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Article Summary: German settlers from Wisconsin came to Cuming County to take advantage of the Homestead Act. Favorable farming conditions and the settlers' willingness to "share the wealth" by claiming elongated tracts holding some good bottom land, some timber, and some upland contributed to their success.

Cataloging Information:

Names: Benjamin B Moore, John D Neligh, J C Crawford, Robert Raabe, August Lambrecht

Place Names: West Point, Cuming County, Nebraska; Dodge County, Wisconsin

Types of Land Disposal in Cuming County: homestead, pre-emption, agricultural-college scrip, land warrant, school lands, railroad grant

Keywords: Omaha Indians, Pawnee Indians, Nebraska Settlement Association, Rock Creek, Elkhorn River, Homestead Act, patent, patentees, John D Neligh, Robert Raabe, August Lambrecht

Photographs / Images: Grace Lutheran Church in West Point, decorated for Harvest Sunday with products from the farms of its German-speaking communicants; map of Northeast Nebraska Territory adapted from Surveyor General's map, 1860; author's map of Cuming County, c. 1885; John Neligh; map showing methods of public land disposal in the Elkhorn River Valley, Range 5 East; Table 1: land disposal in twenty-two sections in the Elkhorn Valley, Range 5 East, Cuming County; Uriah and Amelia Brobst Bruner



Grace Lutheran Church in West Point observed Harvest Sunday, a traditional old-world festival (c. 1880), by decorating its altar with products from the farms of its German-speaking communicants.

EARLY SETTLEMENT AND
PUBLIC LAND DISPOSAL
IN THE ELKHORN RIVER VALLEY,
CUMING COUNTY, NEBRASKA TERRITORY

By MILTON E. HOLTZ

PUBLIC LAND DISPOSAL and the initial settlement of a select area are significantly relevant aspects of state and local history. This paper grew out of the fact that the writer, a native of northeastern Nebraska, had become familiar with the unusual land patterns in central Cuming County. In certain respects the manner of settlement in this small area of the Elkhorn Valley lying in Range 5 East departs from the so-called normal patterns of settlement; consequently, monographic studies of this type can help to determine the true manner of settlement and possibly raise the issue of whether there actually is in the true sense of the word such an entity as a "normal" settlement process. Be that as it may, this paper will examine the settlement process and land disposal in this area, hoping to bring about a better perspective on the larger subject of the settlement of the West.

The northeastern part of what is present-day Nebraska was opened to settlement through a treaty with the Omaha Indians on March 16, 1854. Commissioner of Indian Affairs George W. Manypenny acted for the U. S. Government while the Omaha were represented by a group of seven chiefs headed by Logan Fontenelle and Joseph LaFlesche.¹ As can be seen from the latter two names, whites had been assimilated by the tribe, and the Omaha were quite friendly

with the U. S. Government. In return for the cession of their lands (2,650,060 acres), the Omaha were awarded annuities to the amount of \$840,000 to be paid over a period of twenty-eight years, and \$41,000 for immediate purposes. A reserve on the Missouri River, a grist-saw mill, a blacksmith shop, and assistance for ten years from a miller, a blacksmith, and a farmer were also part of the agreement.²

The Indian tribes of eastern Nebraska were in a wretched condition by 1854 and were probably happy to get some annuities in order to survive. Indian Agent John E. Barrow proposed as early as 1850 that the U. S. Government purchase their lands so that they would have a means of survival.³ In 1851 he reiterated the point on the wretched condition of the Otoe and Missouri and Omaha, stating that they "are exceedingly anxious to be removed, and to dispose of their lands." Barrow also anticipated setting up a new territory as a result:

All the lands inhabited by the Otoes and Missourias and Omaha, extending from the mouth of the "Big Nemahaw" up the Missouri, some two hundred and fifty miles, can be purchased for a very small annual payment in cash and goods. By the addition of a part of the Pawnee lands territory could be formed, which, for agricultural purposes, would rival any of the rich lands of Missouri and Iowa.⁴

Pressure from prospective settlers and the need for a route for the transcontinental railroad finally brought about organization of the Indian Country.⁵ Sectional strife had delayed the process but compromise on a Kansas-Nebraska Act made organization possible. The act was signed by President Franklin Pierce on May 30, 1854, and Nebraska Territory was finally opened to settlement on June 24 of that same year. Eight counties, primarily along the Missouri River, were created that year and settlers then poised on the Iowa side rushed into the newly-opened region, but there was no immediate push beyond that. Nevertheless, the Territorial Legislature of 1855 created Cuming County⁶ from the western part of Burt County, even though there were no settlers in that area. Perhaps it was done to accommodate speculative interests such as the Nebraska Settlement Association located in the territorial capital at Omaha.

A mythical town by the name of Catharine was designated by the Legislature as the county seat. Supposedly it was near

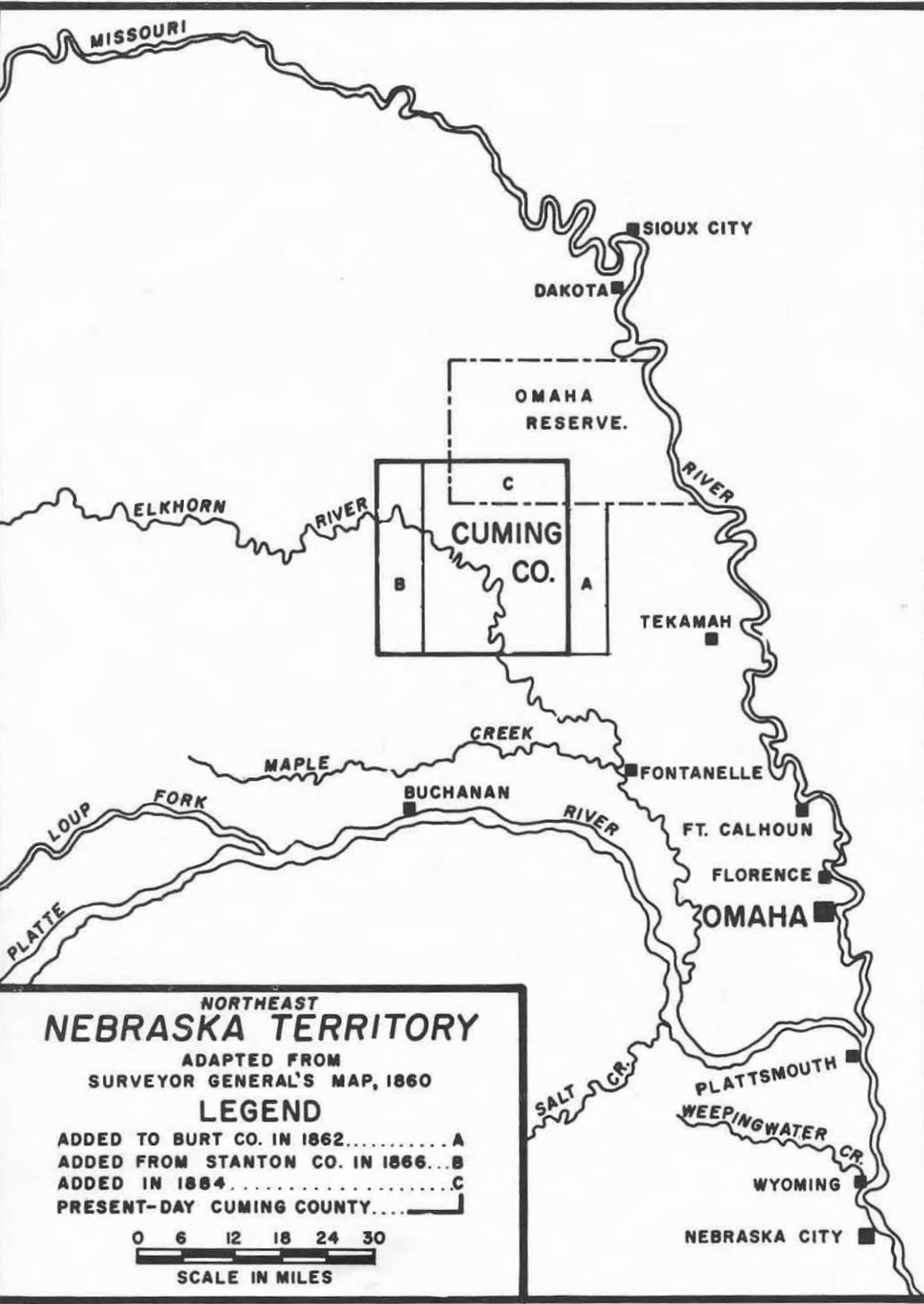
a region known as Dead Timber in the southern part of the county on the Elkhorn River. Even the boundaries of the new county were rather vaguely defined since surveys were not completed for that area until 1856-1857, and almost sounded like the metes and bounds method, *viz.*:

That the boundaries of Cuming county shall be fixed and established as follows: Beginning on the north line of Burt county twenty miles west of the Missouri River, running thence south of a point six miles south from the north line of Dodge county, thence west to the west line of Dodge county, thence north along the east line of McNeale county twenty-four miles, thence east to a point and no farther than the beginning, shall be known as the county of Cuming.⁷

McNeale County mentioned in the above quote apparently was also an apparition of the Legislature as it was even to the west of Cuming County. It never appeared on the early maps of Nebraska. The Legislature redefined the boundary lines of Cuming County in 1857⁸ and Manhattan was designated as the seat of justice, the new site probably being near the first settlements made in 1856 in the southern part of the county.

The first actual settlers of Cuming County were the Benjamin B. Moore family. Three other men had accompanied Moore and were even counted in the Territorial Census of 1856, but they had not brought their families. Possibly they intended to take claims and bring families later. It also may be that the Indian scare in 1859 frightened them off or that they went "home" shortly after the 1856 census. Regardless, none of the three names appears in the Census of 1860.⁹ As a few more settlers came into the county in 1857, Moore relocated farther up the river on the site (sec. 4, twp. 22, rge. 6E) which later became the settlement of DeWitt.

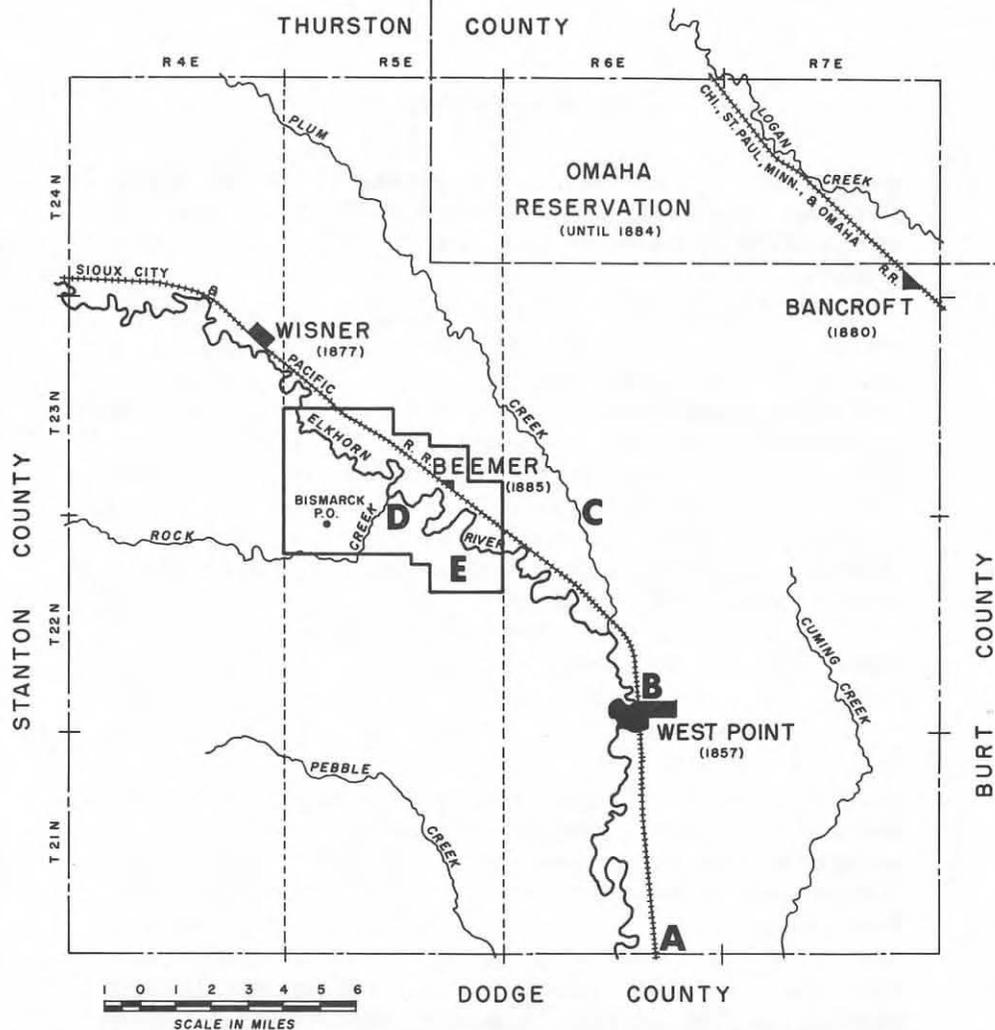
In March of 1857 The Nebraska Settlement Association, which had been formed in Omaha, sent a committee headed by Uriah Bruner to Cuming County to select a proper place for a town site. Present-day West Point stems from that venture, only it was named Philadelphia at first. The name was soon changed as it was considered the westernmost point of settlement at that time. Members of the association took "squatters" claims since the surveys were not completed until August of 1857, and began to build a steam sawmill. The U. S. Government surveyors who were dividing the townships into subdivisions later that year made a note of the settlement



activity and the building of the sawmill.¹⁰ In the fall all members of the association returned to Omaha to await the forthcoming immigration and possible dividends on their venture.

A few settlers arrived in 1858, among them being John D. Neligh and J. C. Crawford, two young bachelors from Pennsylvania who had worked their way across the country and styled themselves as lawyers. These two men proved to be guiding and promotional influences on the county for the next thirty years as both became active in politics and law, first on the local scene, then on the state level. Neligh and Crawford purchased the unfinished mill and townsite from the Association and began promoting the county. Enough settlers arrived during 1858 to consider election of county officers; up to that time, Burt County officials had jurisdiction over them. The election turned out to be basically a contest between the settlers around DeWitt and West Point, with the latter carrying the day for the county seat 12 votes to 7 and retaining it ever since.

After a promising beginning in 1858, an Indian scare nearly emptied the county during the summer of 1859. A group of belligerent Indians reported to be Pawnee came up the Elkhorn supposedly on the way to their hunting grounds. The Pawnee had ceded their lands in 1857 and were granted a reserve on the Lower Loup River near present-day Genoa, Nebraska, but were given the right to go on hunting expeditions. The Pawnee, in general, were known for their "uniform good conduct;"¹¹ possibly this was a group of renegades that killed some livestock and alarmed most of the Cuming County settlers. Most left for safety at Fontanelle in neighboring Washington County. A group of Fontanelle volunteers and West Point refugees then decided to check on the settlers at DeWitt. Upon reaching the scene, the rescuing group panicked when someone mistakenly cried "Indians," and one of the men was killed when a gun discharged in the resulting confusion. Finally, General John Milton Thayer was dispatched from Omaha with around 300 soldiers and volunteers and succeeded in confronting the Indians along the Elkhorn River in what is now western Madison County. The Indians were induced to parley and subsequently agreed to a



CUMING COUNTY NEBRASKA, c. 1885

AREA ON WHICH ARTICLE FOCUSES (ELKHORN RIVER VALLEY, RANGE 5 EAST).

- A** Approximate site of first settlement in county by Benjamin Moore in 1856. This site was also known as Catharine and/or Manhattan.
- B** Site of first sawmill (Philadelphia) begun by the Nebraska Settlement Association in 1857.
- C** Site of the DeWitt Settlement, 1857.
- D** Site of the Lambrecht Mill on the Rock Creek, 1865.
- E** Site of First Lutheran Church (Missouri Synod) established by Rock Creek Settlement, 1868.

(Map by Author)

peace, but the site nevertheless became known as "Battle Creek."

The Indian scare, no doubt, deterred settlement in Cuming County for the next year, and it was only through the persistent efforts of Neligh that prospective settlers even came to the area. The Census of 1860 revealed only 32 people in the county with six of 17 dwellings being unoccupied. Also, in comparing the 1860 Census with the list of voters in the 1858 election, eight of the 19 names are conspicuously absent.^{1 2}

Settlers began arriving again late in 1860 and in 1861, which insured the permanence of the county. By 1862 settlers had moved beyond DeWitt and were contemplating crossing the Elkhorn to settle on the west and south banks. In 1863 a few German families began transplanting themselves from Wisconsin to the area south of the river in Range 5 East. The following year saw a larger immigration than any previous one, and about a dozen additional German families settled in Range 5. This new concentration of settlement became known as Rock Creek, being named after a tributary of the Elkhorn. A sawmill was erected during 1865 and some more families arrived that year to fairly well settle the immediate valley south of the Elkhorn River in Range 5. More immigrants, mostly German, arrived in the succeeding years and took claims on the upland area, and Rock Creek Precinct (the area west of the Elkhorn River) was officially created in 1868 by the county board. Two years later new precincts were created, and the general area of the Rock Creek settlement became the precinct of Bismarck.¹³ In 1868 a Lutheran fellowship or congregation was formed by the German families in the Rock Creek area. In 1869 contracts were let for a bridge, which was to be completed the following year across the Elkhorn River near West Point. By this time the vanguard of settlement had moved up the Elkhorn River beyond Cuming County; as a consequence the General Land Office established a branch office at West Point. By 1870 the population of the county totaled 2,964, a sizeable increase from the thirty-two of ten years earlier. With the extension of the Fremont, Elkhorn, and Missouri Valley Railroad to West Point late in 1870



*John Neligh, prominent
Cuming County pioneer
also gave his name
to the county seat
of Antelope County.*

through the use of county bonds, it could be said that the county had come of age, i.e., it was no longer a frontier area.

Turning now to the more specific topic of the character of settlement in the Rock Creek area, it has already been mentioned that most of these first settlers were German families via Wisconsin. At least twelve of fifteen Rock Creek area families¹⁴ listed in the territorial census of 1865 had spent about eight years in Wisconsin before coming to Nebraska. Many came from the Dodge County area of Wisconsin, which is about fifty miles northwest of Milwaukee. One of the problems with Wisconsin land was that farmers often had to clear it, only to discover that the soil might not be fertile. The factors of having to carve a farm from the woodlands plus the passage of a free homestead act in 1862 might have been the impetus that turned these people toward the relatively treeless and fertile lands of Nebraska. The stopover in Wisconsin was shown by the fact that twelve of the fifteen families listed in the 1865 census had a total of thirty-seven children born in that state. The German migration from Wisconsin to Cuming County continued for a number of

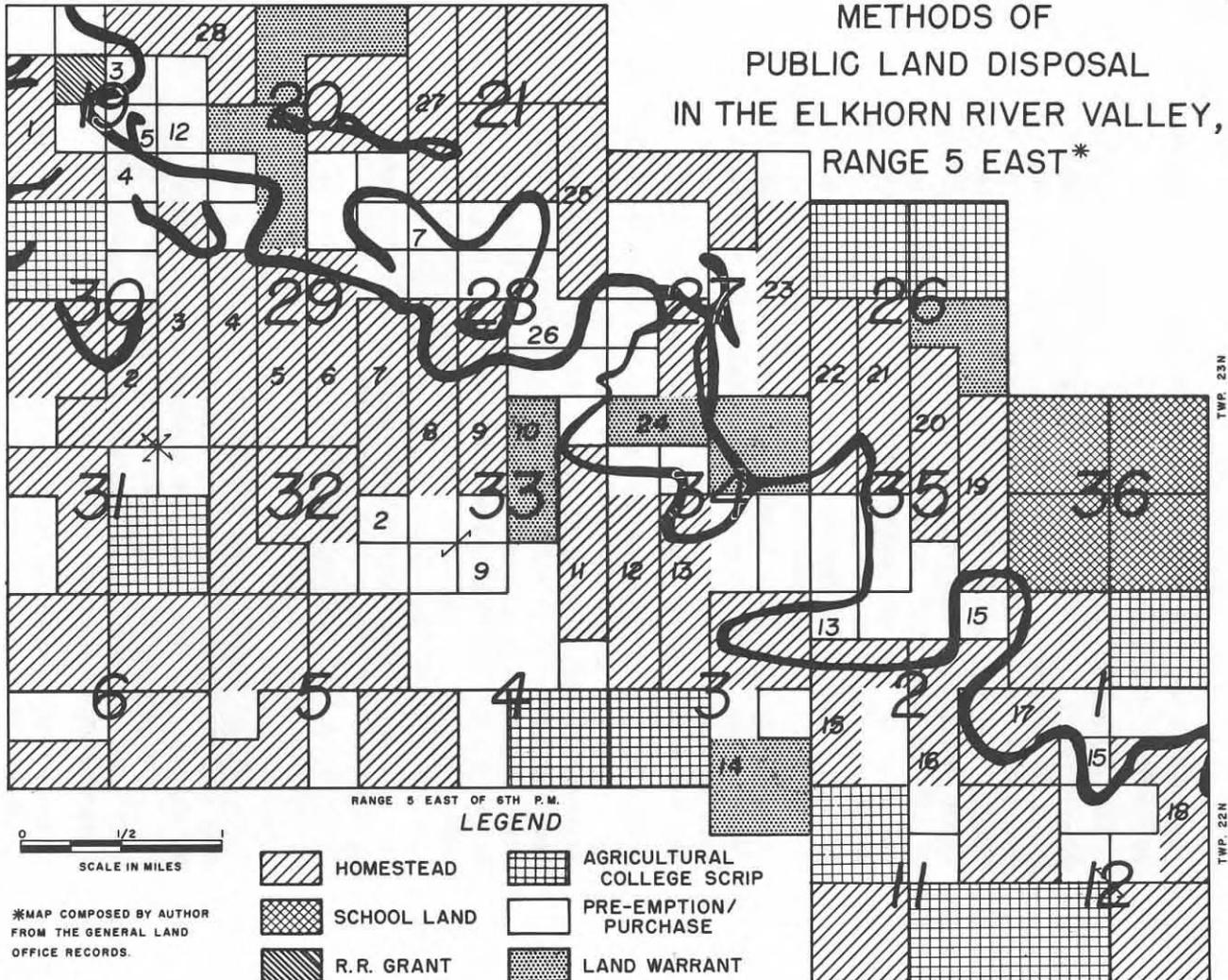
years. The Census of 1880 listed 343 Cuming Countians as having been born in Wisconsin.

The settlement of the county as a whole was also dominated by German families as thirty-two of the forty-six heads of households in 1865 were of that national origin; included in this count was the tightly-knit group of fifteen families that had settled on the south side of the Elkhorn Valley, making up ninety-one of the total county population of 245. As mentioned, many more German families came to the area in the succeeding decade, but they did not experience the close social organization and cooperation of this initial group of settlers in the Rock Creek area. More will be said about the cooperation aspect in the later part of this paper which deals with public land disposal. In summary, then, outside of the heavy German concentration of settlement in Cuming County, one of the most significant aspects was the two-step or two-leg nature of their move westward.

The problems¹⁵ encountered by early settlers in the Rock Creek area of the Elkhorn Valley were not too hard to overcome. A dugout could be made quite readily in the steep slope leading to the immediate valley of the Elkhorn; the next year a log house would be built or a log-house portion added to the dugout. By 1870 many had built frame houses, using lumber cut at two sawmills operating in the county. Both mills also ground flour. Water was not a major problem, nor was fuel for heating. Supplies could be brought from Fremont or Omaha if necessary. That many settlers had saved some money from their endeavors in Wisconsin is evident from the number of land purchases they made in addition to the homesteads. The proximity of homes in the settlement alleviated the usual frontier problem of monotony. It seems that wolves, prairie fires, a few roaming Indians, and some flooding of the river were the greatest early problems. All told, the settlers of this area made the transition from subsistence to commercial agriculture quite rapidly when compared with settlements farther west.

Some brief biographical sketches of the earliest settlers in the Rock Creek area will serve to round out this phase on early settlement. Robert Raabe was representative of those

METHODS OF PUBLIC LAND DISPOSAL IN THE ELKHORN RIVER VALLEY, RANGE 5 EAST*



first settlers. He was born in Brandenburg, Germany, in 1823, married in 1853, and came to Dodge County, Wisconsin, in 1856. Two children were born in Germany and two more were born in Wisconsin. In 1864 he decided to come to Nebraska, hoping to settle in Otoe County in the southeastern part of the territory. But the Nebraska City Land Office only had 80-acre tracts available, so he went to the Omaha Land Office, then to Cuming County upon hearing that land for homesteading was readily available there. Raabe wanted timber for fuel and building purposes, but he also wanted good crop land, which may explain why he took an elongated quarter-mile wide and mile long tract of land for his homestead. Drought conditions prevailed that first summer—the drought ended in the early fall—and Raabe in traveling to his claim was able to walk across the Elkhorn River, a stream normally four feet deep. He immediately constructed a dugout and planted wheat and garden crops that first year; also, hay was cut for livestock feed during winter. A log cabin was built in 1865, and in 1870 a frame house was erected from lumber provided by a sawmill established nearby. Raabe was on the way to becoming a successful farmer.¹⁶

Another interesting early settler in the Rock Creek area was August Lambrecht. He built the first saw and grist mill in 1865, with equipment brought from Council Bluffs, Iowa. His services were indispensable to the settlers of the area, and it was said that some came from as far south as the Platte River to obtain the services of the mill, which operated in some form for the next thirty years. Lambrecht, like Raabe, was born in Germany and came to Wisconsin in 1854; however, he was one of the first to select the Rock Creek area for settling, taking a homestead in November of 1863. Before he retired he had parlayed his initial investment into ownership of over 1,700 acres of land.¹⁷ Lambrecht serves as a good example of the entrepreneur on the frontier. Being first on the scene, he recognized the need for economic services and the potential of the area, and, in working to fill the need, he profited handsomely as a result. Generally speaking, there were few failures in this specific area, as will be seen later in the part on public land disposal. The land was fertile and the

precipitation generally adequate — 24-28 inches annually — and the homogenous nature of the people might have added to the chances for success.

In both the early settlement and the initial disposal of public land in the Cuming County area, the Elkhorn River served as a controlling factor. The river is about 190 miles long,¹⁸ running in a southeasterly direction from its source in Rock County in north-central Nebraska to its confluence with the Platte River a few miles west of present-day Omaha. The watershed takes in approximately 6,800 square miles and is bordered by the watersheds of the Loup River on the west, the Niobrara on the north, and the Missouri on the east. The immediate valley of the Elkhorn averages about 1.5 miles in width throughout its course in Cuming County. The average channel slope is 3.1 feet per mile; and in the area of this study the average depth of the channel is 4-5 feet with a width of about 300 feet. The average discharge is between 7,000 and 8,000 cubic feet per second in the area of Rock Creek. The topography is generally labeled as loess hills; however, the bottom lands are alluvial in nature (Wabash series). A narrow but almost continuous belt of scrub timber borders the river. The Elkhorn has a history of flooding due to the rapid concentration of run-off water in the tributaries.¹⁹

To the pioneer, the Elkhorn River Valley had a number of attractive features. In addition to water, timber, and good farm land, the tributaries could be dammed near their confluences with the river to provide power for saw and grist mills. The problem involved in settling near the river was how to establish a viable economic unit — one that was not all timber or in danger of flooding, but rather one which could provide a little of all the “wealth” of the valley. The first settlers on the south side of the river in Range 5 East worked out a scheme to accomplish that objective. They decided to “share the wealth” by taking elongated claims only a quarter-mile wide but a mile in length, which still amounted to 160 acres.²⁰ This allowed each settler to have a part of the upland since the flood plain was around three-fourths mile wide on the south side of the river, but it still gave access to

timber for fuel and building purposes and water for livestock. Roughly, each settler would have about 40 acres of timber, 80 acres of good bottom land, and 40 acres of upland never in danger of flooding. In some years much of the bottom land might remain too wet to work; on the other hand, during an ideal year this could easily be the most productive part of the farm. One family presently farming in the area stated the river was both "friend and foe" to their great-grandfather; thus, it was almost necessary to have some upland for crop insurance.²¹

There were additional benefits²² which resulted from parceling out the land in elongated tracts. One was that it gave each settler part of the sharp slope leading from the upland to the valley floor. Such terrain was ideal for construction of a dugout, the first type of dwelling in this area. Another advantage was that a person could stand on the hill and practically survey his whole "domain" in one glance. This facilitated keeping an eye on the livestock as well as other aspects of the farming operation, and possibly roaming Indians.

In examining the shapes of the claims on the upland area removed from the immediate valley, one notes the usual pattern of square quarter-sections with a small number of 80-acre claims. Sections 5 and 6 of township 22 of Range 5 East are representative of the upland pattern.²³ This can also be noted on the fringe areas of the land disposal map accompanying this paper.

Pioneers are said to have been innovative and pragmatic, generally believing in the adage, "Where there's a will, there's a way." The first settlers of the Rock Creek area exemplified these characteristics. Two other factors, however, might have helped facilitate their unique method of land disposal and "sharing of the wealth." Most arrived at nearly the same time, and all were of German background and of Lutheran affiliation. This might not have been exactly a colony-type settlement, yet it had some characteristics of a colony.

As for the types of land disposal²⁴ in this specific area, most of the elongated tracts were homesteaded; however, a number of claimants used the pre-emption/purchase method

to acquire their claims as land could be bought for \$1.25 per acre. Some homesteaders used the latter methods to add to their holdings. A few had even picked up some land warrants and agricultural-college scrip which they used to gain immediate possession of the land. The map on page 122 of this paper shows the methods of land disposal in the Elkhorn Valley, Range 5 East, while the table on page 127 breaks down the sections by number of acres taken under each method. Of the twenty-two sections here under study, 49 per cent of the land was disposed through homesteads (two homesteads were commuted, one to cash and the other to land warrant), 28 per cent by pre-emption/purchase, 11 per cent by agricultural-college scrip, 7 per cent by land warrant, 5 per cent for school lands (sec. 36), and less than 1 per cent as railroad grant.²⁵ Examination of the General Land Office Records for other portions of the county outside the Elkhorn Valley reveals that the state of Nebraska claimed large portions upon leaving territorial status in 1867; and land agents acquired significant amounts through use of agricultural-college scrip and land warrants but apparently disposed of it shortly thereafter to latecomers. A study of land disposal in all 570 sections of Cuming County would reveal a wide variety of land disposal methods; for the Elkhorn Valley, however, the homestead and pre-emption/purchase methods were the most significant.

Another interesting aspect of public land policy is the number of those who failed to gain final patent on their claims. It has been said that the Homestead Act was a rather incongruous land policy and that around 50 per cent of the persons filing failed to prove up on their claims.²⁶ In the 22-section area of the Elkhorn Valley under study, about half of the 90-some claimants were homesteaders; only four failed to gain final patent, or a little under 10 per cent. One of the four failures was due to death of the patentee in a blizzard, while another moved farther west shortly after filing; the other two apparently went "home" according to the General Land Office Records. Of course, this area was much better suited for homesteading than areas settled farther to the west beyond the 20-inch rainfall line.

TABLE I

LAND DISPOSAL IN TWENTY-TWO SECTIONS IN THE ELKHORN VALLEY, RANGE 5 EAST, CUMING COUNTY, NEBRASKA

| | Homestead | Pre-emption/ Purchase | Ag. College Scrip | Land Warrant | Other | |
|---|------------|--------------------------|----------------------|-----------------|------------------|--------------------|
| Sections in Twp. 23 N (22 Sections = 14,080 Acres) | 19 | 240 A. | 360 A. | — | — | 40 A. ¹ |
| | 20 | 240 | 120 | — | 280 | — |
| | 21 | 640 | — | — | — | — |
| | 30 | 400 | 80 | 160 | — | — |
| | 29 | 320 | 280 | — | 40 | — |
| | 28 | 240 | 400 | — | — | — |
| | 27 | 200 | 360 | — | 80 | — |
| | 26 | 200 | — | 320 | 120 | — |
| | 31 | 240 | 240 | 160 | — | — |
| | 32 | 520 | 120 | — | — | — |
| | 33 | 280 | 240 | — | 120 | — |
| | 34 | 160 | 240 | — | 240 | — |
| 35 | 440 | 200 | — | — | — | |
| 36 | — | — | — | — | 640 ² | |
| Sections in Twp. 22 N (22 Sections = 14,080 Acres) | 1 | 320 | 160 | 160 | — | — |
| | 2 | 400 | 240 | — | — | — |
| | 3 | 320 | 80 | 160 | 80 | — |
| | 4 | 120 | 360 | 160 | — | — |
| | 5 | 520 | 120 | — | — | — |
| | 6 | 560 | 80 | — | — | — |
| | 11 | 240 | 80 | 320 | — | — |
| | 12 | 320 | 160 | 160 | — | — |
| | 6920 (49%) | 3920 (28%) | 1600 (11%) | 960 (7%) | 680 (5%) | |

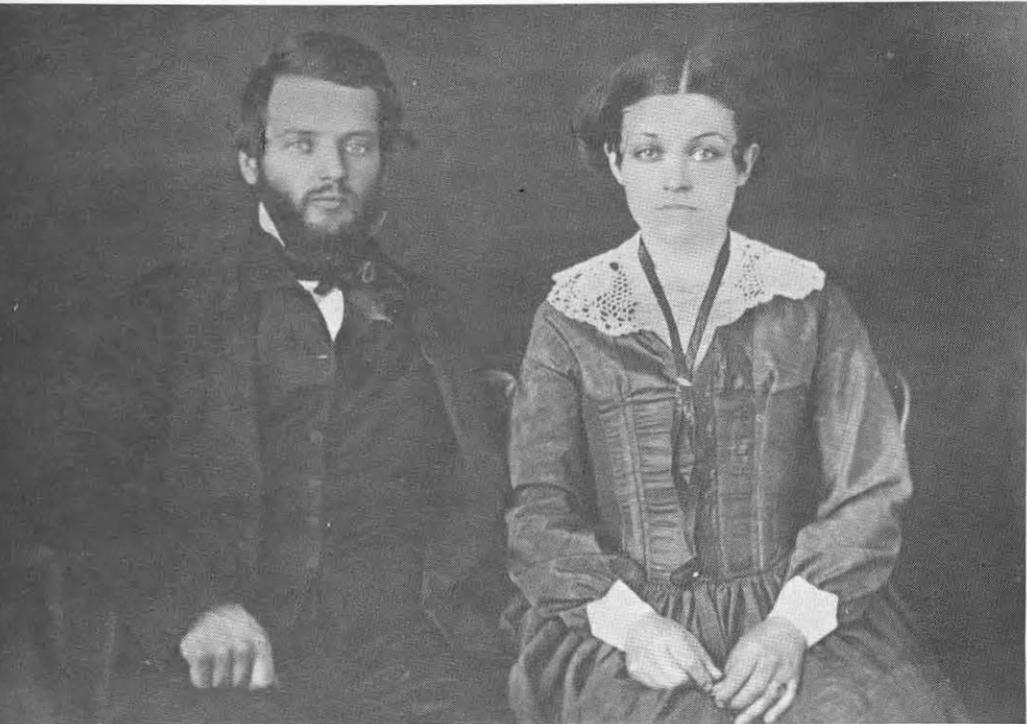
1. Burlington & Missouri R. R. grant.

2. School section (36).

The patentees of the Elkhorn Valley apparently found it more of a problem raising the necessary funds for purchase of pre-emptions. Ten failed to make final patent, which would be about 33 per cent of the pre-emption/purchase group, although three of those who defaulted remained on nearby homesteads. There is no real way of telling what happened to the other seven; in some cases, the Land Office Records indicated that they went "home." There was a good chance that a few moved on west, i.e., farther up the river to find a more suitable claim. In short, the failure rate of the 90-some persons who entered land in this specific area was only around 15 per cent, or speaking positively, a rather high percentage of around 85 per cent made final patent. Also significant to this point is that almost all claimants in Range 5 East of the Elkhorn Valley were *bona fide* settlers. If those who already held homesteads are subtracted from the total failure list, the failing percentage drops to nearly 10 per cent. Even today, descendants of those original pioneers in the Rock Creek area are still farming approximately half of the lands patented by their forefathers, which reflects some of the stability and persistency of the first claimants.

Some additional facts are worth noting concerning the public land disposal in this 22-section area of the Elkhorn Valley. The most noticeable pattern of the elongated tracts have been numbered from 3 to 12; they can readily be picked out even today in the recent county atlases.²⁷ Some of the tracts are more than 160 acres in size because the owner took advantage of a number of options. The unusual shape of tract 5 resulted from a homestead claim (160 acres), a land warrant (160 acres), and purchase (80 acres). Only the purchase of timber land by the owner of tract 12 kept tract 5 from being a continuous 2½-mile-long tract only a quarter-mile in width. The owner of tract 14 connected a homestead claim and a land warrant claim by purchasing 40 acres in between. Some of the many 40-acre plots found on the map in the vicinity of the river were purchases made by settlers outside the immediate valley, most likely to gain access to timber.

As can be seen from the map, the river played a major role in the taking and shaping of claims; and, as mentioned,



Uriah and Amelia Brobst Bruner, parents of nine children, provided leadership to Elkhorn Valley settlers. He was one of the first University of Nebraska regents. Their son, Lawrence, became a well-known professor of entomology at the University.

elongated claims enabled farmers to “share the wealth” of the valley. Tracts numbered from 2 through 18 reflect the “colony-type” settlement. Some “sharing of the wealth” took place on the north side of the river, specifically tracts numbered 19 to 23, which were also claimed in 1864-1865 as were tracts 2 through 18. Tracts numbered 25 to 28 are other examples of utilizing the topographic features of the valley, although “ox-bows” and the old river bed make it more difficult to work out a system such as used on the south side of the valley. Taking elongated claims is not unusual in river valley areas; an examination of claims taken near the Elkhorn River in the remainder of Cuming County indicated that others, too, resorted to this method, but it was not in the mass or collective manner as found in Range 5 East.

Four elements seem to stand out above others in these Cuming County developments. The first is the importance of the Homestead Act to the German settlers in Range 5 of the

Elkhorn Valley. The act apparently provided the impetus and the means for the group to uproot itself from the wooded areas of Wisconsin to come to Nebraska. Second, the unusual pattern of land disposal worked out by the first settlers enabled them to "share the wealth" of the Elkhorn Valley. Common national and religious backgrounds helped to expedite this scheme and, in a certain sense, gave it colony characteristics. A third element that runs through the whole monograph is the innovative, industrious, and pragmatic spirit of the early settlers; examples have been held to a minimum in this paper, but enough are cited to make this point a valid one. Finally, the stability factor as found in the settlement of the Rock Creek area was high. Factors like common heritage and favorable farming conditions probably help to explain the persistency of the initial claimants and their descendants. No less important, however, to all of the above points is that the Elkhorn Valley in this specific area readily lends itself to agricultural development when proper innovation is used; and this quality the early German settlers of the Rock Creek area of Cuming County seemed to possess from the very beginning.

NOTES

1. Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, 2 vol. (Washington, 1904), II, 611-614.

2. *Ibid*; Addison E. Sheldon, "Land Systems and Land Policies in Nebraska," *Publications of the Nebraska State Historical Society*, (Lincoln, 1936), XXII, 20. The latter source is still the best general work on land disposal in Nebraska.

3. *Annual Report of the Commissioner of Indian Affairs, 1850*, Agency Reports No. 11, 40-41.

4. *Annual Report of the Commissioner of Indian Affairs, 1851*, Agency Reports No. 41, 105-108.

5. For good general accounts of the opening of Nebraska Territory, see: James C. Olson, *History of Nebraska* (Lincoln, 1955), 70-91; Addison E. Sheldon, *Nebraska: The Land and the People*, 3 vol. (Chicago, 1931), I, 239-306.

6. Works that proved helpful in the remainder of this part on early settlement of Cuming County are as follows: E. N. Sweet, *History of Cuming County Nebraska* (Lincoln, 1876); C. H. Scoville, ed., *The History of the Elkhorn Valley Nebraska: An Album of History and Biography* (Chicago, 1892); Bartlett and O'Sullivan, *History of*

Cuming County Nebraska, With Complete Directory (Fremont, 1884), Ferris W. Norris, "Some Early History of Beemer, Nebraska," unpublished manuscript, Nebraska State Historical Society (1964); Ed. M. Baumann and C. Y. Thompson, eds., *Pioneer Days* (West Point, Nebr., 1959); J. W. C. Jones, *The Elkhorn Valley* (West Point, 1880). There is a section on Cuming County in A. T. Andreas, ed., *History of the State of Nebraska* (Chicago, 1892), but is basically a reprint of Sweet's work, which is still on of the best early histories. Sweet was the publisher of the *West Point Republican* and later became the county judge. The work of J. W. C. Jones is primarily a promotional publication for the Elkhorn Valley Immigration Association. The Scoville publication has useful biographies of some of the early settlers in Cuming County, including the Rock Creek area.

7. As found in Sweet, *History of Cuming County Nebraska*, 3.

8. The boundaries were redefined in 1862 and again in 1866 when Range 4 was added from Stanton County. Finally in 1884 a portion of the Omaha Reserve was added to the northeast part, giving the county its present size of 570 square miles. By 1890 almost all the lands in the county were settled and the population reached 12,265, which is close to its present-day population.

9. "Nebraska Census, 1856, Cuming County" as copied from manuscript for *The Nebraska and Midwest Genealogical Record*. Nebr. St. Hist. Soc., Vol. XVII, No. 2 (April, 1939), 20; "U.S. Census: Nebraska Territory, Cuming County—1860," (microfilm), Nebr. St. Hist. Soc.

10. *Surveyors' Record Books*, Book 74 (microfilm 4878), Nebr. St. Hist. Soc.

11. *Report of the Commissioner of Indian Affairs, 1860*, 92. In trying to check the authenticity or magnitude of this incident, which is related in all accounts of early Cuming County, this writer thoroughly examined the *Report* for both 1859 and 1860 but could find nothing that related to the above. The *Report*, however, did mention that the Pike's Peak gold-rushers had committed depredations against the Pawnee, and also that the latter were constantly pressured on the west by the Sioux. Since only one agent served the two reserves of the Oto and Missouri and the Pawnee it is doubtful whether he was able to learn about all the incidents. Generally, the Pawnee were complimented on their behavior and had even organized their own police force. Cf. *Report, 1859*, 14-16, 413-415; *Report, 1860*, 92-93.

12. The list of voters is given in Sweet, *History of Cuming County*, 8; Also, cf. "U. S. Census: Nebraska Territory, Cuming County—1860."

13. See map of Cuming County c. 1885 on page 118, which shows the location of the Bismarck Precinct post office station. The town of Beemer was platted in 1885 as "Rock Creek" but was later renamed for its founder.

14. Possibly all fifteen families were from Wisconsin, but the only way to tell was whether they had had children born in that state. Cf. "Nebraska Census, 1865, Cuming County" as copied from manuscript for *The Nebraska and Midwest Genealogical Record*, Nebr. St. Hist. Soc., Vol. XXII, No. 1 (Jan., 1944), 6-10.

15. This part is gleaned from the numerous biographies that appeared in many of the sources mentioned in note 6.

16. Letter interview with Mr. and Mrs. Warren Raabe (Robert's great-grandchildren), April 21, 1970; cf. "Nebraska Census, 1865, Cuming County." Warren Raabe's father, Rudolph, had had an opportunity to talk with Robert Raabe.

17. Scoville, *The History of the Elkhorn Valley Nebraska*, 611-612; and, "Nebraska Census, 1865, Cuming County."

18. Since the river meanders a great deal, the actual length is more like 270 miles.

19. "Elkhorn River and Tributaries, Nebraska," *House Documents: Examination of Rivers and Harbors*, 81st Cong., 1st sess., Vol. 2, No. 215 (Washington, 1949); Information supplied by the Corps of Engineers, Omaha District May 5, 1970; and "Soil Survey of Cuming County, Nebraska," *Field Operations of the Bureau of Soils*, U. S. Department of Agriculture (Washington, 1928).

20. This point was discussed and confirmed by letter interviews with some of the descendants of the first settlers, who currently farm these elongated tracts. Cf. letter interviews with Mr. and Mrs. Warren Raabe, Harlan Fullner, Hugo Malchow, Artwin Lambrecht, Lorin Martin, Frank Schmoldt, and Kenneth Hasenkamp. The method of elongated tracts also resembles somewhat a linear system often used in Germany.

21. Letter interview with Mr. and Mrs. Warren Raabe.

22. These were mentioned by the interviewees cited in note 20.

23. See map on page

24. The following figures, table, and map were compiled from: *U. S. Land Office Record*, Book No. 158, 157-180, MS 831, Nebr. St. Hist. Soc.; *Survey Plat Book*, Range 5 East 6th Principal Meridian, Land Commission Office, MS 831, Nebr. St. Hist. Soc.

25. The Burlington and Missouri and the Union Pacific had just begun taking their grants in 1864, and by that time the immediate area of the Elkhorn Valley was settled.

26. Cf. Paul W. Gates, *History of Public Land Law Development* (Washington, 1968), 387-462.

27. Cf. G. W. Anderson ed., *Atlas of Cuming County Nebraska* (Mason City, 1918); and *Atlas-Cuming County Nebraska* (Minneapolis, 1962).