipment in the street naturally attracted a large crowd, and as it flamed, Attorney Hitchcock collected the files of the newspaper and deposited them in a vault at the bank. At the first opportunity, when the mob was still busy throwing *Mail* property onto the fire, Warne slipped away undetected, unlocked his office door, and spirited MacBride out a back door. MacBride fled to Plankinton and did not return to Mitchell for six weeks.30

The burning of the *Mail* received immediate press attention, not only in Mitchell, but throughout the state and nation, too. Reaction was varied. Generally, editors agreed that the mob's action was wrong even though MacBride may have deserved it. The Iowa newspapers, acquainted with MacBride's previous troubles at Eldora, expressed no surprise that his writing style and ethics had met with disapproval in Mitchell. He was described as a disgrace to journalism, and one paper noted that "journalistic blackguards do not flourish in South Dakota."31 The *Mitchell Daily Republican* published a six-column supplement containing comments from other editors who condemned MacBride's use of his newspaper for personal

vendettas. The reprinted articles originated in newspapers as far east as Chicago and as far west as Fresno, California. The Mitchell Gazette countered by reprinting articles from in-state editors who were critical of the mob’s action despite MacBride’s sins. The Woonsocket News, for instance, editorialized that “every man, even the poorest and the vilest, has his rights under the law.” The Alexandria Herald commented, “We may look for something akin to this in certain sections, but not in South Dakota, not in South Dakota.”

An especially interesting interpretation of the mob’s motive for burning the Mail was carried in the Elk Point Leader. It charged that the mob members had not acted merely to protect Lawler’s good name. Rather, they were protecting their own businesses, which would suffer if Lawler’s bank went under as MacBride had insinuated it was about to do. “It was purely a business matter,” the Leader stated, terming the mob “aristocratic, plug-hatted anarchists.” The Wessington Times supported that position, adding that the situation at Mitchell was especially deplorable because of the involvement of its “so-called ‘prominent’ citizens.”

Aside from the press coverage of the event, the burning of the Mail had other local repercussions. Eighty-four Mitchell residents signed a petition that was presented to the mayor urging the impeachment of the city officials who had taken part in the affair. The petition was referred to a committee and no further action taken on it. Hitchcock submitted his resignation as assistant South Dakota attorney general a step ahead of a request for his dismissal. The United States land commissioner in Washington was asked to fire the officers of the Mitchell land office who had been part of the mob. He replied that he would consider the matter if they were convicted of wrongdoing but not until then. Warne sought the expulsion of fourteen members of the Ancient Order of United Workmen who had participated in the burning, charging that they had threatened a fellow workman (himself) in violation of the lodge’s rules. A special lodge meeting was called and attracted a large attendance. While the discussion was heated, it ended with but one vote in favor of expulsion—Warne’s.

34. Elk Point Leader (S.Dak.), 6 Mar. 1896.
The First National Bank had been closed and placed in the hands of a bank examiner immediately after Lawler’s death. His controversial obituary in the *Mail* had renewed public suspicion of its solvency. Some fearful depositors had withdrawn funds based on the earlier innuendoes and insinuations that MacBride had published about Lawler and the bank, and its stability was in doubt. The bank examiner found nothing amiss, and the bank reopened thirty days later with a reorganized set of officers. John O. Walrath, the new president; Richard D. Welch, vice-president; and George E. Logan, cashier, had all been involved in the events that had culminated in the burning of the *Mail*. Lawler’s widow and MacBride’s ex-wife were among the principal stockholders, as was Mayor I. W. Seaman of Mitchell. Four months later, the Security Bank of Mitchell merged with the First National Bank, and Ella Sturgis Lawler was added to its board of directors.37

Meanwhile, on 25 March 1896, MacBride had filed suit against fifty men whom he accused of either destroying his property or conspiring to do so. Named among the defendants were the three officers of the First National Bank. MacBride filed the suit in circuit court at Plankinton, in Aurora County, but the case was moved to Mitchell on a change of venue because all of the defendants lived in Davison County. MacBride sued for $26,500 in damages, plus his court costs. The requested amount included $2,000 each for property destroyed and loss of revenue from public legáis and notices, $1,000 for the loss of his newspaper files, $1,500 for being deprived of his only means of support, and $20,000 in exemplary damages for having been “publically degraded, wantonly and grossly insulted and publically humitiated before the world.” He also charged that the mob had invaded his private quarters, located adjacent to his printing plant, and burned his furnishings and clothing along with the plant equipment.38

The defendants, represented by fellow defendant Abner E. Hitchcock, filed a demurrer, that is, a plea for dismissal on the grounds that even if the plaintiff’s complaints were true they did not sustain the claim because they were insufficient or otherwise legally defective. The defendants based their demurrer on the fact that MacBride had given Dr. Warne a bill of sale prior to the destruction of the Mail and, consequently, no longer was owner of it. Circuit Court Judge Frank B. Smith overruled the demurrer on 19 January 1897. His ruling was appealed to the South Dakota Supreme Court, which affirmed the lower court’s decision two years later. Without passing on the legality of a bill of sale given under duress, the supreme court ruled that MacBride was entitled to damages on two counts if he could prove his case in court: first, for destruction of personal property—clothing, books, private papers, and so on—that were not conveyed to Dr. Warne in the bill of sale; and, second, for the unlawful invasion of the portion of the Mail offices that constituted his private quarters.39

Abner E. Hitchcock, a loyal friend of John Lawler, figured prominently in the effort to rid Mitchell of MacBride and the Mail.

Because of several continuances and an affidavit of prejudice that MacBride had filed against Judge Smith, the case did not come to trial in Mitchell until late November 1900. Circuit Judge A. W. Campbell of Aberdeen presided in place of Judge Smith. MacBride was represented by H. F. Fellows of Plankinton and Frank R. Aikens of Mitchell, along with United States Senator William D. Allen of Nebraska. The defendants were represented by Hitchcock, Alfred B. Kittridge of Sioux Falls, and H. C. Preston of Mitchell. Several of the original defendants had died or moved from Mitchell since the burning of the Mail four years earlier. One of them, a grocer named William H. Knowles, had fatally shot himself three weeks after he had taken part in the burning of the Mail. His suicide was attributed to mental illness brought on by his financial difficulties rather than any remorse for his role in the burning. During the four days of the trial, twenty-two witnesses testified for the plaintiff and twenty-three for the defense. The case excited a great deal of curiosity and drew big crowds during the entire proceedings.40

None of the defendants denied taking part in the destruction of the Mail. Instead, they claimed that MacBride's unprincipled attacks on Lawler and others of the community had provoked them beyond endurance. Excerpts from seventy-six issues of the Mail that Hitch-
In late 1900, the Davison County Courthouse in Mitchell became the location of the trial of fifty men who had participated in the burning of the Mail four years earlier. Hitchcock had salvaged were read to the jury for almost two hours to show the vicious character of MacBride's style of journalism. Hitchcock testified that he knew it was legally wrong to burn the Mail, but he termed it "morally right." He said the defendants had no desire to avoid paying for the property destroyed but denied that any of MacBride's personal belongings had been taken or burned. Another defendant testified that he felt he had never done a more righteous thing in his life than to assist in getting rid of the Mail.

MacBride testified that he had given the bill of sale to Dr. Warne because he feared for his life and hoped to avoid the shedding of blood and the destruction of the Mail, which he claimed had one thousand subscribers. He maintained that he had received no consideration for the bill of sale and, consequently, was still the owner at the time of the property's destruction. In fact, he had kept the key to the offices after giving Warne the bill of sale. He also denied having told anybody that he would drive Lawler to his grave. In his summation for the plaintiff, Senator Allen said that the so-called

42. Ibid., 30 Nov. 1900.
vulgarities MacBride had published in the Mail were merely “ex-
tracts from the classical writers.”

In his instructions to the jury, Judge Campbell said it had three
things to decide. The first concerned the matter of ownership—
whether the bill of sale to Dr. Warne actually conveyed title to him
or was merely a ploy to prevent, if possible, the destruction of the
Mail. Second, if the jury decided that MacBride was still the owner,
it had to determine the amount of damages to be paid to him
because the burning of the Mail had been admitted and no legal
justification for its destruction had been shown. If the jury deter-
mined MacBride had passed title to Dr. Warne, it then had to decide
whether any of MacBride’s personal belongings were taken from
the publisher’s private quarters and destroyed—as the plaintiff had
charged and the defendants had denied—and to set the value of
them. Last, the jury could, if it deemed it advisable and after con-
sidering the mitigating circumstances, award damages to MacBride
for the sake of example and to punish the defendants. Additionally,
the judge advised the jury that it could drop from the list of defen-
dants any it determined had not taken part in the destruction of
the newspaper.

The jury began its deliberations at 1:20 in the afternoon of 1 De-
cember and, after taking eight ballots, returned its verdict at 10:00
P.M. that evening. It found for MacBride against thirty-five of the
defendants and set damages for the loss of his Mail property at $700.
It did not believe that he had suffered the loss of any personal prop-
etry, and it did not award him any exemplary damages as punish-
ment to those who had burned him out. Execution of the judgment
was stayed for sixty days to allow either side to appeal. “The defen-
dants could ask for no better or complete vindication of their ac-
tion than was accorded them by the jury,” the Mitchell Daily
Republican editorialized, “as the damages awarded the plaintiff were
a fair value of the commercial worth of the plant. The expressed
opinion of the jurors was that the paper was wholly unfit for cir-
culation, because of the venomous attacks, in a moral communi-
ty.” MacBride appeared satisfied with the verdict as well.

On the afternoon of 1 February 1901, exactly two months after the
jury made its award, MacBride, who had returned to Mitchell and
taken rooms above a millinery store, collapsed on the staircase
leading to his rooms. Dr. Warne was summoned, but his friend was

43. Ibid., 1 Dec. 1900
44. Ibid.
45. Ibid., 3 Dec. 1900.
46. Iroquois Chief (S.Dak.), 14 Dec. 1900.
dead by the time he reached him. MacBride was fifty-eight years old, and his death, like Lawler’s, was attributed to heart disease. Funeral services were held at the Masonic lodge whose membership, ironically, included a number of the men who had burned him out. Interment was in the Mitchell cemetery on 3 February. MacBride’s brother-in-law from Fort Dodge, Iowa, came to Mitchell to claim his effects.47

In spite of the death of the plaintiff, the execution of judgment in MacBride v. Hitchcock et al. had yet to be made. William E. Irwin, administrator of MacBride’s estate, was substituted as plaintiff in the case. Court costs, which the defendants had to pay, amounted to $223.45. Two of MacBride’s attorneys—Fellows and Aiken—placed a lien on the judgment for $1,000 as their legal fee. Irwin and the two attorneys, in exchange for an undisclosed sum of money, assigned the judgment to M. C. Davenport of Mitchell on 20 July 1901. Half of the defendants made their payments to Davenport by the end of July, but it was 1906—ten years after the burning of the Mail—before the last of them paid up. In the end, it had cost the defendants only $26.38 apiece to rid the community of the Mail.48

Karolevitz, in his history of newspapering in the state, wrote that in South Dakota there was “very little evidence of horse-whippings, tar-and-feathering or the actual murdering of editors which occurred elsewhere in the Old West, but, on occasion, Dakotans got in their licks.”49 The “leading citizens” of Mitchell got theirs in on 24 February 1896, when they destroyed what they perceived to be a humiliating blot upon journalism and their community. They seemed to have been satisfied that burning the Mail and ending MacBride’s notorious newspaper career was well worth the penalty they paid for it.

47. Mitchell Daily Republican, 2, 4, 6 Feb. 1901.
49. Karolevitz, With A Shirt Tail Full of Type, p. 33.