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Article Summary: During Richardson's brief governorship of the Nebraska Territory in 1858 the fifth session of the Nebraska Legislature passed a significant body of law. Ironically, Richardson's success in getting this legislation passed frequently required the "champion of popular sovereignty" to assert aggressive leadership in opposition to the will of the people's elected representatives.

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Photographs / Images: Governor William A Richardson; second territorial capitol, Omaha, 1860 photo; Richardson, J Sterling Morton, and Congressman Daniel W Voorhees of Indiana

GOVERNOR WILLIAM A. RICHARDSON:
Champion of Popular Sovereignty
in Territorial Nebraska

By DENNIS THAVENET

From the time of its organization in 1854, William Alexander Richardson was inextricably linked with Nebraska Territory. As a Democratic congressman from Quincy, Illinois, he was familiar with the pressures of Westerners to organize the Louisiana Purchase lands for exploitation, and in particular he recognized the value of organization to his own "Gem City," which could serve as a gateway to the West. As chairman of the House Committee on the Territories, Richardson had managed the passage of a bill in the short session of 1852-1853 to create a Nebraska Territory, but his friend and counterpart in the Senate, Stephen A. Douglas, failed to muster the required votes for the bill.¹

Richardson had argued during the debate that organization was necessary to regulate hostile Indian tribes which retarded the emigrant flow to the Pacific and might force it "to another portion of the Union from the route that it now follows" — that is, force emigrants from the Platte River corridor.² When the question of the spread of slavery emerged as the great stumbling block to organization of the territories, Richardson perfected his views on popular sovereignty as a nationalistic solution to that question. In 1854 he presided over the House action on the Kansas-Nebraska Act, in which he believed the application of popular sovereignty would equitably resolve the problem of slavery in the territories. The test, as he formulated it, was not whether the new legislation favored the North or the South, but

“was it right and just? Would it advance the great interest, and augment the renown of the Republic?”³

When the smoke had cleared from the Navy Yard artillery salutes which heralded the passage of the Kansas-Nebraska Act, Douglas claimed that he was responsible for the bill's passage. On the contrary, Representative Alexander H. Stephens of Georgia confided to his brother: “[I took] the reins in . . . hand and drove with whip and spur until we got the ‘wagon’ out of the vise.” Both Stephens and Douglas could rightfully claim much credit for the passage of the bill, but they did little justice to the dogged patience of Richardson who had managed the bill day in and day out on its tortuous route through the House.⁴ Subsequent events provided Richardson the unusual opportunity of implementing the act that had created Nebraska. Although his constituents sustained his work by re-electing him in 1854 with a larger margin than in 1852, his House colleagues foreshadowed his problems by engaging in a protracted struggle to prevent his election as speaker.⁵

He was subjected to a catechization on the Fugitive Slave Law, Know-Nothingism, and the relative merits of whites and blacks in the United States. Moreover, Representative Francis P. Blair, Jr., a Missourian, proposed to Speaker Nathaniel Banks that a bill be offered in the House applying popular sovereignty to the District of Columbia in order to smoke out Richardson's (and by implication, Douglas's) assumed insincerity on the issue.⁶ In 1856 Richardson resigned his House seat after he had become a candidate for governor of Illinois. Douglas, in order to advance his own presidential ambitions, had arranged Richardson's nomination. Then without bothering to offer more than token support, the Little Giant let his friend go down to defeat to Republican candidate William H. Bissell, who was handicapped by partial paralysis, by residency in pro-slavery southern Illinois (“Egypt”), and by Roman Catholicism in a period of nativism.⁷

Douglas's ambitions had also contributed to a split in the Democratic Party between himself and President Buchanan, a breach which the latter tried to heal, or at least turn to his advantage, by offering Richardson appointment as territorial governor of Nebraska. At a White House interview in 1857, the President greeted Richardson cordially and offered him the

appointment, but the Illinoisan argued that he ought to decline because of the bad blood between his friend Douglas and the administration. Buchanan's reply was:

Colonel, that does not make the slightest difference; I know you too well and regard you as too honest a man to accept office from my administration and then go to war upon it. If you have no objections, I will send in your name at once.⁸

On his way home to Illinois from the interview, Richardson had to weigh the career opportunities, the advantages of healing the cleavage in the Democratic Party and the possibility of alienating Douglas; he chose to accept. In an interview at the Tremont House in Chicago, he announced his willingness to serve, and in the Senate Douglas moved the suspension of the rules so that the prospective governor of Nebraska Territory could be confirmed without delay.⁹ In Quincy, Richardson made speedy preparations to leave for Nebraska to assume the governorship of the territory that he had helped to create. His name, having been given in 1854 to the extreme southeast corner county, was already a byword in Nebraska. On January 11, 1858, he arrived in Nebraska Territory by Missouri River steamboat. Nebraskans had scant information of his coming, but within six hours after the telegraph announced his imminent arrival, Omaha had prepared an elaborate banquet and arranged for entertainment to welcome the governor.

The editor of the *Omaha Times*, peering through conspicuous rose-colored glasses, described Richardson's arrival: "The beauty of Omaha," he wrote, "lent its light and gaiety to the scene, and the chivalry of this noted place watched with proud gallantry over their fairer charges." There were addresses of welcome following the dinner at the Hamilton House, and Judge Samuel W. Black offered a toast. Richardson's response was considered full of "deep feeling and emotion," and his brevity no doubt pleased the young couples who were waiting to clear the hall for dancing.¹⁰

After a night's rest Richardson surveyed the capital and accepted custody of a desk, a mahogany lounge and chairs, a carpet, a safe, and a broken printing press for his office, but conditions in Omaha demanded his immediate attention and prevented his easing into the job.¹¹ The legislature had begun its regular session in December under the direction of acting Governor Thomas B. Cuming (the territorial secretary), but a day or two before Richardson's arrival, the house of representa-



Governor William A. Richardson served Nebraska Territory but eleven months in 1858.

tives passed a motion to retire to Florence, a few miles out of town, because the non-Omaha members believed themselves threatened and coerced by Omaha bullies. The presiding officer of the council (the upper body of the legislature) refused to entertain a similar motion in his chamber, but nevertheless a majority of his colleagues left.¹²

Each side was eager to have Richardson resolve the dispute—if he were partisan to the “right” side. The rump session, maintaining it was the duly constituted legislature, dispatched a message to the governor asking that he open a line of communication with it. Richardson responded immediately that he could not recognize the Florence legislators because the designation of the capital and legislative meeting place rested with the governor as well as with the legislature. Neither he nor Cuming had given assent to the move to Florence, but Richardson offered to consider the possibility if the legislature met in regular session in Omaha and passed the proper resolutions. Under the circumstances he believed protocol required that he also return without official acknowledgment the measures the rump had passed.¹³

If Richardson acted as though the question hinged on a legal technicality and could be settled easily on that basis, the dissident legislators placed the issue squarely upon the ground of popular sovereignty. The rump members wrote Richardson politely that they did not intend to permit federal authority to contravene the will of the majority, but their position collapsed under the pressure of Richardson's opposition and their inability to extract their pay from Secretary Cuming. Meanwhile, the minorities of both houses continued to meet in Omaha and register the failure of a quorum until their terms also expired.¹⁴

Richardson promptly reported by letter to President Buchanan the conditions that he had found and expressed the hope that he had acted in accord with the wishes of the administration.¹⁵ At the end of his first week in Omaha, Richardson also recorded his first impressions in a letter to Stephen Douglas. Like most Easterners, Richardson had brought with him the feeling that Nebraska was the "Great American Desert," and he was agreeably surprised that he had been mistaken. "It is much better country than I supposed it was," he wrote. "All accounts agree that the valley of the Platte is very fertile and most favourable for a railroad." The capitol, he thought, posed a most pressing problem due to its unfinished condition. Richardson also recognized immediately the need for a penitentiary. He proposed to deal with banking conditions that permitted issue of "shinplasters" worth not more than 25 to 50 cents on the dollar.

More revealing, however, was the governor's reaffirmation of his popular sovereignty views, which had not been shaken by his first few days in office. He was confirmed, he wrote, in his dislike of the Lecompton Constitution fiasco in Kansas after talking to Missourians whom he had met on the way to Nebraska, and he reaffirmed his position that the best solution to the problem was a strong dose of popular sovereignty. In Kansas two elections had been held on the suspect Lecompton Constitution, the slave-state forces winning the first, 6,143 to 569, and free-state forces the second, 10,288 to 138. The first election was boycotted by the free-state electors and the second by slave-staters. Richardson felt that a referendum on a constitution, impartially conducted with a majority of Kansans voting (both slave- and free-staters), could be used as a basis for

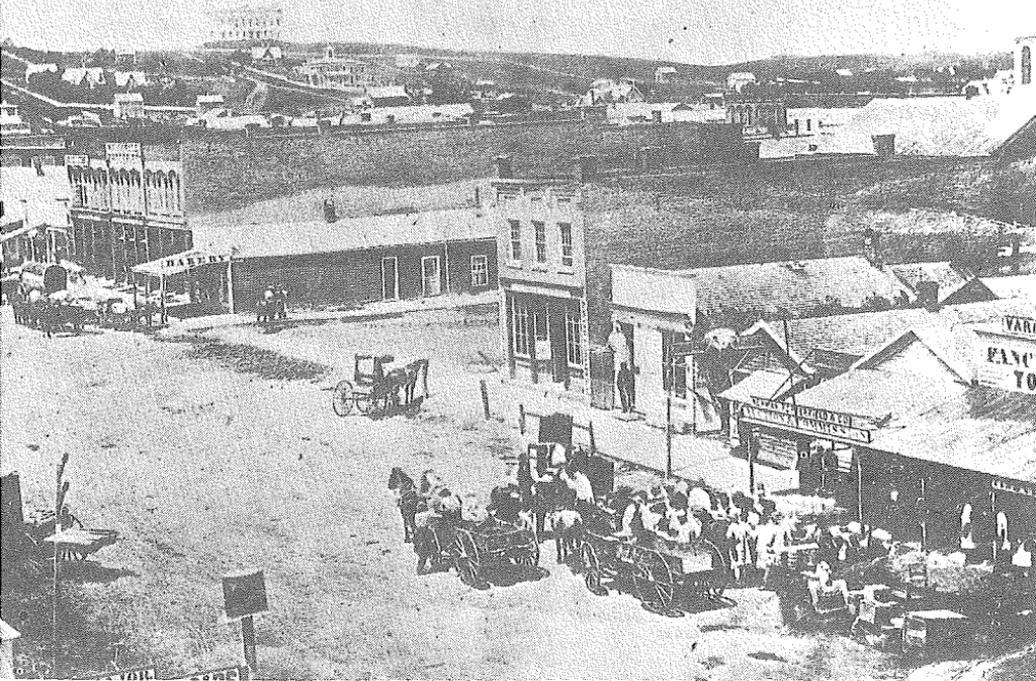
its admission as a state, either by proclamation or by enabling act. It would be impossible to call a constitution a fraud if a majority of the people ratified it, he reasoned.

Looking toward 1860, Richardson expanded his view that the only position which the Democrats could reasonably take was a broad conception of the sovereignty of the people—their right to make constitutions, even at the territorial stage, rather than to have one selected and reviewed by Congress. Douglas's espousal of that position, Richardson argued, would guarantee his nomination for the presidency in 1860 if he were "prudent and courteous."¹⁶

Richardson also made popular sovereignty the theme of a short tour of the territory after the legislature went home, and at each place he visited he was feted in welcoming celebrations. At Nebraska City he reiterated that Nebraskans had convinced him of the correctness of his stand on popular sovereignty. At Brownville he left his steamer for a social "hop" which was hastily prepared for him, after which he headed for Illinois on leave.¹⁷

In his absence newspapers editorialized on the favorable impression Richardson had made on Nebraskans and on his promise of a bright future in the territory, but there were also a few recriminations. Supporters of the rump legislature continued to object to what they considered his interposition of federal authority into matters better resolved by popular decision, and some accused him of discourtesy because an assistant, in returning bills passed at the session, had thrown them on a table in the Willet House. The apparent difference in interpretation of popular sovereignty in Nebraska arose over method in achieving it; that is, the role each of the following should play: the elected territorial legislature, the federally appointed governor, and the people through referendum.¹⁸

In Richardson's absence, unrest in the territory continued. J. Sterling Morton, the young Nebraska City newspaper publisher, was fomenting a movement to permit the area south of the Platte to secede from the remainder of the territory; and when Secretary Thomas Cuming died in April, 1858, a number of budding politicians organized campaigns to succeed him. Secretary of State Lewis Cass acknowledged that Richardson's recommendation would be decisive in naming Cuming's successor; therefore, candidates vied for the governor's favor.



The second territorial capital (background on hill) was completed in 1858. A photographer took this picture from the 13th and Farnum intersection of Omaha, c. 1860.

Captain William E. Moore of Omaha stopped Governor Richardson in St. Louis on his return trip to the territory and solicited his recommendation for the position. When Richardson discovered that Morton had also wanted the position, he tried to water down the recommendation for Moore, but still he did not feel it necessary to advance Morton's claims too insistently in Washington.¹⁹

Having returned hastily to Nebraska without his family, Richardson was restless with inactivity. There was little day-to-day administration that required his attention in the capital, and to fill his time he rode the circuit of county seats with district judges and carefully scrutinized the legal system of Nebraska. Only the common law really governed the territory, he found, because at the previous session of the legislature the representatives, in order to protect some of their clients who were under indictment, had repealed the criminal code over the veto of Governor Mark W. Izard. Such blatant irresponsibility annoyed Richardson, and he proposed to make corrections as soon as possible. Temporarily the judges had to make law in order to avoid the full impact of the common law which prescribed the death penalty for such common felonies as

arson, assault, and burglary. Richardson was also interested in checking how well the laws passed by the rump session stood up in court. His personal view was that "no respectable lawyer [would] urge them before an intelligent court in this age of the world."²⁰

But legal scholarship soon paled, and Richardson waited impatiently for the appointment of Cuming's successor. In a letter to Secretary Cass he tried to hasten the appointment in order to be free to leave Omaha for St. Louis to spend money designated for library purposes. He was distressed about the poor choice of books made thus far and wished to provide legal reports so that the justices could ground their decisions in formal scholarship. When Morton was appointed, Richardson wrote him that he would be expected to come to Omaha as soon as his commission arrived in order that he be available to serve as acting governor in Richardson's anticipated absence.²¹

Richardson found some respite from his boredom by helping to organize the Democratic Party in the territory. Having been created by a Democratic administration, the territory displayed a natural affinity for the Democrats, but little effort had been made before Richardson's time to bring the territory into the mainstream of national politics. On May 22 a Democratic organizing convention was held at which the governor spoke. The reports made it appear that the speech was Richardson's only connection with the convention, but more than likely he had suggested the meeting and helped to propose the plans for organization.²²

Richardson hoped to solve another very serious territorial problem with political organization. He involved the Democratic Party in solving the unsavory state of banking and finance by ordering James G. Chapman, the district attorney for the First Judicial District, to file suits in the courts to eliminate banks organized without charters and to require banks to redeem notes which they had issued. Then the governor called a special election, in which the Democratic legislative candidates ran on a platform promising to rectify banking problems at the forthcoming session.²³

When Morton's commission finally arrived, Richardson combined his book-buying trip to St. Louis with a trip home to see his family. He relished the opportunity to assess the political situation in western Illinois in preparation for the senatorial

race because he believed that the successful party in the Illinois senatorial contest would also carry the presidential election in 1860. In a letter to Douglas, he regretted that he was not running for office in Illinois, but he also hinted that he entertained plans for himself in Nebraska when it became a state.²⁴

The governor had said that he was going to Illinois to get his family, but if that were true, he had changed his mind by the end of his leave. The event that provided him second thoughts about taking his family to Nebraska was the replacement of Austin Brooks as the Quincy, Illinois, postmaster by a Buchanan Democrat, W. H. Carlin. The apparently developing purge in Washington of Douglas men made his remaining in office in Nebraska improbable.²⁵

The *Quincy Herald* predicted Richardson's resignation when he returned to Nebraska in early August. The prediction was correct. However, he first called a special session of the Nebraska Legislature based on the August elections and then designated the special session the *regular session* for the year so that he could supervise its activities before he left. He wanted to leave the state before January 1, 1859, but he had decided upon some special projects which he wanted to see enacted into law. The results of the election, moreover, had been somewhat disappointing to the Democrats, who now more than ever needed Richardson's political acumen.²⁶

The election placed the council in the hands of the Democrats, but Republicans and anti-Douglas men controlled the house. Some press accounts claimed that influence-peddling by Alexander Majors and William H. Russell at Nebraska City and the patronage of Surveyor General John Calhoun had carried the house vote against the Douglas Democrats.²⁷ Morton tried to salvage what power he could for the Democrats by drafting a letter to the U.S. Treasury Department in Washington, D.C., inquiring if the territorial secretary had the power to appoint the state's public printer. If denied the privilege, Republicans in the house could not use the printing patronage to their advantage.²⁸

Richardson's resignation compounded the problems for the Democrats in Nebraska. Morton, for one, could not decide whether he was a Richardson or Buchanan Democrat. He desired the personal friendship and influence of the governor,



Congressman William A. Richardson (right) of Illinois in 1862 unsuccessfully backed J. Sterling Morton (center) of Nebraska for territorial delegate. Congressman Daniel W. Voorhees of Indiana (left) also spoke in Morton's behalf. This photo was taken at the time of hearings held in Washington, D.C.

but he was not beyond denouncing the Douglas men behind the governor's back in a letter to President Buchanan while seeking the governorship for his friend, Samuel W. Black.²⁹

The legislative assembly convened on September 21, 1858, and after a day of organizational activities, the houses met jointly to hear the governor's message. Richardson proceeded immediately to the two most pressing problems: (1) the necessity for criminal and civil codes for the territory and (2) the need for increased pay for the territorial treasurer and auditor commensurate with their difficult task—the collecting of revenue. To overcome some of the sectional strife of the territory, the governor urged petitioning for a bridge across the Platte River. For the economic health of the territory, he recommended exploitation of the iron and coal resources.³⁰

Nebraska legislators had often ignored the suggestions of his predecessors, but most of Richardson's suggestions were referred to committees and given consideration. An occasional hint of disagreement developed between the executive and the legislature, but Richardson handled matters with great aplomb. For example, he vetoed a franchise for a ferry on the Missouri River because an identical one had already been granted in 1855. He reluctantly approved the divorce of James from Salina Hickman, but at the same time he registered his serious reservations about the power of the legislature to grant divorces without due process of the equity courts.³¹ Lighter moments also occurred in the legislative proceedings. Hiram Bennett, speaker of the house, related one such episode involving the governor:

The Committee of the Whole was awaiting the arrival of the speaker to continue the session. Since the interval ran longer than usual, the house took a break for lunch, during which the spirits consumed outweighed the food. When the chairman returned after lunch, he breezily announced that he would recognize anyone sober enough to claim the floor. The least sober member, however, responded the loudest and in the ensuing uproar legislators shouted, "Who has the floor? Who has the floor?"

Morton, who was watching the proceedings, decided to play a practical joke. He rushed to Richardson's office and told him that the house was in a horrible state of confusion. The governor, who had also been to lunch with the members, rushed

into the legislative chamber thundering, "Peace, peace, G-- d-- you, peace!" only to discover that the speaker had returned to the chair and everything was in order. Afterwards, Richardson confessed to Morton that he had made a "fool of himself."³²

The success of the fifth session of the legislature is attested to by the significant body of law placed on the books. Nebraska once again was administered under a criminal and civil code, patterned this time at Richardson's behest after the Illinois codes. A host of new general laws regulated elections, office holding, tax collections, court sessions, the liquor trade, and public schools. Special laws included a procedure for divorce cases, relief bills, road laws, and a code for corporations. The Nebraska University was incorporated in Fontanelle. Many individuals and organizations benefited from the joint resolutions concurred in by the council and house of representatives; among fields covered were homesteading, control of Indians, government lands for rail and mail routes, and a Platte River bridge.³³

One hundred and sixty-five laws were passed, a splendid record of sound legislation. In his report on the session to President Buchanan, the one area of disagreement Morton noted was the difficulty encountered over a law to prohibit slavery in the territory. Douglas and Richardson had stoutly maintained, in opposition to the Buchanan administration, that popular sovereignty had always signified the power to decide upon that question during the territorial period, but the records do not acknowledge any desire by the governor to put the question to a test. The introduction of the bill into the legislature suggests that the Dred Scott Decision had not solved the issue, but with his concern for the impending presidential election, one may assume that Richardson did not wish to be on record one way or the other.³⁴

As a final act, Richardson proclaimed December 4, 1858, a day of prayer and thanksgiving.³⁵ His resignation took effect the following day, and shortly thereafter he took leave of Nebraska, thankful to be on his way to Quincy. Richardson's departure was "regretted by those . . . best acquainted with him," the *Nebraska Advertiser* commented. Morton, describing the legacy Richardson left behind, said in his report to President Buchanan:

The people of this Territory are without the drawback either of political conspirators at home, or abolition-emigrant aid Societies abroad. . . . [The legislature has] quietly, with great intelligence and industry, [worked toward] founding a state, which at no distant day will vie with any in the Union, in wealth, education and sound Democratic Conservation.³⁶

What Morton did not record was the fact that the champion of popular sovereignty had been successful largely because he asserted his aggressive leadership often in opposition to the will of the people's elected representatives. If Richardson on his part recognized any inconsistency between his popular sovereignty views and his actions as governor, he did not acknowledge it.

NOTES

1. For a convenient outline of Richardson's career see Robert D. Holt, "The Political Career of William A. Richardson," *Journal of Illinois State Historical Society* (October, 1933).

2. *Congressional Globe*, 32:2, 374-375, 555, 558-563.

3. *Ibid.*, 33:1, Appendix, 794-796.

4. Stephens to his brother, May 23, 1854, Stephens Papers, Library of Congress; and Douglas quoted in Allen Johnson, *Stephen A. Douglas*, 255. Roy Nichols deserves great credit for bringing a high degree of order to the debates on the Kansas-Nebraska Act in his *Blueprints for Leviathan American Style*, *passim*.

5. *Quincy Herald*, November 27 and December, *passim*, 1854.

6. *Congressional Globe*, 34:1, 217-227; Blair to Banks, January 28, 1856, Blair Papers, Illinois State Historical Society.

7. *Illinois State Journal*, May 2, 1856, G.H.R. to Washburne, May 4, 1856, Washburne Papers, Illinois State Historical Society; Edward West to Douglas, June 26, 1856, Douglas Papers, University of Chicago; William H. Collins and C.F. Perry, *Past and Present of the City of Quincy and Adams County, Illinois*, 167.

8. J.W. Singleton, "Resolutions to the Bar of Quincy," February 2, 1876; J. Sterling Morton, *Illustrated History of Nebraska*, I, 372.

9. *Quincy Herald*, December 28, 1857.

10. *Omaha Times*, January 18, 1858.

11. Certificate by Richardson in Nebraska Territorial Governors' Papers, January 11, 1858, Nebraska State Historical Society.

12. *House Journal, Nebraska Territorial Legislature*, 4th Session, 171-172; David H. Price, "Sectionalism in Nebraska: When Kansas Considered Annexing Southern Nebraska, 1856-1860," *Nebraska History*, 53 (Winter, 1972), 447-462. The disagreement had come about because representatives south of the Platte River, which bisects the state on an east-west axis, felt they were being discriminated against.

13. *House Journal*, 173-174.

14. An exchange of letters between Richardson and the Florence group was reprinted in the *Nebraska Advertiser*, January 21, 1858. Also see the *Advertiser* on January 28, 1858; Cuming to William Medill, January 29, 1858, Nebraska Territorial Papers, U.S. Department of State, R.G. 49, N.A.R.S. (microfilm).

15. Richardson to Buchanan, January 15, 1858, Nebraska Territorial Papers.
16. Two letters from Richardson to Douglas, January 19, 1858, Douglas Papers.
17. *Nebraska Advertiser*, February 11, 25, 1858.
18. *Ibid.*, March 11, 1858; B.P. Rankin to Douglas, March 7, 1858, Douglas Papers.
19. Morton to Douglas, March 10, 1858, Douglas Papers; W.E. Moon to Morton, April 12, 1858, Morton Papers, Nebraska State Historical Society; *Nebraska Advertiser*, April 1, 1858; Richardson to Cass, April 17, 1858, Nebraska Territorial Papers.
20. Richardson to Morton, April 22, 1858; B.P. Rankin to Morton, April 18, 1858, Morton Papers.
21. Richardson to Cass, May 17, 1858, Nebraska Territorial Papers; Richardson to Morton, April 28, 1858, Morton Papers.
22. *Nebraska Advertiser*, June 3, 1858.
23. Richardson to Chapman, May 25, 1858, printed in *Ibid.*, June 10, 1858; Mabel Neale, "The History of Banking in Nebraska, 1854-1889" (Master's thesis, University of Nebraska-Lincoln, 1933), 45-50.
24. Richardson to Douglas, July 27, 1858, Douglas Papers.
25. William A. Richardson, Jr., to Morton, n.d., Morton, *Illustrated History*, I, 376.
26. *Quincy Herald*, August 16, 1858; *Messages and Proclamations of the Nebraska Governors*, Vol. I, 93-94.
27. *New York Evening Post* quoted in *Chicago Daily Tribune*, September 7, 1858; *Quincy Herald*, August 30, 1858.
28. Morton to William Medill, August 13, 1858, Morton Papers.
29. Morton to Buchanan, September 15, 1858, Morton Papers.
30. *House Journal, Nebraska Territorial Legislature*, 5th Session, 9-13.
31. *Messages and Proclamations of the Nebraska Governors*, I, 91-92.
32. Morton, *Illustrated History*, I, 376.
33. *Laws of Nebraska Territory, 1858*, 1 ff.
34. Morton to Buchanan, November 16, 1858, Morton papers; O.M. Dickerson, "Stephen A. Douglas and the Split in the Democratic Party," *Proceedings of the Mississippi Valley Historical Association* (1913-1914), 198.
35. Thanksgiving Proclamation, November 10, 1858, Morton Papers; *Nebraska Advertiser*, December 16, 1858.
36. Morton to Buchanan, December 31, 1858, Morton Papers.