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THE NEBRASKA CAPITAL CONTROVERSY, 1854–59

JAMES B. POTTS

Early in 1857 Mark W. Izard, in a letter to Senator Stephen A. Douglas, summed up the frustrations that marked his tenure as governor of Nebraska Territory. “If there is anything on earth I desire more than all others,” he told the Illinois senator, “it is to make this the model territory, and my faith is that if Congress will extend her a moderate share of liberality, the sacred doctrine of popular rights will fully be vindicated in her example.” “But,” he continued, “the path of your humble servant is extremely narrow and thickly set with snares on every side.”¹ Chief among the “snares” that Izard spoke of was a bitter controversy over location of the capital, an issue that disrupted territorial politics and was much prolonged by personal disputes, townsite rivalries, and sectional divisions within the territory.

Although strongly influenced by Demo-

cratic administrations in Washington, political life in Nebraska between 1854 and 1859 centered around issues of economic development, including struggles over the promotion of towns and the selection of railroad routes. From the first, problems common to the settlement of an underdeveloped frontier forced town promoters into politics. Inadequate transportation, in particular, impeded farm expansion and threatened to retard the growth of towns. Since the future development of Nebraska’s towns and thus of the territory itself hinged on railroad connections, the location of rail lines was destined to become a major political concern. But many Nebraska towns were speculations, pure and simple; their survival depended on their ability to attract a railroad, the capital, or some other institutional guarantee of urban success. Politics invariably became the means for town builders to influence the awarding of these valuable prizes. Because the Platte River naturally split the territory into two sections, townsite competition was distinctly geographic: North and South Platte boosters regularly contended over the location of institutional and transportation facilities that could alter their section’s prospects. One pioneer law-

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maker noted that there were two Nebraska parties—North and South Platte—in that early period.²

Sectional strife assumed its most dramatic form in a bitter struggle over the location of the territorial capital, which carried federal prestige, payroll, and patronage opportunity. Selection as the capital would all but guarantee one location's success as a governmental and commercial center. Capital city designation would assure the lucky town of population growth and a rise in the value of town lots and result in "the expenditure of thousands of dollars, a horde of [government] officials, [and] the busy hum of business activity." Such status would also ensure the arrival of the Pacific railroad, which most town boosters expected would pass through the territorial capital. Given the size of the stakes involved, the site of government was a matter of supreme importance to local boosters.³

THE FIRST TERRITORIAL ASSEMBLY

The Nebraska Act of 1854 specified that the territorial governor would select the meeting site for the first assembly and stipulated that thereafter the legislature would determine the permanent seat of government. Governor Francis Burt, however, died shortly after his arrival in the territory and the task of putting the government into operation fell to the territorial secretary, Thomas B. Cuming, who became acting governor. Just five days after Burt's death, Cuming ordered the taking of a territorial census. The dispatch with which he moved demonstrated his impatience to organize territorial affairs to his own advantage before the appointment of a new governor. Unlike Burt, who seemingly had no fixed notion regarding the permanent location of the capital, Cuming was committed to the wishes of the Council Bluffs and Nebraska Ferry Company, the principal proprietor of Omaha City.⁴

Once clothed with executive authority, Cuming moved quickly to organize civil government and to ensure the election of a

legislature that would permanently fix the capital at Omaha. He divided the territory into eight counties, four north and four south of the Platte River. And though the census showed nearly twice as many inhabitants south of the river, Cuming assigned the majority of the assembly seats to Omaha and the northern counties. He gerrymandered Bellevue, assigning that community to an election district dominated by Omaha voters. Then on 20 December 1854, after an election called posthaste, the acting governor announced that the first legislative session would be held at Omaha.⁵

The first assembly was, as J. Sterling Morton later recalled, "a game to scramble with 'the devil take the hind-most' for its guiding rule." The primary object of contention was the capital. The South Platte delegation was still formidable despite the unfavorable apportionment and came to Omaha determined to strip the city of its prize. Bellevue, Florence, and other towns north of the Platte also envisioned their possible selection as the site of government. Knowing that the legislature could reverse the executive's decision, all "realized the importance of the session upon our own personal interests," noted one Omaha supporter.⁶

During the legislative debates on the capital question, "dear bought popular sovereignty seemed for a time below par," according to one observer. "It was a bloodless war of words between North and South of the Platte, with a slight display of inclination to carry it at the risk of burning powder."⁷ After weeks of bitter debate, threats of physical violence, and much private manipulation, five legislators (four members of the house and one councilman) deserted the "removalists" and voted for Omaha. On 22 February 1855 the assembly officially placed the capital at Omaha.⁸ Omaha's status as capital was never secure, however. Representatives of Bellevue and the South Platte towns generally refused to let the issue die, and the question of whether the government should remain in Omaha dominated legislative sessions for the next several years.

A NEW GOVERNOR ARRIVES

Governor Mark Izard arrived in Omaha on 20 February 1855, at the close of the first legislative session. Despite scattered local criticism, the new executive was generally well received throughout the territory. For a time it appeared he might even bring stability to Nebraska politics. In his first formal address to the assembly, Izard carefully avoided divisive local issues and called the legislature's attention to more urgent needs of the territory. He urged the immediate passage of general election and tax laws and, as a temporary expedient, suggested the adoption in toto of the civil and criminal law codes of Iowa. And to the astonishment of the legislators, he offered to surrender his powers of appointment to the voters "in conformity with the principles of popular rights." Finally, noting that the noble experiment of popular sovereignty was on trial in Nebraska, he cautioned the lawmakers and the people "to rise above local jealousies and personal animosities, and adhere to the great principles of concession and conciliation."⁹

Governor Izard's political life in Nebraska was nevertheless short and unhappy. Like most federal officials sent to the territory, he viewed his appointment as a means to personal financial gain. In partnership with his son James, who conducted a banking and real estate business in Omaha, he engaged in numerous land and business speculations. Izard obtained one-twentieth part ownership of the capital city and acquired interests in other important county sites north of the Platte. He eventually identified his interests with those of Enos Lowe, Jesse Williams, and other members of the Omaha and Council Bluffs business community.¹⁰ Once his pro-Omaha sympathies became apparent, the removalists began to oppose his administration and to work for his dismissal, denouncing him as "the mere agent or tool" of Iowa speculators—"the Governor of Council Bluffs and Omaha City Ferry Company."¹¹

Factionalism continued to plague Nebraska politics despite Izard's plea for "concessions and conciliation." Indeed, the settlement of

the capital question in favor of Omaha by the first legislature intensified sectional hostilities. No sooner had the new executive arrived and the assembly adjourned than the territorial residents began to direct their attention to the election of the second assembly and a new delegate to Congress.

A DELEGATE TO CONGRESS

The two principal contenders for the delegate post were Hiram P. Bennett, a youthful Nebraska City lawyer, and Bird B. Chapman, a political adventurer who tied his ambitions to Omaha. Chapman, a classic example of the pre-Civil War carpetbagger, quit a minor Washington clerkship in 1854 and went to Nebraska to run for Congress. He failed to secure election, and having taken the precaution of establishing his own news organ, the *Omaha Nebraskian*, he went back East to await the next canvass. Returning to the territory in 1855, some weeks before the election, he organized the Omaha townsiters and most of the federal officials, including Izard and Cuming, into a temporary alliance to back his candidacy for the delegate seat.¹²

Hiram Bennett was the hand-picked candidate of the Nebraska City Town Site Company. A native of Maine, Bennett had come west by way of Ohio, Missouri, and Iowa. In 1854 he migrated to Nebraska City from Sidney, Iowa, at the urging of his friend and subsequent business partner, Stephen F. Nuckolls. A South Platte townsiters booster and an ardent removalist, Bennett had the general support of the southern counties and of anti-Omaha elements around Bellevue and Florence. A third candidate, John Thayer, a New Englander who had migrated to Omaha from Massachusetts in 1854, ran on an independent platform and eschewed sectionalism as detrimental to the development of the territory.¹³

The campaign revolved around local economic and personality issues. Party lines were nonexistent, though labels like "Border Roughian" and "Know Nothing" were occasionally attached to Thayer and Bennett by

the Chapman press. Mostly it was a North Platte versus South Platte affair—those advocating capital relocation and reapportionment versus those supporting the status quo. Thus, Chapman's supporters ignored Thayer and concentrated their attacks on Bennett and the Nuckolls-Nebraska City gang while the latter denounced Chapman and his federal allies as nonresident speculators. Both sides were liberal in promises of reward, holding out land offices and other federal favors to "every one-horse town in the territory."¹⁴

Plural voting, vote buying, ballot box stuffing, and other irregularities were common in the election of 1855. In November, Nebraska voters—and some voters from Iowa and Missouri—went to the polls. The territorial board of canvassers found considerable evidence of fraud on both sides. Had all the votes been accepted as valid, Bennett would have received a majority of thirteen. But the advantage rested with Chapman, who commanded the support of the federal officials. The pro-Chapman canvassers rejected the votes of four counties, three of which recorded Bennett majorities. By the final count, Chapman was awarded a majority of 113 and certified the winner.¹⁵

Bitter charges of fraud and bribery flew between the two candidates when the results were posted. Bennett immediately announced his intention of contesting Chapman's seat and proceeded to gather evidence of fraud and illegal voting while Chapman did the same. The dispute, ultimately settled in favor of Chapman, was the first of a series of contested elections that lasted until 1862. During much of the period between 1855 and 1862, Nebraska was denied effective representation in Congress. Candidates openly announced their intent to contest results—should they lose—before votes were even cast. The situation led critics to suggest that candidates entered the delegate race to secure a paid trip to Washington. A local editor noted the unfortunate result of these contests on territorial patronage. "One great reason why so little has heretofore been secured for Nebraska," he

wrote, "is that she has never yet had a delegate so situated that he could work for the territory; he has always devoted the most of his time to watching and defending his seat."¹⁶

REMOVING THE CAPITAL FROM OMAHA

The bitterness engendered by the delegate contest carried over into the assembly session of 1856, described by one observer as "one continued personal and local fight, a constant attempt at bargain, sale, and argument."¹⁷ The anti-Omaha forces returned to the assembly determined to undo the capital location of the previous session. But while the removalists comprised a slim majority and controlled the organization of the lower house, the administration group was able to divide and conquer their factious opponents. Though unable to remove the capital, they did succeed in trimming Omaha's representation in the assembly by placing Bellevue in a separate election district. They also passed a bill authorizing a new legislative apportionment, and in an action aimed at Chapman, enacted a one-year residency requirement for delegate candidates.¹⁸

By the end of 1855 it was obvious that Omaha would never permit an outright removal bill to pass the assembly. The removalists also realized that the capital aspirations of the larger Missouri River towns precluded relocation to an established point, and so the leaders determined to move the seat of government to the interior. This plan won the general approval of those urban boosters, on both sides of the Platte, who sought to humble Omaha. It also converted residents of settlements in central Nebraska and local speculators to the support of capital removal.

The removalists first attempted this ploy in January 1856, at the tag end of the second assembly session, with a bill locating the seat of government at Chester, a paper town "somewhere on Salt Creek." The plan almost succeeded, but at the last minute three South Platte members joined the Omaha forces to defeat the measure.¹⁹

The removalist leaders then determined to move the seat of government to another interior location. Sometime during the summer of 1856 a group headed by Stephen F. Nuckolls and E. W. McComas, a Virginian interested in Nebraska lands, drafted a bill for the third legislature that would authorize the placement of the territorial capital at Douglas City—a site they controlled. Meanwhile, to smooth the way the Douglas promoters divided the townsite into shares which were subsequently distributed freely among the members of the assembly.²⁰

By the winter of 1856-57 the removalists' prospects seemed bright. Until then, most of the northern county representatives had been either residents of Omaha and Council Bluffs or friends and agents of Secretary Cuming. During the first session Omaha and its allies had controlled slightly more than half the seats in the assembly. But by the end of 1856 the situation had radically changed. The addition of six new counties, the creation of an independent Bellevue district (with one councilman and four representatives), and the enactment of a new apportionment that increased legislative membership by thirteen had caused a marked reduction in Omaha's voting power. Moreover, lesser North Platte counties had grown more independent and had begun to challenge Omaha's control over territorial politics.²¹

By the third assembly in January 1857, the Omaha partisans had been reduced to a minority faction in the legislature, and the removalists appeared to have the upper hand. They controlled twenty-five out of thirty-five seats in the lower house and nine out of a possible thirteen in the council, along with the presiding officers of both houses.²² Feeling that the moment of success was upon them, they set out to remove the seat of government from Omaha. The Omaha faction, led by the formidable Andrew Jackson Hanscom and backed by a friendly lobby, determined to retain the capital at all costs.

When the legislators considered the relocation bill, excitement ran high and normal

parliamentary procedure collapsed at times. On one occasion the speaker, Isaac Gibbs, ordered Hanscom arrested, whereupon Hanscom and his friends made things so warm for Gibbs "that he dared not occupy the chair." The anti-Omaha members requested the governor to station militiamen in the assembly to protect them from the "factious opposition of the minority and the riotous . . . mob of persons thronging the lobby." Despite every effort to prevent passage, the removalists pushed through a motion creating a committee of three to consider relocating the capital. Two days later, the committee reported favorably and the lawmakers, "their pockets lined with scrip," voted to move the government to Douglas.²³

OMAHA FIGHTS BACK

While the removalist press joyfully boasted that "the ship sinketh," Omaha backers were not dismayed.²⁴ As expected, Governor Izard vetoed the measure as a direct contradiction of the Organic Act. Congress, he insisted, had never intended removal once federal funds had been appropriated and expended for the construction of a capitol. Pointing to the central location of Omaha—"immediately opposite the great gateway into the territory"—he moreover challenged the necessity and motive for moving the capital to "a floating town, not only without a location, but without inhabitants."²⁵

Meanwhile, the Omaha faction secured new allies in the assembly. Through the expenditure of \$3000 and the promise of the territorial government printing contract, they won over two members who had previously voted for removal, Robert W. Furnas and Albert Finney. The desertion of Furnas in the council left the removalists without the two-thirds vote necessary to override the governor's veto, and thus the bill was indefinitely postponed. "The treachery of Furnas . . . left us without a two-thirds vote and we could do nothing to get him back," lamented Gibbs. "He has grasped the entire interest of the territory and direct interests of the South

Platte in his avaricious hand and hauled us down."²⁶

Resentment against Governor Izard grew during the early months of 1857. Though the governor previously had attracted occasional criticism, Izard's pro-Omaha stance in the capital affair, coupled with his opposition to several banking measures approved by the assembly, unleashed a wave of local discontent that resulted in his dismissal. In January 1857 the governor complained to Stephen Douglas that "a miserable batch of hungry office seekers . . . have since the election come down upon us like an avalanche." "They are at this time straining every nerve to sow the seeds of discord among the people by taking advantage of the petty jealousies . . . between the different sections of the Territory, with a view to effect the [removal of] present Federal Officers."²⁷

REMOVING THE GOVERNOR

By 1857 the elimination of the Izard-Cuming clique had become the primary aim of the anti-Omaha faction. Embittered by the governor's recent activities and encouraged by the inauguration of a new national administration, Izard's adversaries took the offensive with the close of the third legislative session. Immediately upon adjournment, a delegation of lawmakers hastened to Washington with a petition urging Izard's removal, signed by twenty-three of the thirty-five members of the assembly. Other protests forwarded to the State Department charged him with incompetence, bribery, extortion, abuse of the veto power, and fraudulent expenditure of federal funds. Meanwhile, the anti-Izard press embarked upon its own local crusade against the governor. "We want a man who will be governor of the whole territory," exclaimed the *Florence Courier*, "not one like Mark W. Izard who will stick himself down in Omaha and confine himself to its limits . . . idling away his time in the mere animal enjoyments of eating, drinking, and sleeping to the manifest neglect of the interests of those over who

[sic] he has been sent to preside."²⁸

Isaac L. Gibbs, a member of the legislative delegation that had journeyed to Washington, informed the Secretary of Interior that Izard was "unfit to govern." He charged that the governor had held up the incorporation of six territorial banks, offering to approve them "if the legislature would endorse him and recommend his retention in office." Opponents also charged that he had acted improperly in the awarding of contracts for the construction of the territorial capitol, even to the extent that he was, in fact, the principal contractor.²⁹

By the spring of 1857 the governor's situation had deteriorated markedly and his removal appeared certain. In March, Izard hastened to Washington to mend his political fences and, with some difficulty, managed to retain his office. Although Buchanan had appointed William Richardson in his stead, the latter declined the post and Izard was temporarily reinstated with the understanding that he would submit his resignation effective 1 October 1857.³⁰

In July, George L. Miller, a youthful Omaha politico, surveyed the political and economic condition of the territory. He lamented that "the signs of the times are ominous of coming storms," a forecast confirmed by subsequent events. Feuding kept the territory in a state of agitation throughout the summer and fall, a condition that coincided with the sudden decline of Nebraska's economy in September 1857.³¹

REPLACING THE CONGRESSIONAL DELEGATE

Five candidates announced for the delegateship in 1857. The forces opposing Omaha undertook to win territory-wide support for the replacement of Chapman as delegate. Under the guise of a "squatter convention," the anti-Omaha forces met at Bellevue in July and nominated Fenner Ferguson, chief justice of the territorial supreme court and a resident of Bellevue. Ferguson ran on a platform advocating equal rights for all portions of the

territory, liberal federal appropriations, and "the sovereign right of people to remove the capital."³²

Meanwhile, the Izard-Omaha group had become disenchanted with Delegate Chapman, who had not only failed to tap the congressional pork barrel but had diverted the territorial patronage to nonresident friends and relatives. The administration supported instead the candidacy of Attorney General Experience Estabrook. Although identified with the capital city, Estabrook tried to broaden his appeal by supporting federal aid for the trans-Nebraska railroad, a bridge over the Platte, a north-south military road, and completion of the territorial capitol.³³

Still another faction, backed by Robert W. Furnas and the *Nebraska Advertiser*, supported Benjamin P. Rankin, a banker-speculator and former territorial marshal. Although hailed by the *Advertiser* as "the best man for South Platte interests," Rankin ran on a platform aimed at reaching all portions of the population.³⁴ John Thayer of Omaha was a fourth contender.

Delegate Chapman was not without power, even though the governor and the Omaha Ferry Company crowd had deserted him. He chafed under the "horrible" treatment he had received from Izard and his friends and was determined to "beat them all."³⁵ Chapman aligned himself with Secretary Cuming and other disaffected territorial appointees. Meanwhile, he had been scheming to eliminate his opponents within the federal cadre and in particular to have Izard replaced by Chapman's friend and political ally, Augustus C. Hall. In the late summer he returned to the territory and announced his intention to run for re-election. Ever a gambler, he determined to force the capital city partisans to unite behind his candidacy or face defeat. This calculated "rule or ruin" strategy was only partially successful. Estabrook subsequently withdrew from the race, but the bitterness engendered by Chapman's activities destroyed unity within the Omaha ranks. The *Omaha Times* continued its onslaughts on "Bought B.

Chapman," while former Estabrook supporters scattered behind other contenders.³⁶

In an extremely close election Ferguson won with 1654 votes to Chapman's 1597. The two remaining candidates, Rankin and Thayer, polled 2594 ballots between them, including 711 of Omaha's 1529 votes. The inclusion of Rankin and Thayer in the contest, combined with Chapman's poor showing of 27 percent in Omaha, were important factors in his defeat. More decisive, however, was the influence of Governor Izard and the territorial board of canvassers. Despite evidence of fraudulent voting and padded returns, the canvassers upheld the original vote. Izard assumed the novel position that the sole duty of the canvassers was to tally the votes and certify the winner. With all the votes counted as valid, Ferguson was declared the winner by a majority of fifty-seven. Chapman contested the results, but Congress eventually recognized Ferguson as the legally elected delegate.³⁷

OMAHA IS OUTVOTED

The anti-Omaha group not only secured the defeat of Chapman in 1857, but they also elected a majority of the members of the legislature. From the beginning of the session it was clear that a large number of the lawmakers were in favor of moving the government from Omaha. The capital city solons negotiated with various local representatives to leave the capital where it was, promising to support various local franchise bills in return. For a time their logrolling tactics were productive, but toward the end of the session an incident occurred that resulted in the eventual disruption of the assembly. Early in January the lawmakers discovered that Omaha had never officially relinquished title to "capital square" and had even pledged the capital buildings and grounds, along with other city properties, as surety on a local scrip issue. The excitement caused by these disclosures played into the hands of the removalists, who immediately introduced a new bill to relocate the seat of government.³⁸

The Omahans intended to block removal and they were prepared to employ desperate means. According to the testimony of one South Platte member, Omaha partisans swore that “unless the [capital] bill be withdrawn, not another act of any kind would pass during the session.” On 7 January, the day after the relocation measure was proposed, the capital city solons managed (by a bit of parliamentary legerdemain) to control the lower house and began to filibuster. A violent row ensued, during which an Omaha backer leaped from the gallery onto the assembly floor and grabbed the speaker “by the back of his neck and the seat of his trousers [and] laid him with great force under the speaker’s table.” Only with difficulty and “in the midst of uproar and confusion, the brandishing of dirks and threats of shooting” was adjournment effected.³⁹

The following day, 8 January, the anti-Omaha members left the capital and reassembled at Florence. The seceders, who retained a majority in both houses, then passed a measure creating a capital removal commission which was to select a site, to be called Neapolis, at a point fifty miles west of the Missouri and within six miles of either side of the Platte. They also set off Florence as a separate election district in Douglas County in an attempt further to reduce Omaha’s legislative strength. In the meantime the minority, backed by Acting Governor Cuming and controlling the official records, continued to hold sessions in Omaha.⁴⁰

The new governor, William D. Richardson, reached Omaha on 10 January determined to curtail the endless factionalism which his predecessor had bequeathed him. He indicated his impartiality in the Florence affair by seeking the legal opinion of the territorial supreme court as to which legislature was competent to sit. After consulting with the justices he refused to acknowledge the Florence seceders, declaring that Omaha would continue as the seat of government until “some other place is fixed upon by the joint action of the Governor and the Legislative Assembly.” He urged the rump members to return to the

capital, guaranteeing them ample military protection. The bolters, however, had “determined upon a different course” and consequently refused.⁴¹

ATTEMPTING TO SPLIT THE STATE

The fourth legislature accomplished little in the way of lawmaking, but it did awaken separatist interest in the South Platte region. Disillusioned by the course of political events, the editor of the *Nebraska City News* commented on the Florence fiasco of 1857–58: “We see in it the cheering sign that Nebraska is to be politically dismembered; we see in it another overwhelming argument . . . in favor of the speedy, peaceful separation of South Platte, Nebraska from North Platte.”⁴²

By mid-1858 a serious movement to attach the South Platte to Kansas was proceeding apace. Annexation occupied the public mind “almost to the exclusion of everything else.”⁴³ Spearheaded by Nebraska City, which sought the location of the Kansas capital “somewhere in that latitude,” South Platte separatists designed a series of petitions, resolutions, and mass meetings that placed the South Platte on record as being united behind the annexation movement. At a convention called at Brownville on 29 January 1858, a petition was passed urging that southern Nebraska “be embraced within the boundaries of the proposed State of Kansas,” and a committee of three was appointed to present the annexationists’ case before Congress. At a subsequent meeting at Nebraska City, separatist leaders invited the people of the region to select delegates to represent South Platte at the forthcoming Kansas Constitutional Convention at Wyandotte.⁴⁴

In Washington, the annexationists gained the support of Senator James Green, Representative James Craig of Missouri, and others “occupying prominent positions” who viewed annexation as “the means of settling the vexed Kansas question.”⁴⁵ Kansas Democrats, who apparently believed that the addition of southern Nebraska would ensure Democratic con-

trol in Kansas, also backed the movement. At the request of Governor Samuel Medary, the Kansas legislatures of 1858 and 1859 enacted resolutions asking Congress to extend Kansas' northern boundary to the Platte River. The Kansas governor, meanwhile, was quietly urging the Nebraska separatists to elect delegates to represent their cause at Wyandotte.⁴⁶

While the annexationists enjoyed the support of many Kansas Democrats and South Platte residents, the separatist movement faced numerous obstacles. Factionalism within the old sectional coalition undermined the movement from the beginning. Several South Platte leaders, including J. Sterling Morton, deserted the separatists. Traditional allies to the north at Bellevue and Florence also opposed separation. Moreover, the introduction of party politics in the territory in 1858–59, which resulted in the election of a South Platte delegate, weakened old sectional and factional alignments. The project also encountered strong opposition in Kansas from Republican leaders and from south Kansas townsite boomers who viewed the extension of the northern boundary as a threat to their own capital aspirations. Finally, the anti-administration majority in Congress was generally unsympathetic to the plan. Several annexation bills were introduced in Congress, but none passed either house. In July 1859 the final blow was delivered by the Kansas Constitutional Convention at Wyandotte, which emphatically rejected the scheme.⁴⁷

LINCOLN

Ironically, sectional partisanship began to recede at the same time physical separation was being promoted as a solution. The issues continued to be familiar ones concerning material progress and development, but after "the Florence secession" the capital question ceased to dominate Nebraska politics. After 1858, in fact, political competition was rechanneled along national party lines and was increasingly influenced by issues of national politics. Especially during the 1860s, Civil

War-related issues, including a heated partisan debate over Nebraska statehood, predominated over more purely local concerns like capital relocation. The capital issue was, however, revived by statehood. In 1867 the first regular session of the state legislature authorized the creation of a new state capital, and in 1868 the permanent seat of government—along with the state penitentiary and university—was established south of the Platte at the yet undeveloped city of Lincoln where it remains today. Even then the troublesome perennial question of where the capitol should be did not die: removalists made several attempts during the 1870s to move the government again, and although they failed, the merits of capital relocation continued to be debated in Nebraska political circles into the twentieth century.⁴⁸

NOTES

1. Mark W. Izard to Stephen A. Douglas, 11 January 1857, Mark Izard Papers, Nebraska State Historical Society (NSHS), Lincoln.

2. Hiram Pitt Bennett, "The First Territorial Legislature of Nebraska, Reminiscences," *NSHS Publications* 7 (1896): 89.

3. John Q. Goss, "Bellevue," *Proceedings of the Nebraska State Historical Society* 7 (1898): 117; James C. Olson, *History of Nebraska* (Lincoln: University of Nebraska Press, 1955), 82–84.

4. Olson, *Nebraska*, pp. 85–87; Clyde B. Aitchison, "The Life of Governor Burt," *NSHS Publications* 6 (1894): 34–35; James M. Woolworth, *Nebraska in 1857* (New York: A. S. Barnes and Company, 1857), p. 15; William Hamilton, "Autobiography of Rev. William Hamilton," *NSHS Publications* 1 (1885): 60–73; Dennis Thavenet, "The Territorial Governorship: Nebraska Territory as Example," *Nebraska History* 51 (Winter 1970): 392.

5. Lawrence H. Larsen and Barbara J. Cottrell, *The Gate City: A History of Omaha* (Boulder: Pruett Publishing Co., 1982), pp. 12–13; Olson, *Nebraska*, p. 87; Mark W. Izard to Thomas Cuming, 16 December 1854; Cuming to Henry Bradford, 30 November 1854; Cuming to William Marcey, 30 November 1854. Copies in the Nebraska Territorial Governors' Papers (NTGP), NSHS.

6. J. Sterling Morton, *Illustrated History of Nebraska*, vol. 1 (Lincoln: Jacob North and Company, 1904), p. 245; Andrew J. Poppleton, *Reminiscences* (Omaha, 1915), p. 11.

7. "Omaha Correspondence," 17 January 1855, Nebraska Letters of the Omaha Correspondent of the *New York Times* and the *New York Tribune*, 1856–60, Edwin P. Frost Scrapbooks, NSHS.

8. Larsen and Cottrell, *The Gate City*, pp. 13–14; Olson, *Nebraska*, pp. 89–90; Alfred R. Sorenson, *History of Omaha, from the Pioneer Days to the Present Times*, (Omaha: Gibson, 1889), p. 85; "Executive Proclamation," 19 January 1855, Thomas B. Cuming Papers, NSHS.

9. *Messages and Proclamations of the Governors of Nebraska, 1854-1941*, vol. 1 (Lincoln: Works Progress Administration, 1941), pp. 28–30.

10. Donald F. Danker, "Some Social Beginnings in Territorial Nebraska" (Ph.D. diss., University of Nebraska, 1955), p. 66; Mark W. Izard to Robert W. Johnson, 15 July 1854, U.S. Department of Justice, Appointments Division, Appointment Papers, Nebraska Territory, National Archives.

11. *Bellevue Gazette*, 22 January 1857; *Florence Courier*, 5 February 1857.

12. J. Sterling Morton and Albert Watkins, *History of Nebraska From the Earliest Explorations of the Trans-Missouri Region*, rev. ed. (Lincoln: Western Publishing Co., 1918), p. 219; Thomas W. Tipton, "Forty Years of Nebraska at Home and in Congress," *NSHS Proceedings and Collections* 4 (1902): 80; A. G. Warner, "Sketches From Territorial History," *NSHS, Publications* 2 (1887): 47.

13. Morton, *Nebraska*, p. 221; Earl C. Curtis, "Biography of John Milton Thayer" (M.A. thesis, University of Nebraska, 1933), pp. 5–16.

14. *Council Bluffs Chronotype*, 31 October 1855.

15. During the later contest for the delegate's seat before Congress, Chapman requested Cuming to transmit to him a copy of the canvassers' report "which I trust you fixed up after I left in a manner showing all your reasons for rejecting the four counties and the Half-Breed vote. . . I want if possible to show over thirteen illegal votes over and above the Half-Breed vote." Bird B. Chapman to Thomas Cuming, 18 December 1855, Cuming Papers. See also "Nebraska Contested Election, Memorial of Hiram P. Bennett, 26 February 1856," *House Miscellaneous Document* 16 (Washington, 1856); Semi-Annual Report, July 1855-January 1856, NTGP; *Omaha Nebraskian*, 2 May 1856.

16. *Nebraska Advertiser*, 7 November 1859.

17. Omaha Correspondence, 16 January 1856, Frost Scrapbook.

18. James C. Olson, *J. Sterling Morton*, (Lincoln: University of Nebraska Press, 1942), pp. 55–58; Morton and Watkins, *Nebraska*, pp. 209–10; and *Journals of the House of Representatives of the Legislative Assembly of the Territory of Nebraska, 1855-1856* (Omaha, 1856), pp. 112, 139–42.

19. *Omaha Nebraskian*, 16 January 1856; Albert

Watkins, "Neapolis, Near Capital," *NSHS Publications* 18 (1917): 309.

20. *Bellevue Gazette*, 29 January 1857; 16 April 1857; *Omaha Nebraskian*, 4 March, 7 January 1857.

21. An examination of the roll-call votes on the capital issue in the 1857 assembly points up the growing independence of the North Platte counties. During the first session Omaha enjoyed the support of nearly all the northern representatives. In the 1857 session, however, Omaha controlled slightly more than half of the North Platte vote. Not counting the capital city delegation, the majority of North county members—three of four in the council and nine of eleven in the house—sided with the removalists. For an analysis of roll-call votes on capital location and related local issues see James B. Potts, "Nebraska Territory, 1854–1867" (Ph.D. diss., University of Nebraska, 1973), pp. 369–86.

22. By 1857, Omaha could consistently count on only the delegations of Burt, Cuming, and Dakota Counties. Thus, including its own representatives (three councilmen and eight house members) Omaha commanded but ten of thirty-five house votes and only four of thirteen in the council. During the third legislative session, Omaha was able to count on the votes of only three members, Councilman Puett (Dakota) and Representatives Seely (Dodge) and Stewart (Washington) in its struggle to keep the capital.

23. *Nebraska City News*, 21 March 1857; *Omaha Nebraskian*, 14 January 1857; Sorenson, *Omaha*, pp. 99–101. The *Nebraskian* charged that the going rate for a vote for removal was sixteen shares of Douglas City. While this particular figure cannot be verified, scrip certainly influenced the voting. A member of the House Committee on Public Buildings to which the bill was referred wrote, "I am on the committee and will report its immediate passage . . . I have some shares as you may know." Neal V. Sharp to Houston Nuckolls, 13 January 1857, Nuckolls Family Papers, NSHS.

24. *Bellevue Gazette*, 21 January 1857.

25. *Executive Proceedings, 1854–1861*, NTGP.

26. Isaac L. Gibbs to J. Sterling Morton, 10 February 1857, Morton Papers, NSHS; Morton and Watkins, *Nebraska*, pp. 227–28.

27. Mark W. Izard to Stephen A. Douglas, 11 January 1857, Izard Papers.

28. *Florence Courier*, 12 March 1857; Leavitt L. Bowen to Jacob Thompson, 24 March 1857; Isaac L. Gibbs to Jacob Thompson, 24 March 1857, Territorial Papers Nebraska Appointments; *Omaha City Times*, 6 August 1857.

29. Isaac L. Gibbs to Jacob Thompson, 24 March 1857, Territorial Papers Nebraska Appointments; "Brief Statement of the Case of Mark W. Izard," March 1857, Territorial Papers Nebraska

Appointments.

30. Bird B. Chapman to Augustus C. Hall, 6 July 1857, Hall-Kinney Papers, NSHS; Izard to Lewis Cass, 30 March 1857; Izard to James Buchanan, 21 October 1857, Territorial Papers Nebraska Appointments.

31. George L. Miller to J. Sterling Morton, 26 June 1857, Morton Papers; Olson, *Nebraska*, pp. 99-100; *Omaha Nebraskian*, 12 September 1857.

32. *Bellevue Gazette*, 16 July 1857; Warner, "Sketches," p. 48.

33. *Omaha City Times*, 3 July 1857; 23 July 1857; Chapman to Hall, 6 July 1857, Hall-Kinney Papers.

34. *Nebraska Advertiser*, 9 July 1857.

35. Chapman to Hall, 6 July 1857, Hall-Kinney Papers.

36. *Omaha City Times*, 23 July, 31 September 1857, *Omaha Nebraskian*, 29 July 1857; Chapman to Hall, 18 May 1857, Hall-Kinney Papers.

37. *Omaha Nebraskian*, 9 September, 18 November 1857; *Bellevue Gazette*, 6 August, 10 December 1857.

38. At the time that the capital was located, the Omaha Town Company donated to the territory the land on which the capitol was built. After Congress's appropriation of \$88,000 proved to be insufficient to complete construction, Omaha assumed the expense of completing the structure on its own. To finance the capitol project and to assist in the construction of a courthouse, jail, and hotel, the city fathers issued \$60,000 of corporation scrip as a circulating medium. After the bank failures of 1857, bill holders' inquiries as to what properties were pledged for redemption of the scrip resulted in the listing of the "pledged properties" in the city papers. To the surprise of many lawmakers, included on the list was "capital square and the buildings thereon." Olson, *J. Sterling Morton*, pp. 64-67.

39. Olson, *J. Sterling Morton*, pp. 67-79; Sorenson, Omaha, p. 105; *Nebraska Pioneer*, 10 January 1858; *Bellevue Gazette*, 7 January 1858; Watkins, "Neapolis": 339-41.

40. *Bellevue Gazette*, 14 January 1858; Olson, *J. Sterling Morton*, pp. 70-71; Morton and Watkins, *Nebraska*, p. 241; Watkins, "Neapolis," pp. 340 ff.; Cuming to James Decker, 21 January 1858; Cuming to William Medill, 29 January 1858, NTGP.

41. *Bellevue Gazette*, 21 January 1858; William Richardson to James Buchanan, 13 January 1858, Territorial Papers Nebraska Appointments; Olson, *J. Sterling Morton*, p. 73.

42. *Nebraska City News*, 16 January 1858.

43. *Pacific City Herald*, 30 December 1858.

44. Robert N. Manley, "Nebraskans and the Federal Government, 1854-1916" (Ph.D. diss., University of Nebraska, 1962), p. 52; Petition: Brownville Convention to Congress, 5 January 1859, United States Senate Territorial Papers, Nebraska, National Archives.

45. Andrew Hopkins to J. Sterling Morton, 23 November 1858, Morton Papers.

46. Annexation of a Part of the Territory of Nebraska to Kansas, Letter from the Governor of the Territory of Kansas, 2 February 1859, *House Miscellaneous Document 50*, 35 Congress, 2 Session, 1859; George W. Martin, "Kansas-Nebraska Boundary Line," *NSHS, Collections* 16 (1911): 118-24.

47. Calvin W. Gower, "Kansas Territory and its Boundary Question: Big Kansas or Little Kansas" *Kansas Historical Quarterly* (Spring, 1967), p. 6.

48. Olson, *Nebraska*, pp. 145-48; Morton and Watkins, *Nebraska*, pp. 529-31, 558-59, 573-74; Charles H. Gere, "The Capital Question," *NSHS, Publications* 2 (1887): 63-80.