

## Reminiscences of a Wayfarer

Some of the important events of the Pioneer Days of Richardson County and Southeast Nebraska, as remembered by the writer, who has spent fifty-one years here.

### HALF-BREED BOUNDARY AGAIN.

In a former paper of these series, I gave what I was advised were the facts concerning the depopulation and consequent ruin of the town of Archer, the first county seat of Richardson County. The efficient cause of that disaster was the relocation of the western boundary of the Half-Breed tract, which occupied the whole of the east end of the county. It was in fact an Indian reservation provided by treaty in 1830, and was defined as a tract of land lying west of the Missouri river and between the Great and Little Nemahas, the western boundary of which was to be ascertained by measuring ten miles west from the mouths of those two rivers to initial points on each, and by a straight line drawn between them. The first survey of the tract, made, it is said, in 1838, and known as the McCoy survey, located the initial point west from the mouth of the Great Nemaha, somewhere about the mouth of the Muddy—in point of fact it was less than one half mile west of that point—if the history of Nebraska is correct in fixing the point at the quarter section corner between sections 16 and 17, township 1, range 17.

I further stated in substance in that paper, that in 1856, and about the time the government was preparing to execute the treaty and parcel out the land to the beneficiaries named in it, by some means and at the instance of somebody—land grabbers probably—the government was induced to abrogate the McCoy survey, and order another to be made, which, when performed, located the west boundary about four miles further west than the McCoy survey put it, thus adding a large quantity of land to the reservation.

I further stated that this last survey, which was made in 1856, was brought about by objections made to the first survey, which was represented to have been made by measuring ten miles up the Great Nemaha river by its sinuosities, which lessened the distance west very materially.

Judge Dundy, who participated in getting the line on the west boundary, put back where McCoy located it in 1838, is my authority for my statement in that connection. The objection was to the mode of the survey, which was claimed to have been erroneous, and not to the time when made nor the point from which the surveyor started.

Hon. Albert Watkins of Lincoln, for whom I entertain sentiments of the highest respect, in an article which I here subjoin, gives it as his opinion that I fell into an error in my version of this Half-Breed controversy, and rather intimates that I blame the people of Salem for springing the question of erroneous survey to enable that town to get the county seat from Archer.

I submit there is nothing of the kind suggested, or even remotely hinted in that paper.

All I said on the subject was, that a Mr. Charles McDonald, a citizen of Salem and a member of the legislature at the time the Half-Breed survey question came up and was disposed of by locating Archer on the east side of the line, introduced two bills looking to the removal of the county seat from Archer to Salem, giving his reason for doing so, that the new survey had put Archer on the Half-Breed tract, and was, therefore, no longer tenable as a proper seat

of the local government of the county.

The people of Salem had no more to do with raising the question of erroneous survey of the Half-Breed reservation than the eminent Nebraska historian himself. His letter to the Tribune here follows:

"To The Tribune:—The accomplished writer of the series of historical articles which have been published in the Tribune lately, fell into some errors about the survey of the half-breed tract. I worked out the facts from official records pretty thoroughly for the History of Nebraska, and they are set forth at some length on page 49 and 230, of volume 1.

"The writer of the articles in question assumes that the first surveyors—of 1838—naturally and properly followed the winding course of the Nemahas in running the lines to points ten miles from the mouth of those streams. The treaty of Prairie du Chien which established the half-breed tract or reservation, specifically directed that the ten miles in question should be run direct from the points of beginning, and it does not seem likely that the surveyors disregarded that plain provision of the treaty, and there was, therefore, some other reason, for assuming that the original tract was not extended far enough west.

"When Judge Fenner Ferguson, delegate to congress from the territory of Nebraska, advocated the passage of the bill providing for the re-adoption of the original western boundary, he explained that the Missouri river had cut into the eastern boundary a considerable distance since the first survey of 1838; and the presumption that the first boundary was not extended far enough west was based upon measurements made in 1856, when the agitation for a new survey began. Of course, as the bed of the river was farther west in 1856 than it was in 1838, the next boundary line ten miles beyond it would lie westward of the original McCoy line.

"There remains, however, the interesting question suggested by your correspondent's very entertaining story, whether the agitation about the western line was started by the people of Salem as a step toward getting the county seat away from Archer, which was, by the new survey, enclosed in the reservation, and therefore could not remain the capital of the county. It is rather odd to find the federal government taking the initiative toward adding to an Indian reservation from the public domain without some selfish white man's impulse. The almost universal rule in such cases has been subtraction rather than addition. Elmer S. Dundy went to Washington to lobby for the passage of Ferguson's bill, probably on a retainer by the settlers, real or prospective, on the disputed strip.

ALBERT WATKINS.

That Judge Dundy was correct in his statement to me touching the claim made that the McCoy survey was erroneous, is made tolerably certain by the memorial to Congress passed by the territorial legislature shortly after the abrogation of the McCoy survey, and the making of another, asking the congress to relieve the settlers, who had been surveyed in to the Half-Breed tract, if within its constitutional power to do so. I here set forth that memorial *in extenso*.

"PREAMBLE AND JOINT RESOLUTION  
For the relief of certain citizens of Richardson County.

WHEREAS, A portion of the inhabitants of Richardson county in this Territory, have in good faith, settled upon; and made all improvements, (many of which are highly valuable) that were required by neighborhood, Territorial and the United States laws, to enable them to acquire title to the same, by strict conformity with law, and

WHEREAS, Such settlement and improvement was made after the surveys made by authority of the United States, had determined that their settlement and improvement did not en-

croach upon, or include any portion of the public lands reserved from sale, or settlement, by reason of any treaty then known to exist; and,

WHEREAS, It has, since such settlement was made, been ascertained that the authorized surveyors were erroneous, and that the correction of such error, will include within the boundaries of the "Half-Breed Reservation," a portion of the lands so settled upon, therefore placing an inseparable barrier to their acquiring title thereto, by preemption or any other known law, and summarily depriving them of their homesteads, taking from them the fruits of their toil and labor without redress, except the same can be given them by a special act of Congress, for their relief; and believing it to be a duty incumbent upon us, as the representatives of the people, to aid them in obtaining redress for grievances, which in no wise resulted from any disregard of law on their part, so far as it may be legitimately within our power, and believing as we do, that the hardships and losses that must inevitably result to the inhabitants aforesaid, makes it an imperative duty for our most earnest effort; therefore, be it

RESOLVED, BY THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF NEBRASKA, That our delegate in Congress is hereby respectfully requested to present to that honorable body a bill, setting forth the hardships which must result to a portion of our inhabitants, and to urge the immediate passage of such bill, for their relief, so far as they may have power to do, and strict justice to the parties aggrieved, demand.

AND BE IT FURTHER RESOLVED, That the secretary of the Territory be requested to transmit a copy of the foregoing preamble and resolution, forthwith to our delegate in Congress.

Approved February 9, 1857.  
3rd Session, page 288.

It will appear that the legislature was impressed by the same notion of error in the McCoy survey that was put forward at Washington as sufficient reason for abrogating the McCoy survey and ordering another to be made as the memorial recites:

"Whereas, It has, since such settlement was made, been ascertained that the authorized surveyors were erroneous, and that the correction of such error, will include within the boundaries of the "Half-Breed Reservation" a portion of the lands so settled upon" etc.

And this upon the assumption of error in the first survey, which they said would, when corrected, put those settlers (the people of Archer among them) on the Half-Breed tract. Now what was that error? Judge Dundy said the claim was as I have stated—by the surveyor following the meanderings of the river instead of running a straight line up the valley of the river without reference to its winding course therein. And it is in that particular Mr. Watkins thinks I have fallen into an error.

When I wrote the article in question I had never looked into the matter of the McCoy survey at all and merely mentioned the fact, as given to me by Judge Dundy that the claim was put up that the McCoy survey was wrong because of the mode in which he had made it. But since my distinguished friend at Lincoln has questioned the correctness of that statement, I propose to examine the survey itself, without any reference to the mode in which it was made. I will assume that the Nebraska History referred to by Mr. Watkins is correct in saying that the McCoy survey located the initial point on the Great Nemaha River, west from its mouth at a point between Sections 16 and 17, Township 1, Range 17.

Now, if you measure back from that point ten miles on a straight line, it will fix the starting point for that survey and it will be found in the southeast part of Sec. 25, Town. 1, Range 18, and that is exactly where the mouth of the Great Nemaha was in 1838, and in every year

since till nine or ten years ago, when the Missouri, in its gyrations about the valley, broke into and took possession of the bed of the Nemaha at a point west from its old mouth about two miles, and near where the Burlington R. R. bridge crosses it.

The new survey on the Nemaha, that was ordered in 1856, was made over the same ground, from the same point on the Missouri, but by some process not explained, extended the initial point for the west boundary of the Half-Breed tract, two miles further west than the McCoy survey put it, and two and a half miles south of that point, that is to say: it placed the ten mile limit in Sec. 25, Town. 1, Range 16, which involved a physical impossibility.

It would not do for the land grabbers to represent to the government that the point of confluence of the Nemaha with the Missouri had been changed by fluctuations in the channel of the latter river, for that would have been the act of God and would have furnished no excuse for a resurvey, but by putting it on the ground of error in the survey itself, gave a very plausible reason for the demand, and it was on that ground and that alone, that the General Land office at Washington, made the order that the lines on the Nemahas be run again.

If the line had been correctly surveyed in the first instance, no change of the point where the two rivers mingle their waters, would have been a sufficient reason for abrogating the old survey, and the making of another, and Judge Dundy's report of the facts concerning the reason given for asking it to be done, was correct.

We know with absolute certainty where McCoy established the initial point on the Great Nemaha west from the Missouri. About that fact there can be no dispute. Now, with that point certainly fixed we easily locate the starting point, for it must be just ten miles east. There could be no mistake about that, nor any error. When that survey was made the mouth of the Nemaha was in the southeast quarter of Section 25, Town. 1, Range 18. If by any means that point had been changed between 1838 and 1856, it could not have made error in the original survey, but the fact is, that no change took place, nor was it pretended that any change had taken place. They simply insisted on an erroneous running of the line and when the new survey was made in 1856, to locate the west end of the line in the south part of Section 25, Township 1, Range 16, it required the starting point to be two miles west from where McCoy started his line, which was not only not true, but if it had been true, it was neither an excuse for a new survey, nor did it show error in the first survey.

The whole thing was a scheme of some smart Americans to get more land into the Indian Reservation at the expense of the United States and then to separate those feeble people from it by sharp practices best known to themselves. They failed to get the land, but by persistent effort they got a bill passed a year or two afterwards giving the proceeds of the land between the two lines, to Half-Breeds who had not received allotments which I think was at the rate of \$400 a head or \$1.25 an acre, the government price for a half section, as long as the fund lasted. How the physical facts to which I have called attention with reference to the two surveys could have escaped the attention of intelligent men, or how they were hidden from the knowledge of the officers of the General Land office at Washington, are matters of profound mystery to me. A single glance at the facts and at a map of the country would

have shown to any man of ordinary information exactly how the whole thing stood, and the utter impossibility of mistake, or error in the McCoy survey.

In writing of past incidents in the unwritten history of the country, I had no intention of provoking a controversy of any kind; but simply to call attention to matters that would otherwise be lost in the darkness of the past, and which, when related, might be of interest to the present generation, and possibly to some others in the future.

The Indian policy of the government has always been a reproach to the country, but as any other would have been open to some possible objection, perhaps the one adopted was as good as any other, for the result under any would have been, in all probability, the same. The Indians, like the Helots, the Spartan slaves in old Laconia, and all others of the inferior races in the long tragic history of the nations, must be absorbed by the superior race, or otherwise disappear from the earth. In the case of the red man his doom is utter extinction.

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