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## Article Title: Opposition to British Agricultural Investment in the Northern Plains States, 1884-1900

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Article Summary: Alien land ownership became an important topic in the late nineteenth century. In Nebraska relevant land planks frequently appeared in party platforms and regulatory laws were passed. In the Dakotas fear that anti-alien policies would set off a credit crisis made it impossible to pass such laws.

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Photographs / Images: Senator Charles H Van Wyck, Representative James Laird, Jabez (Jay) Burrows, Leonard W Colby, Beatrice land office form recording the 1870 purchase of three sections of land in Logan County by William Scully, map showing the Frederick Scully holdings in Gage County in 1936, map showing the Frederick Scully holdings in Nuckolls County in 1936

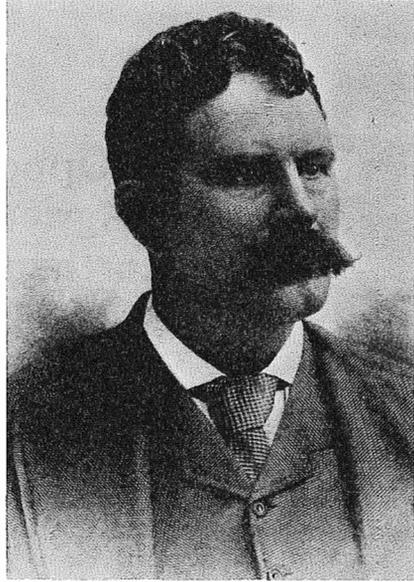
# Opposition To British Agricultural Investment in the Northern Plains States, 1884-1900<sup>1</sup>

By Larry A. McFarlane

Agrarian reformers throughout the Midwest struggled with the issue of alien agricultural investment in the late nineteenth century. Political activists in the northern Plains states of Nebraska and the Dakotas joined in the debate over the right of aliens – mostly Britons – to own rural land, ranches, farms, country estates, tenant farms, and mortgage investments. Yet the general<sup>2</sup> and political<sup>3</sup> histories of the three states neglect the topic as do the standard studies of agrarian politics for that era.<sup>4</sup> Several authors have published essays on the subject, but limitations of space and information sacrifice detail and sometimes even accuracy.<sup>5</sup> Thus no systematic, state-by-state survey for the three states is yet available. Moreover, no study has compared the types and magnitudes of British investment in these states with the political perceptions and policy responses of the citizens.

This essay is an initial step toward a systematic study of the topic. Why did Nebraskans develop such a strong policy regarding alien investment while Dakotans did little or nothing? This essay will first sample some of the reformers' book-length tracts which attacked alien investment. Second, Nebraskans' political responses, state party platforms, and legislation will be surveyed, followed by a similar section on North and South Dakota. Third, the patterns of British investment in the three states will be discussed and compared with political perceptions and policies.

Agrarian reformers' book-length tracts frequently attacked British investments in rural mid-America. Some works specifically condemned alien ventures in Nebraska and the Dakotas. In 1886 Sarah M. Brigham's *Waverland* allegorically indicted the evils of Irish landlordism, which she charged was also spreading rapidly through America. An important character in the story was William Scully, thinly disguised as Lord Sanders; he bragged that he derived "nearly two hundred thousand Dollars a year from tenant farmers in America."



*Senator Charles H. Van Wyck (left) and Representative James Laird opposed alien land ownership in the 1880s.*

Under his guidance the young Duke of Melvorne, another character in the story, purchased a large tract of land for tenant farms in Dakota. He obtained the holdings by purchasing railroad grant lands and used dummy entrymen to acquire government acreage. He also owned a growing number of large ranches and farms in other states. According to Brigham, Englishmen possessed about 20,000,000 acres in America and were rapidly getting more. Melvorne boasted, "We are gaining the lands our fathers lost without fighting any bloody battles for them."<sup>6</sup>

In 1890 J. R. Elliott's *American Farms: Their Condition and Future* deplored the heavily mortgaged condition of farms in Nebraska, Dakota, and elsewhere. The author asserted that the creditors were mainly Scottish, English, and New England capitalists. Moreover, aliens were rapidly absorbing much of the new land in Western states by building vast rural estates. He concluded that "British capital is fast coming to the position of controlling more land in America than at home."<sup>7</sup> In 1892 the well-known Alliance and Populist lecturer, Mrs. Sarah E. V. Emery, published *Imperialism in America* in which she attacked the international money power of English alien plutocrats, who allegedly controlled 61,900,000 acres of the United States. Foreign investors also preferred western farm mortgages of which one group of English partners held \$500,000 in Nebraska alone.<sup>8</sup>

One of the most outspoken reformers was W. H. Harvey, who repeatedly indicted the practices of English mortgage creditors,

estate builders, ranchers, and landlords in America. In his widely read 1895 book, *Coin's Financial School Up to Date*, Harvey claimed that "Viscount Scully of England" owned "3,000,000 acres of land in Illinois, Iowa, and Nebraska." His lordship maintains an elaborate system of bailiffs." The book then displayed a map of the U. S. which alleged that half of Nebraska and South Dakota and one-eighth of North Dakota were "owned by titled foreigners." He concluded that "'foreign investors' who have been buying up the country ever since they were aided by the gradual establishment of a single gold standard never felt more encouraged than at the present time."<sup>9</sup> His last major book, *Coin on Money, Trusts, and Imperialism*, appeared in 1899.<sup>10</sup> Harvey again warned against the rapid spread of English investments, mortgage loans, and land holdings in the United States. This time he had Scully owning tenant farms of 80,000 acres in Illinois and 50,000 acres in southern Nebraska and northern Kansas.

Besides reading books containing attacks on alien land ownership, Nebraskans registered hostility to such practices during the 1880s and 1890s. In 1884 Charles H. Van Wyck, Republican senator from Nebraska, secured passage of two Senate resolutions demanding separate investigations of large scale acquisitions of public lands by alien individuals and firms (e.g., Sykes and Hughes in Dakota) and reports of the findings with legislative recommendations. In May Van Wyck introduced S. 2155 to restrict alien land ownership in the territories.<sup>11</sup> Apparently he was not concerned about alien ownership in his home state.<sup>12</sup>

However, in the House his Nebraska colleague, James Laird of Hastings, reacting to growing hostility to Scully tenant farms in his district, introduced H. R. 1415 in early 1886 to prohibit alien land ownership in the United States.<sup>13</sup> That same year a writer for a Nebraska Farmers' Alliance chapter compared the growing evil of land monopoly in the West to conditions in Ireland and asserted that "the great mission of our government is to see that all classes have an equal chance in the great race."<sup>14</sup> The farms of Anglo-Irish landlord William Scully in Nuckolls and Gage counties precipitated an "unrestrained and vituperative attack" by Nebraska newspaper editors between 1886 and 1888.<sup>15</sup> For instance, an editorialist in Lincoln's *Nebraska State Journal* of February 2, 1887 deplored the

tendency among foreign capitalists to hold large sections of Nebraska land as permanent investments, for the introduction of the landlord system of Great Britain which has proved such a curse to Ireland, Scotland and some parts of England. One Irish capitalist has today over 40,000 acres of land in Nuckolls county that is being peopled by tenants.

Beginning in 1889 Jay Burrows, editor of the *Farmers' Alliance* (Lincoln), official newspaper of that organization in Nebraska, mounted a

series of attacks on alien ownership and land monopoly in the state.<sup>16</sup> In May 1890 Burrows largely shaped the state's Alliance "Declaration of Principles," which called for the formation of a people's independent party and included a strong land plank.

The land monopoly should be abolished either by limitation of ownership or graduated taxation of excessive holdings, so that all the competent should have an opportunity to labor, secure homes, and become good citizens; and alien ownership should be prohibited.<sup>17</sup>

Other Nebraska agrarian newspapers, both of state-wide and local circulation, continued to attack alien land ownership until 1895 when the state's new Populist leaders began concentrating their efforts narrowly on the money question and on fusion with Democrats to the exclusion of other issues.<sup>18</sup>

Party platforms were also important indicators of the importance of the alien land issue. From 1884 through 1892 thirteen of forty-four platforms issued by political parties in Nebraska contained specific statements opposing alien land ownership.<sup>19</sup> Six of the thirteen also endorsed their respective national party platforms which attacked the alien issue.<sup>20</sup> The remaining seven sought the reform even though their parent organizations were silent on the matter. In addition to the six previously mentioned, thirteen more of the Nebraska party documents endorsed national platforms which addressed the issue, though these state-level pronouncements failed to mention it.<sup>21</sup> Even after the end of the era (1884-92) of specific reference to the issue in



*Jabez ("Jay") Burrows*

Nebraska, several state party platforms continued to endorse national campaign documents which included planks on the alien issue: the Democrats annually in five instances (1896-1900),<sup>22</sup> the Populists twelve times (1893-1904), middle-of-the-road Populists twice (1899, 1900), and the Silver Republicans in 1899.

Many approaches to the alien land issue were employed by the writers of the thirteen Nebraska party platforms which contained planks on the topic. Seven of the documents sought prohibition of alien land ownership only in the future, while the other six also wanted to reclaim all lands currently held by foreigners.<sup>23</sup> Ten of the platforms demanded an end to ownership by all aliens, but three singled out only non-resident foreigners.<sup>24</sup> Seven of the documents attacked large-scale alien landowners, individual and corporate, while the other six were not that specific. Three of the platforms limited the proposed ban on ownership only to public lands;<sup>25</sup> six others sought to prohibit such holdings in all of the U.S. (with one seeking a ban only in Nebraska); and three were too vague to permit the identification of a specific geographic or tenure focus.<sup>26</sup> Seven sought reform legislation by Congress and one demanded amendments to Nebraska's land laws;<sup>27</sup> the other five vaguely called for legislation but did not specify whether federal or state action was being demanded. The state's constitution provided that no distinction between resident aliens and citizens was ever to be made in reference to property ownership. During the era no notable political movement developed to amend this part of the constitution.

In 1887 both the Congress in Washington and Nebraska's legislature passed laws which restricted alien land ownership in various ways.<sup>28</sup> However, the publication of eight of the thirteen state party platforms with anti-alien land planks after 1887 is persuasive evidence that many Nebraska citizens remained dissatisfied with the provisions of these state and federal laws.<sup>29</sup> The most widespread complaint was the failure of both acts to ban alien ownership absolutely and retroactively. The U. S. constitutional ban on *ex post facto* laws seems not to have deterred reformers' enthusiasm for their demand. Five of the eight post-1887 platforms sought the retroactive provision. Many Nebraskans wanted farm lands to belong only to citizens. Six of the eight platforms demanded that only U. S. citizens be able to own land. Two (Union Labor - 1888, Prohibition - 1892) wished to ban only non-resident aliens, and one of these (Union Labor) also sought acreage restrictions, not a ban, for resident alien owners.

The second most important demand was that the ban on alien ownership be extended to all land in the U. S., not merely to public land in the territories as the federal act specified. Only the Democrats in their 1890 platform continued to seek a limit solely for public lands. Another significant feature of the post-1887 years was the relative

absence of the two major parties from the list of participants. The Republicans ignored the issue during these years, and the Democrats included a weak plank in 1890. The campaign was virtually a third-party movement in Nebraska with the Farmers' Alliance and Populists competing most vigorously for ownership of the issue. The Populist plank of 1891 typifies the rhetoric of the era: "We demand the passage of laws prohibiting alien ownership of land; [and] that Congress take prompt action to devise some plan to obtain all the lands now owned by alien and foreign syndicates."<sup>30</sup> The statement was virtually copied from the 1890 Union Labor plank, possibly indicating the attempt of third parties to steal issues and members from each other. The abrupt end of specific planks on this issue in all Nebraska party platforms after 1892 apparently signaled its displacement by a rapidly growing interest among local third parties in the panaceas of silver and fusion. Meanwhile, the reformers' efforts enjoyed some success with the passage of three new laws in their state.

In 1887 Nebraska's legislature passed "an act to prohibit non-resident aliens from acquiring or holding real estate in . . . Nebraska" (S. F. 1, or Chapter 62). The law thereafter forbade non-resident aliens to hold any real estate or interest therein in Nebraska by purchase or inheritance, but it permitted a current foreign owner to sell, mortgage, and bequeath (even intestate) properties as if the alien were a native citizen of the U. S.<sup>31</sup> A much more restrictive law also passed in that session was "an act to prevent the acquiring of title to lands in . . . Nebraska, or the descent thereof to non-resident aliens" (H. R. No. 43, or Chapter 65). Introduced by Relzy M. Aiken, Republican representative from Nuckolls County, the act thereafter barred all non-resident aliens who had not declared their intention to become U. S. citizens and corporations not incorporated in Nebraska from owning or inheriting any real estate in the state. Without acknowledging it, the law then nullified the section of the previous act (S. F. 1) which permitted the descent of property. The new act stated that upon the death of any current non-resident alien property owner, his lands became the property of the state of Nebraska, not of the heirs of the deceased person. The government would then pay such persons the value of the property minus the costs of the appraisal. An emergency clause activated the law immediately after its approval on March 31, 1887.<sup>32</sup> The intent of the law was to force non-resident aliens to begin the naturalization process and alien corporations to incorporate in Nebraska. The act also exempted real estate "necessary for the construction and operation of railroads." By failing to specify the status of alien mortgagees, the law left those creditors in limbo and caused a temporary withdrawal of several British firms from the state.

The bill passed the House overwhelmingly by a vote of eighty-three to nine with eight absent. Four who voted against it expressed their

opposition on the grounds that the measure was unconstitutional because of its retroactive nature and because earlier favorable state laws had encouraged aliens to purchase lands.<sup>33</sup> The negative votes and absentees for this bill and also the seven opponents and nine absentees for the milder S. F. 1 were all from the eastern half of the state, which suggests the existence of a core group of foreign investment advocates in the older counties. Eighty-four voted for the bill. There were seventy-one Republicans, twenty-eight Democrats, and one Independent in the House; of thirty immigrants twenty-three voted yea, five voted no, and two were absent for H. R. No. 43 with twenty-one of these supporting S. F. 1, four opposed, and five absent. Thus most immigrant legislators supported both bills. More Democrats than Republicans opposed both bills in the House, but members of both parties in that chamber overwhelmingly supported the two acts.

In the Senate Leonard W. Colby, a Republican from Gage County, introduced the milder S.F. 1, which passed by a vote twenty-seven to three with three absent. All six opponents and absentees were from the eastern half of the state; none were immigrants; only one was a Democrat. In dealing with the harsher H. R. No. 43 the more conservative Senate only narrowly passed it by seventeen to sixteen. All of the negative votes came from the eastern counties; only one was a Democrat



*Leonard W. Colby*

and four were immigrants. Of five immigrants in the Senate, all voted for S. F. 1, but only one favored H. R. No. 43. There were twenty-five Republicans and eight Democrats in that chamber.

In the 1889 legislature L. H. Jewett, a Republican banker from Broken Bow in Custer County, introduced S. F. 195.<sup>34</sup> The Bill subsequently passed with overwhelmingly bipartisan support: twenty-seven to two with four absent in the Senate and by sixty-nine to one with twenty absent in the House. With only two exceptions those lawmakers absent or opposed to the measure were from the eastern half of Nebraska. The only notable negative vote was cast by Republican Senator I. W. Funck of Beatrice, Gage County, a site of Scully tenant farms. Approved on March 16, 1889, the new act thereafter forbade non-resident alien individuals and corporations to acquire real estate in Nebraska. Heirs could hold such property for only ten years. Unless those persons became residents of the state, such lands were then forfeited to Nebraska after which the value of the land minus appraisal costs would be given to the heirs. Alien mortgage companies were granted full legal status in their lending and foreclosures except for a ten-year restriction on property holding; alien-owned urban real estate was totally exempted from any restrictions. Alien owners of factories (and railroads, as in the 1887 law) were now permitted to hold property necessary for construction and operation of their enterprises without restrictions.<sup>35</sup> Thus by adding a ten-year transition period, dropping the naturalization part of the residence requirement, and by exempting alien mortgagees and urban real estate, the 1889 measure clarified and considerably weakened the 1887 legislation.

In the 1891 legislature two Populist representatives introduced bills on the issue. Fred Newberry, a farmer from Aurora in Hamilton County, sponsored H. R. No. 228, which restricted non-resident aliens' and foreign corporations' rights to acquire and hold real estate. But the proposal died after the judiciary committee recommended indefinite postponement. C. D. Schrader, a farmer from Logan in Logan County, introduced H. R. No. 307 which prohibited alien groups and foreign corporations to acquire lands for profit or speculation and for the dissolution of any such existing organizations. But this bill also died, although the same committee recommended passage after some amendments.<sup>36</sup> These aborted attempts proved to be the last hurrah of the alien land reformers. With only minor modifications in this century, the 1889 alien land law has remained virtually intact to the present time.<sup>37</sup>

The story in Dakota was considerably different. The territorial Farmers' Alliance opposed the prohibition of alien land ownership, because the membership knew firsthand that their province was desperately short of farm-mortgage credit. For this reason the Alliance platform of 1886 omitted any mention of the issue. The farmers'

organization also opposed the passage of the federal anti-alien land law of 1887, which produced a local credit crisis.<sup>38</sup> Dakota's territorial governor, Louis K. Church, complained about the act of Secretary of the Interior Lucius Lamar in two consecutive reports. In 1887 and 1888 the governor wrote:

While it prohibits aliens from acquiring great and extensive tracts of land it also prevents our people from receiving the benefit of foreign capital seeking investment on mortgage security. The object the law has in view is desirable, yet if some modification could be made to enable capitalists or moneyed corporations to loan money in the Territories (as they did previous to the passage of this act, in large amounts), and in case of their becoming the owners of property through the medium of an investment thus made, allow them a certain time to dispose of the same, and to surround the main feature of the act with such further safeguard as prudence dictates, our people would have access to a larger amount of capital, which would greatly aid in the development of our resources and would lighten the burden that a high rate of interest imposes on the borrowers, who in a country like this are necessarily numerous.<sup>39</sup>

When Church received letters protesting the 1887 law, he referred his correspondents to the above reports.<sup>40</sup> Because of the law the crisis persisted, and in 1889 the Dakota Farmers' Alliance Company sent officials to England to obtain investment funds for farm loans. The law, however, was well known in Britain, and the Americans failed to raise any money.<sup>41</sup>

Dakotans' first opportunity to remedy the crisis arrived with the admission of North and South Dakota as states in 1889. The constitutions of both states granted resident aliens the same property-holding rights as citizens.<sup>42</sup> In 1890 the South Dakota legislature passed a law (Chapter 123) granting aliens the same property rights as citizens, and the next year the lawmakers eliminated from a bill a proposed ban on the holding of land by non-resident aliens.<sup>43</sup> No attempt was made in North Dakota to restrict aliens' property rights.

As might be expected, the alien land issue was not nearly so prominent in Dakota political party platforms as it was in Nebraska. Only five references to the topic have been found. Less than a month after the northern and southern portions of the territory had achieved statehood, the territorial Farmers' Alliance held its final meeting at Aberdeen on November 26, 1889. The organization's platform took a strong stand on the alien issue. "We demand that aliens be prohibited from owning lands in the United States and that the [federal] Government shall, by purchase and the right of eminent domain, obtain, after a reasonable time, possession of all lands owned by aliens."<sup>44</sup> Two and a half years later the North Dakota Farmers' Alliance platform drafted at the Valley City meeting of June 14-16, 1892, asserted: "The land. . . is the heritage of all the people and should not be monopolized for

No. 3494 LAND OFFICE at Beatrice Neb June 13 1870

It is hereby certified, That, in pursuance of Law, William Scully

Logan County, State of Illinois on this day purchased of the Register  
of this Office, the Lot or All of Section Twenty eight - all of Sec Twenty nine  
and all of Section No. Thirty (30) in Township No.  
One (1) of Range No. Five (5) West containing  
One Thousand Nine Hundred and Twenty  $88/100$  acres, at the rate of  
1 dollar and 25 cents per acre, amounting to Two Thousand Four Hundred  
and One dollars and 10 cents, for which the said William Scully  
has made payment in full as required by law.

Now, therefore, be it known, That on presentation of this certificate to the  
COMMISSIONER OF THE GENERAL LAND OFFICE, the said William Scully  
shall be entitled to receive a Patent for the Lot above described.

Henry M. Atkinson  
Register.

speculative purposes, and alien ownership of land should be prohibited . . . all lands now owned by aliens, should be reclaimed by the government and held for actual settlers only."<sup>45</sup> Apparently agrarians from other states pressed these strong planks on North Dakotans, who adopted the statements even though they were inconsistent with the position taken by most Alliance members in that state.<sup>46</sup>

In addition to the two planks just quoted, North Dakota party platforms from 1889 through 1900 endorsed national party campaign documents containing anti-alien land planks in twenty-one instances. The Democrats did so seven times (1889, 1890, 1892, 1894, 1896, 1898, 1900); the Republicans three times (1889, 1890, 1892); the Farmers' Alliance four times (1889, 1891, 1892, 1894); the Independents (Populists) five times (1892, 1894, 1896, 1899, 1900); and mid-road Populists in 1900; and the Prohibitionists in 1894.<sup>47</sup>

In South Dakota the Democrats endorsed such national platforms six times (1889, 1890, 1892, 1896, 1899, 1900), the Republicans in 1889 and 1890, the Populists in 1894, and the Silver Republicans in 1899 – a total of ten occasions.<sup>48</sup> The first platform of the newly formed South Dakota Independent (Populist) Party in 1890 demanded federal laws prohibiting alien syndicates from owning lands.<sup>49</sup> The state's Prohibitionist platform in 1892 attacked alien land ownership.<sup>50</sup> Again in 1896 the Populists' state platform sought federal reclamation of land owned by alien individuals and corporations. A bombastic resolution in this document ordered all foreign nations to keep their "hands off not only South America but hands off South Dakota, and the United States of America, hands off our land, our public highways, our finance, industries, commerce and legislation." Let us unite "to emancipate this nation from all foreign domination and interference."<sup>51</sup>

In North Dakota the Populists controlled the legislature only once, in 1893. Their leader, Governor Eli Shortridge, promoted a number of reforms, but the legislative session did not include any attempts to pass an alien land bill.<sup>52</sup> By the mid-1890s some Populist newspapers and party members still defended the issue, but it was unimportant as a party goal.<sup>53</sup> In South Dakota only in 1897 did the Populists control the legislature under the leadership of their governor, Andrew E. Lee. The agrarian lawmakers were centrally concerned with regulating railroads, prohibition issues, and initiative and referendum reforms, but they sent a memorial to Congress demanding an investigation of the extent of alien land and securities investments in the U. S.<sup>54</sup>

A survey of the patterns of British investment in the three states will help to explain the various political responses to such alien ventures in those places. Landlordism was the most frequently attacked aspect of foreign investment. William Scully's 63,987 acres of tenant farms in Nebraska symbolized this category for many people. Scully was a

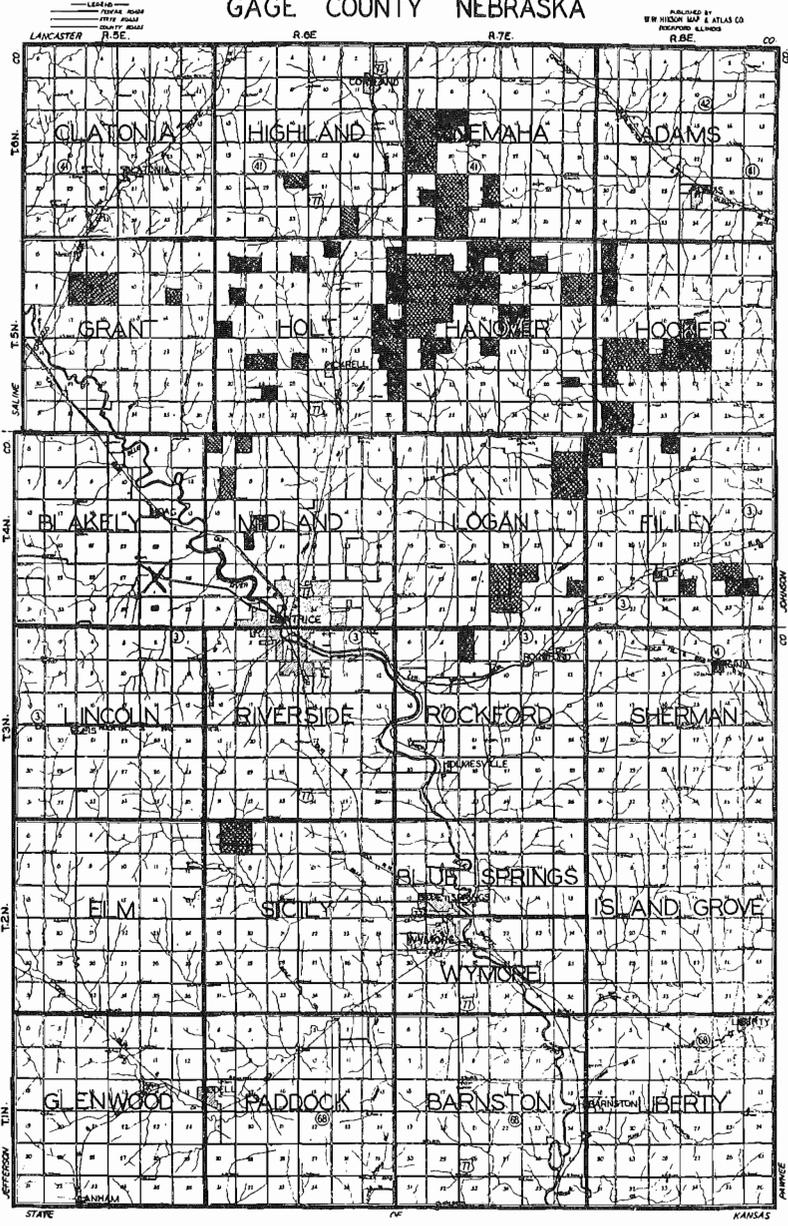
hated landlord in rural Ireland, and Nebraskans feared the presence of such a foreign system in their state. As an absentee alien who remained unknown to his tenants and other citizens, Scully became the subject of many distortions regarding his policies as a landlord. Moreover, he would not sell his holdings, and thus his estate represented the double evils of tenantry and of land lost forever to yeoman farming. However, Scully began the process of naturalization in 1895 and became a U. S. citizen in 1900. This information spread to the public during that time along with the news that Scully treated his tenants well and had stopped adding to his Nebraska lands in 1887. As a result, the press attacks declined significantly, and Scully was no longer an issue.<sup>55</sup> By retaining the 1889 law, however, Nebraskans sent a message to future generations: absentee alien land ownership would not be knowingly permitted.

There were also rural lands held by aliens in the Dakotas. For instance, in North Dakota John S. Sinclair (Earl of Caithness) owned a 3,040-acre farm; Thomas had a bonanza wheat farm; and the Park Red River Valley Land Company owned 7,360 acres of wheat land. Besides these Scottish holdings, the Englishman Richard Sykes owned 62,000 acres, and the North American Land Association of London held 43,136 acres. In South Dakota Scottish investors (through the Scottish American Land Company and the Dundee Land Investment Company) tried to establish settlement colonies such as Scotston in the southeastern counties but without much success.<sup>56</sup>

Landlordism was not a notable feature of any of these ventures. The large-scale alien owners tried repeatedly to sell their subdivided lands to settlers. No local press or political attack is known to have been made against any of these specific British investments. Yet as we have seen, some Dakotans who had no Scully in their states still occasionally employed the same platform statements opposing alien land ownership as in Nebraska. One possible explanation is that these reformers for symbolic reasons initiated the rhetoric of agrarians elsewhere and issued these statements as a warning: alien landowners, especially absentees, should avoid building permanent estates and should become U. S. citizens. For Dakotans Scullyism was an evil to be avoided in the future as well as in the present. The agrarians were advising other states and Washington that all American lands, public and private, should be made off-limits to alien buyers.

Britons also extended loans to farmers on the northern Plains. It is estimated that twenty-three British mortgage companies and nine British-funded U. S. firms held 14.5 percent (\$4.3 million) of the active farm loan debt in South Dakota in 1890 and that twenty-one British and five British-funded American companies owned 9.6 percent (\$2.1 million) on North Dakota's rural mortgages in 1890.<sup>57</sup> In Nebraska at least fifteen British and seven British-funded U.S. firms were

# GAGE COUNTY NEBRASKA



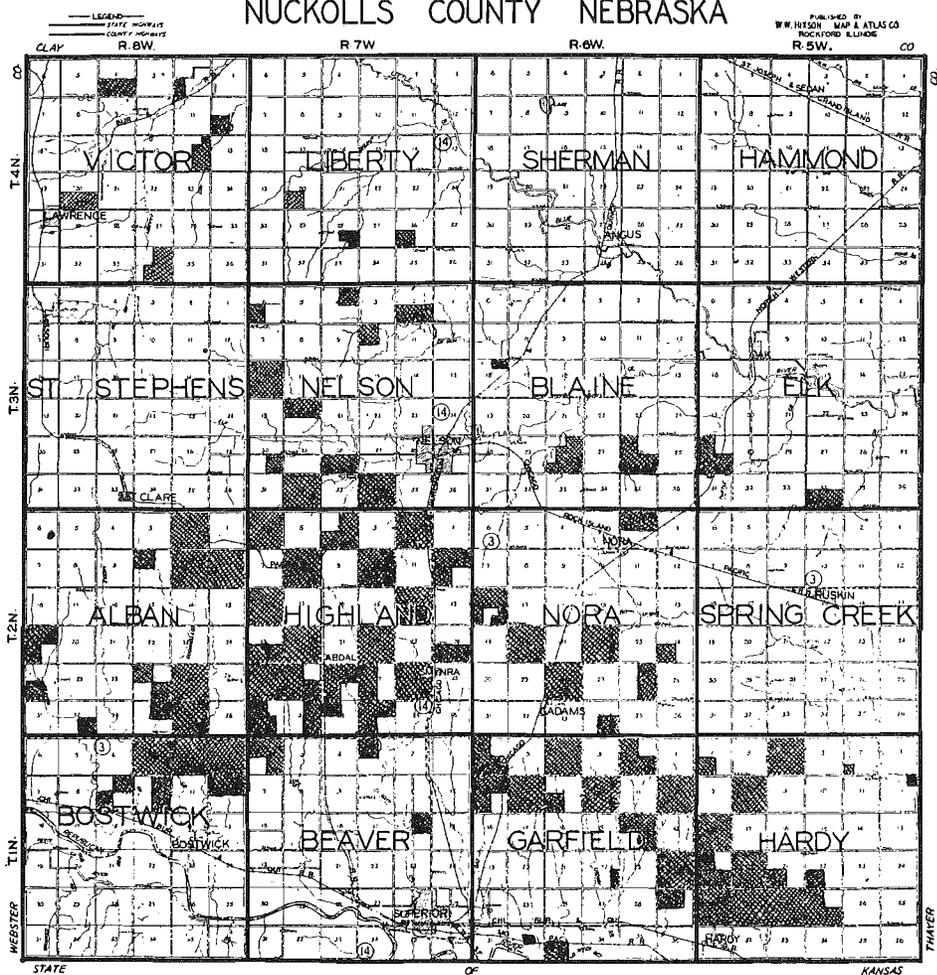
By 1936 the William Scully lands in Gage County (indicated by cross hatching) were owned by his son Frederick. From Addison E. Sheldon's *Land Systems and Land Policies in Nebraska* (Lincoln: Nebraska State Historical Society, 1936), 320.

mortgagees for 3.8 percent (\$3.4 million) of the farm loans in 1890.<sup>58</sup> Thus British investors owned significant portions of the farm credit markets, especially in the Dakotas. It may be that the single most important reason for the absence of anti-alien land laws in the Dakotas was a widespread concern that such policies would start another credit flight as the federal law of 1887 had done. Even in Nebraska, legislators hurried at the first opportunity to exempt alien mortgagees from the most restrictive provisions of the state's 1887 laws two years later. Plains farmers needed mortgages, but they were understandably anxious about real and potential foreclosures.<sup>59</sup> British and other creditors took an increasing number of farms in the late 1880s as the climate cycle worsened and in the 1890s as recession deepened into the 1893 depression. In 1890 British mortgagees held an estimated 20,000 acres of foreclosed lands in North Dakota; 68,000 acres in South Dakota; and 30,000 acres in Nebraska, with these amounts increasing later in the decade.<sup>60</sup> In other states like Kansas, agrarians feared that foreclosures by aliens would be developed into permanent estates for the absentee British aristocracy. This also seems to have been the case in Nebraska – thus the ten-year limit for such land in the 1889 law – and to a lesser extent in the Dakotas as evidenced by comments in reformers' books and platforms and in Governor Church's annual reports. However, such fears must have abated when the British firms resold foreclosed lands as soon as possible with the return of prosperity.

British ranchers who illegally fenced and fraudulently obtained title to public lands were a political issue in Colorado, Texas, and New Mexico. However, in the three states under study it was primarily local American ranchers who got into trouble with the government over their highhanded practices of controlling public lands.<sup>61</sup> There were a number of corporate and individual British ranchers in Nebraska and the Dakotas. These enterprises owned an estimated 9,380 acres in North Dakota; 5,760 acres in South Dakota; and about 100,000 acres in Nebraska. For instance, there was Sir John Pender's Niemmela Ranch in North Dakota, Western Ranches of Edinburgh in South Dakota, and the huge acreage of the Bay State Live Stock Company in Kimball and Banner counties, Nebraska.<sup>62</sup> Many of the British ranches claimed possessory grazing rights to far larger ranges, and some became the subjects of brief controversies over illegal fencing and land titles in the western counties. In 1886 the Dakota Stock and Grazing Company of London was accused of illegally fencing 5,280 acres of public land in Sioux County, Nebraska, as was the Bay State Live Stock Company in Keith County (amount unspecified) in 1887. One possible explanation for the especially strong support for anti-alien land laws by legislators from western Nebraska was this controversial presence of British ranchers in that region. Even after 1900 some set-

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*By 1936 the William Scully lands in Nuckolls County (indicated by cross hatching) were owned by his son Frederick. From Addison E. Sheldon's Land Systems and Land Policies in Nebraska (Lincoln: Nebraska State Historical Society, 1936), 323.*

tlers in the Sandhills continued to associate the British with alleged evils of large-scale ranching.<sup>63</sup> Apparently similar opposition failed to develop in the Dakotas, because the aliens' ranges were isolated in the west and far removed from the edge of settlement. Moreover, Black Hills residents in South Dakota opposed alien land laws as a threat to local British mining interests.<sup>64</sup> Thus, the presence of British ranches may have played a minor role in Nebraska politics but almost none at all in the Dakotas. In any case, most of these enterprises were liquidated after only a few years of operation.

In Nebraska the significant number of relevant land planks in state party platforms and the passage of regulatory laws is persuasive evidence that the anti-alien land topic was an important, though short-lived, issue which was eclipsed by newer reform goals by the early 1890s. In the Dakotas, however, it was never more than a minor issue, though the timing was similar to Nebraska's. In that state the main causes of this reform were the significant presence of Scullyism followed by the less important factors of alien mortgage investment and ranching. In the Dakotas the special importance of foreign mortgage investments probably was the single most significant reason for the absence of regulatory laws, and Scullyism was the crucial political symbol in the minor reform movements which existed briefly in the two states.

It is hoped that the evidence presented in this essay will lead to the discovery and analysis of additional information by other scholars so that the alien land issue will be adequately treated in future studies of Midwestern agrarian politics and foreign investment of the Gilded Age.

## NOTES

<sup>1</sup>The author gratefully acknowledges a summer grant for this project from the Institutional Studies and Research Committee of Northern Arizona University. An earlier version of this essay was presented at the Western Social Science Association meeting at Fort Worth, Texas, in April 1985.

<sup>2</sup>Addison E. Sheldon, *Nebraska: The Land and the People*, Vol. 1 (Chicago: Lewis Publishing Company, 1931), 648, 658; James C. Olson, *History of Nebraska* (Lincoln: University of Nebraska Press, 1966), 209; Dorothy Weyer Creigh, *Nebraska: A Bicentennial History* (New York: W. W. Norton & Company, Inc., 1977), 138-39, 151, 167, 181-82. Doane Robinson, *History of South Dakota*, 2 vols. (Aberdeen, S. Dak.: B. F. Bowers & Co., 1904); George M. Smith, ed., *South Dakota: Its History and Its People*, vol. 2 (Chicago: S. J. Clarke Publishing Company, 1915), 1881, vol. 3, 222, 224, 236; Herbert S. Schell, *History of South Dakota* (Lincoln: University of Nebraska Press, 1975), 114, 244-46, 251, 369; John Milton, *South Dakota: A Bicentennial History* (New York: W. W. Norton & Company, Inc., 1977), 107-09. Lewis F. Crawford, *History of North Dakota*, Vol. 1 (Chicago: American Historical Society, Inc., 1931), 487-88, 491-92, 495-99, 505-06, 509; Elwyn B. Robinson, *History of North Dakota* (Lincoln: University of Nebraska Press, 1966); Robert P. and Wynona H. Wilkins, *North Dakota: A Bicentennial History* (New York: W. W. Norton & Company, Inc., 1977), 78.

<sup>3</sup> John D. Barnhart, "The Farmers' Alliance and People's Party in Nebraska" (Ph.D. dissertation, Harvard University, 1927); James F. Pederson and Kenneth D. Wald, *Shall the People Rule: A History of the Democratic Party in Nebraska Politics, 1854-1972* (Lincoln: Jacob North, Inc., 1972); Stanley B. Parsons, *The Populist Context: Rural Versus Urban Power on a Great Plains Frontier* (Westport, Conn.: Greenwood Press, 1973); Robert W. Cherny, *Populism, Progressivism, and the Transformation of Nebraska Politics, 1885-1915* (Lincoln: University of Nebraska Press, 1981), 37. Usher L. Burdick, *History of The Farmers' Political Action In North Dakota* (Baltimore: Wirth Brothers, 1944); Howard R. Lamar, *Dakota Territory, 1861-1889: A Study of Frontier Politics* (New Haven: Yale University Press, 1956), 209; James M. Youngdale, *Populism: A Psychohistorical Perspective* (Port Washington, N.Y.: Kennikat Press, 1975), 122, 125-26.

<sup>4</sup> John D. Hicks, *The Populist Revolt* (Minneapolis: University of Minnesota Press, 1931), 106, 124, 183, 210, 248; Karel D. Bicha, *Western Populism: Studies in an Ambivalent Conservatism* (Lawrence, Kans.: Coronado Press, 1976), 18, 33, 78, 82, 100, 112; Lawrence Goodwyn, *Democratic Promise: The Populist Movement in America* (New York: Oxford University Press, 1976), 80-81, 594, 602.

<sup>5</sup> Roger V. Clements, "British Investments and American Legislative Restrictions in the Trans-Mississippi West, 1880-1900," *Mississippi Valley Historical Review*, 42 (September 1955): 207-28; Douglas W. Nelson, "The Alien Land Law Movement of the Late Nineteenth Century," *Journal of the West*, 9 (January 1970): 46-59; Edward P. Crapol, *America for Americans: Economic Nationalism and Anglophobia in the Late Nineteenth Century* (Westport, Conn.: Greenwood Press, Inc., 1973), chapter 5.

<sup>6</sup> *Waverland: A Tale of Our Coming Landlords* (Chicago: Stereotype Works, 1886), 13-14.

<sup>7</sup> (New York: G.P. Putnam's Sons, 1890), 47-51, 54-57.

<sup>8</sup> *Imperialism in America: Its Rise and Progress* (1892; reprint, Lansing, Mich.: privately printed, 1893), 16-17, 28, 45-46, 55, 59, 80.

<sup>9</sup> *Coin's Financial School Up To Date* (Chicago: Coin Publishing Company, 1895), 109, 112-13; W.H. Harvey, *The Patriots of America* (Chicago: Coin Publishing Company, 1895), 36, 169. For discussions of the influence of *Coin's Financial School* see Glenn L. Brudvig, "The Farmers' Alliance and Populist Movement in North Dakota, 1884-1896" (M.A. Thesis, University of North Dakota, 1956), 198-99; Smith, ed., *Smith Dakota*, vol. 3, 671.

<sup>10</sup> *Coin on Money, Trusts and Imperialism* (Chicago: Coin Publishing Company, 1899), 74-76, 78-79, 81-83.

<sup>11</sup> *Congressional Record* 15 (Washington: GPO, 1884), 1960, 3689-90, 3779.

<sup>12</sup> C.H. Van Wyck, "Fourth of July Speech-1885" (Norfolk, Nebraska), *Nebraska History Magazine*, 13 (January-March 1932), 32.

<sup>13</sup> *Congressional Record* 17 (Washington: GPO, 1886), 427.

<sup>14</sup> *Western Rural* (Chicago), January 16, 1886.

<sup>15</sup> Homer E. Socolofsky, *Landlord William Scully* (Lawrence: Regents Press of Kansas, 1979), 107.

<sup>16</sup> Clifford E. Bowman, "The Populist Press of Nebraska, 1888-1896" (M.A. thesis, University of Nebraska, 1936), 54-59.

<sup>17</sup> *Ibid.*, 63; as quoted in J.M. Thompson, "The Farmers' Alliance in Nebraska," *Proceedings and Collections*, Nebraska Historical Society, Second Series, vol. 5 (Lincoln 1902), 204.

<sup>18</sup> Bowman, "The Populist Press," 104-06, 128; *Wealth Makers* (Lincoln), October 18, 1894, 18; Socolofsky, *Scully*, 130.

<sup>19</sup> The thirteen Nebraska platforms are the Farmers' Alliance - 1884, 1890, 1892; Republican - 1884, 1885, 1886; National Union - 1886; Democrat - 1890; Union Labor - 1888, 1890; Populist - 1890, 1891; Prohibition - 1892. (Uncounted, but relevant, local platforms are the People's [1884] and Union Labor [1889] for Lancaster [Lincoln] County.) The source for all platforms for this state is *Nebraska Party Platforms, 1858-1940*

(Lincoln: U.S. Work Projects Administration, Official Project No. 665-81-3-19, March 1940).

<sup>20</sup>Republican – 1884, 1886; Union Labor – 1888, 1890; Democrat – 1890; Prohibition – 1892. For national platforms see Donald B. Johnson, *National Party Platforms. Volume I: 1840-1956* (Urbana: University of Illinois Press, 1978).

<sup>21</sup>Republican – 1888, 1889, 1890, 1891; Democrat – 1884, 1886, 1887, 1888, 1892; Populist – 1892, 1894; Anti-Monopoly – 1884; Greenback – 1884.

<sup>22</sup>Also see *Appleton's Annual Cyclopedia 1900* (New York: D. Appleton and Company, 1901), 399.

<sup>23</sup>The six were Union Labor – 1888, 1890; Populist – 1890, 1891; Farmers' Alliance – 1892; and Prohibition – 1892.

<sup>24</sup>The three were Republican – 1885; Union Labor – 1888; and Prohibition – 1892.

<sup>25</sup>The three were Republican – 1884, 1886; and Democrat – 1890.

<sup>26</sup>The three were Farmers' Alliance – 1884, 1890; and Republican – 1885.

<sup>27</sup>The seven were Farmers' Alliance – 1884, 1892; National Union – 1886; Republican – 1886; Democrat – 1890; Union Labor – 1890; Prohibition – 1892. Only the Union Labor Party (1888) demanded a Nebraska law.

<sup>28</sup>*U. S. Statutes at Large*, vol. 24, 49th Congress, 1885-87 (Washington: GPO, 1887), 476-77. See also notes 35 and 36 below.

<sup>29</sup>See note 19 above for the thirteen platforms and dates of publication.

<sup>30</sup>*Nebraska Party Platforms*, 165, 159.

<sup>31</sup>*Laws, Joint Resolutions, and Memorials passed by the Legislative Assembly of . . . Nebraska . . . 20th Session* (Lincoln: Journal Company, State Printers, 1887), 563.

<sup>32</sup>*Ibid.*, 567-68.

<sup>33</sup>For documentation of Nebraska legislative actions discussed, see the Senate and House journals for 1887 and 1889.

<sup>34</sup>For two conflicting views (neither of which I have been able to document) of the source of the 1889 revision of the law, see Addison E. Sheldon, *Land Systems and Land Policies in Nebraska* (Lincoln: Nebraska State Historical Society, 1936), 323-24; and W. Turrentine Jackson, *The Enterprising Scot* (Edinburgh: Edinburgh University Press, 1968), 111-12.

<sup>35</sup>*Laws, Joint Resolutions, and Memorials passed by the Legislature of . . . Nebraska . . . Twenty-First Session . . . 1889* (Omaha: Henry Gibson, State Printer, 1889), 483-86.

<sup>36</sup>*House Journal . . . Twenty-Second Regular Session . . . 1891* (Omaha: Festner Printing Company, 1891), 356, 1532, 509, 1138; Bicha, *Western Populism*, 100.

<sup>37</sup>*Revised Statutes of Nebraska* (Lincoln: Revisor of Statutes, 1981), vol. 4, 1356-63.

<sup>38</sup>Glenn L. Brudvig, "The Farmers' Alliance and Populist Movement in North Dakota, 1884-1896" (M. A. thesis, University of North Dakota, 1956), 219-21, 151 note 48.

<sup>39</sup>50 Congress, 1st Sess., House Exec. Doc. 1, Part 5 (Serial 2541), *Report of the Secretary of the Interior 1887*, vol. 1 (Washington: GPO, 1888), 56; 50th Congress, 2d Sess., House Exec. Doc. 1, Part 5 (Serial 2638), *Report of the Secretary of the Interior 1888*, vol. 3 (Washington: GPO, 1888), 754.

<sup>40</sup>Letters, Henry I. Sheldon to Louis K. Church, November 7, 1887; December 15, 1887; Thomas A. Carpenter to Church, January 10, 1888; Church to Henry Sheldon, November 21, 1887; Church to Thomas A. Carpenter, February 8, 1888; in General Correspondence of Louis K. Church, Office of the Governor of Dakota Territory, Dakota Territorial Records, microfilm rolls 33-36, University of North Dakota.

<sup>41</sup>Brudvig, "The Farmers' Alliance," 84. For a discussion of a failed attempt to obtain British investment in flour mills see Youngdale, *Populism* 122, 149 note 14; Robinson, *History of North Dakota*, 205-6.

<sup>42</sup>Constitution of South Dakota, 1889, Article VI, Section 4; Constitution of North Dakota, 1889, Article I, Section 1.

<sup>43</sup>*Laws Passed at the First Session of the Legislature of . . . South Dakota* (Pierre: State

Bindery Co., Printers, 1890), 283; Smith, ed., *South Dakota*, vol. 3, 224.

<sup>44</sup>Warren Henke, *Prairie Politics: Parties and Politics in North Dakota, 1889-1914* (Bismarck: State Historical Society of North Dakota, 1974), 7.

<sup>45</sup>*Ibid.*, 21; Hicks, *Populist Revolt*, 438.

<sup>46</sup>Brudvig, "The Farmers' Alliance," 151 note 48.

<sup>47</sup>Henke, *Prairie Politics*, passim. See also note 20.

<sup>48</sup>See entries for South Dakota in *Appleton's Annual Cyclopaedia* for appropriate years.

<sup>49</sup>Hazel L. Heiman, "A Historical Study of the Persuasion of the Populist Impulse in South Dakota" (Ph.D. dissertation, University of Minnesota, 1969), 215-16, 218.

<sup>50</sup>Smith, ed., *South Dakota*, vol. 3, 663.

<sup>51</sup>*Clark County Republic*, 'August 7, 1896, p. 1, as quoted in Brian J. Reed, "Populist Thought in North and South Dakota, 1890-1900" (M.A. thesis, University of North Dakota, 1970), 39-40.

<sup>52</sup>Robinson, *History of North Dakota*, 223-25.

<sup>53</sup>Cathryne C. Lalim, "The Response of the Red River Valley Norwegian-American Newspapers to Populism in the 1890s" (M.A. thesis, University of North Dakota, 1971), 50; Playford V. Thorson, "Ole Ellingson - A North Dakota Radical Populist," *North Dakota Quarterly*, 49 (Autumn 1981), 39, 41; Brudvig, "The Farmers' Alliance," 206.5.

<sup>54</sup>Schell, *History of South Dakota*, 237-38; *Laws passed at the Fifth Session of the Legislature of . . . South Dakota* (Pierre: Carter Publishing Co., 1897), 229-30 (House Joint Resolution No. 33).

<sup>55</sup>Socolofsky, *Scully*, 77, 87, 107, 118, 127, 129-30, 133.

<sup>56</sup>The examples are from my book manuscript about British rural investment in the Midwest. See also Paul M. Edwards, "Great Britain in Dakota Territory," *South Dakota History*, 3 (Spring 1973), 180-81.

<sup>57</sup>Larry A. McFarlane, "British Agricultural Investment in the Dakotas, 1877-1953," *Business and Economic History* (Urbana: University of Illinois, College of Commerce and Business Administration, 1976), 112-26.

<sup>58</sup>Larry A. McFarlane, "British Investment and the Land: Nebraska, 1877-1946," *Business History Review*, 57 (Summer 1983), 258-72. See also Jackson, *Enterprising Scot*; and W. G. Kerr, *Scottish Capital on the American Credit Frontier* (Austin: Texas State Historical Association, 1976).

<sup>59</sup>John Dibbern, "Who Were the Populists?: A Study of Grass-Roots Alliances," *Agricultural History*, 56 (October 1982), 677-91.

<sup>60</sup>Edwards, "Great Britain," 172-73, 176-80. The acreage estimates are from my book manuscript.

<sup>61</sup>D. Robert Burleigh, "Range Cattle Industry in Nebraska to 1890" (M. A. thesis, University of Nebraska, 1937), 77, note 37, passim; Nellie Snyder Yost, *The Call of the Range: The Story of the Nebraska Stock Growers Association* (Denver: Sage Books, 1966); Bob Lee and Dick Williams, *Last Grass Frontier: The South Dakota Stock Grower Heritage* (Sturgis, S. Dak.: Black Hills Publishers, 1964); Ray H. Mattison, "Ranching in the Dakota Badlands," *North Dakota History*, 19 (April and July 1952), 93-128, 167-206; Sheldon, *Nebraska*, vol. 1, 617, 622, 651-52; Winfield S. Delle, "The Role of Barbed Wire in the Cattleman Versus Rancher-Farmer of Sheridan County, Nebraska, 1885-1910" (M.S. thesis, Chadron State College, 1968).

<sup>62</sup>The estimates and examples are from my book manuscript.

<sup>63</sup>Bartlett Richards, Jr. with Ruth Van Ackeren, *Bartlett Richards: Nebraska Sandhills Cattleman* (Lincoln: Nebraska State Historical Society, 1980), 106-7.

<sup>64</sup>Smith, ed., *South Dakota*, vol. 3, 244; Clark C. Spence, *British Investments and the American Mining Frontier, 1860-1901* (Ithaca: Cornell University Press, 1958), 205-12.