

Nebraska Territorial Court Records

Identifier: RG58
Creator: Nebraska Territory. Supreme Court; District Court (1st Judicial District); District Court (2nd Judicial District); District Court (3rd Judicial District)
Date: 1854-1880
Extent: 37 archival boxes, 56 volumes; 32 cubic feet
Language: English

Historical Note

More than a decade before Nebraska achieved statehood, Section 9 of the Organic Act of May 30, 1854 established a territorial court system in the Nebraska Territory. This act distributed judicial power across four levels: a Supreme Court, district courts, probate courts, and Justices of the Peace. The Supreme Court supervised the lower courts and exercised appellate jurisdiction. The Nebraska Territory Supreme Court met for the first time on February 19, 1855 in Omaha, NT.

The Organic Act of May 30, 1854 gave the governor power to organize the territorial courts provisionally, define districts, assign judges, and appoint times and places for holding court. It also gave the Territory Legislature power to alter these decisions. Nebraska Territory was divided into three judicial districts; each one presided over by a Justice of the Supreme Court. Acting Governor Thomas B. Cuming assigned Chief Justice Fenner Ferguson as Judge of the First Judicial District Court, Associate Justice Edward R. Harden as Judge of the Second Judicial District Court, and Associate Justice James Bradley as Judge of the Third Judicial District Court. The First Judicial District originally included Douglas and Otoe counties; the Second Judicial District included counties south of the Platte River; and the Third Judicial District included Burt and Washington Counties.

The boundaries of these districts were first defined in 1855, redefined in 1856, and again in 1857. The boundaries of the Judicial Districts remained static until 1867, when Nebraska was admitted into the Union as the 37th state and the territorial courts were abolished. How the districts were defined and redefined are further detailed below.

The Districts defined by the First Territorial Legislature, March 16, 1855 were:

First: Douglas County (met in Omaha, March and October), Washington County (met in April and November). Justice Fenner Ferguson presided.

Second: All counties south of the Platte, including Richardson, Nemaha, Otoe, Cass, Lancaster, Greene, Clay, Saline, Pawnee, Johnston, York, and Gage. Court held in Cass County the first Monday in April and September; in Otoe County the second Monday in April and September; in

Nemaha County the third Monday in April and September; and in Richardson County the fourth Monday in April and September. Justice Harden presided.

Third: Dodge, Burt, Loup, Blackbird, Dakota, Buffalo, Cuming, Izard, Jackson, and McNeil counties. Court held in Fontanelle in Dodge County the first Tuesday in June and October and at Tekamah the first Tuesday in July and November. Justice Bradley presided.

Districts, 1856:

First: Douglas, Dodge, Washington, Burt, Dakota, and territory north and west. Court held in Douglas, Dodge, Washington, and Burt counties.

Second: Cass, Otoe, Lancaster, Clay, and territory north and west. Court held only in Cass and Otoe counties.

Third: Richardson, Nemaha, Pawnee, Johnson, and territory west. Court held only in Richardson and Nemaha counties.

Districts, 1857:

First: Douglas, Sarpy, Cass, Calhoun, and Dodge counties. Court held only in Douglas, Sarpy, Cass, and Dodge counties.

Second: Otoe, Nemaha, Richardson, Pawnee, Johnson, and Clay counties. Court held only in Otoe, Nemaha, and Richardson counties.

Third: Washington, Burt, and Dakota. Court held in all counties.

Scope and Content

This collection comprises records related to the Nebraska Territorial Supreme Court and the three District Courts. Types of records include appearance dockets, execution dockets, bar dockets, issue dockets, judge's dockets, journals, case files, court calendars, complete records, and other miscellany. Dates extend beyond the abolition of the territorial courts into early-Nebraska statehood years because docket entries from both eras are sometimes contained in a single volume. A majority of the records in this record group were created between 1857 and 1867, under the third definition of the territorial districts. The primary contributors to this collection were the State Supreme Court, Douglas County District Court, Washington County District Court, Dakota County District Court, and Nemaha County District Court.

Records are arranged into four subgroups by court type:

1. Supreme Court, 1856-1868

2. First Judicial District, 1855-1869
3. Second Judicial District, 1855-1880
4. Third Judicial District, 1857-1879

Subject headings

Records (Documents)

Law materials

Records and briefs

Dockets

Court decisions and opinions

Trial and arbitral proceedings

Access Note

No restrictions.

Description Control

Finding aid revised by Andy Pederson in 2022 following DACS. Completed November 14, 2022. Previous version was last updated in 1985 by Pat Churray.

Subgroup 1: Supreme Court, 1856-1868

Extent: 4 archival boxes, 2 volumes

Scope and Content Note: This subgroup contains three series arranged by record type. Records within this subgroup include an appearance docket, journals, case files, and miscellany related to the Nebraska Territory Supreme Court, with cases from Douglas, Otoe, and Cass. Cases within this subgroup are sometimes given a numerical code that corresponds with matching entries in each series.

Series 1: Appearance Docket, 1856-1867

Extent: 1 volume

Scope and Content Note: This series consists of one appearance docket listing all cases between 1856 and 1867. Cases are numbered consecutively in chronological order. Records contain the names of relevant parties and judges along with logs noting the filing dates of transcripts, writs of error, petitions, appeals, summons, bonds, and mandates. Some records contain filing fees.

Volume 1 Cases 1-169

Series 2: Journals, 1858-1867

Extent: 1 volume

Scope and Content Note: This series consists of one journal with notes on Nebraska Territory Supreme Court meetings between 1858 and 1857. Journal entries record the proceedings of each Supreme Court meeting in chronological order with information about administrative decisions, clerk duties, and calendar dates. Many later cases do not have a case number.

Volume 1 June 1858-June 1867

Series 3: Case Files (and Miscellany), 1858-1868

Extent: 4 archival boxes

Scope and Content Note: This series consists of four boxes of Nebraska Territorial Supreme Court case files. Case files contain transcripts of cases that appeared before the Nebraska Territorial Supreme Court, including cases from Douglas, Cass, and Otoe Counties. Case 169 from Series 1 is missing from this series.

Box 1	Cases 1-83
Box 2	Cases 84-122
Box 3	Cases 123-143
Box 4	Cases 144-168, 500, 502, and miscellaneous District Court transcripts.

Subgroup 2: First Judicial District, 1855-1869

Extent: 22 archival boxes, 17 volumes

Scope and Content Note: This subgroup consists of five series arranged by record type. Records in this subgroup document the cases, processes, and judgments of the Nebraska Territory First Judicial District Court. Records within this subgroup include appearance dockets, law and chancery records, journals, an execution docket, and case files. The majority of these records were created in Douglas County. Appearance Docket entries are sometimes coded to the appropriate reference in the Complete Record and vice versa; additionally, some Journal and Execution Docket entries are coded with numbers that refer to the appropriate Appearance Docket.

Series 1: Appearance Dockets, 1855-1868

Extent: 5 volumes

Scope and Content Note: This series contains appearance dockets, indexes, and a chancery record of Nebraska Territory First Judicial District Court. Appearance docket entries note petitions, motions, return of writs, bonds, subpoenas, and other legal proceedings. The chancery record contains similar information but also includes a Bill of Chancery filing date. Each appearance docket has an associated index volume. Indexes are not contained within the dockets; they are physically distinct but related volumes.

Though most of the entries in the dockets are from Douglas County, Volume 1 contains entries from Washington, Burt, and Dodge Counties; these three counties would later be absorbed by other districts. Volumes 1 and 2 include chancery cases in addition to civil and territorial cases. Chancery cases begin to be recorded in a separate volume in April 1859 (midway through Volume 2).

Volume 1	Docket A (including Index to Docket A), September 1855-May 1858
Volume 2	Docket B (including Index to Docket B), May 1858-October 1859
Volume 3	Docket C (including Index to Docket C), October 1859-May 1866
Volume 4	Docket D (including Index to Docket D), March 1866-May 1868
Volume 5	Chancery Record, April 1859 - June 1867

Series 2: Complete Records, 1858-1867

Extent: 8 volumes

Scope and Content Note: This series consists of law records, chancery records, and an index of the Nebraska Territory First Judicial District Court. Records in Volumes 1-3 document the judgments and payments related to case outcomes. Volumes 1-3 also contain information about summons, such as the date issued, the sheriff serving the summons, and the summons returned date. Chancery records in this series contain summon orders, return of writs, and the signed statements of law enforcement officials, judges, and masters of the chancery.

Volume 1	Law A, August 1858-October 1859
Volume 2	Law B, November 1859-April 1864
Volume 3	Law C, March 1867-July 1868
Volume 4	Chancery A, February 1858-February 1860
Volume 5	Chancery B, 1859-1860
Volume 6	Chancery C, October 1859-June 1864
Volume 7	Chancery D, 1860-1867
Volume 8	Index to Complete Record
Volume 9	Chancery (Cass County), 1859-1864

Series 3: Journals, 1858-1867

Extent: 3 volumes

Scope and Content Note: This series contains three journal volumes of the Nebraska Territory First Judicial District Court. Journal entries capture daily case proceedings in chronological order. May include multiple cases per day with information regarding all parties and judgments.

Volume 1 Journal A, March 1858 - December 1859
Volume 2 Journal B, February 1860 - October 1861
Volume 3 Journal C, October 1861 - May 1867

Series 4: Execution Docket, 1859-1869

Extent: 1 volume

Scope and Content Note: This series consists of one execution docket with information about monetary judgments related to the Nebraska Territory First Judicial District Court. The records include a sale book noting the cost and amount recovered in monetary judgments and officer's return of writs.

Volume 1 Docket A (including Index to Docket A), April 1859 - December 1869

Series 5: Case Files, 1855-1869

Extent: 22 boxes

Scope and Content Note: This series consists of 22 boxes of Nebraska Territory First Judicial District Court case files. Case files contain transcripts of U.S., territorial, criminal, civil, and chancery cases appearing before the First Judicial District Court. Some transcripts are missing. Files are organized numerically within each box (A, B, C, D, CH).

Box 1 A1 - A169
Box 2 A170 - B35
Box 3 B36 - B178
Box 4 B179 - B316
Box 5 B317 - B449
Box 6 B450 - C57
Box 7 C58 - C149
Box 8 C150 - C260
Box 9 C261 - C361
Box 10 C362 - C455
Box 11 C456 - C539
Box 12 D1 - D119
Box 13 D120 - D225
Box 14 D226 - D334
Box 15 D335 - D432
Box 16 D433 - D550
Box 17 CH1 - CH58
Box 18 CH59 - CH152

Box 19	CH153 - CH235
Box 20	CH236 - CH266
Box 21	CH267 - CH327
Box 22	CH328 - CH375

Subgroup 3: Second Judicial District, 1855-1880

Extent: 24 volumes

Scope and Content Note: Records in this subgroup document the cases, legal processes, and judgments of the Nebraska Territory Second Judicial District Court. This subgroup consists of three series arranged by record type. The first series in this subgroup is further divided into five subseries. Records within this subgroup include appearance dockets, a journal, a cost book, a fee book, and a general index. The majority of these records were created by the Nemaha County District Court. Unlike the other subgroups in this collection, the case numbers that are sometimes assigned to cases do not correspond with any Case Files or Complete Record volumes since this subgroup does not contain those record types.

Series 1: Dockets, 1855-1880

Extent: 19 volumes

Scope and Content Note: This series consists of five subseries arranged by docket type. Docket types include appearance dockets, bar dockets, issue dockets, judge's dockets, and miscellaneous dockets.

Subseries 1: Appearance Dockets, 1858-1867

Extent: 2 volumes

Scope and Content Note: This subseries consists of two Second Judicial District appearance dockets, primarily from the Nemaha County District Court. Appearance docket entries consist of dates, relevant parties, case numbers, and actions related to civil, territorial, and chancery cases.

Volume 1	Docket, 1858
Volume 2	Docket, 1858-1867

Subseries 2: Bar Dockets, 1860-1864

Extent: 4 volumes

Scope and Content Note: This subseries consists of Second Judicial District bar dockets, primarily from the Nemaha County District Court. Bar docket entries include dates, case numbers, relevant parties, and filing updates related to civil, territorial, chancery, criminal, and United States cases. Some entries include cases with dates that fall outside the term month indicated in the title.

Volume 1	Docket, June Term 1860
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- Volume 2 Docket, June Term 1861
- Volume 3 Docket, March Term 1862
- Volume 4 Docket, March Term 1864

Subseries 3: Issue Dockets, 1857-1859

Extent: 2 volumes

Scope and Content Note: This subseries consists of Second Judicial District issue dockets, primarily from the Nemaha County District Court. Entries include dates, relevant parties, and filing updates such as summons, appeals, and amicable actions related to criminal, territorial, civil, and United States causes.

- Volume 1 Docket, 1857-1858
- Volume 2 Docket, March Term 1859

Subseries 4: Judge's Dockets, 1855-1866

Extent: 8 volumes

Scope and Content Note: This subseries consists of Second Judicial District judge's dockets. Entries are organized chronologically with information about case types, dates, relevant parties, case numbers, and motions. Entry dates may fall out of the date range indicated in docket name.

- Volume 1 Docket, November Term 1855
- Volume 2 Docket, August Term 1859
- Volume 3 Docket, June Term 1860
- Volume 4 Docket, June 1861-December 1862
- Volume 5 Docket, October Term 1863
- Volume 6 Docket, March Term 1864
- Volume 7 Docket, October Term 1864
- Volume 8 Docket, October Term 1866

Subseries 5: Miscellaneous Dockets, 1855-1880

Extent: 3 volumes

Scope and Content Note: This subseries consists of three miscellaneous dockets related to the Nemaha County District Court. Entries in the Clerk's Docket include case information such as dates, attorneys, parties, witnesses, legal actions, number of days in court, and juror lists. Entries in the Criminal Docket include attorneys, parties, and actions related primarily to criminal cases; however, some chancery and civil cases are included as well. The Judgment Docket & Juror List consists of judgment dates, parties, costs, and monetary judgments related to case outcomes, in addition to lists of jurors.

- Volume 1 Clerk's Docket, 1866-1871
- Volume 2 Criminal Docket, 1855-1859
- Volume 3 Judgment Docket & Juror List, 1857-1880

Series 2: Journals, 1864

Extent: 2 volume

Scope and Content Note: This series consists of two Nebraska Territory Second Judicial District Court journals. The Lancaster County court volume contains some entries labeled "Appearance Docket" despite being a journal. Most entries in this volume consist of relevant parties, filing updates, law enforcement officials, and jurors. The judge's note at the end of Volume 1 states that court is to be adjourned for several months. No entries appear after that. The Nemaha County journal consists of chronologically organized entries that summarize case proceedings.

Volume 1 Journal (Lancaster County), Special Term 1864

Volume 2 Journal (Nemaha County), 1863-1868

Series 3: Miscellany, 1859-1871

Extent: 3 volumes

Scope and Content Note: This series consists of two volumes of financial records and a case index of the Nebraska Territory Second Judicial District Court. Clerk's & Sheriff's Cost Book entries list clerk fees, sheriff fees, and filing fees related to cases. Some entries refer to the Judgment Docket in series 1, subseries 5 of this subgroup. Entries in the Fee Book approximate those found in the Cost Book. Volume 3 contains an index of Second District cases organized by term, noting relevant parties, case numbers, and in some instances the case type, such as chancery or civil.

Volume 1 Clerk's & Sheriff's Cost Book, 1859-1866

Volume 2 Fee Book, December 1857-June 1858

Volume 3 General Index, September 1856-March 1859

Subgroup 4: Third Judicial District, 1857-1879

Extent: 11 archival boxes, 12 volumes

Scope and Content Note: Records in this subgroup document the cases, legal processes, and judgments of the Nebraska Territory Third Judicial District Court. This subgroup consists of six series organized by record type. Types of records in this subgroup include appearance dockets, complete records, journals, execution dockets, calendars, and case files. The bulk of the records within this subgroup are from Washington County and Dakota County District Courts.

Appearance Docket entries are sometimes coded to the appropriate reference in the Complete Record and vice versa; additionally, some Journal and Execution Docket entries are coded with numbers that refer to the appropriate Appearance Docket. Records in this subgroup may incorrectly spell "Dakota" as "Dakotah."

Series 1: Appearance Dockets, 1859-1879

Extent: 2 volumes

Scope and Content Note: This series consists of two Nebraska Territory Third Judicial District appearance dockets. Volume 1 documents Washington County District Court cases, with entries consisting of court dates, filing updates, case numbers, and relevant parties; entries in Volume 2 consist of the same types of information but for the Dakota County District Court. Volume 2 contains a printed insert listing all plaintiffs and defendants.

Volume 1 Docket A (including index), 1859-1873
Volume 2 Appearance Docket (Dakota County), 1861-1879

Series 2: Complete Records, 1857-1869

Extent: 3 volumes

Scope and Content Note: This series consists of three volumes of Complete Records related to the Third Judicial District Courts. Volume 1 contains entries written by judges, masters of the chancery, and other public officers that outline decrees of confirmation, decrees for sale, orders for publication, sheriff's sales, bills, and other notices and financial decisions related to Washington County District Court cases. Volume 2 entries consist of similar information as Volume 1 but documents both Washington County and Dakota County District Court cases; Volume 3 does the same for Dakota County only.

Volume 1 Complete Record A, 1857-1861
Volume 2 Complete Record C, 1858-1863
Volume 3 Complete Record (Dakota County), 1863-1879

Series 3: Journals, 1857-1878

Extent: 3 volumes

Scope and Content Note: This series consists of three journals with chronologically organized case entries. Entries note case type, parties, dates, filing updates, and decisions related to cases. Volume 1 contains Dakota County District Court journal entries; Volume 2 contains Washington County District Court journal entries; Volume 3 contains both Dakota and Washington County District Court journal entries and includes a separate bound Judgment Index.

Volume 1 Journal A (Dakota County), Sept. 1857-Apr. 1878
Volume 2 Journal B, 1857-1861
Volume 3 Journal D, 1860-1861 (including Judgment Index).

Series 4: Execution Dockets, 1858-1876

Extent: 2 volumes

Scope and Content Note: This series consists of two execution dockets containing entries that document financial judgments and fees related to Nebraska Territory Third Judicial District cases. Both volumes list dates, legal parties, and judgment amounts. Volume 1 notes counties in which judgments were rendered (Washington, Douglas, Dakota, and Burt) and remarks, while Volume 2 contains "Officer's Return to the Writ" and "To What Officer Issued" fields.

Volume 1 Docket (including Index vol), 1858-1874
Volume 2 Docket (Dakota County), May 1858-July 1876

Series 5: Court Calendars, 1862-1878

Extent: 2 volumes

Scope and Content Note: This series consists of two Nebraska Territory Third Judicial District court calendar volumes with entries documenting attorneys, parties, proceedings, and the kind of action, such as civil, chancery, and larceny. Entries are organized chronologically by term and year, but specific dates are not consistently included. Pages in Volume 1 contain the inaccurate header "Washington County, Iowa." In an attempt to correct this error, some pages have "Nebraska" written over "Iowa."

Volume 1 Calendar, May 1862-May 1872
Volume 2 Calendar (Dakota County), 1864-1878

Series 6: Case Files, 1855-1869 (Washington Co. District Court)

Extent: 11 boxes

Scope and Content Note: This series consists of 22 boxes of Nebraska Territory Third Judicial District Court case files. Case files contain transcripts of territorial, criminal, civil, and chancery cases appearing before the Washington County District Court. Some transcripts are missing. Files are organized numerically within each box.

Box 1 A1-A32
Box 2 A33-A66
Box 3 A67-A108
Box 4 A109-A147
Box 5 A148-A194
Box 6 A195-A237
Box 7 A238-A282
Box 8 A283-A307
Box 9 A312-A348; Criminal Terr. Cases 1-85
Box 10 A349-A362 - St. Criminal Cases
Box 11 B189-225