

The First Attempt to Organize Dakota Territory

BY

WILLIAM E. LASS

FOREWARD

BY

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In June 1989, a conference was held in Billings, Montana, to commemorate the centennial of the six states that entered the Union in 1889-1890. These were the “Northern Tier” states of Washington, Idaho, Montana, Wyoming, North Dakota and South Dakota. Of the numerous papers presented at this conference, twelve were selected for inclusion in *Centennial West: Essays on the Northern Tier States*, published in 1991 by the University of Washington Press. That volume was edited by William L. Lang, Director of the Center for Columbia River History for the Washington State Historical Society.

Among those chosen was William E. Lass’s “The First Attempt to Organize Dakota Territory.” In his “Introduction” to *Centennial West*, Lang commented on Lass’s article:

The realities of community posed a different set of challenges to settlers in the Northern Tier. Frederick Jackson Turner, seminal historian of the West, argued that, in matters of government and institutional life on the frontier, innovation meant success and conservatism meant failure. When we turn our attention to political institutions, as William Lass does, it is not altogether clear whether innovation or imitation was regnant. Lass describes the first effort to create a Dakota Territory as a blend of political and economic opportunism that

tried to transform squatter sovereignty into legitimate government. The use of squatter's rights is old, but the manipulation employed by Minnesotans who stood to gain from a Dakota Territory were creative. As Turner's critics have charged before, frontier political institutions do not prove the case for western exceptionalism.

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The First Attempt to Organize Dakota Territory *

WILLIAM E. LASS

WRITING FOUR DECADES AFTER THE FACT, EMINENT MINNESOTA jurist Charles E. Flandrau claimed that with the sole exception of the state of Franklin, the first effort to organize Dakota Territory was “the only actual attempt...to form government on the principles of ‘squatter sovereignty’ pure and simple that has ever occurred in the country.”¹ Flandrau had been financially interested in the Dakota Land Company and it is not too surprising that he glorified the firm’s efforts during the late 1850s to seize economic and political control of the potentially rich Big Sioux River area in what is now southeastern South Dakota.

The short, futile campaign of the Dakota Land Company to organize Dakota Territory can be adequately understood only in the context of frontier Minnesota. Part of the company’s *raison d’être* was inspired by the circumstances under which Minnesota Territory was formed, and the opportunity to expand into Dakota was created by the formation of the state of Minnesota.

The Dakota Land Company was based in St. Paul. Like many enterprises of its time, it was formed during the mania of a speculative boom in Minnesota Territory. Minnesota’s expansive economy was fueled by major Indian land cessions. The opening of the southeastern part of the territory in 1853 precipitated a short-lived land craze in which numerous new towns were started, and speculation was rife. With unbridled faith in continuing inflation, capital was commonly obtained on real estate security at a monthly interest rate of 3 or 4 per cent. During the flush mid-1850s, Minnesota’s population increased dramatically. In 1856, the fourth consecutive boom year, it was obvi-[144]-ous that Minnesota Territory had the requisite population to apply for statehood.²

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Late in 1856, Henry Mower Rice, the territory's congressional delegate, proposed a Minnesota Enabling Bill in the House of Representatives.³ Rice was the leader of the territory's Democratic party and, among other things, was an expansionist. With his roots in St. Paul, he ascribed to the belief that that frontier city was destined to be far more than a territorial or state capital. Rice and some fellow St. Paulites envisioned their community as the metropolis for a vast hinterland, stretching west across the Great Plains and including Rupert's Land north of the international boundary.⁴

This thinking, which soon led to a full-fledged campaign to fulfill Minnesota's Manifest Destiny, affected the shape of the future state of Minnesota. Proponents recognized that the state of Minnesota could include part of the territory, which encompassed a vast area, including what would become the state and those portions of present-day North Dakota and South Dakota east of the Missouri and White Earth rivers. Over a year before Rice proposed the enabling bill, Minnesota's politicians and journalists had initiated serious consideration of the future state's boundaries.⁵

From the beginning there was contention between those who wanted a north-south state and those who sought an east-west state. Originally, the supporters of a north-south state preferred a state stretching between Iowa and Canada, with a western boundary of the Red and Big Sioux rivers. This boundary seemed logical, not only because the rivers provided a natural line but also because the Upper Sioux Indians by the Treaty of Traverse des Sioux had ceded their lands as far west as the Big Sioux. The contemplated east-west state would have extended from the Mississippi to the Missouri rivers, with a northern boundary at approximately the forty-sixth parallel.⁶

The north-south concept, which drew most of its support from the dominant Democratic party, was generally favored by St. Paulites and others who argued that a state so constituted would have a diverse economy of agriculture, lumbering, and mining. As they well knew, opportunities for St. Paul expansion into Rupert's Land also depended on having a boundary abutting Canada. The idea of the east-west state was supported mainly by members of the newly formed Re-[145]-publican party. They believed that an east-west state would not only facilitate wresting the capital from St. Paul but would also help attract a transcontinental railroad to Minnesota and would assure a strictly agricultural base for the future state's economy.

Rice's position as territorial delegate allowed him to specify the north-south state boundaries in Minnesota's enabling legislation. As initially proposed, Minnesota's western boundary would have followed the Red and Big Sioux rivers, thereby placing within the state all land ceded by the Sioux Indians. During congressional deliberations, however, Minnesota's size was restricted by the provision that part of its western boundary would run due south from the foot of Big Stone Lake to the Iowa line. This change left the tract of ceded land between that line and the Big Sioux River outside the proposed state of Minnesota.⁷

Why would the representative of an aspiring state consent to such a reduction? Circumstantial evidence suggests that Rice was influenced by men of his own party and city who wanted to lay the groundwork for the rapid creation of a new political entity west of Minnesota. Within several months after the Minnesota Enabling Act was passed, a clique dominated by influential St. Paul Democrats organized the Dakota Land Company.

The incorporation of the company on May 21, 1857, occurred during a special session of the Minnesota territorial legislature. The session, which had been convened in late April primarily to assign Minnesota's liberal railroad land grant to particular routes and companies, became a party to expansionist zeal. During the session, the legislature incorporated not only the Dakota Land Company but the Minnesota and Dakota Land Company and the Big Sioux Land Company as well.⁸ Obviously, more than one group of investors coveted the lands beyond Minnesota's likely western boundary.

The Dakota Land Company was better prepared than its rivals. Two days after incorporating the Dakota Land Company, the legislature passed a company-inspired act that created and named counties in the unoccupied southwestern portion of the future state as well as adjacent areas in the Big Sioux Valley. The legislators created Martin, Jackson, Nobles, Cottonwood, and Murray counties, all of which would be entirely within the state of Minnesota; Pipestone and Rock counties, which would be partially in the state and partially out of it; and Big Sioux and Midway counties, which would be outside the proposed state in the Big Sioux Valley. The act was specific to the point of naming some county seats including Medary as the seat of Midway County, and authorizing the territorial governor to appoint county commissioners, who were to appoint other necessary county officials.⁹ By any assessment, the act creating these counties was extra-

ordinary because it applied to a vast grassland beyond the pale of settlement. Through the expedient of naming specific county seats, the act's promoters naturally left the impression that the area had been previously settled and that county government was needed immediately to serve actual rather than contemplated pioneers.

The initial successes of the Dakota Land Company reveal both something about the nature of the company and the times during which it was formed. The incorporators included some of the most powerful Democrats in the territory. Of the nine incorporators named in the act, Joseph Renshaw Brown was the most prominent public figure. By the time the company was established, Brown had lived in the Minnesota region for some thirty-five years as a soldier, fur trader, townsite developer, and politician. While engaged in the fur trade, Brown had spearheaded the original political organization of the St. Croix River area during the early 1840s. Since then, Brown had been recognized as a major figure in the region's Democratic party, and he played a prominent role in the formation of Minnesota Territory. After the territory was formed in 1849, he remained active as a fur trader, developer, journalist, and politician.¹⁰

William H. Nobles, another incorporator, described himself as an "old line Whig" even after the Republican party was formed.¹¹ Despite his adherence to that lost cause, he easily associated with St. Paul's Democrats and shared their expansionist goals. At the time when the Dakota Land Company was formed, Nobles was a regional hero. One of the pioneers in the St. Croix Valley, he had left Minnesota to participate in the California gold rush. While there he had found a new route through the Sierra Nevada. The discovery of Nobles' Pass had helped involve Nobles in California's scheming for government-improved wagon roads that would connect its gold region with the rest of the nation.¹² [147]

Nobles took advantage of the situation and proposed a wagon road from Minnesota to the South Pass, which would enable emigrants to travel from the Mississippi Valley to the main overland trail by a northerly route. After extensive lobbying in Washington, D. C., Nobles obtained congressional funding in 1857 to locate and improve the route. This plan, which promised to make Minnesota a significant departure point for California, made Nobles an immediate regional celebrity. In an area that was hungry for development of any kind, the highly proclaimed Pacific Wagon Road dovetailed nicely with St. Paul's desire to become another gateway to the West. Mainly

because of Nobles' prominence, one of the new counties in southwestern Minnesota, created at the behest of the Dakota Land Company, was named in his honor.

Brown and Nobles had been working together for some time in scheming the development of the area west of Minnesota. Not only did they realize the interdependence of a wagon road and land development in the same area but they also planned to control mail service. Brown and Nobles were two of the creators of the Minnesota, Nebraska and Pacific Mail Transportation Company, which the Minnesota territorial legislature incorporated on March 6, 1857. The company's purpose was to transport "United States Mail, passengers, or other matters, between the eastern boundary of the Territory of Minnesota and the Pacific..."¹³ Perhaps significantly, another of the incorporators was Edmund Rice, the brother of Henry Mower Rice.

Another prestigious member of the Dakota Land Company was Samuel Adams Medary, the son of Samuel Medary, Minnesota's territorial governor when the company was incorporated. At the least, young Medary's association with the company implied that the firm had the governor's blessing—a belief that was underscored when the Midway County seat was named Medary in honor of the executive. Samuel Adams Medary provided yet another link between the Dakota Land Company and the Nobles' Wagon Road survey when he worked as Nobles' chief engineer during the 1857 season.¹⁴

The Dakota Land Company actually began operating before its incorporation. The company's initial expedition to the Big Sioux Valley left St. Paul on May 21, 1857, the very day it was incorporated, so it was obvious that the firm had been raising capital and supplies for [148] some time. Alpheus G. Fuller, the proprietor of the Fuller House, a St Paul hotel, was in charge of the party that claimed townsites in the Big Sioux Valley. His forty-man expedition, outfitted with animals, wagons, building materials, and a year's worth of provisions, proceeded up the Minnesota River by chartered steamboat. Then, from a point near Fort Ridgely, it traveled overland to the Big Sioux River by way of the Redwood River, Lake Benton, and Hole-in-the-Mountain, a natural opening in Coteau des Prairies, the ridge separating the watersheds of the Minnesota and Missouri rivers.¹⁵

From Hole-in-the-Mountain, Fuller led his party southwest to the land company's most prized site—the Falls of the Big Sioux River. The Dakota

Land Company believed that the falls, with their potential water power, were the key to the development of the region. With their Minnesota backgrounds, company officials naturally made favorable comparisons between the Falls of the Big Sioux and St. Anthony Falls in the Mississippi at Minneapolis.

Having beaten its Minnesota rivals into the field, the Dakota Land Company apparently anticipated no difficulty in staking a claim to the land adjoining the Falls of the Big Sioux. Much to Fuller's amazement, however, he found five white men living at the falls when he arrived on June 6. As he soon determined, the pioneers were employed by the Western Town Company of Dubuque, Iowa, which was formed in 1856 by Dubuque businessmen who had learned about the falls from a report by explorer Joseph N. Nicollet. Lured by the prospects of land speculation in the falls area, the Western Town Company first claimed the site during the fall of 1856 by sending a small party up the Big Sioux River from Sioux City, Iowa.¹⁶

Undaunted by this unexpected development, Fuller claimed a half section of land adjoining the Western Town Company claim as "Sioux Falls City" for the Dakota Land Company. Leaving only a token representation at the falls, Fuller located three other townsites on the Big Sioux, Emenija, Flandrau, and Medary. Emenija, about twelve miles downstream from the falls, was promoted as the head of steamboat navigation on the Big Sioux. In its ballyhooing of Emenija, the Dakota Land Company was never inhibited by the fact that the Big Sioux was a relatively narrow, unnavigable stream. Prospective emigrants wanted [149] navigable streams, and the company merely proclaimed that there was one. About thirty miles northeast of Sioux Falls was Flandrau, named in honor of Charles E. Flandrau, then an associate supreme court justice for Minnesota Territory and a shareholder in the Dakota Land Company. Medary was platted about twenty miles farther upstream at the site of Joseph R. Brown's trading post.¹⁷

During the summer of 1857, the Dakota Land Company strived to solidify its hold on southwestern Minnesota. A number of company officials, including incorporators Joseph R. Brown, Alpheus G. Fuller, Franklin J. DeWitt, and Samuel Wigfall, spent time in the field. Wigfall, Nobles' partner in a St. Paul lumber and wood business and later secretary of the Dakota Land Company, was particularly active in leading work crews. The townsites platted east of the proposed Minnesota state line were Saratoga, about sixty miles west of New Ulm on a branch of the Cottonwood River; Grand Oasis, about fifteen miles south of Saratoga; and Mountain Pass at

Hole-in-the-Mountain. Saratoga and Grand Oasis were pronounced to be seats of two counties that had been created on May 23.¹⁸

In part because of its own propaganda campaign, the Dakota Land Company attracted a lot of public attention. Company spokesmen, cryptically identified by such pseudonyms as “Veritas” and “Cosmopolite,” regularly sent letters to the leading St. Paul newspapers—the *Pioneer & Democrat*, the *Advertiser*, and the *Minnesotian*. In addition to reporting company activities, the writers extolled the fertility and verdancy of the land and its general attractiveness to prospective settlers.¹⁹

Throughout much of the summer and early fall, Dakota Land Company employees worked in close proximity to the seventy-five-man Nobles’ Road Expedition. Because the first phase of the Pacific Wagon Road ran from Fort Ridgely on the Minnesota River southwestward through Hole-in-the-Mountain and then westward across the Big Sioux at Medary, Nobles’ men were often working in the same region being claimed by the Dakota Land Company. Work parties from both groups joined together for social festivities, such as a Fourth of July picnic at Hole-in-the-Mountain, which involved Joseph R. Brown. The enterprising Brown was then augmenting his company and news-[150]-paper activities by serving as the contractor for government mail on a route running from his hometown of Henderson, Minnesota, to Medary.²⁰

Concern about possible Indian attacks contributed to the desire of the two groups to work closely together. Apprehension and fear were prevalent in the area, which was still reacting to the Spirit Lake massacre of March 1857. Although Inkpaduta, a renegade Sioux leader and the perpetrator of the Spirit Lake incident, had fled with his followers across the Big Sioux and James rivers, area settlers were generally fearful of other Indians. The Santee Sioux, then living on upper Minnesota River reservations, and the nontreaty Yankton and Yanktonai Sioux of the Dakota plains were all suspect. Concern over the possible Indian menace was heightened when some of Fort Ridgely’s garrison were reassigned to the troops that were being sent to occupy Utah Territory.²¹

The Indian problem had ramifications for both the Dakota Land Company and the Nobles’ Road Expedition. The company had great difficulty attracting settlers to its isolated and seemingly vulnerable townsites in southwestern Minnesota and the Big Sioux Valley. Even those who only casually

followed the Minnesota news in 1857 would have had the impression that these were very hazardous regions. Nobles' party, although relatively large and well-armed, was hindered by the nontreaty Yanktonai Sioux, who believed that they owned some of the lands the government had obtained from the Sisseton and Wahpeton Sioux and resented any white incursions into the Big Sioux country.

The Yanktonais halted Nobles' advance on July 8. After a stalemate of a week and a half, Nobles withdrew his entire party eastward to a camp on the Cottonwood River, where it was joined by some Dakota Land Company employees. After a delay of nearly three weeks, Nobles renewed his march to the Missouri River. By season's end, his party had surveyed, marked, and partially improved the 250-mile route from Fort Ridgely to a point on the Missouri opposite the site of the Old Fort Lookout fur-trading post. By then, Nobles had expended his season's funds and had fallen far short of his intention to locate a road to South Pass. The failure of the Nobles' Road Expedition to develop the road as a grand thoroughfare to California was [151] well publicized, and the anticipated flood of emigrants through the company's lands never came.²²

The obvious relationship between the Dakota Land Company and the Nobles' Road Expedition evoked criticism in St. Paul from the *Minnesotian*, a strident Republican newspaper. While Nobles was in the field, the *Minnesotian* and its Democratic arch rival, the *St. Paul Pioneer & Democrat*, regularly denounced each other during Minnesota's contentious constitutional convention. The ferocity of this partisan campaign soon affected other matters, including the intentions of the Dakota Land Company. The *Pioneer & Democrat* depicted the company as an almost benevolent developer that would benefit the entire state, but the *Minnesotian* regarded the firm as a group of manipulative speculators who wanted only to extend Democratic control.

Other Republican newspapers, including the *Free Press* of St. Peter, Minnesota, joined in denouncing Nobles and the Dakota Land Company. In reacting to one *Free Press* attack, Nobles wrote: "I have nothing to do with the Dakota Land Company" and explained that "if the Company sees fit to build cities along my road, I judge it to be a compliment to my judgment in selection of a route, and certainly no evidence of my being a manager of the Company."²³ Because Nobles was an incorporator of the Dakota Land Company, his denial was hardly plausible. Significantly, the journalistic

bickering highlighted the Democratic dominance of the company, which would later work to its detriment.

During the fall of 1857, the Dakota Land Company moved to consolidate its political control over the Big Sioux Valley. On September 18, Governor Samuel Medary appointed three commissioners for Midway County. For the county seat of Medary, he appointed three trustees, a president of the board of trustees, and a recorder. The Midway County and Medary officials included Franklin J. DeWitt, one of the Dakota Land Company's incorporators, and Daniel F. Brawley, one of the company's field managers. The governor appointed three county court justices for Big Sioux County, and three trustees, a president of the board of trustees, and a recorder for its county seat, Sioux Falls City. The appointments for the Big Sioux and Sioux Falls City positions included employees of both the Dakota Land Company and the Western Town Company.²⁴ The St. Paul and Dubuque speculators apparently [152] had no difficulty accommodating each other and putting aside their differences so they could develop their settlement, economically and politically.

The nature of these political appointments suggests that the Big Sioux area was hardly over-run with settlers. The eight positions in Big Sioux County were held by only five men, with three of them appointed to two positions each. In Midway County, where DeWitt and Brawley held two positions each, the eight positions were filled by six men. Despite its braggadocio about occupying the Big Sioux Valley, the combined strength of the St. Paul and Dubuque groups during their first winter at Sioux Falls was only sixteen or seventeen men.²⁵

But the paucity of settlers did not deter the speculators from political scheming. If anything, they were helped by the lack of local opposition. Years later, Flandrau suggested that the Dakota Land Company's original intention was to create a situation where some of its holdings were left outside the state of Minnesota, which would give its leaders an opportunity to organize a new territory and state with such significant institutions as a capitol, a university, and a penitentiary.²⁶

The political aims of the St. Paul and Dubuque groups became apparent soon after the election of October 13, 1857, in which voters of the proposed state of Minnesota approved a constitution and elected state officers. Although Congress still had to approve Minnesota's statehood and Minnesota was not

admitted to the Union until May 11, 1858, the Big Sioux promoters evidently already thought of themselves as being left out of the state. From election day on, they presumptuously referred to themselves as “the people of Dakota Territory.”

David McBride and James L. Fisk, the two Dakota Land Company employees that Fuller had left at Sioux Falls, assumed the early political leadership of “Dakota Territory.” They dominated a meeting held in Sioux Falls on October 24 to consider “the proper course to be pursued by the inhabitants of the former Territory of Minnesota, residing west of the line of the State of Minnesota, who, in consequence of the State organization, are left without all civil government whatever.”²⁷ The group’s first action was to appoint a committee of nine men to draft “a plan of operations to be pursued by the people of Dakota Territory to secure an early organization of the Territorial Government of said Territory.”²⁸ [153]

Reporting for the committee, Fisk deplored the plight of the people who had been left outside Minnesota. Without specifying a figure, he claimed that the combined population of the Big Sioux and Red River areas was “greater than that of Minnesota at the time of the organization of that Territory; and is increasing, with a rapidity unprecedented in the settlement of the West.” This “energetic and prosperous population,” which was “daily increasing,” said Fisk, would “undoubtedly exceed ten thousand souls” by May 1, 1858. Speaking for the committee, Fisk recommended that a convention be held in Medary on November 16 “for the purpose of considering the important subject of an early Territorial organization of Dakota Territory, and making known to the proper authorities of the General Government the wants and wishes of the people therein.” Each county and settlement west of Minnesota was to elect one convention delegate for every five voters.²⁹

According to a newspaper story that was probably prepared by officials of the Dakota Land Company, the Medary convention was held as planned. The eighty-three delegates who purportedly met at the “Dakota House” chose Fisk as convention president and Dr. J. L. Phillips of the Dubuque group as vice-president. All of the delegates were from the Big Sioux area. Pembina County in the Red River Valley was not represented, but the delegates graciously appointed three men from the Medary area to represent that county.³⁰

The convention's greatest revelation was that Alpheus G. Fuller had been previously "selected by the voters of Dakota Territory, as Delegate to represent her interests at Washington." With Fuller recognized as the elected delegate of Dakota Territory, the convention passed a resolution urging him to obtain official territorial status from Congress for the people who had been left outside the state of Minnesota. Other resolutions urged Fuller to exert his influence to obtain a land cession from the Yankton Indians, gain appropriate fortification of the ceded lands, survey them rapidly, and name a temporary capital.³¹

Because Minnesota Territory, which included the Big Sioux area, still existed, Fuller did not attempt to take his seat as the delegate from Dakota Territory until after Minnesota was admitted to the Union. In the meantime, the prospects of Minnesota's economy in general and the Dakota Land Company in particular were dashed by the Panic of 1857. [154]

The crash was precipitated in late August by the failure of the Ohio Life Insurance and Trust Company. Leading New York City banks soon suspended specie payments, and some major railroads made assignments. As the panic spread west, affecting the entire frontier, numerous Minnesota businesses curtailed or suspended operations. By late fall, the Minnesota economy, which had been based on over-speculation, was shattered. The panic ushered in a depression that would not ease in Minnesota until the Civil War years.³² As capital dwindled, there was little opportunity for the Dakota Land Company to lure new investors and settlers. Thousands of Minnesotans left the state during the depression years for the goldfields of Colorado and British Columbia and the farmlands of Nebraska and Kansas.

Throughout the bad times, the Dakota Land Company continued to promote "Dakota Territory." An article in the St. Paul *Pioneer & Democrat*, which was probably planted by company officials, described the "principal settlement" of Sioux Falls as having "thirty houses, a steam saw mill, and several stone buildings." Medary was said to be "a thriving settlement, boasting upwards of twenty houses, and probably as many families."³³ While conceding that "no very definite information can be procured," the article's writer placed the population of the Big Sioux area at about twenty-five hundred. Throughout the company's effort to organize Dakota Territory, the *Pioneer & Democrat* was its most consistent publicist. But during the spring of 1858, the *Henderson Democrat*, then owned and edited by Brown's compatriot James W. Lynd, tried to boost Dakota's development

with reports that “the territory of Dakota is receiving a fair share of immigration” and a prophecy that the area “will undoubtedly fill up rapidly this summer, notwithstanding the hard times.”³⁴ For those dubious Minnesotans who had witnessed no overland movement to Dakota, Lynd offered the assurance that most settlers were traveling by way of the Missouri and Big Sioux rivers.

As the Dakota Land Company kept Dakota Territory in the news, Fuller moved to Washington, D.C., to await the fate of Minnesota’s statehood bill. Minnesota’s bill had become embroiled in the congressional debate over admitting Kansas, and statehood was delayed until May 11, 1858. In the meantime, Fuller had been bolstered by petitions [155] from the alleged settlers of the Big Sioux area. A memorial to Congress from the “citizens of Big Sioux and Midway Counties, in Dakota Territory” bearing 117 signatures urged that “Alpheus G. Fuller be recognized as our Representative, and So Soon as the Territory of Dakota may be organized he be admitted to a Seat in the House of Representatives as the Delegate for Said Territory.” The petitioners claimed that some four hundred and fifty families were living in the ceded lands between the state of Minnesota and the Big Sioux River. With respect to Fuller, they assured Congress that he was “the almost unanimous choice” in an election of October 13, 1857, which had been “conducted fairly...pursuant to public notice.” Congress received a similar petition with 131 signatures from “the citizens of the town of Medary in the territory of Dakota.”³⁵

Both petitions were referred to the House Committee on Territories on March 31, 1858, but many congressmen may have been dubious of their authenticity. The promotional efforts of the Dakota Land Company had been regularly denounced by the *Minnesotian*, which claimed that “there are not a dozen of white men” in the Big Sioux area.³⁶ While the *Minnesotian* went to its own extreme, the estimate of fewer than a dozen was undoubtedly closer to the truth than the ten to fifteen thousand that Fuller claimed when he sought a House seat.³⁷ It is not possible to determine the precise population of the Big Sioux area in 1857-1858, but those who later wrote accounts generally agreed that there were only sixteen or seventeen men at Sioux Falls during the winter. Samuel J. Albright, the editor of Dakota’s first newspaper, placed the 1859 population at fewer than forty within a radius of seventy-five miles of Sioux Falls.³⁸

In his quest to be seated as delegate from Dakota Territory, Fuller presented a logical but unpersuasive case to the House Committee on Territories. The people of Dakota, he argued, were entitled to representation, which Congress could accomplish by seating him and then formally organizing the territory. As for his right to speak for the people of Dakota, Fuller presented a document showing that he had received 612 votes from ten precincts in five Big Sioux counties in the October 13, 1857, election. He also submitted an election certificate signed by William E. Brown, the register of deeds for Midway County; [156] A. J. Whitney, the county sheriff; and Daniel F. Brawley, the chairman of Medary's board of trustees. All three claimed to have issued the certificate only after canvassing the election results.³⁹

Fuller also argued that he should be seated because of the precedent established by the seating of Henry Hastings Sibley after Wisconsin had been admitted as a state in 1848. His position was identical to Sibley's, Fuller claimed, who had been seated as the delegate from the territory of Wisconsin after the state of Wisconsin had been formed. In this respect, Fuller was merely parroting the Dakota Land Company's position. The company not only chose to see the Wisconsin-Minnesota and the Minnesota-Dakota situations as identical, but it may also have been inspired by the precedent in creating a territory that would be left outside of Minnesota. Joseph R. Brown had connived to get Sibley seated, and other Dakota Land Company officials were certainly familiar with the Sibley case, which was still fresh in the minds of many Minnesotans.

Fuller could hardly concede that his position was only analogous and not identical to Sibley's. After Wisconsin had been admitted as a state, the last secretary of Wisconsin Territory, John Catlin, had assumed the position of acting governor of the Territory of Wisconsin, the residuum of the old territory in present-day Minnesota. Catlin had established his headquarters in the proclaimed territory, persuaded the incumbent delegate of Wisconsin Territory to resign, and issued an election proclamation. After Catlin had carefully established precincts according to the laws of Wisconsin Territory, Sibley was elected delegate on October 30, 1848. The House of Representatives, on that occasion, had never really recognized Wisconsin Territory but had seated Sibley because he did represent at least several thousand people. He had been elected, as Catlin stated, by the "color of law," and the House anticipated that Congress would soon organize Minnesota Territory at Sibley's behest.⁴⁰

If Fuller hoped to use the Sibley precedent, why did he not insist that the Territory of Minnesota still existed rather than contend that he represented Dakota Territory? As Fuller must have realized, one important difference between his status and Sibley's was that the old territorial delegate had resigned. Unfortunately for Fuller and the Dakota Land Company, William Wallace Kingsbury, the last regularly elected [157] delegate of Minnesota Territory, insisted that the territory still existed in rump form after Minnesota statehood was achieved and that he should be continued as delegate. Whatever influence the Dakota Land Company had on the Minnesota Democratic party did not extend to Kingsbury, who had been elected as the party's candidate.⁴¹

The presence of both Fuller and Kingsbury presented the House of Representatives with an awkward situation. On May 27, 1858, James M. Cavanaugh, a Democrat and one of Minnesota's two representatives, challenged Kingsbury's right "to a seat upon the floor as Delegate from that part of the Territory of Minnesota outside the State limits."⁴² Cavanaugh's action caused considerable bickering from the floor about whether there was or was not a Dakota Territory and whether Fuller had a right to represent a territory that Congress had not created. Seeking a resolution, the House members referred the matter to the Committee on Territories.

The Committee on Territories had already received petitions from the Medary residents and the men of Big Sioux and Midway counties. But whatever influence these petitions may have had was undoubtedly minimized by a petition "of the citizens of Pembina County asking for the organization of Dakota Territory with its capital at Saint Joseph."⁴³ This memorial, written in French and bearing 219 signatures, emphasized the economic advantages of St. Joseph, a small community located about thirty miles west of the Red River and just south of the Canadian boundary. If nothing else, it indicated to Congress that the people who had been left outside of Minnesota were not in accord.

On June 2, the committee presented both a majority report favoring Kingsbury and a minority report recommending that Fuller replace him. In a debate extended over two days, the majority held that there was no Dakota Territory and that the Midway County officials who attested to Fuller's supposed election had no authority because they were only county officers and not officials of a duly created territory. The vociferous minority, dominated by Free Soilers who were sympathetic to squatter sovereignty,

accepted all of Fuller's main contentions. They took his questionable election certificate at face value and even accepted his statement that he represented ten to fifteen thousand people.⁴⁴ [158]

One of the factors that influenced the majority was a letter from John Blair Smith Todd, who appeared in Washington to oppose Fuller. Todd argued that Kingsbury not only had been properly elected in Minnesota but he had also received votes in the October 13, 1857, election as territorial delegate in some precincts outside the state. Todd's appearance did not bode well for the Dakota Land Company. Todd, a former army officer, and his partner, David M. Frost, a St. Louis businessman, operated an Upper Missouri River trading firm. The two partners aspired to engineer a land cession from the Yankton Sioux and to open Dakota Territory under their own aegis. In his letter to the Committee on Territories, Todd did not mention the sparse population in the Dakota Land Company's realm, but he certainly did not withhold that information from his congressional acquaintances.⁴⁵

After the majority report was issued, Fuller's case was doomed. Most House members were generally critical of Midway County officials for contending that there was a Dakota Territory. One congressman labeled their posture "a piece of presumption and a piece of impertinence." On June 3, the House decided that the part of Minnesota Territory left outside the state was not entitled to representation.⁴⁶

The failure of Fuller's mission was soon followed by another blow to the Dakota Land Company. On June 10, marauding bands of Yanktonai Sioux forced the evacuation of Medary and Flandrau. After the whites withdrew, the Indians destroyed both places. Sioux Falls was menaced but not attacked; its residents had enough warning to fortify their few buildings with a sod stockade.⁴⁷

As the only remaining site in the Big Sioux area, Sioux Falls was the center of subsequent political activity. Failing to achieve congressional recognition for Dakota Territory, Sioux Falls schemers resorted to a squatter government. On September 18, 1858, at a "mass convention," they set the election of a legislative assembly for Dakota Territory for October 4. Election notices were printed by Samuel J. Albright, who, assisted by Fuller and DeWitt, had recently moved an old printing press from St. Paul.⁴⁸

Concerned about their lack of numbers, the plotters created a bogus vote. Years later, two men who were well-acquainted with some of the participants, described the tactics used. On the morning of October 4, the Sioux Falls men reportedly [159]

divided themselves into parties of three or four, elected each other judges and clerks of election, and then each party, with a team and wagon, started off in whatever direction best pleased them; but all going in different ways. Every few miles they would stop to rest. An election precinct would be established, and an election held.

At every precinct, each man not only cast his vote “but also the votes of as many uncles, cousins, and other relatives, as he could think of, until the total vote ran up into the hundreds, all properly tallied and certified to.” According to the report, “the whole number of voters in the Territory at that time did not exceed fifty.”⁴⁹ Whether it was necessary to create a fraudulent vote in such a laborious fashion is questionable, but the subsequent actions of the Sioux Falls group clearly show that they rigged election results in some manner.

On October 12, the elected legislators organized themselves into a House of Representatives and a Council and proclaimed Henry Masters to be the “Governor of Dakota Territory.” Masters, who had moved to Sioux Falls by way of Dubuque, was evidently the most prestigious man in the community before the election.⁵⁰ On October 13, the legislators enacted a “Code of Laws for the temporary government of the Territory of Dakota,” which accepted the Minnesota territorial code, recognized the old counties of Big Sioux, Midway, Rock, and Pipestone, and created new counties of Yancton, Vermillion, and Stephens.⁵¹ Interestingly, even though the act declared that Dakota Territory consisted of all of Minnesota Territory that had been excluded from the state, there was no mention of Pembina County.

Following the politicking in Sioux Falls, the Dakota Land Company renewed its propagandist campaign to assure Minnesotans that all was well in Dakota Territory. One of its reports in the *St. Paul Pioneer & Democrat* reviewed the company’s original expedition to the Big Sioux area and stated that “hundreds have followed in the wake of those pioneers, and now boast their choice homesteads.”⁵² The writer apparently believed that if one lie

was good then two would be even better, and readers were informed about Medary as if it still existed.

The action of the Sioux Falls squatter government was sent to Henry Mower Rice and James M. Cavanaugh. On December 20, 1858, Rice, who was serving as a United States senator from Minnesota, introduced a bill calling for the organization of the “Territory of Dacotah.” [160] Cavanaugh who earlier had supported Fuller introduced a companion bill in the House the next day.⁵³

During the deliberations of the Senate Committee on Territories, two versions of a Dakota Territory bill were drafted. The Rice bill, which applied only to Dakota Territory, would have restricted the territory to that part of the old Minnesota Territory excluded from the state. The other bill, which called for establishing temporary governments for both Dakota and Arizona territories, provided for an enormous Dakota Territory stretching from Minnesota on the east to Oregon and Washington territories on the west. The Committee on Territories adversely reported the Rice Bill on February 8, 1859; the other bill languished after being passed to a second reading. The next week, the House tabled Cavanaugh’s bill as well as bills for the creation of Arizona and Jefferson (present-day Colorado) territories.⁵⁴ Congress, embroiled in the slavery question and the continuing debate over Kansas statehood, was not in a mood to form any new territories.

As the Dakota Land Company suffered setbacks, its principal rival the trading firm of Frost, Todd and Company, led the way in effecting a land cession by the Yankton Sioux. In February 1858, Frost and Todd were the key organizers of the Upper Missouri Land Company. Acting in the interests of their new firm, they persuaded Yankton leaders to negotiate a formal treaty with the United States under which they ceded a large tract comprising approximately the southeastern quarter of present-day South Dakota. After the land was officially opened on July 10, 1859, perhaps as many as a thousand settlers soon moved into the Missouri River Valley near the newly established towns of Yankton and Vermillion.⁵⁵

The developments along the Missouri led the Sioux Falls squatters to renew their efforts to organize Dakota Territory. Under a notice dated August 6, 1859, James M. Allen, the clerk of Big Sioux County’s board of commissioners, advised the settlers that an election was scheduled for September 12 to choose “a Governor, a Secretary of the Territory, a

Delegate to Congress, four members of the House of Representatives, two members of the Territorial Council, a Judge of Probate, a District Attorney, three Co. [County] Commissioners, a Sheriff, a Register of [161] Deeds, a County Treasurer, a Coroner, two Justices of the Peace, two county Assessors and two Constables.”⁵⁶

Allen of the Dakota Land Company tried to leave the impression that Sioux Falls had a considerable population. In the notice, he specified polling places for three precincts—a generous reckoning, considering that a Minnesotan who traveled through Sioux Falls shortly thereafter described the settlement as consisting of “five cabins, one saw mill, blacksmith shop, two white women and twenty-three white men.”⁵⁷ For the entire Big Sioux area, including Sioux Falls and as far downstream as the mouth of the Rock River about forty miles below, the *Minnesotian* estimated that there were fewer than a hundred residents.

Although few in number, the Sioux Falls squatters managed to create a different impression. Much of their promotion was accomplished through Albright’s *Dakota Democrat*, Dakota’s first newspaper. Albright, who had been the owner of the *Daily Free Press* in St. Paul before his association with the Dakota Land Company, published the *Democrat* intermittently from July 1859 to February 1860. As editor, Albright not only publicized the acclaimed “Dakota Territory” but he became a political participant as well.⁵⁸

In keeping with their characteristic disregard for the truth, the Sioux Falls settlers reported a great turnout for the September 12 election. Jefferson P. Kidder, the settlement’s nominee for territorial delegate, out-pollied Alpheus C. Fuller by 1,938 to 147 votes, according to James M. Allen, who was elected territorial secretary. Somehow Kidder garnered 485 votes from Big Sioux County, an amazing 973 from the vacated area of Midway County, and 359 from distant Pembina County. Information of the fraud was soon circulated by Moses K. Armstrong, whose sympathies lay with the Missouri slope settlements of Yankton and Vermillion. Armstrong wrote to the editor of the *Winona Democrat* that the twenty-three men in Sioux Falls had somehow cast 187 votes in one precinct.⁵⁹

Despite their frauds, the Sioux Falls men satisfied themselves that they stood for frontier democracy. Earlier, Albright had joyously reported that the “people of Dacotah Territory” had effected “a genuine, simon pure ‘squatter sovereignty’ organization...without even doing [162] the ‘great father’ at

Washington the grace of saying ‘by your leave sire.’ A new star has been born into the milky-way of Territories....”⁶⁰

For some reason, the elected legislative assembly, composed of a six-man Council and an eleven-man House, was not convened until nearly two months after the September 12 election. When it was organized, Wilmot W. Brookings, who had moved to Sioux Falls in 1857 as the director of the Western Town Company’s interests, was chosen president of the Council and Albright was made speaker of the House. Because Governor Masters had died shortly before, the position was tendered to Albright. When he declined the honor, Brookings was named acting governor.⁶¹

During their November session, which lasted a week and a half, the legislators confined themselves primarily to routine matters. They chartered more paper towns, redefined county boundaries, and prepared memorials for Congress requesting improved mail service, a land office in Sioux Falls, and the organization of Dakota Territory. Perhaps their most important action was approving a memorial requesting the House of Representatives to seat Kidder “as the representative of the people of Dakota.”⁶²

The next spring, when Kidder appeared before the House Committee of Elections, he presented an election certificate signed by Brookings and was allowed to state his case. Unlike Fuller, Kidder had some political credentials. A lawyer, he had served as lieutenant governor of Vermont before moving to St. Paul and becoming associated with the Dakota Land Company. His election was apparently concocted to enable the Sioux Falls groups to send its most prominent member to Washington. He even had the unqualified support of Fuller, who insisted that he had opposed Kidder merely to preclude possible competition from a Missouri Slope candidate.⁶³

Rather than imitate Fuller’s insistence that there was a Dakota Territory, Kidder merely presented himself as the representative of the people “in that portion of the Territory of Minnesota not included within the limits of the State of Minnesota, (now by common consent called Dakota). . . .” After arguing that Minnesota Territory still existed, he reiterated familiar popular sovereignty claims about the people who had been denied the benefits of law and government. The population of his area, which numbered “several thousand” in [163] 1858, he claimed, “has since increased to many thousands and is still increasing.” Most of Kidder’s presentation consisted of a carefully prepared brief detailing instances of House precedent, which he be-

lieved should dictate his seating. In this connection, like Fuller and some other Dakota Land Company men, he made a point of Sibley's acceptance as the delegate from Wisconsin Territory.⁶⁴

Although Kidder's appeal was more cogent than Fuller's, it had little impact. By April 1860, the battle had been lost to Sioux Falls' Missouri Slope opponents. Todd and his supporters had organized mass meetings in the Yankton-Vermillion area, and Todd used his considerable influence in Washington to block the Dakota Land Company's scheme. Ironically, the company's men, who had counted on support from the Buchanan administration, had to witness their principal rivals successfully organize Dakota Territory with Yankton as its capital during Buchanan's days in the White House.⁶⁵

The Dakota Land Company's futile effort to organize Dakota Territory failed for a variety of reasons. The first time the Dakota issue was introduced in Congress, the slavery question, which focused attention on troubles in Kansas, cooled congressional desires to consider new territories. Later, the company miscalculated the degree of support it would get from the Buchanan administration. Some company officials believed that Buchanan would personally support their organization of Dakota Territory, but they were ignorant of some territorial history.⁶⁶ In 1848, when Buchanan was serving as Polk's secretary of state, he was asked for an opinion about the co-existence of the state of Wisconsin and the territory of Wisconsin. On that occasion, he held that local officials left outside of the state retained their authority, but on the vital question of territorial officers he offered only "no opinion."⁶⁷ Men such as Albright and Flandrau construed Buchanan's words to mean that he recognized the continued existence of a territory after a state had been formed out of part of it. This helps to explain the perception by the Dakota Land Company that their Dakota venture was identical to the Wisconsin-Minnesota experience of a decade earlier.

The Dakota Land Company was also frustrated by regional circumstances. It never recovered from the Panic of 1857 and never achieved its incorporation goal of a \$400,000 capitalization. In August 1859, at the company's third annual meeting, its secretary, Samuel Wigfall, [164] reported that the company's balance was a paltry \$25.10 and that its receipts for the past year were only \$888.68.⁶⁸ Without adequate capital the company tried to develop an area far removed from the edge of settlement in Minnesota. In the late 1850s, the land was occupied for only a few miles west of New Ulm. With

good land available close to established Minnesota settlements, there was little inducement for pioneers to venture into the Big Sioux country.

In Minnesota, and ultimately outside of it, the close identification of the Dakota Land Company with the Democratic party worked to the company's detriment. Minnesota Republicans were prompted, in part, to oppose the company's Dakota plans because they saw it as a Democratic scheme to benefit land speculators. Adverse publicity in Minnesota's Republican newspapers undercut the company's exaggerated claims about Dakota's population.

The company's lack of integrity, which contributed to its political failure, was of its own doing. In Minnesota's first state election, the Dakota Land Company organized precincts in mythical towns on its lands in the southwestern part of the state and peopled the towns with mythical voters, who voted almost unanimously for Democratic candidates.⁶⁹ This manipulation, which was well known in Minnesota, hardly enhanced the company's reputation. The company's use of the same tactics in the Fuller and Kidder elections made it an easy target for critics who were well aware of the scant population in the Big Sioux area. The company's expressed interest in helping people achieve territorial status was rather hollow considering the lack of settlers on its holdings.

Even though it failed to realize its own ends, the Dakota Land Company did help promote the cause of organizing Dakota Territory. It publicized the area regionally and through men such as Rice and Cavanaugh made the name Dakota familiar in the halls of Congress. The company's congressional efforts also introduced the concept of the massive Dakota Territory, which was created in 1861. Furthermore, its activities doubtless stimulated its Missouri Slope rivals to press for a rapid organization of Dakota Territory. If nothing else the premature effort to organize Dakota Territory is an interesting example of the type of boosterism that typified many American frontiers.

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Notes

1. Charles E. Flandrau, "The First Organized Government of Dakota," *Minnesota Historical Collections*, vol. 8 (St. Paul, 1898), 129.
2. Alice H. Felt, "Minnesota and the Financial Situation, 1857-1873" (M.A. thesis, University of Minnesota, Minneapolis, 1918), 10.
3. William E. Lass, *Minnesota: A Bicentennial History* (New York: W. W. Norton, 1977), 100.
4. Alvin C. Gluek Jr., *Minnesota and the Manifest Destiny of the Canadian Northwest: A Study in Canadian-American Relations* (Toronto: University of Toronto Press, 1965), 105-85 *passim*.
5. See, for example, the *Shakopee Independent* (Shakopee, Minnesota), December 1, 1855. In a lengthy article, "Hail the Future State of Dacotah," the newspaper's editor suggested that the state of Dakota would be developed "west of the Big Sioux and the Red River of the North."
6. William Anderson and Albert J. Lobb, *A History of the Constitution of Minnesota* (Minneapolis: University of Minnesota, 1921), 44-53.
7. William Watts Folwell, *A History of Minnesota*, 4 vols. (1921-1930; reprint, St. Paul: Minnesota Historical Society, 1956), 1:393.
8. Minnesota Territory, *Session Laws*, extra session, 1857, 54-55, 146-7, 336-9.
9. *Ibid.*, 66-69.
10. Warren Upham and Rose Barteau Dunlap, comps., *Minnesota Biographies 1655-1912*, vol. 14 of *Minnesota Historical Collections* (St. Paul, 1912), 84.
11. *Daily Pioneer & Democrat* (St. Paul), October 7, 1858.
12. See Upham and Dunlap, *Minnesota Biographies*, 551; W. Turrentine Jackson, *Wagon Roads West: A Study of Federal Road Surveys and Construction in the Trans-Mississippi West, 1846-1869* (Berkeley: University of California Press, 1952), 168; *Daily Pioneer & Democrat*, February 11, March 5, 1857; *Daily Minnesotian* (St. Paul), March 28, 1857.
13. Minnesota Territory, *Session Laws*, 1857, 224.
14. *St. Paul Advertiser*, May 16, 1857; "The Nobles' Trail," *South Dakota Historical Collections*, 41 vols. (Pierre, 1912), 6:192-201.
15. *St. Peter Courier* (Minnesota), July 10, 1857; *Daily Pioneer & Democrat*, November 17, 1858.
16. *Daily Express and Herald* (Dubuque), May 27, July 19, 1857.

17. *Daily Minnesotian*, August 13, 1857; *St. Paul Advertiser*, September 26, 1857; *Daily Pioneer & Democrat*, August 6, 1859; Certificate of Dakota Land Company issued to Charles E. Flandrau, October 27, 1857, in Charles E. Flandrau and Family Papers, Minnesota Historical Society, St. Paul.
18. *Daily Pioneer & Democrat*, June 11, October 2, 1857.
19. See, for example, *St. Paul Advertiser*, July 18, August 8, August 15, 1857; *Daily Minnesotian*, August 13, 1857; *Daily Pioneer & Democrat*, July 16, 1857. [166]
20. *Weekly Minnesotian*, July 4, 1857; *Daily Pioneer & Democrat*, July 12, 1857; *St. Paul Advertiser*, July 18, 1857.
21. See *Daily Pioneer & Democrat*, July 29, 1857; *St. Paul Advertiser*, August 8, 1857.
22. *St. Paul Advertiser*, August 13, October 3, 1857; *Daily Pioneer & Democrat*, September 26, 1857.
23. *Daily Pioneer & Democrat*, December 4, 1857.
24. Minnesota Territorial Archives, Records, "Civil Appointments" volume, Minnesota Historical Society, St. Paul.
25. Dana R. Bailey, *History of Minnehaha County*, South Dakota (Sioux Falls, 1899), 13; *History of Southeastern Dakota* (Sioux City, Iowa: Western Publishing Company, 1881), 45.
26. Flandrau, in *Minnesota Historical Collections*, 8:131.
27. *Daily Pioneer & Democrat*, November 10, 1857.
28. *Daily Pioneer & Democrat*, November 10, 1857.
29. Quoted in *Daily Pioneer & Democrat*, November 10, 1857.
30. *Daily Pioneer & Democrat*, December 1, 1857.
31. Quoted in *Daily Pioneer & Democrat*, December 1, 1857.
32. Here and below, see William E. Lass, "Ginseng Rush in Minnesota," *Minnesota History* 41 (Summer 1969): 251.
33. *Daily Pioneer & Democrat*, November 29, 1857.
34. *Henderson Democrat*, May 12, 1858.
35. U.S. Senate, Territorial Papers of the United States Senate, 1789-1873, Roll 18, Dakota, March 31, 1858-February 5, 1873, Microcopy 200, National Archives and Records Service, 1951.
36. Quoted in *Daily Democrat & Pioneer*, December 30, 1857.
37. *Congressional Globe*, 35th Cong., 1st sess., June 2, 1858, 2660.
38. Samuel J. Albright, "The First Organized Government of Dakota," *Minnesota Historical Collections*, 8:138.
39. Here and below, see *Congressional Globe*, June 2, 1858, 2661-4.

40. John Catlin to William Holcombe, August 22, 1848, in “Organization of Minnesota Territory,” *Minnesota Historical Collections* (1872; reprint, St. Paul, 1902), 33-34; Holcombe to Catlin, September 6, 1848, Catlin Papers, State Historical Society of Wisconsin, Madison; Robert Malcolm Brown, “Office of Delegate for Minnesota Territory” (M.A. thesis, University of Minnesota, Minneapolis, 1942), 23-24.
41. *Congressional Globe*, May 27, 1858, 2428-9.
42. *Ibid.*, 2428.
43. U.S. Senate, Territorial Papers, Roll 18.
44. *Congressional Globe*, June 2, 1858, 2662-4.
45. *Ibid.*
46. *Ibid.*, 2678. At that time, the House decided that Kingsbury was entitled [167] to retain his seat but only until the end of the session on June 14, 1858. See *ibid.*, 2579; *Biographical Directory of the American Congress, 1774-1971* (Washington, D.C.: Government Printing Office, 1971), 167, 170n; House Journal, 35th Cong., 2d sess.
47. Herbert S. Schell, *Dakota Territory During the Eighteen Sixties* (Vermillion: Governmental Research Bureau, University of South Dakota, 1954), 12; Bailey, *Minnehaha County*, 14-15; *Daily Pioneer & Democrat*, June 24, 1858.
48. “The Settlement of Sioux Falls,” *South Dakota Historical Collections* (Pierre, 1912), 6:144; *Daily Pioneer & Democrat*, August 28, 1858.
49. Bartlett Tripp and John Henry Worst, “Territory of Dakota,” in *The Province and the States*, ed. Weston Arthur Goodspeed, vol. 6 (Madison, Wisc.: Western Historical Association, 1904), 214.
50. “Act of Dakota Territory, October 13, 1858,” in U.S. Senate Territorial Papers, Roll 18; *Dubuque Express & Herald*, November 5, 1858; Albright, in *Minnesota Historical Collections*, 8:144-5.
51. “Act of Dakota Territory, October 3, 1858,” in U.S. Senate, Territorial Papers, Roll 18.
52. *Daily Pioneer & Democrat*, November 17, 1858.
53. *Congressional Globe*, 35th Cong., 2d sess., December 20-21, 1858, 138, 159.
54. *Ibid.*, 876-7, 1065. Verbatim copies of both bills are in U.S. Senate, Territorial Papers, Roll 18.
55. Schell, *Dakota Territory*, 7-9.
56. *Dakota Democrat* (Sioux Falls), August 26, 1859.
57. *Winona Democrat* (Minnesota), December 3,
58. *Daily Free Press*, October 11-November 3, 1855. The South Dakota Historical Society has five issues (vol. 1, nos. 2, 3, 4, 6, 9) of the *Dakota*

Democrat, which were published from August 5, 1859, to February 18, 1860. A portion of issue no. 1 was printed in the *Daily Pioneer & Democrat*, August 11, 1859.

59. "Settlement at Sioux Falls," *South Dakota Historical Collections*, 6:147; *Winona Democrat*, December 3, 1859.

60. *Daily Pioneer & Democrat*, October 29, 1858.

61. *Dakota Democrat*, August 26, November 8, 1859; Albright in *Minnesota Historical Collections*, 8:145-6.

62. *Dakota Democrat*, November 8, December 15, 1859; "Claiming Seat in House of Representatives as delegate from Dakota," H. Misc. Doc. 73, 36th Cong., 1st sess. (Serial 1065), 1.

63. Upham and Dunlap, *Minnesota Biographies*, 400; *Daily Democrat & Pioneer*, July 12, 1859; "Settlement at Sioux Falls," *South Dakota Historical Collections*, 6:146.

64. "Claiming Seat in House of Representatives," 2-8.

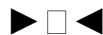
65. Schell, *Dakota Territory*, 15-16. [168]

66. "Claiming Seat in House of Representatives," 6.

67. James Buchanan to Henry Dodge, July 18, 1848, in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols. (reprint, New York, 1960), 8:12.

68. *Daily Pioneer & Democrat*, August 6, 1859; *Dakota Democrat*, November 1859. The detailed report submitted to the company's third annual meeting of stockholders was prepared by James L. Fisk. James L. Fisk Record Book, 1856-1860, 4-5, in James Liberty Fisk and Family Papers, Minnesota Historical Society, St. Paul. For Fisk's later activities as a leader of Minnesota-Montana wagon trains, see Helen McCann White, ed., *Ho! For the Gold Fields: Northern Overland Wagon Trains of the 1860s* (St. Paul: Minnesota Historical Society, 1966).

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