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Article Summary: Personal papers reveal that Maltby had worked in four countries and several other states before he arrived in Nebraska. Following the railroads west, the Clay County pioneer eventually found economic security. He then reconciled with his estranged wife and the couple went on to thrive in Sutton.

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WHY SETTLE IN NEBRASKA—THE CASE OF JOHN ROGERS MALTBY

BY HOMER E. SOCOLOFSKY

IN STUDYING the development of the American frontier historians continually search for general reasons why settlers leave their former homes to go to new territories. Reasons for leaving a former home most often used have been lack of opportunity in an economic, political, social or religious sense. The reason for locating a new home generally centers on available economic opportunities with other factors making a lesser contribution. Unfortunately consideration of an individual settler rarely verifies these generalizations completely.

John Rogers Maltby was a settler on the Nebraska frontier for whom a good record of activities is available. He left his home in Maine at the age of 23, spent 15 years moving from place to place on frontiers all over the world, and then in 1868 he came to Nebraska. By 1871 he settled down in Clay County where he stayed for 25 years and gained some prominence in this new home. Why did Maltby

Professor Socolofsky, of Kansas State University, Manhattan, Kansas came upon this material and prepared this article as an adjunct of work he is carrying out under a Woods Fellowship in Nebraska History.

leave home, why did he rove for a time and why did he settle down where he did?¹

A New Englander, Maltby was the oldest of five children of the Reverend John Maltby of Bangor, Maine. In company with other Bangor youth, young John departed in February, 1853, for the gold fields of Australia. His mother's death, the fact that he was over 21, his somewhat domineering father, all contributed to his leave-taking. The anticipated romance of Australia, with its lure of recently opened gold mines, was enough to draw him on the long sea voyage to the land down-under.²

By July, 1853, young Maltby was in the bustling metropolis of Melbourne, where he secured a position in a counting house. Ambitious to advance he entered into a partnership in a store and counting house. He frequently changed his employment both in Melbourne and at the mines, and he ran a variety of businesses.

The Rev. Maltby wrote regularly and kept young John informed about happenings in Maine and in the United States. Through this correspondence John first learned of the "Nebraska Bill" which was "so bold an endorsement of slavery" that the people "are stirred to oppose it." Later in more detail he heard about the "Bill to open Nebraska & Kansas to Slavery," and the prediction "that both N. & K. will be taken possession of by the hand of freedom, & will very soon be states like now in N. England." News of the Maine election of 1856 was reported as "the wonder of the times. The prediction now is that Fremont will be Pres't. What will be the fate of Kansas meantime or even then, is not forseen."

Young Maltby's stay in Australia was not to be permanent. He had expected to return home within three

¹ Unless otherwise footnoted, this article is based on material in the John Rogers Maltby file, Nebraska State Historical Society.

² *Manual of the Hammond Street Congregational Church, Bangor, Maine*, 1887. Rev. Maltby went to Bangor from Sutton, Mass., in 1834 and served there until his death in 1860. Young John did not join his father's church, although his mother, brother, and three sisters became members.

years, and his correspondence repeated this expectation. His father eagerly looked forward to his reappearance. Hoping for the best in his son, Rev. Maltby, at the same time, reproved him for having "changed business again. It makes me anxious," he wrote. "It is not good for *character*; & generally not for gain."

But young Maltby was not able to make his fortune quickly. Hoping that each new year would bring him success he stayed in Australia until 1860, only a short time before the death of his father. John's plans did not anticipate a direct return home. Instead he went to India where he spent more than a year as a commission merchant and auctioneer in Allehabad. On January 1, 1862, he departed Calcutta for the long ocean voyage around Cape of Good Hope to London, arriving there in May.

While working as a merchant in England Maltby met Matilda Mary Cooke, daughter of a former Cleobury Mortimer magistrate's clerk from the county of Surrey. Early in 1863 John and Matilda were married at Clapham.³ A short time later the newly-weds were located in Paris where John was engaged in a general merchandise business. He made money but spent more and went into debt. Plans were made for another move which would take Maltby back to the United States after an absence of more than eleven years. Due to accumulated debt and lack of funds he was unable to take his wife with him. During 1864 John went to San Francisco and he spent a brief time in New Orleans. In Boston, in late February, 1865, he made fruitless plans to enlist for three years in the United States Navy. Instead he took a position as a clerk and by October, 1865, he became the sole agent for the "Challenge Washing Machine" in Mississippi, Louisiana, Texas, and Arkansas, an unpromising territory in view of the devastation of the war.

³ The marriage certificate, dated Jan. 7, 1863, shows that John and Matilda were married in the Church of Our Immaculate Lady of Victories in Clapham. Their address was given as Foxley House, Foxley Road, Brixton. The marriage license was dated December 18, 1862.

John saved money enough to pay his overseas debts and made plans for his wife to journey across the Atlantic on board the "China." But Matilda, whom he affectionately referred to as Tilly, Trotsie, or Trot, could not break her ties with her English home so quickly, and not until November 23, 1865, did she arrive in Somerville, Massachusetts. John could not wait that long and several weeks earlier he took the steamer "Republic" for New Orleans. Heavy seas off Cape Hatteras damaged the vessel and it finally sank off Charleston, S. C. From there John continued to New Orleans and efforts made to rejoin his wife were delayed by lack of funds. Finally in early 1866, Trot was reunited with her husband in Louisiana. The following year they were back in Massachusetts, where John was engaged in the hardware business in the Boston area and business conditions were not good.

The Maltby's had been frequently separated and soon after their reunion in the United States marital bliss deserted them. Hints of personal problems, including religious disputes, were made in correspondence which passed between them. Tersely, John recorded in his cash book on November 29, 1867, "*Chaos* Trot refused to live with me." Through the next two weeks John sought a reconciliation to no avail. Finally, he wrote briefly, "Trot left me at Wilders Hotel for good," and "Saw Trot at Church and walked to cars." After that there was no further mention of his wife.

Four months later in April, 1868, John Rogers Maltby, set out for the infant State of Nebraska, and arrived at Omaha on May 5. He had first heard of Nebraska 14 years earlier and much had happened to him in the meantime. His resources were meager and he sought to augment them by various enterprises. Maltby was a self-acknowledged connoisseur of fine horse flesh and much of June was spent in preparing a running track in Omaha where he organized

horse races late in the month and early in July.⁴ He also looked over prospects for a homestead on the frontier but he made no move in that direction until the following year. In the meantime he obtained a free railroad pass to Cheyenne and he worked briefly for both the Denver Pacific and the Union Pacific. Through the winter of 1868-9 he was in a partnership operating a store in Bushnell, in extreme western Nebraska.

Maltby returned to Columbus on March 8, 1869, went exploring south of the Platte, and on the twelfth he filed his declaratory statement of intention to pre-empt eighty acres in Polk County at the Lincoln Land Office. Much of the summer was spent in improving his claim. Income was obtained during the next fall and winter by grazing cattle on the raw land and by trapping fur bearing animals.⁵

A declaratory statement gave a claimant six months to make good his claim to the land. Maltby did not take the next step in pre-emption and he returned to Omaha.⁶ There from April to July, 1870, he was engaged in paper hanging, sign painting, setting window glass, working in the "California Restaurant" and in similar occupations. Soon afterward he was in Lincoln and Crete, where he was again employed as a painter. Apparently a friendly man, he recorded gains and losses from election bets, and amounts he had borrowed or lent to friends. Correspondence in the Maltby file indicates that he was gaining friendship with political leaders in Lincoln and with them he was planning a new enterprise on new land to the west. By mid-May, 1871, when he spent four days in locating land on School Creek, his plans began to bear fruit. On May 19, he initi-

⁴ Omaha *Daily Herald*, June 27 and July 4, 1868. The mention of "Mr. Maltley, the gentlemanly lessee of the driving park" in the *Herald* of July 3, 1868, must refer to Maltby.

⁵ Maltby's declaratory statement, number 1785, for the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of section 2-13N-1W, is strangely entered in the appropriate Bureau of Land Management tract book in Washington under the dates of March 10-12, 1869, rather than for a single day.

⁶ The same tract was entered under the Homestead Act by Theodore W. Blake on October 1, 1870. Conceivably he could have bought out Maltby who had a prior claim to the land.

ated a claim contest at the Lincoln Land Office to an eighty acre homestead in northeast Clay County.⁷

Few actions were more strongly opposed on the frontier than the behavior of a new settler who claimed land occupied by an earlier pioneer. Generally a claim jumper was regarded as a vicious criminal, and rarely was he granted a friendly reception. Clay County histories describe the action of Maltby and of William A. Way, who had also come from Crete, as "claim jumping." They were contesting the title of James C. Vroman, who had homesteaded a quarter section, on November 12, 1870, previously held as a pre-emption claim. In spite of their identity as claim jumpers Maltby and Way were favorably accepted by most early settlers in Clay County.⁸

The hearing on the case was on June 15, 1871, in Lincoln. Maltby faithfully recorded the contest entries, witness fees, and required bonds, in his diary. The Register and Receiver at the Lincoln Land Office, in spite of learning that Vroman had not lived on his claim in compliance with homestead regulations, backed the Vroman entry. A letter was forwarded to Commissioner Willis Drummond, of the General Land Office, recommending that "the charge of abandonment is not sustained" and they asked for dismissal of the complaint.⁹ Drummond, on the other hand, notified his Nebraska subordinates of cancellation of Vroman's entry on August 25, 1871, because the "testimony of the claimant himself shows that he did not reside upon or cultivate his claim for more than six months from date of

⁷ Maltby apparently saw the town-site possibility of the Vroman claim. He actively sought Vroman in the School Creek area, but heard he was in Missouri during the winter, and at Lincoln and elsewhere during part of the spring.

⁸ Vroman's entry was for the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of section 2-7N-5W. As a former soldier Vroman was entitled to 160 acres within the railroad land grant. See also A. T. Andreas, *History of the State of Nebraska*, 547-8, 559, 563; Burr, Buck, and Stough, *History of Hamilton and Clay Counties, Nebraska*, I:673.

⁹ Records of the National Archives, Washington, D. C. The claims contest dockets of the General Land Office, more than a thousand cubic feet, were disposed of before the creation of the National Archives but the Vroman-Maltby hearing papers are available.

entry."¹⁰ By then Maltby had occupied the south half of Vroman's quarter, while Way was establishing himself on the north half, and they made plans to secure the patents for their land.

In the meantime, Luther French, the first settler in the area, laid out a town site along School Creek. Maltby was gaining influence in the community and he suggested that the new town, adjacent to his own claim, be named Sutton, in memory of his earlier residence in Massachusetts. Success for the new town seemed assured when the rails of the Burlington & Missouri River Railroad Company reached Sutton on August 12, 1871, and a temporary depot was located there. Acting Governor William H. James issued a proclamation in September calling for the first election for the newly created Clay County. Residents of the Sutton vicinity held a caucus before the October 14th election and their slate of candidates, including John R. Maltby, as Probate Judge, and Sutton, as county seat, gained more than 50 of the 89 votes cast.¹¹

But unexpected trouble for Sutton soon arose. Vroman entered an appeal from the Commissioner's decision and the railroad's town site company, which did not get the share of the Sutton area demanded sought another area for exploitation. Late in December, 1871, the depot was moved four and a half miles east to Grafton on the grounds that "Sutton tolerated saloons, and . . . the title to the Vroman claim was in dispute."¹² Vroman's attorney tried to show that his client was merely temporarily absent from his claim, that he had not changed residence, and that he "never intended to abandon."¹³ In a well-stated petition to Commissioner Drummond, Maltby declared his right to the land. He described his homesteading of part of the Vroman claim on September 9, 1871, and how he had paid Vroman

¹⁰ Letter of August 25, 1871, to the Register and Receiver, Lincoln Land Office, National Archives.

¹¹ Andreas, *op. cit.*, 549.

¹² *Ibid.*, 563.

¹³ Letter of Oct. 10, 1871, from G. W. Conn to Willis Drummond, National Archives.

“a consideration for all right, title, interest or claim he had in said Land and obtained an assignment from him.”¹⁴ A copy of the Vroman assignment was attached to the petition. The Commissioner sustained his earlier decision and Maltby won the claim contest. Meanwhile, Way had commuted his homestead and made cash entry for his eighty acres. Maltby did the same on August 24, 1872.

After four years in Nebraska better times were in the offing for Judge John R. Maltby. In the interest of the town of Sutton, as well as for private motives, he went to Boston in September, 1872. The public reason for his journey was to acquaint the leading officers of the B. & M. with actions which had deprived Sutton of a depot. His personal reasons for taking time and money for the trip were to see his sisters and to visit with his wife. Trot was agreeable to a reconciliation, but the railroad bureaucracy was harder to convince, so that Sutton's new depot with resulting rail service was delayed. After a separation of four and a half years he first saw Trot on September 24th and two days later he recorded briefly, “all forgotten.” Mrs. Maltby needed time to sever business ties and she came to her new home the middle of the following January. Sutton's new depot, carrying with it regular rail service, was not erected until the fall of 1873. Although they did not yet possess full title, not having received the patents, Maltby and Way platted a new addition to the town of Sutton.¹⁵

In subsequent years John R. Maltby entered into the recorded history of Sutton and Clay County in various ways. He was partial owner of the building erected for a post office in Sutton and he served one term as police judge. Responsive to earlier training he was a charter member of the Clay County Sunday School and served as treasurer and a teacher of the organization.¹⁶ The Clay

¹⁴ Petition of July 25, 1871, now in National Archives.

¹⁵ The patents were dated October 20, 1874. Way got the eighty acre tract—S $\frac{1}{2}$ NW $\frac{1}{4}$ section 2-7N-5W and Maltby's eighty was the N $\frac{1}{2}$ SW $\frac{1}{4}$ section 2-7N-5W.

¹⁶ Andreas, *op. cit.*, 551, 561, 568.

County centennial celebration of July 4, 1876, was sponsored by a committee which included Maltby.¹⁷ A year later, about the time Clay County was debating a move for the county seat, Mr. and Mrs. Maltby moved to Fairfield, some twenty miles south and west of Sutton. There she helped organize the Catholic Church and he served as chairman of the first Board of Town Trustees when Fairfield was incorporated.¹⁸ Real estate activities, and closely related enterprises, occupied Maltby until his death on March 24, 1895.¹⁹ Clay County, Nebraska, was his home through his last twenty-five years. From an itchy-footed, rolling stone, of early manhood, when he spent fifteen years roaming the globe and moving from one job to another, Maltby became a settled and respected pioneer in Clay County. After spending several years in the late 1860s, traveling and working from one end of Nebraska to the other, he settled down and lived out his days in Clay County. Reports of his earlier life were almost forgotten but his role as a Clay County pioneer was remembered.

Why did John Rogers Maltby leave his Massachusetts home in 1868? The answer seems obvious—he was kicked out by his wife; opportunities for a successful marriage seemed lost. In reality he had a history of mobility since he had left Bangor, Maine, fifteen years earlier. Maltby had traveled and worked in Australia, India, England, France, and in half a dozen American states before he arrived in Nebraska. His constant movement and shifting of his work were motivated by an ambition to succeed. After all he was engaging in a search for economic security and prestige in a manner typical of many mid-nineteenth century Yankees. Perhaps a larger degree of success in Australia would have caused him to remain there longer. His search for success finally led him from a Massachusetts failure to Nebraska along the direct railroad lines to the west. Failure there would have caused further moves

¹⁷ *The "Centennial" Sketch of Clay County, Nebraska, 1876*, 1.

¹⁸ Andreas, *op. cit.*, 579-80.

¹⁹ Mrs. Maltby died in 1912, having been an invalid for many years.

but after many years of experiencing frustration and disappointment he gained a position he had unsuccessfully sought for so long.

Perhaps, Nebraska became Maltby's final choice because of his acquaintance with the area through letters from his father. Publicity about the developing transcontinental railroad and Nebraska statehood may have attracted him. In Nebraska, after initial tough sledding, he gained a status which had escaped him before. This led to a reconciliation with his wife and a way of life seemingly foreign to his years after he first left his boyhood home. Economic opportunities in the Nebraska frontier were important to Maltby's continued residence there, but other intangible values, almost impossible to enumerate, played a major role in transforming him from a wanderer into a settled, solid citizen.