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PREVIEW

THE DISPOSITION OF THE PUBLIC DOMAIN
IN PIERCE COUNTY, NEBRASKA

by

John Arnett Caylor

A DISSERTATION

Presented to the Faculty of
The Graduate College in the University of Nebraska
In Partial Fulfillment of Requirements
For the Degree of Doctor of Philosophy
Department of History

Under the Supervision of Dr. James L. Sellers

Lincoln, Nebraska

July, 1951

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PREVIEW

INTRODUCTION

This is a study of the transfer of the public domain in Pierce County, Nebraska, from the federal government and the subsequent sales of that land prior to 1893. While investigations have been made into similar topics, no published account has covered fully the process of alienation for solid blocks of land. Without such investigation no complete picture of the disposal of the public domain is possible. There have been studies made on the basis of the land laws as they appear on the statute books or on the speeches about them in Congress, without consideration of the way they have worked out in actual operation. In other cases, theories have been advanced in accordance with what seemed likely to have happened.

This study, instead, presents the actual workings of the various land laws within the limited area of one county. The necessity for such inquiries, limited in scope, has been stated by one of the foremost land historians.

...before a history of the disposal of the Public Domain could be written, special and regional studies would have to be prepared to show the functioning of the land system in a number of fairly typical states and smaller subdivisions.¹

Whether or not Pierce is a typical county can only be determined after similar investigations of other counties.

1 Paul W. Gates, The Wisconsin Pine Lands of Cornell University: A Study in Land Policy and Absentee Ownership (Ithaca, 1943), p. vii.

some of which are now underway, have been made. Each piece of land has been traced from its original entry until 1893, the terminal date for this study. The purpose of this work, then, is to examine the various land laws from the standpoint of operation. The alienation of the public domain has been considered as a starting place rather than as an ending.

In addition to presenting new factual material, this study has contributions in method to make. Relatively unused sources of material have been utilized in the preparation of this work. The tract and plat books of the regional land offices as well as the records in the county courthouse have been consulted to secure the basic information. Both of these sources, containing a wealth of information, have been relatively neglected by historians.

A further contribution to method is to be found in the technique of recording the information. One of the greatest obstacles to this type of research is the immense amount of statistical information that must be collected and arranged so that it is readily available. For this study a separate card was prepared for each farm. On this card was noted all basic information concerning the original entry and subsequent transfers, including deeds, contracts, and mortgages. With the data so recorded, whatever information was required could be rapidly and conveniently secured by sorting the cards. For example, almost all the tables on which the

generalizations in this work were based were compiled from these cards.

PREVIEW

CHAPTER I

DESCRIPTION OF PIERCE COUNTY

An adequate description of Pierce County for the purposes of this study should include those factors that would be of most interest to a prospective entrant. Situated as it was in the great agricultural mid-west, it was only natural that those who came to Pierce County were interested in farming. Actually there was little else to attract them. There were no mineral deposits, or even reason to expect them; there were not enough trees to suggest lumbering. There were only acres of gently rolling prairie. Factors that would interest farmers, then, would certainly include topography, soil, vegetation, water supply, and transportation possibilities as well as proximity to neighbors and established trade centers. The relative importance of these factors would vary for different settlers depending upon their conditions and sense of values as established by past experiences. The ultimate use that the entrant had in mind would also be an important factor in the choice of land for acquisition. Certainly the speculator would not hold to the same standards for choice that the home maker would apply, but ultimately the value of the land depended upon its productivity which was of interest to all comers.

Pierce County is located in northeast Nebraska, directly north of Madison County. Norfolk was the closest town and the place through which most of the settlers moved into Pierce County. Wisner, about forty-five miles south, was another center of approach and the early shipping point for Pierce County.

Pierce County is nearly square in shape,¹ consisting of sixteen townships--ranges 1 to 4 west of the sixth principal meridian and townships 25 to 28 north. The area is 570 square miles or 364,800 acres. It was created a county by the territorial legislature in 1859, but was not organized until 1870. Table 1 shows the population of Pierce County, 1860-1900, with corresponding figures for adjacent counties.

For the most part, Pierce County is a broad plain with a gradual slope toward the southeast. Little relief is provided by wind action except in the southwest, where the sandy soil has been heaped into low, flat dunes. Other than this, however, what little break there is in the flatness of the land is due to stream erosion. The most pronounced relief is

1 Originally, the northeast township was a part of Cedar County, but in 1875 Pierce County's representative, R. S. Lucas, secured the legislature's consent to disconnect that township from Cedar County and to annex it to Pierce. This was done without the knowledge of the Cedar County representative and two years later the Pierce representative, now C. H. Frady, voted with the majority in a measure to prevent the acquisition of territory by one county without the consent of both counties. Esther K. Hansen, Along Pioneer Trails in Pierce County, Nebraska, (Lincoln, 1938), pp. 8-9.

to be found along the valleys of the North Fork Elkhorn River and the streams that flow into it. This river flows across the central part of the county toward the southeast corner and drains almost the entire county. Its valley, which averages two to four miles in width, lies about fifty to seventy-five feet below the level of the surrounding country, but with gradual descent, which allows the hills to be farmed. The other streams are Yankton Slough, Willow Creek and Dry Creek, all of which provide breaks in the terrain, except in the very sandy southwestern section, where the moisture sinks into the soil too rapidly to cause erosion.

At one time Pierce County was covered by a loess deposit of silt, but most of this has been removed by erosion. In the northern part, however, the silt was covered by a wind-born deposit of fine sand, which prevented the erosion of the loess and gave rise to the sections of Moody silt loam found there so extensively.² Underneath the loess was a layer of sand, presumably made up of debris carried down from the north and west, and probably dating from the early Pleistocene age. This layer has been uncovered by erosion over the southern two-thirds of the county. It is now a dark brown color, the original lighter color of the sand having been changed by weather and the accumulation of organic matter. The wind, which was

² A. W. Goke and W. H. Buckhannan, Soil Survey of Pierce County, Nebraska, U. S. Department of Agriculture, Bureau of Chemistry and Soils, (Washington, 1928), p. 20.

responsible for the uncovering of the sand has formed many ridges and knolls, particularly in the sandy southwest part of the county.

Obviously the type of soils is of importance to the buyer, but not too much emphasis should be placed on it. Many times the prospective purchaser was ignorant of the properties of the soils, and even when aware of them he would not know where he could find better soil. In discussing the composition of the soil,³ it is convenient to consider the uplands and terraces separate from the stream bottoms and depressions. The upland soils can be further divided into three general groups: the loamy upland and terrace soils, the sandy loam upland and terrace soils, and the sandy upland soils.

The loamy soils are found in the northeastern part and cover almost one-half of the county. The surface soils are dark greyish brown or even black. The texture varies from sandy loam to clay loam, the subsoils being more silty and thus heavier than the surface soils. This group is more suitable for agriculture than the others because of its high content of organic matter. The organic matter not only provides nitrogen, but also helps to form a loose granular structure which allows easy passage for crop roots and water. On the slopes, of course, little moisture is retained because of rapid drainage. The loamy soils include the Moody, Shelby,

3 Table 2 shows the acreage and proportionate extent of the various soils.

Hall and Waukesha series.

The sandy loam upland and terrace soils are found mainly in a strip about twelve miles wide following the North Fork Elkhorn River and cover about one-fourth of the county. The surface soils are lighter in color than the loamy group, but darker than the sandy soils. Although not as productive as the loamy soils, they still produce satisfactory crops most of the time. In fact, in dry years they are preferable to the loamy soils because they absorb moisture more readily, thus allowing less water to be lost by drainage. The Dickinson and O'Neill series constitute the sandy loam soils in the county.

The sandy upland soils, which cover approximately one-eighth of the surface, are of two main types, Valentine sand and dune sand, which are nearly identical. Since neither of them have much organic matter, they are of little value for agriculture. They are concentrated in the southwest corner of the county and can be used only for pasture or grazing.

In addition to these uplands there are bottom lands lying along the streams. The quality of the soil, of course, depends on the quality of the uplands from which the sediment is carried and is better in the northern and central parts of the county where the heavy loams have been deposited. In the south the bottom lands consist of fine, sandy soils. The utility of these bottom lands is also dependent on drainage. Frequent flooding cuts down their value.

The first type of vegetation for which the prospective settler looked was timber, but he looked with little success in Pierce County. The field notes of the original surveyors show timber in only three of the sixteen townships and only a few scattered elms, cottonwoods, willows, and boxelders. Instead of trees, the observer could see only miles of tall prairie grass. It was extremely tough, and its twisted, matted roots made breaking the sod a very difficult process. It did serve one useful purpose for it was often cut while green, twisted into log-shaped chunks, and allowed to dry until winter, when it was used for fuel in place of the scarce wood.

The settler was immediately concerned about a water supply, both for his own use and for livestock. Although those farmers near the streams, or with springs, had part of their problem solved, wells were considered a necessity everywhere and the availability of veins of water was a serious consideration. Fortunately, water was readily accessible in Pierce County, usually at a depth of between one and two hundred feet, and of excellent quality.

Of course, the new farmer was concerned about climate. Averages of rainfall or temperature are not too satisfactory, for they fail to show the important yearly deviations that might make the difference between success or failure for the year's crop, yet they must be used for lack of more detailed information. Table 3 gives monthly, seasonal and yearly means of temperature and precipitation at Norfolk in adjoining Madison