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## A fortune is near at hand: White land buyers on the Nemaha Half-Breed Tract, 1857-1860

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A FORTUNE IS NEAR AT HAND:  
WHITE LAND BUYERS ON THE NEMAHA HALF-BREED TRACT,  
1857-1860

A Thesis

Presented to the  
Department of History  
and the  
Faculty of the Graduate College  
University of Nebraska

In Partial Fulfillment  
of the Requirements for the  
Master of Arts Degree  
University of Nebraska at Omaha

by  
William T. Moran  
May 1992

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THESIS ACCEPTANCE

Accepted for the faculty of the Graduate College,  
University of Nebraska, in partial fulfillment of the  
requirements for the degree of Master of Arts, University  
of Nebraska at Omaha.

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## ABSTRACT

Throughout the 19th century, the federal government promoted the assimilation of Native Americans as individuals within white society. Allotment of land in severalty, or the granting of land to individual Indians, was one means to achieve assimilation because it was believed that Indians would adopt the lifestyle of white farmers once they received land. Though the attempt generally failed, the government remained undeterred in its efforts to achieve that end. In 1887, Congress passed the Dawes Severalty Act which made allotment in severalty the standard policy on most reservations throughout the United States.

One clear failure of allotment in severalty occurred on the Nemaha Half-Breed Tract, a reservation established in Nebraska to benefit the mixed-bloods of several Great Plains tribes. Though Congress created the reservation by treaty in 1830, it did not begin to allot the land until 1857. Once the land became available to the mixed-bloods, most of them sold their allotments to whites. This thesis describes the major purchasers of mixed-blood land on the Half-Breed Tract, including James W. Denver, the Commissioner of Indian Affairs; Stephen F. Nuckolls, the founder of Nebraska City; a group of German immigrants who sought to establish a socialistic society at their settlement called Arago; and several prominent local land speculators.

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## INTRODUCTION

Within the pages of Nebraska History, the state historical society quarterly, several authors have described how the Nemaha Half-Breed Tract came into existence. Writing in 1935, Nemaha County Judge Charles O. Snow explained how the government established the tract's boundaries; divided it into townships, ranges and sections; and determined by census which mixed-bloods were eligible to receive allotments. Judge Snow possessed an expertise in these areas for he had served as an abstractor, and as Nemaha County Clerk and Judge between the years 1898 and 1920. As much as anyone, he understood the local deeds which are the foundation of primary source material for researching the Half-Breed Tract.

In the second article (1957), historian Berlin B. Chapman expanded on the topics covered by Snow and included considerable statistical data about the ages and ethnic backgrounds of the mixed-bloods. He determined that two-thirds of the allottees were minors, thus helping to explain why the land passed so quickly into white hands. A single guardian often held several allotments and sold them for a quick source of cash. Chapman detailed later legal efforts to determine the actual value of the land when the mixed-bloods received it in 1858. From the deliberations of the Indian Claims Commission in 1947, he found that one expert estimated the land to be worth \$4.82 an acre, as compared to the \$.64 per acre that mixed-blood Susie Deroin actually received for her allotment. Although this illustration contrasted the highest value estimate against the lowest amount received, it became clear that most mixed-bloods sold their land for less money than it was worth. In a 1986 article, Gregory J. Johansen described the controversy regarding the location of the tract's western boundary and provided more information about the allotment process.

All three authors agreed that most mixed-bloods sold their allotments quickly, but the three omitted descriptions of the white men who bought the land. This thesis, then, is the first scholarly work to identify the major purchasers of Nemaha Half-Breed Tract lands.

Identifying these buyers required this author to spend two hundred hours studying the deed records located in the Nemaha and Richardson County courthouses. The research yielded fascinating results. After initiating the allotment process, the Commissioner of Indian Affairs directed the primary land speculation ring on the tract. The first and second chapters describe the tract's creation, the commissioner's activities, and transcontinental railroad history, an essential background since railroad speculation motivated some of the white buyers. The remainder of the thesis identifies other significant speculators, describes an unusual group of German immigrants on the tract, and provides biographical information on individual mixed-blood allottees.

Events on the Half-Breed Tract cast doubt on the wisdom of allotment in severalty, the practice of granting land to individual Indians rather than to tribes to be held in common, as a way of gradually assimilating the Native Americans into mainstream society. In short, the history of the Nemaha Half-Breed Tract holds valuable lessons for anyone interested in understanding the failures of federal Indian policy.

## ACKNOWLEDGMENTS

Writing history is demanding work that requires the assistance of many people. The following individuals contributed to the creation of this thesis. Dr. Michael Tate, an authority on Native American history and the Old West, chaired my thesis committee and guided me through all aspects of my work. Dr. Bruce Garver served on my committee and offered valuable suggestions, especially regarding transportation history, while I took several courses from him. The third committee member was Dr. Philip Vogel, who encouraged me in the final weeks as I completed my work. Dr. Jerold Simmons suggested where to look for information at local courthouses in southeastern Nebraska. I commend all of my history instructors at the University of Nebraska at Omaha.

In the courthouses, Nemaha County Clerk JoAnn Rohrs and Deputy Richardson County Register of Deeds Patricia Scott guided me through the deed records. I am indebted to the following people for sending me information from distant places that I did not have the resources to visit on my own: Bill Dobbins, Research Assistant at the University of Oklahoma Library; Rhonda Curtis of the Clinton County (Ohio) Historical Society; Gert Dietrich of Buffalo, New York; and Mary Bell, Director of Library and Archives at the Buffalo and Erie County Historical Society. Research Associate Betty Loudon helped me locate manuscript collections and other sources at the Nebraska State Historical Society. The following local persons assisted me: librarian Boni Hathaway of Auburn; librarian Kathleen Griepenstroh of Nebraska City; and Richard Zentner, Harold Prichard and Frank Reavis of Falls City. Dr. Myron Ballain and Leo Dietrich, administrators at the Auburn Public Schools, encouraged me to earn my master's degree. Fellow teacher Scott Vanderboegh taught me how to use the word processor and printed the final copy of the thesis. Finally, I wish to thank my parents, wife and children for encouraging me in this project and accepting the hardships that accompanied it.

It is my hope that this history of the Nemaha Half-Breed Tract will be useful and interesting to its readers. Throughout the project, I have

learned much about writing history; and that it is a process of slow construction. While this paper will increase knowledge about southeastern Nebraska, I hope it will inspire other writers to correct my mistakes and add more to this story, thereby yielding a closer approximation of what really happened. Interesting events have often occurred in one's own county. I found the history of southeastern Nebraska, where I live, to be dramatic and surprising.

## CHAPTER ONE

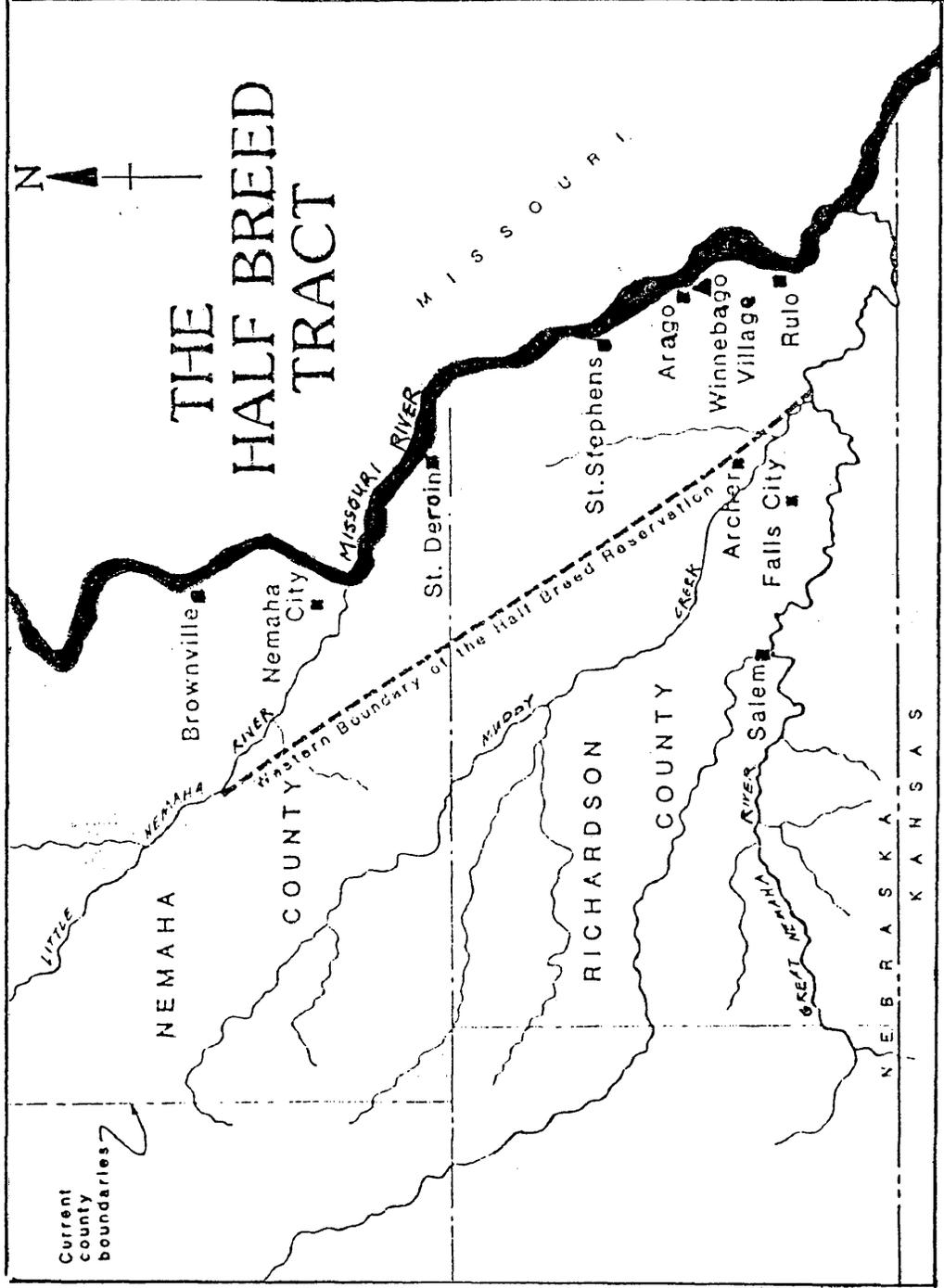
"FOR THEIR HALF-BREED":  
THE NEMAHA HALF-BREED TRACT AND THE SPECULATOR'S DREAM

On September 21, 1857, Louis Neal received a certificate of allotment that granted him a 320-acre parcel of land in fee simple from the United States government. That same day this mixed-blood Indian sold his land to a white man,<sup>1</sup> the first of many Indian land sales to whites on the Nemaha Half-Breed Tract, a reservation created in 1830 to benefit the mixed-blood Indians of several Great Plains tribes. Just three days earlier, Commissioner of Indian Affairs James W. Denver had written from Nebraska City to his wife, "...we went over to the Half Breed's Tract, where we were surrounded by the claimants who asked a thousand questions about when their lands would be set apart to them--how much each would be entitled to--&c., &c. We took dinner with Louis Neal, a half breed Otoe, who is rather intelligent and appears to be a clever fellow."<sup>2</sup> Was it coincidental that Louis Neal was the first to receive and sell his allotted land? Or was there some connection between Neal's meeting with Denver and his receiving the first allotment? Strong evidence suggests that Commissioner Denver manipulated the allotment process as part of a land speculation scheme. One certainty is that this transaction exemplifies how white speculators acquired land from mixed-blood Indians during the nineteenth century.

This thesis explores the process by which several groups of white speculators operated on the Nemaha Half-Breed Tract during the allotment period, from September 1857 through September 1860, when most of the mixed-bloods sold their land. Events on the Half-Breed Tract reveal the harmful results of a nineteenth-century policy to assign land to individual Indians in severalty, or fee simple, rather than to tribes to be held in common.<sup>3</sup> By this policy the federal government sought to break up the reservation system, to weaken the authority of tribal leaders, and to transform individual Indians into self-supporting "white"

farmers. Instead, the Indians sold their land to white settlers or speculators at bargain prices and became more dependent than ever upon the government for support. This misguided policy was executed piecemeal by dozens of treaties until Congress enacted a nation-wide allotment law, the Dawes Severalty Act, in February of 1887. The Dawes Act accelerated Indian land sales and left many Indians in poverty, without land to hunt on or job skills to succeed in a white man's world.<sup>4</sup> Had politicians studied the deleterious affects of allotment in severalty on the Half-Breed Tract, they might have avoided the larger debacle of the Dawes Severalty Act.

Congress created the Nemaha Half-Breed Tract on July 15, 1830, with Article X of the Treaty of Prairie du Chien, in which the Otoe Indians ceded land to benefit the mixed-bloods of the "Omahas, Ioways, Ottoes, for themselves, and in behalf of the Yankton and Santie bands of Sioux." The reservation lay west of the Missouri River between the Big and Little Nemaha Rivers, and its western boundary was to meet both rivers ten miles above their mouths in a direct line.<sup>5</sup> Extraordinarily, the government did not begin to allot the land until the fall of 1857, nor issue land patents until three years after that. The delay stemmed from a provision of Article X by which the mixed-bloods were to hold their land "in the same manner, and by the same title that other Indian titles are held; but the President of the United States may thereafter 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."<sup>6</sup> Simply stated, the President could assign individual mixed-bloods up to 640 acres in fee simple land which they were free to hold or sell without restrictions. Though mixed-bloods might have benefited if they were willing to cultivate the land like white farmers, allottees were more likely to sell their land, thus opening Indian Country to white ingress twenty-four years before it was legally permitted. Isaac McCoy, a Baptist missionary to the frontier Indians, warned Congress of that eventuality as early as 1840. Thus the government waited to allot the land until after white settlement had already begun. When politicians opened Nebraska with the Kansas-Nebraska Act of May 30,



Source: Gregory J. Johansen, "To Make Some Provision for Their Half-Breed,"  
 The Nemaha Half-Breed Reserve, 1830-66," Nebraska History (Spring 1986).

1854, thousands of white settlers entered the territory, thus forcing the federal government to make final determination concerning the Half-Breed Tract.<sup>7</sup>

The twenty-seven year delay in allotting the land was probably the result of concern by Congress that whites would invade the reservation if mixed-bloods were able to sell land deeded to them as individuals. An unanswered question is why Congress did not first grant the land to the mixed-bloods to be held in common, as the treaty had provided, and issue fee simple patents later if whites were permitted to settle nearby. In that way, the mixed-bloods would have been able to use the land while they waited for their individual allotments. The probable answer is that the mixed-bloods were not bound to each other by common ancestry or customs. They sprang from different tribes, lived apart from each other, and felt no allegiance to their fellows. A more cynical interpretation would be that the politicians simply neglected to allot the land, thereby depriving a generation of people benefits to which they were entitled. Perhaps it is best to give Congress the benefit of the doubt regarding the intentions of its members. By looking at the wider history of congressional dealings with the Indians, it appears that Congress repeatedly tried to safeguard Indians and protect their land from encroachment by whites. Even before independence, colonial legislatures prohibited individual colonists from acquiring Indian land, primarily because indignant Indians might attack vulnerable white settlers. Congress passed or amended trade and intercourse laws in 1790, 1793, 1796, 1799, 1802, and 1822 which regulated dealings with the Indians. These laws established a licensing system for traders, outlawed the private acquisition of Indian land, and made crimes against Indians punishable by law.<sup>8</sup>

Most conflict between whites and Indians stemmed from disputes over land. In the intercourse law of 1790, the first Congress prohibited the private purchase of Indian lands by whites, but did not specifically prohibit encroachment because it was considered unnecessary since offending whites were putting their own lives at risk. That danger apparently did not deter the offenders, so in 1793 Congress set a \$1,000

fine and twelve months imprisonment for whites who settled, surveyed, or marked boundaries on Indian lands, and it provided for the removal of those whites. By specific terms of the Constitution, only the federal government could make treaties with Indians, and only Congress could appropriate funds to compensate Indians for ceded land. The intercourse law of May 19, 1796, established a detailed boundary line between whites and Indians, and was the first law that designated a separate "Indian Country." In 1822, Congress amended previous intercourse laws to protect Indians in property suits against whites by placing the burden of proof on the whites. In general, it may be concluded that the trade and intercourse laws demonstrated the sincere intent of Congress to protect Indian rights. The Supreme Court also endorsed Indian land sovereignty in the 1810 case of Fletcher v. Peck and in the 1823 decision of Johnson and Graham's Lessee v. McIntosh.<sup>9</sup>

The government's main problem was enforcing the protective laws given the vastness of the frontier and the avarice of many whites with whom the Indians came into contact. Traders sold illegal goods along the extensive frontier; white squatters occupied Indian land; and many officials and judges failed to enforce property laws because they believed whites would put the land to better use. The intercourse laws which prohibited white encroachment slowed the movement of squatters onto Indian lands, but could not prevent it. By 1830, the Indian threat in the East had substantially subsided and the federal government sought to remove Indians to the region west of the Mississippi River. During Andrew Jackson's presidency, Congress accelerated Indian removal, arguing paternalistically that removal was best for the beleaguered Indians. Since the federal government received a large portion of its funds by selling land in the public domain, and white hunger for land seemed insatiable, pressure mounted on politicians to acquire land by treaty, remove the Indians, and to sell the land to white settlers.<sup>10</sup>

In the first decades of the nation's history, Congress treated with Indian tribes as if they were separate, but subordinate nations, thus explaining why early treaties typically granted land in common. Yet President Thomas Jefferson favored allotment in fee simple because the

concept corresponded to his vision of a nation of self-sufficient small farmers. Jefferson opposed centralized government and believed that individuals, whether white or Indian, could best govern their own affairs if permitted to do so. He reasoned that allotting land to individual Indians would foster the development of the capitalistic attitudes required for them to prosper, and that they would be more easily assimilated into white society. Congress gave only modest fee simple grants during Jefferson's presidency, preferring to assign land to each tribe as a whole. Though Indians had a "right of occupancy" under this reasoning, control ultimately rested with the federal government.<sup>11</sup> The first individual grant appeared in an 1805 treaty with the Choctaws in which two mixed-blood girls, the daughters of a white man named Samuel Mitchell, received 5,120 acres of Alabama land. As a sign of things to come, the Mitchell family acquired, divided, and quickly sold the land. Early treaties often contained provisions for the allotment of 160 to 640 acres to important tribal leaders. Such distributions were not part of a set policy or program to induce Indians to change their lifestyles, as would occur later, but were simple payments to Indian leaders to encourage concessions to the government. The distributions usually ended up in the hands of traders and self-seeking agents. The government established a policy of sorts in the 1810s and 1820s when it specifically distributed individual allotments so that recipients could repay their debts to traders, though it revised the practice in the 1830s because Indian leaders began to run up debts with accommodating traders in anticipation of the allotments. In quick fashion, the Indians had become dependent on the allotments as a form of credit.<sup>12</sup>

The government executed the allotment provisions of treaties in different ways depending on the tribes involved, their locations, and the times. The worst abuses occurred in the South, especially to the members of the Five Civilized Tribes. Amid extreme competition for southern land, the government promised the Indians lands in severalty, but it removed tribes to the West before individuals were able to benefit from their allotments. The case of the Cherokees is typical of the process in the South. Following the Cherokee treaties of 1817 and 1819,

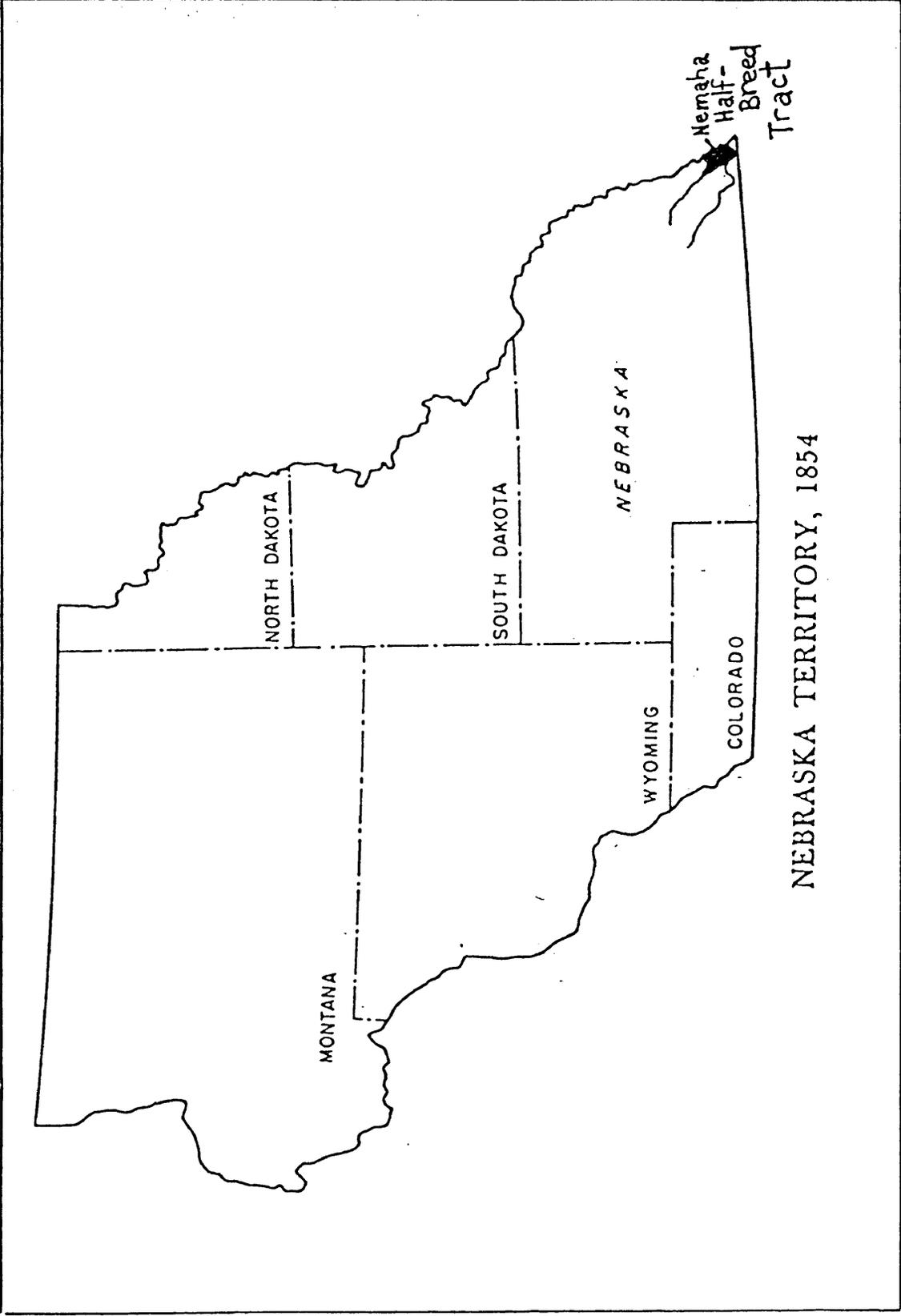
Congress granted 311 persons separate allotments in North Carolina and Georgia, but the states challenged the federal government's right to convey the land. These Indians were not compensated until the enactment of the Treaty of New Echota in 1835, by which the pressured Cherokees ceded their remaining tribal lands in Alabama, Georgia, Tennessee, and North Carolina in exchange for seven million acres in present Oklahoma, and some monetary considerations. Similar events befell the Choctaws, Chickasaws, and Creeks, whose treaty provisions produced the same convulsive effects. The Indians would cede tribal lands in exchange for allotments in severalty, money and gifts; then the government would sell the excess lands to white settlers, with the proceeds to be given to the Indians in trust. Soon white settlement would exert new pressure for removal, and the government would force the Indians to take land further west. In treaties with Southern tribes, alienation of the allotments was made easy so that white speculators and settlers might acquire the land.<sup>13</sup>

In the North, provisions for allotment in severalty first appeared in the treaties of 1817. While instructing the negotiators, Acting Secretary of War George Graham suggested that natives who did not wish to remove to the West should each be given "a life estate" which could pass to their children in fee simple. Lewis Cass and other negotiators soon felt that the treaties promised too much in individual allotments and annuities since Northwest Indian tribes, spurred on by traders and speculators, came to expect the allotments and would not agree to treaties that did not provide for them. The problem worsened over the next decade because tribes were increasingly obligated to traders who sought land rather than furs as payment. Allotting land in severalty fell out of favor with Congress in the 1830s, partly due to the objections of Lewis Cass, who had been appointed Secretary of War. Though the Senate temporarily disallowed allotment in severalty in 1843, the practice reappeared in treaties written in the 1850s due to agitation from Eastern humanitarians who viewed it as a panacea which would help assimilate Indians into white society. Prior to the passage of the Dawes Act in

1887, Congress had patented more than 17,000,000 acres to individual Indians, generally with disastrous effects.<sup>14</sup>

The 1825 and 1830 Treaties of Prairie du Chien occurred at the height of Indian removal from the Old Northwest. The first treaty created boundaries between the Sioux, the Sacs-Foxes to the south, and the Chippewas to the north. Conflicts between the tribes forced the second treaty in which the Sioux and Sacs-Foxes each ceded twenty-mile strips of land between neighboring tribes as buffer zones, most of which were later given to the Winnebagos. In 1837, the Sioux ceded their lands east of the Mississippi River in return for \$300,000 to be invested at 5 percent interest, assorted cash and debt payments, and annuities to help promote agricultural development. In practice, the Indians relied on the annuities for subsistence and did not use them to develop farming. The 1830 Treaty of Prairie du Chien also created the Nemaha Half-Breed Tract with its provision for allotment in fee simple. White traders had mixed emotions about allotment in severalty because, although they might obtain land at bargain prices, removal of Indians to the west deprived them of their greater source of profits. Traders usually opposed removal and favored treaties providing for the payment of Indian trade debts prior to payments to Indians.<sup>15</sup>

Several tribes from the Old Northwest were relocated along the eastern borders of Kansas and Nebraska, where they faced removal again because they blocked potential routes of the Pacific railroad. Following a War Department survey in 1853, Congress planned to select one of four possible routes for the road. Southerners argued that the southern route passed through regions that were already politically organized, thus making that route more desirable. Because the two central routes passed through regions which were unorganized in 1853, proponents of the central routes had to facilitate the organization of Kansas and Nebraska territories, and to begin removal of the so-called Indian barrier. That prospect satisfied white farmers because the existence of Indian Country prevented them from acquiring land. Illinois Senator Stephen A. Douglas, the main proponent of territorial organization, campaigned to remove the Indian barrier, to open Kansas and Nebraska for white



Source: James C. Olson, History of Nebraska (Lincoln; University of Nebraska Press, 1966).

settlement, and to promote the construction of railroads and telegraph lines to the Pacific. Douglas had sponsored the first territorial bills in 1844 and 1848, but they failed to win approval. Likewise, Illinois Representative William A. Richardson's territorial bill passed the House on February 10, 1853, but the Senate refused to act on it.<sup>16</sup>

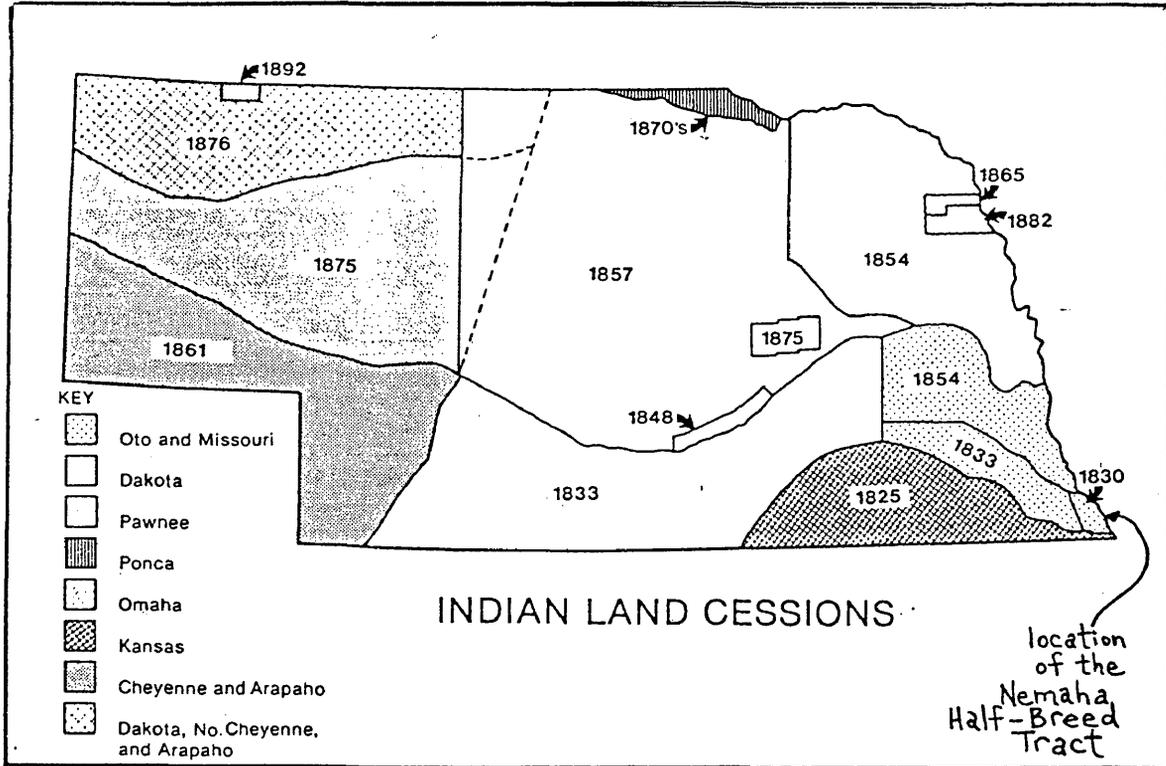
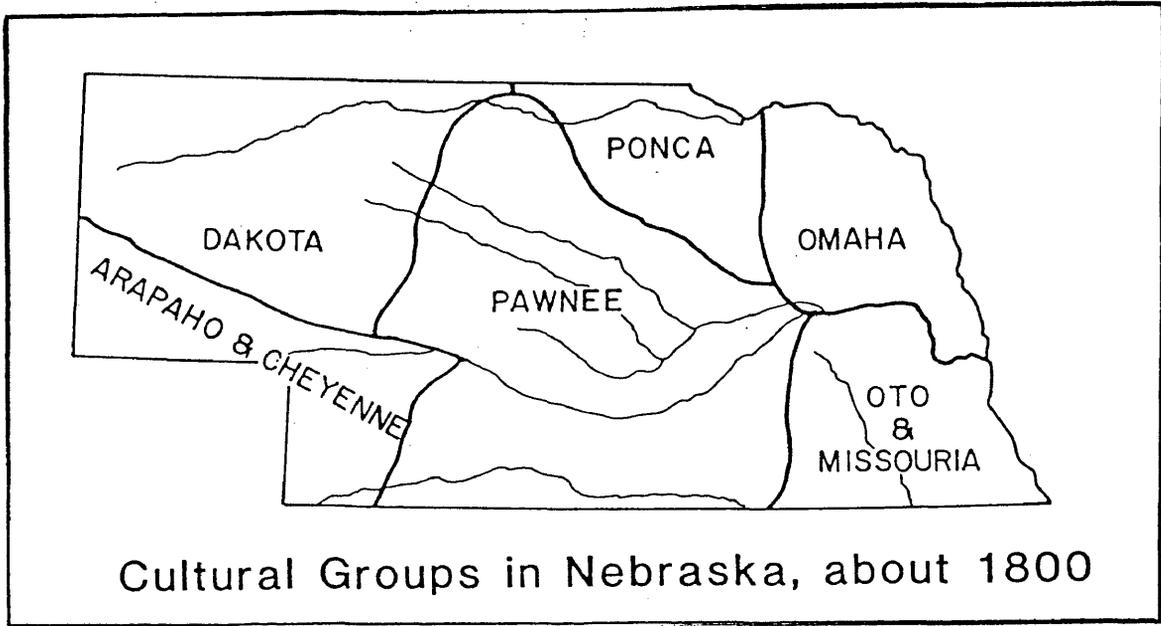
Politicians from California and Oregon supported the bill because organized territories would insure safer overland travel to the West, thereby hastening the construction of the Pacific railroad. Southern leaders opposed organizing the territories because they wanted to preserve the region as a place to banish southern Indian tribes, and because they feared that organization would jeopardize a southern route for the railroad. Since the Missouri Compromise of 1820-1821 forbade the creation of slave states north of Missouri's southern boundary, the proposed territories offered the South no new regions in which to extend slavery. To win southern support for a new bill, Douglas sought to offer southern politicians a major concession. By amending an earlier territorial bill introduced on December 14, 1853, by Iowa Senator Augustus C. Dodge, one that made no mention of slavery, Douglas proposed that the settlers themselves would decide the slavery question in each of the newly-created territories. This "popular sovereignty" provision effectively repealed the Missouri Compromise and made it possible to introduce slavery into the new territories. With overwhelming Southern support, the bill passed on May 30, 1854. The Kansas-Nebraska Act angered slavery opponents, increased sectional animosity, precipitated violence in Kansas, stimulated the growth of the Republican Party, and hastened the outbreak of the Civil War. It also set events in motion on the Half-Breed Tract because it forced Congress to begin the allotment process.<sup>17</sup>

Long before passage of the Kansas-Nebraska Act, Congress had enacted the Indian Country Act in 1834 which designated the land west of the Missouri River and the State of Missouri, and north of Texas, for the exclusive use of Indians. No whites were permitted to enter the area, let alone settle there, without the explicit permission of the government. In 1834, most Americans perceived Indian Country as a hostile

wasteland, and perhaps thirty thousand Indians were relocated to the region by 1840.<sup>18</sup> By 1853, Congress had extinguished the title of the Kansas, Pawnee, Otoe, and Missouri to specific strips of Nebraska in order to establish clear boundaries between tribes, to eliminate overlapping hunting areas, and to reduce inter-tribal conflicts. The Fort Laramie Treaty of 1851 created a route for travelers on the Oregon Trail and established a boundary between the Pawnee and Sioux.<sup>19</sup>

Beginning in March 1853, Indian Commissioner George W. Manypenny initiated negotiations with tribes in the two future territories to acquire their lands for white settlement. After the Fort Laramie Treaty of 1851, which caused increased friction between Indians and whites, Manypenny concluded that white settlement and interracial conflict were inevitable unless the Indians were removed and isolated from white expansion. He therefore called for legislation to organize the territories. Accords signed on March 15 and 16, 1854, were important steps in advance of the Kansas-Nebraska Act because they opened large areas of land in eastern Nebraska for future white settlement. In the March treaties, the Omaha, Otoe, and Missouri tribes ceded nearly five million acres of land along the Missouri River. By June, shortly after the passage of the Kansas-Nebraska Act, Manypenny had negotiated nine treaties with the eastern border tribes in the new territories. The treaties provided for land cessions west of the Missouri River, the establishment of smaller areas within the old reservations for Indian settlement, and the eventual allotment of plots to individual Indians.<sup>20</sup>

Manypenny represented a new generation of government officials who had adopted the idea of land in severalty as a panacea for Indian adjustment to white society. Manypenny believed that allotment in severalty would help "civilize" the Indians, and he included incentives and punishments within the treaties to promote cooperation among the tribes. Though he awarded plots up to a quarter-section in size, restrictions prevented Indians from selling their land and discouraged them from roving. The government could revoke their patents and withhold their annuities if the Indians did not settle on their plots. Manypenny included a sliding scale for the payment of annuities, which,



Source: Bradley H. Baltensperger, Nebraska: A Geography (Boulder, Colorado: Westview Press, Inc., 1985).

at the discretion of the president, could be paid in money or expended for education and vocational training. The government promised to build a grist mill, saw mill and blacksmith shop, and provide a miller, blacksmith and farmer to the Indians for ten years. These treaty provisions and Manypenny's attitudes reflected the influence of Eastern humanitarians who sought to acculturate the Indians. Unfortunately, the treaties failed to achieve their objectives due to Indian resistance to cultural change, the influx of land-hungry whites, and the growing sectional conflict over slavery.<sup>21</sup> Indian Commissioner James W. Denver negotiated the Pawnee Treaty of September 24, 1857, at Nebraska City, by which the Pawnees sold their claim to land in Nebraska. It contained provisions similar to those found in the Manypenny treaties, reflecting either Denver's confidence in allotment in severalty, or the fact that he was new to the position and merely imitated his predecessor. While awaiting the proceedings, Denver traveled to the Half-Breed Tract and evaluated the land for speculation.<sup>22</sup>

After passage of the Kansas-Nebraska Act, whites acquired land primarily through pre-emption or through military bounty land warrants. The Pre-emption Act of 1841 allowed qualified persons to secure a parcel of 160 acres by living on it, improving it, and paying \$1.25 per acre to the government. Since 1776, Congress had granted military bounty land warrants to soldiers of American wars, giving them land from specially designated areas of the public domain. The land warrants issued primarily in Nebraska between 1854 and 1862 were those grants given to veterans of the Mexican-American War. The congressional act of March 27, 1852, permitted soldiers to transfer their land warrants to other persons, and it contained no residence requirement. Speculators soon bought large numbers of these warrants from soldiers who were willing to part with them at less than the real value of the land.<sup>23</sup> By 1857, settlers and speculators had claimed much of the best land in eastern Nebraska, leaving the Half-Breed Tract as a coveted, but forbidden, expanse of land to white men.

In 1838 the Reverend Isaac McCoy, a Baptist missionary stationed in Bellevue, Nebraska, was selected to establish the boundaries of the

reservation. Fearing the intrusion of white settlers, McCoy opposed subdividing the tract and issuing patents to individual mixed-bloods, but he favored marking the outer boundaries to prevent land disputes between whites and mixed-bloods. McCoy knew the danger from experience for he had been a missionary to the Potawatomis when they had ceded a 130-mile tract along the Wabash River in 1826, in exchange for individual grants and annuities. While fifty-eight students in his mission school had received 160 acres each, they and the other recipients could not hold their lands in the face of unrelenting white pressure to sell. Unfortunately, John C. McCoy, Isaac's son, botched the Half-Breed Tract survey so that the western boundary was marked along a line eight miles, rather than ten miles, from the mouth of the Little Nemaha River. In 1841 Isaac McCoy reported the names of 121 mixed-bloods whom he thought had legitimate claims to reservation lands.<sup>24</sup> Yet the government did nothing with the information for thirteen years, apparently unaware of how the delay might affect the number of claimants. Finally, on July 31, 1854, two months after passage of the Kansas-Nebraska Act, Congress ordered the tract to be surveyed and the land allotted to the mixed-bloods in fee simple.<sup>25</sup> The timing suggests that Congress sought to protect the mixed-bloods from white squatters by giving them clear title to their lands. On May 14, 1856, Joseph L. Sharp was appointed special commissioner to report the number and names of the mixed-bloods, a full fifteen years after Isaac McCoy's census. The number of eligible claimants had risen to 373, a threefold increase since 1841.<sup>26</sup> The federal government could no longer postpone allotting the lands if claimants were to receive substantial portions.

Another development that profoundly affected the Half-Breed Tract was the effort to build a Pacific railroad during the years before the Civil War. In fact, the railroad fit the plans of several Half-Breed Tract speculators, especially James W. Denver. The impetus to build the road arose from several sources, including increased immigration from Europe and the westward movement which was already well underway. Some people headed west for land or gold, while others sought to escape the congestion and lack of opportunities in the East. The acquisition of

Oregon in 1846 and California in 1848 lent credence to Manifest Destiny, the policy of American expansion to the Pacific. After the California gold discovery of 1848, thousands of Americans hurried west to make their fortunes, but failing in that attempt, stayed to settle new lands. Agitation for a Pacific railroad soon followed for, without a railroad to the East, California and Oregon seemed isolated and vulnerable. A Pacific railroad would provide efficient transportation, communication, mail service, military transport, the shipment of products, and increased trade with Asia.<sup>27</sup> The project seemed possible based upon the dramatic growth of eastern railroads. By 1850, Americans had built over nine thousand miles of railroad, mostly in New England and the mid-Atlantic states, at a cost of more than \$300 million. The decade from 1850 to 1860 witnessed the most sustained rail growth of the ante-bellum period, as railroad mileage tripled and short lines merged to form a rail network. Much new construction led toward the Mississippi River to satisfy the American urge to move west. The total flow of goods and passengers shifted from along the Ohio and Mississippi rivers to an east-west direction along the trunk line railroads serving eastern seaports.<sup>28</sup>

The Pacific railroad was first suggested by visionary businessmen, railroad men, and missionaries in the 1830s. Asa Whitney, a locomotives manufacturer from Philadelphia, promoted the first project to receive congressional attention. On January 28, 1845, he presented a memorial to Congress urging the construction of a railroad from Lake Michigan to the mouth of the Columbia River, though later versions moved the proposed eastern terminal to Prairie du Chien on the Mississippi River.<sup>29</sup> Whitney determined the route based on its practicability, the availability of timber, the advance of population in Wisconsin, and the easy access of the terminal to the eastern cities by way of the Great Lakes. Whitney's later proposals called for a privately-owned, but government-funded railroad. He also urged Congress to grant the builders an expanse of land thirty miles wide, on both sides of the line along its entire length, for a total of about 77,952,000 acres. Whitney favored government control to insure completion of the project.<sup>30</sup> Opponents wondered if land grants could stimulate construction in distant regions, and if Congress

could prevent overcharging and fraud. Whitney's plan also faced competition from proposals promoting other routes, including one over the Isthmus of Panama. Each region of the country advanced its own proposals, with southerners especially disturbed by Whitney's proposed northern route. Locating the Pacific railroad thus became an explosive political question.<sup>31</sup>

Congress formally considered Whitney's proposal in the 1845-1846 session. Though the Senate Committee on Public Lands favored it, the House Committee on Roads and Canals preferred a water route to the West. Missouri Senator Thomas Hart Benton, a proponent of an isthmian route, crusaded against the Whitney plan which contributed to its eventual defeat in both houses of Congress. Benton may have resented Whitney's popularity, as the Senator considered himself to be the prophet-promoter of the Pacific railroad and trade with Asia. Benton later offered his own proposal for a Pacific railroad beginning in his home state. Other representatives from Missouri favored a southern route to link up with the Hannibal and St. Joseph Railroad which sought land grants of its own across Missouri.<sup>32</sup> In the Thirtieth Congress (1848-1849), Whitney's opponents exploited the increased sectionalism by pitting northern and southern politicians against each other. Proponents worked for a compromise in the Thirty-First Congress by not insisting on a northern route and emphasizing the wide public support for the plan. Opponents argued that the grant would plunge the nation into insurmountable debt, that Whitney would profiteer through the grant and sales of stock, and that foreigners might invest to gain control of the project. Opponents also questioned the constitutionality of charging taxes for that portion of the road outside of existing states, and they feared that the courts might grant the company an irrevocable monopoly. Congress debated whether it could stop the project once it was approved, and, contradictorily, whether it would have sufficient power to ensure the project's completion. Finally, Whitney's plan was opposed by businessmen committed to the isthmian route, those associated with mail service around the Horn, and land speculators who did not want Congress to give western land to the railroad companies.<sup>33</sup>

Historian Lewis Haney claimed that though Whitney tended to excessive optimism, he was no "crack-brained enthusiast," and that he was remarkably unselfish with his time and money in promoting his plan. Once, to deflect criticism, Whitney requested that Congress not pay him for work he proposed to do until the road was completed and in operation for twenty years. He also offered to consider alternate routes to overcome sectional differences concerning the road's location. According to the report of one House committee, Asa Whitney deserved much of the early credit for originating, researching, and promoting the Pacific railroad.<sup>34</sup> Hartwell Carver was another early proponent of a Pacific railroad who wanted private ownership, but public sponsorship. He proposed starting a road at either Lake Michigan, the Missouri River, or the Mississippi River, and ending it with branches to San Francisco and the mouth of the Columbia River, thereby serving both California and Oregon. An interesting feature of Hartwell's plan was that he offered the government three choices for funding the project, two involving the government sale of land for company stock, and the third resembling Whitney's land grant proposal. Hartwell envisioned colossal cars twenty feet wide, rolling on ten-foot-wide tracks, demonstrating that the concept of standard-gauge track had not yet gained universal acceptance.<sup>35</sup>

Some men advocated complete government construction and ownership because of the magnitude of the undertaking and the danger of a private monopoly being produced. In 1846, George Wilkes proposed a national road from the Missouri to the Pacific with complete public financing, arguing that adequate funds were unavailable privately. He felt that capitalists would gain enough profit from the railroad project through increased business opportunities.<sup>36</sup> With the discovery of gold in California, other public road advocates argued that only complete government involvement could insure the safe transport of gold from California, and guarantee the nation's possession of California. Senator Benton became the most prominent advocate of a national railway. He opposed all promoters of private plans as "stock-jobbers," or speculators who would get rich by selling the stock of shaky companies. Benton proposed the construction of a railroad and a wagon road from St. Louis

to San Francisco, with a branch to the Columbia River. Not surprisingly, the first several hundred miles of the lines passed through his state of Missouri. His bill called for funding through public land sales in California, Oregon, and elsewhere in the United States. Though Benton advocated government ownership, he proposed that private companies or individuals operate the railroad at reasonable rates under strict government supervision and regulation. In order to gain wide support for his "Central Pacific Railroad," Benton proposed additional branches and funding.<sup>37</sup>

The desirability of a transcontinental railroad was firmly established by 1850, and the debates within Congress shifted from project feasibility to selecting the best route. Though politicians had not yet solved the question of feasibility, they were determined to build the railroad despite considerable obstacles and costs. By 1850, eighteen state legislatures and numerous other memorialists had urged Congress to build the road. Some memorialists wanted to build private railroads with congressional aid, while others wanted Congress itself to authorize, supervise, and subsidize a national road. The majority agreed with Asa Whitney that a government-owned railroad was incompatible with American traditions and institutions. Either way, people recognized that such a huge project would require public money. Though Congress saw several mature Pacific bills prior to 1850, most did not pass the committee stage and none gained approval, despite general agreement on the merit of the project.<sup>38</sup>

During the 1850s, the main issues concerning the Pacific railroad were the route, funding, and the contractor who would build the road. In 1852, the House Committee on Roads and Canals studied a version of the Whitney plan in which the government would sell Whitney a strip of land sixty miles wide from Lake Michigan or the Mississippi River to the Pacific for ten cents per acre, to be paid upon completion of the road. Construction funds would be provided by land sales along the route.<sup>39</sup> Whitney's southern opponents offered their own plan in which the government would guarantee a five percent profit above the cost of construction, subject to a predetermined maximum amount. In rejecting

the plan, Congress must have disappointed those heads of construction companies that stood to gain gigantic profits.<sup>40</sup> By the end of 1852, it was increasingly apparent that no single group had sufficient political influence to win the railroad construction rights. Congress had debated the issue for eight years and seemed no closer to a decision. Southern politicians were the most cohesive group, and they had support within the administration of incoming president Franklin Pierce. Even they, however, could not overcome the united opposition of other interest groups and the strict constructionalists who held that it was unconstitutional for the federal government to sponsor internal improvements, let alone a railroad project outside of the organized states.<sup>41</sup>

Pacific railroad advocates in Congress promoted several routes during 1853 in an attempt to defeat sectional differences, and they proposed to pay for the multiple lines through land grants supplemented by direct government cash grants. The strict constructionalists framed the debate as a states' rights issue and argued against the imposition of costly programs on individual states by the federal government. Despite effective opposition to the railroad bills in 1853, congressional sentiment was inching toward direct government subsidies in the form of interest-bearing stock to pay for construction. Concerning the impasse over the road's location, Ohio Senator Salmon P. Chase proposed that Congress build the railroad between Kaneshville (Council Bluffs), Iowa, and Independence, Missouri, since this corridor used by overland pioneers was a known route to California and its central location would serve as a "compromise" between competing sections. Southerners recognized that the "compromise" served the interests of Ohio and the North better than those of the South. Chase's proposal did advance the idea that locating the railroad should be based on objective facts.<sup>42</sup>

Late in 1853, a Senate select committee reported a bill sponsored by Texas Senator Thomas J. Rusk which proposed surveys by government engineers to locate the railroad solely on geographical and topographical merits. According to the Rusk bill, private companies would build and operate the road, though the government would provide

grants of money and land. To satisfy the strict constructionalists, the Rusk bill gave state legislatures veto power over construction within their boundaries. States rights proponents complained that the measure bribed individual states to go along with the project despite objections. Some senators felt that the bill granted construction companies too much money and discretion, and enlarged the power of the executive branch at the expense of the legislative, since the War Department, under the president's control, would conduct the surveys. The bill died due to concern over funding, even though senators approved of the survey proposal, which seemed the only way to keep the railroad issue before Congress and to end the stalemate. In an attempt to salvage that part of the Rusk bill, Pennsylvania Senator Richard Brodhead proposed a new bill exclusively directing the War Department to conduct scientific surveys of several promising routes to determine the best location of the road. Pro-railroad senators attached the proposal as an amendment to the House military appropriations bill for the following year which authorized the Secretary of War to initiate the surveys, and appropriated \$150,000 for their expenses. Upon passage by the House, the provision became the first appropriation leading directly to the construction of the Pacific railroad. Two other events heartened railroad proponents during the Thirty-Third Congress: President Franklin Pierce requested Congress to act on the road in his annual message, and the federal treasury reported a surplus of funds.<sup>43</sup>

The Pacific railroad surveys offered the hope that Congress could put aside sectional rivalries and select the best route based upon objective information. Proponents argued that nature itself would determine the best route if Congress would simply send the engineers of the Topographical Corps into the field. Northerners felt that Asa Whitney's northern route, first proposed in 1844, would win out, while Southerners thought that the surveys would support the railroad across Texas and the Southwest along the 32nd parallel. Yet the competition for the railroad was not due to the North-South rivalry alone, since many cities and financial syndicates had interests in the railroad as well. Various city leaders foresaw the boom in business and land values that

would benefit the road's eastern terminus, and business groups hoped to participate in the road's construction. Whenever one route seemed to garner more attention or acquire an apparent advantage, interest groups from other areas would work together to defeat that advantage. The scientific surveys seemed to be the only way to break the stalemate. Since the country could afford to build just one or two transcontinental lines, the surveys created a "winner take all" mentality in Congress and became the focus of attention across the nation.<sup>44</sup>

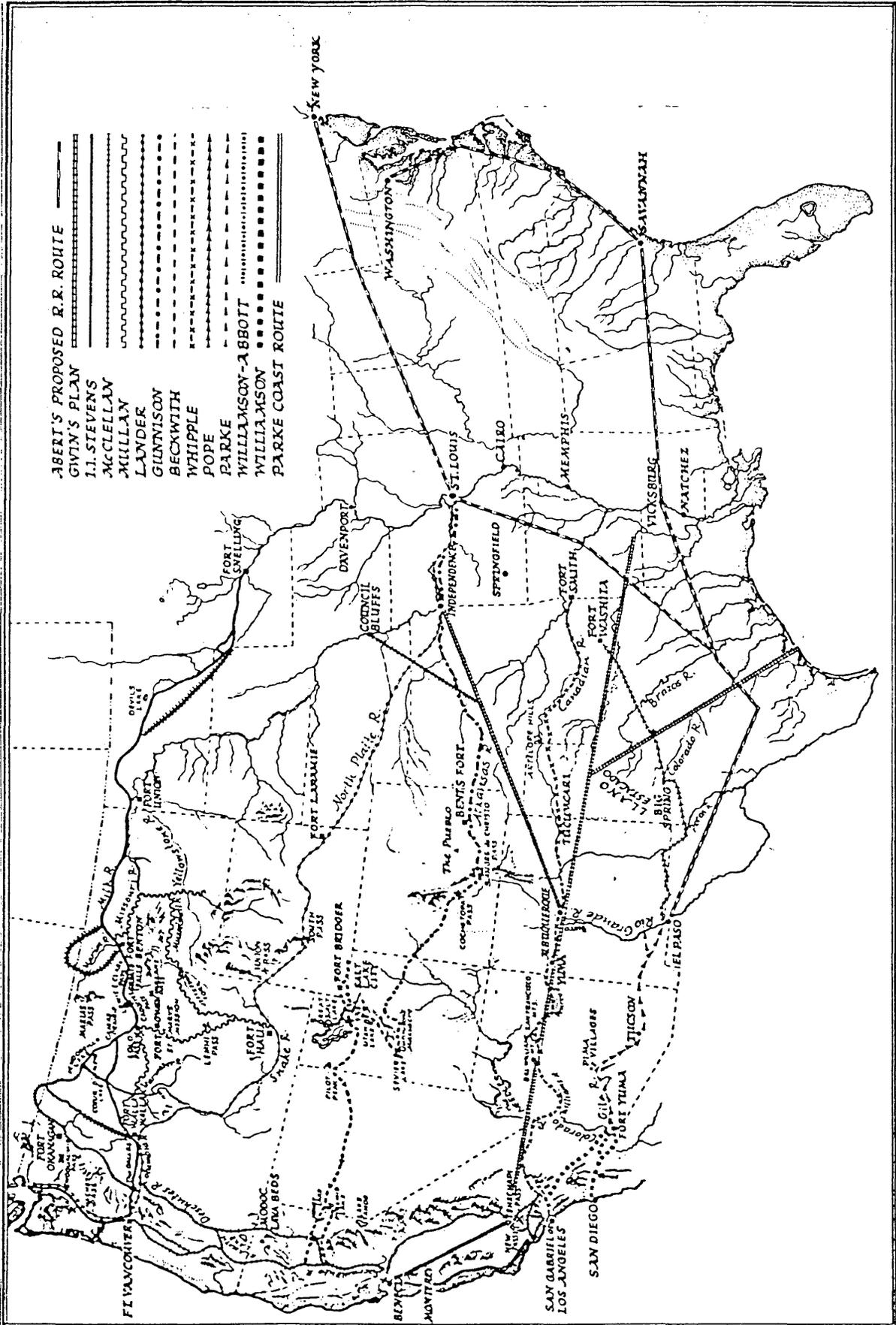
Eight routes enjoyed considerable political support. Asa Whitney's northern route could begin either at Chicago or the tip of Lake Superior. A second Chicago railroad, supported by Stephen A. Douglas and powerful businessmen, would run westward through Council Bluffs and South Pass. Douglas's Chicago group was in fierce competition with a group from St. Louis led by Thomas Hart Benton, which demanded that the line be built from St. Louis through Cochetopa Pass near the 39th parallel. The competition between the Chicago and St. Louis groups indicates how factors beyond sectional rivalry often rendered congressional action impossible. Springfield and St. Joseph were two other Missouri cities that promoted roads through their cities and were able to command support in Congress. The St. Joseph group wanted to run its route along the emigrant trails in Nebraska and then through South Pass. The Springfield group wanted to run its road to Albuquerque and then to the Pacific along the 35th parallel. Southerners were much more cohesive in support of their three alternative roads than were the special interest groups from the northern states. One group favored running the road westward from Memphis along the 35th parallel; another group favored a route along the 35th parallel to Fulton on the Red River, with branches to Kansas City, Council Bluffs, the Gulf of Mexico, and Puget Sound; and a third group led by Texas Senator Rusk favored a route from Vicksburg through Texas and then along the Gila River roughly at the 32nd parallel. Though the southern groups fought hard for their individual routes, they were willing to cooperate with one another to guarantee that the road would commence somewhere from the South.<sup>45</sup>

Fear that the Pacific coast region would be left without adequate defense due to the siting stalemate led Congress to authorize the Pacific railroad surveys. From the start it became apparent that the surveys might cause problems of their own. Critics questioned the ability of Secretary of War Jefferson Davis, a former senator from Mississippi and future leader of the Confederacy, to promote the surveys in an unbiased manner. Thomas Hart Benton doubted that Davis would give other routes the same consideration that he would give to his favored 32nd parallel route. Benton also linked Major Emory of the Topographical Corps, which would oversee the surveys, to property that he owned in a paper town in southern California, and to the president of the Atlantic and Pacific Railroad, Robert J. Walker, who was Emory's brother-in-law. No impropriety was ever proved, but Benton's attacks damaged the credibility of the surveys from the start.<sup>46</sup>

Congress passed the Pacific Railroad Survey bill on March 2, 1853, and ordered the Secretary of War to submit a full report to Congress by January of 1854, just ten months later, a date so early as to make execution of the order unlikely. Under such time pressure, the Topographical Corps executed the surveys more as reconnaissances to determine the merits of each route rather than minute studies. The survey parties were to collect careful observations regarding elevation, grades, passes, climate and resources along the proposed routes. Davis originally ordered four parties to examine four proposed routes: the northern route between the 47th and 49th parallels from St. Paul westward along the Missouri River; another between the 38th and 39th parallels from the Arkansas River through the Cochetopa Pass to the Salt Lake; the third along the 35th parallel from Fort Smith via Albuquerque to California; and the fourth along the Tulare and San Joaquin valleys to search for mountain passes in California that could connect with routes along the 35th or 32nd parallels. Davis did not originally send a party to explore the proposed route along the 32nd parallel, his favored route, possibly because he believed that the merit of the route had already been established by previous army explorations in the Southwest. When opponents began to seriously question that route due to the lack of

available water and timber and danger from Indians, Davis sent a fifth party into the field to explore stretches of the route that had been criticized. A serious omission was made in not sending a party to explore the Sierra Nevadas along the 35th parallel to determine if a central line could be built from the Salt Lake to San Francisco. Historian William H. Goetzmann has concluded that Davis and his advisors selected for study those routes with the greatest political support, relegating scientific considerations to a secondary role. Ironically, the later transcontinental railroad was not built along any of the survey routes, or even along any of the eight heavily promoted routes, though portions of western railroads were eventually built along each of the eight routes.<sup>47</sup>

The Pacific railroad surveys intensified the competition between northern and southern politicians, and between interest groups, rather than breaking the deadlock by indicating the best single route impartially. The surveys actually indicated the existence of several extremely attractive routes and demonstrated that western lands were more valuable than previously imagined. Political and business leaders were thus encouraged to fight even more strenuously for their preferred routes since the stakes were higher, and they could argue the merit of their route using data collected from the surveys. The Northern survey group demonstrated the feasibility of routes terminating at Seattle or Fort Vancouver, though the leader of the party, Isaac I. Stevens, a former Army engineer and the new governor of the Washington Territory, damaged the credibility of his report by greatly underestimating the probable costs of construction and minimizing the difficulty of tunneling in the Far West. The party that explored the most central route, between the 38th and 39th parallels, rejected the utility of the Cochetopa Pass which had been heavily promoted by Thomas Hart Benton and the St. Louis interests. Thus the results of the Central party were mixed. On the one hand, they demonstrated the uselessness of the Cochetopa Pass and the vast superiority of a route by the Medicine Bow River and Laramie Plains along the 41st parallel, rather than along the 38th parallel. Unfortunately, the leader of the party, Lieutenant John W. Gunnison, was killed by Indians in central Utah, and replaced by the



PACIFIC RAILROAD SURVEYS, 1853-1855

Source: William H. Goetzmann, *Army Explorations in the American West, 1803-1863* (New Haven, Connecticut: Yale University Press, Inc., 1959; reprint ed., Lincoln: University of Nebraska Press, 1979).

less-experienced Lieutenant E. G. Beckwith whose report carried less weight with the Topographical Officers and Congress. As a result, the superior route along the 41st parallel received less consideration because of the lesser stature of the man presenting the report.<sup>48</sup>

The 35th parallel route via Albuquerque proved to be physically and politically viable. Not only did the route offer a positive topography, but its central location offered the possibility of compromise between the Springfield, Memphis and Arkansas factions, and a group from Cairo, Illinois which Senator Douglas was willing to switch his support to if it appeared the Pacific railroad would not begin in Chicago. The 35th parallel route gained increasing support through the 1850s, though it lost initial political advantage when party leader Lieutenant Amiel Weeks Whipple overestimated the costs of construction along the route. The fourth party, which operated in California itself, demonstrated the existence of passes which could serve the 35th and 32nd parallel routes, although party leader Lieutenant R. S. Williamson indicated that the 35th parallel route was clearly shorter and better than the 32nd parallel route due to the location of the practicable passes. The California party also identified two possible routes that could connect the California and Washington settlements, trails on the eastern and western sides of the Cascade Mountains.<sup>49</sup>

At the very least, the surveys indicated that several routes were equal to or better than that along the 32nd parallel. Southern leaders were loathe to admit that fact and still maintained that the route along the 32nd parallel offered the only path that was virtually free of mountains and ice. In February 1855, Secretary of War Davis presented the results of the Pacific railroad surveys and he concluded that the path along the 32nd parallel was the most practicable and economical route from the Mississippi River to the Pacific Ocean. His rejection of the other routes and his easy dismissal of arguments against the 32nd parallel route led his opponents to conclude that Davis's judgement was hopelessly biased, and Congress split along sectional lines regarding his recommendation. According to Goetzmann, the conception, execution, and evaluation of the Pacific railroad surveys doomed the likelihood of

any federally sponsored transcontinental railroad prior to the Civil War. Even the most sincere attempt to evaluate the proposed routes, based on the results of the scientific surveys, ultimately failed due to the political deadlock of the 1850s.<sup>50</sup>

The Senate passed California Senator William Gwin's bill which called for the federal government to fund three roads through land grants of alternate sections twelve miles on each side of the line, and delegating authority to set the definite location of each road to the contractors. While the House failed to act on Gwin's bill, a thirteen-member House select committee considered a bill with similar funding proposals. Along with the usual arguments about public land grants, debate centered on an amendment to substitute a single, central route to San Francisco for the proposed three routes. The committee finally attached the amendment and sent the bill to the full House, where it passed in that form, but House members then reconsidered their vote and recommitted the bill to the select committee where it died. One interesting aspect of the House debate was that Thomas Hart Benton repudiated his previous position in favor of a national railroad, claiming that new conditions demanded private enterprise.<sup>51</sup>

No railroad bill passed either house of Congress during the Thirty-Fourth Congress (1855-1857), though Senator Gwin reintroduced his bill of the previous year, and the House considered a similar bill. Both bills were tabled, an indication of the continuing political deadlock due to the decline of the Whigs' power and to rising violence in Kansas which heightened sectional tensions. In the House, the Select Committee on the Pacific Railroad, chaired by freshman Representative James W. Denver of California, proposed to locate the road along the central route, but no action was taken on the bill due to the lateness of the session. During the election of 1856, both Republicans and Democrats included strongly-worded planks favoring the Pacific railroad in their party platforms, and President James Buchanan added his support during his annual address to Congress in early 1857. Though the Pacific railroad project held broad support throughout the country and in Congress, politicians could not overcome sectional disagreements regarding the

road's location. The deadlock was not broken until after the start of the Civil War when Southern members of Congress resigned and left the Northern politicians to locate the Pacific railroad unopposed.<sup>52</sup>

When Representative Denver failed to win re-election in 1856, President Buchanan appointed him to the position of Commissioner of Indian Affairs in April 1857. Four months later, Denver appointed William M. Stark as special agent to allot 320 acres to each eligible mixed-blood claimant on the Half-Breed Tract.<sup>53</sup> The Nebraska Advertiser first reported Stark's appointment on October 1, 1857, and noted in the same article that Commissioner Denver had briefly joined Agent Stark on the reservation to supervise the assignment of mixed-blood lands. This was while Denver waited to negotiate with the Pawnees at Nebraska City. The October 29th edition stated that Stark's work had attracted the attention of "land sharks," mostly non-residents, who were eager to buy reservation land from the mixed-bloods "for a song."<sup>54</sup> Two years before Stark's appointment as special agent, surveyor Michael McManus discovered that the McCoy line of 1838, the western boundary of the tract, was erroneous. Distressed to find that the property they occupied was reservation land, white settlers on the disputed property defiantly asserted that they would be removed only by force. Congress yielded to their pressure on June 12, 1858, when it established the erroneous McCoy line as the "true western boundary."<sup>55</sup> Another survey in October 1858 revealed that the reservation contained only 120,676 acres, a loss of almost twenty-three thousand acres, due to the removal of the western line eastward and the loss of land caused by shifts in the Missouri River. Whether out of fairness, or to avoid a court challenge to its decision concerning the western line, Congress agreed to compensate individual mixed-bloods for lands withdrawn from the reservation. By the Act of Congress dated February 28, 1859, the government sold excluded lands to whites for \$1.25 per acre, and divided the proceeds among the deprived mixed-bloods.<sup>56</sup>

By the spring of 1860, Agent Stark had assigned all lands within the reduced Half-Breed Tract, and the allotment schedule was approved by Interior Secretary Jacob Thompson on August 17, 1860. Then, on

September 10, 1860, the federal government issued 389 patents in fee simple to the mixed-blood Indians, with an average allotment of 314.24 acres.<sup>57</sup> Although no comprehensive study of the 389 allottees has been made to indicate how long the average allotment was held, most mixed-blood Indians sold their land soon after it was assigned to them. Historian Berlin B. Chapman determined from a random sample that only two out of twenty allottees still held their land in 1877. Nemaha County Judge Charles O. Snow stated that by 1935 only the allotments made to Annice Welch and her five children were held by the families of the original allottees. An inspection of the Nemaha County Deed Record reveals that most mixed-bloods sold their land before the patents were issued in September, 1860. The allottees commonly sold their land as soon as Agent Stark issued final certificates containing legal descriptions of their properties, which began in August 1857.<sup>58</sup> Though the mixed bloods had waited twenty-seven years after the Treaty of Prairie du Chien to receive their allotments, their land passed largely into white hands within three years.

Why were white men so eager to buy reservation land? Early in 1857, the Nemaha Half-Breed Tract occupied the largest concentration of prime farm land in eastern Nebraska not yet in white hands. Robert W. Furnas estimated that it contained 162 sections, a guess that was 27 sections fewer than the true total.<sup>59</sup> Since the Tract fronted the Missouri River for over thirty-six miles, new towns could be built there to participate in river trade. Further, its appeal was increased by the possibility that an eastern railroad might cross the river in that area. The Half-Breed land was worth at least \$1.25 per acre since reservation land was considered superior to nearby public land that sold for that amount. When the Otoe and Missouri tribes had ceded their land by treaty in 1854, they had received \$3.26 per acre. Modern claims specialist Thomas H. LeDuc estimated that the land excluded from the reservation just west of the 1838 McCoy line was worth \$4.82 per acre in 1858.<sup>60</sup> One exaggerated claim from 1856 was that land in Nemaha County was "as rich as can be found in any of the States, where it sells from \$10 to \$50 per acre."<sup>61</sup> A report by the County Assessor

encouraged the following response in 1856: "This shows the average value of an acre of land fenced and under good state of cultivation, to be about \$7, to which add the government price, \$1.25, and we have \$8.25 per acre. . . ."62 Since mixed-blood land was not enclosed or under cultivation, this figure serves as an estimate of the potential value of the land. A review of the land sales records in Nemaha County for this period indicates that the cost of farmland was between three and seven dollars per acre, depending on the productivity of the land. If land could be purchased cheaply from the mixed-bloods, a substantial profit could be made by the new owner.

It might seem that the mixed-bloods should have held their allotments, and that they would have been wiser to farm their fertile ground. Since many mixed-bloods led the semi-nomadic lifestyle that was typical of Great Plains Indians, they used the land they occupied for hunting, fishing, and gathering.<sup>63</sup> White policymakers had presumed that the mixed-bloods would accept great cultural changes when they received their plots, that they would learn to farm, tend their crops during the best hunting months, build permanent homes, and acquire personal property, even though the government did not provide training, equipment, or even seed to make farming a viable alternative. Unfortunately, there were few sources of public credit to purchase these vital supplies, and this allotment principle reflected white, rather than Indian, social values. Though white settlers had surrounded the Half-Breed Tract, few mixed-bloods had acquired white ways. Most of them also lacked money or income and received no tribal benefits aside from the 320 acre allotments. In addition, the land was to be taxed as soon as it was allotted.<sup>64</sup> After waiting years to receive their lands, the mixed-bloods probably did not believe the government assurances that the allotted lands were theirs to keep. If the government was able to deprive whole tribes of their reservations, how could an individual mixed-blood hope to preserve his land? Without an income, the mixed-blood's tax debt would grow and cancel the value of the land. It is not surprising, therefore, that the mixed-bloods quickly accepted cash from white speculators. Because two-thirds of all allottees were minors, 260 out of

389, their land was held by adult guardians, some of whom were white, who then controlled several land titles besides their own. Joseph Deroin came to control at least seven titles in this manner. Thus a speculator could acquire a sizeable block of land by buying several allotments from a single mixed-blood.<sup>65</sup> Among the host of speculators to descend on these lands was Commissioner of Indian Affairs James W. Denver who, while in Nebraska to conclude a treaty with the Pawnee, visited the Half-Breed Tract to evaluate land there for purchase. His actions testify to the conflict of interest between government officials and private speculators that dominated so much of 19th century federal Indian relations.

## ENDNOTES

## "FOR THEIR HALF-BREED"

<sup>1</sup>Nemaha County (Nebraska) Deed Record, A:349-350. Deed records are located at the Nemaha County Courthouse in Auburn, Nebraska, in the office of the County Clerk.

<sup>2</sup>George C. Barns, Denver, the Man (Strasburg, Virginia: Shenandoah Publishing House, 1950), 138.

<sup>3</sup>The words "severalty" and "fee simple" are not normally identical terms. Allotment in severalty meant that the recipient owned the land by separate or individual right. Fee simple ownership meant the recipient possessed the land absolutely and without limitation to any particular class of heirs. For this thesis, the terms are used interchangeably, and not in a strictly legal sense, to mean that the mixed-bloods received individual allotments of land, rather than as one member of a group or tribe holding the land in common.

<sup>4</sup>Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900 (Norman: University of Oklahoma Press, 1976), 227-264.

<sup>5</sup>U. S., Statutes at Large, 7:328. Treaty of Prairie du Chien, 1830. A copy of the treaty is also available at the Nebraska State Historical Society, Lincoln, Nebraska, MS 726.

<sup>6</sup>U. S., Statutes at Large, 7:328; Treaty of Prairie du Chien, 1830.

<sup>7</sup>Berlin B. Chapman, "The Nemaha Half-Breed Reservation," Nebraska History 38 (March 1957): 4-7.

<sup>8</sup>Francis Paul Prucha, The Great Father: The United States Government and the American Indian, 2 vols. (Lincoln: University of Nebraska Press, 1984), 1:18-19, 90-97, 109-113.

<sup>9</sup>Prucha, The Great Father, 1:18-19, 90-97, 109-113.

<sup>10</sup>Prucha, The Great Father, 1:93-95, 109, 195-196, 199.

<sup>11</sup>Prucha, The Great Father, 1:196.

<sup>12</sup>Paul W. Gates, "Indian Allotments Preceding the Dawes Act," in The Frontier Challenge: Responses to the Trans-Mississippi West, ed. John G. Clark (Lawrence: University Press of Kansas, 1971), 141-142.

<sup>13</sup>Gates, "Indian Allotments Preceding the Dawes Act," in The Frontier Challenge, 142-147.

<sup>14</sup>Gates, "Indian Allotments Preceding the Dawes Act," in The Frontier Challenge, 141, 147-150; Francis Paul Prucha, The Great Father: The United States Government and the American Indian, abridged ed., (Lincoln: University of Nebraska Press, 1984), 89-93.

<sup>15</sup>Prucha, The Great Father, 1:262, 268.

<sup>16</sup>Prucha, The Great Father, 1:345-347.

<sup>17</sup>Prucha, The Great Father, 1:345-347.

<sup>18</sup>Addison E. Sheldon, Land Systems and Land Policies in Nebraska (Lincoln: Nebraska State Historical Society, 1936), 8-9; Prucha, The Great Father, abridged ed., 103-104.

<sup>19</sup>Sheldon, Land Systems and Land Policies in Nebraska, 8-9; Prucha, The Great Father, 1:346-347.

<sup>20</sup>Prucha, The Great Father, 1:347-348.

<sup>21</sup>Prucha, The Great Father, 1:347-348.

<sup>22</sup>Sheldon, Land Systems and Land Policies in Nebraska, 9.

<sup>23</sup>Sheldon, Land Systems and Land Policies in Nebraska, 25-26.

<sup>24</sup>Chapman, "The Nemaha Half-Breed Reservation," 4-7; Gates, "Indian Allotments Preceding the Dawes Act," in The Frontier Challenge, 151.

<sup>25</sup>U. S., Statutes at Large, 10:332; Charles O. Snow, "History of the Half-Breed Tract," Nebraska History 16 (March 1935): 38.

<sup>26</sup>Chapman, "The Nemaha Half-Breed Reservation," 9-10.

<sup>27</sup>The New Electronic (Grolier) Encyclopedia, 1990 ed., s.v. "Railroad."

<sup>28</sup>Lewis H. Haney, A Congressional History of Railways in the United States, 2 vols. (Madison: University of Wisconsin, 1908 and 1910; reprint ed., New York: Augustus M. Kelley Publishers, 1968), 1:234-242; The New Electronic (Grolier) Encyclopedia, 1990 ed., s.v. "Railroad."

<sup>29</sup>U. S., Congress, Senate, Memorial of Asa Whitney praying "A grant of land, to enable him to construct a railroad from Lake Michigan to the Pacific Ocean," S. Doc., No. 69, 28th Cong., 2nd sess., 23 January 1845, Serial Set No. 451, pp. 1-3; Haney, Congressional History of Railways, 1:235-239, 243-245.

<sup>30</sup>U. S., Congress, Senate, Memorial of Asa Whitney, 23 January 1845, Serial Set No. 451, pp. 1-3; U. S., Congress, Senate, Memorial of Asa Whitney praying "A grant of public land, to enable his construction of a railroad from Lake Michigan to the Pacific Ocean," S. Doc., No. 161, 29th Cong., 1st sess., 24 February 1846, Serial Set No. 473, pp. 4, 7; U. S., Congress, Senate, Asa Whitney, praying grant of land to enable the construction of a railroad from Lake Michigan to the Pacific Ocean, S. Misc. Docs., No. 28, 30th Cong., 1st session, Serial Set No. 511, pp. 1-2; Haney, Congressional History of Railways, 1:243-247.

<sup>31</sup>Haney, Congressional History of Railways, 1:247-254.

<sup>32</sup>U. S., Congress, Senate, Memorial of Asa Whitney, S. Misc. Docs., No. 28, 30th Cong., 1st sess., Serial Set No. 511, pp. 1-2; U. S., Congress, Senate, Memorial of Asa Whitney, proposing to construct a railroad from Lake Michigan to the Pacific Ocean, S. Doc., No. 466, 29th Cong., 1st sess., 31 July 1846, Serial Set No. 478, p. 1; U. S., Congress, Senate, Honorable James S. Green and Willard P. Hall, Representatives in Congress from Missouri, regarding Bill S. 248, granting right of way and land for the St. Joseph and Hannibal Railroad, S. Reports, No. 178, 30th Cong., 1st sess., 19 June 1848, Serial Set No. 512, pp. 1-2; Haney, Congressional History of Railways, 1:248-250.

<sup>33</sup>Haney, Congressional History of Railways, 1:247-254.

<sup>34</sup>Haney, Congressional History of Railways, 1:251-255.

<sup>35</sup>Haney, Congressional History of Railways, 1:237-240.

<sup>36</sup>Haney, Congressional History of Railways, 1:239.

<sup>37</sup>U. S., Congress, Senate, [Thomas H. Benton, regarding the construction of a railroad to the Pacific Ocean], Senate Journal, 31st

Cong., 1st sess., Serial Set No. 548, p. 110; Haney, Congressional History of Railways, 1:256-262.

38 Haney, Congressional History of Railways, 2:56.

39 Haney, Congressional History of Railways, 2:49-50.

40 Barns, Denver: The Man, 110-123; Haney, Congressional History of Railways, 2:56-59.

41 William H. Goetzmann, Army Exploration in the American West, 1803-1863 (New Haven, Connecticut: Yale University Press, Inc., 1959; reprint ed., Lincoln: University of Nebraska Press, 1979), 264-265, 297.

42 Haney, Congressional History of Railways, 1:240-241.

43 Haney, Congressional History of Railways, 2:49-50.

44 Goetzmann, Army Exploration, 262-264.

45 Goetzmann, Army Exploration, 265.

46 Goetzmann, Army Exploration, 266-274.

47 Goetzmann, Army Exploration, 274-278.

48 Goetzmann, Army Exploration, 278-295.

49 Goetzmann, Army Exploration, 278-295.

50 Goetzmann, Army Exploration, 295-304; Haney, Congressional History of Railways, 2:51-55.

51 Haney, Congressional History of Railways, 2:51-57.

52 U. S., Congress, Senate, Memorial of legislative assembly of New Mexico that railroad and telegraph to Pacific may pass through Territory, S. Misc. Docs., No. 36, 32nd Cong., 2nd sess., Serial Set No. 670, p.1; Haney, Congressional History of Railways, 2:51-55.

53 James W. Denver to William M. Stark, 4 August 1857, Half-Breed Tract, MS 726, Nebraska State Historical Society, Lincoln, Nebraska.

<sup>54</sup>Nebraska Advertiser (Brownville), 1 October, p. 3, c. 1; 29 October 1857, p. 2, c. 3.

<sup>55</sup>U. S., Statutes at Large, 11:327; Gregory J. Johansen, "'To Make Some Provision for Their Half-Breed,' The Nemaha Half-Breed Reserve, 1830-66," Nebraska History (Spring 1986): 13-15.

<sup>56</sup>Snow, "History of the Half-Breed Tract," 39; Chapman, "The Nemaha Half-Breed Reservation," 14; Johansen, "The Nemaha Half-Breed Reserve," 20-21.

<sup>57</sup>Chapman, "The Nemaha Half-Breed Reservation," 14-16.

<sup>58</sup>Chapman, "The Nemaha Half-Breed Reservation," 20-21; Snow, "History of the Half-Breed Tract," 43. The first document relating to the Half-Breed Tract is from the Nemaha County Deed Record, A:279.

<sup>59</sup>Nebraska Advertiser, 20 December 1856.

<sup>60</sup>Chapman, "The Nemaha Half-Breed Reservation," 22.

<sup>61</sup>Nebraska Advertiser, 20 September 1856, p. 3, c. 2.

<sup>62</sup>Nebraska Advertiser, 30 August 1856, p. 3, c. 1.

<sup>63</sup>Snow, "History of the Half-Breed Tract," 41.

<sup>64</sup>Prucha, American Indian Policy in Crisis, 227-264; Snow, "History of the Half-Breed Tract," 41, 44-47; Chapman, "The Nemaha Half-Breed Reservation," 19.

<sup>65</sup>Chapman, "The Nemaha Half-Breed Reservation," 19-20; Nemaha County Deed Record, A:358-359.

## CHAPTER TWO

"NO WHITE PERSON SHOULD BE PERMITTED. . .":  
JAMES W. DENVER ON THE HALF-BREED TRACT

On August 4, 1857, Indian Commissioner James W. Denver appointed William M. Stark as special agent to allot 320 acres to each eligible mixed-blood claimant within Nebraska's Half-Breed Tract. The Nebraska Advertiser first reported Stark's appointment on October 1, 1857, and noted in the same article that Commissioner Denver had briefly joined Stark on the reservation to supervise the assignment of mixed-blood lands.<sup>1</sup> By the spring of 1860, Stark had assigned all properties, and Interior Secretary Jacob Thompson approved the allotment schedule on August 17, 1860. Then, on September 10, the federal government issued 389 patents in fee simple to the mixed-blood Indians who received an average allotment of 314 acres.<sup>2</sup> During the three-year allotment period, many white landseekers visited the Half-Breed Tract, lured by the availability of cheap reservation land. Most were small-scale farmers who bought 160 acres or so for homesteads, but many were wealthy speculators who purchased large parcels, confident of reselling them for future profits. Among these seekers was one group of large-scale land speculators whose members shared something fascinating in common: all were friends, relatives, or business partners of James W. Denver. Two were wealthy Ohioans, Matthew Rombach and Alexander S. Ballard; one was the future stagecoach king, Ben Holladay; and one was a Missouri congressman, James Craig, who was also the president of the Hannibal-St. Joseph Railroad. As Commissioner of Indian Affairs, Denver's job was to protect the interests of the nation's Indian people, including the mixed-bloods of the Half-Breed Tract. The record shows that Denver used his position to allow his associates to buy the best reservation land for themselves, and that they believed the Pacific railroad might soon traverse their properties.<sup>3</sup>

Denver's background reveals that he was a bright and aggressive individual with varied interests. His grandfather Patrick had fled Northern Ireland in 1799 after participating in a rebellion against the British, and had migrated to southern Virginia. When the grandfather died in 1831, his son Patrick, James Denver's father, relocated the family to a farm several miles north of Wilmington, Ohio. Thousands of small farmers were leaving the South at that time because it was too difficult to compete with slaveholders. James, at age fourteen, worked on the family farm by day and studied at night. He was a sickly youth, sometimes bedridden for months at a time with what he later described as rheumatism. After a serious sickness when he was twenty, Denver's parents urged him to seek a different occupation than farming. As Denver convalesced, he studied a broad range of subjects on his own. He first worked as a grade school teacher in Platte City, Missouri, though it is not clear why the young man chose to work in the West. After one year, he returned to Ohio to study law, graduating from Cincinnati College on March 5, 1844, at the age of twenty-four. Fascinated with politics, Denver moved to Xenia, the political center of Greene County, Ohio, and purchased the local Democratic newspaper. There, with his law office in the print shop, Denver pursued two careers as an editor and a lawyer.<sup>4</sup>

After a disappointing year in Xenia, Denver sold his businesses and returned to Platte City to try the same two professions in the West. Perhaps he felt that he could more easily determine his fate in Platte City, where society was less settled, than in Xenia where he faced competition from many experienced lawyers. During his three years in Platte City, Denver worked with an established lawyer named Bela M. Hughes, and he published the local Democratic newspaper. When war broke out against Mexico in 1846, Denver assisted Hughes in recruiting volunteers for the Missouri Militia, then enlisted himself and served as a captain in the main campaign from Veracruz to Mexico City. Illness forced his return to Ohio in October 1847, where he recuperated for several months at his parents' farm near Wilmington. After his health returned, Denver rejoined his law practice and newspaper in Platte City.<sup>5</sup>

When news of the California gold strike reached him in 1848, he returned to Wilmington where he established an outfitter's store to supply emigrants to the West. Seeing the flood of westward travelers in 1849, he decided to move his business to California by the next year. This episode illustrates Denver's astute business instincts, because time soon showed that merchants in California prospered more than the typical miner. In the spring of 1850, he organized a party of thirty-four persons who traveled overland to California and arrived in Sacramento in September 1850. The next month he won election to the California Senate where he served from 1851 to 1853, during which time he led the Relief Expedition that rescued overland emigrants from the snows of the Sierra Nevadas and the deserts of the Great Basin. Due to harsh criticism of the Relief Expedition in the Alta California, an opposition newspaper published in Sacramento, Denver killed the editor, Edward Gilbert, in a duel. Authorities cleared Denver of any criminal responsibility since Gilbert had, after being insulted by his opponent, issued the challenge for the fight. Yet, bad publicity from the affair caused Denver subsequent political problems. Denver served as California Secretary of State from March 1853 to October 1855. Both as a state senator and as Secretary of State, he promoted the Pacific railroad which Californians considered vital to the economic interests of their state. Denver himself pressed the state seal on petitions to the United States Congress requesting the railroad's construction.<sup>6</sup>

Denver won election to the House of Representatives in November 1854, defeating two favorites of California Governor John Bigler. Until that time, Denver had been loyal to Bigler who had appointed him Secretary of State, but the two men became bitter enemies during the campaign since Denver had defied the governor's wishes in seeking the congressional seat.<sup>7</sup> Denver joined the Thirty-Fourth Congress on December 3, 1855, at a time when that institution was paralyzed by North-South contention. Denver's initial two months in Congress were wasted over the fight for the election of a Speaker, since neither northern or southern politicians would accept someone holding a contrary view on the slavery issue. Following the Compromise of 1820, slave and free

states had entered the Union in equal numbers. With the addition of large territories after the Mexican-American War, followed by the California gold rush, the western movement upset the congressional balance between free states and slave states. In 1850, the politicians created another compromise in which California would enter the Union as a free state, Utah and New Mexico would be territories without any predetermination regarding slavery, and northern officials would enforce a more stringent fugitive slave law. The Kansas-Nebraska Act in 1854 left the question of slavery in the unorganized territories up to the citizens of each territory. This act engendered bitter competition which led to bloodshed in Kansas and greater antipathy between the North and the South. By the time Denver entered Congress, most issues were framed by sectional considerations and neither side seemed open to compromise or accommodation.<sup>8</sup>

On February 21, 1856, Denver introduced "a bill to provide for the establishment of a railroad and telegraphic communication between the Atlantic States and Pacific ocean [sic], and for other purposes," and he requested that the bill be referred to a select committee rather than to a standing committee on roads and canals. In perhaps another attempt to break the deadlock over the Pacific railroad, House members agreed to establish the select committee, and debate soon turned to the committee's composition. On February 27th, the Speaker appointed Denver chairman of the newly-formed Select Committee on the Pacific Railroad, an important position for him since the railroad was the most important issue facing Californians. The committee was to have thirteen members, six from the North, six from the South, and with Denver as the swing vote necessary to both sides. Denver was a life-long Democrat who was on friendly terms with the southern politicians, perhaps leading him to think that he might be able to facilitate legislation on the Pacific railroad.<sup>9</sup> In the Senate, where northern and southern states had equal representation, southern leaders could stall any railroad bill if the road was going to be built along a northern route. But southern politicians were quickly losing their ability to shape events in the House due to the rapid growth of population and industries in the North which gave

northerners greater representation and economic influence. As a result, southern leaders were more likely to compromise in the House than in the Senate. On April 4th, Representative Lemuel D. Evans of Texas, a member of Denver's committee, introduced a bill calling for the construction of three lines to the ocean along northern, central, and southern routes. A similar bill was introduced in the Senate, but was delayed in committee, thus effectively ruining its chances for passage in both houses of Congress. The main opposing argument was that the bill was too expensive.<sup>10</sup>

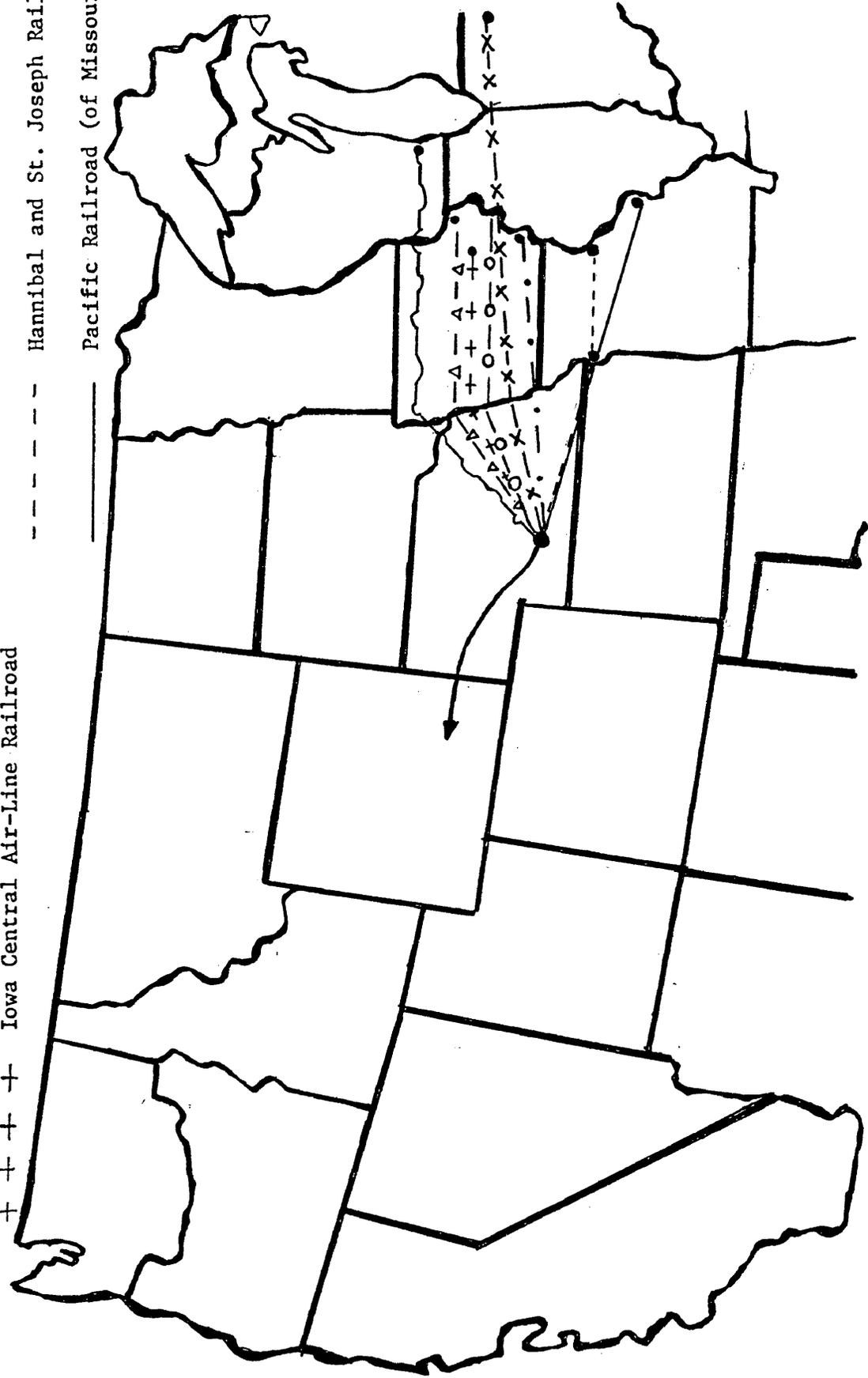
Denver successfully reported his own bill to the House on August 16th with just two weeks remaining in the session. Two earlier attempts on July 28th and August 4th had failed due to the opposition of southern committee members who did not like its plan to run one central line westward. Yet the bill was skillfully conceived, and designed to gain broad support. Its purpose was to facilitate the construction of a railroad and telegraphic communication from the Missouri River to the Pacific Ocean, between the thirty-eighth and forty-fourth parallels. Denver proposed that eight existing railroad companies extend their lines to a point near Fort Kearny in Nebraska Territory, with one line shared by all extending from that point to the ocean. The eight companies were the Hannibal and St. Joseph Railroad, the Pacific Railroad (of Missouri), the Burlington and Missouri River Railroad, the Philadelphia, Fort Wayne, and Platte Valley Railroad, the Mississippi and Missouri Railroad, the Iowa Central Air-Line Railroad, the Dubuque and Pacific Railroad, and the North Iowa Railroad. The bill saved money by running only one line along the most geographically-feasible route, and it promised to gain broader support by appealing to the constituencies of the eight railroads on the eastern end.<sup>11</sup>

Denver's bill further provided that the line would be built to the California border, and from there to the ocean along a route approved by the California State Legislature. Denver assumed that the line would end in San Francisco and that branch lines would be built to other important cities. The bill provided for grants of public lands for the right-of-way and to cover construction costs. The bill died due to the opposition of

JAMES W. DENVER'S PACIFIC RAILROAD BILL, 1856

Denver proposed that eight existing railroad companies extend their lines to a point near Fort Kearny in Nebraska Territory, with one line shared by all extending from that point to the ocean. It is conceivable that all but the three northern lines could have been routed through the Nemaha Half-Breed Tract.

- ~ Northern Iowa Railroad
- Δ-Δ-Δ- Dubuque and Pacific Railroad
- + + + + Iowa Central Air-Line Railroad
- Mississippi and Missouri Railroad
- X-X-X- Philadelphia, Ft. Wayne and Platte Valley Railroad
- Burlington and Missouri River Railroad
- - - - Hannibal and St. Joseph Railroad
- Pacific Railroad (of Missouri)



southern politicians who felt that he had placed the road too far north. With so little time left in the session, Denver had no opportunity to work out any alternative proposals. Ironically, the Union Pacific Railroad, the eventual transcontinental line, followed the route suggested by Denver in his bill, indicating that Denver's proposals were based on the best information available at the time. The nation had to wait for thirteen years following the defeat of Denver's bill until the completion of the transcontinental railroad.<sup>12</sup> As a congressman, Denver also worked diligently to settle private land claims in California. After the United States had seized California from Mexico, government officials had to resolve the many competing claims for ownership of the newly-acquired land. In his speeches before Congress, he showed a keen awareness that western land previously considered worthless had become very valuable, and that money could be made through the ownership of frontier land.<sup>13</sup>

When Denver failed to win re-election to the House of Representatives, President James Buchanan, just one month in office, appointed him Commissioner of Indian Affairs on April 8, 1857.<sup>14</sup> In his new position, Denver had to execute old treaties and negotiate new ones. One of his first assignments as commissioner was to allot the Nemaha Half-Breed Tract to eligible mixed-bloods. At this time, Denver learned that the land would become available for purchase once the mixed-bloods received individual titles to their allotments. Although there are no documents available that describe the prior sequence of events, it is apparent from subsequent events that Denver and his father-in-law Matthew Rombach formed a plan to buy Half-Breed Tract land. Denver's work on the Pacific Railroad Committee might have led him to believe that the road would pass through the reservation, making him and his partners rich men. Despite the political impasse in Congress, Denver must have known that the railroad would eventually be built, and that it would extend from the North due to the northern majority in the House. Though the central route best served the North, it was close enough to the South to satisfy the interest groups in St. Louis, Springfield, and St. Joseph, Missouri. Denver also knew that Congress would fund construction through direct grants of money and land, and that

businessmen would become rich by constructing the railroad, supplying the builders, or speculating on land along the route.<sup>15</sup>

After passage of the Kansas-Nebraska Act, the Nemaha Half-Breed Tract remained the last untouched expanse of land in the probable path of the railroad. Denver himself had proposed running eight existing railroads through the central corridor to a junction near Fort Kearny. If his proposal were accepted, the railroads would cross the Missouri River at eight points, with perhaps several lines running directly through the Half-Breed Tract. It appears that Denver and his associates tried to anticipate the railroad's path and purchase land near the potential crossing sites on the river. The Half-Breed Tract included thirty-six miles along the Missouri River, in the middle of the central corridor which ran for 160 miles along the river between Council Bluffs, Iowa, and Independence, Missouri. In other words, the Half-Breed Tract represented one-fourth of the total frontage in the corridor. The nearest western terminal of an existing railroad was that of the Hannibal and St. Joseph Railroad in St. Joseph, Missouri. Its president, James Craig, was a member of the House of Representatives and a close associate of Denver. A second Craig railroad eventually extended from St. Joseph to Council Bluffs and crossed a mail road at a place called Craig Station, now known as Craig, Missouri. A person standing today on the scenic lookouts at Indian Cave State Park, in the heart of the former Half-Breed Tract, can clearly see the small town of Craig across the river. That place, which is almost directly across from where Denver's group bought land on the reservation, would have made a particularly good site for railroad access onto the Half Breed-Tract lands.<sup>16</sup>

Denver personally inspected the Half-Breed Tract for several days in September 1857, while waiting to confer with several hundred Pawnee Indians in Nebraska City about land cessions in Kansas, Nebraska, and Iowa. He wrote to his wife Louise: "The other day, to get rid of the ennui of waiting on the slow motion of the Pawnees, I took a trip down to the Half Breed Lands, lying along the Missouri River, between the Big and Little Nemahas, in the hope, in part, of meeting your father and others, and in part to see the country."<sup>17</sup> Denver's letter provokes an intriguing

question. Why was Matthew Rombach, Denver's father-in-law, on the Half-Breed Tract? Rombach and lawyer Alexander S. Ballard had arrived on the reservation in August and had begun negotiating with the mixed-bloods, perhaps through Agent Stark, to buy their land. After Stark allotted the first of the 320-acre properties in August, Rombach and Ballard began to buy the choicest parcels, especially around Aspinwall, a small village in Nemaha County near the Richardson County line. This suggests that Stark was allotting the best land to mixed-bloods who were willing to sell it immediately to Rombach and Ballard. Denver joined his partners on the reservation in mid-September, though it is not clear what he did while he was there. Once the men had purchased their land, Denver and Rombach returned to their respective duties, while Ballard remained in Nebraska Territory to manage the land holdings of the partnership.<sup>18</sup>

Matthew Rombach was Denver's close friend, business partner, and the father of Denver's wife Louise. He was born in Baden, Germany, in 1811. At the age of eighteen, he emigrated to the United States, against the wishes of his father, to seek his fortune and to avoid forced service in the army. Borrowing the equivalent of \$100 from a relative, Rombach walked through France to the English Channel where he booked passage on a sailing ship to New York, a trip which took ninety days. He worked six months for a German clockmaker in Philadelphia, nine months for another clockmaker in Lancaster, Ohio, and then moved to Cincinnati where he managed a boarding house until it closed in 1832 due to a cholera epidemic. In July 1832, Rombach married Catherine Kautz, a native of Baden, and then settled on a small farm near Georgetown, Ohio. Rombach, who was not interested in farming, soon decided that he and his wife would move to New Orleans to follow a business opportunity. Before boarding a boat in Cincinnati, Catherine so strongly protested the move into slave country that Rombach reconsidered, and the couple settled in Wilmington, Ohio where they spent the rest of their long lives.<sup>19</sup>

In Wilmington, Rombach operated a hotel for two years, then a confectionary-bakery for several more years until his investment skill

permitted him to sell the businesses in order to devote his full attention to managing his own money. His favorite investments were bank stocks, land, and gilt-edged securities. By 1855, he was one of the wealthiest men in town. Along with James W. Denver, Rombach organized the Clinton County National Bank in Wilmington in 1872, becoming its first vice-president, and a later president. Beside his reputation in business, Rombach also demonstrated his abilities in political and charitable work. Rombach's only child, Louise, grew up to marry Denver in 1855, but it would probably be wrong to imagine that Rombach viewed Denver as "the son he never had." Denver was just six years younger than Matthew Rombach, and the two men shared a close personal and business relationship. Together they made investments, including the purchase of large quantities of land in Kansas, Colorado, and other locations.<sup>20</sup>

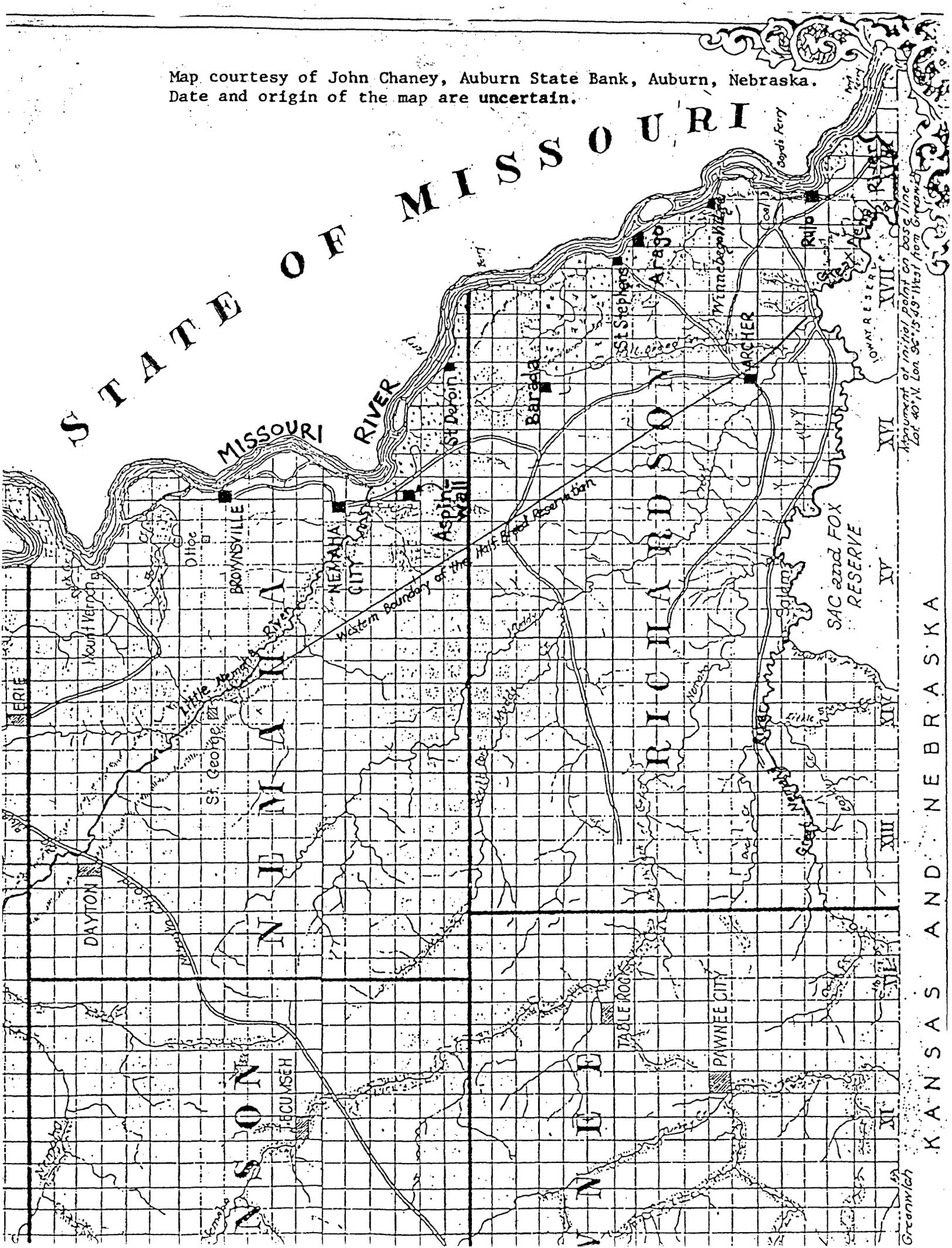
Though Denver did not purchase Half-Breed Tract land in his own name, he might have benefited from the purchases made by his associates from Ohio. If the partners purchased other western lands of equal value in Denver's name, he could have shared in the profits of ownership without linking his name to land he administered as Commissioner of Indian Affairs. Such an arrangement might have remained informal, perhaps a gentleman's agreement between Denver and Rombach. Since Rombach was Denver's father-in-law, he might simply have made cash payments to Denver and kept his name out of the deed books. A formal agreement might have been a contract filed somewhere stating that Denver owned "one undivided third of all lands purchased by . . ." Rombach and the other partners. This is language found in numerous contracts in the Nemaha County Deed Record, though none specifically mention Denver or his associates. Despite the fact that Denver was not included in any contract of this sort filed in the Nemaha County Deed Record, the frequency of these contracts suggests that they were commonly used in 1857. It is clear that Denver could have participated fully in the land-buying scheme on the Half-Breed Tract without his name ever appearing in the land records.<sup>21</sup>

One good piece of evidence linking Denver to Half-Breed Tract land was a statement made by F. L. Woodward, a longtime resident of

Aspinwall, the small village where Rombach and his associates bought property. He declared that "the townsite [Aspinwall] was owned by a company, General James W. Denver, Louis Neal, and Rumback [sic] and Ballard being members. During 1864 there was a good deal of trouble over titles. The town was on a boom. . . General Denver had a large amount of land near Aspinwall, and the Denver estate still has it. Rumback was Denver's father-in-law."<sup>22</sup> Woodward, the son of the town harnessmaker, was seven years old when he arrived in Aspinwall in 1864. Since he lived in Aspinwall and nearby Nemaha City for decades thereafter, and since the other information in his statement is accurate, it is safe to assume that he was correct in claiming that Denver was a member of the group that owned property at Aspinwall. The matter-of-fact tone of Woodward's statement suggests that Denver's participation was commonly known. At its peak in the mid-1860s, Aspinwall was a town of about 500 people. The town declined in the 1870s when a railroad was built on the other side of the Missouri River, and the Atchison and Nebraska Railroad which operated in Richardson County drained away much of the town's remaining trade.<sup>23</sup>

David Reavis, the son of Richardson County Judge Isham Reavis, accused Stark of unethical and illegal activities in connection with the allotment of lands by claiming that certain towns "were located on unallotted lands which were withheld from the half-breeds until bargained for in advance and deeds gotten for considerations as trifling as a bottle of whiskey, a saddle or a pony in some instances when the allotting agent would complete the transaction."<sup>24</sup> The Nemaha County Deed Record does not support the trifling amounts mentioned by Reavis, for even in the worst case of exploitation, Charles M. Grever paid \$200 for Susie Deroin's 320 acres, or sixty-four cents per acre.<sup>25</sup> But Stark may have withheld allotments until the mixed-bloods bargained their sale in advance. Many of the mixed-bloods lived elsewhere and had no plans to farm their newly-acquired lands. Once they received their allotments, they also had to pay property taxes, and it seems plausible that they would want to sell their lands quickly and for the best possible prices. Stark was able to manipulate the allotment process if he desired

Map courtesy of John Chaney, Auburn State Bank, Auburn, Nebraska.  
Date and origin of the map are uncertain.



Measurement at initial point on base line  
Lat. 40° N. Lon. 95° 15' 49" West from Greenwich

Greenwich

because he selected specific pieces of land for the mixed-bloods and he controlled the order in which they received their land. Reavis accused Stark of allotting the best pieces of land to mixed bloods who agreed in advance to sell them. Uncooperative mixed bloods received land on the bluffs, sand flats, or in a stream bed.<sup>26</sup> The Nemaha County Deed Record does seem to support this accusation. On numerous occasions mixed bloods sold their property on the same day, or soon after they had received their certificates of allotment. Alexander S. Ballard bought land from a mixed-blood named John Pilcher on May 2, 1859, the same day it was allotted, and then sold it at cost to Alfred W. Stark of Greene County, Ohio. Since Agent Stark and Alfred W. Stark were from the same county in Ohio, it seems likely that the two men were related. Agent Stark himself bought 680 acres from Ballard for \$2000 in July 1861.<sup>27</sup>

Another interesting figure related to Denver's land investment scheme on the Half-Breed Tract was Ben Holladay, a wealthy freighter and the future owner of the celebrated Overland Stage Line. Holladay was a successful frontier businessman who had earned his fortune provisioning Stephen W. Kearny's Army of the West during the Mexican War, after which he bought surplus oxen and wagons from the government and entered the freighting business. Willing to risk all he owned for a larger prize, Holladay sold supplies to the Mormons in Utah, the miners in California, and to the U. S. Army in isolated western posts.<sup>28</sup> He had already purchased five of the best sections on the Half-Breed Tract near Aspinwall before Rombach and Ballard had arrived. It is not clear whether Holladay first bought the land for himself and later joined Denver's group, or whether he was involved with them from the beginning. If he first bought land for himself, Rombach and Ballard apparently decided that it was better to include the wealthy businessman in their scheme than to try to outbid him for land. Nemaha County land records show that by September 22, 1857, the three men were buying land together, each man owning an undivided third of all lands purchased by the partnership. Holladay acquired 800 lots in Aspinwall and over 1600 acres in Aspinwall Precinct.<sup>29</sup>

How Holladay learned about the availability of Half-Breed Tract land is another uncertainty. His brother Andrew S. Holladay, a doctor and the first mayor of Brownville, may have first told him. Andrew himself bought and sold land in Nemaha County, mainly town lots in Brownville, where the Nebraska Advertiser regularly reported on the status of the Half-Breed Tract beginning in 1856. Holladay may also have learned about the land from Denver, although there is no direct evidence to that effect. If that were the case, it would indicate that Holladay and the Ohioans were acting in concert from the start. Other evidence, however, suggests that Denver and Holladay may have been longtime acquaintances. In the 1840s, Holladay operated a hotel and a general store in Weston, Missouri, which was just nine miles from Platte City, where at the same time Denver practiced law and published a newspaper. Denver's law partner, Bela M. Hughes, the founder of Weston, was Holladay's cousin, lawyer, and business associate. Holladay later showed high regard for Hughes by appointing him to an important position in one of his businesses. Hughes was the president of Russell, Majors, and Waddell's Central Overland California and Pike's Peak Express in March 1862, when Holladay, its major creditor, acquired the company. Though Holladay claimed the top spot in the company for himself, he retained Hughes as his chief legal counsel during the time that he made the company into the centerpiece of his stagecoach line. Denver and Holladay may also have become acquainted at the start of the Mexican-American War, when Denver was chief aide to Hughes who led a group of Missouri volunteers, and Holladay was an army supplier.<sup>30</sup>

Ben Holladay's interest in property on the Half-Breed Tract was probably two-fold, as a land speculation area and as a potential station for his freighting business where he could graze his animals. Stephen B. Miles, who carried the mail from Independence to Salt Lake City during the fifties and who competed with Holladay in the freighting business, operated a similar station on a several-thousand acre tract of land he acquired in 1856 near Dawson, Nebraska Territory, just a few miles from the Half-Breed Tract. With the acquisition of Half-Breed Tract land,

Holladay may have even considered moving the headquarters for his freighting business from Leavenworth to Brownville because, like most freighters, he shipped his goods along the Platte River Valley, and Brownville was a more convenient starting point. This is plausible because Holladay suffered a business slowdown after 1856 due to stiff competition from Russell, Majors, and Waddell who also shipped from Leavenworth. Relocation of his freighting business to Brownville would have given him a competitive advantage. By any measure, Holladay was a valuable partner in the land-buying scheme because of his wealth, the use of his freighting business, and his close business relationship with the Mormons in the event that the Pacific railroad passed through Salt Lake City.<sup>31</sup>

Assuming that Denver, Rombach, Ballard and Holladay did conspire to buy land near Aspinwall, they still faced an additional problem in that they could not guarantee that a railroad would pass through their property. This railroad was the key to turning their land speculation into a true bonanza. They solved this dilemma by recruiting lawyer James Craig of St. Joseph, the first president of the Hannibal and St. Joseph Railroad, and, from 1857 to 1861, the Democratic congressman from his home district.<sup>32</sup> Craig's railroad was one of the eight roads that Denver's Pacific railroad bill would have authorized to extend track to Fort Kearny, in order to join the trunk line to California. Denver's bill was a reprieve of sorts for the Hannibal and St. Joseph Railroad and for the citizens of St. Joseph. In 1853, St. Joseph was the terminus for one of the eight most politically and geographically viable routes proposed for the Pacific railroad. When Secretary of War Jefferson Davis organized the Pacific railroad surveys, he had overlooked the St. Joseph route in favor of four others, thus dashing the hopes of the city. Denver's bill temporarily revived those hopes and encouraged Craig and the St. Joseph businessmen to begin thinking of building a railroad northward to Council Bluffs. In that way, even if St. Joseph did not become the starting point for the Pacific railroad, the new road would intersect other railroads that might eventually become that transcontinental line. Craig later became the president of what was then

called the Council Bluffs and St. Joseph Railroad. In the fall of 1857, when land first became available to whites on the Half-Breed Tract, it was reasonable to think that Craig could direct the railroad through the reservation at whatever point he selected. With Craig involved in Denver's group, the partners had an excellent chance of insuring the construction of an important railroad through Aspinwall. Craig himself later bought some Half-Breed Tract land. In January 1861, he delivered a few late patents to mixed-bloods on the Half-Breed Tract on behalf of the government, then purchased at least 480 half-breed acres.<sup>33</sup>

After they purchased the original ten sections near Aspinwall in September 1857, the partners went their separate ways. Denver finished his conference with the Pawnees in Nebraska City, then traveled to Washington, D. C. to prepare the annual Commissioner's report to Congress. Rombach returned to his businesses and investments in Ohio.<sup>34</sup> Holladay continued to operate his freighting business from Missouri, and in 1858 began to invest in the Russell, Majors, and Waddell freighting company, a firm that initially prospered when it entered the stagecoach business and operated the Pony Express. When Russell, Majors, and Waddell Company went bankrupt in 1862, Holladay purchased and reorganized its stagecoach business. His Overland Stage Line carried passengers and the U. S. Mail from points on the Missouri River to Denver and Salt Lake City. Between 1862 and 1866, Holladay obtained eight mail contracts which paid more than one million dollars annually. In 1866, he shrewdly sold the business to Wells, Fargo and Company, before the stagecoach lines were driven to extinction by the transcontinental railroad. Later in life, Holladay gained, but then lost, several fortunes in the steamship business and in mining.<sup>35</sup>

Ballard remained in Nebraska to manage the newly-acquired lands for the partnership until at least August 1859. Thereafter, Ballard's signatures in the Nemaha County Deed Record were notarized in Greene County, Ohio, indicating that he had returned to Xenia. Ben Holladay appointed Ballard and James McMillan, another Ohio lawyer, as attorneys to handle his lands in Nebraska in a document written in September 1857, but not filed in Nemaha County until May 1859, after

which date McMillan's name appeared in the deed record as the land agent for the partners. Apparently Ballard served as land agent until the summer of 1859 when he was replaced by McMillan. Of the three partners, Ballard was the least known and least wealthy. Later court documents and letters suggest that neither Rombach nor Holladay knew Ballard prior to their investment ventures in Nebraska, but that Stark had persuaded Rombach to include Ballard in the group. Rombach and Ballard quarreled in 1861 over the cost of the Nebraska investments, just prior to the latter man's death, though Rombach and Holladay did not formally dissolve the three-man partnership until nine years later.<sup>36</sup>

How did Denver's service as Commissioner of Indian Affairs relate to the bigger picture of Indian relations and to the allotment of land in severalty? Did Denver and his associates break any laws by their actions? What lessons should have been learned from the experience on the Half-Breed Tract and other instances of allotment in severalty? Denver's term as Commissioner of Indian Affairs occurred during a time of transition in Indian policy, toward the end of the period when most tribes were removed to the West, but before the final flurry of armed conflict which followed the Civil War. As the nation expanded westward, government officials continued to treat newly-encountered Indian groups with the same paternalistic attitudes they had shown to eastern groups and they tried to locate tribes in areas unoccupied by whites. But as the westward movement gained momentum in the 1850s it was impossible to find places without settlers, thus leading to increased contact and conflict between whites and Indians. Denver also occupied the office as the trend toward allotment of land in severalty was gaining support among white religious and humanitarian groups in the East.<sup>37</sup>

In 1849, Congress transferred the Indian Office from the War Department to the Department of the Interior, affirming the belief that open hostilities with Indians were a thing of the past. President James Polk signed the new bill into law on March 3, 1849, thereby creating the Interior Department and transferring the Indian Office. In the process, Congress assigned certain antithetical responsibilities to the new department. The Secretary of the Interior presided over both the General

Land Office which disposed of public lands to benefit white settlers, and the Indian Office, charged with protecting Indian land rights. Although this arrangement occurred innocently, it created difficult conflicts of interest which usually favored white settlers.<sup>38</sup>

The decade of the 1850s witnessed a rapid turnover of men within the Interior Department who were inexperienced in Indian affairs. Officials there attempted to concentrate the Indians on small reserves apart from the whites and to encourage them to become "civilized" and agrarian. Likewise, they assumed the superiority of whites and believed that Indians would have to retreat in the face of white advancement. Indian Commissioner Luke Lea, who took office in 1850, urged the creation of a national system of reservations which he felt would satisfy the needs of both races. What little stability that did exist in the Indian Office in the 1850s was due to Chief Clerk Charles E. Mix. He had entered the Indian Office as a clerk in 1837, was appointed Chief Clerk in 1850, and served in that capacity until 1868. Commissioners often relied for policy guidance on Mix who strongly favored the reservation system. Mix promoted the establishment of permanent reservations large enough to meet the agrarian needs of the Indians, but too small to allow the Indians to rove and hunt. He opposed the granting of large annuities to tribes because he felt that they weakened the incentive for Indians to work toward their own subsistence.<sup>39</sup> Mix compiled the rules and regulations for officials of the Indian Office in an 85-page pamphlet called the Office Copy of the Laws, Regulations, Etc., of the Indian Bureau, 1850. Previously, no one had assembled the regulations and directives pertaining to the Indian Office in one volume. Mix then enforced adherence to the regulations by agents and personnel to an extent not previously witnessed. He also persuaded commissioners that the existing slate of laws were inadequate to protect the Indians and their property. Henceforward, commissioners labored to expand the size and power of the Indian Office.<sup>40</sup>

George W. Manypenny, who replaced Lea on March 24, 1853, revived the practice of allotting land in severalty. By earlier treaties, many tribes had been assigned to lands along the borders in Kansas and

Nebraska, thereby forming an obstacle to westward white expansion. Realizing that Indian rights would be trampled, he negotiated treaties that assigned the natives to smaller reservations and provided for allotment of land in severalty. By this time, it had become less feasible to remove the Indians further west. Manypenny hoped that establishing smaller permanent reservations would provide the Indians refuge from white pressure, and that allotment of land in severalty, giving individual Indians their own property, would instill white values in them.<sup>41</sup> Like Mix, Manypenny opposed money annuities, and instead favored payments in goods, tools, livestock, and vocational training. When Manypenny negotiated treaties, he required that annuity payments be reduced after a set period in order to wean Indians from their dependency. He also included a provision that the president might expend payments on tools or training instead of making the payments in money. During his four-year term, Manypenny negotiated fifty-two treaties which embraced these guidelines.<sup>42</sup>

James W. Denver served as Indian Commissioner from April to December 1857, and again from November 1858 to March 1859, with Mix assuming the post in the interim. Because of his lack of experience in Indian affairs, Denver relied heavily on Mix, and he did not significantly alter the new trends in policy. Characteristically, he favored the allotment of land in severalty and opposed simply relocating Indians further west.<sup>43</sup> Mix may have persuaded Denver to adopt both positions, though the second point probably was something that Denver truly believed since he had traveled widely throughout the West.

In his 1857 annual report to Congress, Denver spoke at length about the evil of white men invading reservations and defrauding the Indians, just five weeks after possibly doing just that on the Nemaha Half-Breed Tract. He favored allotting land in severalty, provided that the title remained in the tribe until individuals became "sufficiently intelligent, sober, and industrious, to grant them patents for the land so assigned to them, but leasable or alienable only to members of the tribe, until they became so far advanced as to be fitted for the enjoyment of all the rights and privileges of citizens of the United States."<sup>44</sup> He

continued: "No white person should be permitted to obtain any kind of possession or foothold within the limits of the reservation, nor even to enter them, except in the employ of or by the permission of the government. . . ."45

Denver's remarks seem hypocritical, but was he aware of the contradiction between his words and his actions? There seem to be three obvious possibilities: Denver may have been deceitful; he may have been sincerely warning Congress about the dangers faced by Indians; or he may have failed to recognize his own guilt as a land speculator. A clue to a less-obvious fourth possibility is that Denver's annual message strongly reflected the views of Mix. In November 1857, since Denver was preparing for his new assignment as governor of Kansas Territory, it is possible that Mix wrote the message, and that Denver merely signed it, or added very little to it. If so, it explains the strong condemnation for something Denver had just perpetrated.<sup>46</sup> In Denver's behalf, he did strive to protect Indian rights later in his life. Denver's actions should also be judged according to the ethical standards of the time, since profiting through deals based on "inside" information, even while still in office, was not considered wrong unless the activity involved fraud. Even if Denver deliberately defrauded the mixed-bloods, that crime would have to be considered in light of his entire distinguished career as a lawyer, soldier and politician. On the whole, he was an honest and capable public servant.<sup>47</sup>

Did James W. Denver break any laws by his actions as Commissioner of Indian Affairs in regard to the Nemaha Half-Breed Tract? A careful study of the 1874 edition of the Revised Statutes of the United States, an index of the U. S. Statutes at Large up to that date, proved inconclusive. Since Congress had not yet outlawed the passing of inside information by public officials, Denver seems to have been within the limits of the law in giving advance information of the allotment of Nemaha Half-Breed Tract lands to Matthew Rombach; therefore, Rombach and Ballard broke no laws by acting on Denver's information. Yet Denver might have violated laws prohibiting personal business between public officials and Indians, even though he personally bought

no mixed-blood land. Section 2078 of Chapter 162, passed by the Twenty-Second Congress in 1834, stated that "no person employed in Indian Affairs shall have any interest or concern in any trade with the Indians," except on behalf of the United States. Violators were subject to a \$5,000 fine and removal from office.<sup>48</sup> Similar laws prohibited exchanges between government trading house agents and the Indians whom they served, except on behalf of the United States.<sup>49</sup> The clear intent of these laws was to prevent the conflicts of interest that would occur whenever a public official derived profit from personal business transacted with persons in his custody.

In order to convict Denver, a judge needed to rule that mixed-blood land was a commodity, like other items of trade prohibited by section 2078. Denver might have protested that Congress had not specifically prohibited transactions involving land because section 2078 was written in 1834, before land had actually been allotted to individuals in fee simple, and congressmen undoubtedly had furs and similar items in mind when they had prohibited public officials from trading with Indians. The judge might have countered that the Treaty of Prairie du Chien predated section 2078 by four years. Land had already been promised to the Indians in fee simple and thus should have been considered a commodity subject to regulation under section 2078. The main point was that Denver's actions seemed to be shaped by a concern for profit rather than concern for the Indians. It could also be argued that Denver's conflict of interest caused grave harm to the Indians.<sup>50</sup>

A judge needed to additionally find that Denver had an interest in trade with the Indians in order to convict him of violating section 2078. The judge would have required evidence, perhaps a contract which showed that Denver had profited from land deals transacted in Rombach's or Ballard's names. It would have been difficult to satisfy this requirement because Denver might have been compensated for the sale of the land with funds stripped from other sources. The circumstantial evidence was probably insufficient to convict Denver. If it could have been proven that Stark had allotted the best parcels of land to those mixed-bloods who agreed beforehand to sell them back to the

speculators, then Denver, Rombach, Ballard, and Stark might have been found guilty of felony fraud charges. Apparently no charges were ever brought against the four men for any of their activities on the Half-Breed Tract.<sup>51</sup>

President Buchanan appointed Denver as Secretary of Kansas Territory in the month following his annual report to Congress. Later as governor, from May to October 1858, Denver helped restore order to Kansas Territory, which was quite an accomplishment at the time when the place was known as "Bleeding Kansas." Thereafter, he resumed his position as Commissioner of Indian Affairs until March 1859, when he made an unsuccessful bid for a senate seat from California. Commissioned a brigadier-general by President Abraham Lincoln, Denver commanded Kansas troops in the Civil War. After the war, and until his death in August 1892, he practiced law from his offices in Wilmington, Ohio, and Washington, D. C. He remained active in politics and was considered for the Democratic presidential nomination in 1876 and 1884.<sup>52</sup> On balance, Denver was a distinguished public servant, despite his possible wrongdoing in regard to the Half-Breed Tract.

One of the peculiar aspects about Denver and his associates is the length of time that the men held their property. Though speculators usually seek to sell their investments quickly, Rombach, Ballard and Holladay each held land for extended terms. In fact, Rombach and Ballard held Half-Breed land until their deaths, when it passed to their heirs. Part of Rombach's land remained with his family until the 1950s; Holladay held his share until at least 1870. Although Ballard died in December 1861, his share remained pooled with those of Rombach and Holladay for ten more years. In the Nemaha County Court at Brownville, Rombach and Holladay dissolved the partnership in March 1870, separating their shares from the total. Ballard's share remained unclaimed until October 1872, when his widow and three children divided it, with the widow receiving one-third and the children equally dividing the remaining two-thirds.<sup>53</sup>

Nemaha County property tax statements kept by Rombach after 1867 and his personal correspondence reveal common transactions and

suggest why he held his land so long. In a note dated July 23, 1867, which accompanied Rombach's 1866 tax statement, Nemaha County Clerk William H. Hoover wrote the comment, "Mr. Denver was in error as to [the] amount of tax." This note suggests that Denver was actively involved in managing the former reservation land.<sup>54</sup> William J. Austin, a Brownville real estate agent who managed Rombach's land, paid a local man named Henry Hart to watch Rombach's timber and rental property, and he sold land at Rombach's direction. Apparently, Rombach was planning to give a local attorney named D. J. Martin power-of-attorney to sell his town lots in Aspinwall.<sup>55</sup> The tax statement dated April 14, 1871, revealed that Rombach owned just 1,200 acres in Nemaha County by that date, including 3/16ths ownership of the Aspinwall town site for which he paid \$470.13 in taxes, prompting Hoover to write, "Taxes continue to be very heavy."<sup>56</sup> Hart urged Rombach not to sell his property, particularly his timbered land, because a railroad would soon be built through the area, the implication being that Rombach stood to make a large profit by selling his land at a later date. The timbered land was particularly valuable because the wood could be used for construction purposes and for fuel. Hart was confident that the railroad, which he called the Trunk Line, would definitely be built, although he reported that the starting point was uncertain, with Nebraska City, Brownville, and Arago all seeking to be the chosen site. In the same letter, Hart informed Rombach that Ben Holladay was planning to visit Aspinwall during the following month, and that the news came from Dr. Andrew Holladay, Ben's brother, who lived in Brownville.<sup>57</sup>

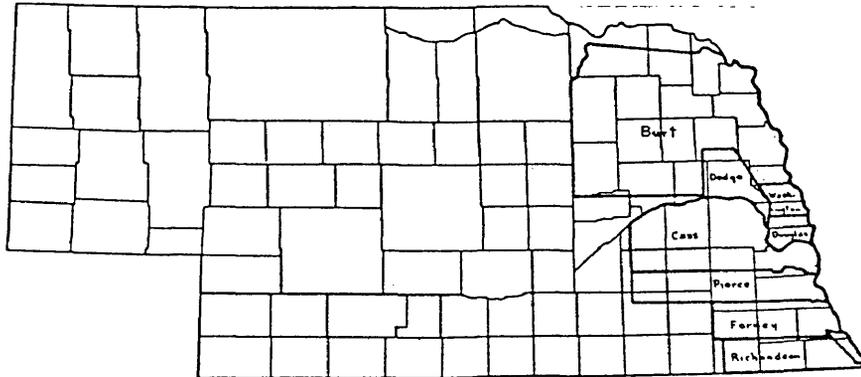
Rombach's nephew, who co-owned a large hardware store, wrote a letter from his home in Eureka, Kansas, in February 1872, defending further investment in Kansas land and town lots, mainly because of their great appreciation in value due to increasing population and the prospects of railroads. James T. Fitzhugh of Wilmington had criticized Kansas to Rombach after a trip to the territory. Fitzhugh was probably related to Lawrence Fitzhugh, perhaps the wealthiest man in Wilmington, who had earned his fortune investing in real estate and as a director of the Cincinnati and Muskingham Valley Railroad Company. The tone of

the letter made it seem as if Rombach was either considering to sell his land investments in Kansas or refraining from making new investments. Perhaps Rombach had also invested in his nephew's hardware business. If Rombach owned land in Kansas, he probably bought it during the time when James W. Denver was Governor of Kansas Territory from May until October 1858, as Denver himself bought property there while he served the territory. This suggests that the partners worked in a specific way in which Denver searched for properties to buy while serving the government in western posts, and Rombach supplied the funds to purchase the properties.<sup>58</sup>

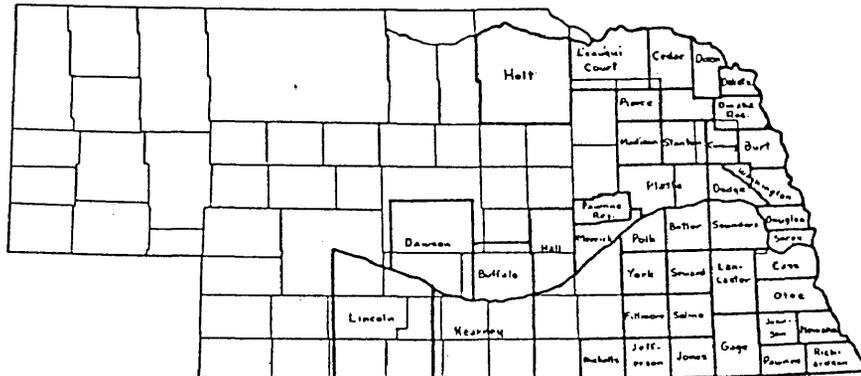
William J. Austin, the Brownville real estate agent, wrote Rombach in May 1872, to tell him the results of an election in which citizens in Nemaha County voted by a large majority to fund the construction of the "Trunk Railroad." He also reported that although he had not yet received offers for Rombach's land, he expected that the railroad's construction would improve prospects.<sup>59</sup> In a letter dated November 8, 1872, Austin requested that Rombach pay Hart \$50 owed to him for managing Rombach's timber property. According to Austin, Denver and Dr. Andrew Holladay had originally hired Hart to watch Rombach's and Ben Holladay's timber land for \$25 per month, with Rombach to pay one-third and Holladay to pay two-thirds. Hart maintained the land for possible sale, harvested mature timber, and kept the livestock of local farmers off the land. Austin went on to say that although he still had been unable to sell Rombach's land, prices were in fact rising, perhaps because of the prospects for a railroad. He reported that the town site of Aspinwall had been divided, but that the project of incorporating the town and selling the lots was being held up until D. J. Martin received power-of-attorney.<sup>60</sup>

One document kept by Rombach also explains why the old investor held his Nebraska land for so long, far past the time that a typical land speculator would have held it. On April 13, 1873, William H. Hoover sent Rombach a booster brochure from the Nebraska State Board of Immigration. Like other booster documents of the time, the brochure described Nebraska in superlatives, while it denigrated the eastern

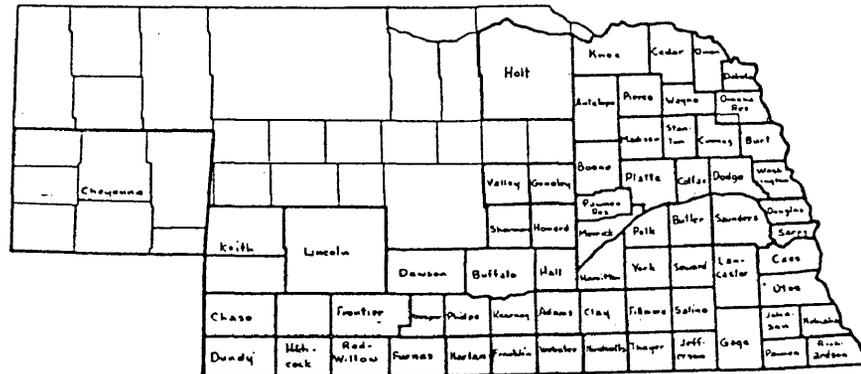
Settlement—The Major Factors



1854



1865



1875

GROWTH OF COUNTIES IN NEBRASKA

The steady pace of development in Nebraska might have persuaded Matthew Rombach not to sell his properties there.

states. Nebraska was "the Garden of the West," "the last good section of agricultural land in the national domain."<sup>61</sup> The brochure promised land for as little as \$1.25 per acre, and boosted Nebraska's schools, agriculture, climate, railways, cattle, and even its abundant coal beds "underlying nearly if not the entire surface of the State." Perhaps this brochure, and other information that he received, convinced Rombach that his investment in Nebraska land would pay off handsomely if he were patient and held it. Perhaps he felt that he could wait for a large payoff because he was receiving rental income from the properties in the meantime. An interesting point was that Robert Furnas, the Brownville publisher and a good friend to Denver, Rombach, and Holladay, was the governor of the state in 1873. Perhaps having a strong Nebraska booster for governor also prompted Rombach to hold onto his investments there.

On May 22, 1875, John H. Crofton, a Nebraska City lawyer, wrote Rombach for permission to prospect for coal on his properties near Aspinwall. Crofton wanted a twenty-five year lease on a section of land, granting him mineral rights for one dollar's consideration. In return, Rombach was to receive royalty payments of one-half cent per bushel of coal, and payments for other minerals at a rate equal to the customary rate paid in the eastern states.<sup>62</sup> Edward Weisenreder wrote to Rombach on April 5, 1876, requesting full control of land he was renting from Rombach so that he might erect a fence and make some other improvements. Every time he began work that changed Rombach's land, Henry Hart appeared and ordered Weisenreder not to make the changes. Weisenreder complained that Hart could not read or write, and he was put up to stopping the work by locals who were jealous of Weisenreder's success in business. The letters by Crofton and Weisenreder demonstrate that the potential existed for Rombach to earn income from his Nebraska properties.<sup>63</sup>

Rombach sued William M. Stark in March 1882 for misrepresenting the value of Nebraska land as an investment in 1857. If Ballard had not died in 1861, perhaps Rombach would have sued him too. His lawyer's strategy was to show that Stark and Ballard worked together to overcharge Rombach and Holladay for their Nebraska land, to

deceive them about its value, and to pocket the excess charge. Apparently, Rombach and Holladay had relied solely upon Stark's recommendation to hire Ballard to buy the Nebraska land. Prior to that time neither man had known Ballard who was Stark's neighbor and business associate in Xenia. By 1860, Rombach realized that he had overpaid for his land, sometimes as much as \$40 per acre, based on the recommendations of Ballard. Twenty years later, he was seeking to recoup some of his money from Stark. The legal action raises several points. Since Rombach and Holladay had not paid nearly that much money per acre for their Half-Breed Tract land, the two men must have owned land together elsewhere in Nebraska. Since Ballard was dead, Rombach had decided to go after Stark to recover the overpayment. Why he waited until 1882 to file suit is not clear, although Stark's brother had recently indicated to Rombach that Stark was hard pressed for cash and wanted to sell some of his property in Nebraska. Thus Rombach may have been galled into taking legal action, or he may have decided to get what money he could before Stark sold the land to someone else. Another possibility is that Rombach may have hesitated to sue Stark for fear that the impropriety of the Half-Breed Tract land-buying scheme, and Denver's involvement, might have surfaced.<sup>64</sup>

In April 1883, Rombach sold 280 of his remaining Half-Breed Tract acres for \$8,400, or \$30 per acre, which was considered a good price at the time. The land was located three mile west of Nemaha City.<sup>65</sup> Edward Weisenreder bought Ben Holladay's town lots in Aspinwall on November 17, 1883, making him the principal owner of the townsite. Due to the tax burden within the paper town, he and Rombach agreed to exchange lots in order to consolidate their own holdings and to have the incorporation of the site revoked or vacated before the next tax assessment in April 1884. Rombach received his 3/16ths part along the southern edge of the townsite, adjoining part of a section of land that he owned there. Vacating the townsite indicates Rombach's acknowledgement that Aspinwall would never be worth more than the surrounding farmland. As Weisenreder explained in a letter, "The prospect for a town seems to be gone forever."<sup>66</sup>

Upon Rombach's death in October 1903, his land passed to his daughter Louise C. Denver, wife of James W. Denver, who held it until her death in August 1914. It was then divided between her three surviving children, one of whom, Matthew Rombach Denver, was a congressman from Ohio.<sup>67</sup> Each offspring's land was finally sold upon their deaths in the 1920s, 1930s and 1950s, mainly to Nemaha County residents.<sup>68</sup> Why the Rombach-Denver family held the land so long apparently rests upon the failure of the speculation itself. The construction of a transcontinental railroad was delayed in the 1860s by the Civil War. Even after the Union Pacific line was built through Omaha, and the transcontinental railroad was completed in May 1869, hope remained that another line, the Brownville, Fort Kearny, and Pacific Railroad, would be built through Brownville. Until 1875, when their hope for a nearby railroad finally ended, the Half-Breed land might still have seemed a worthwhile investment. If the land was earning rental money by that time, Rombach and his heirs might have decided to hold it for the income and the future appreciation in value.<sup>69</sup>

As late as 1864, and probably later, Denver attempted to gain a position as an agent for some New York businessmen seeking to participate in the construction of the Pacific railroad. In that capacity, he could share in the wealth generated from building the railroad and speculate in western land as was his habit. As he wrote his wife, "Tell your father...I will if possible get to be agent for the Rail Road to look after their interests in certain quarters and if so it will pay well."<sup>70</sup> For Denver, western land and the Pacific railroad were investments, if not mild obsessions, that offered the opportunity to strike it rich. While he was Commissioner of Indian Affairs in 1857, he tried to combine both interests into one investment by speculating on Nemaha Half-Breed Tract lands. The mixed-bloods sold their lands at bargain prices, a common behavior of Indians who were unable to make a transition to a sedentary, farming lifestyle. Unfortunately, government officials did not learn about that hazard of allotting land in severalty, and continued the practice, even expanded it, as the nineteenth century progressed.

## ENDNOTES

"NO WHITE PERSON SHOULD BE PERMITTED. . ."

<sup>1</sup>Nebraska Advertiser (Brownville), 1 October, p. 3, c.1; 29 October 1857, p. 2, c. 3.

<sup>2</sup>Berlin B. Chapman, "The Nemaha Half-Breed Reservation," Nebraska History 38 (March 1957): 14-16.

<sup>3</sup>Matthew Rombach was the father-in-law of Indian Commissioner James W. Denver. Denver's agent William Matthew Stark introduced Alexander S. Ballard, an associate of his from Xenia, Ohio, to Rombach. Ben Holladay and James Craig were acquaintances of Denver from his earlier professional life in Missouri.

<sup>4</sup>George C. Barns, Denver, the Man (Strasburg, Virginia: Shenandoah Publishing House, 1950), 3-8; James W. Denver of Ohio: His Life, His Services, and His Availability, (Washington, D. C.: Gray and Clarkson, Printers, 1884), 5-11. The last-mentioned source was a campaign booklet promoting Denver as a Democratic candidate for the presidency in 1884. It is available from the Denver Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>5</sup>Barns, Denver, the Man, 8, 11-14, 24; James W. Denver of Ohio, 5-11.

<sup>6</sup>Barns, Denver, the Man, 29-59; James W. Denver of Ohio, 5-11.

<sup>7</sup>Barns, Denver, the Man, 65; James W. Denver of Ohio, 5-11.

<sup>8</sup>Barns, Denver, the Man, 90-91.

<sup>9</sup>Barns, Denver, the Man, 92-110, 119.

<sup>10</sup>Barns, Denver, the Man, 111-112, 118-119.

<sup>11</sup>Barns, Denver, the Man, 116-117.

<sup>12</sup>Barns, Denver, the Man, 116-117.

<sup>13</sup>"Speech of Honorable J. W. Denver of California, Against The Bill to Expedite the Issuing of Patents For Confirmed Land Claims in California," House of Representatives, 30 July 1856, text available from Denver Collection.

<sup>14</sup>Barns, Denver, the Man, 126.

<sup>15</sup>Admittedly, as there is no document or other direct evidence describing a land-buying scheme, the evidence presented here is circumstantial. The preponderance of evidence, even though circumstantial, is persuasive that Denver and his associates engaged in speculation on the Nemaha Half-Breed Tract.

<sup>16</sup>It is likely that the mail route crossed the river at this point because of the favorable topography.

<sup>17</sup>Barns, Denver, the Man, 134, 137-139. Denver and Rombach were from the city of Wilmington in Clinton County, Ohio, while Stark and Ballard were from Xenia in neighboring Greene County.

<sup>18</sup>Nemaha County (Nebraska) Deed Record, A:320. The deed records are found in the city of Auburn, Nebraska, in the office of the County Clerk at the Nemaha County Courthouse.

<sup>19</sup>Albert J. Brown, ed., History of Clinton County, Ohio: Its People, Industries and Institutions (Indianapolis: B. F. Bowen and Company, Inc., 1915), 496-498.

<sup>20</sup>Barns, Denver, the Man, 358-360; Brown, History of Clinton County, 496-498; James W. Denver to Louise C. Denver, 24 May 1863, Denver Collection.

<sup>21</sup>Nemaha County Deed Record, A:320. Volumes A and 1 contain dozens of these contracts.

<sup>22</sup>F. L. Woodward, "F. L. Woodward Tells of Aspinwall and Nemaha City," Nebraska History and Record of Pioneer Days, v. 1, nos. 3, 4 (Fall 1918): 4.

<sup>23</sup>Woodward, "F. L. Woodward Tells of Aspinwall and Nemaha City," 4.

<sup>24</sup>Gregory J. Johansen, "'To Make Some Provision for Their Half-Breed,' The Nemaha Half-Breed Reserve, 1830-66," Nebraska History (Spring, 1986): 22.

<sup>25</sup>Nemaha County Deed Record, A:359-410.

<sup>26</sup>Johansen, "The Nemaha Half-Breed Reserve," 22.

<sup>27</sup>Nemaha County Deed Record, 2:360.

<sup>28</sup>J. V. Frederick, Ben Holladay, the Stagecoach King (Glendale, California: Arthur H. Clark Co., 1940), 27-42.

<sup>29</sup>Nemaha County Deed Record, A:281, 316-320; J. H. Dundas, Granger History of Nemaha County (Auburn, Nebraska: By the Author, 1902), 12; Woodward, "F. L. Woodward Tells of Aspinwall and Nemaha City," 4. Henry Hart of Nemaha City managed Ben Holladay's lands near Aspinwall during the 1860s. Banker John L. Carson eventually bought Holladay's Aspinwall property, while the Denver-Rombach family owned property nearby into the 1950s.

<sup>30</sup>Barns, Denver, the Man, 13; Frederick, Ben Holladay, 40-41, 63-68. A Denver-Holladay friendship is also evident in three letters: Louise C. Denver to Matthew Rombach and wife, 17 April 1860; James W. Denver to Louise C. Denver, 3 October 1861; James W. Denver to Louise C. Denver, 3 June 1864, Denver Collection. These three letters, though written after the events on the Half-Breed Tract, reveal that the Denvers and Holladays shared a close relationship which involved dinners together and extended visits at the Holladay home in New York City.

<sup>31</sup>Barns, Denver, the Man, 13; Frederick, Ben Holladay, 40, 41, 63-68.

<sup>32</sup>Stewart Sifakis, Who Was Who in the Civil War (New York: Facts on File Publications, 1988), 149.

<sup>33</sup>Barns, Denver, the Man, 116-117; Chapman, "The Nemaha Half-Breed Reservation," 16; Nemaha County Deed Record, 2:236; 5:605, 612.

<sup>34</sup>Barns, Denver, the Man, 140.

<sup>35</sup>Le Roy R. Hafen, "Ben Holladay," in Dictionary of American Biography, ed. Dumas Malone (New York: Charles Scribner's Sons, 1932), 9:141-142.

<sup>36</sup>Nemaha County Deed Record, 1:335, 438.

<sup>37</sup>Francis Paul Prucha, The Great Father: The United States Government and the American Indian, 2 vols. (Lincoln: University of Nebraska Press, 1984), 1:319.

- 38 Prucha, The Great Father, 1:319-322.
- 39 Prucha, The Great Father, 1:323-325.
- 40 Prucha, The Great Father, 1:330-332.
- 41 Prucha, The Great Father, 1:326-327.
- 42 Prucha, The Great Father, 1:333-334.
- 43 Prucha, The Great Father, 1:327; Donald Chaput, "James W. Denver: 1857, 1858-59," in The Commissioners of Indian Affairs, 1824-1977, eds. Robert M. Kvasnicka and Herman J. Viola (Lincoln: University of Nebraska Press, 1979), 69-75.
- 44 Barns, Denver, the Man, 140-142.
- 45 Barns, Denver, the Man, 140-142.
- 46 Chaput, "James W. Denver," in The Commissioners of Indian Affairs, 69-75.
- 47 Chaput, "James W. Denver," in The Commissioners of Indian Affairs, 69-75.
- 48 Revised Statutes of the United States, 2nd ed., 22nd Congress, Chapter 162, statute 2078, 30 June 1834, p. 738.
- 49 U. S., Statutes at Large, 2:403, 653.
- 50 Revised Statutes of the United States, 2nd ed., 22nd Congress, Chapter 162, statute 2078, 30 June 1834, p. 738.
- 51 Revised Statutes of the United States, 2nd ed., 22nd Congress, Chapter 162, statute 2078, 30 June 1834, p. 738.
- 52 H. W. Howard Knott, "James William Denver," in Dictionary of American Biography, eds. Allen Johnson and Dumas Malone (New York: Charles Scribner's Sons, 1930), 5:242-245; James W. Denver of Ohio, 5-11; James W. Denver to President James Buchanan, 12 March 1859, Denver Collection.
- 53 Nemaha County Deed Record, 6:336-339, 15:46-49.

<sup>54</sup>William H. Hoover to Matthew Rombach, 23 July 1867, Matthew Rombach Papers, Rombach Place, Clinton County Historical Society Museum, Wilmington, Ohio.

<sup>55</sup>William J. Austin to Matthew Rombach, 28 November 1870, Matthew Rombach Papers.

<sup>56</sup>William H. Hoover to Matthew Rombach, 14 April 1871, Matthew Rombach Papers.

<sup>57</sup>Henry Hart to Matthew Rombach, 25 January 1872, Matthew Rombach Papers.

<sup>58</sup>H.H. Daum to Matthew Rombach, 27 February 1872, Matthew Rombach Papers; James W. Denver to Louise C. Denver, 24 May 1863, Denver Collection; Chaput, "James W. Denver," in The Commissioners of Indian Affairs, 69-75.

<sup>59</sup>William J. Austin to Matthew Rombach, 20 May 1872, Matthew Rombach Papers.

<sup>60</sup>William J. Austin to Matthew Rombach, 8 November 1872, Matthew Rombach Papers.

<sup>61</sup>J. H. Noteware, Nebraska (Lincoln: State Board of Immigration, 1873), brochure, Matthew Rombach Papers.

<sup>62</sup>John H. Crofton to Matthew Rombach, 22 May 1875, Matthew Rombach Papers.

<sup>63</sup>Edward Weisenreder to Matthew Rombach, 5 April 1876, Matthew Rombach Papers.

<sup>64</sup>W. F. Straub to Matthew Rombach, 14 March 1882, Matthew Rombach Papers; Louise C. Denver to Matthew Rombach, 22 August 1860, Denver Collection.

<sup>65</sup>William H. Hoover to Matthew Rombach, 6 April 1883, Matthew Rombach Papers.

<sup>66</sup>Edward Weisenreder to Matthew Rombach, 19 December 1883; Matthew Rombach to William H. Hoover, 27 December 1883, Matthew Rombach Papers.

<sup>67</sup>Nemaha County Deed Record, "Miscellaneous Deeds", 4:47, 77.

<sup>68</sup>Nemaha County Deed Record, 63:449, 473, 604-605, 615-616.

<sup>69</sup>For a related article, see James J. Blake, "The Brownville, Fort Kearney and Pacific Railroad," Nebraska History 29 (December 1948): 238-272.

<sup>70</sup>James W. Denver to Louise C. Denver, 24 May 1863; James W. Denver to Louise C. Denver, 3 June 1864, Denver Collection.

## CHAPTER THREE

"A FINGER IN EVERY PIE":  
THE ACTIVITIES OF STEPHEN F. NUCKOLLS AND HIS BROTHERS

Stephen F. Nuckolls and his brothers, who bought thousands of acres of Half-Breed Tract land on speculation, epitomized the aggressive frontier entrepreneurs of the late 1850s. They recognized the rich potential of a variety of frontier businesses and sought to participate in each one, as if to define the saying, "to have a finger in every pie." In terms of the amount of reservation land purchased, they were the largest speculators on the Half-Breed Tract. Their challenge was to manage the land to its full potential through the deep recession of 1857 and the chaos of the Civil War, even as they plunged into each new venture that came along. Eventually, constraints of time and money forced them to choose between their land and other businesses, but their impact upon southeastern Nebraska remained evident for decades.

Stephen Nuckolls, one of the most important early settlers in Nebraska, was born in Grayson County, Virginia, on August 16, 1825, the son of Ezra Nuckolls, a merchant and planter. In November 1847, Stephen Nuckolls opened a general store in Linden, Missouri, a now-defunct town in Atchison County, which proved so successful that he established several branches in western Missouri and Iowa. In 1854, after learning that Congress intended to open Nebraska Territory to white settlement, Nuckolls crossed the Missouri River to locate land near present-day Nebraska City for purchase when it became legally authorized. The government had built the original Fort Kearny there in 1846, along with the Block House, a small stockade which housed a detachment of dragoons to protect travelers from Indians. Since local Indians were friendly, the soldiers abandoned the post two years later and moved further west. A white squatter named Hiram P. Downs occupied the vacated post hospital and stockade, along with a parcel of land in the vicinity. He would later build and operate the City Hotel, the

first of its kind in Nebraska City. In April 1854, Nuckolls, Downs, and lawyer Allen A. Bradford formed a partnership and agreed to become joint owners of Down's 160-acre claim. After the Kansas-Nebraska Act became law in May, Nuckolls surveyed the property and laid out the city. Actual construction began in July, and the city was incorporated during the following May. Nuckolls, sometimes called the "Father of Nebraska City", served as the president of the town company. On December 31, 1857, the city combined with the nearby settlements of Kearney City and South Nebraska City to become one of the most substantial river towns in the territory.<sup>1</sup>

In an effort to make Nebraska City the territorial capital, Nuckolls loaned his wagon to carry the first territorial governor, Francis Burt, into Nebraska, though the politician ended up in Bellevue on October 7, 1854, where he died eleven days later. Next Nuckolls built a spacious brick building at Sixth and Main, hoping that the first Territorial Legislature would meet there since it was the finest brick structure in Nebraska at that time. Nuckolls was again frustrated when the legislature decided to meet in Omaha, though his brother Lafayette served in the First Nebraska Territorial Legislature in 1855, and Nuckolls himself became a member of the Sixth Territorial Legislature in 1860. This position was the first of several political offices held by Nuckolls in Nebraska and Wyoming.<sup>2</sup>

Nuckolls had five brothers who were active pioneer businessmen. Stephen, Houston, and Heath bought Half-Breed Tract land, which formed just a part of the total property owned by the brothers along the Missouri River. Heath (b. 1830) settled in Nebraska City in 1854 and operated a store which sold groceries, general merchandise, and farm implements. His partner Charles H. Cowles had established the first regular store in the city in the spring of 1854, and he served in the First Territorial Legislature the following year. Cowles was a close friend to the wealthy Missouri merchant Robert Hawke who became Stephen Nuckolls's business partner in 1859. For a brief time in 1857, Heath lived in St. Deroin, a Half-Breed Tract river town in Richardson County, where he operated one of Stephen's stores, but he moved back to

Nebraska City when business worsened in the fall of that year. Houston (b. 1838), who also operated one of his brother's stores and traded land from St. Stephens, another Half-Breed Tract river town in Richardson County, had a reputation as a speculator. Columbus (b. 1833) was a land and insurance agent in Glenwood and Pacific City, Iowa. Lafayette (b. 1835) was a banker and land agent in Glenwood, where he made collections, extended loans, and traded real estate. He and Columbus were members of the Plattsmouth, N. T. town company which they helped organize in October 1854. He may have also operated Stephen's general store which occupied the largest building in Glenwood. In 1858, his businesses failed, causing a rapid deterioration in his health, and death in February 1860, at the age of twenty-four.<sup>3</sup> In 1859, fifteen-year-old Emmet Nuckolls (b. 1844) drove an ox-team from Missouri to Denver City. Two years later, he opened the first livery stable at Central City, Colorado Territory, where Stephen operated a merchandise store. At Central City, Stephen's interests shifted from retailing to mining, which occupied him for several years. Emmet also located a homestead near the original Denver City Hall. In 1890, he and his sons established the Nuckolls Packing Company in Pueblo where he worked until his death twenty-one years later.<sup>4</sup>

Stephen Nuckolls, the most successful of the brothers, pursued an amazing array of businesses which he built largely from his own retail wealth. As the agent for the town company, he sold town lots in Nebraska City, along with the substantial property that he owned separately. Nuckolls, Downs, and Bradford owned The News, the town's first newspaper and booster publication. In April 1855, The News merged with The Palladium, a Bellevue newspaper, and published from the upper floor of the Block House, in the former Fort Kearny. This merger brought the Morton family into the publishing business in Nebraska City. Thomas Morton had founded The Nebraska Palladium and Platte Valley Advocate in Bellevue during November 1854. When Bellevue failed to become the territorial capital, he moved his equipment to Nebraska City, though he nearly lost it all while crossing the Platte River. Morton served as part owner and publisher of the renamed

Nebraska City News for the next thirty-two years. The newspaper was so outspokenly Democratic and pro-James Buchanan that abolitionist Jim Lane threatened to destroy its office and lynch Editor J. Sterling Morton for his comments on the Kansas War of 1857.<sup>5</sup>

Along with the great variety of his businesses, Stephen Nuckolls ran businesses in many different locations. His mercantile stores were in Linden and Rockport, Missouri; Glenwood, Pacific City, and Hamburg, Iowa; Nebraska City, Brownville, Mount Vernon, St. Deroin, and St. Stephens, Nebraska Territory. His partner in Rockport was named White, with whom he sold dry goods and groceries. At that time, Rockport competed with Linden over which town would become the county seat of Atchison County. In a special election in 1856, Rockport defeated Linden, and the latter town eventually disappeared. Nuckolls's main competitors in Missouri were the merchant partners Robert Hawke and a Mr. Dillon in Rockport and Hemme's Landing. During August 1856, Nuckolls temporarily lost White as his partner and he entered into partnership with a man named Russell. In November, a steam-powered sawmill, co-owned by Nuckolls and White, burned down, representing an uninsured loss of between \$6,000 and \$7,000. Eight months later, Nuckolls left Russell and re-entered partnership with White. In Brownville, Nuckolls cleared and leveled several lots by the boat landing, where he built a store. Nuckolls's newly-completed store in Mount Vernon burned in July 1857, with a loss of \$1,500 for the structure, though fortunately he had not yet stocked the building with goods. Along with his mercantile store in Nebraska City, Nuckolls also sold building supplies out of a small store at the city's boat landing, with his partner Charles Grever. Nuckolls knew the value of partnerships, for he had many associates in his business and land ventures. On the frontier, a businessman never knew which towns or businesses would succeed and which would fail. Coverage, being in as many situations and locations as possible, probably seemed a better strategy than concentration.<sup>6</sup>

In 1855, Nuckolls founded the Platte Valley Bank and served as its first president. He housed the bank in his fine brick building on the

southeast corner of Sixth and Main, which he had originally constructed for the territorial legislature.<sup>7</sup> At that time, money did not circulate freely in semi-frontier areas, and conducting business became quite difficult. To place more money in circulation, the Second Territorial Legislature passed a law in 1856 permitting the organization of five "banks of issue," including the Platte Valley Bank, each of which could begin business with a \$5,000 stock subscription. Since subscriptions amounted to pledges without actual payment of funds, the banks issued money backed with little more than the promise to redeem their own notes. Nuckolls operated the bank with his associates John B. Boulware, Allen A. Bradford, Joseph W. Collidge, John C. Campbell, Hiram Joy, William B. Hail, William Larimer Jr., and Isaac L. Gibbs. It is not surprising that the lawmakers chartered Nuckolls's bank, since five board members and other bank friends served in the legislature. Bradford and his brother served on the legislative council, which approved the bank by a ten-to-three vote. In the House, Representatives Boulware, Campbell, Hail and Larimer supported the bank. William Hoover, Abel D. Kirk, and Neil J. Sharp of Richardson County rejected the bank, perhaps in opposition to inadequately-backed institutions, or perhaps to hamper the ability of the Nuckolls to compete with them for land in their county.<sup>8</sup>

The so-called "wildcat banks" issued so many notes that money became plentiful in the fall of 1856 and throughout much of the following year. The abundance of capital had a profound effect on the purchase of land. Settlers who previously had made squatter's claims often did not have the money to pay for their land in cases where the government established land offices and demanded payment. Wildcat money was "easy money", because it was not backed by gold or coin, and functioned more like modern credit cards than cash. It encouraged buyers to inflate land prices through speculation, and it permitted outsiders to buy Nebraska land by acquiring the banks and using their notes. Not surprisingly, the majority of these banks came to be owned by "foreigners," or out-of-territory investors. Of the eight earliest banks, only the Platte Valley Bank retained ownership in Nebraska.<sup>9</sup>

Speculators tried to resell portions of their land to gullible newcomers for fantastic prices. So many men engaged in these ventures that land prices skyrocketed, thus encouraging further speculation because people thought prices would continue higher. Some speculators platted townsites, sold town lots, and printed lithographed stock certificates to raise funds for their townsite companies. Houston Nuckolls appears to have been this type of land speculator. About him it was later written, "Who among the old settlers can forget Houston Nuckolls and his schemes? How he ruled the limited world in which he moved: how he carried on his real-estate transactions, much as boys would swap jack knives, and how, after a few years of active and, in many respects, successful strife with the world, he at last fell victim to the fatal cup."<sup>10</sup> This final image may be a poetic description of death, or it may suggest that Houston Nuckolls was an alcoholic, which might explain some of his actions, for he took risks in land dealings which may best be described as gambles.

Houston Nuckolls was a co-founder and promoter of Archer, the first county seat of Richardson County. Early in 1855, Neil J. Sharp secured a grant for the townsite through the territorial legislature, of which he was a member, having been elected in the first territorial election of December 1854. Nuckolls, Sharp, Abel D. Kirk, and three other men were the principals of the townsite company which formed in the summer of 1855. With liberal boosting, the town thrived until January 1856, when the results of a survey indicated that the town was located just inside the western boundary of the Half-Breed Tract. Kirk went to Washington, D. C. on behalf of the town's inhabitants, but failed to gain any concessions from the government. His successor, Elmer S. Dundy, later a territorial judge, persuaded Congress to pass a law permitting the settlers to retain lands which they had improved. On June 12, 1858, Congress declared that the erroneous western line from an earlier survey, which left Archer off the Half-Breed Tract, was the correct reservation boundary. Though Archer was technically "saved," the town failed anyway because settlers hesitated to locate there, and the county seat had been relocated in the meantime. Houston Nuckolls's

reputation suffered because of the Archer fiasco, since he sold much of his property before the news became widely known about the town's location on the Half-Breed Tract. According to Margaret M. Maddox, the daughter of Archer co-founder John C. Miller, "Houston Nuckolls received the word first and before letting it be known to others, sold his big drug-store building to father at a big price. This with other losses in the townsite almost ruined father financially. He never recovered from the shock of those troubles. His health was completely broken."<sup>11</sup> Though it is not clear whether this accusation about Nuckolls is correct, many people considered him to be a man of questionable integrity, unlike Stephen Nuckolls whose reputation was sterling.

Stephen Nuckolls wrote to Houston twice in February 1857 to tell him that a land office would soon be opening in Brownville, though the townspeople were not yet aware of the news, and he urged his brother to open an office there. He felt that Houston would do well in Richardson and Nemaha Counties in real estate and banking. He also stated that he and Columbus planned to open a bank together in Glenwood and one in either Leavenworth or Lecompton, Kansas Territory, because a lot of money could be made in speculation even if the towns did not succeed. These letters demonstrate what aggressive businessmen the Nuckolls brothers were, and how closely they worked together.<sup>12</sup> Later that month, Stephen Nuckolls prepared an inventory of his personal wealth which listed his real estate assets at \$183,332 and total assets at \$277,607. His business profits had increased from \$4,209 for the year ending in February 1849, to \$116,641 for the year ending in February 1857. As for liabilities, he listed only \$57,750 in debts or outgoing money. In short, Stephen Nuckolls was a wealthy man in February 1857, because land values were high and his businesses were active. He gave no indication that he thought land, where so much of his wealth was concentrated, was overvalued. Rather, he had ample money to aggressively pursue new speculations.<sup>13</sup>

Meanwhile, Houston Nuckolls was not deterred by the messy demise of Archer, for by March 1857 he and several other associates, including Neil J. Sharp, had organized a town company at a place named

Centreville, which was definitely off of the reservation near the geographical center of Richardson County, and they attempted to have the site declared the new county seat. Unfortunately for Nuckolls, Centreville never got off the ground. When Half-Breed Tract land came available in 1857, he aggressively acquired property there along the Missouri River. At one spot, midway between the mouths of the two Nemaha Rivers, he and his partners, Stephen Story and William P. Loan, built the town of St. Stephens. As the father of several mixed-blood children, Story received the original title to the land surrounding the new town, while Loan was an attorney and land agent from Archer. St. Stephens possessed abundant timber and building stone, a fine landing on the Missouri, two mercantile houses, and a sawmill which was cutting 7,000 feet of lumber per day. According to the Nebraska Advertiser, the owners were men of capital and experience who possessed clear title to the land and who were prepared to furnish warrantee deeds on all lots sold. The owners planned to soon build a hotel, church, and schoolhouse, and to operate a steam ferry by the spring of 1858.<sup>14</sup>

In February 1858, Houston Nuckolls and his associates offered 10,000 Half-Breed Tract acres and 100 town lots in St. Stephens for sale to the highest bidder, with the auction to be held on March 10 at St. Stephens. Though the evidence is not clear, there does not seem to have been a sale, for the Richardson County Deed Record does not indicate that the land changed hands in March. The lack of a buyer may suggest that Nuckolls demanded too high of a price, or that potential buyers were hesitant to buy Half-Breed Tract land with Archer still fresh in their minds. In early June, Nuckolls announced his intention to sell land at Yancton, near Rulo, another of his Half-Breed Tract townsites in Richardson County, which was described as having a good landing, and abundant coal and timber. That same month, Houston Nuckolls and his partners managed to sell 4,400 acres adjoining St. Stephens, for prices ranging from \$4 to \$14 per acre, to a group of German immigrants from Buffalo, New York, who wished to settle on the property immediately. Earlier, in May, the Nebraska City News had announced, "another of the indomitables hath departed," when it reported the marriage of Houston

Nuckolls and Mary F. Hawke of Hemme's Landing, Missouri, the daughter of Robert Hawke. While not denying that Nuckolls had true affection for his new bride, the marriage had positive financial benefits for him as well, for it connected him with a wealthy father-in-law and a ready source of credit.<sup>15</sup>

During August 1857, in several newspaper advertisements, Louis Neal, one of the first mixed-bloods to receive his allotment, warned settlers against buying land at Aspinwall from Robert Hawke or J. G. Melvin, claiming that the two men had forfeited their claims to property there, and that he was the sole owner. In counter-advertisements, Hawke, Melvin, Stephen and Houston Nuckolls, and several other businessmen, claimed to have purchased the land from Neal, to have paid for it in full, and to possess a quit claim deed to that effect. While Hawke and his associates won the contest, the persons and property involved in the dispute are more interesting than the result, though explanations as to what happened are hypothetical due to the lack of hard evidence.<sup>16</sup>

September of 1857 marked the arrival of James W. Denver, Matthew Rombach, and William M. Stark on the Half-Breed Tract. There at Aspinwall, Rombach accumulated the core of his property from Neal. One possible explanation for the dispute was that after Neal had sold his property at Aspinwall to the group led by Hawke, he changed his mind and tried to re-sell the land to Rombach, who was less familiar with Nebraska prices and was willing to pay more for the land. Perhaps Neal, who was the first mixed-blood to receive title to his property, saw an advantage in dealing with Denver's father-in-law. In the end, both groups ended up buying land in and around Aspinwall from Neal. The event also demonstrates that the Nuckolls brothers were actively involved with each other in the land business, including Half-Breed Tract land, and with wealthy Robert Hawke. Early in November 1857, Rombach's group laid out the town of Aspinwall, and four months later, they offered to donate fifty residential and business lots in the town to legitimate settlers who would erect houses and improve the properties. The offer seemed designed to facilitate the quick establishment of the town in

order to overcome competition from nearby Nemaha City, St. Deroin, and St. Stephens, and it was consistent with the idea that Denver could exert influence to route a railroad through the area. Had the plan succeeded, Aspinwall could have become Nebraska's most important city, and Rombach and his partners would have gained a fortune. In the fall of 1858, several important names were associated with the operation of a ferry across the Missouri River at Aspinwall: Ben and Andrew Holladay, Isaac T. Whyte, and Louis Neal.<sup>17</sup>

The Nuckolls brothers all owned substantial quantities of land on both sides of the Missouri River, from Glenwood, Iowa, to at least as far south as the border with Kansas Territory. This was perhaps for investment purposes alone, but the purchases seemingly were in anticipation of the transcontinental railroad since these holdings were concentrated near convenient river crossing sites, often where a ferry had been located.<sup>18</sup> The theory that the Nuckolls bought land because of the Pacific railroad is plausible because local newspapers regularly reported on it, and because many other persons bought land on speculation for the same reason. The Nebraska Advertiser reported in early 1857 that Congress had considered Denver's Pacific railroad proposal and that it had debated three alternative routes: a southern route along the thirty-sixth parallel to San Francisco; a northern route from Lake Superior to Puget Sound; and a central route through Nebraska between forty and forty-three degrees north latitude.<sup>19</sup>

Real estate seems to have been just another Nuckolls business. There is no evidence to suggest that the Nuckolls influenced men or policies to acquire reservation property for themselves. Rather, it appears that they acted opportunistically when the land became available in August 1857. They acquired substantial Half-Breed Tract holdings in Nemaha County, especially near the towns of St. Deroin and Aspinwall, including over 1,800 acres near St. Deroin directly from mixed-bloods or from Charles M. Grever, who operated a ferry at that location. Though most of this land cost them only \$1.50 per acre, even Grever made a profit selling his land at that price, for he had purchased a 311-acre half-section for \$200, or about sixty-four cents per acre.<sup>20</sup>

Stephen Nuckolls dealt in real estate through a company called Nuckolls and Wyatt, and he ran frequent advertisements for available property in the Nebraska City News. One advertisement offered 400 timbered acres and 3,000 acres of bottom land opposite Nebraska City in Iowa. Nuckolls and Wyatt put 4,500 acres of Half-Breed Tract land in Richardson County up for sale in July 1858, along with 2,000 acres in Nemaha County, although it is not clear if the Nemaha County land was on the reservation.<sup>21</sup>

J. Sterling Morton was the editor of the Nebraska City News in 1857, when the territorial legislature authorized two new wildcat banks at DeSoto and Tekamah. Always a strong opponent of the "banks of issue," Morton sharpened his criticism of the banks and the land speculation engendered by the issue of their notes. A letter to the editor in February 1857 harshly criticized the territorial legislature for authorizing the new banks and suggested that the banks would not be able to back their notes. This letter correctly predicted the problems faced by such banks in the 1857 financial panic, when most were forced to close their doors. Accusing legislators of corruption, the letter implied that Isaac L. Gibbs, Speaker of the House in the territorial legislature, had accepted bribes in return for his support of the wildcat banks. Gibbs was a director of both the Platte Valley Bank and the Nebraska City and Pacific Railroad. A second letter accused another Nuckolls associate, Bird Chapman, the congressional delegate from Nebraska Territory, of accepting town lots in Brownville in return for locating the Land Office in that city.<sup>22</sup>

Milton W. Reynolds became the editor of the Nebraska City News in August, when J. Sterling Morton stepped aside to devote more time to politics and to the Nebraska Real Estate and Exchange Company, which he served as vice-president. In his first editorial, Reynolds praised the selection of Fenner Ferguson who had replaced Bird Chapman as the Nebraska territorial delegate. A severe recession, which began in the East in August, soon spread to Nebraska Territory and became a main editorial topic for Reynolds throughout the fall. Like Morton, he criticized the land speculators and the wildcat banks, most of which already had

suspended payments. In the October 1st edition of the Nebraska Advertiser, editor Robert Furnas incorrectly reported the failure of the Platte Valley Bank, and questioned whether the bank would be able to redeem its outstanding notes and liabilities. The Nebraska City News vigorously denied the bank's failure and printed an open letter from prominent local men praising Nuckolls and his directors for not suspending payments. Though the rumor about the bank's failure was false, and it never did close its doors, its finances had become dangerously inadequate.<sup>23</sup> J. Sterling Morton later claimed that his newspaper maintained a bold front to forestall panic. Even a full year later, when the bank had largely recovered from danger, rumors still circulated that it was about to go under. The Nebraska City News of June 5, 1858, claimed exasperatedly, "The bank has always and still continues to redeem at its counter all bills presented, and we have every confidence in its ability to redeem its entire circulation which is now being rapidly retired."<sup>24</sup> The discrepancies between accounts in the two newspapers may also have reflected the competition between Nebraska City and Brownville. At any rate, the episode left the anti-wildcat Nebraska City News defending the Platte Valley Bank, and the pro-wildcat Nebraska Advertiser attacking it. In November, Morton was elected to the territorial legislature, partly because of his strong opposition to the wildcat banks. Morton had appeared to be a prophet in predicting the banking fiasco.

A comparison between the published annual reports of the Platte Valley Bank, dated September 1, 1856, roughly one year before the financial panic, and November 17, 1858, roughly one year after the panic, reveal the actual changes which occurred at the bank. Total assets and liabilities in the 1856 report were \$180,580.75, while those in 1858 were \$151,070.58, or a decrease of about 16%. The difference was due to the large change in circulation, or the amount of bank notes in the hands of the public, between 1856 and 1858. Circulation had dropped from \$63,082.73 to \$22,700.00, indicating that the public had redeemed \$40,382.73 worth of Platte Valley Bank notes which Nuckolls had honored in full.<sup>25</sup> Of the five original wildcat banks, the Platte

Valley Bank was the only one which paid its obligations in full.<sup>26</sup> Even Robert Furnas later paid his respects to the bank. When describing a bank robbery there in 1859, he noted that, "A bank that has gone safely through the financial crisis of late, never in a single instance failing to make satisfactory provisions for every demand, is not to be injured by the stealing of a few thousand dollars, or the opposition and prejudicial reports of a few jealous enemies."<sup>27</sup> In his history of Nebraska, Morton later wrote, "The Platte Valley Bank of Nebraska City was the only bank whose charter was owned by Nebraska men, and , curious to say, it was the only one of the regularly chartered concerns which from first to last paid its liabilities in full. . . The same determination of character which induced him [Nuckolls] to maintain under the most adverse conditions what he believed to be his political rights also caused him to resolve to carry his bank through the crisis and pay his honest debts."<sup>28</sup>

Beginning in 1856, Stephen Nuckolls began to invest his time and money in ventures far beyond his experience in merchandising, banking, and real estate. On November 27, Nuckolls and a board of directors entered articles of incorporation for the Nebraska City and Pacific Railroad Company. The stated objectives were to build a railroad, including any necessary branches, along the best route from Nebraska City to the Pacific Ocean, and to conduct the normal business of that company. The capital stock of the company was set at ten million dollars, with debt not to exceed five million dollars. The articles called for the company to operate for fifty years, with the right of renewal. The nine directors of the company were Nuckolls, as president, and Allen A. Bradford, Bird Chapman, Joshua Garside, Isaac L. Gibbs, Horace H. Harding, Augustus Kountze, W. F. Lockwood, and Jacob Safford. While several of the board members were associates of Nuckolls's from the Platte Valley Bank, Bird Chapman was the Nebraska Territory delegate to Congress, and Augustus Kountze was a prominent Omaha businessman. Though Kountze was a booster of Omaha, his brother-in-law, Bird Chapman, may have persuaded him to invest in Nebraska City. Besides, if the railroad did begin there, Kountze did not want to miss the opportunity to involve himself in the project from the start.<sup>29</sup>

Townsppeople also recognized the fortune that they stood to gain if Nebraska City became the springboard for the Pacific railroad. The Nebraska City News carried numerous stories about railroad grants and the progress of the various Pacific railroad bills in Congress. A letter to the editor in the January 17, 1857 edition touted the route through Nebraska City for its shortness, its easy grades, and its abundance of resources. In February, a bill was introduced before the Nebraska Territorial Legislature to incorporate the Nebraska City and Pacific Railroad Company. Two months later, the directors of another proposed venture, the Brownville and New Fort Kearny Railroad, a direct competitor to Nuckolls's company, entered articles of incorporation with the legislature. The directors were Ben Holladay, Andrew Holladay, James M. Hughes, Robert Furnas and William M. Hoover. A contemporary promotional circular for Nebraska Territory suggested that the Hannibal-St. Joseph Railroad would be the first line to reach the Missouri River, and that it would form the trunk of the Pacific railroad, which would continue west up the Great Nemaha Valley and then on to Fort Kearny. The directors of both the Brownville and Nebraska City railroads undoubtedly hoped that their lines would be the continuation of the Pacific railroad's trunk on the west side of the Missouri River.<sup>30</sup>

Another new business project of Stephen Nuckolls in early 1857 was the Nebraska City Insurance Company which indemnified cargo risks within Nebraska Territory, thus insuring shippers against the loss of property during transport. Though Columbus Nuckolls organized the company, Stephen Nuckolls was a director and he assumed the active management of the company within the year. Beginning in the summer of 1857, this business became very lucrative when the government prepared to send troops to Utah to punish rebellious Mormons, and Nebraska City became an important shipping point. Nuckolls may also have been anticipating his profits from the insurance business if the government constructed the Pacific railroad. Whether the line passed through Nebraska City or not, he could participate in the windfall that would result from insuring cargo aboard the trains. If his Nebraska City and Pacific Railroad became a link in the transcontinental line, he could

ship cargo and insure it too. The March 28, 1857 edition of the Nebraska City News printed the full text of President James Buchanan's inaugural address, which included his endorsement of the Pacific railroad. Nuckolls seemed eager to position himself in the path of profit with his new ventures.<sup>31</sup>

In the midst of his business dealings, Nuckolls involved himself in political and personal activities as well. In early 1858, he visited Washington, D. C. to promote the Pacific railroad and the annexation of Nebraska Territory south of the Platte River to Kansas Territory. With Kansas poised to join the Union, many southern Nebraskans thought that annexation offered their region the advantages of statehood. While Nuckolls was in Washington, Nebraska Republicans elected him to be the party's territorial vice president, which was a surprise for a man who was a staunch Democrat and who had introduced the first slaves into Nebraska. Upon his return, Nuckolls politely declined the position, though the Nebraska City News used the ironic episode to ridicule Republicans.<sup>32</sup>

In the fall of 1854, Nuckolls had brought slaves into Nebraska Territory, two men named Shade and Shack, and two young women, one of whose name was Eliza. When both girls ran away four years later, Nuckolls offered a \$200 reward for their return and, accompanied by a U. S. marshall, searched several homes belonging to abolitionists in Tabor, Iowa, a stop on the Underground Railroad. In one home, Nuckolls's men seriously wounded the owner, forcing Nuckolls to eventually pay \$10,000 for the injury. Eliza escaped to Chicago, but was arrested and held until a mob freed her and helped transport her to Canada. The Nebraska City News reported that "Eliza Africanus" had been discovered "in a free-love and freedom-loving brothel in the very Black Republican city of Chicago,"<sup>33</sup> although that description may have reflected politics more than the actual facts of the matter. Nuckolls sued sixteen Iowans for allegedly aiding in the girl's escape, but the Civil War intervened and he failed to win compensation. Shade also escaped and served in the South Carolina legislature during Reconstruction, ironically using the surname Nuckolls. Though relatively few slaves ever resided in Nebraska, most

lived in Nebraska City. In January 1861, the legislature abolished slavery in the territory.<sup>34</sup>

One of the biggest news items in the fall of 1857 was Brigham Young's challenge to federal authority in Utah. Indian Commissioner Denver criticized Young for inciting western Indians against the government even while the Mormon leader served as the Indian Superintendent of Utah. As tensions grew, President Buchanan threatened to commit troops to Utah to restore government authority, even though projecting the U. S. Army that far west would be a tremendous logistical feat. In mid-February 1858, the freighting company Russell, Majors, and Waddell received the primary government contract, worth \$1,700,000, to carry supplies for the army to Utah, and it selected Nebraska City as its main shipping center. Soon afterwards, Alexander Majors announced that he was moving to Nebraska City to oversee operations for a project involving at least 1,000 wagons. Just one month later, the actual requirements were 2000 heavy wagons, 20,000 oxen, and 2500 ox-drivers to move 5000 tons of goods west. Majors, a devout Christian, demanded that drivers be men of moral character and good habits. He quickly persuaded the city to build a new wharf to handle increased freight, and he planned a massive construction effort to house the goods, equipment, men and animals needed for the project.<sup>35</sup>

Nuckolls was well-positioned to reap the windfall of 1858, especially in his four core businesses of merchandising, banking, real estate, and cargo insurance, and his trusted reputation brought him both government and private business. Characteristically, he did not let his full schedule prevent him from entering the freighting business, which he did in early March. Though Russell, Majors, and Waddell were the pre-eminent freighters, Nuckolls realized that the huge volume of shipments meant that other carriers would earn big money too, and that he could compete due to his own wealth, reputation, and proven ability to attract investors. Another positive factor was that Congress planned to build a military road to the new Fort Kearny, 200 miles further west on the Platte River, and Nebraska City was the likely starting point.

Everywhere there were signs of imminent war, especially after President Buchanan issued an April 6, 1858 proclamation warning the Mormons to fall into line or face severe consequences. That month, Nuckolls began to construct a large storehouse near the wharf on Main Street to hold merchandise for his store and for items to be shipped by his freighting business.<sup>36</sup>

In mid-May, Nuckolls sold Majors 138 town lots in the west end of town, near Fourteenth Street and Fourth Avenue, where the hard-driving businessman intended to build his company's shipping complex. Construction began immediately on the wagon and blacksmith shops, warehouses, boardinghouses, thirty homes, and related buildings. Despite nine area sawmills operating continuously, building supplies ran low, thus revealing the magnitude of the project. Soon the first six wagon trains departed from Nebraska City for Utah. Other indications of the project's importance were that Majors employed 500 men, still just a fraction of the eventual number, and that two million dollars appropriated by Congress to pay for the movement of freight to Utah had arrived at Fort Leavenworth. Nuckolls benefited again when his Nebraska City Insurance Company reached its capital stock requirement of \$50,000 and it began writing cargo risk policies. Many investors recognized the company's bright prospects since the arrival of Russell, Majors, and Waddell. To protect investors against too large a single claim, Nuckolls limited the liability on the contents of any single wagon to \$12,500.<sup>37</sup>

Also in May, Nuckolls announced plans to help build a railroad from St. Joseph, Missouri, to Council Bluffs, Iowa, which indicated a shift in his railroad strategy. Without abandoning his Nebraska City and Pacific Railroad plan, which he hoped would be the main line to the West, Nuckolls hedged his bet with the new railroad which could connect trunk lines and feed the Pacific railroad if it originated elsewhere. The new line also provided his proposed Nebraska City and Pacific Railroad with a link to the East, since the road would connect with the Hannibal and St. Joseph Railroad which was already under construction and expected to be completed by January 1859, therefore making it the first

line to the area. At a meeting at Bank Hall on May 7, participants selected delegates to attend a May 19th promotional gathering for the new railroad in Council Bluffs. Nuckolls, J. Sterling Morton, and twelve other delegates from Otoe County promised financial support from the county. At the second meeting, delegates elected Nuckolls president of the proposed Council Bluffs and St. Joseph Railroad.<sup>38</sup>

The plan was to unite the two cities by building the road along the 140 miles of relatively flat Missouri River bottom. Two crews building from opposite directions would connect their lines somewhere near the Iowa-Missouri border, with one crew starting at Council Bluffs, and the other extending the Platte County (Missouri) Railroad northward from its base near Weston. The road would pass close to the river on the Iowa side, directly across from Nebraska City. Delegates were optimistic about the road's success since construction costs would be relatively small, about \$830,000 total, or \$16,600 per mile, due to the flatness of the river bottom. They also anticipated a large influx of people to the Missouri Valley and a connection with the Hannibal and St. Joseph Railroad which would provide goods and passengers from the East. Though several other railroads were crossing Iowa from the East, none were making much progress. Proponents urged residents along the path of the railroad to support the venture rather than to lose out to another area. Counties on both sides of the river promised to provide funds to build the road. At a meeting at Bank Hall on June 22nd, at which the company's civil engineer boasted the suitability of the route, a solicitation committee formed, including Alexander Majors, which promised to raise not less than \$100,000 for the project from the residents of Otoe County. By late August, counties along the path had voted to support the road with a firm \$750,000, and the possibility of \$300,000 more. Yet Nebraska City residents feared that the Iowa counties might back out in order to support one of the east-west railroad projects through Iowa, such as the Mississippi and Missouri Railroad, or the Burlington and Missouri Railroad.<sup>39</sup>

Events elsewhere in the country contrasted with the sense of optimism in Nebraska City. Editor Milton Reynolds visited Kansas and

reported about violent confrontations between free and slave state radicals, though he praised Governor Denver's efforts to re-establish peace in the territory. Sectional and inter-party competition paralyzed the politicians in Washington, D. C. who found it difficult to pass even simple legislation. The Democratic Nebraska City News did its part to stir emotions by praising Buchanan and damning abolitionists such as John Brown and Jim Lane.<sup>40</sup>

Then, with its September 4th edition, the Nebraska City News temporarily shifted its attention from slavery and politics to the discovery of gold at Pike's Peak. Many men gave up settled lives and left for the gold fields like gamblers to a card game. Nebraska City offered one of the shortest and best routes to Colorado, and new outfitting stores quickly sprang up in town to accommodate the numerous travelers heading west. On the negative side, many would-be prospectors and entrepreneurs left the city for the mines, eventually even Stephen Nuckolls, though for the immediate time he stayed to launch additional businesses. To supply the travelers with meat, he expanded a small hog-packing operation at Nebraska City, for which he sought 3,000 corn-fed hogs in newspaper advertisements. One month later, he advertised for several thousand bushels of corn. Nuckolls had the meat preserved for travel provisions, and the corn ground into meal. In early December, he announced that, come spring, he would personally lead a wagon train to the mines near Cherry Creek, transporting a sawmill, blacksmith shop, and a large quantity of goods for sale. A year later, he built general merchandise stores in the fledgling towns of Mountain City (Central City) and Golden City (Golden).<sup>41</sup>

On December 11, 1858, the Committee on Kansas Annexation, of which Stephen Nuckolls was a leading member, voted to petition Congress to permit Kansas to annex the South Platte region, making the Platte River its northern border. James Craig, the Democratic congressman from St. Joseph, Missouri, agreed to introduce a bill for this purpose. Since statehood for Kansas appeared imminent, South Platte would belong to a state sooner, be more likely to receive railroad grants, and have a better chance to lie along the route of the Pacific

railroad. Two months earlier, the Nebraska Territorial Legislature had urged Congress to support the construction of five railroads which would converge at Fort Kearny, a request reminiscent of Denver's plan as chairman of the Pacific Railroad Committee to build eight lines to the fort. President Buchanan promoted the Pacific railroad in his annual message to Congress, which was reported in the Nebraska City News on December 18th. Buchanan believed that private companies should build the railroad, supervised by the states, for he feared the expense and corruption of a public project. He thought the railroad would unify the nation from east to west, increase commercial trade, and bring California into greater communication with the rest of the nation. At that same time, the Senate voted on a bill in favor of the central route and seemed to break the deadlock in locating the line caused by intersectional rivalries. Shareholders of the Nebraska City and Pacific Railroad must have discussed the Senate vote and president's message at their annual meeting, held on January 3, 1859, at the Platte Valley Bank. Unfortunately there is no surviving newspaper report of that meeting.<sup>42</sup>

The headlines in the Nebraska City News on Jan 1, 1859, set the tone for the remainder of that year: "The Dazzling Wealth of the New Eldorado A Veritable Fact," "California and Australia Surpassed," and "Intense Excitement!" A usual, Nuckolls was ahead of the competition. In mid-February, he and Robert Hawke, the wealthy Missouri merchant, joined forces to create an outfitting establishment for the mines, which opened on March 20. Hawke had operated Robert Hawke and Company, a general merchandise store. In the new partnership, called Hawke and Nuckolls, the men sold outfitting goods, provisions and general merchandise to westward travelers and to the freight haulers. Hawke moved to the town in 1859, and during his career, worked as a merchandiser, freighter, and Union Pacific Railroad outfitter. When he died in 1887 he was the richest man in Otoe County. The new store, with its warehouse at the foot of Main Street, stocked the largest quantity of goods ever assembled in Nebraska City, and may have been the largest establishment west of the Missouri River, even rivaling the biggest stores in Salt Lake City and California. In mid-March, the riverboat "E. M.

Ryland" discharged almost 100 tons of freight for the firm of Hawke and Nuckolls, which operated from the auditorium of the Bank Building until a new structure was built. An indication of the new firm's success was that on two days, March 30 and April 1, it sold \$2,100 worth of goods.<sup>43</sup>

Kansas troubles showed up briefly in Nebraska City on February 11, 1859, when John Brown and seventy-five horsemen escorted eleven freed slaves through town on their way from Kansas to Iowa. "Old John Brown passed through Nebraska City with a troupe of Niggers and a Gang of Horse Thieves,"<sup>44</sup> reported the Nebraska City News. In June, a group of young men from Nebraska City rode to Tabor, Iowa, where they tarred and feathered an unfortunate man, likely an abolitionist. The event caused considerable anger among Iowans who saw this act as the second attack against Tabor in less than a year, the first occurring when Stephen Nuckolls and his men searched for his runaway slave there in November 1858. The people of Tabor blamed "prominent citizens" of Nebraska City, probably meaning Nuckolls, for inciting youths to commit violence.<sup>45</sup>

Two events occurred in the late spring of 1859 which gained considerable publicity, but which probably did not significantly affect Nuckolls. First, William M. Stark began to issue the certificates of allotment on the Half-Breed Tract in early May, though this was largely a formality since many mixed-bloods had already sold their land. By May 14, half of the certificates had been issued. Second, a burglar stole about \$3,000, mostly in gold and silver, from the Platte Valley Bank during the first week of June. Sometime after midnight, a thief removed the bank's keys from the residence of cashier N. S. Harding and then proceeded to the bank where he emptied all cash from the safe. He then returned the keys to Harding's doorstep after the theft. Possibly due to that unusual circumstance, Harding himself was accused of the crime, though a jury later dropped the charge. The theft did not seriously harm Nuckolls, for by that time the bank had ample means to cover the loss.<sup>46</sup>

In June 1859, delegates from Nebraska City attended commencement ceremonies for the Platte County Railroad in Weston, Missouri. If its line eventually passed near Nebraska City, Otoe County

residents pledged to pay \$150,000 to that railroad, which would extend northward to form a part of the Council Bluffs and St. Joseph Railroad. Optimists began to refer to the line as the St. Joseph-Nebraska City-Council Bluffs Railroad. Yet by November 10, the date of a progress meeting in Nebraska City, the Platte County Railroad was just forty miles long, less than what had been anticipated by proponents. The main issue at the meeting then became whether Otoe County residents should still put up the money to which they had subscribed. Stephen Nuckolls argued forcefully for payment because he saw the Council Bluffs and St. Joseph as the city's best chance at the early acquisition of a railroad, which would be a great boon to his businesses and to the city at large. Some of this impatience may have related to the success of the Hannibal and St. Joseph Railroad, which had opened in late February over its entire 206-mile distance. River boats then carried travelers upriver to Council Bluffs or other destinations. Construction had progressed quite smoothly on that line, which many people considered to be the most important railroad to the West. By early March 1860, construction on the re-named St. Joseph and Platte County Railroad had reached within three miles of Atchison, Kansas. By April, on the other end, newspapers were reporting that the eighteen miles between Council Bluffs and Pacific City would be graded and ready for ties by October, and if work went well, the remaining distance to the Missouri state line would be ready for ties by December. Railroad boosters claimed that the Hannibal and St. Joseph Railroad had saved farmers and livestock men up to \$800,000 in transportation costs in just twelve months, and they projected similar benefits for those people who would be served by the Council Bluffs and St. Joseph Railroad.<sup>47</sup>

Back on May 2, 1859, Nuckolls had presided at an annexation convention which voted to join Kansas, and to request permission to send delegates to the Kansas Constitutional Convention in Wyandott in July of that year. At the Wyandott convention, delegates rejected the proposal to annex South Nebraska to the Platte River. Editor Milton Reynolds considered the rejection to be the work of "Black Republicans" seeking to gain control of Kansas politics, and who feared the inclusion of

numerous Democrats living in South Nebraska. From that point on, South Nebraskans urged the formation of a state government for Nebraska and its early admission into the Union. The event may have persuaded Stephen Nuckolls to become directly involved in politics himself, for he and Houston served as delegates at the territorial Democratic convention at Plattsmouth on August 18, and they agreed to run for the offices of Otoe and Richardson County representatives to the territorial legislature. When the ballots were counted after the October 1859 election, both Stephen and Houston won seats in the legislature.<sup>48</sup>

No doubt Stephen's pursuit of office represented another personal challenge and an effort to create new business opportunities for himself. But it may also have reflected his deeply-felt convictions and his response to troubled events on the eve of the Civil War. Stephen Nuckolls was a Southerner, a Democrat, and a slaveowner, who must have been alarmed by the growing influence of Republicans and abolitionists, and by the loss of Kansas to the anti-slavery group. He might have felt that, as an elected official, he could slow the advance of his adversaries. As a member of the legislature, he voted to prohibit free negroes and mulattoes from settling in the territory; against the resolution to prohibit slavery in the territory; for a convention to meet in order to draft a constitution and to apply for statehood; for a bill to establish a rate of interest and to prohibit usury; and against a bill to exempt homesteads from execution for debt. While the Nuckollses held office, the legislature established the boundaries for Nuckolls County, named in their honor. The Nebraska City News showed the strain of the times as well, for it crowed at the execution of John Brown after the Harper's Ferry insurrection, and it became increasingly strident against abolitionists, Republicans and Abraham Lincoln.<sup>49</sup>

By March 1860, Hawke's and Nuckolls's outfitting store had become "mammoth," to use the description in the Nebraska City News. Instead of advertising for 3,000 bushels of corn, the merchants now required 20,000 bushels, and offered 200,000 pounds of bacon for sale. A riverboat unloaded 125 tons of goods in April 1860, primarily for the year-old establishment. Both men made frequent trips to St. Louis to

buy goods to sell, and they bragged in advertisements that they had the largest supply of goods at the cheapest prices west of St. Louis. Later that month, on a trip east, Nuckolls purchased a quartz mill which he intended to take to the mines in mid-May, along with a large supply of sale goods. A quartz mill crushed stone to expose any gold or other precious metals that might be contained within. Unfortunately, a disastrous fire struck Nebraska City on May 12, 1860, destroying Nuckolls's brick bank building, the brick block, and numerous other buildings and homes within the city. Hawke and Nuckolls were partially covered by insurance, perhaps a lesson learned from experience, and in one month they were selling goods in quantity from a building they had purchased from a smaller rival. Hawke purchased a new inventory of goods in St. Louis, and the firm was quickly back on its feet. Nuckolls left for Colorado with the quartz mill and other supplies during the first week of June, just a couple weeks later than originally planned.<sup>50</sup>

Nuckolls arrived safely at the mines in early July 1860, and was quite encouraged by the business prospects there. From Denver City, he led his wagon train west into the mountains near Mountain City where he operated the quartz mill and a saw mill near the mines. He also established branch stores of Hawke and Nuckolls in Mountain City and Golden City, which he supplied with goods brought from Nebraska City in trains of twenty to sixty wagons. For the next several years, Nuckolls split his time between his stores in Colorado and Nebraska City, as well as in buying goods in St. Louis. During November of 1860, he co-founded Hawke, Nuckolls, and Company, the second largest freighting firm to operate from Nebraska City. This move was analogous to the earlier decision to join Hawke in the retailing business. While in Colorado, Nuckolls became quite interested in the mining business, and began to buy properties on which to search for minerals.<sup>51</sup>

By December 1860, construction on the Council Bluffs and St. Joseph Railroad was still lagging. The line between Council Bluffs and Pacific City had been graded, but no ties had been laid. The St. Joseph and Platte County Railroad was ready for traffic between Weston and Savannah, Missouri, a small town fifteen miles north of St. Joseph,

though the track already laid represented just one-third of the complete distance to the Missouri border. The Nebraska City News, which Nuckolls co-owned and which had been an adamantly pro-Buchanan newspaper, supported Stephen A. Douglas in the election of November 1860, and it expressed horror when Abraham Lincoln won the presidency. The Civil War, which began in April 1861, did not seem to greatly alter Nuckolls's business routine, for he continued to operate his mercantile stores during the following several years, though Hawke left the partnership in July 1862 to go into business with his brothers. From 1864 to 1867, Nuckolls lived in New York City where he accumulated a large fortune speculating in mining. He returned to merchandising in 1867 when he opened a store in Cheyenne to sell goods to the crews constructing the Union Pacific Railroad across Wyoming. In 1869, he served as the Wyoming territorial delegate to the Forty-first Congress. Two years later, he was elected to Wyoming's second legislative council, and served as its president. In July 1872, he moved from Cheyenne to Salt Lake City, where he established a mercantile store. He attended the national Democratic conventions in 1872 and 1876 as a delegate. While residing in Salt Lake City, the fifty-three-year-old Nuckolls died on February 14, 1879.<sup>52</sup>

Although Stephen Nuckolls bought considerable land on the Half-Breed Tract, that venture was but one small part of his overall business universe and it did not hold his attention for very long. Nuckolls was a man with too many irons in the fire, who tried to have his hand in each new frontier business opportunity that came along. Between the years 1854 and 1860, he was active in merchandising, newspaper publishing, banking, real estate, insurance, freighting, railroad transportation, meat-packing, milling, mining, and commodities trading. In his "free time," he promoted political causes, such as the annexation of South Nebraska to Kansas, and he held several political offices. What happened to Houston Nuckolls after 1860 is not entirely clear because he was not so much the high-profile businessman that Stephen was. He died at Sidney, Iowa, in December 1866, at just 27 years of age. Both men sold their land on the

Half-Breed Tract in the 1860s when their hopes for boom towns and railroads did not materialize.<sup>53</sup>

## ENDNOTES

## "A FINGER IN EVERY PIE"

<sup>1</sup>Chamber of Commerce, Nebraska City Centennial, 1854-1954 (Nebraska City: Chamber of Commerce, 1954), 1-8.

<sup>2</sup>Chamber of Commerce, Nebraska City Centennial, 46.

<sup>3</sup>Chamber of Commerce, Nebraska City Centennial, 7-8, 46; Nebraska City News, 13 March, p. 2, c. 2; 20 March 1858, p. 1, c. 2; 24 March 1860, p. 3, c. 3; Raymond E. Dale, Otoe County Pioneers: A Biographical Dictionary (Lincoln, Nebraska: By the Author, 1964), 7:1920-1930.

<sup>4</sup>J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska, 3 vols. (Lincoln, Nebraska: Jacob North and Company, 1907), 2: 753; Dale, Otoe County Pioneers, 7:1920-1930.

<sup>5</sup>Chamber of Commerce, Nebraska City Centennial, 10.

<sup>6</sup>Nebraska Advertiser (Brownville), 7 June, p. 3, c. 2, p. 3, c. 5; 28 June, p. 3, c. 1; 5 July, p. 3, c. 2; 2 August, p. 1, c. 2; 15 November 1856, p. 3, c. 1; 2 April, p. 3, c. 3; 9 July 1857, p. 3, c. 2; Nebraska City News, 13 March 1858, p. 3, c. 2; Dale, Otoe County Pioneers, 7:1920-1930.

<sup>7</sup>Unfortunately, the building burned down in the city-wide fire of May 12, 1860. Morton and Watkins, Illustrated History of Nebraska, 2:311.

<sup>8</sup>Chamber of Commerce, Nebraska City Centennial, 8; Morton and Watkins, Illustrated History of Nebraska, 1:2.

<sup>9</sup>Morton and Watkins, Illustrated History of Nebraska, 1:29.

<sup>10</sup>Lewis C. Edwards, History of Richardson County, Nebraska: Its People, Industries, and Institutions, 2 vols. (Indianapolis: B. F. Bowen and Company, Inc., 1917), 1:198-199.

<sup>11</sup>Edwards, Richardson County, 1:219-221, 737.

<sup>12</sup>Stephen F. Nuckolls to Houston Nuckolls, 8 February, 15 February 1857, Nuckolls Family Collection, MS 567, Nebraska State Historical Society, Lincoln, Nebraska.

<sup>13</sup>Nuckolls Family Collection, MS 567.

<sup>14</sup>Nebraska Advertiser, 12 July 1856, p. 2, c. 4; 19 March, p. 2, c. 1; 8 October 1857, p. 2, c. 3; 7 June; 24 June; 29 July 1858, p. 3, c. 1.

<sup>15</sup>Nebraska City News, 20 February, p. 3, c. 7; 22 May, p. 3, c. 4; 5 June 1858, p. 2, c. 1-3.

<sup>16</sup>Nebraska Advertiser, 20 August, p. 1, c. 5; 3 September, p. 2, c. 6; 5 November, p. 3, c. 1; 12 November 1857, p. 3, c. 1.

<sup>17</sup>Nebraska Advertiser, 20 August, p. 1, c. 5; 3 September, p. 2, c. 6; 5 November, p. 3, c. 1; 12 November 1857, p. 3, c. 1; 11 March 1858, p. 2, c. 5; Nebraska City News, 20 November 1858, p. 1, c. 3.

<sup>18</sup>Nemaha County (Nebraska ) Deed Record, Index for range 15, townships 4, 5, and 6; and range 16, township 4. Located at the Register of Deeds Office, Nemaha County Courthouse, Auburn, Nebraska.

<sup>19</sup>Nebraska Advertiser, 15 January 1857, p. 2, c. 1.

<sup>20</sup>Nemaha County Deed Record, Book A:359, 410.

<sup>21</sup>Nebraska City News, 22 May 1858, p. 3, c. 8.

<sup>22</sup>Nebraska City News, 21 February, p. 2, c. 4; 28 February 1857, p. 2, c. 2.

<sup>23</sup>Nebraska City News, 15 August, p. 2, c. 1; 21 November, p. 2, c. 2; Nebraska Advertiser, 1 October 1857, p. 2, c. 1.

<sup>24</sup>Morton and Watkins, Illustrated History of Nebraska, 1:18, 25; Nebraska City News, 5 June 1858, p. 2, c. 3.

<sup>25</sup>Nebraska Advertiser, 25 October 1856, p. 3, c. 4; Nebraska City News, 4 December 1858, p. 2, c. 7.

<sup>26</sup>The Panic of 1857 culminated in the collapse of land prices and the failure of many western banks. St. Louis merchants were caught in the middle since they bought goods with legal tender in the East, but accepted "wildcat" bank notes from their customers in the West. The following story was written about Stephen Nuckolls and a St. Louis bill

collector. Though its authenticity is uncertain, it does illustrate the difficulties which Nuckolls faced during the financial panic:

In the late summer of 1857, an agent representing St. Louis merchants arrived in Nebraska City to redeem notes from the Platte Valley Bank. When Nuckolls heard of his arrival, he closed the bank and left a note at the door indicating that he was away on business, but would return the next day. The following morning, the agent found an old man sitting on the steps of the bank, which was still closed, whittling and chewing tobacco. The old man informed the agent that Nuckolls was still away on business, but that he would return the next day. When the agent returned on the third day, he discovered the bank open and its vault filled with gold reserves. He was so impressed that he decided not to redeem his notes, and he returned to St. Louis full of praise for the Platte Valley Bank.

During the two days when the bank was closed, Nuckolls had convinced John Boulware, a wealthy townsman, to loan him \$10,000 in gold coins. Nuckolls persuaded Boulware that if the bank went under, Nebraska City would go down with it. Rather than lose a bigger fortune in business losses, Boulware loaned Nuckolls the coins and hoped that the banker could pull off the deception. The story seems too fanciful to be believed. For example, why would the agent fail to redeem his notes after coming all the way from St. Louis?

Another story related how Stephen Nuckolls stopped a run on the bank by a mob of depositors by producing two heavy sacks full of gold to restore their confidence in the bank's reserves. Convinced, the people left their deposits, not realizing that the sacks were actually full of iron washers. The stories, even if untrue, indicate the desperate situation faced by Nuckolls during the Panic of 1857. They also reveal the high regard in which people held Nuckolls, because the Platte Valley Bank was the only Nebraska wildcat bank that redeemed all of its notes in full. Ray Scott, Undated, Lulu Nuckolls Wesner Collection, MS 570, Nebraska State Historical Society, Lincoln, Nebraska.

<sup>27</sup>Nebraska Advertiser, 21 July 1859, p. 2, c. 1.

<sup>28</sup>Morton and Watkins, Illustrated History of Nebraska, 1:29, 309, 422.

<sup>29</sup>Nebraska City News, 17 January 1857, p. 2, c. 2, p. 3, c. 4; Nebraska Advertiser, 13 August 1857, p. 1, c. 2-6.

<sup>30</sup>Nebraska City News, 17 January, 1857, p. 2, c. 2, p. 3, c. 4; Nebraska Advertiser, 5 February, p. 2, c. 1; 2 April, p. 3, c. 3, 4; 13 August 1857, p. 1, c. 2-6.

<sup>31</sup>Nebraska City News, 21 February, p. 3, c. 2; 7 March, p. 2, c. 3; 28 March 1857, p. 1, c. 3-6.

<sup>32</sup>Nebraska City News, 9 January, p. 1, c. ; 30 January, p. 1, c. 7, p. 3, c. 1; 20 March 1858, p. 2, c. 4.

<sup>33</sup>Nebraska City News, 24 November 1860, p. 2, c. 2.

<sup>34</sup>Chamber of Commerce, Nebraska City Centennial, 21.

<sup>35</sup>Nebraska City News, 28 November 1857, p. 3, c. 2; 13 February, p. 1, c. 5; 20 February, p. 1, c. 4, p. 2, c. 1; 27 March, p. 1, c. 7.

<sup>36</sup>Nebraska City News, 13 March, p. 2, c. 1; 10 April, p. 2, c. 1; 17 April 1858, p. 3, c. 2; 3 July 1858, p.1, c. 3-6.

<sup>37</sup>Nebraska City News, 3 April, p. 2, c. 2; 22 May, p. 2, c. 2-3, p. 3, c. 3; 29 May, p. 2, c. 4; 5 June 1858, p. 2, c. 7.

<sup>38</sup>Nebraska Advertiser, 20 May 1858, p. 3, c. 1; Nebraska City News, 15 May, p. 2, c. 7; 22 May 1858, p. 2, c. 3.

<sup>39</sup>Nebraska Advertiser, 20 May 1858, p. 3, c. 1; Nebraska City News, 15 May, p. 2, c. 7; 22 May, p. 2, c. 3; 29 May, p. 2, c. 2-3; 26 June, p. 2, c. 1-3; 21 August, p. 1, c. 8; 28 August 1858, p. 1, c. 8.

<sup>40</sup>Nebraska City News, 12 June 1858, p. 1, c. 4-8, p. 2, c. 1, 2, 4.

<sup>41</sup>Nebraska City News, 4 September, p. 2, c. 4; 23 October, p. 2, c. 7; 27 November, p. 3, c. 1, p. 4, c. 4; 4 December, p. 3, c. 1; 18 December 1858, p. 2, c. 2.

<sup>42</sup>Nebraska City News, 30 October, p. 2, c. 2; 18 December, p. 2, c. 4-8; 25 December 1858, p. 1, c. 4, p. 3, c. 1.

<sup>43</sup>Nebraska City News, 1 January, p. 2, c. 2; 19 February, p. 2, c. 3; 26 March, p. 3, c. 1; 2 April 1859, p. 3, c. 1; Chamber of Commerce, Nebraska City Centennial, 13, 45, 46.

<sup>44</sup>Nebraska City News, 12 February 1859, p. 2, c. 5.

<sup>45</sup>Nebraska City News, 18 June 1859, p. 2, c. 4.

<sup>46</sup>Nebraska City News, 4 June, p. 2, c. 2; 7 May, p. 2, c. 4; 16 July 1859, p. 2, c. 1.

<sup>47</sup>Nebraska City News, 12 February, p. 1, c. 6; 28 May, p. 3, c. 2; 11 June, p. 2, c. 2; 5 November, p. 2, c. 2; 12 November, p. 3, c. 2; 19 November 1859, p. 2, c. 3; 3 March, p. 1, c. 5, p. 3, c. 1; 7 April 1860, p. 1, c. 4.

<sup>48</sup>Nebraska City News, 7 May, p. 2, c. 5; 6 August, p. 2, c. 2; 13 August, p. 2, c. 2, 5; 1 October, p. 2, c. 1; 29 October 1859, p. 2, c. 1; 14 January 1860, p. 2, c. 2.

<sup>49</sup>Nebraska City News, 29 October, p. 2, c. 1; 17 December 1859, p. 1, c. 4-7; 14 January 1860, p. 2, c. 2.

<sup>50</sup>Nebraska City News, 10 March, p. 4, c. 1; 24 March, p. 3, c. 2; 7 April, p. 2, c. 2, p. 3, c. 7, 8; 12 May, p. 3, c. 1; 19 May, single-page special edition; 16 June 1860, p. 3, c. 1, 3.

<sup>51</sup>Nebraska City News, 7 July, p. 3, c. 1; 21 July, p. 2, c. 3; 28 July, p. 3, c. 1; 25 August, p. 3, c. 1; 1 September, p. 3, c. 1; 20 October 1860, p. 2, c. 1; p. 3, c. 2.

<sup>52</sup>Nebraska City News, 15 September, p. 2, c. 3; 3 November, p. 2, c. 1; 10 November, p. 2, c. 1; 8 December, p. 2, c. 2; 15 December 1860, p. 2, c. 1.

<sup>53</sup>Dale, Otoe County Pioneers, 7:1920-1930.

## CHAPTER FOUR

"THE MOST BEAUTIFUL VIEW MY EYES EVER LOOKED ON":  
THE SETTLEMENT OF ARAGO BY GERMAN-AMERICAN LIBERALS

In August 1857, the month that William M. Stark was appointed special agent to distribute land to the mixed-bloods, a sharp national recession commenced, known as the Panic of 1857, which led a group of German immigrants living in Buffalo, New York to seek a home on the Half-Breed Tract. The panic caused widespread factory and bank closings, railroad bankruptcies, high unemployment rates, falling land prices, and a steep drop in share prices on the New York Stock Exchange. The direct cause of the collapse was the suspension of payments by the Ohio Life Insurance and Trust Company, a highly-respected financial institution which, despite its name, was actually a bank that used deposits to make loans to corporations and governments. Capitalized at \$2,000,000, the Ohio Life and Trust enjoyed a solid reputation because it refused to issue risky bank notes and exercised conservative loan practices. It got into trouble when its New York office invested too heavily in western railroads which were overbuilt and unable to repay debt due to inconsistent earnings. Charles Stetson, the company's president, announced the suspension of payments on August 24th, causing Ohio Life and Trust shares to plummet by more than eighty-five percent within four days. The market-wide crash that followed caused a liquidity crisis which strained the entire economy. Anticipating other failures, stockholders sold additional shares to raise cash and to cover losses. Selling pressure created a downward spiral which lasted until sellers exhausted their supply of securities. The collapse whipsawed businessmen in the Northeast and West who had bid up land prices and railroads beyond reason, apparently believing that the phenomenal past performance of their investments would continue indefinitely. Only Southerners escaped the worst of the downturn due to the agrarian nature of their economy.<sup>1</sup>

The panic burst the speculative bubble involving western land and railroads. During the 1850s, railroad companies laid more than 20,000 miles of track, and smaller railroads merged to form important trunk lines such as the New York Central, the Baltimore and Ohio, and the Pennsylvania Railroad. As railroads extended westward, the once-distant frontier became accessible, and businessmen raced to buy prime western properties. They also speculated on dozens of railroad projects proposed by entrepreneurs, state governments, and existing railroad companies. Railroad men financed new companies through stock subscriptions, equity sales on the New York Stock Exchange, and debt offerings. Beginning in 1850, the federal government offered land grants from the public domain to encourage railroad construction, and, in that year, Illinois received 2,500,000 acres to subsidize the construction of the Illinois Central Railroad. Over the next seven years, Congress granted 22,000,000 acres to assist railroad projects in eleven western and southern states, and it seriously discussed constructing the Pacific railroad. Yet during the financial panic of 1857, the risk of failure outweighed enthusiasm for new railroad projects, and many infant railroad companies went bankrupt when their funds dried up.<sup>2</sup>

The panic also exposed the excesses of the banking system, if the word "system" may be used. At that time, there was no central banking authority like the modern Federal Reserve. To meet the demand for money, state governments permitted banks to issue their own notes as promises of payment, backed only by the reserves of the individual institutions. Though not obligated to take the notes, merchants routinely accepted them to satisfy their customers. Depending on the financial strength of the issuing bank, receiving banks accepted notes at a discount to face value. Rates of exchange fluctuated daily, forcing bankers to judge the value of the notes they received each day. Troubled banks often failed days before distant bankers received the news. With banks poised like a stack of cards, each holding troubled notes of other banks, the momentum of the financial panic carried many healthy institutions down with the weak.<sup>3</sup>

Buffalo, New York, suffered more than most cities during the panic because it depended heavily on commerce and lacked a strong manufacturing base. When trade slowed on the Erie Canal, local banks and businesses closed, and many men who lost their jobs or had their wages slashed began looking for opportunities elsewhere. Workers at Cutler & DeForest's, Buffalo's largest furniture maker, formed a mutual aid organization called the German Emigration Society. A cabinet-maker named Louis Allgewaehr recruited one hundred laborers to buy western land on which to build their own settlement. In September, the members met at Lorenc Gillig's Hall on Genesee Street to elect officers and devise a plan for their colony. President Allgewaehr, Vice President G. T. Nessler, Secretary Henry Sommerlad, Treasurer August Duerfeldt Sr., and a small committee of members, drafted a constitution and a set of by-laws. Once organized, the society sought new members and money, sold shares for fifteen dollars each, and promised three building lots or a garden lot of one acre near the future settlement. Three trustees, Jacob Beyer, George Hollerith, and Jacob Schue, managed the money and issued contracts to shareholders.<sup>4</sup> Beyer was one of the most widely-respected German citizens of Buffalo. A successful dry goods merchant and director of the German Insurance Company, Beyer co-founded the German Young Men's Association in 1841, an important social organization in Buffalo. He later suggested forming the Buffalo chapter of the Turnvereine in 1853, an organization intimately linked to the founding of the western settlement. Beyer went on to serve two terms on the Buffalo Common Council and seven years on the Board of Police Commissioners.<sup>5</sup>

At their September meeting, society members selected a three-man land commission, consisting of Allgewaehr and Dr. Friedrich Dellenbaugh<sup>6</sup> from Buffalo, and an unidentified farmer from Cheektowaga, to buy land for the settlement. After exploring one hundred miles of land along the lower Mississippi River, the men returned home to report that they had found no suitable location. The following March, members selected a second commission, with Allgewaehr, Dellenbaugh, and William Krebes of Chicago, and levied a five dollar per share charge to fund a new search effort. The three men

traveled north along the Missouri River until they arrived in Nebraska Territory. There they purchased 4,400 acres near St. Stephens from Stephen Story and Houston Nuckolls, paying an average of \$5.45 per acre for the land, as well as a saw mill, several log houses, and several wagons with six yoke of oxen. The terms were \$10,000 down, with a one-year mortgage of \$14,000 at ten per cent interest. With nearby pre-emption land selling for \$1.25 per acre, the Germans paid Story and Nuckolls a high price for the property.<sup>7</sup> On June 15, 1859, society members sent Duerfeldt to Nebraska to pay the balance of the mortgage, and approved a five dollar per share levy for his travel expenses. Arriving on June 23 at the site of the future settlement, which the Germans named Arago, Duerfeldt traveled to Salem, the temporary county seat of Richardson County, where he discovered that the \$14,000 mortgage had never been recorded. Though Duerfeldt must have suspected foul play, he learned that Stephen Story had refused to record the original mortgage, believing that the one dollar fee was excessive. When Duerfeldt made the purchase official, the Germans became one of the largest buyers of Half-Breed Tract land in the post-allotment period, and their story is one of the most fascinating.<sup>8</sup>

The formation of the German Emigration Society reflected the social environment in which it occurred. Like many Eastern cities, Buffalo housed numerous German immigrants who had fled political oppression, religious persecution, and economic recession at home. Organized emigration from Germany to America began in 1683 when thirteen Mennonite families settled six miles north of Philadelphia, in a community still called Germantown. During the remaining colonial years, England favored the immigration of German Protestants to the colonies to defend against the threat of Catholic France and Spain. The plan backfired since many immigrants were pacifists, and most German colonists favored independence during the American Revolution. Pennsylvania became the center of German settlement as immigrants from Germany comprised one-third of its population, even though large German groups also settled in New York, New Jersey, Maryland, Virginia, and North Carolina.<sup>9</sup> Germans were the largest immigrant group of the

nineteenth century with over five million members. At times, German groups tried to organize German states, as was the case in Missouri in the 1830s, Texas in the 1840s, and Wisconsin in the 1850s. These attempts failed, but in each case large German minorities located in the territories, producing the strong German cultural traditions found today in those states. Due to economic and political disturbances in Germany, the forties and fifties were the decades of heaviest movement. German immigration to the United States tripled in the forties to 435,000 people, and then doubled again in the fifties to 950,000. By 1854, one-half of all immigrants to the United States were from Germany. Most newcomers settled in the large cities of the Northeast, though thousands traveled west to cities like Chicago and Milwaukee, and to the territories of Wisconsin and Minnesota.<sup>10</sup>

Economic hard times in Germany climaxed in 1846, when a severe famine caused the third dismal harvest in as many years. Two years later, political disturbances came to a head in a series of events known as the Revolution of 1848. The conflict actually began in France in February 1848, when republicans and workers, angry about the lack of representation for common citizens in government, overthrew King Louis Philippe and established the Second French Republic. Unrest continued there, including June street battles in Paris, until Louis Napoleon became president of the Republic in December and restored order. Similar uprisings led to the resignation of Prince Klemens von Metternich and the abdication of Emperor Ferdinand in Austria, a liberal constitution in Hungary, and the removal of Austrian troops from northern Italian cities. In Germany, the rebels consisted of liberals, socialists, workers, and disaffected students who sought to establish a constitutional government and to unite the states of the German Confederation into a single country, which included the German-speaking regions of Austria. The movement eventually failed in Germany, forcing numerous insurrectionists, who became known as "Forty-Eighters," to flee to countries such as the United States.<sup>11</sup>

The Forty-Eighters were different from other German immigrants for they were younger and better educated. Forty-Eighters were typically

male, in their twenties, unmarried, and physically fit due to their devotion to gymnastic exercise. While most immigrants arrived in family groups, Forty-Eighters usually traveled alone, most likely as students carrying suitcases jammed with books rather than clothing. They dressed like the revolutionary hero Friedrich Hecker with a broad-brimmed hat, open shirt at the neck, and a loose scarf. Forty-Eighters wore moustaches or full beards, but rather than projecting a rough appearance, their soft hands and mannerisms revealed that they were unaccustomed to hard physical labor. These newcomers were often teachers, journalists, or lawyers who sought professional positions in the cities. The best estimate of their numbers was between three and four thousand, though estimates are difficult because they arrived during a decade of huge German immigration to America. Eventually, the name "Forty-Eighter" was applied to German political refugees of the 1830s through the 1850s, and not just the refugees of 1848.<sup>12</sup>

The Forty-Eighters provided political leadership to the generally apolitical German-Americans, or "voting cattle," as they were termed. The arrival of the Forty-Eighters coincided with the rise of the Know Nothings, American nativists who sought to limit the influence of immigrants. Know Nothings were active in the Democratic and Whig parties, but the leaders of the two mainline parties held them somewhat in check for fear of alienating foreign-born voters. As a result, the nativists formed the American Party in 1845, though they still wielded considerable influence in the other parties. Know Nothings despised immigrants in general, but Irish Catholics in particular, for the nativists were Protestants who feared that Catholic immigrants would overwhelm and destroy American society. The arrival of so many German immigrants, especially the outspoken revolutionaries, attracted their attention after 1848. Know Nothings ignored the immigrant's fight against absolutism at home and his support of democratic institutions in America. In fact, by resorting to violence, intimidation, and trickery to forestall immigrant participation, the nativists were the larger threat to democracy in the United States. Know Nothings sought to deny immigrants American citizenship by extending the probation period for

naturalization and creating other obstacles. The Forty-Eighters fought nativists at many levels, including that of symbolism. The term "German-American" was first used at this time by the new immigrants to illustrate their loyalty to their adopted country.<sup>13</sup>

The Forty-Eighters re-invigorated established German social organizations. One example in Buffalo was the German Young Men's Association, founded in 1841, which was a center of social and educational activity among Germans in that city. The Association was a spinoff of the Buffalo Apprentices' Society, which was incorporated in 1833 to help members gain knowledge to prepare them for work. Since the Apprentices' Society did not allow members past the age of twenty-nine, several soon-to-leave members, plus Jacob Beyer, who was too old to begin with, formed the German Young Men's Association to meet their own needs. German men under thirty years of age could join as active, or voting members, while men over thirty could belong as non-voting members. Members had founded the Association, originally called the "German-English Literature Society", on May 10, 1841, for the purpose of mutual education in literature, science, and art, and the acquisition and maintenance of a library. Members met every Monday evening in a plain room behind Dr. Dellenbaugh's office. The group emphasized social functions more than had the Apprentice's Society, and it labored to find jobs and housing for new refugees. In turn, many Forty-Eighters joined the society and made it more socially and politically active.<sup>14</sup>

Another organization, the German-American Workingmen's Union, was a socialistic organization modeled after the unions of revolutionary Germany. Its main goal was to improve working conditions for its members, but it served social functions as well.<sup>15</sup> On March 3, 1853, a small group of Union members in Buffalo formed a chapter of the Turnvereine, a liberal society dedicated to physical training. Jacob Beyer originally suggested forming the Turnvereine chapter, and Louis Allgewaehr, August and Friedrich Duerfeldt, and seventeen other Union members did the actual work of organization. Allgewaehr was the first speaker of the group which established its headquarters at Roth's Hall, on the corner of Michigan and Cypress Streets. In June, the Turners, as

they were commonly known, opened a gymnasium in the back of their building where they exercised and held gymnastic competitions with other Turner societies. The members started an amateur theater company in 1854, at Gillig's Hall, on the corner of Genesee and Ash Streets, and built a second gymnasium in the rear. Due to their success, other organized theater groups joined the Turnvereine and merged their properties with it. At stage performances, reserved seats cost 25 cents, while general admission cost half as much. The low prices attracted the large crowds which always attended their events. To advertise their performances, the Turners marched their band through the streets prior to the shows, and they held dances in the hall afterwards, for another 25 cent admission. In the winter of 1855, two professional actors trained the amateurs. Performances continued in Gillig's Hall until Turn Hall opened on January 18, 1858, a structure which members financed as a stock company and built themselves. From then on Gillig's Hall became known as the Stadt Theater. After January 1859, members gave Monday performances at the Stadt-Gillig's, Thursday performances at Turn Hall, and Sunday performances of sacred music at both places. This schedule continued until the Civil War temporarily halted the shows.<sup>16</sup>

Friedrich Jahn had founded the Turner movement in 1811 at the Hasenheide, a wooded area near Berlin. Jahn was a German nationalist, a giant man with a flowing beard, who opposed Napoleon and his French soldiers who had conquered Prussia in 1806. Immediate armed resistance seemed futile because the French had humbled the Prussian army with easy victories, so Jahn sought to reinvigorate German men and youth through a program of physical training. Inspired by the Roman writer Tacitus who described the ancient Germans as powerful giants, Jahn founded a social-athletic organization whose members practiced rigorous gymnastic exercises (turnerei) and studied Jahn's nationalistic ideas.<sup>17</sup> The organization quickly grew throughout Germany, attracting independent-minded young Germans, especially university students. Despite Jahn's claims that he merely sought the complete education of the people, government officials viewed his movement with suspicion. When Napoleon's empire collapsed, the

Prussian king imprisoned Jahn and suppressed the Turner societies and other liberal groups with the issuance of the Karlsbad Decrees in 1819. Even with Jahn's release in 1824, the police kept him under surveillance and he was not free to travel or speak publicly until 1842.<sup>18</sup> Actually, the authorities were correct about the political attitudes of the Turners, for they were ardent liberals who supported the Revolution in 1848. The lyrics of a popular Turner song revealed their attitude:

Whose hand shall 'stablish Germany?  
 Whose brow deserves the dignity?  
 Perchance the People's sovereignty?  
 Ah, there again we all agree,  
 The People shall our Kaiser be!<sup>19</sup>

Several exiled Turners, including Carl Beck, who taught Latin at Round Hill School, and Charles Follen, who taught German literature at Harvard, introduced Jahn's system of physical training to the United States in 1824. Beck supervised the construction of the first gymnasium in the United States in 1824, and translated Jahn's book Deutsche Turnkunst into English. At the request of Harvard medical professors, Follen organized a gymnasium at the college in 1826 and began teaching physical education. The next year, refugee Francis Lieber joined Follen as a gymnastics instructor at the college and established a swimming school in Boston which received national attention. Follen and Lieber went on to illustrious careers in education and literature.<sup>20</sup>

The Forty-Eighters used the Turnvereine to promote their own political and social ideas, and the movement flourished through their efforts. Friedrich Hecker, the revolutionary leader from Baden, organized the first Turngemeinde, or Turner society, in October 1848, in Cincinnati, and dedicated the first Turner hall in America on January 1, 1850. Other important revolutionary leaders who organized Turner societies in America were Gustav Struve in New York, August Willich in Milwaukee, and Karl Heinzen in Boston. The Turner motto was "Frisch, fromm, froh, frei," meaning "alert, devout, happy, free." On October 5, 1850, Turner delegates from New York, Philadelphia, Baltimore, and

Boston created an association of gymnastic societies, the North American Gymnastic Union, to foster competitions between Turner athletes in different cities, and to increase communication between Turner societies. Cincinnati and other cities joined the union soon thereafter. The following year the Turners created a formal union of societies, the Sozialistischer Turnerbund, and agreed to hold a national convention and gymnastic competition in a different host city each year. The Turnerbund was a socialistic organization which opposed slavery and nativism, and vowed to reform politics, religion, and society in general. It founded a newspaper, the Turnerzeitung, to promote itself and its ideals. By the end of 1851, twenty of the twenty-two Turner societies had joined the Turnerbund, which had a total membership of 1,672 persons. By 1853, there were sixty societies, divided into five regional districts for better administration, and Turner halls were centers of social activities in the German sections of most large cities. Within six years, there were 152 societies, about half of which were in the West, with a combined membership of over nine thousand members. The Civil War devastated the Turnvereine through the loss of its southern chapters and because so many Turners died for the Union cause. By the end of the war, it had been reduced to eighty-two societies and six thousand members, though it did revive somewhat during the decades after the war.<sup>21</sup>

Turners were extremely active politically, and they opposed the Know Nothings, prohibitionists, and the advocates of slavery. A defining event for Turners occurred at a convention of the North American Gymnastic Union, which was held in Buffalo beginning September 24, 1855. Thirty delegates representing forty-seven Turner societies participated in the convention, with Louis Allgewaehr attending on behalf of the Buffalo Turners. Convention Chairman C. F. Bauer, a newspaper editor and a delegate from the Pittsburgh Turnvereine, convinced the group to condemn slavery, Know Nothings, and Prohibitionists, who were referred to as "Sunday hypocrites."<sup>22</sup> The convention platform read as follows:

The Turnerbund states that slavery, nativism, and prohibition are the worst abuses of the time and in full realization of this fact sets up the following principles:

- 1) The Turner will vote for no man who is a member of the Know-Nothing party, or who is identified with any nativistic organization or party, or who does not declare himself openly as opposed to any organization of the nature.
- 2) The Turner are opposed to slavery; particularly they are against extension of slavery to the free territories, and regard this institution as definitely unworthy of a republic and contrary to all concepts of freedom.
- 3) The Turner are opposed to all prohibition laws as undemocratic and unjust in theory and not feasible in practice.<sup>23</sup>

The Buffalo convention marked the entrance of the Turners into partisan politics, and the emergence of Forty-Eighters as top leaders of the Turnerbund. Although angry delegates from Charleston, South Carolina, stormed out of the meeting in protest over the platform's provisions on slavery, and Turner societies in Charleston, Savannah, Mobile and Augusta later seceded from the Gymnastics Union, the majority of Turners steadfastly supported their document. The rift over slavery grew wider with time. In 1860, Eastern and Western Turnvereine societies expelled the Southern societies from the Turnerbund. Turners had previously been able to maintain political unity due to their common opposition to the Know Nothings and to prohibition, but the advocacy of slavery by some southern groups forced the issue.<sup>24</sup>

The events at the Buffalo convention reflected a larger trend among German-Americans who were abandoning the Democratic Party, which perhaps three-fourths had previously supported. In March 1854, the Senate passed the Kansas-Nebraska Bill, along with the Clayton Amendment which reserved voting rights in the new territories to citizens of the United States. German immigrants resented the bill and the amendment which catered to slaveholders and nativists, but they

especially resented Senator Stephen A. Douglas for authoring the bill, because they had strongly supported him. At a protest meeting in Chicago following the bill's passage, German leaders proclaimed their readiness to leave the Democratic Party, and they demanded that Douglas resign his Senate seat. Then the attendees carried an effigy of Douglas, labeled "The Benedict Arnold of 1854," to Chicago's Court House Square where they burned it. Led by the Forty-Eighters, German newspapermen, politicians, and many voters joined the Republican side. Slavery and nativism were the deciding issues that caused the shift.<sup>25</sup> In response, Senator Stephen Adams of Mississippi introduced a bill increasing the probation period for the naturalization of immigrants from five to twenty-one years. Additionally, the homestead bill was changed to restrict land to the heads of families and United States citizens. Injudicious statements by Democrats further alienated Germans, including one by Senator Andrew Butler of South Carolina stating that slaveholders would be as acceptable to him as any new immigrant. While the actual statement was offensive enough, Whig newspapers misquoted Butler in such a way as to add fuel to the fire. The Philadelphia Public Ledger enlarged the comment to state that Butler preferred "Negroes in Nebraska to 'emigrants from the land of the Kraut.'"<sup>26</sup>

Turners throughout the North joined the Republican Party after an anti-slavery convention in Pittsburgh in February 1856. Anti-slavery Whigs were the backbone of the Republican Party and many of them were as xenophobic as the Democrats. Yet in order to attract the German-American vote, Republican leaders softened nativist and prohibitionist positions.<sup>27</sup> Forty-Eighters were particularly satisfied with the nomination of John C. Frémont as the Republican presidential candidate in the election of 1856, yet they made political enemies in Buffalo and elsewhere due to their fervor and intolerance during the campaign. In the German press, zealots made fierce personal attacks against the Democrats and Know Nothings. Turners in Buffalo purchased 200 torches and marched in the nightly Republican parades during the last weeks before the election. Afterwards, the Republicans

held fireworks displays, concerts, and political meetings, at which speakers incited the crowds against slavery and Democratic candidate James Buchanan. When Buchanan won the contest, many Turners became active abolitionists.<sup>28</sup> The shift of German-Americans to the Republican Party was an important component of Abraham Lincoln's election in 1860.<sup>29</sup>

After his victory, President Lincoln appointed several Forty-Eighters to diplomatic posts. Two Turner companies from Washington and Baltimore served as his bodyguards after his inauguration on March 4, 1861. At the Civil War began, Turners played crucial roles in behalf of the Union on at least two occasions. When Baltimore mobs prevented Pennsylvania and Massachusetts troops from reinforcing Washington, D. C., two Turner companies secured a vital railroad junction and protected the rear of Union troops advancing from Annapolis to restore train service. In Missouri, Turner troops captured a camp of Southern sympathizers and defended the St. Louis arsenal which housed equipment for 30,000 soldiers, thereby saving the most important city in the West for the Union. Turners responded in large numbers and fought bravely in the Civil War, earning them the begrudging respect of their critics.<sup>30</sup>

Turners often annoyed their fellow-citizens, both Germans and non-Germans alike, through their gymnastic exhibitions and ostentatious military parades. Cincinnati officials forced them to build a high fence around the original lot where they exercised. Devout Germans disliked their practice of picnicking on Sundays rather than attending church. At their picnics, Turners enjoyed singing, gymnastics, liberal speechmaking, and marching in military parades, and they drank beer despite Sunday liquor laws.<sup>31</sup> The Turners practiced military drills for physical training, but also to prepare to defend themselves in case of nativistic attack. Common citizens regarded the drills with deep suspicion, however, wondering why the newcomers prepared themselves for battle. Were they planning to attack the American government? Know Nothings sometimes attacked Turner marches, thereby inciting violent confrontations. Fights between Turners and Know Nothings

occurred in at least three cities: Cincinnati, Baltimore, and Covington, Kentucky. In each case, the Turners defeated larger mobs through their superior organization, conditioning, and martial skills. A court battle followed the confrontation in Covington in 1855. The Cincinnati Turners were on their way home from a Turnerfest in Covington when they were threatened by a mob of nativists. The Turners refused to turn over their weapons as they had been ordered to do by the mayor, and they refused to submit to arrest. In the court case that followed, the judge ruled that since the mayor could not defend the Turners against the mob, they had done nothing wrong in keeping their weapons for self-defense. In the Know Nothing stronghold of Baltimore, or "Mobtown" as it was known because of its anti-foreigner riots, the Turners organized a military company for protection, and their own fire brigade to safeguard property in the German section of the city. At that time, many rowdies belonged to fire companies, and their units would actually start fires to provoke violence. In the mayoral election of October 8, 1856, the Know Nothing candidate won a slim victory when ruffians prevented many immigrant citizens from voting. Afterward, violent clashes between Turners and nativists broke out in several parts of the city.<sup>32</sup>

Since the local economy was strong early in 1857, the Turners in Buffalo bought a lot on Ellicott street and built a two story structure to serve as their hall. The leaders of the society issued stock to cover the cost of the land and building. Stockholders paid an initial fee of eight dollars, with monthly payments of twenty-five cents to a society sick fund, and twelve cents to a building fund. In return, stockholders were part owners of the building and received free admission to theater performances and other entertainment. Sick members received three dollars each week, and the relatives of deceased members received a fifteen-dollar donation for burial expenses. Unfortunately, the money gained through the stock offering was insufficient, and members used the \$800 in the sick fund to cover construction costs which precipitated the breakup of Buffalo's Turnvereine into two separate societies. Even before the project was launched, there were small divisions within the society based upon differences in politics, religion, and personalities, but

members were able to overlook their differences for the sake of fellowship. A group led by Louis Allgewaehr opposed the building project for financial reasons, and when society leaders appropriated the money in the sick fund, these critics broke away and formed the "Social Manner Turnvereine," which remained in Gillig's Hall. The supporters of the building project called themselves the Turnvereine Vorwarts, and they met in the upstairs room of the book bindery owned by their president, Paul Wertsch. The Turnvereine Vorwarts moved into their newly-completed building in January 1858, and dedicated it with a theater performance. The building housed a 1000-seat theater, a gallery, and a gymnasium, and was located next to a very popular saloon kept by Ludwig Schneider. Unfortunately, the roof of the new building leaked, and water rose to a depth of three inches in the theater during thaws and rainstorms. To make matters worse, the Panic of 1857 began just as the society tried to raise money for roof repairs. Not only were funds impossible to gain, but since most members lost their jobs, the society lacked its regular income from dues and soon fell behind on its mortgage payments. Wealthy brewer Albert Ziegele bought the property and held it on favorable terms for the society, though the original bondholders of the building fund lost their investments. The Social Manner Turnvereine maintained its organization throughout the financial crisis and the Civil War, unlike the Turnvereine Vorwarts which dissolved during the war.<sup>33</sup>

Perhaps the members of the Social Manner Turnvereine felt vindicated by the disasters confronting their rivals, but many of them were losing their jobs too. At that time, in the closing months of 1857, Louis Allgewaehr formulated his plan for a western settlement, inspired by Wilhelm Pfaender, the Turner who had organized the city of New Ulm, Minnesota. To assist exploited immigrant workers, Pfaender conceived a plan in 1855 to found a socialistic settlement where each family would receive a garden plot, and all institutions and enterprises would be publicly-owned. Pfaender and Jacob Nix of Cleveland proposed the project to the Turners assembled at the eventful Buffalo convention of 1855, which Allgewaehr attended as a delegate. Eastern societies rejected the notion, but some western societies, especially the Cincinnati

Turners, offered their support. Pfaender drafted the charter of the "Settlement Society of the Socialistic Turner League" and joined a three-man search committee to locate a suitable settlement site. Eventually the Turners merged with a group of German workers from Chicago at New Ulm, located on the Cottonwood River in south-central Minnesota. They raised money through the sale of 800 shares of stock at fifteen dollars a share, which they combined with a \$3,000 gift from the Cincinnati Turnvereine. The specific items of Allgewaehr's plan for Arago very closely matched Pfaender's plan. New Ulm floundered until Pfaender's group abandoned the experiment with socialism and switched to a free market system. The freethinking Turners, who formed the majority of citizens, were quite tolerant toward the town's Catholic and Protestant inhabitants, and they typically divided government offices between the three groups.<sup>34</sup>

Arago's founders must have felt that fate had ordained their town, because just when they needed an opportunity during the recession of 1857, Story and Nuckolls were seeking buyers for their newly-acquired mixed-blood land. Arago had been surveyed in June of 1856 by Michael McManus, the man who had discovered the survey error of the Half-Breed Tract's western line six months earlier. Allgewaehr hired Cornelius Shubert to lay out the town, which was named after the explorer Dominique Francois Arago. Shubert arranged the town with an open central marketplace, parks named after George Washington and Thomas Jefferson, and numerous lots. First-class lots were 30 X 130 feet and located on the flat bottom land near the river, alongside many large walnut, oak, elm, and basswood trees. Second-class lots were located on the slopes above the river bottom, and their dimensions were 50 X 100 feet. The garden lots were on the prairie above and west of town. Nearby timber land sold for six dollars per acre, while prairie land cost five dollars. Surprisingly, Shubert, a local man, placed the first-class lots where they would be subject to flooding, but perhaps he had not experienced floods like the ones that would later inundate Arago.<sup>35</sup>

Though the evidence is sketchy, the pattern of the Arago's settlement suggests a communal beginning similar to the start of New

Ulm. At first, German Emigration Society members, and others who had purchased shares in the colony, owned property in common. Society leaders who settled at Arago, including President Louis Allgewaehr, Secretary Henry Sommerlad, and Treasurer August Duerfeldt, administered community affairs at the head of a corporation called the Arago Town Company. They assigned land, distributed portions of lumber, and purchased food and supplies on behalf of shareholders. In a typical upstart frontier town where free enterprise reigned, settlers bought lots from an agent, either the individual entrepreneur or company, that founded the town. In Arago, participation in the town company, through the purchase of various amounts of shares, entitled shareholders to a proportionate number of town lots.<sup>36</sup>

The first twelve settlers from Buffalo arrived at the townsite on July 4, 1858, Independence Day, the symbolism of which surely occurred to the small band of economic refugees seeking independence from labor exploitation. Using the community-owned sawmill to produce lumber, the twelve built a common warehouse which they occupied for several months. From that base they built the first homes and a boat dock at the river landing, and cleared an area west of town for a road which required an expensive thirty-foot cut through a hill. The road, which cost \$7,000, opened Arago to the interior and made the town a potential gateway to the West. The priority given to constructing the road indicates the determination of townspeople to make Arago succeed. Buildings were constructed of native lumber, stone, and bricks made locally by F. Smiley, though some materials had to be brought in from Brownville, twenty miles to the north. The town company bought provisions in Missouri, and by 1859 owed over \$800 to merchants there, indicating that the townspeople initially purchased their food cooperatively.<sup>37</sup> At first, settlers traveled on the Hannibal and St. Joseph Railroad as far as St. Joseph, Missouri, and then by steamboat to Arago. According to John M'Kesson, who lived in the area as a young boy, Arago had no ferry in the beginning. He remembered that steamboats, both stern-wheelers and side-wheelers, with names like "Denver", "St. Mary's", "St. Joseph", "West Wind", and "St. Louis,"

paddled up and down the river, loading and unloading their passengers and cargoes at the riverfront.<sup>38</sup>

Like the settlers of New Ulm who gave up public ownership in 1858, the Germans of Arago abandoned socialism, though the date of its abandonment is not clear due to the lack of historical sources. It is likely that the people of Arago converted to free enterprise early in the town's history because of the difficulty of maintaining socialism on the frontier. Like New Ulm, Arago was an open community which soon attracted settlers other than the original German society members. Maintaining socialism in a heterogeneous community would have required the conversion of newcomers to the ideology, or the establishment of parallel economic systems - socialism and capitalism - within the limits of the tiny frontier town. In short, maintaining socialism for any length of time was impossible. Typical settlers would have considered public ownership of land and institutions strange indeed, and they would have resented the perceived cliquishness of the Germans working cooperatively.<sup>39</sup>

By the mid-1860s, free enterprise was in full bloom. In terms of local industry, the town soon boasted a flour mill, chair factory, wagon and cooperage shop, lumberyard, brickyard, brewery and whiskey distillery. The flour mill came about when the town committee persuaded a Brownville businessman to build it in exchange for ownership of the town's sawmill. The arrangement worked well, and Arago benefited from both businesses. Local commerce consisted of five general merchandise stores, one implement house, three blacksmith shops, two hotels, one doctor, and a watchmaker. Four saloons and a dance hall, which was equipped with a modest theatrical stage, provided the town's amusements. Louis Allgewaehr ran one of the general merchandise stores, shipped grains, and packed hogs which amounted to nearly ten thousand in one season, making his packing house the second largest in the state in 1864. While he shipped the pork out by river, Indians carried away the waste by-products.<sup>40</sup>

George Walther, brother of prominent local judge Charles Walther, and the Metz family, also operated general merchandise stores. Since there were no banks in Arago, most residents dealt with their former

banks in Buffalo which paid four per cent interest on deposits, and charged the people of Arago ten per cent interest on funds they borrowed. By agreement, the people sent drafts payable to the First National Bank of New York as fast as they received their incomes. Their money traveled by express from Buffalo to St. Joseph, Missouri, where the Arago town treasurer picked it up. Louis Allgewaehr and wealthy resident Peter Frdcrick, Sr. served as unofficial bankers, supplying small loans to farmers and citizens.<sup>41</sup>

It appears that Arago residents were quite tolerant regarding religion and politics. Even with stalwart Turners like Allgewaehr, Charles Walther, and Henry Sommerlad in charge, there does not appear to have been any organized effort to impose beliefs. The town had a 20 X 60 foot Evangelical Lutheran Church, a Catholic Church, and a two-story school house where the children studied in both English and German.<sup>42</sup> Politically, the Germans at Arago voted largely as a block, but were surprisingly independent regarding parties and candidates. In the 1860 election for territorial delegate, they voted as a group for Democrat J. Sterling Morton, which elicited strong criticism from the Falls City Broad Axe, a Republican newspaper. The editor charged that German Democrats from St. Joseph, Missouri had misled and manipulated the newcomers to the territory. Although it is not clear why the Arago Germans voted as they did, they may have been voting against Republican candidate Samuel G. Daily rather than for Morton. Congressman James Craig of St. Joseph had accused incumbent Daily of secretly defeating railroad grants proposed for Nebraska to prevent the influx of Democratic Irish immigrants who would enter the territory to work on the line. Though the charge was not proven, it gained wide coverage in German-language newspapers, including the Westliche Volksblatt of St. Joseph, which considered the alleged incident an example of nativism.<sup>43</sup> In the 1872 presidential election, the Germans at Arago voted for Horace Greeley over Ulysses S. Grant, in protest against the rampant corruption within the Grant administration. Their position was in contrast to most Republicans, and Grant won the election by a large majority. Prior to the election, the editor of Arago's newspaper,

the Southern Nebraskian, printed speeches by Carl Schurz that blamed Grant for not exercising more careful oversight of his officials. From this evidence, it is apparent that the Germans voted their collective-conscience, usually for the more-progressive candidate.<sup>44</sup>

Though it is not documented, Arago probably had a Turn hall, perhaps in one of the saloons, where members met socially. Some evidence suggests Turner influences. Advertisements for Fourth of July festivities demonstrate that Arago had a Saengerbund, or singing society, and a small military drill company, both staples of Turner society.<sup>45</sup> The company's drill muskets were probably from a group of thirty-five new weapons given the town by Governor Alvin Saunders and which had been purchased by Colonel John C. Frémont in Germany for protection against Indians. As no real threat existed from local Indians at that late date, the governor's gift may have been politically motivated in an effort to win the support of the energetic Turners for his policies. Perhaps the Turners saw the muskets as the payoff for their enthusiastic support for Frémont in the 1856 election.<sup>46</sup>

A vestige of socialism in the mid-1860s was the town's Southern Nebraskian newspaper which was owned by the Arago Town Company and printed at times in both English and German. It operated from June 1867 until sometime in 1871, when it faltered briefly, then resumed publication in December 1872, only to cease publication at a later unspecified date.<sup>47</sup> German-language newspapers typically translated news items from the English-language press, though editors often interpreted events from a German perspective. Since newspapers were such excellent vehicles to promote opinions, many Forty-Eighters became editors and journalists. The Southern Nebraskian was Arago's booster publication. Newcomers, it claimed, marveled at the beautiful appearance of the country surrounding the town: "Here our farms are as easily worked the second year as at the end of twenty, and as productive at the end of twenty as at the first. Come out workers of played out farms."<sup>48</sup> Its articles attempted to dispel misconceptions held by Easterners about Nebraska, such as that it was completely flat, barren, and overrun with dangerous Indians. When Congress located the

eastern terminus of the Union Pacific Railroad in Omaha, the Southern Nebraskian claimed that Omaha resembled Chicago only in its greed for power. Such attacks on rival towns reflected the well-founded belief that Arago was losing out in its bid to be a place of importance.<sup>49</sup>

Reminiscence accounts provide details about Arago's residents and their normal activities, adding a human touch to the story of the town. William Rieschick was typical of the early settlers at Arago. Born in Germany in 1831, young Rieschick became a highly-skilled cabinet-maker before immigrating to the United States in 1856, where he settled in Buffalo to work his trade. Being a skilled worker, he earned \$1.75 per day instead of the usual dollar that unskilled laborers received. Yet during the Panic of 1857, Rieschick's wages were slashed, so he joined the German Emigration Society and moved to Nebraska in 1858. He later reminisced that in springtime Arago was "the most beautiful view my eyes ever looked on." Alongside his eldest brother, Rieschick worked as a carpenter and cabinet-maker throughout the area and earned enough in money and livestock to purchase a thirty-acre farm in 1860. From that small farm base, Rieschick built a fine estate in subsequent years.<sup>50</sup>

Born in Prussia in 1826, August Duerfeldt immigrated to the United States at the age of twenty, with his father and five siblings. Trained as a cabinet-maker in Prussia, Duerfeldt worked at a cabinet shop in Buffalo for fifteen years, when in October of 1861, he moved to Richardson County to buy a farm in Section 3 of Barada Precinct. Three years earlier he had traveled to Nebraska as the treasurer of the German Emigration Society, when he paid the mortgage on land purchased by the society near Arago. He and his wife, Louisa Parchen Duerfeldt, had twelve children, some of whom became prosperous farmers in Richardson County. Until the last few years before his death in 1913, Duerfeldt found steady work in Richardson County making coffins. One way in which Rieschick and Duerfeldt were not typical immigrants is that they remained in the area as permanent residents. Even Louis Allgewaehr returned to Buffalo, after selling his pork packing plant to Peter Frederick, Sr.<sup>51</sup>

Arago suffered several disasters during its brief existence, including a serious epidemic. In the early summer of 1860, an illness called the "bloody flux", probably dysentery, killed dozens of residents in Richardson County. It first appeared in Rulo, probably brought in by a river boat passenger, but it quickly spread throughout the county. Fortunately, the sparseness of settlement in the county permitted the disease to run its course with relatively few deaths.<sup>52</sup> During the spring of 1866, an earthquake startled townspeople, though the only reported damage consisted of broken dishes. That summer a cholera epidemic struck the town and surrounding area. When two children of the town shinglemaker died suddenly, just days apart, townspeople suspected foul play and arrested the man and his wife for poisoning the two youngsters. The coroner sent the stomachs of the two children to St. Joseph for analysis. Over the following week, however, several other persons died of similar symptoms, and the townspeople realized that a disease was to blame. Many residents fled town to stay with relatives in the country while the epidemic subsided. Again, the epidemic was blamed on riverboat passengers.<sup>53</sup>

The citizens of Arago placed several townsmen on the Territorial Legislature, including Louis Allgewaehr in the House during the eighth and ninth sessions (1863-1864), Charles F. Walther in the tenth (1865), William Parchen in the eleventh (1866), the session in which the Nebraska State Constitution was written, and Gustav Duerfeldt in the twelfth (1867). Some early legislation affecting Arago included: an act to incorporate Arago (January 10, 1860); an act authorizing Henry W. Sommerlad and George Walther to operate a ferry across the Missouri at Arago (January 3, 1862);<sup>54</sup> an act to incorporate the "German Saengerbund of Arago", a vocal music group (January 9, 1862); and an act extending the right of construction on the St. Louis and Nebraska Trunk Railroad which was to pass through Rulo and Arago, but was never built.<sup>55</sup> At first glance, the incorporation of the German Saengerbund seems like a superficial topic for the legislature to have considered. In fact, the group played an important role in German social life. Like the Turnvereine, the Buffalo Saengerbund grew out of the

German-American Workingmen's Union. What the Turnvereine was to theater, the Saengerbund was to vocal music. A potter named C. William Braun organized the musical group in Buffalo on April 20, 1853, as the "Liederkraenzchen," to provide variety to the evening entertainments of the Workingmen's Union, and to perform musical selections at special events like conventions and church socials. As with the Turnvereine, infighting among the members led to a split within the group. In February, 1855, younger members changed the name of the group to "Liederkranz," against the wishes of the less numerous older members. That the change occurred through a democratic vote, did not prevent the older members from leaving to form their own group. They reorganized as the Buffalo Saengerbund on April 21, 1855, in the grocery store of Richard Flach. Such groups seem to have given members as much political training as vocal training. By incorporating a similar German Saengerbund in Arago in 1860, the members of the frontier settlement were trying to preserve an important social link to their former lives in Buffalo.<sup>56</sup>

Arago declined during the late 1860s due to the construction of the St. Joseph and Council Bluffs Railroad on the eastern side of the Missouri River. When the company bought numerous steamboats to use as ferries, trade along the river collapsed, stifling the small river towns. Many Arago residents moved into the country to farm for a living, or relocated to Falls City which soon became the leading town in Richardson County. Other individuals, including Louis Allgewaehr, returned to Buffalo. If the railroad's construction phase stifled Arago, its completion inflicted mortal wounds, because that line, and the routing of the Union Pacific Railroad through Omaha, meant Arago would likely never gain its own railroad. A flood in 1871, which went from "bluff to bluff," inundated all of the first class lots in town, and the completion of the Atchison and Nebraska Railroad to Falls City siphoned most of the remaining business because the railroad provided Falls City with access to markets that Arago could not match. After that year, some of the primary buildings in town burned down, while other buildings and homes were moved to nearby farms or to Falls City. Only a handful of

the original settlers remained in the vicinity of Arago after 1880.<sup>57</sup> With Arago practically deserted, John Schulenberg, one of the most active builders in the Falls City area, moved most of the houses to Fargo. Born in Prussia in 1840, Schulenberg was another carpenter who landed in Arago via Buffalo. Arriving just seven years after Arago was founded, Schulenberg was soon to use his carpentry skills to dismantle what Allgewaehr and the others had built.<sup>58</sup>

Arago's final hopes laid with the St. Louis and Nebraska Trunk Railroad which was supposed to run through Rulo, Arago, St. Stephens, Brownville, and then north to Omaha. An election held on July 6, 1872, to provide the railroad with \$60,800 in bonds, failed and the line was never built. The original proposition called for Rulo Precinct to issue \$22,300 in bonds, Arago Precinct \$25,500, and St. Stephens Precinct \$1,300. The twenty-year bonds were to be issued by September 1, 1872, bearing eight per cent interest, and were to be held by three trustees until the completion of construction by the railroad company. One provision stipulated that certain payments would be made upon the completion of five miles of grading and bridging, including \$2000 per mile of track running through Arago Precinct. The company was to complete the line by September 1, 1873, though the failure of the bond election killed the project.<sup>59</sup>

According to official census figures, Arago's population fluctuated from 193 residents in 1860, to 364 in 1870, and back to 193 in 1880, but these raw numbers do not tell the story of what happened at Arago between the census years. At its height, Arago had between 1000 and 1700 citizens. With its efficient ferry across the Missouri, it served as a gateway to the rest of Nebraska, and its death left Rulo and Brownville as the nearest towns with ferries. At the turn of the century, only six families still lived on the former townsite. Arago's fast ascent and demise was common for frontier towns, for even as the end of river trade strangled the community, Arago had caused the decline of nearby St. Stephens by out-competing with it.<sup>60</sup> Arago existed for such a brief time that it appears only on old historical maps, and few people today know of it. Time has seemingly erased the story of the German refugees who

sought to escape from revolution and recession, and who arrived in Nebraska on Independence Day, 1858.

## ENDNOTES

"THE MOST BEAUTIFUL VIEW MY EYES EVER LOOKED ON"

<sup>1</sup>Kenneth Stamp, America in 1857: A Nation on the Brink (New York: Oxford University Press, 1990), 211-212, 221-222.

<sup>2</sup>Stamp, America in 1857, 214-221, 229-230.

<sup>3</sup>Stamp, America in 1857, 217-218, 223-224.

<sup>4</sup>Lewis C. Edwards, History of Richardson County, Nebraska: Its People, Industries and Institutions, 2 vols. (Indianapolis: B. F. Bowen and Company, Inc., 1917), 1:585-586. Hundreds of copies of these original contracts may be seen in the Deed Record at the Richardson County Courthouse.

<sup>5</sup>Buffalo Morning Express, 26 June 1881, obituary.

<sup>6</sup>Some names in this chapter have different spellings in different sources: Duerfeldt/Duehrfeld, Schue/Scheu, and Dellenbaugh/Dellenbach.

<sup>7</sup>According to a second account, the leaders of the Arago Town Company of Buffalo, New York bought 1600 acres for the amount of \$24,350, consisting of \$20,000 paid down in cash by Louis Allgewaehr. Gustav Duerfeldt carried the balance to Arago in gold sewed inside a hidden belt. Upon arriving in Nebraska, Allgewaehr and Duerfeldt examined the record at Salem, then paid off the mortgage. Edwards, Richardson County, 1:585-587; Falls City Journal, 4 June 1934, p. 3, c. 5-7.

<sup>8</sup>Edwards, Richardson County, 1:588.

<sup>9</sup>Joseph Wandel, The German Dimension of American History (Chicago: Nelson-Hall Incorporated, 1979), 12-32.

<sup>10</sup>Wandel, The German Dimension of American History, 2-3.

<sup>11</sup>Veit Valentin, 1848, Chapters of German History, trans. Ethel Talbot Scheffauer (New York: George Allen and Unwin Ltd., 1940; reprint ed., Hamden, Connecticut: Archon Books, 1965), 137-146, 422-434.

<sup>12</sup>Hildegard Binder Johnson, "Adjustment to the United States," in The Forty-Eighters, Political Refugees of the German Revolution of 1848,

ed. A. E. Zucker (New York: Columbia University Press, 1950; reprint ed., New York: Russell and Russell, 1967), 45-46; Wandel, The German Dimension of American History, 81-82.

<sup>13</sup>Lawrence S. Thompson and Frank X. Braun, "The Forty-Eighters in Politics," in The Forty Eighters, Political Refugees of the German Revolution of 1848, 116-120; Wandel, The German Dimension of American History, 92-93.

<sup>14</sup>Geschichte der Deutschen in Buffalo und Erie County, N. Y., mit Biographien und Illustrationen hervorragender, Deutsch-Amerikaner, welche zur Entwicklung der Stadt Buffalo beigetragen haben (Buffalo, New York: Verlag und Druck von Reinecke & Zesch, 1898), 90-92. Commonly known as "The Germans in Buffalo," this book is written in both German and English.

<sup>15</sup>At the time of the Revolution, German workers labored from twelve to sixteen hours per day to earn subsistence income or less. Efforts by workers at self-improvement were hampered by the guild system which favored master craftsmen. During the famine and financial crisis of 1847, workers begged for government protection, but when little assistance materialized they gravitated toward socialistic workers' associations which advocated universal employment and higher wages. More radical groups agitated for universal suffrage, freedom of the press, and the right of assembly. The government permitted unions dedicated to improving the spiritual, moral, social, and civic lives of the workers, though such groups appealed mainly to handicraftsmen seeking fellowship and recreation. The Gymnastic Union and the Singing Union were examples of this type of organization. P. H. Noyes, Organization and Revolution, Working-Class Associations in the German Revolutions of 1848-1849 (Princeton: Princeton University Press, 1966), 31-39, 42, 46-49.

<sup>16</sup>Geschichte der Deutschen in Buffalo, 146-151.

<sup>17</sup>The German word "turnerei" is related to the English verb infinitive "to turn," and refers to the circular movements incorporated within Jahn's exercises. His followers were known as Turners. Augustus J. Pahl, "The Turner," in The Forty-Eighters, Political Refugees of the German Revolution of 1848, 79.

<sup>18</sup>Albert Bernhardt Faust, The German Element in the United States, 2 vols. (New York: The Steuben Society of America, 1927), 2:387-388; Wandel, The German Dimension of American History, 90-91; Pahl, "The Turner," in The Forty-Eighters, 79-80.

<sup>19</sup>Prahl, "The Turner," in The Forty-Eighters, 84.

<sup>20</sup>Faust, The German Element in the United States, 2:388-389; Wandel, The German Dimension of American History, 91.

<sup>21</sup>The German Element in the United States, 2:389-391; Wandel, The German Dimension of American History, 91-92; Prahl, "The Turner," in The Forty-Eighters, 97-100.

<sup>22</sup>Geschichte der Deutschen in Buffalo, 152-153.

<sup>23</sup>Prahl, "The Turner," in The Forty-Eighters, 100; Wandel, The German Dimension of American History, 93-94.

<sup>24</sup>Faust, The German Element in the United States, 2:390; Wandel, The German Dimension of American History, 93-94.

<sup>25</sup>Older, more conservative Germans remained loyal to the Democratic Party even though their faith in it was strained by events. The dominant Southern Democrats irritated all Germans by their intransigence on slavery, support for the Kansas-Nebraska Bill and anti-foreign legislation, and opposition to homestead legislation. Johnson, "Adjustment to the United States," in The Forty-Eighters, 60-62, 125.

<sup>26</sup>Wandel, The German Dimension of American History, 84.

<sup>27</sup>Thompson and Braun, "The Forty-Eighters in Politics," in The Forty-Eighters, 120-125, 128.

<sup>28</sup>Geschichte der Deutschen in Buffalo, 152-154.

<sup>29</sup>Historians disagree about the importance of the German vote in Lincoln's victory. Apparently, the majority of Germans voted for Lincoln in Illinois, but for Douglas in Wisconsin. Older German immigrants were mostly Jacksonian Democrats, who remained with the party that earlier had been good to the foreign-born. Forty-Eighters termed them "voting cattle" or "Grays," even as they tried to lead them politically. Forty-Eighters were freethinkers who advocated universal suffrage, abolition of Sunday laws, taxation of church property, the eight hour day, and government ownership of railroads. Thompson and Braun, "The Forty-Eighters in Politics," in The Forty-Eighters, 115, 137-141.

<sup>30</sup>Prahl, "The Turner," in The Forty-Eighters, 105-108; Wandel, The German Dimension of American History, 87-88.

<sup>31</sup>Prahl, "The Turner," in The Forty-Eighters, 92-97.

<sup>32</sup>Faust, The German Element in the United States, 2:391-394; Wandel, The German Dimension of American History, 92-93; Prahl, "The Turner," in The Forty-Eighters, 93-96.

<sup>33</sup>Geschichte der Deutschen in Buffalo, 155-156.

<sup>34</sup>Born in Germany in 1826, Wilhelm Pfaender was an active Turner as a young man and he immigrated to the United States just prior to the Revolution of 1848 to escape persecution. When Hecker visited Cincinnati, Pfaender's adopted home, and urged the founding of a Turner society, Pfaender became one of its original members. He is best known for founding the Turner colony at New Ulm, Minnesota. Though the residents of New Ulm abandoned socialism in 1858, the town reflected its liberal Turner background, with the Turnhalle forming the social center of town and the public library hosting numerous lectures by liberal speakers. Somewhat exceptional was the extremely cordial relationship between Catholic, Lutheran, and liberal leaders. Traditionally, the six-member school board in New Ulm consisted of two freethinkers, two Catholics, and two Protestants. Most of New Ulm's men enlisted in the Union Army during the Civil War, leaving the settlement exposed to attack during the Sioux uprising of 1862, also known as Little Crow's Rebellion. New Ulm received the brunt of the attack since it was the western-most town in Minnesota at the time. Reinforcements from nearby Fort Ridgely forced the Indian attackers to retreat after they had killed eight and wounded seventy persons in the town. Wandel, The German Dimension of American History, 57-58; Johnson, "Adjustment to the United States," in The Forty-Eighters, 71-75.

<sup>35</sup>Edwards, Richardson County, 1:585-587.

<sup>36</sup>Edwards, Richardson County, 1:585-587; Arago (Nebr.) Southern Nebraskian, Newspaper Collections, Nebraska State Historical Society Archives, Lincoln, Nebraska. It is difficult to find many sources of information about Arago because it existed as a vital town for less than twenty years. All that is left are six copies of the Southern Nebraskian from the period when it was published in Arago, some reminiscence accounts, and several descriptions in newspapers from nearby towns.

<sup>37</sup>Edwards, Richardson County, 1:588-589.

<sup>38</sup>Edwards, Richardson County, 1:428-429.

<sup>39</sup>Noel Iverson, Germania, U. S. A.: Social Change in New Ulm Minnesota (Minneapolis: University of Minnesota Press, 1966), 59-66.

<sup>40</sup>Edwards, Richardson County, 1:588-589, 655-656.

<sup>41</sup>Edwards, Richardson County, 1:588-589.

<sup>42</sup>Edwards, Richardson County, 1:588-589.

<sup>43</sup>Nebraska City News, 11 August 1860, p. 2, c. 3; Falls City (Nebr.) Broad Axe, 20 November 1860, p. 2, c. 5.

<sup>44</sup>Arago (Nebr.) Southern Nebraskian, 21 September 1872, p. 2, c. 1.

<sup>45</sup>Arago (Nebr.) Southern Nebraskian, 2 July 1867, p. 3, c. 3-4.

<sup>46</sup>Edwards, Richardson County, 1:429, 587-600.

<sup>47</sup>The brief description of the Arago (Nebr.) Southern Nebraskian comes from an abstract of the newspaper found at the Reference Desk in the Newspaper Collections Room of the Nebraska State Historical Society Archives.

<sup>48</sup>Arago (Nebr.) Southern Nebraskian, 16 July 1867, p. 2, c. 1.

<sup>49</sup>Arago (Nebr.) Southern Nebraskian, 2 July, p. 2, c. 5; 16 July 1867, p. 2, c. 1.

<sup>50</sup>Edwards, Richardson County, 2:1189-1191.

<sup>51</sup>Edwards, Richardson County, 1:429; 2:796.

<sup>52</sup>Edwards, Richardson County, 1:110.

<sup>53</sup>Edwards, Richardson County, 1:594-595.

<sup>54</sup>Edwards, Richardson County, 1:296.

<sup>55</sup>Edwards, Richardson County, 1:140, 151-153, 591.

<sup>56</sup>Geschichte der Deutschen in Buffalo, 159-160.

<sup>57</sup>Edwards, Richardson County, 1:589-590.

58 Edwards, Richardson County, 2:1234-1235.

59 Edwards, Richardson County, 1:302, 318-319.

60 Edwards, Richardson County, 1:213, 590.

## CHAPTER FIVE

LESSONS NOT LEARNED:  
FROM HALF-BREED TRACT FAILURES TO DAWES ACT CALAMITY

Little is known about events on the Half-Breed Tract prior to its widespread white settlement, perhaps because the earliest inhabitants left very few records. The first white settlers seemed unaware of its local history and most would have accepted as fact the later reminiscence that, "The country was one open wilderness, trackless, unknown, and the home only of the wild animals and aborigines, whose habitation dates back of written history."<sup>1</sup> That statement is incorrect for two reasons. The word "only" reveals an implicit prejudice that equates the "aborigines" with the "wild animals" and insinuates that whites had a superior claim to the land over previous occupants. By the terms of several treaties, the Indians and mixed-bloods received their lands along the Missouri River in exchange for lands they had previously ceded in Iowa and Missouri. Second, most Indians and mixed-bloods had inhabited the area for less than a single generation because the treaties that sent them to eastern Nebraska were written in the 1830s and 1840s. Prior to 1854, Indian groups hunted and roamed throughout the prairies and plains, visiting the area of the Half-Breed Tract only in search of game or to trade with whites who established temporary fur posts there. Along the Missouri River, a few miles north of the Half-Breed Tract, was a trading post operated by John Charles Cabanné, who brought goods upriver from St. Louis. Before white settlement, the area was characterized by motion, with small groups coming and going from the hunt and living in makeshift camps. Yet the Indians and their mixed-blood relatives were more sedentary than the true Plains tribes directly to the west, and therefore they seemed to have a stronger claim to their lands as defined by white legal concepts. Iowas, Omahas, Otoes, a few Sioux, and a growing number of mixed-bloods were present on the Tract

by 1857 when the government advertised in eastern newspapers that it was going to allot the land.<sup>2</sup>

Many of the Indians who lived semi-sedentary lives near the river had been moved into the area to satisfy earlier treaties. In 1837, the Iowas, Sacs and Foxes located fifteen miles south of the reservation near present Highland, Kansas, where they remained until they were transferred to a new reservation directly south of the Big Nemaha River, below the Half-Breed Tract. For most of those years the Iowas were led by White Cloud who died in 1851. Nohart succeeded White Cloud as chief in that year and led the Iowas until his death in 1863, although he was assisted by two lesser chiefs named To-hee and Mo-hee. Moless was the chief of the Sacs and Foxes during the 1850s and 1860s. In 1854, over 400 Iowas were listed on the rolls at the Nohart agency in Richardson County, and over 300 Sacs and Foxes had also moved to the new reservation, though the men hunted throughout the area and onto the western plains, while their families stayed behind. At that time, few white men had established permanent homes in the area.<sup>3</sup>

Most allottees were the descendants of French traders and Indian women from the tribes specified in the treaty, and 260 out of 389 recipients were minors. Though any attempt to classify the mixed-blood allottees is arbitrary, they may be described as four "types." Some allottees were mixed-blood men who settled on the Half-Breed Tract in a semi-permanent manner. Others were mixed-blood women married to white men. Since these women were practically invisible in written accounts, it is necessary to describe them through records about their husbands. A third group consisted of the mixed-blood men and women who received their properties, but quickly left the area because the Treaty of Prairie du Chien did not require recipients to physically occupy their allotments. Of equal significance were the 260 minors whose allotments came under the control of a variety of adult mixed-blood and white "guardians."<sup>4</sup>

Some of the mixed-blood men who became semi-permanent settlers on the Half-Breed Tract were Joseph Deroin, Louis Neal, Antoine Barada, John Pilcher and Joseph Piquot. Joseph Deroin was the son of a

French trader named Amable Deroin and an Otoe Indian woman. Born near Bellevue about 1819, Deroin moved to the main Otoe village near the mouth of the Platte River when he was seventeen years old. His first wife was an Omaha Indian woman named Meek-Ka-Ahu-Me who gave birth to his daughter Mary about 1841. The next year, Deroin and his young family settled on the Half-Breed Tract near the future village of St. Deroin, where he married two mixed-blood sisters named Julie and Soula Baskette, who together would bear eight of his children. Because the new arrangement displeased his first wife, she returned to the Omahas in 1843. Deroin operated a trading post at his namesake community in the 1840s and 1850s, then opened a second one at the Otoe Reservation on the Big Blue River in Gage County during the mid-1850s. According to reminiscences, Deroin added the "Saint" to the name of his town as a stratagem to attract settlers after the opening of Nebraska Territory, but Deroin himself was no saint, as his violent personality testified. On April 21, 1858, he went to the cabin of James Beddow northwest of town to collect a six dollar payment for a pig. Earlier, he had threatened to whip Beddow if he did not pay the debt. When he arrived at Beddow's fence, the young man shouted from his cabin that Deroin should not advance any further; then Beddow fired a fatal shot at his still-advancing adversary. A jury later determined that Beddow had acted in self-defense.<sup>5</sup>

On August 8, 1860, Soula Deroin filed a petition against Heath Nuckolls, then residing at St. Deroin, who was the administrator of Joseph Deroin's estate. She demanded financial support for herself and her children and the exemption of some property from the estate, probably the reservation land allotted to the children which Deroin had controlled as their guardian. Nuckolls contended that Soula was not Deroin's lawful wife. During the hearing, several witnesses agreed that she had been Deroin's primary wife. Robert Whitecloud, the son of the Iowa chief White Cloud, confirmed that Soula and Deroin had exchanged property and were therefore married according to Indian custom. He also testified that Deroin had briefly taken a fourth wife whom he had kidnapped from an Indian named Medicine Horse, but he was

subsequently forced to relinquish her in exchange for a fifth woman who had been brought to him by the brothers of the woman he had kidnapped. Possibly fearing that she might be punished by Medicine Horse, the kidnapped woman ran off with Charles Robidoux for a time, then returned to Deroin. Despite such confusing testimony, the court ruled that Soula had been Joseph Deroin's legal wife and that the children were his heirs. It awarded her \$200 support from the estate for one year. At the time of Deroin's death, the only Half-Breed Tract land that he held in his own name was a one-tenth interest in the town of St. Deroin which was valued at \$250. In about 1862, Soula and her children moved to the Iowa Reservation in Kansas, and the children attended the Kickapoo Training School at Horton. Flooding forced the residents of St. Deroin to move the town away from the river, but the collapse of river trade finally destroyed the community.<sup>6</sup>

Louis Neal, the son of an American father and a mixed-blood Otoe woman, was first to receive reservation land in severalty. At that time, he was twenty-five years old, had a twenty-three year old wife named Susan, a brother named George, and three sisters, Harriet, Elizabeth, and Mary.<sup>7</sup> His maternal grandfather was a former Superintendent of Indian Affairs stationed at Fort Leavenworth. Though Neal was not well-educated, he was considered clever by people who knew him. From 1850 until 1856, he operated a livery stable in Jackson County, Missouri, and drove mail wagons between Independence and Salt Lake City. Neal built a cabin on the Half-Breed Tract in 1853, but, unable to make a living there, he soon returned to Missouri. Because of his political beliefs and probable anti-slavery feelings, he was forced to flee Jackson County during the bitter slavery fight that occurred along the border. Neal settled at Aspinwall in 1856, where his mother and her four youngest children had settled two years earlier. When his mother died on November 18, 1856, she left her eighteen-year-old son George in charge of the younger children. Neal was already married by that time and living with his wife Susan.<sup>8</sup>

Neal married Susan Fontenelle, the daughter of French trader Lucien Fontenelle and an Omaha Indian woman, at Bellevue in 1856.

Susan had four brothers, including the famous Omaha chief Logan Fontenelle who was killed by the Sioux while on an elk hunt in 1855. Neal killed Susan's brother Tecumseh, another Omaha leader, during an argument in December 1858, over an annuity payment. Another brother, Henry, almost killed Neal in revenge, but the mixed-blood survived despite being beaten and slashed numerous times with a knife. Although first charged with the murder of Tecumseh, a jury convicted Neal of manslaughter for which he served more than two years in an Omaha jail. He made peace with his wife's family through a gift of valuable ponies.<sup>9</sup>

William M. Stark gave Neal the land at Aspinwall, two and a half miles south of Nemaha City on the banks of the Missouri River. Despite a war of words in local newspapers to the contrary, Neal apparently sold his property rights in 1856 to area merchant Isaac T. Whyte before the land had actually been allotted to him. When James Denver and Matthew Rombach appeared in September of 1857, Neal resold his land to Rombach. Somehow the parties solved their differences, for when the town of Aspinwall was incorporated, its proprietors were listed as Louis Neal, Matthew Rombach, Ben Holladay, Lucretia Holladay, James Craig, Darius Phipps, D. J. Waitian, Patrick McLaughlin, and Johnson Lyon. Though Isaac Whyte did not appear on the list, he was able to buy choice land elsewhere on the reservation which suggests that he and Denver came to an arrangement. Whyte, Neal, Ben and Andrew Holladay began operating the Aspinwall ferry together in 1858, and Neal also ran the first general store in Aspinwall. He served as a quartermaster sergeant in the Union Army from January 1863 until July 1865, when he returned to his store in Aspinwall. In late 1878, he moved onto the Omaha Reservation in Thurston County, where he lived, except for six years residence in Bellevue, until his death in 1905. Susan Neal died in June of 1897 at Bellevue. Neal exhibited a true knack for collecting benefits from the government, for in 1904, he was listed first on the annuity roll for Omaha Indians.<sup>10</sup>

Antoine Barada, after whom the village and precinct of Barada were named, is more well-known than most other allottees because

Louise Pound and Mari Sandoz wrote accounts of him.<sup>11</sup> Barada established his town on the Half-Breed Tract in the northeast corner of Richardson County, along with several other mixed-bloods who received land in the area. Barada Precinct attracted pioneers because of its good soil, abundant timber, and reputation for producing ample crops even during drought years. Barada was born in 1807 at St. Mary's, Iowa, a small pioneer town across the Missouri River from Ft. Calhoun. His father was a Frenchman named Michael Barada and his mother was a full-blooded Omaha. Michael Barada had served as an interpreter for the United States government and had helped translate the negotiations for the Treaty of Prairie du Chien. He and his young family lived at Ft. Lisa, about 200 miles up the Missouri River from present-day Omaha, Nebraska. When Antoine was seven, a group of Sioux Indians held him captive until his father paid two ponies for his release. A Colonel Rogers of the United States Army apparently persuaded Michael Barada to send the boy to St. Louis so that the boy's aunt could rear him until he was old enough to attend West Point Military Academy. At Carondelet, just south of St. Louis, drunken soldiers of the escort abandoned the boy, and he wandered about town for several days until he was delivered to his aunt, Mrs. Mousette. He lived with her in St. Louis for several years, then worked for a trading company which took him onto the Great Plains and to the Rocky Mountains.<sup>12</sup>

Though only nine years old, Barada accompanied the traders of the Northwestern Fur Company of St. Louis. In 1816, he visited the site of the future Half-Breed Tract with a small band of Indians who hunted and camped there that winter. Thus he was one of the earliest mixed-bloods to explore the area. According to Barada's own account, he and the Indians trapped 700 elk and deer on one day in the mud at the mouth of the Big Nemaha River, which, even if an exaggeration, testified to the bounty of the area. He returned many times during later years as a guide for white hunters and traders, and he was present when the first permanent white settlers arrived in the mid-1850s. Due to his powerful build and knowledge of the plains and mountains, Barada was in great demand as a guide for the St. Louis traders who went west to sell their

wares to the Indians. He married a French woman named Josephine Vierhen and together they had nine children, several of whom settled in northeastern Nebraska on or near the Omaha Indian Reservation. His sister Euphrasia and her husband Fulton Peters also settled on the reservation near her brother's town. Barada died in Richardson County in 1885 and was buried in the Catholic Cemetery about a half mile east of his village.<sup>13</sup>

Mixed-blood John Pilcher is best known as the son of renowned trader Joshua Pilcher who succeeded Manuel Lisa as president of the Missouri Fur Company in 1821, and who was appointed Superintendent of Indian Affairs in 1838. During the 1820s and 1830s, Joshua Pilcher traded with the Omaha Indians from present-day Council Bluffs, helped direct several fur companies, and earned a reputation as a capable field manager in the Indian trade. When the elder Pilcher died in 1843, his Omaha Indian wife and young son went to live among the Omahas in eastern Nebraska. John Pilcher was in his early twenties when he received his Half-Breed Tract land which he sold to Alexander S. Ballard on May 2, 1859, the same day it was allotted to him. He married a white woman named Harriet Arlington in 1860 at Decatur, Nebraska, on the Omaha Indian Reservation, where he worked as a government agent. They bought property from Henry Fontenelle, the man who had savagely beaten Louis Neal after the killing of Tecumseh Fontenelle.<sup>14</sup>

A mixed-blood named Joseph Piquot (Pecotte or Picotte) founded the village of Winnebago on his allotment two miles west of Yankton. He was perhaps descended from either Joseph Picotte who managed a trading post at Fort John (later Fort Laramie) in 1844, or Honoré Picotte who was a trader for the American Fur Company in the 1840s. Winnebago boasted two general stores, a popular saloon, a hotel, a blacksmith shop, and twenty well-built homes. The homes were noticeably better than those of nearby towns because they were built by a respected carpenter from St. Stephens named George Mayfield. The townspeople consisted almost entirely of Frenchmen, Indians, and mixed-bloods.<sup>15</sup> Yankton was located on the Missouri River about three miles north of Rulo, midway between Rulo and Arago. Though mixed-

bloods lived in town, Yankton was primarily occupied by white settlers. At its height it had three general stores, three saloons, a hotel, and a blacksmith shop. Here a Frenchman named Henry Goulette (Goulet) operated one of the first bowling alleys west of the Missouri River. Yankton's fine river landing and abundant coal reserves persuaded some early pioneers that it would become the most important town in the area. Houston Nuckolls was a founder and strong promoter of the community, even while he promoted St. Stephens, Winnebago, and other sites. He was typical of the land speculators who floated several "paper towns" in hopes that one or more would succeed. Stephen and Heath Nuckolls had their names on the town's articles of incorporation also, but they were not as actively involved in promoting the town as was Houston. The town's physician and lawyer met tragic ends. Physician J. H. Davis was shot to death in Falls City in an argument over the location of the county seat, and attorney David Brown joined the Confederate Army during the Civil War only to be killed in battle. Yankton had an optimum population of about 200 persons in 1857, but most people abandoned the town over the next two years when high waters threatened to wash away the buildings, many of which were later moved to nearby towns.<sup>16</sup>

Another type of allottee on the Half-Breed Tract was the mixed-blood woman who received land while she was married to a white man. During the summer of 1855, several husbands of mixed-blood women, Frenchmen Charles Rouleau, E. Henri Johnson, William Kenceleur, Eli Bedard, and Eli Plante left their homes in Sioux City, Iowa to establish Half-Breed Tract claims to which their wives were entitled by the terms of the Treaty of Prairie du Chien. All five men inspected the reservation and staked out the land which they hoped their wives would receive. Johnson described the area as primitive, "inhabited by Indians and a few Frenchmen, who were married to squaws or half-breeds, there being no improvements, except occasionally here and there, an Indian corn field."<sup>17</sup> Johnson was struck by the abundance of game, despite the large number of Indians who lived and hunted in the area.<sup>18</sup>

Rouleau and his companions spent their first night at the home of John B. Didier, a Frenchman who lived just off the reservation in

Richardson County. He was married to a white woman and had no claim on the Half-Breed Tract. Didier was born in France on Christmas Day of 1827. At age twenty, he immigrated to the United States, eventually settling in Cincinnati where he worked as a store clerk. He moved to St. Louis in 1849 and went to work for the Chouteau brothers who were leading merchants in that city. After three years, Pierre Chouteau placed Didier in charge of his trading post near Fort Laramie at a time when nearby Indians felt increasingly alarmed by the large number of white emigrants heading west. Didier tried to persuade Army Lieutenant John L. Grattan not to attempt to arrest the Indian accused of killing a cow belonging to a Mormon who was traveling near the fort, but unfortunately the young officer did not accept the warning. When the Brule chief Conquering Bear refused to deliver the accused to the soldiers, Grattan fired on the Indians, who counter-attacked, causing the death of Grattan and the men of his detachment. Soon after Grattan's Massacre which occurred on August 19, 1854, Didier moved east and settled on a 120-acre farm in Richardson County, making him the second white settler in the county. The following year, he married Mary Pineau, the daughter of the French Canadian post trader at Fort Laramie. The Didiers lived together on the original farm until her death in 1908, after which John remained alone until his death nine years later at the age of ninety.<sup>19</sup>

In 1855, when the five Frenchmen arrived in Rulo, there were few other white men besides Didier in residence in the immediate vicinity. Frenchman F. X. DuPuis, whom they visited, was married to the widow of the famous Iowa chief White Cloud. Another white man was Charles Martin, a French Canadian, about whom it has been written that "there never lived a more picturesque or chivalric character of the old plains and mountains."<sup>20</sup> Once, while hunting in Utah, Martin came across some Indians who were preparing to burn a fourteen-year-old captive Paiute girl to avenge the loss of their chief in battle. He managed to convince the warriors to exchange her for some ponies and tents, and the girl was released to him and subsequently became his wife. When Rouleau and the others met him, Martin had just driven a herd of cattle

and mustang ponies to his home, a traditional earth lodge near present Rulo, where he lived with his Paiute wife. Although Martin had hunted and traveled extensively between the Missouri River and the Rocky Mountains, he recognized that the area was destined to be settled, and he erected the first general store in Rulo which operated until his death in 1860 or 1861.<sup>21</sup>

In 1856, the five Frenchmen and their mixed-blood wives became permanent settlers at Rulo, two miles north of the the Big Nemaha River, which was named after Charles Rouleau. The village stands on the spot where Rulo's wife received her 320-acre allotment, and the surrounding area was allotted to other family members, thereby creating a moderately-sized landholding. Contemporary white pioneers held these mixed-bloods in low esteem, as indicated by this anonymous account: "This class of occupants was not particularly distinguished for enterprise. . . [and they] seriously retarded the progress and growth of this section of our county [Richardson County]."<sup>22</sup> Some mixed-bloods eventually were pushed out by the new wave of eastern settlers prior to the Civil War. Rouleau and his companions laid out the town in 1856 and had it incorporated three years later, at which time part of the land allotted to Eli Bedard's wife, a sister to Rouleau's wife, was included in the townsite. The men who founded Rulo were Charles Rouleau, Eli Bedard, E. Henri Johnson, Charles Martin, Eli Plante, and F. X. Dupuis. Rulo thrived during the wave of new migration in the mid-1850s, though it relied too heavily on riverboat trade for its economic survival. Railroads killed riverboat trade, and many towns failed when the railroads bypassed them. Rulo survived because it was on the path of the Atchison and Nebraska Railroad, and it already had a population of perhaps 700 people by the time the line reached it from Kansas in 1871.<sup>23</sup>

When Rouleau and the others visited the Half-Breed Tract in 1855, one of the white residents they missed was Stephen Story, the first permanent white settler in Richardson County. He came to the area in 1844 and settled along the river where St. Stephens eventually stood, a town which he co-founded. Story was born in Vermont in 1810, but

spent the majority of his youth in Montreal, Canada. There he met Joseph Robidoux with whom he worked in the Indian trade. Later, Robidoux established a number of western trading posts, including one at St. Joseph, Missouri, where Story joined him in 1836 and remained for several years. He moved to Richardson County in 1844, ten years before the area was actually opened for white settlement, probably to trade with the local Indians. Within two years, Story moved back to St. Joseph, where he married an Indian woman named Elizabeth Robidoux, the widow of Joseph Robidoux's son, Ferron. He and his wife produced thirteen children. Story enlisted in the Army during the Mexican-American War, was wounded in the Battle of Monterey, and received an early discharge. He emigrated to California in 1849, but lacking any success in the goldfields, he returned to his home in St. Joseph the next year. He subsequently returned to his cabin at St. Stephens where he operated a ferry which carried many of the early pioneers across the Missouri River after the Kansas-Nebraska Act permitted white settlement in 1854. With General Benjamin Loan, the brother-in-law of early pioneer William R. Cain, he founded the town of St. Stephens in 1857. The following year, Story sold part of his nearby farm to the Germans who founded Arago, though the town rivalry eventually sapped the vitality from St. Stephens. The introduction of steam ferries on the Missouri put him out of business, and Story worked his local farm until 1879, when he moved into Rulo for retirement. Three years later, he died from complications of pneumonia at the age of seventy-two.<sup>24</sup>

A third group consisted of the mixed-blood men and women who received their properties, but quickly left the area since the Treaty of Prairie du Chien did not require recipients to physically occupy their allotments. Most recipients of this type sold their properties immediately, but others left their land idle for a while. Fulton Peters, another white man married to a mixed-blood woman, seemed to settle on his Half-Breed Tract land almost as an afterthought. Peters was born in Germany in 1835, grew up in St. Louis, and became a ship carpenter. He came to the Great Plains in 1853 to work on a wagon train headed from Kansas City to Fort Laramie. Within two years, he made three

western trips, though events on the third one convinced him to seek other employment. On a trip to Idaho in 1854 with 105 wagons, a small group of dissatisfied travelers split from the main company and began to travel further west to Oregon. After just ten miles, a larger force of Indians, or Mormons disguised as Indians, attacked and killed many members of the group, though a few survivors escaped and rejoined the larger wagon train. Two nights later the original party was attacked and its livestock scattered. Peters and twenty-four other men recovered most of the missing animals, but they were attacked while attempting to rescue another group of immigrants who had entered the area. Peters barely escaped with his life. In 1856, he married Euphrasia Barada, the sister of Antoine Barada, and shared with her the benefit of the allotment of Half-Breed Tract land. He traveled to Nebraska in 1856 to locate the allotment, then returned in 1858 to improve the property. After one year, he returned to St. Louis where he worked at shipbuilding for the next decade. Not until 1870 did Peters and his wife settle permanently on their land in Richardson County, where they continued farming and raising livestock until her death in 1888, and his death in 1917. Why the couple settled permanently in Nebraska at that time is a matter for speculation. Perhaps Mrs. Peters wished to be near her brother, Antoine, who lived in Richardson County until his death in 1887. Or perhaps Peters grew tired of shipbuilding at the age of thirty-five and decided to try his hand at farming. Perhaps the depressed economy in St. Louis, or the condition of the shipbuilding industry in 1870, demanded that he look for opportunities elsewhere. At any rate, it does not seem that living on the land was much of a priority with them until 1870, nearly thirteen years after they had gained title to their property.<sup>25</sup>

The final group of Half-Breed Tract residents included 260 minors, fully two-thirds of all allottees, whose land came to be controlled by white and mixed-blood guardians. In 1841, Isaac McCoy had listed twenty-one Otoe mixed-bloods as eligible to receive Half-Breed Tract land, including "Joseph Robedeaux' children, viz. son named Robedeaux [sic] of full age, living with the Otoes. Son Jo, and a daughter named Lalebre, at the same place. Son Harry at Portage de Sioux, Missouri, and daughters

Rosella and Mani with Ioways, all of mature age."<sup>26</sup> Sixteen years later, there were twenty-two Robidoux allottees, most of whom were minors. Many of the men already described had mixed-blood children whose land they managed. Joseph Deroin controlled at least seven allotments, including his own, his wife Soula's, and those of five of his children. Actually there were seventeen allotments made to persons named Deroin, only five of whom were adults. Without looking at each individual patent or deed, it would be impossible to know which adults served as guardians for which minors. It is certain, however, that several Deroin men and women came to control a large piece of land because of the allotments made to their children.<sup>27</sup> Louis Neal controlled the allotments granted to him and his wife Susan, as well as the four which belonged to his younger brothers and sisters. Before Neal's mother died on November 18, 1856, she indicated that she wanted her son George to be left in charge of the family, perhaps because Louis, who was the oldest son, had already left home. Yet when the government allotted the land during the following year, George was only eighteen years old and was considered a minor. Louis, at twenty-four years of age, was named guardian and given practical control of the four additional properties.<sup>28</sup>

William Kenceleur (Kensler) came to control seven 320-acre allotments. His wife Zela and their three children, Eustacia, Tansan, and Levi, all received Half-Breed Tract land, as did three other minors named Peter, Susan, and Henrietta Laclare who lived with Kenceleur and for whom the Frenchman served as guardian. The seven parcels of land were located near the village of Barada.<sup>29</sup> Two other men who controlled multiple allotments were Charles Rouleau and Stephen Story, who, since they were white men, make it relatively easy to determine the number of their allotments by counting each time someone named Rulo (Rouleau) or Story appeared on the list of allottees. These persons were wives or dependent children of the two men. The list showed four allotments given to persons named Rulo and five given to persons named Story.<sup>30</sup> Other names that appeared frequently on the list of allottees were: Barrida (Barada), 7 times; Welch, 6 times; O'Pelt (alias Ritter), 7 times; Dorion, 11 times; Paul, 7 times; Pecotte, 7 times; Goulette, 5 times;

Traversie, 9 times; and Robedeaux (Robidoux), 22 times. The mixed-blood Sioux named Pierre Dorion, who was an interpreter for the American Fur Company as early as 1810, may have been the progenitor of the Dorion allottees. The Robidoux recipients were probably descended from Joseph Robidoux or one of his brothers.<sup>31</sup>

One final noteworthy white guardian was Zephyre Recontre, who was reputed to have traveled with the Lewis and Clark Expedition. He settled on the Half-Breed Tract with his four children who were allottees, but after several years they sold their land and moved on to the Dakota territory.<sup>32</sup> A clue as to why so many mixed-bloods quickly sold their allotments is found in a brief account written in 1875 by Frenchman E. Henri Johnson whose mixed-blood wife received reservation land: "In the year 1859, the Indian agent [William M. Stark] having completed his mission on the reserve, withdrew his presence, and left us to the mercies of the white man, by whom we were received with friendship, attached to the balance of the county and introduced to and allowed the privilege of paying taxes like other men, which blessing we have not as yet been deprived of."<sup>33</sup> What happened to the mixed-bloods who received but quickly sold their allotments on the Half-Breed Tract? Historian Berlin Chapman demonstrated that since two-thirds of the recipients were minors, it was easy for white men to buy large parcels of land from them.<sup>34</sup> Since so many recipients were minors, it is likely that they remained in the area even though they sold their land. As long as their guardians remained there, so too did the minors, as was the case with the children of men like Barada, Rouleau, Kenceleur, and Story. When the guardians left, undoubtedly the minors usually left with them. The children of Joseph Deroin who accompanied their mother Soula to Kansas provide a good example. Historical accounts like Chapman's, which emphasized how quickly the allotments were sold, may have unintentionally given the false impression that all of the mixed-blood recipients quickly left the area. That does not seem to have been the case.

Most of the men who bought Half-Breed Tract land were not large-scale speculators, like Rombach and Nuckolls, or members of emigration

societies. Rather, they were farmers or businessmen seeking to buy land through pre-emption or on the secondary market, but who ended up buying reservation land because it was available at bargain rates. Stephen B. Miles and Edwin S. Towle acquired significant amounts of property on the Half-Breed Tract for "regular" business purposes and not primarily as speculations. Miles, who held government contracts to carry mail, utilized his land to graze the animals used in his business. Towle was a lawyer and land agent who traded some parcels of land and held others for rental income. His descendents still own much of the land that he bought in the late 1860s.

Stephen Boyd Miles was an important pioneer businessman who bought large amounts of reservation land, though his acquisitions there were minor when compared to his holdings elsewhere. Born in January 1822, Miles grew up in Pennsylvania. In 1854, he obtained the government contract to carry mail between Independence and Salt Lake City, a distance of 1250 miles by stage road, or thirty days each way. The route to Utah was particularly dangerous due to attacks by Sioux and Cheyenne. Miles, who also transported mail through sections of Missouri, Kansas, Nebraska and Texas, was the first man to carry mail into Richardson County, and organized the county's first bank. Miles carried mail between St. Joseph, Falls City, and the village that is now known as Beatrice, Nebraska. The government paid him partly with "mail grant land", alternating sections of land, which gave him title to considerable property that became the foundation of his fortune.<sup>35</sup>

In 1856, Miles bought several thousand acres of Richardson County land near Dawson which was not part of the Half-Breed Tract. These holdings became the heart of the Miles Ranch, which grew to over 6000 acres in the 1870s. The original tract was used to raise and recuperate horses and mules utilized in the mail service, and it became one of the first great ranches established west of the Missouri River. Miles carried the mail through 1871, when he retired and began raising cattle with his son Joseph H. Miles. The operation involved driving large herds of cattle from Texas to the ranch where they were fattened before shipment to the livestock markets in Chicago. Miles and his son also

became active in the banking industry. Upon his death in 1898, Miles left the bulk of his million dollar estate to his son Joseph, leading some other relatives to launch a twelve-year attempt to break the will. After five trips to the state supreme court, the justices decided in favor of Joseph Miles and other heirs specifically mentioned in the will. Stephen Miles bought over 1,100 acres of reservation land just south of the village of Barada. It is not clear whether he originally bought the Half-Breed Tract for use in his contract mail business or as a general investment, but the location of the properties relatively near the Missouri River suggests that he may have considered shipping freight and mail from that site. He may also have planned to use the site as a place to recuperate his horses, as he was doing at the Miles Ranch.<sup>36</sup>

Edwin S. Towle, a lawyer and land agent who lived in Falls City, was born in 1843 at Mishawaka, Indiana, where he attended the local schools and worked on his father's farm as he grew to maturity. After the start of the Civil War, he received an appointment to the United States Naval Academy, and remained there until the summer of 1862, when the government sent him west as a navy recruiter to Omaha and Leavenworth. He settled in Falls City in September 1862, and studied law in the office of Judge Isham Reavis. After a brief tour with the Nebraska Volunteer Cavalry in the Dakotas, Towle returned to work for Judge Reavis. He began the practice of law in early 1864 in Falls City, where he remained for the balance of his life.<sup>37</sup> In the late 1860s, Towle acquired over 7,000 acres of reservation land, eventually owning one-sixth of Barada Precinct at a time when the average farm in the county was 160 acres. He and his real estate partner August Schoenheit advertised 10,000 acres for sale in 1869. Most of Towle's land was concentrated in Barada and St. Stephens Precincts, which are just south of Aspinwall Precinct in Nemaha County, where Denver and his associates held land.<sup>38</sup> There is no apparent connection between Towle and Denver's group, though Towle may have tried to buy land near Aspinwall, thinking that it might become an important town. Apparently, Towle and his descendents saw land as a long-term investment rather than as a speculation, because the Towle family still owns substantial

amounts of land in Richardson County. During his lifetime, Towle was a judge, and a member of the Nebraska Legislature.<sup>39</sup>

Although he was an influential person, very little was written about Edwin S. Towle. It may, however, be possible to characterize him indirectly by describing his father-in-law David Dorrington. Dorrington and his wife Ann were the first white persons to establish a permanent home in Falls City when the city was laid out in 1857 by the warrior-abolitionist Jim Lane and others. Lane was an original member of the townsite company, but his name was not listed by residents who were fearful of attracting retribution from slavery advocates. David Dorrington was born during January 1812 in England where he was educated and became a skilled carpenter. He married in 1839 and came to the United States three years later, first settling in Oneida County, New York, then Doniphan County, Kansas Territory, in early 1857, and finally in Richardson County in September of that same year. Dorrington became one of Falls City's most important early leaders, along with Elmer S. Dundy, Isham Reavis, Daniel Reavis, August Schoenheit, David Holt, Jesse Crook and Edwin S. Towle. He was a building contractor who helped construct many of the original buildings in the city. Dorrington's family came to include Edwin S. Towle, the wealthy attorney who married his daughter Kittie, and Judge Isham Reavis, who married his daughter Annie.<sup>40</sup>

Intensely interested in politics, Dorrington led the seventeen-year fight to establish Falls City as the county seat and he served as the town's third mayor. He was an abolitionist and free-soiler who helped organize the Republican Party in Richardson County. "Mother Dorrington", as his wife Ann was called, tended to sick residents before the arrival of trained doctors. The Dorrington stable, behind their home at Sixteenth and Stone, served as the Falls City "station" on the Underground Railroad. Jim Lane sent slaves along the route known as the "Jim Lane Trail", which led from Kansas to Iowa, and passed near Falls City. When the Dorringtons lived in Doniphan County in Kansas Territory, the pro-slavery "Jayhawkers" had threatened to burn down the homes of abolitionists. Though most women and children moved to

safety, Ann remained with her husband. Once, when Mrs. Dorrington was alone in her Kansas cabin, a man appeared who asked her to hide him from a band of Jayhawkers, which she did. When his pursuers arrived, she refused them entrance to the cabin. As one man moved toward the door, Mrs. Dorrington grabbed a kettle of boiling water which she had prepared and threatened to scald him if he came any closer. The Jayhawkers withdrew, promising to return later, but in the meantime the man in the cabin was able to escape.<sup>41</sup>

St. Stephens, Arago, Yankton, and Rulo were the important river towns and ports of entrance for Richardson County. Because St. Stephens and Yankton had the best landings, they were the first towns where riverboats stopped. Arago overtook the others in the 1860s due to the industriousness of its German population. Yet the subsequent collapse of river trade caused all four towns to decline. Only Rulo survived because it was included on the route of one of the railroads. The first official effort to build a railroad through Richardson County followed an act of the Territorial Legislature on November 4, 1858, to incorporate the Missouri River and Nemaha Valley Railroad Company. The firm planned to build a railroad from the mouth of the Big Nemaha River to Fort Kearny and to join any other line that might be constructed westward up the Platte Valley. Charles Martin, Eli Bedard, Stephen B. Miles, William Kenceleur, William P. Loan, and many others supported the railroad in principal. Yet, when it came time to meet the capital stock requirement of \$3,000,000, support dwindled and the road was never built.<sup>42</sup>

A group of Falls City men sought to build a railroad from Atchison, in Kansas Territory, to Falls City, then up the valley of the Big Nemaha River, and north to Lincoln. Though the Nemaha Valley, Lincoln, and Loup Fork Railroad was never constructed, it has historical importance because the men involved with the project included Edward S. Towle, August Schoenheit, and Daniel and Isham Reavis. The project failed when the Atchison and Nebraska Railroad was first to gain financing to construct a road over much the same route. By July 4, 1871, that road was built as far north as Falls City. Another railroad project that failed

to materialize was the St. Louis and Nebraska Trunk Railroad which was to run through Rulo, Arago and St. Stephens Precincts, then through Brownville and north to Omaha. The company required \$60,800 in bonds from the residents of Richardson County. On July 6, 1872, the voters defeated the bond proposals and the railroad was never built. A similar fate occurred for the Falls City, Brownville, and Fort Kearny Railroad, also known as the Midland Pacific Railway.<sup>43</sup>

Although few Half-Breed Tract allottees still owned their land one decade after it became available for public sale, allotment in severalty was gaining popularity among reformers as a proposed remedy for Indian problems. After the Civil War, eastern humanitarians aggressively promoted a general allotment law, despite the terrible record for allotment in severalty during the previous half-century. Had they examined its failure on the Nemaha Half-Breed Tract, they might have avoided the disastrous consequences of the Dawes Act, a general allotment law which was enacted in 1887. They believed, however, that earlier problems resulted from poor implementation of the allotment provisions and not from the concept itself. Eliminating communal landholding was one of their top priorities, along with abolishing the treaty system, establishing a government education system, and gradually extending American citizenship to the Indians. The humanitarians believed that individual property ownership would provide a strong incentive for Indians to work hard and to adopt the white model of capitalism. As the white population increased in the West after the Civil War, the number of conflicts between Indians and whites surged, leading Congress to consider several versions of an allotment bill. Recognizing the inevitability of the white advance, the humanitarians urgently sought to rescue the Indians by assimilating them into white society. As a half-step along the way to a general allotment law, Congress implemented the unexecuted allotment provisions of previous treaties. In 1875, it extended the benefits of the Homestead Act of 1862 so that individual Indians could receive allotments, though the land was inalienable for five years after the issuance of the final patent. The results were unclear since few Indians applied for land.<sup>44</sup>

A prototype allotment bill emerged during 1880. Fearing that white Coloradans would deprive the Utes of their reservation lands, proponents pressed for legislation to grant individual plots to the Utes and to open the remaining lands to white settlement. On March 6, 1880, Ute representatives agreed to accept reduced reservations in Utah and Colorado, and to a provision for 160-acre allotments. The ratification debate in Congress was intense, with proponents arguing that allotment in severalty would offer the best chance for Indian acculturation. Supporters contended that Indians had to be assimilated since the government had never demonstrated an ability to protect Indian land rights. Opponents argued that it would be best to "civilize" the Indians before giving them individual title to land. They claimed that since individual ownership violated Indian customs, the Indians would not use the land profitably, and that white speculators would end up with the land instead. On June 15, 1880, Congress passed the law allotting land in severalty to the Utes of Colorado.<sup>45</sup>

Commissioner of Indian Affairs Ezra Hayt presented the draft of a general allotment bill to Congress in January 1879. The novel feature was a twenty-five year non-alienation provision which prevented the Indians from selling or assigning their lands for the specified period of time. Proponents hoped that this extended period would offer enough time for the Indians to get on their feet financially and to adopt the culture traits of white society. Despite strong approval by the House Committee on Indian Affairs, the bill never progressed to a vote in either house. A bill introduced by Texas Senator Richard Coke on May 19, 1880, provided for allotment in severalty and the sale of excess lands to the government. Allotment could proceed only with the consent of two-thirds of tribal males, and the allotments were to be inalienable for twenty-five years. Once the lands were distributed to families, the Indians would be governed by the laws of the state or territory. Over the next seven years, Congress debated the Coke bill in one form or another, as critics charged that the main purpose of the the bill was to acquire Indian lands for white settlement. The strongest opponent of the bill was Colorado Senator Henry Teller who ridiculed the universality of the

measure because he thought that a standard solution did not take into account the diversity of Indian tribes. The Coke bill was introduced in 1882, 1884, and 1885, but failed to win passage during those years.<sup>46</sup>

In early 1886, Senator Henry L. Dawes introduced a new version of the Coke bill before the Senate. Although Dawes was a newcomer in support of the bill, he was the chairman of the Committee on Indian Affairs, and so his name, not Coke's, was affixed to the bill that soon became law. In its final form it was known as the Dawes General Allotment Act, and it was signed by President Grover Cleveland on February 8, 1887. Like its predecessor bills, it provided for the allotment of 160 acres to heads of families and lesser amounts to other persons. Allottees received a patent declaring that the government would hold their lands in trust for twenty-five years, at which time they would receive their portions in fee simple.<sup>47</sup>

Because of the disastrous consequences of the Dawes Act, one might have assumed that its passage was secured by land-hungry speculators and settlers, but that was not the case. Rather, it was the eastern humanitarians, the self-proclaimed "friends of the Indian," who won passage of the Act. Their support was well-intentioned, though misguided. The humanitarians supported the bill for two main reasons: first, they believed that communal landholding prevented the Indians from "advancing" and assimilating into white culture; and second, they believed that greedy whites would eventually acquire communal lands as they had done elsewhere. If individual Indians held their own plots, the humanitarians believed, they would be more likely to work hard to keep them, and they would be better prepared to defend them legally. The fatal flaw with past examples of allotment in severalty was that the treaties had not required the Indians to hold their lands for a set period of time to permit the formation of capitalist values that the government hoped to instill in them. The humanitarians who formulated the Dawes Act therefore insured that the government would hold the land in trust for twenty-five years. This protective period would prevent the Indians from selling their land hastily, would prevent whites from pressuring or

tricking the Indians into selling, and would give the Indians a generation to progress along the road to white civilization.<sup>48</sup>

The reformers rejoiced at the passage of the Dawes Act and predicted a new era for the Indians. Some felt that the Act was equivalent to a general naturalization law for the Indians, and that they would quickly take their places as full members of American society. What actually transpired was far from the rosy predictions and it insured further demoralization of Indian peoples. The loss of Native American lands occurred in two distinct phases: the sale of surplus land to whites; and the leasing of the individual allotments which ultimately gave way to white ownership of the properties. Dawes originally planned to allot land on just one reservation and then to gradually extend the plan to other locations. Within seven months, land had been allotted on six reservations, and Dawes was expressing fears about the speed of implementation. He feared land speculators would pressure the government to allot the land quickly in order to acquire the surplus lands. As surplus lands were sold back to the government and then resold to the whites, Indian ownership dwindled from 155,632,312 acres in 1881; to 104,314,349 acres in 1890; to 77,865,373 acres in 1900. In short, the Indians had lost about half of their land, labeled as surplus land, within thirteen years after passage of the Act. By 1900, only 5,409,530 acres had actually passed to individual Indians.<sup>49</sup>

Leasing proved to be the unforeseen factor that defeated the twenty-five year non-alienation provision, and eventually the purpose of the Act itself. When lawmakers passed the Dawes Act, they provided that the allotments would be inalienable and non-taxable for twenty-five years to protect the Indians from parting with their lands at an early date. Supporters believed the provision would make the Indians less susceptible to pressure from land-hungry whites to sell their lands. During the twenty-five years, the federal government would hold the lands in trust for the benefit of the Indian and his heirs, and whites could not touch the lands. After the trust period expired, the government would issue the land in fee simple.<sup>50</sup> Amazingly, the Indians themselves complained the loudest about the protective features of the Dawes Act.

Women, children, the disabled, students away at school, and others were unable to benefit from their lands because they could not farm their holdings or lease them to whites for rental payments. Even able-bodied Indians had no draft animals or farm tools which would have allowed them to use their land effectively, nor could they seek loans using the allotments as collateral while the land was under trust status. The twenty-five year trust period represented a generation during which time many Indians would receive no real gain from the property held on their behalf. Since the government had the option to extend the trust period, the Indians must have wondered whether they would ever receive any benefit from their allotments. The Indians, and even some humanitarians, soon argued that the recipients should be able to lease a portion of their land so that they could buy the tools they needed to farm the balance of their property, or in the case of needy Indians, that they could subsist on the income. Besides, if the point of allotment in severalty was to promote responsibility and civilization among the Indians, then the Indians should have the right to make decisions about the best use their own lands. The decision-making process, it was argued, would help the Indians move along the path to maturity.<sup>51</sup>

Senator Dawes was one of the few champions of the Dawes Act who opposed the leasing scheme, for he felt that if the Indians were able to draw income from the land, they would be less inclined to work it themselves. On February 28, 1891, Congress approved the leasing of the Indian allotments, with the safeguard that the Secretary of the Interior had to approve all leasing requests. Proponents believed that the restriction would prevent unmanaged leasing. Such optimism was unfounded, for by 1893, the Secretary of the Interior had delegated the leasing decisions to his local agents who were vulnerable to pressure from whites who wished to farm the allotted lands. In the following years, leasing became a widespread practice, with increasing numbers of Indians choosing not to work the land themselves. Leasing undermined the primary goal of the Dawes Act to encourage the Indians to become economically self-supporting, and it assured that most Indians would sell their lands when the twenty-five year trust period was over.<sup>52</sup>

The Dawes Act failed to achieve its intended goals of transforming the Indians into self-supporting farmers and assimilating them into white society. Instead, the Indians sold their lands and became more dependent than ever on government subsidies for their survival. Had the eastern humanitarians and politicians, who so enthusiastically promoted the Dawes Act, actually studied the history of allotment in severalty from the time of President Jefferson to their own day, they might have realized that the program faced dismal odds for success. Past experience had shown that allotment in severalty did not work, and nowhere was that more evident than in the experience of the Nemaha Half-Breed Tract.

## ENDNOTES

## LESSONS NOT LEARNED

<sup>1</sup>Lewis C. Edwards, History of Richardson County, Nebraska: Its People, Industries and Institutions, 2 vols. (Indianapolis: B. F. Bowen and Company, Inc., 1917), 1:105.

<sup>2</sup>Ray H. Mattison, "John Pierre Cabanné," in The Mountain Men and the Fur Trade of the Far West, ed. Le Roy R. Hafen, 10 vols. (Glendale, California: Arthur H. Clark Company, 1965), 2:69-73; Edwards, Richardson County, 1:731-733.

<sup>3</sup>Edwards, Richardson County, 1:731-733.

<sup>4</sup>Berlin B. Chapman, "The Nemaha Half-Breed Reservation," Nebraska History 38 (March 1957): 19-20.

<sup>5</sup>J. H. Dundas, Granger History of Nemaha County (Auburn, Nebraska: By the Author, 1902), 39. The same information is contained in the Nebraska State Parks Commission brochure for Indian Cave State Park, though the original source seems to have been the account by Dundas.

<sup>6</sup>Charles O. Snow, "History of the Half-Breed Tract," Nebraska History 16 (March 1935): 44-47; Dundas, Nemaha County, 39.

<sup>7</sup>Chapman, "The Nemaha Half-Breed Reservation," 16.

<sup>8</sup>J. Sterling Morton and Albert Watkins, Illustrated History of Nebraska, 3 vols. (Lincoln, Nebraska: Jacob North and Company, 1907), 2:147-148; A. T. Andreas, History of The State of Nebraska, 2 vols. (Chicago: The Western Historical Co., 1882), 2:1171.

<sup>9</sup>Andreas, History of Nebraska, 2:1171; Morton and Watkins, Illustrated History of Nebraska, 2:147-148; Samuel Allis, "Forty Years Among the Indians and on the Eastern Borders of Nebraska," Transactions and Reports of the Nebraska State Historical Society (Lincoln, Nebraska: Nebraska State Historical Society, 1887), 2:133-166; Alan C. Trottman, "Lucien Fontenelle," in The Mountain Men and the Fur Trade of the Far West, 5:81-99; Nebraska Advertiser (Brownville), 30 December 1858; 26 May 1859.

<sup>10</sup>Andreas, History of Nebraska, 2:1171; Morton and Watkins, Illustrated History of Nebraska, 2:147-148; Chapman, "The Nemaha Half-Breed Reservation," 16; Nebraska Advertiser, 17 June 1858.

<sup>11</sup>Mari Sandoz, "Some of the Tall Tales of Nebraska," Nebraska History 24 (March 1943): 57-58; Louise Pound, "Nebraska's Antoine Barada Again," Nebraska History 30 (December 1949): 286-294.

<sup>12</sup>Pound, "Nebraska's Antoine Barada Again," 286-294; Edwards, Richardson County, 1:190-191.

<sup>13</sup>Pound, "Nebraska's Antoine Barada Again," 286-294; Edwards, Richardson County, 1:191-192, 733-734.

<sup>14</sup>Lincoln, Nebraska, Nebraska State Historical Society Archives, Pilcher Family, MS 1352; Ray H. Mattison, "Joshua Pilcher," in The Mountain Men and the Fur Trade of the Far West, 4:251-260; Richard E. Oglesby, Manuel Lisa and the Opening of the Missouri Fur Trade (Norman: University of Oklahoma Press, 1963), 178-190.

<sup>15</sup>Le Roy R. Hafen, ed., The Mountain Men and the Fur Trade of the Far West, 1:184-185, 304-305, 4:290, 9:315; Edwards, Richardson County, 1:578.

<sup>16</sup>Edwards, Richardson County, 1:576-577.

<sup>17</sup>Edwards, Richardson County, 1:712.

<sup>18</sup>Edwards, Richardson County, 1:114-116, 713-714.

<sup>19</sup>Paul D. Riley, "John B. Didier," in The Mountain Men and the Fur Trade of the Far West, 9:137-138; Edwards, Richardson County, 2:976-977.

<sup>20</sup>Edwards, Richardson County, 1:115.

<sup>21</sup>Edwards, Richardson County, 1:114-116, 713-714.

<sup>22</sup>Edwards, Richardson County, 1:197.

<sup>23</sup>Edwards, Richardson County, 1:196-197, 238-239.

<sup>24</sup>Hafen, The Mountain Men and the Fur Trade of the Far West, 6:381, 4:261; Merrill J. Mattes, "Joseph Robidoux," in The Mountain Men

and the Fur Trade of the Far West, 8:287-314; Edwards, Richardson County, 1:738-740.

<sup>25</sup>Edwards, Richardson County, 1:676-677, 2:923-925.

<sup>26</sup>Chapman, "The Nemaha Half-Breed Reservation," 7.

<sup>27</sup>Lincoln, Nebraska, Nebraska State Historical Society Archives, Half-Breed Tract, MS 726.

<sup>28</sup>Half-Breed Tract, MS 726.

<sup>29</sup>I. Q. Smith to Senator P. W. Hitchcock, Undated, Half-Breed Tract, MS 726, Nebraska State Historical Society Archives, Lincoln, Nebraska.

<sup>30</sup>Half-Breed Tract, MS 726.

<sup>31</sup>Half-Breed Tract, MS 726; Hafen, The Mountain Men and the Fur Trade of the Far West, 8:296-297, 311; Harriet D. Munnick, "Pierre Dorion," in The Mountain Men and the Fur Trade of the Far West, 8:107-112; Mattes, "Joseph Robidoux," in The Mountain Men and the Fur Trade of the Far West, 8:287-314.

<sup>32</sup>Edwards, Richardson County, 1:190, 734.

<sup>33</sup>Edwards, Richardson County, 1:715.

<sup>34</sup>Chapman, "The Nemaha Half-Breed Reservation," 19-20.

<sup>35</sup>Morton and Watkins, Illustrated History of Nebraska, 2:706; Edwards, Richardson County, 2:755-756, 1372-1374.

<sup>36</sup>Morton and Watkins, Illustrated History of Nebraska, 2:706; Edwards, Richardson County, 1:644, 2:755-756, 1372-1374.

<sup>37</sup>Morton and Watkins, Illustrated History of Nebraska, 2:760.

<sup>38</sup>Nemaha Valley Journal (Falls City, Nebr.), 21 January 1869, p. 2, c. 1.

<sup>39</sup>Morton and Watkins, Illustrated History of Nebraska, 2:760; Edwards, Richardson County, 1:140.

40Edwards, Richardson County, 1:675-676, 2:1285-1287.

41Edwards, Richardson County, 1:675-676, 2:1285-1287.

42Edwards, Richardson County, 1:295-296.

43Edwards, Richardson County, 1:302-303.

44Francis Paul Prucha, The Great Father: The United States Government and the American Indian, 2 vols. (Lincoln: University of Nebraska Press, 1984), 2:659-660.

45Charles J. Kappler, ed., Indian Affairs: Laws and Treaties, 5 vols. (Washington: Government Printing Office, 1904; reprint ed., New York: AMS Press, Inc., 1971), 1:183-186; Prucha, The Great Father, 2:661-663.

46Prucha, The Great Father, 2:664-666.

47U. S., Statutes at Large, 24:388-391; Prucha, The Great Father, 2:667-668.

48Prucha, The Great Father, 2:669.

49Prucha, The Great Father, 2:669-671.

50Prucha, The Great Father, 2:668, 671.

51Prucha, The Great Father, 2:671-672.

52U. S., Statutes at Large, 26:794-796; Prucha, The Great Father, 2:672-673.

CONCLUSIONS:  
FROM 1857 TO TODAY

What would be the response today if the Commissioner of Indian Affairs were caught defrauding the Indians? No doubt there would be intense news coverage, a huge public outcry, and a government investigation culminating in that official's dismissal. An analogous situation arose in 1991, when, during Senate confirmation hearings, Anita Hill accused Supreme Court nominee Clarence Thomas of sexual misconduct while he was Director of the Equal Employment Opportunity Commission. The analogy stems from the fact that the government's chief enforcement official against sexual harassment in the workplace allegedly would be guilty of the very misconduct that he was appointed to eliminate. In 1857, James W. Denver abused his position as Indian Commissioner to help associates buy Half-Breed Tract land and, in the process, hurt the people he was appointed to protect. His agent allotted the best properties to mixed-bloods who had agreed in advance to sell their land back to the commissioner's group. Denver's actions were unethical and illegal since he used his influence to personally benefit at the expense of mixed-bloods who received inferior land, and white settlers who were denied the opportunity to buy those same choice properties. The impropriety of the allotment process on the Half-Breed Tract was recognized by other white landseekers who groused that they were not part of the dealings, though they blamed the agent William M. Stark instead of Denver who otherwise received excellent reviews in the local newspapers for his work as commissioner. Denver's misconduct appears incongruous when his public life is examined as a whole, especially his service as the territorial governor of "Bleeding Kansas" where he helped to restore order at the risk of his own life. Perhaps a combination of greatness and pettiness was typical of Denver.

On the Half-Breed Tract, allotment in severalty failed to promote the assimilation of the mixed-bloods because they were never provided the training, tools and supplies that would have permitted them to

succeed as farmers; and they were burdened by taxes once they received title to their lands. From the allottee's point of view, it made sense to sell his property quickly to the whites who were clamoring to buy it. Without intending to do so, Congress had created a perfect environment for land speculation. If Congress had held the land in trust for twenty-five years, left it untaxed, and helped the allottees buy tools and supplies, the mixed-bloods probably could have made the transition to a settled lifestyle. When Congress passed the Dawes Severalty Act (General Allotment Act) in 1887 which did include the trust feature, allotment failed to promote assimilation because Congress permitted the allottees to lease their lands, thereby destroying the incentive for the Indians to farm, since they could gain income through leasing, and giving whites access to the land. The Dawes Act was the culmination of almost a century of implementing the failed policy of allotment in severalty.

These repeated failures call into question the government's entire policy of assimilation, for Congress typically underestimated the cultural obstacles face by the Indians who were expected to adopt white culture. While the reformers sought to acculturate the Indians so that they would blend into society for their own protection, they lacked the kind of respect for the Indians that would have allowed the natives to make their own choices. The "cultural imperialists" presumed to make important decisions for the Indians, treating them as if they were children, or clay to be molded. At their annual conferences at Lake Mohonk, the "social engineers" resolved to bring about the disintegration of tribes, to educate Indian children in white subjects, to provide Christian moral and religious training, and to promote English as the language of necessity. These were drastic social changes that were thrust upon the beleaguered Indians. The underlying reality was that the reformers considered the Indians to be savages who, because they possessed some redeeming qualities, might be rehabilitated. The attitude was not unlike the paternalism so prevalent during the presidency of Andrew Jackson. Instead of removing the Indians further west "for their own good," the later reformers wanted to transform them so that they might meld into white society. Perhaps a better goal would have been for the federal

government to honor its treaty commitments and protect Native Americans on reservations held in common or divided into protected parcels of land for those tribal members who wished to own them individually.

Because of the horrendous results of allotment in severalty and the other reforms, it is tempting to disregard the reformers as well-meaning but impractical idealists. Given the cultural clash and the prevalent attitudes in white society, it may even have been impossible to achieve beneficial results for Native Americans. If so, the reformers may have been the true realists after all. They understood that without some type of intervention the Indians were bound to lose their land and possibly their lives. Complete acculturation of the Indians may have demonstrated the reformers' lack of respect for the Indians, but it undoubtedly seemed the only solution to the realities of the times. The loss of allotted land seems to have been inevitable, for how could weakened and demoralized Indians have prevented being overwhelmed by aggressive whites. While Congress and the reformers attempted to rescue the Indians, both groups assumed the inferiority of these "wards of the nation."

Allotment in severalty should not be viewed as an isolated policy, but as one of several major efforts to assimilate Native Americans into white society. Nor did attempts at assimilation end with the failure of the Dawes Act. Throughout American history, white attitudes toward Indians have ranged from toleration of tribal sovereignty to contempt for it. Following World War II, a coalition of unlikely partners promoted assimilation as the solution for the "Indian problem." Liberal reformers attacked the existence of reservations as part of a broader campaign against racial segregation within society. Political conservatives favored assimilation as the means to end the federal government's expensive and difficult involvement with tribes. Developers hoped to acquire tribal lands for private and commercial use. All three groups believed that assimilation would solve the "Indian problem." The specific programs that these diverse groups came to support were known as compensation, termination and relocation.<sup>1</sup>

Compensation was an attempt to settle tribal claims against the United States government through the payment of funds determined by the Indian Claims Commission, which Congress established in 1946. The commission was a three-person board which considered claims arising prior to 1946. Tribal leaders had until the end of 1951 to file their claims, and Congress set a ten-year period to follow during which the commission was to complete its task. To many white Americans, for whom the dollar was the standard measure of value, monetary compensation seemed the logical way to repay Indians for the losses their people had suffered over the previous 170 years. Yet most Indians considered the return of their lands to be the only just compensation, for land had been the basis for their former way of life, and most held a sacred attachment toward it. As usual, the politicians failed to understand the cultural differences confronting them, and their compensation policies resulted in harmful consequences for the Indians. While each tribe had to demonstrate "exclusive occupancy" of the land for which they sought compensation, the Justice Department attempted to minimize payments to the tribes by attaching low values to the land. Within the tribes themselves, different factions fought about how to spend the compensation money.<sup>2</sup>

Another example of assimilationist sentiment was the termination movement of the late 1940s and 1950s. Since the removal period of the 1830s, politicians had come to view Indians as wards of the United States government. As the government's paternalistic relationship grew, so did the size and the costs of the bureaucracy that administered Indian affairs. The post-World War II assimilationists wanted to end the role of the federal government, to dissolve tribal sovereignty, and to individualize the Native Americans. "Termination" encompassed the efforts to end treaty obligations to the tribes, settle tribal claims, cut the flow of funds and services to the tribes, and to open tribal lands to outside buyers. Beginning in 1946, Congress considered termination legislation on a tribe-by-tribe basis. Four years later, Commissioner of Indian Affairs Dillon S. Myer suppressed tribal culture on reservations, scheduled tribes for termination, and promoted the relocation of individuals into the

cities. By ending services or transferring them to the states, the federal government sought to force Indians to adopt the lifestyles of white Americans. During the 1950s, termination efforts cost tribes numerous cultural, educational, and economic programs. When Congress cut funding for selected reservation schools, Indian children were forced to attend public schools, some at great distances, where they would be exposed to white culture. After Congress removed federal trust protection over tribal mineral rights, tribal members divided over whether to sell or lease the newly-available lands. Termination resulted in the loss of reservation land, factionalism within the tribes, and increased migration of Indians to cities where, without education or job skills, they sank into desperate poverty. Ironically, the federal government spent more money supporting new individuals on welfare and other social programs than it had previously spent on tribal services prior to termination, and Indians still remained isolated socially on reservations and in urban ghettos. In short, compensation, termination, and relocation failed to bring Indians into mainstream society and left them with even greater hardships.<sup>3</sup>

The history of the Nemaha Half-Breed Tract and allotment in severalty carry important lessons for today, for an "Indian problem" still exists inasmuch as Native Americans remain impoverished and marginalized. At the same time, thousands of new immigrants from diverse cultures come to the United States each year and face a similar reality. The attempt to absorb and acculturate these people appears in numerous forms, including new state laws that require English as the official language. What should the government policy be toward these people? Should the government attempt to acculturate these newcomers or leave them alone? The experience on the Half-Breed Tract suggests that the decision should be left to the people and not the government. When the government demands acculturation, the implicit message is that American culture is superior to foreign cultures, and in some situations, that American individuals are superior to foreign individuals. Like their nineteenth century predecessors, the reformers of today argue that to require change is best for society and for those individuals who

are expected to change. This concept of forced cultural homogenization is a surprising attitude in a society portrayed as diverse and tolerant. Forced acculturation, with its demand for uniformity instead of unity-despite-diversity, is the denial of the melting pot ideal.

History also shows that forced acculturation is not very effective since the targeted peoples tend to resist it. Nor would new incentives change this position unless the people first approved of the changes they were being asked to make. The decision to change or to remain the same should rest with the people, and the position of the government should be to facilitate acculturation to the extent that it is desired by the people. Whatever the approach, it must be built upon a foundation of respect for the people to whom it is directed. It is hard to imagine anything useful arising from white Americans dictating change to Indians and new immigrants.

The history of the Half-Breed Tract illustrates the folly of allotment and it also clarifies the misconceptions about the process itself. Though the mixed-bloods sold their lands quickly, they did not necessarily leave the area with the same speed. Since two-thirds of all allottees were children, they undoubtedly stayed with their parents or guardians after the allotments and sales were made. While no complete statistical study has been done, it appears that those mixed-bloods already living in the area generally stayed there, while some newcomers sold their properties and left. An unfortunate related idea is that the mixed-bloods were too ignorant to hold onto the valuable land that the government had allotted to them. In truth, there was little incentive to settle and farm their newly-acquired land, and, when faced with the additional tax burden, it was quite reasonable for the mixed-bloods to sell their land quickly for the best price they could get under the circumstances. Certainly Louis Neal, Joseph Deroin and others were intelligent men who recognized the value of their allotments.

Many local people today believe that the mixed-bloods generally lived like the semi-nomadic Plains Indians. The allotment list, however, contains more non-Indian than Indian names, and available biographical information suggests that many of these people had adopted white

lifestyles. Of course it was more likely for bibliographies to be written about those allottees who had adopted white culture and stayed in the area than those who did not. Yet even the Indian tribes from which most of the mixed-bloods came — the Omahas, Otoes, and Iowas — were themselves adopting white ways during the 1850s. Some writers have suggested that the inclusion of the mixed-bloods in the Treaty of Prairie du Chien represented concern by the various tribes for these people. It may have been to a certain extent, but it also provided the means by which the full-blood members of the tribes ended their financial responsibility for the mixed-bloods. It seems likely that by persuading the government to make separate provisions for the mixed-bloods, the full-bloods did not have to share their annuity payments and other benefits with them.

Contemporary newspapers contended that eastern speculators, the "land sharks," bought most of the reservation land. In fact, some of the biggest buyers, such as James Denver, Ben Holladay, James Craig and Stephen Nuckolls, were well-established western men. The evidence against Denver is more circumstantial than direct. By themselves, the comments by Daniel Reavis in the Falls City Journal are insufficient to prove guilt because he was not a direct witness. He was relating stories about the Half-Breed Tract as told to him by his father, Judge Isham Reavis, who, though in a position to know, might have been just passing on stories that he had heard and not witnessed. Besides, Daniel Reavis's newspaper stories were written in 1934, seventy-seven years after the events occurred, and certainly long enough after the events for the stories to have been exaggerated or altered. Yet the preponderance of the evidence does indicate Denver's involvement inasmuch as he was on the Half-Breed Tract to inspect the land; his father-in-law, Matthew Rombach, bought the choicest land immediately after Denver's visit; and many mixed-bloods sold land to Rombach on the same day as they received it. Comments made by Aspinwall residents F. L. Woodward and Ed Wiesenreder indicate that it was commonly known that Denver had a strong financial interest in the property that Rombach held there.

The history of the Nemaha Half-Breed Tract is fascinating because of the intrigue that surrounded the allotment of land and because of the important men, both white and of mixed-blood, who participated in those events. It is hoped that the exposition of the story will encourage the people of southeastern Nebraska to take a second look at the events of their own area and ask new questions of the past.

## ENDNOTES

## FROM 1857 TO TODAY

<sup>1</sup>James S. Olson and Raymond Wilson, Native Americans in the Twentieth Century (Urbana: University of Illinois Press, 1984), 131-135.

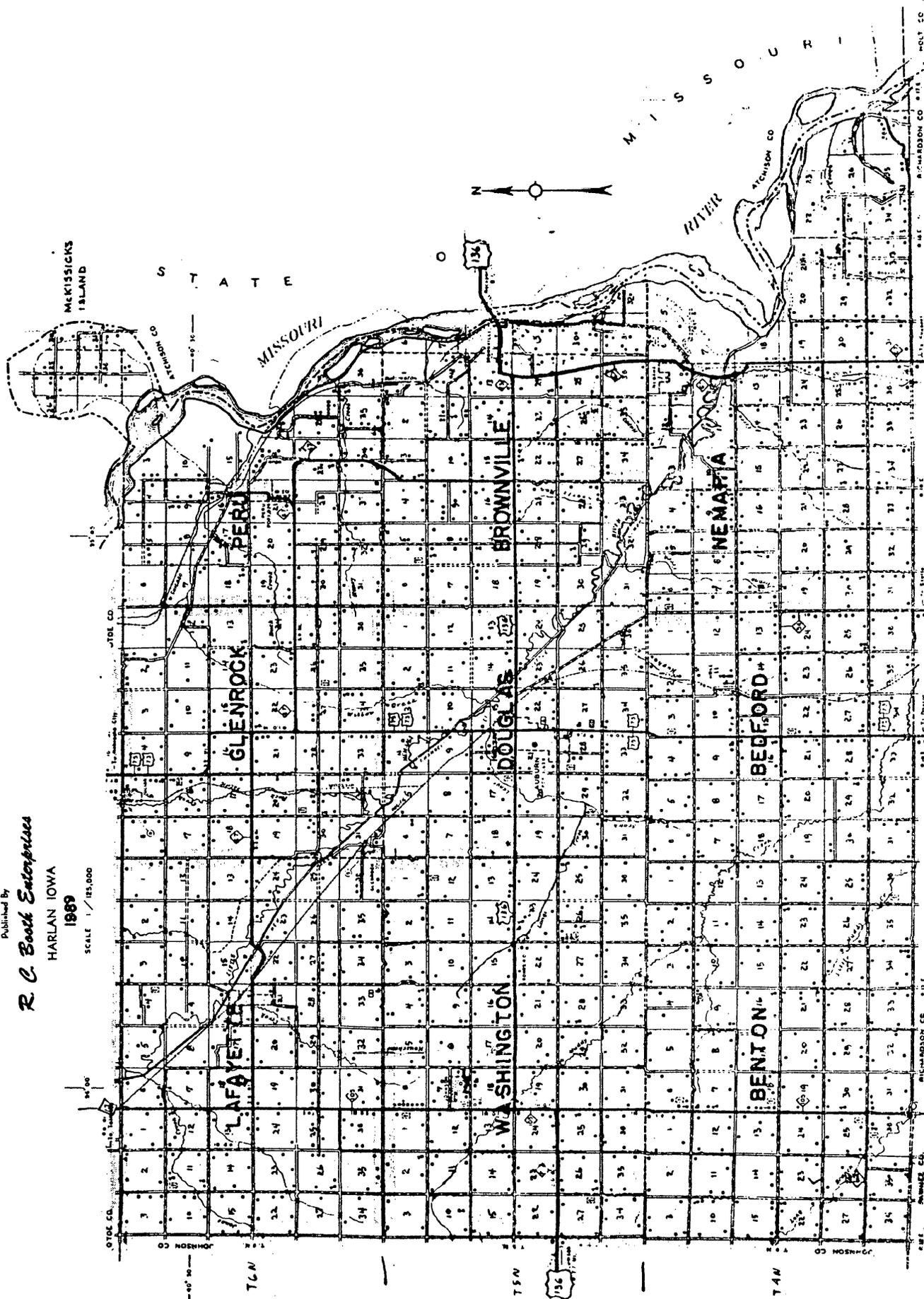
<sup>2</sup>Olson and Wilson, Native Americans in the Twentieth Century, 137-143.

<sup>3</sup>Olson and Wilson, Native Americans in the Twentieth Century, 143-150.

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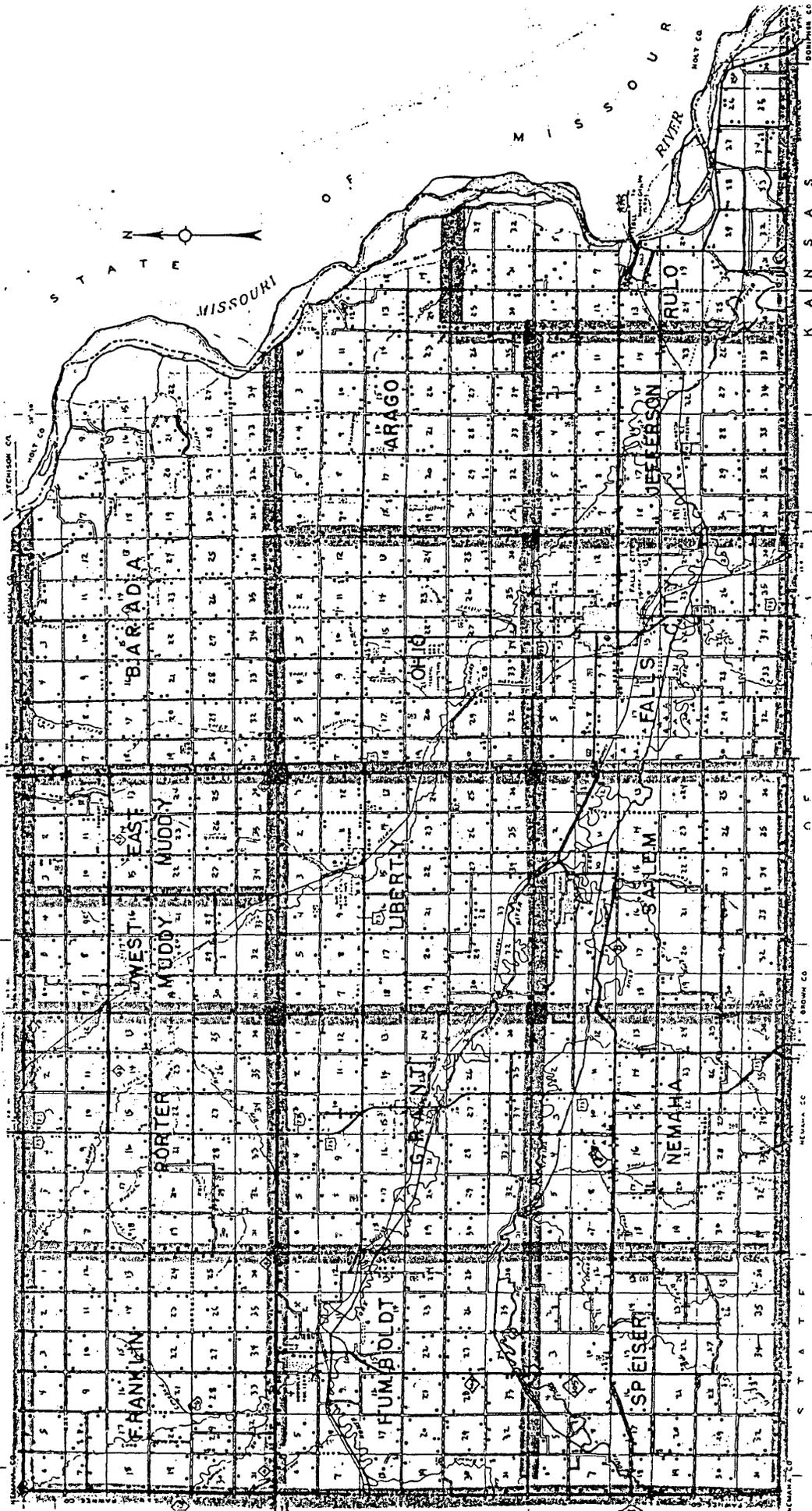


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