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Article Summary: The author describes twenty-nine *Nebraska History* articles concerning the Nebraska Territory. Topics discussed include the Territorial System and the Kansas-Nebraska Act, Government and Politics, Economic and Social Development, Land Acquisition and Agriculture, Indians and Indian Affairs, Military Affairs, and Prelude to Statehood.

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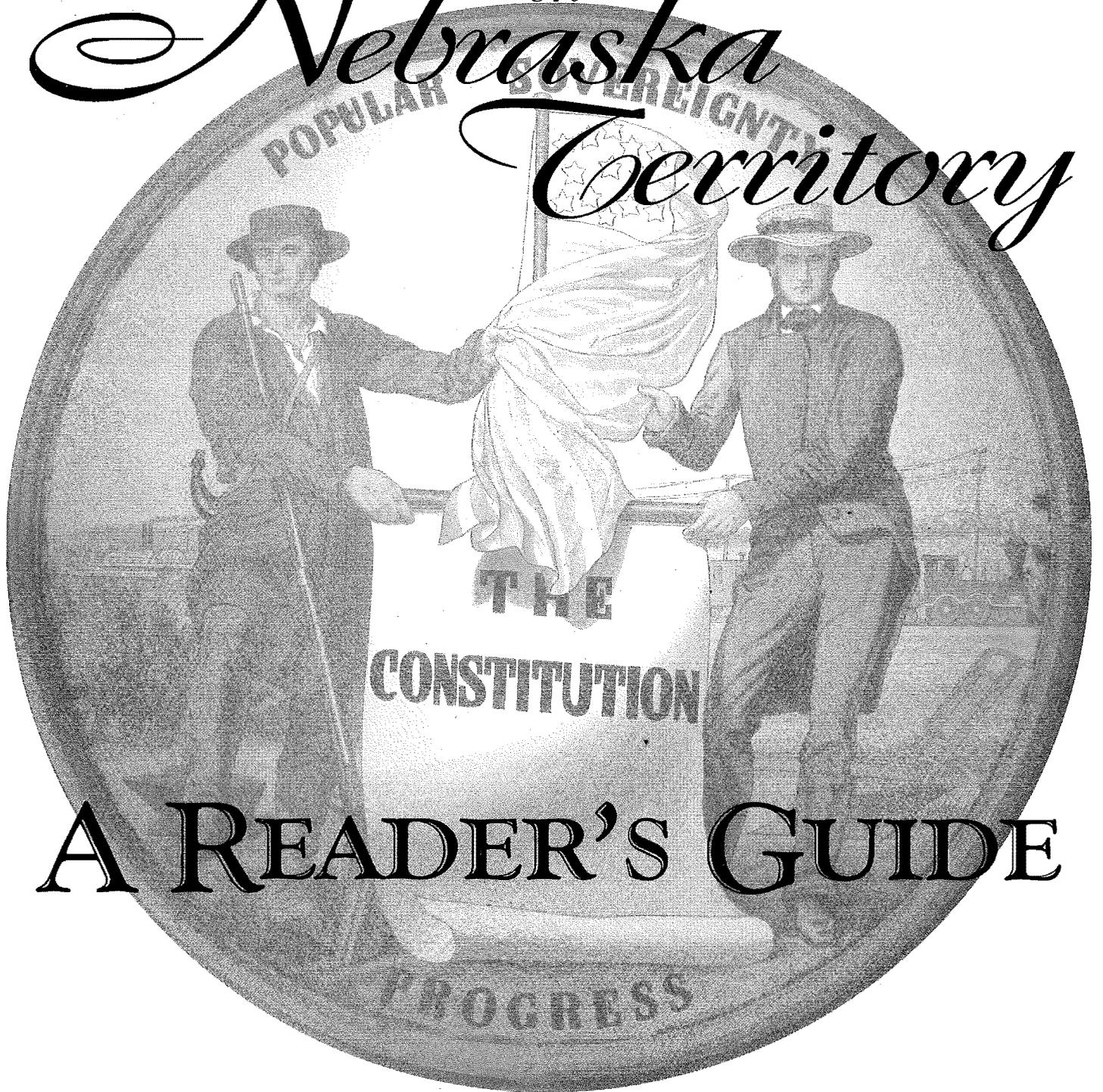
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Photographs / Images: the seal of Nebraska Territory with the motto "Popular Sovereignty"; Stephen A Douglas; Edward R Harden (2 views); second territorial capitol building in Omaha; overland freighting company's 1858 advertisement for teamsters; black laborers in Brownville about 1864; Omaha in the mid-1860s; Bank of Florence; George L Miller; *Omaha Daily Herald* building in Omaha; Daniel Freeman; Pawnee earthlodges near Genoa (William Henry Jackson photograph, 1871); Omaha agent Robert W Furnas with a group of Winnebago chiefs and interpreters; "The Surrender of Fort Donnelson" (*Harper's Weekly*, March 1, 1862); Charles McDonald's Cottonwood Springs Ranch, near Maxwell

NEBRASKA HISTORY
on
Nebraska
Territory



A READER'S GUIDE

By James E. Potter

Nebraska Territory

The centennial of the passage of the Kansas-Nebraska Act was celebrated in 1954 with a joint meeting of the Nebraska and Kansas State Historical Societies, where Professor Roy F. Nichols gave the keynote address. Although the creation of Nebraska and Kansas territories was accompanied by political strife and proved to be an important milestone on the road to civil war, the territorial system Congress established in 1787 to serve as a prelude to statehood was described by Nichols as “one of the most inspired inventions of the American political genius.” Territories were the “seedbeds of democracy” and Nichols reminded his audience that it was important to keep their story alive. Now, fifty years later, the sesquicentennial of the Kansas-Nebraska Act has arrived, and with it an opportunity to review what progress has been made in responding to the professor’s challenge.

The record turns out to be quite good. More than eighty articles exploring aspects of Nebraska’s territorial history between 1854 and 1867 have appeared in the Nebraska State Historical Society’s quarterly since 1946, the year Dr. James C. Olson assumed the editorship. Their authors have included academics, Society staff, graduate students, and lay persons. Two of the articles received the Society’s James L. Sellers Memorial Award for the best article in their respective volumes. The 150th anniversary of Nebraska Territory’s organization seems an appropriate time to revisit a selection from this scholarship in hopes of attracting renewed interest in this fascinating period.

This essay summarizes twenty-nine *Nebraska History* articles, chosen for the insight, analysis, or context they provide on several major themes in our territorial history. The articles are cited in full at the end. Many other articles published since 1946 relate, at least in part, to our territorial past, some focusing

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on reminiscence or edited documents and others taking a more analytical approach. They, too, include much of value and arguably, several could have been included in this survey if space were no concern. A bibliography of these articles and other suggested readings follows this essay. Other writings relating to Nebraska Territory that appeared in the Society’s quarterly between 1918 and 1945 and in the *Publications* series, which began in 1885, can be found by the dedicated



The seal of Nebraska Territory featured the motto, “Popular Sovereignty.” The act organizing Nebraska and Kansas repealed a ban on slavery in new territories. Popular Sovereignty meant the people living there could decide whether to keep or abolish slavery when they drafted a constitution and asked for admission to statehood. MNH 7434-1

reader willing to seek them out.

The articles summarized here have been grouped under several headings: The Territorial System and the Kansas-Nebraska Act; Government and Politics; Economic and Social Development (which includes the largest number of articles); Land Acquisition and Agriculture; Indians and Indian Affairs; Military Affairs; and Prelude to Statehood.

The Territorial System and the Kansas-Nebraska Act¹

Roy Nichols’s article, “The Territories: Seedbeds of Democracy,” surveys how

he believes the territorial system influenced American democracy. He argues that our federal system has derived its strength from the constant process of self-renewal made possible by the territorial experience. Despite ostensible control from Washington, territorial government was essentially a grass-roots operation by the people themselves.

The concept of self-governing communities sponsored by older ones originated at least as far back as 1584, when Sir Walter Raleigh was granted a charter to establish an English municipal corporation in America. After the American Revolution, Congress was faced with the question of how to secure and develop new lands to the west, particularly those of the Northwest Territory. In Nichols’s view, the plan that Congress came up with ranks, in many ways, in importance with the Constitution.

The Ordinances of 1785 and 1787 provided the basic methodology for creating new states in the federal union, first by organizing them as territories. Nichols notes, however, that by 1854 a series of complex moral, economic, social, and political factors produced conflict over the organization of Nebraska and Kansas that made them “the scene of the most spectacular act in the drama of territorial history.” These factors included slavery, the route of a pending transcontinental railroad, the fate of the American Indians, and the fracturing of long-term political alignments.

In conclusion, Nichols comments that the territorial process within the continental boundaries essentially ended with the admission of Arizona in 1912, and reflects upon the implications this reality holds for American democracy in “an atomic age.” It is essential, he believes, to keep the territorial story alive through new research and programming in order to remind us of American democracy’s power and vitality.

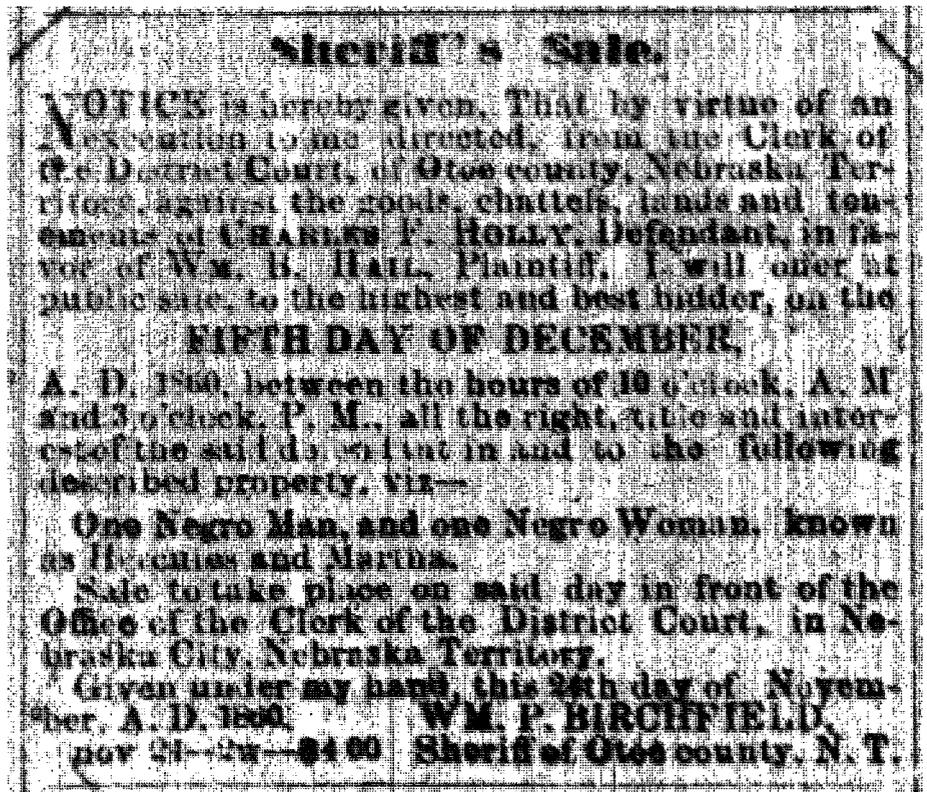
James C. Malin’s article, “The Nebraska Question: A Ten-Year Record,



U.S. Senator Stephen A. Douglas of Illinois had long advocated organization of a Nebraska territory. As chairman of the Senate committee on the territories, Douglas shaped the bill that became the Kansas-Nebraska Act of 1854. RG3411:1385

1844–1854,” reinterprets Senator Stephen A. Douglas’s motives in seeking the organization of a Nebraska territory. As chairman of the Senate committee on the territories, Douglas amended the bill that became the Kansas-Nebraska Act to provide that the people in the territories could decide whether to allow slavery (“Popular Sovereignty”). This amendment repealed the 1820 Missouri Compromise, which had banned slavery in the lands of the Louisiana Purchase. He also divided what was originally to be a single territory into two. Malin argues that the compromises Douglas offered to gain the organization of Nebraska and Kansas were not motivated by his desire to win Southern support for his presidential ambitions, as some of his critics have charged.

To support this thesis, Malin cites Douglas’s writings and speeches from 1844 to 1854 as evidence that he had loftier goals in mind than the presidency in seeking the organization of a Nebraska



Because slavery was legal in the new Nebraska Territory, a few Southerners, both civilians and army officers, brought slaves to Nebraska as personal servants. In November 1860, two slaves, Hercules and Martha, were advertised for sale in Nebraska City to satisfy a debt. *Nebraska (City) News*, November 24, 1860

territory. By 1844, and particularly after the acquisitions resulting from the war with Mexico, Douglas realized the United States needed to occupy and exploit the vast region west of the Mississippi River if it were to become, in Malin’s words, a “continental landmass” nation. Douglas believed the highest national interest required Congress to “authorize and encourage a continuous line of settlements to the Pacific Ocean,” which the new technology of railroads and the telegraph now made possible. As a corollary, the Indian “barrier” would have to be removed before railroads could be built or settlement could proceed.

According to Malin, Douglas viewed American development from a global perspective, and his desire to see the United States become “an ocean-bound

republic,” not slavery or personal ambition, explains his role in the ten-year history of “the Nebraska Question.”

Government and Politics

Dennis Thavenet’s article, “The Territorial Governorship: Nebraska Territory as Example,” reviews the qualifications, administrations, and accomplishments of the eight men who held the office between 1854 and 1867. Five, Francis Burt, Mark W. Izard, William A. Richardson, Samuel Black, and Alvin Saunders were appointed and two, Territorial Secretaries Thomas B. Cuming and J. Sterling Morton, served lengthy terms as acting governor. Secretary Algernon S. Paddock also filled the governor’s chair from time to time.

The duties of the territorial governors

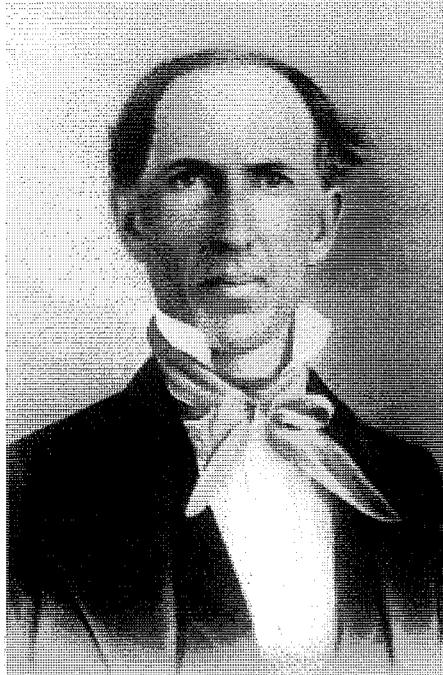
Nebraska Territory

were provided in the Ordinance of 1787, which created the territorial system, though they had evolved somewhat by the time Nebraska Territory was organized. Nebraska governors were the first to be appointed to four-year terms, and the first that could no longer make or adopt law before a legislature was established. This latter change, according to Thavenet, was included in the act organizing Nebraska and Kansas to be consistent with the doctrine of Popular Sovereignty.

Thavenet explains the political considerations that led to the governors' appointments and assesses their qualifications, their exercise of power, and their relationship with Washington, the territorial legislature, and the people. The governors' foremost task was to promote settlement of the territory leading to its early admission to statehood. Thus, their official addresses to the legislature and other public pronouncements often constituted propagandistic and unrealistic boosterism. In addition to their promotional responsibilities, territorial governors approved or vetoed legislative acts, appointed local officials, organized the territorial militia, and oversaw territorial finances, in short, many of the same duties that modern governors perform.

In concluding his assessment of the men who served as governor of Nebraska Territory, Thavenet notes that while some were well qualified, others were too young and inexperienced, suffered from drinking problems or personal ambition, or served too briefly to make much impact. Nonetheless, the governors played an important role in Nebraska's history, despite being "charged with great responsibility, but hamstrung by resistance at home, and little support from Washington."

Michael Homer's "The Territorial Judiciary: An Overview of the Nebraska Experience, 1854-1867" looks at a group of territorial officials who have been less studied than the governors. This neglect is unfortunate, says Homer, because the judicial system had a significant impact



President Franklin Pierce appointed Edward R. Harden of Georgia as a justice of the territorial Supreme Court. Harden was photographed in civilian clothes, and wearing a costume he had received from an Omaha Indian. RG2411:2134a, b

on territorial growth and development.

Under the Organic Act creating Nebraska Territory (The Kansas-Nebraska Act), the President of the United States appointed a chief justice and two associate justices to the territorial Supreme Court. Individually, the justices presided over district courts, whose jurisdiction was defined by the legislature. Twelve different men held these appointments and one, Samuel Black, went on to become governor of Nebraska Territory.

Following a discussion of the political and judicial backgrounds of the Nebraska judges and how and why they came to be appointed, the essay looks at how the territorial court system evolved and operated. Homer examines several cases to assess judicial performance. He concludes that the territorial courts achieved the goal of preparing Nebraska's judicial system to operate effectively after statehood. Most judges were men of some ability, and were successful in educating Nebraskans about how to settle disputes according to the rule of law.

David H. Price, in "Sectionalism in Nebraska: When Kansas Considered Annexing Southern Nebraska, 1856-1860," shows that geography, not party politics, was the most divisive issue in the early years of Nebraska Territory. While fierce rivalries played out in the legislature and the press, the battle lines were drawn according to whether one lived north or south of the Platte River, and the warfare was waged over which section or town was to gain such prizes as the capital, the terminus of the transcontinental railroad, or the initial point for roads leading west from the Missouri River.

The essay provides an extensive review, largely from press accounts, of the gathering momentum in the South Platte section that led, in 1859, to the election of Nebraska delegates to the Kansas Constitutional Convention. The pro-annexation arguments included early statehood for the South Platte if joined to Kansas, a better prospect of the transcontinental railroad being built

south of the Platte, and the natural affinity of southern Nebraska and northern Kansas, divided not by a treacherous river, but only by an artificial boundary line.

In the end, the Kansas convention rejected the Nebraska delegation's plea for annexation, and it is unlikely Congress would have agreed, regardless. Although the annexation movement ran out of steam, sectional issues would continue to affect Nebraska politics until well after statehood. With the rise of Nebraska political parties, and the outbreak of the Civil War, however, they were no longer predominant.

James B. Potts, in "North of 'Bleeding Kansas': The 1850s Political Crisis in Nebraska Territory," provides a valuable sequel to the annexation story. Potts

also reviews how early political battles were fought over sectional and economic issues, and often centered on personalities. At the same time, however, the legacy of the Kansas-Nebraska Act and its unsatisfactory compromise on the slavery issue began to fracture the once dominant Democratic Party, both nationally and in the territory, eventually shattering long-standing party alignments. The pro-slavery, pro-southern stance of the Buchanan administration alienated many Nebraska Democrats and the administration's resistance to a homestead act and opposition to railroads and land grants outraged Nebraskans generally.

Potts traces how Nebraska political parties grew slowly from their formal organization in 1858, and how dissident

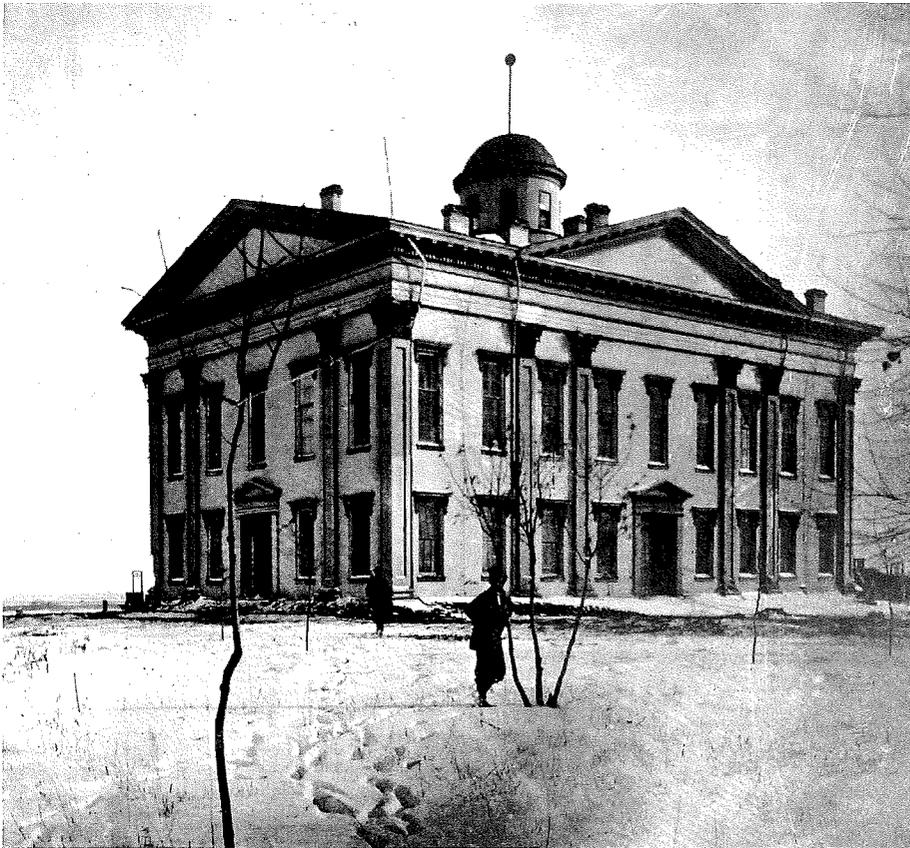
Democrats first adopted the "opposition" or "independent" mantle against the party regulars. Many eventually became Republicans and others supported the anti-administration wing of the national party. By the election of 1860, full-scale partisanship had emerged in Nebraska, with the Republicans in the ascendancy, a dominance that was to last into the 1890s.

Economic and Social Development

Many *Nebraska History* articles relate in some way to this broad theme. Orville H. Zabel's "To Reclaim the Wilderness: The Immigrant's Image of Territorial Nebraska" discusses Nebraska's "wilderness" image, which needed to be overcome to attract settlement. He notes that Nebraska had three strikes against it at the beginning. The opening of the territory happened almost overnight, the landscape was relatively treeless and waterless, and for half a century explorers and travelers had been proclaiming the region as a desert. It was up to territorial officials to dispel this "wilderness" image and their efforts involved what today is called "public relations."

First, they kept up a steady stream of memorials and resolutions to Congress urging the construction of a transcontinental railroad, land grants to settlers, and protection from Indians. Such developments, of course, depended on federal action. In the meantime, location, land, and minerals were the characteristics territorial governors and journalists most often touted in their efforts to improve Nebraska's image.

The Platte Valley was "fitted by nature for an easy grade" and was the only logical route for the transcontinental railroad. Nebraska's abundant and fertile land would provide productive homes for the landless and soon make the territory one of the best stock-raising and grain-growing regions on earth. Although Nebraska's mineral treasures were as yet untapped, there was little doubt they existed. Territorial leaders clearly realized the importance of creat-



The capital of Nebraska Territory was at Omaha. Construction of the second capitol building, shown here, began in 1855. The capitol was still unfinished when the legislature first met there in December 1857. C244-7

Nebraska Territory

ARMY OF THE WEST!

16,000 YOKE

OF

GOOD WORKING CATTLE,

From Four to 7 years of age, wanted at

NEBRASKA CITY,

for hauling freight from this point to Utah, for which SEVENTY-FIVE DOLLARS per Yoke will be paid. Notice will be given through the newspapers if the time they are to be delivered, but suppose they will be wanted about the first of May.

FIFTEEN HUNDRED MEN

Wanted for teamsters who will be found and paid Twenty-five dollars per month out and back.

None but men of good habits need apply; as drinking intoxicating liquors, card playing, and profane language will not be permitted while in employment. Each man will be presented with a Bible and hymn book. Forty Wagon Masters wanted who must come well recommended and who will be paid the usual wages.

A number of houses will be rented in Nebraska City, and one large store room. Apply to
RUSSELL, MAJORS & WADELL,
by KINNEY & HOLLY, Agents. Mr 20-1



Black laborers in Brownville, about 1864. This photo is the earliest known image of African Americans in Nebraska. B844:283

Overland freighting was an economic boost to river towns. In 1858 Russell, Majors, and Waddell received a contract to supply the army in Utah, and opened a depot at Nebraska City. Using thousands of oxen and hundreds of "bullwhackers" they guided ponderous freight wagons across the Plains. *Nebraska (City) News*, March 20, 1858

ing an attractive image of Nebraska, but lack of funds limited their efforts largely to exuberant expressions of faith in the future.

"Nebraska's Missouri River Frontier, 1854-1860," by Norman A. Graebner, examines the Missouri River as a central feature of territorial development. He outlines the founding of the river towns in 1854, focusing on Omaha, Nebraska City, and Brownville, and covers the speculative "boom" of 1856-57 and the "bust" that followed.

The Pike's Peak gold rush and overland freighting spurred the territorial economy, but only agricultural development could bring staying power. The river towns' connection to steamboats and freighting permitted the territorial economy to transcend the subsistence stage. But because travel on the Missouri River was seasonal, "railroads alone could break through the economic barriers imposed by both wagon and river transportation."

"The Brownville Story: Portrait of a Phoenix, 1854-1974," by Marion Marsh

Brown, traces one of Nebraska's most important territorial towns from its founding in 1854, through its boom years as a steamboat port, and its decline after failing to realize its dream of a railroad connection to the west in the 1870s. The first half of the essay focuses on the growth years, and on the people and institutions that made Brownville a vibrant and important community in Nebraska Territory.

Contrasting with the story of Brownville's development as a river town is Donald F. Danker's "Columbus, a Territorial Town in the Platte Valley." Columbus was a rare example of a territorial town in the Nebraska hinterland. Based on the records of the Columbus Town Company, the article reveals how Columbus's economic underpinnings derived from its location on a major overland route to the west, and on the town company's operation of a ferry across the Loup River for the benefit of travelers. In fact, the townsite was chosen on the basis of the prospective ferry location.

Unlike the Missouri River towns, Columbus, at the confluence of the Loup and Platte rivers, struggled to grow. The town company gave away building lots as an incentive to attract settlers and entrepreneurs who would establish commercial enterprises, including hotels and sawmills. The town survived a heated legal battle over the ferry, which was fought out among several of its founders. The case reached the territorial Supreme Court. In the end, the business generated by trail traffic and the ferry helped Columbus hang on until the arrival of the Union Pacific Railroad solidified its future.

Another article by Danker, "The Nebraska Winter Quarters Company and Florence," traces the fortunes of one of the early townsite companies that, like several others, was founded by Iowa interests. Florence shared common experiences and aspirations with other early communities along the Missouri, including hopes of securing the territorial capital or the terminus of a transcontinental railroad. The article

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explains how the Nebraska Winter Quarters Company operated and what the proprietors believed were the keys to Florence's growth and development. They included a ferry, a rock bottom on the Missouri suitable for a railroad bridge, a newspaper to boost the town's advantages, a Wildcat bank, and the prospect of coal nearby.

Early Florence was a lively place with several merchants and businesses, including the Bank of Florence. The town attracted trade from emigrants traveling west, including many Mormons in the handcart expeditions that set off from there between 1857 and 1860. But like many territorial towns, Florence failed to realize her founders' expectations. The failure of the Bank of Florence after the Panic of 1857, the transfer of Mormon outfitting to

Wyoming in Otoe County in 1864, and the inability to attract a railroad left Florence a quiet village in the shadow of her rapidly growing neighbor, Omaha.

A focus on Omaha is the subject of Carol Gendler's "Territorial Omaha as a Staging and Freighting Center." As a jumping off point to the west, Omaha had both advantages and disadvantages when compared with other river towns. One advantage was a government wagon road from Omaha to Fort Kearny along the north bank of the Platte. Yet Omaha was too far north to attract the depot of Russell, Majors, and Waddell when they won a contract in 1858 to freight supplies across the Plains to the army.

Despite this setback, staging and freighting were mainstays of the Omaha economy in the 1850s and 1860s, includ-

ing carrying mail, and hauling supplies for telegraph builder Edward Creighton's crews. Freighting from Omaha became even more significant after 1863 when gold was discovered in Montana.

In addition to staging and freighting, Omaha was an important outfitting point for overland travelers, including miners and Mormons. Echoing the articles noted above, Gendler shows how Omaha's growth depended upon transportation. Ultimately her future was secured by the coming of the railroad, which signaled the end for steamboats and freight wagons as pillars of the river town economies.

Territorial finance is the subject of Gordon Blake's article, "Government and Banking in Territorial Nebraska." He examines banks and their relationship to the territorial government. In the



Omaha in the mid-1860s, looking toward Capitol Hill and the second territorial capitol building from Thirteenth and Farnam streets. O54:2-80

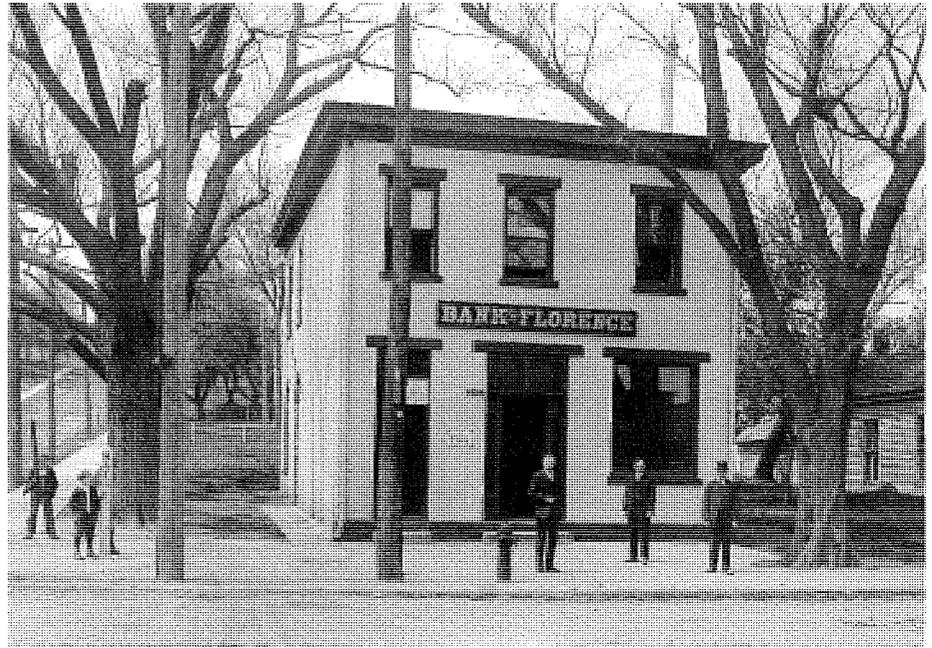
Nebraska Territory

first years of Nebraska Territory, little hard currency was available, leaving only two viable alternatives to address this problem. One was to increase production, primarily of agricultural products, to provide a surplus to sell on eastern markets. Because this solution was not possible in the short run, the legislature chose the other alternative, which was to allow the issue of banknotes that could circulate as currency.

Although a banking system was needed to alleviate the currency shortage, the legislature's mistake was to charter banks in 1856 without any regulations on how they could operate. Blake suggests, however, that a legislative majority may have favored laissez-faire policies to fuel the speculative real estate boom that marked these years. Because the banknotes printed by the several "Wildcat banks" were unsecured instruments of indebtedness, the territory's economy collapsed in the wake of the nationwide financial panic of 1857.

A study by Ann L. Wilhite, "Cities and Colleges in the Promised Land: Territorial Nebraska, 1854-1867," received the James L. Sellers Memorial Award for best article of 1986. The article provides a detailed review of territorial townsite speculation and promotion, and the role of numerous institutions of higher education founded as proof of these towns' permanency and "civilization." In an era of exuberant local optimism, towns tried to "reproduce patterns and institutions characteristic of older, more established communities," particularly churches and colleges.

Wilhite also reviews the leadership and the denominational support characteristic of most of these institutions. Although virtually all of the early colleges, and many of the early towns, failed to survive, their founders demonstrated patterns that would shape Nebraska into statehood: "boosterism, competitiveness, the preeminence of certain eastern Nebraska towns, local interest in higher education, and faded promises."



The Bank of Florence was one of the "Wildcat" banks chartered by the territorial legislature in 1856. It failed during the Panic of 1857. RG4330:PH:3

Benjamin Pfeiffer, in "The Role of Joseph E. Johnson and his Pioneer Newspapers in the Development of Territorial Nebraska," discusses the influence of newspapers on territorial Nebraska's political, economic, and cultural development. He focuses on Joseph E. Johnson, who edited *The Omaha Arrow* during its five-month life in 1854, and who later established *The Huntsman's Echo* at Wood River Center.

As Johnson's writing shows, he was not interested only in politics. The *Arrow's* masthead proclaimed that it was to be "a family newspaper, devoted to the arts, sciences, general literature, agriculture, and politics." To make good on this boast, Johnson included short poems and fiction in the *Arrow*, and weighed in editorially on moral issues, such as temperance and political corruption. *The Huntsman's Echo*, published after Johnson moved to a ranche in the Platte Valley, provides a revealing look at the hustle and bustle along one of the major overland trails to the west.

Although early newspapers were

founded primarily to boost the fortunes of their respective communities and attract settlement, Johnson's papers reveal that they also made important literary and cultural contributions to Nebraska life.

Wallace Brown, in "George L. Miller and the Boosting of Omaha," provides another example of newspapers' and newspapermen's contributions to territorial development. Like Johnson's *Omaha Arrow* a decade earlier, Miller's *Omaha Herald*, founded in 1865, sought to overcome negative images of Nebraska by extolling the territory's agricultural potential, climate, and natural resources.

Miller constantly published articles on agriculture, fruit culture, and stock-raising, and urged Nebraska farmers to plant trees. The *Herald* office acted as a clearinghouse for reports about new innovations or samples of agricultural products, which often occasioned articles. The *Herald*, like other papers, was also a prime booster for its own community and Brown traces Miller's ceaseless efforts to promote Omaha as a



George L. Miller. RG2411:PH3767C



The *Omaha Daily Herald* building in Omaha. RG2341:PH:195

commercial and transportation center.

Robert D. Harper's "Theatrical Entertainment in Early Omaha" reveals how new Nebraskans brought with them a desire to recreate cultural forms they had left behind. Nebraska Territory's first dramatic performance was held in Omaha on May 28, 1857, and the Omaha Library Association began a lecture series in the same year. During this early period, Omaha's primitive accommodations and sparse population attracted no performers of prominence, and the theatrical presentations were sporadic until after the Civil War, when both the variety and quality of Omaha theatre began to improve.

Philip A. Kalish, in "High Culture on the Frontier: The Omaha Library Association," deals with another early effort to transplant culture to Nebraska. The territory's first library was established in Omaha in the winter of 1856–57. Its founders' motivation included the desire to provide cultural and educational opportunities for present and future generations, to emulate the older cities of the East, and to use the library as a selling point to attract new settlers.

The association was founded by a group of leading Omaha citizens. The organization conducted a regular lecture series on a wide range of topics, featuring orations by men and women prominent in Omaha political, business, and social circles. The association also opened a reading room stocked with books, newspapers, and periodicals. Unfortunately, the Omaha Library Association could not be sustained financially in the wake of the Panic of 1857 and faded away after little more than three years.

Land Acquisition and Agriculture

The ways individuals acquired land from the public domain and pursued agriculture in Nebraska Territory has received less attention than transportation, town-building, and government. C. Howard Richardson, in "The Nebraska Prairies: Dilemma to Early Territorial Farmers," uses surveyors' field notes and plats from 1855–56 to study how Nebraska farmers adapted to localized physical, economic, and social opportunities in the hinterlands of the Missouri Valley and its tributaries.

The need for wood and water dictated that most early agriculture took place near the Missouri and other streams.

According to Richardson, three modes of farming resulted: crop and livestock; specialized crops; and specialized livestock. The first two required proximity both to timber and prairie and to the river towns that provided markets. The third involved livestock grazing on the open prairie and was less dependent on timber, since no fences were required. Nor did specialized livestock operations need to be as near the river towns, because stock could be driven some distance to the shipping points. Regardless of which type of agriculture was practiced, Richardson discovered that many Nebraska farmers lived in the river towns and not on the land they were farming.

Milton E. Holtz, in "Early Settlement and Public Land Disposal in the Elkhorn Valley, Cuming County, Nebraska Territory," looks at settlement patterns in one of the first counties established in the hinterland west of Nebraska's Missouri River border. Most of the settlers in the study area were Germans

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from Wisconsin, and their land acquisition patterns reveal how the Elkhorn River was a controlling factor in the establishment of their farms.

Because timber, water, and good soil were important, many of the land claims were laid out in linear fashion to "share the wealth" the Elkhorn Valley afforded. These tracts abutted the river, providing access to water and timber, as well as some fertile bottomland and some upland prairie, which was not subject to flooding. Even though the German settlers did not constitute a true colony, Holtz believes their mostly simultaneous arrival and common background led to "colony-type" behavior in their land acquisition patterns.

The article concludes with a statistical study of the types of land claims made in the study area, revealing the high rate of success the settlers enjoyed in securing title to their land. The Germans' unusual settlement patterns, their innovative, industrious, and pragmatic spirit, and their common ethnicity, combined with the Elkhorn Valley's suitability for agriculture, were the keys.

In "Homesteading in Nebraska, 1862-1872," William H. Beezley reviews the territorial demand for free homesteads. He notes how resistance to the homestead idea by the Democratic administration in Washington became a significant factor in the rise of the Republican Party in Nebraska.

The article also discusses the methodology of the homesteading process, the role of the public land surveys, and the operation of the government land offices. Beezley provides statistics on the number of homestead entries and the acreage claimed during the first decade of Nebraska homesteading. Finally, he places the Homestead Act within the context of other methods of land alienation.

Indians and Indian Affairs

Gregory J. Johansen's, "To Make Some Provision for their Half-Breeds': The Nemaha Half-Breed Reserve, 1830-1866," traces the history of the tract in



Daniel Freeman, shown here later in life, filed what has been recognized as the first homestead in the nation on January 1, 1863. The Freeman homestead near Beatrice has been preserved as the Homestead National Monument of America. RG4376:PH:1

southeastern Nebraska set aside by treaty in 1830 for allotment to the mixed-bloods of four Missouri Valley tribes. His article reviews how the goal of using the tract to provide a home for these mixed-bloods was never realized due to government mismanagement,

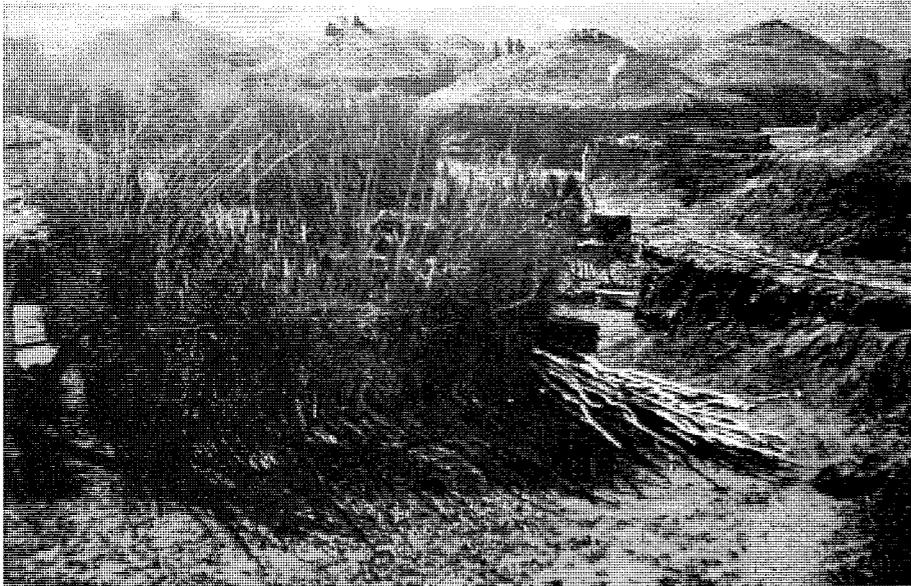
white settlers' greed, and shortcomings in the treaty creating the reserve.

Years of delay plagued both the survey of the reserve's western boundary and the land's allotment to mixed bloods as individually owned tracts. By the time the allotment was finally completed in 1860, settlers had already encroached upon the reserve and the Indian lands passed quickly to white ownership, often for less than their value.

"Robert W. Furnas as Omaha Indian Agent, 1864-1866" by Robert C. Farb is a two-part article covering an aspect of Furnas's public service less well known than his contributions to Nebraska agriculture and politics. Furnas was appointed agent to the Omahas in 1864. The tribe then numbered about one thousand men, women, and children, and it was up to Furnas to deal with such complex issues as the appointment of the agency trader, management of reservation land, distribution of annuities, and Indian education, all within the cumbersome bureaucracy that was the Office of Indian Affairs.

An added complication was the more than six hundred starving Winnebagos who had left their Dakota reservation and thrown themselves upon the mercy of the Omahas. Furnas participated in negotiations whereby the Omahas ceded a portion of their reservation to the Winnebagos. Although Furnas seemingly was an honest and effective agent, political considerations caused his removal in 1866.

Edmund J. Danziger, Jr., in "Civil War Problems in the Central and Dakota Superintendencies: A Case Study," analyzes how the Office of Indian Affairs administered government Indian policy in Nebraska, Kansas, and Dakota territories during the Civil War years. The office had prodigious responsibilities that it was ill prepared to meet. The Central Superintendency, for example, was responsible for sixteen tribes, comprising some 13,000 Indians of widely varying cultures and lifestyles.



William Henry Jackson took this photograph of Pawnee earthlodges near Genoa, Nebraska, in 1871, but the Pawnees had used such dwellings for generations. RG2065



Omaha Agent Robert W. Furnas (standing, second from left) with a group of Winnebago chiefs and interpreters. Furnas helped negotiate an agreement whereby the Omahas ceded part of their reservation to the Winnebagos. RG2067

In the face of diminishing game, a major goal was teaching reservation tribes to become self-supporting farmers, while protecting them from white encroachment and attacks by nomadic tribes. Yet when Sioux attacks drove the Pawnees from their hunting grounds, the government failed to provide the promised protection so the Pawnees could work their farms. Crop failures from drought and insects also frustrated Indians' attempts to farm, and near starvation was the result. There were other problems as well, including thieves and unlicensed traders on the reservations, and dishonest Indian Office personnel.

Danziger concludes that the administration of Indian affairs in the Central and Dakota Superintendencies during the Civil War years reveals the "tragic, irreconcilable inconsistency between American expansion and the United States government's desire to protect and to 'civilize' the red man."

Military Affairs

Richmond L. Clow, in "Mad Bear: William S. Harney and the Sioux Expedition of 1855," reviews the government's response to the so-called "Grattan Massacre," the killing of a small party of soldiers at a Sioux encampment near Fort Laramie the previous year. The government ordered Harney to retaliate, and his troops inflicted a major defeat on Little Thunder's band of Brulés near Ash Hollow in September 1855, killing many, capturing others, and destroying the village.

Following this demonstration of government power, Harney marched his command from Fort Laramie to Fort Pierre, where he imposed peace terms on Sioux leaders. The article reveals the conflict between the War Department and the Office of Indian Affairs over which agency should control federal Indian policy, a conflict that would continue for years. Although Harney's campaign brought an uneasy peace to the Plains, it proved only an interlude.

Benjamin Franklin Cooling's article, "The First Nebraska Infantry Regiment

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"The Surrender of Fort Donelson," *Harper's Weekly*, March 1, 1862. The First Nebraska Volunteer Infantry regiment made a significant contribution to this important Union victory.

and the Battle of Fort Donelson," provides a glimpse at a part of Nebraska's Civil War history that played out beyond her borders. Despite having a sparse population and being remote from the main theaters of conflict, Nebraska Territory contributed a large percentage of her military-age men to the Union Army.

Cooling traces the early service of the First Nebraska Volunteer Infantry in Missouri following its enlistment in 1861,

and focuses on its role in the February 13–15, 1862, battle at Fort Donelson, Tennessee. At Fort Donelson, the Nebraska regiment helped win a Union victory that had major strategic importance, and which also propelled Union Gen. Ulysses S. Grant into the national spotlight.

Leroy W. Hagerty's "Indian Raids Along the Platte and Little Blue Rivers, 1864-1865," in two parts, covers an aspect of Civil War history that affected

Nebraska directly. The article outlines the settlements that had been established along the Platte and Little Blue rivers, the status of military forces in the region, and relations with Indian tribes just prior to the outbreak of open warfare in late summer 1864. Hagerty then details the Indian attacks on emigrant and freight trains, stagecoach stations, and ranches beginning August 7, 1864, and the military response. The title is somewhat misleading, however, because little if any of the article deals with events in 1865.

The Quest for Statehood

Two articles relating to the political evolution of Nebraska from territory to state conclude this review. The first, "George L. Miller and the Struggle Over Nebraska Statehood" by Wallace Brown, reviews the role of a leading Nebraska Democrat and journalist as the movement for Nebraska statehood gained momentum in the mid-1860s. Following his defeat in the campaign for territorial delegate in 1864, Miller founded the *Omaha Herald*, which would soon become the leading Democratic organ.

While many Nebraskans could appreciate the benefits of statehood, such as voting representation in Congress, control of the federal patronage, and the receipt of federal land grants, these plums would fall to the party in power. These realities presented Nebraska Democrats with a dilemma, which is revealed in Miller's editorial pronouncements in the *Herald*, and his private correspondence with J. Sterling Morton.

After Republicans in the legislature had secretly written a constitution and set an election for state officers and to vote on the constitution, the Democrats were in a quandary. If they nominated candidates for state officers, it would be seen as an endorsement of statehood, which the party wanted to delay until they felt strong enough to have reasonable prospects of controlling a new state government. Presenting no candidates and campaigning against statehood, however, would foreclose any chance



Charles McDonald's Cottonwood Springs Ranche, near present-day Maxwell, supplied overland travelers with supplies and livestock. Soldiers camped nearby while constructing Post Cottonwood (later Fort McPherson) in 1863. RG2469:PH:1

of Democratic success in the forthcoming election and award the political prizes to the Republicans by default.

In the end, the Democrats nominated state candidates, but avoided taking an official stand on the statehood issue, all of which was to no avail. The Republicans triumphed amid charges of election fraud, statehood was consummated, and the Democrats would not taste political success in Nebraska again until the 1890s.

The final article, "Nebraska Statehood and Reconstruction," by James B. Potts, was the Sellers Award winner for 1988. It reveals how Nebraska statehood was caught up in the national political debate over reconstruction after the Civil War. The question of how best to restore the Union became a contest between President Andrew Johnson and the Radical Republicans in Congress.

Potts surveys the manipulations by pro-state forces in Nebraska to draft a constitution covertly and without deliberation. Regardless of party, many Nebraskans opposed black suffrage and the new constitution did not provide for

it. This omission proved contrary to the trend taking shape in Congress, which had already enacted legislation to ensure the civil and voting rights of Southern blacks.

When Nebraska's admission to statehood came before Congress in 1867, the Radicals realized that admitting Nebraska with its restrictive constitution would provide an unacceptable precedent when it came time to readmit the former rebel states. However, "If Congress established such authority in the Nebraska case, the way would be open to extend federal control over voting rights as a basis of reconstructing the southern states."

The authority that Congress established was by refusing to admit Nebraska to statehood unless the legislature agreed to the "fundamental condition" of male suffrage without regard to race. When the legislature complied with this condition, the admission bill, which had already been passed over Johnson's veto, became law on March 1, 1867. Had Nebraska refused to accept the condition, it would have remained a

territory. Yet, as Potts points out, blacks nonetheless would have been enfranchised under the recently enacted Territorial Suffrage Act, which had given black men the vote in federal territories.

The legislation that created Nebraska Territory and that which admitted Nebraska as a state both established important precedents. By the Kansas-Nebraska Act of 1854, Congress conceded control over civil rights to new states and territories under the doctrine of Popular Sovereignty; by the Nebraska statehood act of 1867, Congress reclaimed its prerogatives to make such decisions.

Afterword

It is clear that Nebraska's territorial experience has been the subject of significant scholarship, signaling that historians have recognized the era's fundamental role in shaping the Nebraska that was to be. It is less certain, however, that the public is much aware of the rich and fascinating history of Nebraska in the years before statehood. One suspects the March 1

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anniversary of statehood in 1867 has become, for many Nebraskans, the Genesis date in our history.

As Professor Nichols noted in his essay, the territorial system was a unique feature of American democracy. The people of each new territory were given a basic framework, within which they had considerable latitude in working out the details of self-government. In Nebraska the road was often rocky, filled with obstacles such as personal ambition, fierce political rivalries,

financial indiscretions, a frequently unforgiving environment, and the question of what to do with the people who already lived here. In the end, Nebraska's founding fathers (for women were excluded from politics), as young and inexperienced as many of them were, in thirteen years managed to prepare Nebraska to take her place as an equal partner in the federal union.

Unfortunately, in parts of the modern world that are currently struggling with a pent-up desire for democracy and the

problems of nation-building, there is no counterpart to the unique territorial system, which for so many years guided, refined, and sometimes reinvented the political, social, and economic institutions of the United States.

Notes

¹ Although Nebraska's name came first in the original act, I have adopted the terminology that came into common use soon afterwards, and which has continued to identify the act in subsequent scholarship.

Bibliography

- Beezley, William H. "Homesteading in Nebraska, 1862-1872." 53 (Spring 1972): 59-75.
- Blake, Gordon. "Government and Banking in Territorial Nebraska." 51 (Winter 1970): 425-35.
- Brown, Marion Marsh. "The Brownville Story: Portrait of a Phoenix, 1854-1974." 55 (Spring 1974): 1-142.
- Brown, Wallace. "George L. Miller and the Struggle over Nebraska Statehood." 41 (December 1960): 299-318.
- _____. "George L. Miller and the Boosting of Omaha," 50 (Fall 1969): 277-91.
- Clow, Richmond L. "Mad Bear: William S. Harney and the Sioux Expedition of 1855." 61 (Summer 1980): 133-54.
- Cooling, Benjamin Franklin. "The First Nebraska Infantry Regiment and the Battle of Fort Donelson." 45 (June 1964): 131-45.
- Danker, Donald F. "Columbus, a Territorial Town in the Platte Valley." 34 (December 1953): 275-88.
- _____. "The Nebraska Winter Quarters Company and Florence." 37 (March 1956): 27-50.
- Danziger, Edmund J., Jr. "Civil War Problems in the Central and Dakota Superintendencies: A Case Study." 51 (Winter 1970): 411-24.
- Farb, Robert C. "Robert W. Furnas as Omaha Indian Agent, 1864-1866." 32 (September 1951): 186-203; (December 1951): 268-83.
- Gendler, Carol. "Territorial Omaha as a Staging and Freighting Center." 49 (Summer 1968): 103-20.
- Graebner, Norman A. "Nebraska's Missouri River Frontier, 1854-1860." 42 (December 1961): 213-35.
- Hagerty, Leroy W. "Indian Raids Along the Platte and Little Blue Rivers, 1864-1865." 28 (July-September 1947): 176-86; (October-December 1947): 239-60.
- Harper, Robert D. "Theatrical Entertainment in Early Omaha." 36 (June 1955): 93-104.
- Holtz, Milton E. "Early Settlement and Public Land Disposal in the Elkhorn Valley, Cuming County, Nebraska Territory." 52 (Summer 1971): 113-32.
- Homer, Michael W. "The Territorial Judiciary: An Overview of the Nebraska Experience, 1854-1867." 63 (Fall 1982): 349-80.
- Johansen, Gregory J. "To Make Some Provision for Their Half-Breeds': The Nemaha Half-Breed Reserve, 1830-1866." 67 (Spring 1986): 8-29.
- Kalish, Philip A. "High Culture on the Frontier: The Omaha Library Association." 52 (Winter 1971): 411-17.
- Malin, James C. "The Nebraska Question: A Ten-Year Record, 1844-1854." 35 (March 1954): 1-15.
- Nichols, Roy F. "The Territories: Seedbeds of Democracy." 35 (September 1954): 159-72.
- Pfiever, Benjamin. "The Role of Joseph E. Johnson and his Pioneer Newspapers in the Development of Territorial Nebraska." 40 (June 1959): 119-36.
- Potts, James B. "Nebraska Statehood and Reconstruction." 69 (Summer 1988): 73-83.
- _____. "North of 'Bleeding Kansas': The 1850s Political Crisis in Nebraska Territory." 73 (Fall 1992): 110-18.
- Price, David H. "Sectionalism in Nebraska: When Kansas Considered Annexing Southern Nebraska, 1856-1860." 53 (Winter 1972): 447-62.
- Richardson, C. Howard. "The Nebraska Prairies: Dilemma to Early Territorial Farmers." 50 (Winter 1969): 359-72.
- Thavenet, Dennis. "The Territorial Governorship: Nebraska Territory as Example." 51 (Winter 1970): 387-409.
- Wilhite, Ann L. "Cities and Colleges in the Promised Land: Territorial Nebraska, 1854-1867." 67 (Winter 1986): 327-71.
- Zabel, Orville H. "To Reclaim the Wilderness: The Immigrant's Image of Territorial Nebraska." 46 (December 1965): 315-24.