

YOUR HISTORICAL LIBRARY

needs

THE FIGHTING NORTHS AND PAWNEE SCOUTS

by Robert Bruce

mainly from extensive correspondence with Captain Luther H. North, 1929-1932.

This book presents a panorama of the life of the North Brothers and the Pawnee Scouts through letters, reminiscences, maps and illustrations which are not available in any other publication.

The two group pictures of the Pawnee Scout survivors; the photo-static copies of General Sheridan's letter; the muster rolls; early maps, tintypes, and prints; numerous unique pictures of Pawnee individuals—the comments of many frontier characters and the statements of Captain North increase the interest and historical value of the work.

Published on large pages—bound in heavy paper covers—interspersed with boxed notes—profusely illustrated—large type.

Price \$2.50, postpaid. Order before the supply is exhausted from

Nebraska State Historical Society
State Capitol Lincoln, Nebraska

NEBRASKA STATE HISTORICAL SOCIETY

GOVERNING BOARD—1935-1936

Executive Board—Officers and Elected Members

President, E. P. Wilson, Chadron.
First Vice-President, A. B. Wood, Gering.
Second Vice-President, J. C. Seacrest, Lincoln.
Secretary, Addison E. Sheldon, Lincoln.
Treasurer, Don L. Love, Lincoln.
N. C. Abbott, Nebraska City.
A. T. Hill, Hastings.
Wm. C. Ramsey, Omaha.
A. J. Weaver, Falls City.
D. S. Dalbey, Beatrice.

Ex-Officio Members

Roy L. Cochran, Governor of Nebraska.
Charles A. Goss, Chief Justice of Supreme Court of Nebraska.
E. A. Burnett, Chancellor of Uni. of Nebraska.
Lyman P. Cass, President, Nebraska Press Association, Ravenna.

NEBRASKA HISTORY MAGAZINE

Published Quarterly by the Nebraska State Historical Society

Vol. XVI January-March, 1935 No. 1

ADDISON E. SHELDON,
Editor

MARI SANDOZ,
Associate Editor

All sustaining members of the Nebraska State Historical Society receive Nebraska History Magazine and other publications without further payment.

CONTENTS

	Page
Native Sons and Daughters of Nebraska. Prize Essays	
Martha Jane Harshman Aldrich, by Mrs. Hugh P. Stoddard	2-13
George F. Sawyer, by Ann Rush Riley	14-25
George F. Sawyer, by Ann Rush Riley	26-35
History of the Half-Breed Tract, by C. O. Snow	36-48
Homestead National Monument of America, by H. C. Luckey	48-51
Pierce County Historical Society Reports Progress, by Esther K. Hansen	52-56
Nebraska FERA Art Exhibit, by Ernest F. Witte	57-60
New Books, Reviewed by the Editor	
Old Jules, by Mari Sandoz	62-63
Founders and Patriots of Nebraska	64
Dull Knife, (A Cheyenne Napoleon)	64
Overseas Interest in Nebraska History	13
University of London Acquires Nebraska Publications; From the Swiss Alps; Amsterdam.	
Historical Notes	
Pioneer Journalism	25
Scamahorn Homesteader Death	25
Mark Spotted Tail Camp	51
Nebraska City Cut-off in York County	56
Baker's Ranch Attack	61
Missouri River, 1833-1935	61
Nebraska Center, 1864	61
Pioneer Drouth	61
Moses Merrill Landmark	61
Republican Ticket, 1888	64

ILLUSTRATIONS

Mrs. Hugh P. Stoddard	3
Mrs. Alice B. Walker	15
Ann Rush Riley	27
McCoy Survey, (Map)	37
Judge C. O. Snow	42
Esther K. Hansen	52
Mari Sandoz	63

Entered as second class matter February 4, 1918, at the Post Office, Lincoln, Nebraska, under Act August 24, 1912.
Copyright by Nebraska State Historical Society.

All rights reserved.

Printed, January, 1936

Price FIFTY CENTS

NEBRASKA STATE HISTORICAL SOCIETY

HISTORY OF THE HALF-BREED TRACT

By Judge C. O. Snow,¹ Auburn

This history is prepared from the standpoint of an abstractor and is intended primarily to show the manner in which the title to the land described passed from the government to the individual Indian and the disposition of the title after acquiring the same.²

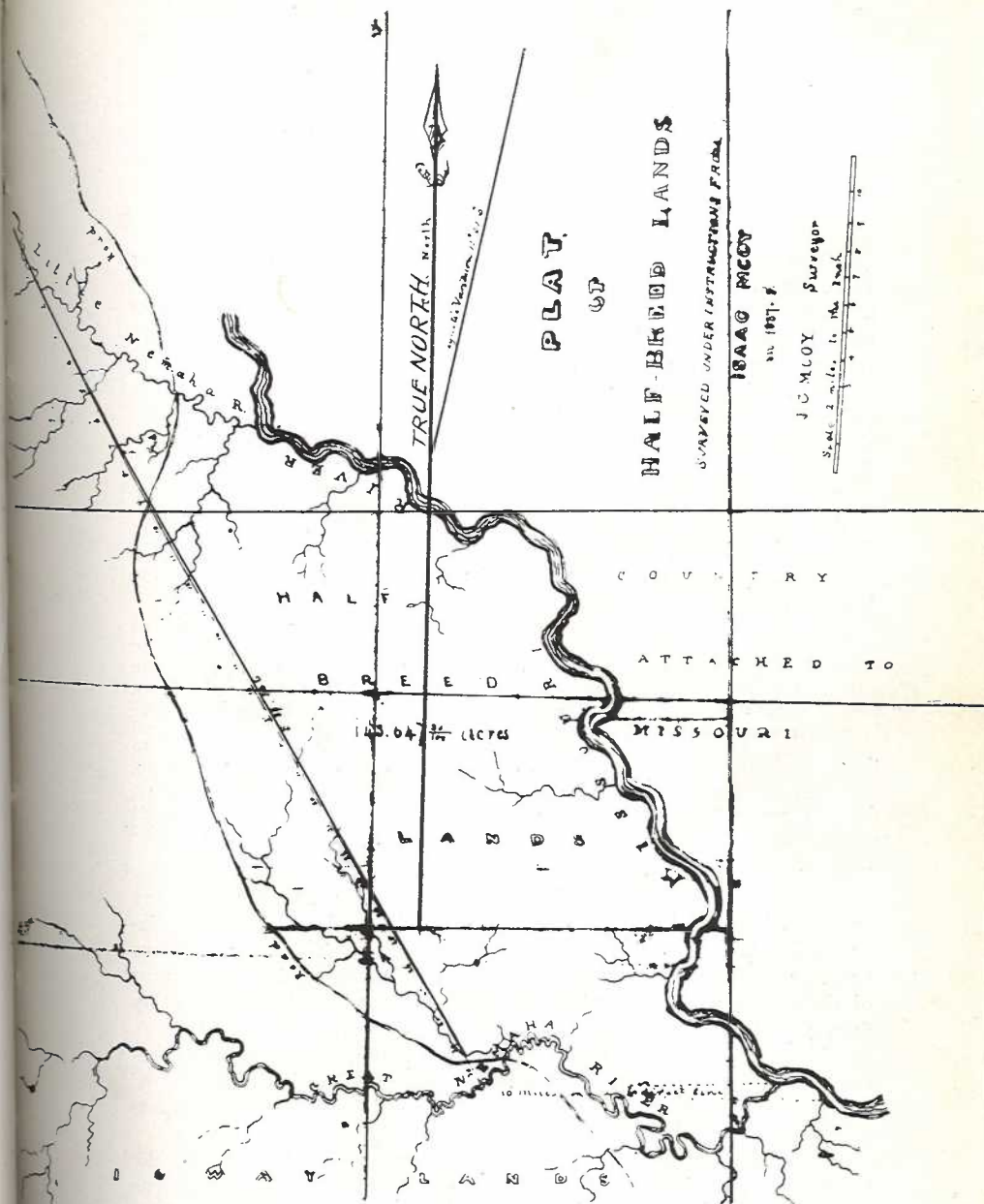
The half-breed tract was ceded by Article X of the Treaty of Prairie du Chien, July 15, 1830, in the following language:

"Article X. The Omahas, Ioways, and Ottoes, for themselves, and in behalf of the Yankton and Santie Bands of Sioux, having earnestly requested that they might be permitted to make some provision for their half-breeds, and particularly that they might bestow upon them the tract of country within the following limits, to-wit; Beginning at the mouth of the Little Ne-mohaw River, and running up the main channel of said River to a point which will be ten miles from its mouth in a direct line; from thence in a direct line, to strike the Grand Ne-mohaw ten miles above its mouth, in a direct line (the distance between the two Ne-mohaws being about twenty miles)—thence down said River to its mouth; thence up, and with the Meanders of the Missouri River to the point of beginning, it is agreed that the half breeds of said Tribes and Bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held; but the President of the United States may hereafter assign to any of the said half-breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section, of six hundred and forty acres to each individual. And this provision shall

¹Judge Snow acknowledges valuable services rendered by the Nemaha County Abstract Company of Auburn, R. R. Blankenship proprietor, for donating a copy of the Treaty of Prairie du Chien and a certified copy of the census list of those entitled to participate; Thomas C. Daugherty for assistance in connection with surveys and plats; Dr. A. E. Sheldon and Miss Mari Sandoz of the Historical Society; Mrs. Maud E. Cowell, Clerk of County Court, Nemaha County, for copying.

²The following documents accompanied the history and have been donated to the Historical Society by Judge Snow:

1. Photostatic copy of Treaty of Prairie du Chien.
2. McCoy Survey blueprint (see illustration).
3. Photostatic copy of March survey, 1858.
4. Photostatic copy of October survey, 1858.
5. Photostatic copy of letter No. 282, Office of Indian Affairs, Department of Interior, 1857.
6. Certified copy of list of half-breeds.
7. Photostatic copy of allotment of lands.
8. Newspaper clipping of life and death of Joseph Deroine, written by Eunice Haskins.
9. Original correspondence.



McCoy Survey

extend to the cession made by the Sioux in the preceding Article".

It will be noted that the name of the river in the treaty is spelled Ne-mohaw, while the present spelling is Nemaha when applied to the River, County, and City of Nemaha.

McCoy Survey

The boundaries of the tract were established by a survey, under direction of Isaac McCoy, by J. C. McCoy in 1838; the Missouri River and the two Nemahas forming three of the boundaries, the west line only being surveyed by McCoy. The west line purported to start ten miles in a direct line from the mouth of the Little Nemaha River and from thence in a direct line to strike the Great Nemaha at a point ten miles in a direct line from its mouth, being twenty miles as defined by the treaty, but being thirty miles as defined by the McCoy Survey.

The tract as surveyed by McCoy is shown by a blue print furnished me by the General Land Office. (See map). According to the McCoy Survey the tract at that time contained 143,647.33 acres.

By act of Congress, passed in 1854, provision was made for carrying out the terms of the treaty in the following language:

"Sec. 5. (4) **And be it further enacted**, That the President be, and he is hereby, authorized and required to cause to be fulfilled, the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the fifteenth day of July, one thousand eight hundred and thirty, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee simple, in such manner and under such rules and regulations as he may prescribe; and to defray the expense of the same, there be, and is hereby, appropriated the sum of ten thousand nine hundred and twenty-two dollars and twenty-nine cents."³

1858 Survey

Pursuant to the Act of Congress above referred to the tract was surveyed into sections in March, 1858, as shown by photostatic diagram² furnished me by the General Land Office. This survey shows the tract to contain 137,988.36 acres, and it is supposed that erosions of the Missouri River during the twenty years between the McCoy Survey and this one accounts for the discrepancy.

In October, 1858, another survey was made as shown by photostatic diagram² furnished me by the General Land Office. This survey, which appears to be the plat upon which the individual allotment was made, shows only 120,675.91 acres.

The only explanation for the difference in the acreage of the last two surveys, both made in 1858, is that it appears from the records that in the original survey by McCoy the west line hit the Great Nemaha at a point about eight miles in a direct line from its mouth,

³U. S. Statutes at Large, volume X, p. 332.

instead of ten as provided in the treaty. The March survey, showing 137,988.36 acres, started at the 10-mile point in accordance with the treaty while the October survey, showing 120,675.91 acres, started at the eight-mile point as surveyed by McCoy.⁴

The Act of Congress of June 12, 1858, making the McCoy line the western boundary (and the October survey the base map) of the tract is given:

"Sec. 13. **And be it further enacted**, That the line surveyed by John C. McCoy in eighteen hundred and thirty-eight as the western boundary of the half-breed tract, specified in the tenth article of the treaty made between commissioners on the part of the United States, and certain Indian tribes at Prairie du Chien, on the fifteenth day of July, eighteen hundred and thirty be, and the same is hereby, established as the true western boundary of said tract"⁵

The Act of Congress approved February 28, 1859, to compensate for using the McCoy line as the western boundary instead of the correct treaty line reads as follows:

"Sec. 6. **And be it further enacted**, That in adjusting the claims of half-breed Indians under the tenth article of the treaty of Prairie du Chien of the fifteenth of July, eighteen hundred and thirty, lying within the Nemohaw reservation therein described, as surveyed by McCoy, and confirmed by section thirteen of the act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-nine." approved June twelfth, eighteen hundred and fifty-eight, there shall be found a deficiency in the quantity of land necessary to carry out the intentions of said treaty, then there shall be retained out of the proceeds of that portion of the public lands excluded from said reservation, as said half-breeds claimed its boundaries by the McCoy survey

⁴On page 727, *Indian Land Cessions in the United States*, compiled by Charles C. Royce under the heading "Historical Data and Remarks", relative to the half-breed tract the following is found:

"This tract was exclusively within the territory of the Oto and they were proportionately compensated therefor by the other tribes interested in the cession. The boundary of this tract was first surveyed in 1837-1838 by McCoy and shows the reserve to contain 143,647.33 acres. Between 1855 and 1858 the boundary was several times re-surveyed. To quiet disputes, the act of Congress of June 12, 1858, reestablished the McCoy line as the true boundary. Owing to encroachments of the Missouri River, the tract then contained only 120,681.59 acres.

The tract between the McCoy line and the line of 1858, which ran further west, was sold by the act of February 28, 1859, for the benefit of the Half-Breeds."

This explanation was received in a letter from the Assistant Commissioner of the General Land Office, Washington, D. C., dated February 20, 1935. The letter also states, referring to the two 1858 diagrams: "The plat approved March 15, 1858, returns the area as 137,938.36 acres, and the plat approved October 27, 1858, returns an area of 120,675.91 acres".

⁵U. S. Statutes at Large, volume XI, p. 327.

and the thirteenth section of the act of July twelfth, eighteen hundred and fifty-eight, so much money as shall equal that deficiency, estimating the same at one dollar and twenty-five cents per acre, which said sum of money shall be paid to the Secretary of the Interior to be held by him in trust for such of said half-breeds as shall be found entitled to it, and by him be paid to them or invested for their benefit as he thinks most judicious and proper, after the said mixed bloods shall have relinquished to the United States all their interests in and to said deficiency in said reservation."⁶

The survey of October, 1858, divided the tract into townships, ranges, sections, and lots. On account of the irregular lines of the Missouri River and the two Nemahas and the diagonal line on the west, the most of the tract was irregular lots. Provision was made for the assignment and allotment to the individuals entitled thereto in accordance with the treaty, which authorized the president to assign each individual not exceeding a section of 640 acres.

On August 4th, 1857, William Starke was appointed a special agent to make such assignment and allotment of 320 acres to each instead of 640 acres. Letter No. 282² of the Office of Indian Affairs, Department of the Interior, appointing Starke, gives a brief history of the tract and outlines his duties.

Half Breed Census

As shown by this letter, J. D. Sharp had been appointed on May 14, 1856, a special commissioner to "report the number and names of such of the Half-breeds and mixed bloods of the Omaha, Iowa and Otoe Tribes, and of the Yancton and Santie Bands of the Sioux Indians . . . entitled to participate in the reservation . . .".

A copy of the Sharp list of half-breeds cannot now be located either in the Office of Indian Affairs, the General Land Office, or elsewhere.

There is on file in the office of the Nemaha County Abstract Company at Auburn, Nebraska what purports to be a certified copy,² but which shows only a part of those certified. This copy was certified by Edward P. Smith, Commissioner of Indian Affairs, in 1874, from files in that office. Barada, Deroin, Drip, Fontinelle, Lecompt, Laflesch, Pilcher, and Robedaux are significant surnames.

Land Allotment

Pursuant to the instructions contained in the letter above noted, William M. Stark, Special Commissioner, made assignment and allotment of lands to the individuals. We give a half page of allotments taken from the photostatic copy² of allotment of lands in the tract:

⁶U. S. Statutes at Large, volume XI, p. 401.

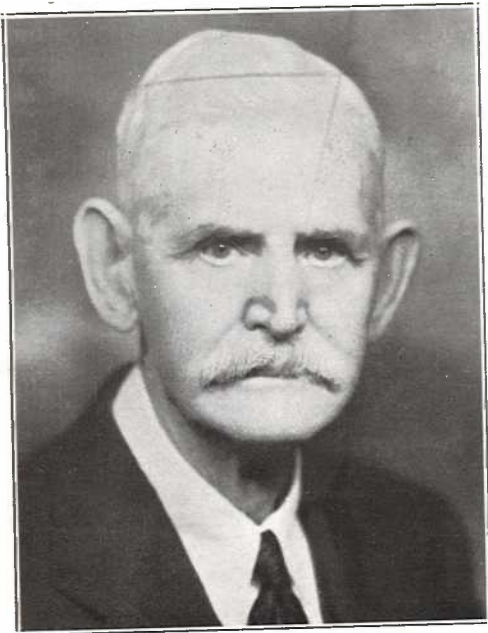
	Township 4 N.	Range 17 E.	
	Lot No. 1	of Section 34	26 50
No. 196	" " 1	" 33	50 00
	" " 2	" 33	36 90
Amabel Deroin	" " 3	" 33	44 10
	" " 4	" 33	46 10
	S E ¼ of S E ¼	" 33	40
	N W ¼ of S E ¼	" 33	40
Same remark as above*			283 60
No. 197	Township 1 N.	Range 17 E.	
Josephette Martin	E ½	of Section 24	320
Same remark as above			
No. 198	Township 2 N.	Range 17 E.	
Charles Robedoux	W ½	of Section 27	320
Same remark as above			
No. 199	Township 4 N.	Range 15 E.	
John Pilcher	E ½	of Section 36	320
Same remark as above			

*Patent sent to Agent Vanderslice February 16, 1861.

From the date of the treaty to the survey and allotment in 1858 I have no definite information, but conclude that the tract was occupied by the different tribes and bands as tribal land and used for hunting and fishing.

The provision in the treaty authorizing the president to make allotment to the individuals was likely upon the theory that these mixed bloods might be converted into farmers by giving to each a farm of 320 acres, but if so it seems to have been a "noble experiment" which failed. After the allotments were made, patents were issued conveying to the individual the land allotted them respectively, without any restrictions as to their power to convey.

From several years experience as an abstractor in Nemaha County, I find that the title to the several tracts allotted did not remain very long in the hands of those to whom allotted and the same was sold at about the first opportunity. I find that not only the adult persons disposed of their lands quickly, but that where minors received land it very frequently occurred that the parent was appointed guardian and made application to sell the real estate of his ward. As soon as patents were issued the land became taxable. The usual grounds for application to sell land of minors was that there was delinquent taxes and the land was not productive, and it was necessary to sell to pay taxes. Usually an order was entered directing the guardian to sell land, and very few instances are of record where the guardian accounted for the proceeds of the sale.



Judge C. O. Snow
Auburn

Charles O. Snow is a native son. Soon after his birth in Nemaha County in 1858 his family moved to Missouri. In 1881 he returned to Sheridan, now Auburn, Nebraska, and clerked in general stores. Judge Snow was elected County Clerk of Nemaha County in 1898, again in 1914 and 1916; and Nemaha County Judge in 1924, 1928 and 1932. He was an abstractor from 1901 until 1920 and engaged in the loan and insurance business from 1919 to 1924.

Judge Snow married Anna M. Moore at Sheridan (Auburn), March 12, 1882. Of three children, two daughters, Edna and LaVeta, grew to womanhood.

One particular instance of speed in disposing of land is found in Deed Record "A", Page 349 of the Records of Nemaha County, which shows certificate of allotment from Wm. Stark, Special Commissioner, to Louis Neals allotting him 320 acres dated September 21, 1857; attached to and recorded with said certificate is an assignment

made by Louis Neals assigning all his right and title to Isaac N. Whyte.

It appears, however, that October 30, 1860, Isaac N. Whyte conveyed to Louis Neals an undivided 2-16 of the land which was platted and laid out as the townsite of Aspinwall. Louis Neals was one of the proprietors of that town, and it is likely that this transaction was for the purpose of locating a town. Aspinwall was quite a flourishing town in the steamboat days, where there was a landing on the Missouri River, but the town is now extinct and the land is farming land.

Ownership Retained

It was the privilege of the writer to have been personally acquainted with a number of those receiving original allotment of lands, among which were some notable exceptions to this general rule. The most outstanding case was a family named Welch; consisting of a mother and five children. Annice Welch, a half-breed Otoe, 30 years of age at the time of taking the census, received 318.8 acres, and each of her children received approximately 320 acres. Her daughter Maria Welch, at that time 10 years of age, was married in 1867 to a highly respected farmer, and she developed into a fine Christian lady, honored and respected by all who knew her, and raised a family of which any American mother might be proud.

A part of the original tract allotted to Annice Welch was kept in the family and 80 acres of the same is now owned by one of her grand-daughters. Eighty acres of the land allotted to Maria Welch is now owned by one of her daughters. The tract allotted another of the daughters of Annice Welch is now owned by her grandson. Of the lands allotted to the Welch family, 865 acres are now owned by the children of Maria Welch.

Another notable exception was that of Elizabeth Ebbs, who at the time of the allotment was a half-breed Otoe, and the wife of John Ebbs, at that time a soldier in the regular army stationed at Fort Randall. John Ebbs afterward enlisted at Johnsville, Maryland, February 14, 1862, served through the civil war, and was mustered out July 12, 1865, with the rank of Major, Company B.⁷

Mrs. Ebbs located on the land soon after the allotment and was joined by her husband after the war, where they made their home until her death April 5th, 1870. By her will she left the land to her husband, John Ebbs, who retained the ownership until his death. By his will, admitted to probate March 4, 1903, he left the land to his son and daughter.

The daughter, Mrs. Henrietta Stotts, retained ownership of her part of the land until August 18, 1925, when she sold 180 acres to Hon. John H. Morehead for \$18,000.00.

⁷Heitman's *Historical Register and Dictionary of the United States Army* lists a John Ebbs as Major, 3rd New York Cavalry.

Mrs. Stotts was born on the land allotted to her mother and made her home on the same until about the time it was sold. She was married to John B. Stotts, a highly respected and successful farmer, and raised her family on the land given to her mother. She was a good wife, mother, and neighbor, highly respected by all who knew her. The writer, with his family, has had the privilege of visiting Mrs. Stotts on the original tract given to her mother.

I talked with her in December, 1934, concerning her family history and had her consent to use her family name in this history. She at that time expressed a willingness to be present at its presentation to the Historical Society. She stated that she was not ashamed of her Indian blood and had taught her children not to be.

I regret very much to note the death of Mrs. Stotts, which occurred at the home of her daughter in Auburn, after the conversation above related, on the last day of December, 1934.

Inheritance Complications

For the purpose of illustrating the complications arising in determining who were the legal heirs at law of some of those half-breeds who died owning land, I give the following details from one of the earliest probate records in Nemaha County.

Joseph Deroin, a half-breed Otoe, died in Nemaha County April 21, 1858. An administrator was appointed who died before the estate was settled, and another administrator was appointed. On August 8, 1860, Sula Deroin filed a petition alleging that she was his widow, and that Catherine, William, Margaret, Josephine, and Amaab were his children, aged 14, 10, 7, 5, and 2 years, and that about five months after his death another child was born named Baron. The petition claimed certain property exempt and asked for an allowance for support of herself and minor children.

The administrator filed objections to the allowance and alleged that she was not the lawful wife of the deceased. A date for hearing was fixed and hearing. Witnesses were sworn and their testimony reduced to writing in long hand, which I give as follows:

Sula Deroin

vs

Heath Nuckalls, Admr;

Estate of Joseph Deroin,

Samuel Ross sworn and examined;

I was acquainted with Joseph Deroin in April 1858; Do you know if Deroin had a wife at that time; Only by hearsay, I was acquainted with a woman he called his wife Sula; Do you know that he had another wife; I see another woman, he claimed Sula as his wife; the other woman was packing and going to the Blue with him as his camp mate; I think he returned back without her and shortly after was killed. The supposition of the people was that Sula was the first wife and the other was his second wife; Do you know that Sula his first wife; Answer I do not; Deroin had children by Sula.

James Rhoades;

I know Joe Deroin in April 1858; I know he had some women, he called them his wives, Sula Deroin was one and the other I did not know her name. Joe Deroin called them his squas and treated them so; He had no children by the last woman that I know of, he told me that one of his wives died at the Blue six or eight months previous; that this woman was a sister of the other woman of whom I have spoken.

David B. Hail;

I was well acquainted with Joseph Deroin in April 1858, I moved him to the Blue; He then had three wives; In the fall of 1857, Charlie Robidoux stole one of his wives to Joseph, she afterward came back; When Joseph Deroin would not receive her; Afterwards he took her; as his wife; Sula was his oldest woman as I believe. Sula appeared to have the care of his family; When Deroin went to the Blue in 1857 he took the other two wives with him and left Sula at home. Deroin had one child I think by one of his other wives; Deroin treated those other women as his wives and called them so; Five years ago I came to St. Deroin and at that time, I think Joe Deroin had only one wife and that was Sula; the next winter or the second winter after he had two wives, I do not know whether Sula was ever married to Joe. but I suppose they were married in the usual Indian manner which was to take one another and go ahead.

Robert Whitecloud;

I have known Sula Deroin from a child, since I was a child; She was reared in my father's family; when she was between four or five (that is 23 years ago) my father Frank Whitecloud married her to Jeffrey his interpreter; She lived with him about a year and then refused to stay with him. After she parted from him she married an Indian named Black-Hoof, and she lived with him until he died; after that she was a widow for some time until Joseph Deroin took her about 18 years ago; He took her lawfully according to our custom by exchanging property. After their marriage, father gave them wagon and horses to commence on. For the last 15 years I have been more or less around the house, he has always kept her and claimed her ever since; When Joe Deroin had a trading post at the Blue, he took another woman whom he stole from an Indian Medicine Horse, and afterwards the brothers of the stolen woman gave Joe another woman; The woman he stole then went off with Charley Robedaux; she afterward came back and lived with Joseph Deroin, Jeffers was living at the time Sula and Joe Deroin were married: The custom among the Indians is that after the marriage the parents of the girl keeps one horse as evidence of the marriage and if the marriage is dissolved, the man may take the horse. Joe Deroin had a sister of Sula as his wife before he married Sula; She was living at the time Joe married Sula and he had them both as wives for some time. I should say about two years; Deroin children by Sula, are Catherine about 16 or 17; William about 13; Margaret 10 or 11; Josephine 8 or 9; Arab 5 and Baron 2; Sula had one child by Jeffery, he lived in St. Joseph, Joseph Deroin had one child by Sulas sister now living named Frank, he was not regularly married to her because he did not pay for her. Joe Deroin married Sulas sister the first above spoken of lawfully according to our Indian customs.

November 12, 1860 the court made an order finding that Sula Deroir was the lawful wife of Joseph Deroir, and that the five children named above were his heirs, and making an allowance of \$200.00 for support for one year. I do not find anything in the record to show that the amount was ever paid.

The land allotted to Joseph Deroir, to-wit: East half of Section 36, Township 4, Range 16, was conveyed to Charles M. Greaver, who was the first administrator of the estate as shown by an abstract compiled by the writer. Sula Deroir conveyed the same land to Greaver by deed dated September 26, 1857. In said abstract appears an affidavit by J. L. Stevens stating that he well knew that Joseph Deroir and Sula Deroir who conveyed to Greaver were husband and wife.

Life and Death of Joseph Deroir

Concerning the death of Joseph Deroir, I quote from a *History of Nemaha County*, published by John H. Dundas in 1902, page 39:

"In the spring of 1858, Joseph Deroir, the man who founded St. Deroir and who was really It, had an unpaid account against one Beddow. Instead of placing the account in the hands of a lawyer who would write a saucy letter and forget all about it, as is done nowadays, Mr. Deroir declared he would have his money if he had to whip the man who owed it. As he neared Beddow's cabin he was warned and told to come no further, but he was determined and as he reached the yard fence he was fired on by Beddow and instantly killed."

On file in the estate of Joseph Deroir is a claim of U. C. Johnson for \$50.00 for prosecuting Beddow.

As shown by the probate record of Joseph Deroir, the only land he owned at the time of his death was an undivided 1-10 interest in the town of St. Deroir appraised at \$250.00. It was three times offered for sale at administrator's sale and not sold for want of bidders.

The town of St. Deroir was located on part of the Joseph Deroir tract and was one of the earliest trading posts in the Territory, with steam boat landing on the Missouri River. That part of the town on the low lands was swallowed up by the river and the town has long since been numbered among the "has beens".

From all information I have been able to gather, Joseph Deroir was the most notorious of those allotted land, not only on account of his marital relations and violent death, but I find from the list of allotments that he seems to have secured extra land. On page 12, No. 74, Joseph Deroir was allotted 319.40 acres in Section 36, Township 4, Range 16, and on page 19, No. 122, he was allotted the north half of Section 1, Township 3, Range 16, which adjoins the first tract, one being in what is now Nemaha County and the other in Richardson County, indicating that by some means he worked the U. S. Government for a double allotment. The only information

concerning the double allotment which I can get from the government is that there might have been two Indians named Joseph Deroir, or that under the treaty the president had the discretion to allot not exceeding 640 acres to each individual, and hence he did not receive more than was stipulated in the treaty.⁸

Question of Title

The titles to these Indian lands have always been the subject of a great deal of litigation, even to this date.

On November 22, 1934 a suit was instituted in the District Court of Richardson County to quiet title to the tract of land upon which the village of Shubert is located against the heirs of Louis Deroir, to whom the tract was allotted, and who died owning the same; and no proper determination of his heirs was ever had.

February 4, 1935 John T. Weber instituted suit in the District Court of Nemaha County to quiet title to lands allotted to Mary Jane Simpson.

The most perplexing problem connected with the title to these Indian lands in Nemaha County, with which the writer has had experience, was due to the fact that when the survey of the tract into sections and lots, was made, only the tract within the reserve was surveyed and lots numbered, beginning with Lots 1, 2, 3, etc. Afterward the lands in the same township and range, not a part of the half-breed tract were surveyed, and this survey began numbering lots in the northeast corner of sections 1, 2, 3, etc., according to custom. In order to keep from having duplicate numbers of lots in the same section, the lots in the half-breed tract were changed, but then this survey was cancelled and the original lots designated in the half-breed tract were re-instated. In the meantime, patents were issued for two lots of the same number in the same section, thereby creating two titles to lots 1, 2, 3, etc., and it was hard to make a title examiner understand whether he was examining a title to a white-man's Lot 1, 2, 3, or the title of a half-breed's Lot 1, 2, and 3. About the only way to identify them was by the number of acres for which patent was issued.

A Productive Region

This vast tract of land, 30 miles in length on its western boundary and ten miles on its southern boundary, containing more than 120,000 acres of land, constitutes today one of the most productive tracts in the state.

Its valleys have been improved by drainage districts and the channels of the two Nemahas straightened, converting swamp and

⁸Since writing the above there has been published a history of the death of Joseph Deroir and a part of his life described above by Eunice Haskins of Stella, a clipping of which is included with the other documents accompanying this article. (See Note 2.)

boggy land into rich farming lands. Its hill lands, in addition to being fertile farming lands, are said to be the best fruit lands in the state.

The extensive commercial orchards of the Shubert Orchard Company, J. F. Shubert and Shubert Brothers, have more than 700 acres in the original tract in bearing apple trees.

Hon. Arthur J. Weaver and his associates have more than 400 acres of apple orchards and a large acreage of peach trees in the half-breed tract. I have no doubt the delicious apples with which Governor Weaver has regaled the Historical Society for several years were grown on the half-breed tract.

I am told by experts that the best fruit lands in the state are to be found in this interesting strip of land. The towns which are still in existence located in the tract are Shubert, Barada, and Rulo in Richardson County. None are left in Nemaha County.

HOMESTEAD NATIONAL MONUMENT OF AMERICA

By Congressman H. C. Luckey

During the past session of the seventy-fourth Congress we started the fight to have the Daniel Freeman Homestead, the first homestead established under the General Homestead Act, established as a National Monument. Thus far we have not been successful, but the cause is by no means lost, and I confidently look forward to the day when the Homestead National Monument of America will be a reality rather than a dream.

During the first eighty years of our national existence the slow tide of empire crept gradually westward. Pushed by economic forces, many of the pioneers sought homes farther west where they might build for themselves and their children amid conditions offering the greatest opportunity. During these eighty years there were no free lands given by the federal government.

With the rapid settlement of the ever-advancing frontier there came to be formed a widespread movement for free homesteads. This led to the formation in 1852 of the Free Soil Party. The first actual attempt to establish a homestead law came as the result of the introduction of a bill by Congressman G. A. Grow of Pennsylvania. Under the provisions of this bill settlers were required to pay twenty-five cents per acre. The bill passed the House and Senate in 1860, only to be met with a veto by President Buchanan.

Again in 1862 the Grow Bill was proposed, and as a result of that bill and subsequent debates the Free Homestead Act was passed on May 20, 1862. President Lincoln signed the Act, which was to

become effective on January 1, 1863. This Act was a measure to relieve unemployment, which in the period following 1854 was quite acute, and to provide a wider economic field to those who were unable to pay the low purchase price the government had formerly demanded for the national domain.

The Homestead Act became effective January 1, 1863, at a period when the states were torn by the Civil War. Daniel Freeman was a soldier in the Union Army when the General Homestead Act was signed. While on furlough he selected a site on Cub Creek in Gage County upon which to file his homestead claim. He arrived in Brownville, Nebraska which was the nearest land office, on December 31, 1862. Many others had also gone to Brownville to file on land, but because of the fact that Daniel Freeman's furlough expired on January 1st it was arranged that he be allowed to make the first filing. By special consent the land office was opened at midnight and was kept open for the few minutes for Daniel Freeman to file his application for the first homestead in the United States. This enabled Daniel Freeman, following his service in the Union Army, to bring his bride to Gage County and to build a home on the first free homestead ever allotted by a wise and provident government.

In 1931 the citizens of Beatrice and the Chamber of Commerce of Beatrice began the movement to convert Homestead Number One into a national park. Two different bills were introduced in Congress to provide for the establishment of this park, but on neither occasion did the bills receive any consideration.

Believing that the General Homestead Act had been one of the most important factors in the winning of the West, and desiring to see the significance of that Act perpetuated forever, Senator Geo. W. Norris and I agreed to make an effort to secure the necessary legislation to establish this national park. For that purpose we introduced identical bills in the Senate and in the House of Representatives. These bills, S. 1307 and H. R. 4878, were referred to the Committee on Public Lands and Surveys in the Senate and to the Committee on Public Lands in the House of Representatives.

The Senate Bill was amended in the Committee on Public Lands and Surveys to provide for the establishment of the Homestead National Monument of America rather than the Homestead National Park. The Senate Bill was reported on March 23 and passed the Senate on March 29th. This action on the part of the Senate paved the way for House action.

The Honorable Harold L. Ickes, Secretary of the Interior, on April 1 submitted the department's report on the two bills. In that report Mr. Ickes recommended the change from a national park establishment to that of a national monument establishment. He further recommended that the authorization for an appropriation be stricken out and that there be inserted provisions for acquiring the land by donation. These recommendations precluded any hope for