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Book Review: The History of Nebraska Law Edited by Alan G. Gless. Foreword by John V. Hendry

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judge Alan G. Gless compiles a series of legal history vignettes that do well to illustrate the unique development of Nebraska law. Each chapter, written by a different author, focuses on a single event, person, or institution that influenced the development of the law and the legal profession in Nebraska.

The subjects are as varied as they are fascinating. The book begins with a lively account of the contentious process involved in ratifying a constitution for the new territory leading up to statehood in 1867. The delegates and the people of Nebraska grappled with important issues such as slavery, women's suffrage, compulsory education, railroad regulation, and taxation. Offering a window into the lives of early Nebraskans, the biography of Judge Frank Hamer is a romantic tale of a young lawyer trying to make a living in a new frontier state. The trials he presided over invoke all of the Wild West imagery that has come to represent 19th-century Nebraska.

No history would be complete without a chapter on the Unicameral Legislature. Its development and adoption represent yet another unique feature of the state and reflect the independent and practical-minded citizenry of the Great Plains.

Several chapters are devoted to the legal history of Nebraska's Native Indian tribes, including the famous trial of Ponca Chief Standing Bear. In 1877, Standing Bear filed a writ of habeas corpus in federal court to protest his detention by the military. At issue was whether Standing Bear could bring such an action and rested on whether he, as an Indian, was a "person" under the law entitled to civil rights. In a moving opinion, the court ruled in favor of Standing Bear.

Lawyers looking for the analyses of legal doctrines in Nebraska will not be disappointed. There is a chapter devoted to the history of the state's criminal code. The development of a doctrine of water rights and allocation is an interesting story of Nebraska's unique geography. Agricultural law is represented with chapters on the farm credit crisis during the Great Depression and the law of livestock confinement facilities.

As Judge Gless notes in his introduction, "the essays presented here offer both basic information and bases for future in-depth research into the areas covered, which range from the narrowly legal to the more general." Although more work is needed to uncover the rich legal history of the state, this book will serve as both the basis and the inspiration for such research. Ann C. Kitchel, Klutznick Law Library, School of Law, Creighton University.